

**Profile of Young Offenders
in the ACT 2001 - 2002
Chief Minister's Department**

Profile of Young Offenders: National Comparison



Report to the ACT Chief Minister's Department

Australian Institute of Criminology



**Profile of Young Offenders
in the ACT 2001 - 2002**

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Introduction

This profile provides, for the first time, a definitive picture of ACT young people aged 12-25 years who are in the justice system. It has been developed as a key part of the Government's Reducing Young People's Involvement in Crime Project. The project is the culmination of wide ranging research and extensive consultation.

The profile provides valuable information to the Government and the community on the actual numbers of young people in the justice system. Prior to this study it was difficult to gain a clear picture of how many young people had entered the justice system. While there was a wealth of information on specific aspects of the justice system, data tended to cover charges or orders rather than recording the number of young people in the system.

The information collected in the profile is a snapshot for 2001-02. Many of the statistics are based on small numbers and caution should be used when interpreting the information.

To develop the profile unpublished data on young people was collected for the 2001-02 financial year from the Australian Federal Police - ACT Policing, the ACT Children's Court, the ACT Magistrates Court, Youth Justice Services and ACT Corrective Services. Primary data was used, as published data did not provide comprehensive information on young people in the ACT justice system.

From the outset, it became apparent that there were gaps in data sources. Many records remain paper based and there were only rudimentary electronic systems in place to record information on young offenders. Information was often stored across a number of databases with few links between the fields. Because of the multiple sectors within the justice system, individuals may appear in more than one category. Therefore, the number of individuals in the components will not always add to the total number in either the adult or juvenile justice systems.

There was limited data on young people identifying as Indigenous and residential addresses were often not recorded for young offenders. In addition information provided for juvenile justice includes young people from outside the ACT.

The Government is working with organisations such as the Australian Institute of Criminology to improve data on young people's involvement in crime. It is an ongoing task that is being tackled incrementally. While the project is an important contribution to research on youth crime in the ACT much work remains to be done. This work can only be enhanced by government departments working closely together. The profile is one example of departments working together to improve the evidence base that underpins statistics on young people's involvement in crime.

At the end of the profile are a number of case studies that put a human face on the statistics in the profile. The case studies give an insight into what happens to young people when they enter the justice system.

Executive Summary

In 2001-02, there was a total of 2,571 young people (3.7% of the youth cohort) aged 12-25 years charged by the police and 1,679 (2.4%) young people appeared before ACT Courts.

There were 439 young people (1.3% of the youth cohort aged 12 to 18 years) serving court orders in the juvenile justice system. Of these, 434 were on community based orders, while 5 were remanded but released from court and had no further involvement with Youth Justice Services. Almost one-third (141 or 0.4% of the cohort.) of the 434 young people on community based orders were remanded or committed at Quamby Detention Centre.

There were 451 young people (1.1% of the cohort) serving court orders in the adult justice system. This included 350 serving community orders, 171 who were detained at Belconnen Remand Centre, 20 on Periodic Detention at Symonston and 29 who were admitted to NSW prisons.

Age

The peak ages for young people entering the justice system was in the 16-17 years group (4.4%) and the 18-25 years group (4.1%). There were relatively fewer young people entering the justice system in the 12-15 years age group (2.3%).

Young people in the ACT justice system by age¹

Justice sector	Young people aged 12-15 years		Young people aged 16-17 years		Young people aged 18-25 years		Total young people in justice system
	No.	% in age cohort	No.	% in age cohort	No.	% in age cohort	
Police	415	2.3%	420	4.4%	1,736	4.1%	2,571
Children's Court	146	0.8%	205	2.1%	166 ²	0.4%	517
Magistrates Court					1,162	2.8%	1,162
Juvenile Community Based Orders	103	0.6%	167	1.7%	164	0.4%	434
Remand and Committal Quamby Detention Centre	49 ³	0.3%	64	0.7%	28 ⁴	0.07%	141
Adult Community Based Orders					350	1.0%	350
Remand and Committal — Belconnen Remand Centre					171	0.4%	171
Periodic Detention					20	0.05%	20
Prison					29	0.07%	29

Source: unpublished data, Australian Federal Police — ACT Policing, ACT Children's Court, ACT Magistrates Court, Youth Justice Services and ACT Corrective Services

- 1 The age cohorts used are: 12-15 years - 17,914; 16-17 years - 9,504; 18-25 years 42,204. Source: ABS Estimated Resident Population, June 2001
- 2 These are young people over 18 years of age who were tried in the Children's Court because they offended when they were younger than 18 years of age.
- 3 Of the 49 young people aged 12-15 years, 2 were aged under 12 years of age.
- 4 These young people committed the offences for which they are serving orders prior to turning 18 years of age.

