

A P R I L 2 0 0 5

Young People Born 1984

Extent of Involvement with the juvenile justice system

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Introduction

The proclamation of the *Young Offenders Act 1993* on January 1, 1994 brought about significant changes to the South Australian juvenile justice system at both a philosophical and structural level. At a philosophical level, greater emphasis was placed on holding the young person accountable for their behaviour and providing greater protection to the community from the consequences of youthful offending. At a structural level, the Act introduced a multi-tiered system comprising both informal and formal police cautioning, family conferences and the Youth Court. The Court was intended to deal with the most serious or repeat offenders for whom the diversionary cautions and conferences were considered inappropriate.

The first cohort of young people to be dealt with by this 'new' system for the entirety of their juvenile years were those born in 1984. This group turned 10 years of age in 1994, the first year of the 'new' system's inception, and turned 18 in 2002, at which point they moved on to the adult system. For this cohort then, a complete history of their contact with the juvenile system is now available.

The aim of this study is to investigate the extent and nature of contact with the juvenile justice system experienced by this first wave of offenders to come through the revamped process. The results from this study are spread across four reports. This first report, which focuses on the whole of the 1984 birth cohort, seeks to determine what proportion of the cohort experienced at least one formal police apprehension during their juvenile years. Reports Two and Three look more closely at those members of the cohort who were apprehended at least once as a juvenile and examine issues such as the seriousness of their offending and the number of apprehensions recorded. Report Four takes a narrower focus by looking exclusively at that small group within the 1984 cohort who experienced multiple apprehensions as a juvenile, and profiles their demographic characteristics and apprehension history.

Throughout these studies, police apprehensions are used to measure the young person's 'formal' contact with the system because contact with the police provides the most comprehensive indicator. Other measures, such as the numbers found guilty by the Youth

Court, substantially underestimate the extent of involvement with the system, because a high percentage of young people apprehended by police are dealt with by way of a caution or conference and so never appear before the court.

In using apprehension data though, two points need to be stressed. For a start, not all apprehended youths are subsequently found guilty or admit guilt (although the majority do). Moreover, apprehensions do not constitute a valid measure of actual levels of offending amongst this cohort, for several reasons:

- First, young persons may commit offences which go undetected by or are not reported to police;
- Second, even if detected, not all young people are dealt with via a formal apprehension. For example:
 - Under the *Young Offenders Act*, police can issue an informal caution for trivial offending, which does not require the lodgement of an apprehension report;
 - Since late 2001, under the Police Drug Diversion Initiative (PDDI), police may refer a young person detected in possession of drugs to a brief intervention/assessment, again without the need to lodge an apprehension report; and
 - For youths detected for certain traffic violations who are aged 16 and over, there is the option of Traffic Infringement Notices.
- Third, this report counts Apprehension Reports, not discrete criminal events for which the young person was apprehended. An Apprehension Report may contain a number of charges arising from different criminal events occurring on different days. For the purposes of this study only the single, most serious charge¹ on the Apprehension Report was considered in the analysis. For example, if on an Apprehension Report an offender was charged with a *break and enter*, a *retail theft* and *disorderly conduct*, then only the charge of *break and enter* would be extracted as the major charge for that apprehension.

In summary then, this paper is not concerned with measuring the actual levels of offending amongst the 1984 cohort, but in assessing the extent of their contact with the ‘formal’ criminal justice system which commences when they are officially apprehended by police, either by way of an arrest or report.

Background

To some extent, this study builds on the earlier work of Morgan and Gardner (1992) who assessed the extent of contact with the South Australian juvenile justice system of the 1962 and 1972 birth cohorts. While their results are not exactly comparable with those from the present study because of the use of different counting units², the discrepancies are unlikely to render comparisons between their work and the current study unreliable. The significance of

¹ Based on the maximum statutory penalty

² Rather than using apprehension data they took appearances before Children’s Aid Panels and the Children’s Court as their measure of formal contact with the juvenile justice system. Nevertheless, because the overwhelming majority of young people apprehended by police under the 1972 and 1979 juvenile systems appeared before a Panel or Court, the two measures would be relatively similar. The only area of “slippage” would have occurred in the years 1992 and 1993 when police began issuing formal cautions to young apprehended persons rather than referring them to an Aid Panel or Court (Select Committee Report, 1992:123). In these two years then, using appearances as a measure of formal contact with the system would have yielded slightly lower numbers than would have been the case if apprehensions had been used.

being able to compare the two studies lies in the fact that in combination, the three cohorts analysed in these reports span three quite distinctive systems of justice and as such, provide as much insight into the impact of different philosophical and structural approaches to youth offending as they do to changes in actual levels of youth offending.

The 1962 cohort examined by Morgan and Gardner (1992) came under the *Juvenile Courts Act* of 1971. This legislation adhered to the view that youthful offending should be seen as a symptom of deep-seated social and psychological problems, with the juvenile justice system's role being to identify and 'cure' these problems through effective intervention and treatment. This Act introduced Children's Aid Panels which were designed to warn and counsel children apprehended for minor offending without the need to refer them to court. The Children's Court was retained for those young offenders aged 16 years and over, and for younger children whose criminal behaviour was considered too serious to be dealt with by a Panel. Yet even if brought before the court, children under the age of 16 could not be charged with a criminal offence but instead, were deemed to be in need of care and were treated in the same way as neglected children.

In 1979, the *Juvenile Courts Act* was replaced by a new piece of legislation - the *Children's Protection and Young Offenders Act* - which tried to balance concerns for the welfare of the child with greater emphasis on holding the young person accountable for their criminal actions. In keeping with the "welfare" model, the Act extended Children's Aid Panels to enable them to deal with all young offenders up to the age of 18. In line with a greater emphasis on a "justice" approach, it decreed that all young people brought before the Children's Court could be formally charged with an offence, and receive a specific penalty rather than being treated as a neglected child.

Morgan and Gardner (1992) found that, of the 1962 birth cohort who were dealt with under the *Juvenile Courts Act* 1971, one in five (18.1%) had at least one contact with the juvenile justice system (as measured by a Children's Aid Panel or Children's Court appearance). This figure varied though, according to gender. Amongst males, one quarter (25.6%) had at least one contact compared with only one in ten (10.1%) females.

Under the juvenile justice system introduced in 1979, the level of contact experienced by a cohort born in 1972 was higher than that recorded by the 1962 cohort. Overall, 21.1% of this later cohort had at least one Aid Panel or Children's Court appearance during their adolescent years, with the proportion of males who experienced at least one contact increasing to 29.0%, while that of females rose to 12.6%. Morgan and Gardner (1992) also estimated that amongst Aboriginal youth born in 1972, the proportion who recorded at least one contact stood at 55%, including seven out of ten Aboriginal males and four out of ten Aboriginal females.

Whether these changes between the 1962 and the 1972 cohorts could be attributed to an increase in actual levels of offending amongst young people or to changes in the juvenile justice system cannot be determined. However, other research (Wundersitz, 1996) has indicated that systemic changes may be at least partly to blame, with the extension of Children's Aid Panel in 1979 having a net-widening effect.

This then, brings us to the present study, with its focus on a more recent cohort of young people and a juvenile justice system which is both philosophically and structurally different from either the 1972 or the 1979 systems covered by the Morgan and Gardner study. Compared with the earlier systems, the 1993 *Young Offenders Act* places greater emphasis on

accountability and allows for more diversionary options at the post apprehension level. More importantly though, for the first time it provides legislative backing for the use of informal police cautions at the pre-apprehension stage which, if implemented appropriately, should result in a reduction in the numbers of young people who experience a formal apprehension, with trivial offenders who may previously have been formally charged by police now being kept out of the system altogether via these on-the-spot, un-recorded warnings.

Before presenting the results from the 1984 cohort study, however, several methodological issues need to be clarified, as identified below.

Methodological note

Determining the size of the 1984 birth cohort

The size of the 1984 cohort population was calculated using South Australian population figures provided by the Australian Bureau of Statistics. Included in the adolescent data were 28 juveniles who were apprehended for the first time at the age of 18 years. This was for an offence that occurred while they were still a juvenile, but for which they were not apprehended until they were 18. They are included in all analyses in this report.

Determining Indigenous status

One of the aims of the paper was to compare the level of contact of Indigenous youth with that of non-Indigenous young people. However, determining Indigenous status is problematic for several reasons. For a start, police generally do not ask an offender about their Indigenous status. What is recorded on Police Apprehension Reports reflects the police officer's perceptions, based on the physical appearance of the young person. In addition, Indigenous status is not always recorded, and even when it is recorded, it does not necessarily remain consistent for the same individual over time. To address this problem, a detailed background file maintained by OCSAR was used to check for consistency and to 'plug' missing values. This file contains all records pertaining to the same individual gathered from a range of criminal justice data bases. For persons with multiple listings, the majority opinion is taken. To illustrate, if one person is listed as Indigenous on three occasions and as non-Indigenous on a fourth, he/she is assigned to the Indigenous category on the basis of majority verdict.

Even using this background file, however, the Indigenous status of 14.9% of all adolescents from the 1984 birth cohort apprehended between 1994 and 2002 remained unknown. Anecdotal evidence suggests that the greater majority of these 'unknowns' are likely to be non-Indigenous since, where Aboriginality is evident, it is generally recorded. Thus, for the purposes of this study, 'unknowns' were grouped with non-Indigenous offenders. Given that not all 'unknowns' would be non-Indigenous (even though the majority probably are), this strategy means that the analysis will slightly under-estimate the number of Indigenous youths having contact with the system and will slightly over-estimate the level of contact of non-Indigenous youths. In effect then, the Indigenous/non-Indigenous differences recorded in this paper are probably smaller than in reality.

The Results

Numbers apprehended at least once by police

The number of young people born in 1984 and living in South Australia is estimated at 20,902. Of this cohort, one in six (16.7%) were apprehended by police at least once for offences committed between the ages of 10 and 17 years inclusive. There were clear differences between males and females, with about one quarter (25.1%) of the 1984 male cohort being apprehended at least once compared with only 7.9% of the female cohort (see Table 1).

Table 1 Proportion of 1984 Cohort Apprehended at Least Once by Police as Juveniles By Gender			
Gender	Number Apprehended at Least Once	Population Cohort ³	Proportion (%) Apprehended
Males	2,684	10,683	25.1
Females	805	10,219	7.9
Total	3,489	20,902	16.7

Indigenous youths were significantly more likely to experience at least one apprehension as a juvenile than were non-Indigenous youths within the same birth cohort. As shown in Table 2, 44.4% of the Indigenous cohort compared with only 15.9% of the non-Indigenous cohort were apprehended by South Australian police at least once during their juvenile years. This means that Indigenous youth were nearly three times more likely than non-Indigenous members of the 1984 birth cohort to have been brought into formal contact with the system.

Table 2 Proportion of 1984 Cohort Apprehended at Least Once by Police as Juveniles By Indigenous Status			
Indigenous Status	Number Apprehended at Least Once	Population Cohort ⁴	Proportion (%) Apprehended
Indigenous	240	540	44.4
Non-Indigenous	3249	20362	15.9
Total	3489	20902	16.7

The Indigenous/non-Indigenous differences were even more pronounced when gender was considered. As shown in Table 3, almost two thirds of the Indigenous male cohort were apprehended at least once compared with less than one quarter of the non-Indigenous male cohort. While the proportions were lower for females, Indigenous young women were still more likely to experience at least one apprehension as a juvenile - 26.7% compared with only 7.3% of non-Indigenous females. In fact, the proportion of the Indigenous female cohort who were brought into formal contact with the juvenile justice system was higher than the proportion of non-Indigenous males within the 1984 cohort.

³ Figures obtained from ABS – 1994-1996, 2001 experimental estimates

⁴ Figures obtained from ABS – 1994-1996, 2001 experimental estimates

Table 3 Proportion of 1984 Cohort Apprehended at Least Once by Police as Juveniles By Indigenous Status and Gender

	Number Apprehended at Least Once	Population Cohort	Proportion (%) Apprehended
Male Non-Indigenous	2518	10420	24.2
Female Non-Indigenous	731	9942	7.3
Total	3249	20362	15.9
Male Indigenous	166	263	63.1
Female Indigenous	74	277	26.7
Total	240	540	44.4

Unknown Indigenous status included with Non-Indigenous: males 361; females 160

Proportion of Cohort Apprehended by Age of First Apprehension

As indicated above, by the time those youths within the 1984 cohort exited the juvenile justice system, 16.7% had been apprehended at least once for offences committed as a juvenile. Not surprisingly, though, this proportion varied according to age, with the likelihood of being apprehended for the first time increasing as the individual became older. As shown in Table 4, only 0.2% of the cohort experienced their first contact with the system at the age of 10. In contrast, 3.0% of the cohort were apprehended for the first time when they were aged 15 while 4.4% were apprehended for the first time when they were 17 years of age.

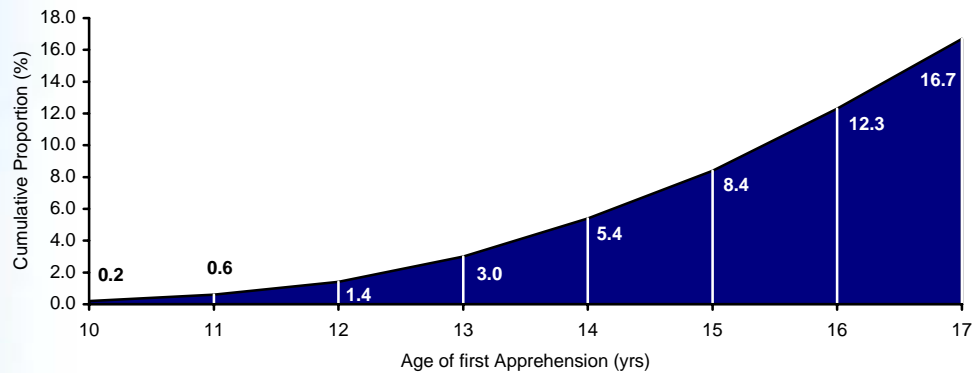
Table 4 Proportion of 1984 Cohort Apprehended as Juveniles By Age of First Apprehension

Age of first apprehension	Number of offenders	Proportion (%) of Cohort	Cumulative Proportion (%)
10	40	0.2	0.2
11	83	0.4	0.6
12	160	0.8	1.4
13	329	1.6	3
14	501	2.4	5.4
15	619	3.0	8.4
16	817	3.9	12.3
17	912	4.4	16.7
18	28	0.1	16.8
Total	3,489	16.8	

In cumulative terms, this means that by the age of 12, only 1.4% of the birth cohort had recorded at least one formal contact with the justice system, but by the age of 15 this had increased to 8.4% and by the age of 17 it had doubled to 16.7% (see Figure 1).

These findings, however, varied according to gender and, more particularly, Indigenous status, as indicated by the following sections.

Figure 1 Cumulative Proportion of 1984 Cohort Apprehended as Juveniles By Age of First Apprehension⁵



Gender

There were significant differences in the age of first apprehension for males and females in the cohort. As shown in Table 5:

- A greater proportion of the male than the female cohort recorded their first apprehension at the very young age of 10 - namely, 0.3% of the males as opposed to less than 0.05% of the females.
- Nearly three times the number of males as females were apprehended for the first time when they were aged 15 - 4.3% of the male cohort versus 1.6% of the female cohort; while
- At 17 years of age nearly four times the number of males (6.8%) as females (1.8%) were apprehended for the first time.

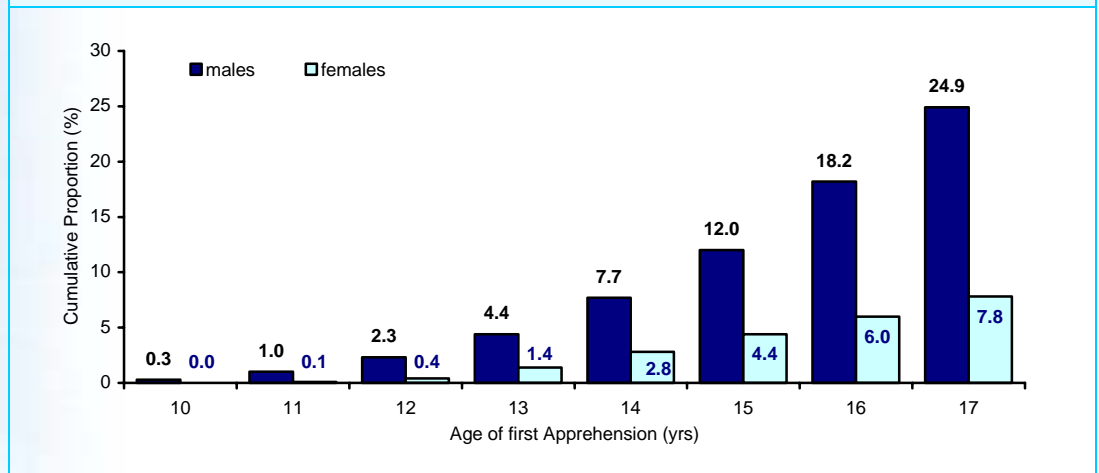
Table 5 Proportion of 1984 Cohort Apprehended as Juveniles By Age of First Apprehension and Gender

Age of first Apprehension (years)	Males			Females		
	Number	Proportion of Cohort	Cumulative Proportion	Number	Proportion of Cohort	Cumulative Proportion
10	37	0.3	0.3	3	0.0	0.0
11	71	0.7	1.0	12	0.1	0.1
12	135	1.3	2.3	25	0.2	0.4
13	230	2.2	4.4	99	1.0	1.4
14	353	3.3	7.7	148	1.4	2.8
15	455	4.3	12.0	164	1.6	4.4
16	659	6.2	18.2	158	1.5	6.0
17	724	6.8	24.9	188	1.8	7.8
18	20	0.2	25.1	8	0.1	7.9
Total	2684	25.1		805	7.9	

⁵ 18 year olds excluded from graph

In cumulative terms, this means that by the age of 12, only 0.4% of the female birth cohort compared to 2.3% of the male birth cohort had had at least one formal contact with the justice system. The differences became more pronounced with age. By the age of 15 only 4.4% of the females but 12.0% of the males had been apprehended, while by 17, just under one quarter (24.9%) of the males compared to only 7.8% of the females in the cohort had been apprehended at least once (see Figure 2).

Figure 2 Cumulative Proportion of 1984 Cohort Apprehended as Juveniles By Age of First Apprehension and Gender⁶



Indigenous Status

There were also pronounced differences in the age of first apprehension between Indigenous and non-Indigenous juveniles. A higher proportion of the Indigenous cohort were apprehended for the first time at a younger age than non-Indigenous youth. As shown in Table 6:

- A greater proportion of the Indigenous cohort than the non-Indigenous cohort recorded their first apprehension at the very young age of 10 - 2.0% of Aboriginal youth as opposed to 0.1% of non-Aboriginal youth;
- Nearly three times the number of Indigenous than non-Indigenous juveniles were apprehended for the first time at the age of 15 - 8.1% of the Indigenous cohort versus 2.8% of the non-Indigenous cohort.
- While the proportions apprehended for the first time at the age of 17 were more comparable - 5.2% of Indigenous youth and 4.3% of non-Indigenous youth - differences were still evident.

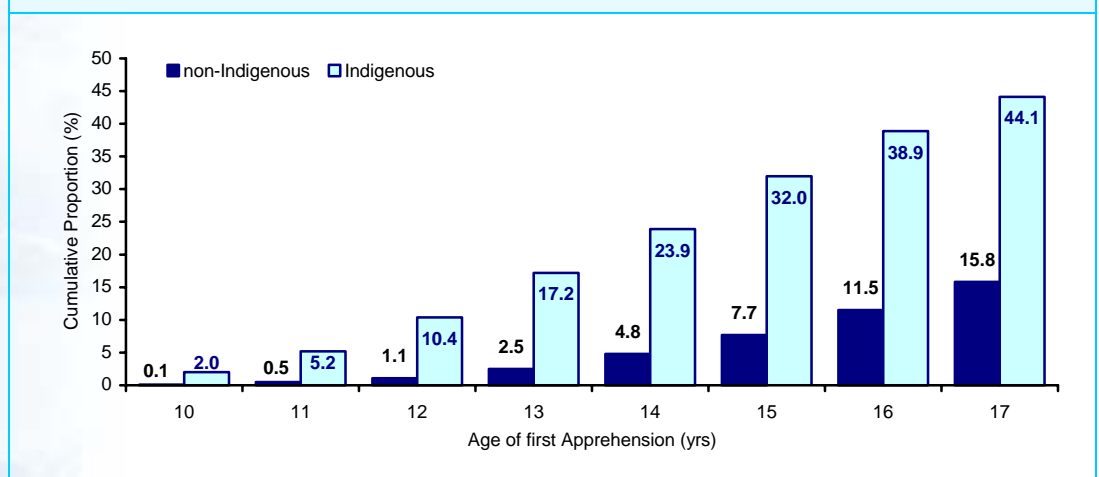
⁶ 18 year olds excluded from graph

Table 6 Proportion of 1984 Cohort Apprehended as Juveniles By Age of First Apprehension and Indigenous Status

Age of first Apprehension (years)	Non-Indigenous			Indigenous		
	Number	Proportion of Cohort	Cumulative Proportion	Number	Proportion of Cohort	Cumulative Proportion
10	29	0.1	0.1	11	2.0	2.0
11	66	0.3	0.5	17	3.1	5.2
12	132	0.6	1.1	28	5.2	10.3
13	292	1.4	2.5	37	6.9	17.2
14	465	2.3	4.8	36	6.7	23.9
15	575	2.8	7.7	44	8.1	32.0
16	780	3.8	11.5	37	6.9	38.9
17	884	4.3	15.8	28	5.2	44.1
18	26	0.1	15.9	2	0.4	44.4
Total	3,249	15.9		240	44.4	

In cumulative terms, this means that by the age of 12, only 1.1% of the non-Indigenous birth cohort compared to 10.3% of the Indigenous birth cohort had had at least one formal contact with the justice system. The differences continued to increase with age. By the age of 15, less than 10 percent (7.7%) of non-Indigenous juveniles compared to nearly one third (32.0%) of Indigenous juveniles had been apprehended and by 17, nearly half (44.1%) of the Indigenous youth compared to only 15.8% of non-Indigenous youth in the cohort had been apprehended at least once (see Figure 3).

Figure 3 Cumulative Proportion of 1984 Cohort Apprehended as Juveniles By Age of First Apprehension and Indigenous Status



Since males and females, as well as Indigenous and non-Indigenous youth in the 1984 birth cohort differed in the age at which they were first apprehended, these demographic sub-groups are examined in more detail in the next section of this report.

A Comparison Between the Indigenous and Non-Indigenous Male Cohorts

As shown in Table 7, at each age level a higher proportion of the Indigenous than non-Indigenous male cohort were apprehended for the first time. For example, 3.8% of the Indigenous cohort experienced their first apprehension at the age of 10, while 11.0% experienced their first contact at the age of 15. Corresponding figures for the non-Indigenous male cohort were much lower at 0.3% and 4.1% respectively.

In effect then, the Indigenous male cohort not only had a greater likelihood of apprehension than did the non-Indigenous cohort, but they also had a greater likelihood of being apprehended at a much younger age.

Table 7 Number of Apprehensions of Males Born in 1984 by Age of First Apprehension

Age of first Apprehension (years)	Non-Indigenous Males			Indigenous Males		
	Number	Proportion of Cohort	Cumulative Proportion	Number	Proportion of Cohort	Cumulative Proportion
10	27	0.3	0.3	10	3.8	3.8
11	56	0.5	0.8	15	5.7	9.5
12	113	1.1	1.9	22	8.4	17.9
13	210	2.0	3.9	20	7.6	25.5
14	336	3.2	7.1	17	6.5	31.9
15	426	4.1	11.2	29	11.0	43.0
16	632	6.1	17.3	27	10.3	53.2
17	700	6.7	24.0	24	9.1	62.4
18	18	0.2	24.2	2	0.8	63.1
Total	2518	24.2		166	63.1	

The cumulative effect of these differences are clearly illustrated in Figure 4. As shown, almost one in ten (9.5%) of the Indigenous male cohort had been apprehended at least once by the age of 11, just under one third (31.9%) had been apprehended by the time they were 14 years old and just over half (53.2%) had been apprehended at least once by the age of 16 years. By contrast, less than one percent (0.8%) of the non-Indigenous male cohort had been apprehended by age 11, only 7.1% by the age of 14 and only 17.3% had been apprehended at least once by 16 years of age. These difference were statistically significant⁷.

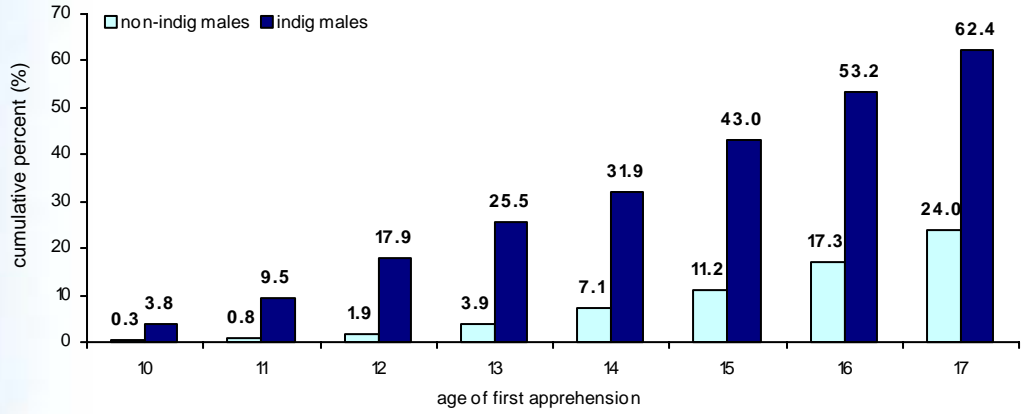
As shown in the line graphs in Figure 4, the linear trend line characteristic of the cumulative proportion of Indigenous male apprehensions⁸ suggests that the likelihood of being apprehended by police as a juvenile is almost the same at any age following the age of 12 years, although there is a slight increase between the ages of 15 and 16 years. For non-

⁷ t=6.75, df=178.3, p<0.0001

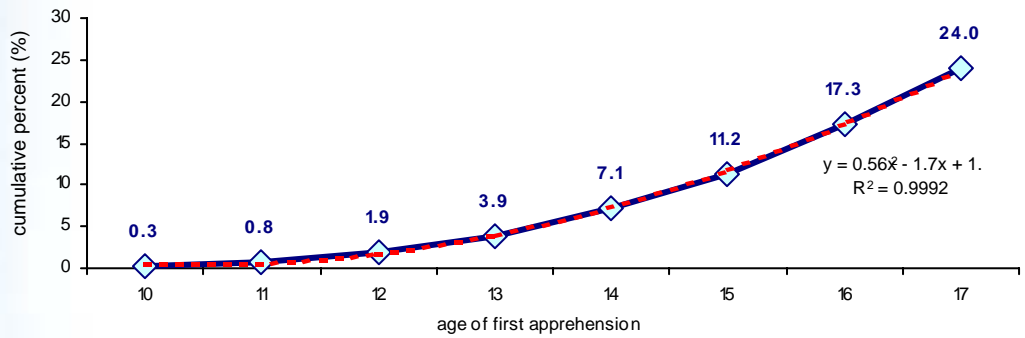
⁸ F=774.5, df=6, p<0.0001

Indigenous males the trend is not linear⁹, with the likelihood of first apprehension increasing significantly with each successive year, becoming the most likely at the age of 17.

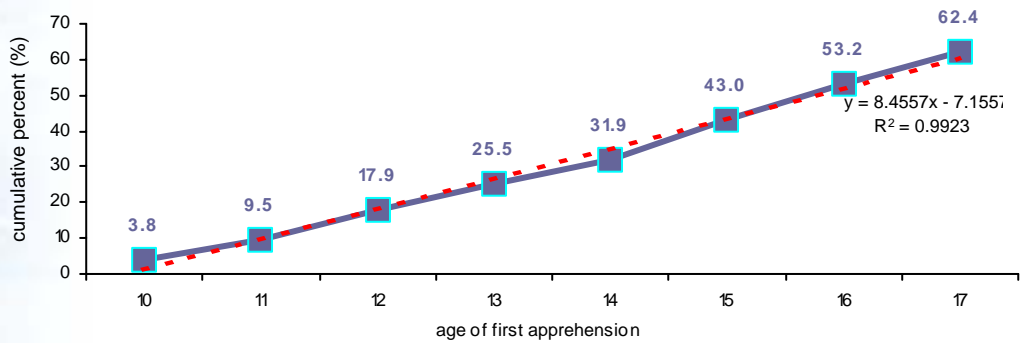
Figure 4 Proportion of 1984 Male Cohort apprehended as juveniles by Age of First Apprehension



NON-INDIGENOUS MALES



INDIGENOUS MALES



⁹ F=3106.46, df=5, p<0.0001

A Comparison Between the Indigenous and Non-Indigenous Female Cohorts

As was the case with males, at each age level the likelihood of being apprehended for the first time was greater for members of the Indigenous than the non-Indigenous female cohort. For example, 0.4% of the Indigenous cohort experienced their first apprehension at the age of 10, while 5.4% experienced their first contact at the age of 15. Corresponding figures for the non-Indigenous female cohort were much lower (less than 0.05% and 1.5% respectively).

Table 8 Number of Apprehensions of Females Born in 1984 by Age of First Apprehension

Age of first Apprehension (years)	Non-Indigenous Females			Indigenous Females		
	Number	Proportion of Cohort	Cumulative Proportion	Number	Proportion of Cohort	Cumulative Proportion
10	2	0.0	0.02	1	0.4	0.4
11	10	0.1	0.12	2	0.7	1.1
12	19	0.2	0.31	6	2.2	3.3
13	82	0.8	1.14	17	6.1	9.4
14	129	1.3	2.43	19	6.9	16.3
15	149	1.5	3.93	15	5.4	21.7
16	148	1.5	5.42	10	3.6	25.3
17	184	1.9	7.27	4	1.4	26.7
18	8	0.1	7.35	0	0.0	26.7
Total	731	7.35		74	26.71	

The cumulative effect of these differences are illustrated in Figure 5. As shown, not only did the Indigenous female cohort have a greater overall likelihood of apprehension than did the non-Indigenous cohort, but they also had a greater likelihood of being apprehended at a much younger age. To illustrate, just over one percent (1.1%) of the Indigenous female cohort had experienced at least one apprehension by the age of 11, 16.3% had been apprehended by the time they were 14 years old and just over one quarter (25.3%) had been apprehended at least once by the age of 16 years. By contrast, only 0.1% of the non-Indigenous female cohort had been apprehended by age 11, only 2.4% by the age of 14 and only 5.4% had been apprehended at least once by 16 years of age. These difference were statistically significant¹⁰.

As shown in the line graphs in Figure 5, the non-linear trend line¹¹ characteristic of the cumulative proportion of Indigenous female apprehensions suggests that the likelihood of being apprehended by police as a juvenile varies during the adolescent years. The s-shaped trend line suggests that Indigenous females are more likely to be apprehended between the ages of 13 and 15 years, with the likelihood of apprehension diminishing after that. For non-Indigenous females, the trend is also non linear¹². However, the likelihood of an

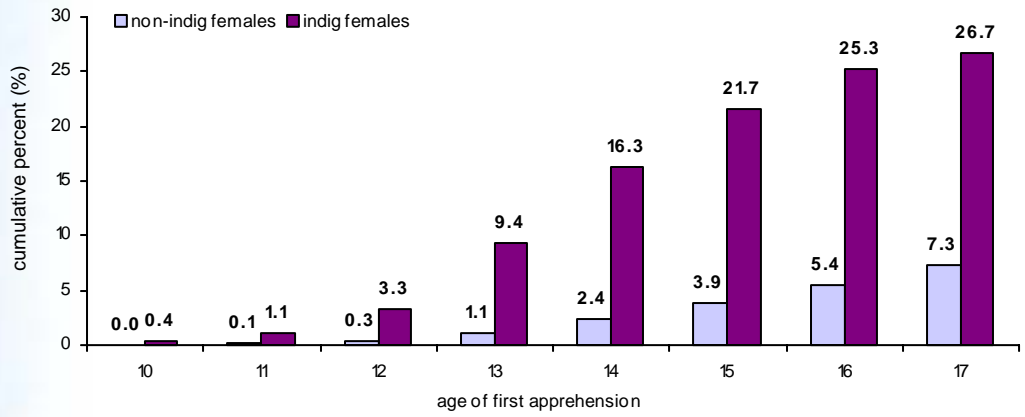
¹⁰ $t=5.7, df=803, p<0.0001$

¹¹ $F=934.38, df=5, p<0.0001$

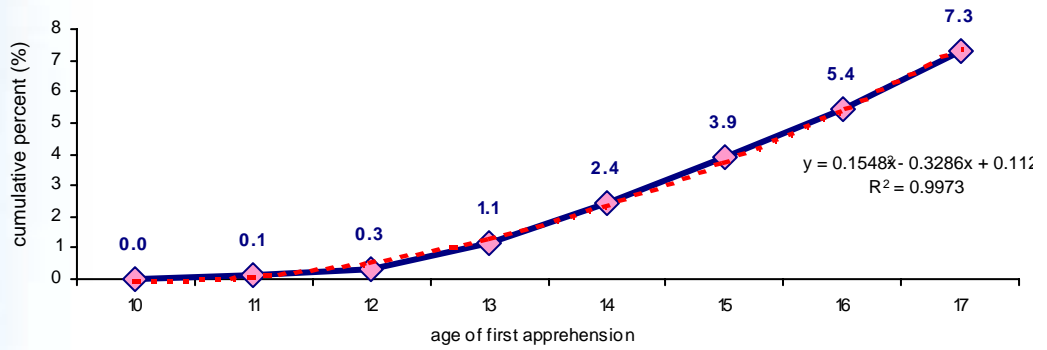
¹² $F=914.7, df=5, p<0.0001$

apprehension increases significantly with each successive year, with the highest probability of apprehension occurring at 17 years of age.

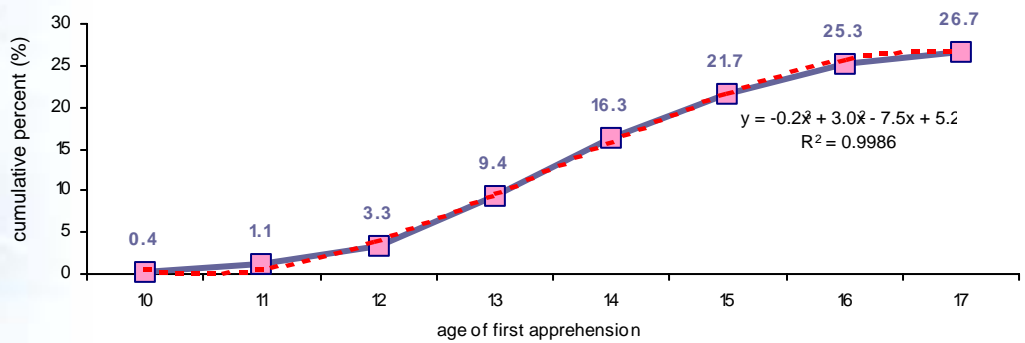
Figure 5 Proportion of 1984 Female Cohort apprehended as juveniles by Age of First Apprehension



NON-INDIGENOUS FEMALES



INDIGENOUS FEMALES



Summary and Discussion

This study found that, of those youth born in 1984, the proportion who were apprehended at least once during their juveniles years by police in South Australia, included:

- One in six (16.7%) of the entire cohort;

- About one quarter (25.1%) of all males;
- About one in twelve (7.9%) of all females;
- Just under half (44.4%) of all Indigenous youths;
- About one in six (15.9%) of all non-Indigenous youths;
- Nearly one quarter (24.2%) of all non-Indigenous males;
- Nearly one in twelve (7.3%) of all non-Indigenous females;
- Nearly two thirds (63.1%) of all Indigenous males; and
- Just over one quarter (26.7%) of all Indigenous females

Indigenous youth not only continued to be over-represented in the juvenile justice system but they were also more likely to be apprehended for the first time at a younger age than non-Indigenous youth. Other differences were also observed. For example:

- For Indigenous males, the likelihood of being apprehended for the first time after the age of 12 was almost constant, although the likelihood was slightly higher for those aged 15 and 16,
- For Indigenous females, the likelihood of being apprehended for the first time varied during the adolescent years, with the greatest likelihood occurring between the ages of 13 to 15 years.
- In contrast, for non-Indigenous males and females there was a gradual increase in the likelihood of first apprehension with age, with the greatest likelihood of apprehension occurring at 17 years.

When the results for the 1984 birth cohort are compared with those observed for the earlier birth cohorts investigated by Morgan and Gardner (1992), there was some evidence to indicate that there has been a decrease in the proportion of juvenile offenders experiencing formal contact with the juvenile justice system.

Within the 1984 birth cohort, one in six (16.7%) youths experienced at least one contact with the juvenile justice system compared with 21.1% of the 1972 birth cohort and 18.1% of the 1962 birth cohort.

When broken down by gender, some male/female differences emerged. For males, this current study found that the 1984 cohort experienced less contact with the system than did the 1972 cohort, but levels were similar to those recorded for the 1962 cohort. More specifically, about one quarter (25.1%) of all youths in the 1984 male cohort were apprehended at least once as a juvenile, which was similar to the 25.6% recorded for the 1962 cohort in the Morgan and Gardner (1992) study, but lower than the 29.0% recorded for the 1972 male cohort.

In contrast, for females, a lower proportion of the 1984 birth cohort was apprehended as juveniles than either of the 1962 and 1972 cohorts. The proportion of females born in 1984 who experienced contact with the juvenile justice system was 7.9%, while for females born in 1962 it was 10.1% and for those born in 1972 it was 12.6%.

A lower proportion of Indigenous youth born in 1984 experienced at least one apprehension as a juvenile than did the 1972 birth cohort and this applied to both males and females alike. Overall, less than two thirds (63.1%) of Indigenous males and just over one quarter (26.7%) of Indigenous females born in 1984 were found to have had contact with the juvenile justice

system compared with the estimated 70% of Indigenous males and 40% of Indigenous females born in 1972.

How can these differences between the birth cohorts be explained? There are two possibilities. The reduction may either be due to changes in the juvenile justice system itself or to changes in the actual levels of offending amongst young people. Some evidence can be found to support both explanations.

In terms of the impact of changes to the structure and philosophy of the juvenile justice system, the increases in contact observed between the 1962 and 1972 cohorts could be attributed, at least in part, to the apparent net-widening effect of extending Children's Aid Panels to allow them to deal with 16 and 17 year olds. Similarly, the decline observed amongst the 1984 cohort could be due to the abolition of Panels and the introduction of informal cautioning, given the likelihood that some youths detected for trivial offending who would previously have been apprehended and sent to a Children's Aid Panel would now be dealt with by way of an informal caution which does not require a formal apprehension.

Evidence for a reduction in actual offending levels seems most pertinent when considering the decrease in the level of contact amongst Indigenous youths over time. There is now a considerable body of evidence which indicates that Indigenous young people do not have access to diversionary processes to the same extent as non-Indigenous youths¹³ and hence, are less likely to be affected by either the introduction, extension or abolition of Children's Aid Panels in 1972, 1979 and 1994 respectively, or the introduction of informal cautions in 1994. If such systemic changes are likely to have less impact on Indigenous apprehension levels than non-Indigenous levels then the fact that there was a decrease in the extent of Indigenous contact with the system between 1979 and 1994 could be more reflective of changes in actual offending levels.

However, this explanation must be presented with caution. As discussed earlier, there was a substantial number of offenders born in 1984 for whom Indigenous status was unknown. Of these "unknowns" if only 5% of the males and 25% of the females were actually Indigenous, then the proportion of Indigenous youth having contact with the system would be closer to that estimated by Morgan and Gardner (1992). Such adjustments would not have any significant effect on the outcome of non-Indigenous offenders because of the low numbers involved.

Overall then, while the above explanations are plausible, there is no way of determining whether the observed decreases were due to systemic or behavioural changes.

References

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¹³ For example, in South Australia during 2003, only 35.5% of Indigenous juvenile apprehensions received a formal caution or family conference compared to 53.3% of non-Indigenous apprehensions (Wundersitz and Skrzypiec, 2005).