Gender

About 4 out of 5 young people in the ACT justice system were male. Among Indigenous people aged 12-18 years however, the proportion of females represented was relatively higher than the total population. Over 18 years of age, the number of Indigenous women, as with other young women in the justice system, declined markedly.

Young people in the justice system by gender

Justice sector	Total number	Female		Male	
		%	Number	%	Number
Police charges	2,571	22	571	78	2,000
ACT Courts	1,679	19	312	81	1,367
Children's Court	517	23	117	77	400
Magistrates Court	1,162	17	194	83	962
Juvenile Justice	439	21	94	79	345
Remand and Committal - Quamby	141	21	29	79	112
Adult justice system	451	13	62	87	389
Adult Community Based Orders	350	14	49	86	301
Remand and Committal — Belconnen Remand Centre	171	10	17	90	154
Periodic Detention	20	0	0	100	20
Prison	29	7	2	93	27

Source: unpublished data, Australian Federal Police — ACT Policing, ACT Children's Court, ACT Magistrates Court, Youth Justice Services and ACT Corrective Services.

Indigenous status⁵

Indigenous young people were over represented in the ACT justice system in 2001-02. This picture is consistent across those justice areas that collect data on Indigenous status. While Indigenous males in the justice system outnumber Indigenous females, the male-female ratios were closer than among the total population, indicating the relatively higher proportion of Indigenous females charged by police and serving Children's Court Orders. In the adult justice system, the proportion of Indigenous females relative to males is markedly less than the juvenile system.

⁵ The statistics on young Indigenous people in the justice system are dependent upon self identification. In the 2001 ABS Census of Population and Housing there were, 1,105 young people aged 12 to 25 years in the ACT who identified as Aboriginal or Torres Strait Islander.

Indigenous young people in the justice system

Justice Sector	Indigenous				Indigenous as % of Age Cohort ⁶	Total number of young people in system
	Number	%	Female	Male		
Police charges (12-25 years)	126	4.9	48	78	0.20	2,571
ACT Courts	No data available on Indigenous status					
Juvenile Community Based Orders (12-18 years)	63	14.5	19	44	0.20	434
Remand and Committal — Quamby Detention Centre (12-18 years)	38	27.0	12	26	0.10	141
Adult justice system (18-25 years)	41	9.1	9	32	0.10	451
Adult Community Based Orders (18-25 years)	35	10.0	7	28	0.08	350
Remand — Belconnen Remand Centre (18-25 years)	22	12.9	5	17	0.05	171
Periodic Detention Symonston (18-25 years)	3	15.0	0	3	0.01	20
Prison (18-25 years)	6	20.7	0	6	0.01	29

Source: unpublished data, Australian Federal Police — ACT Policing, ACT Children's Court, ACT Magistrates Court, Youth Justice Services and ACT Corrective Services

Cautions

Information on cautions was provided by the number of charges, rather than the actual number of young people involved.

Of the 7,529 charges against young people aged 12-25 years, 13% (995) resulted in cautions. The proportion of cautions as a percentage of charges decreased markedly in the 18-25 years age group.

Diversionsary conferencing

Information on diversionsary conferences was also provided by the number of charges, rather than numbers of young people.

Of the 7,529 charges against young people aged 12-25 years, 2.6% (196) were involved in diversionsary conferences. The proportion of diversionsary conferences as a percentage of charges decreased in the 18-25 years age group.

⁶ The age cohorts used were: 12-25 years - 69,623; 12-18 years - 32,627; 18-25 years 42,205. Source: ABS Estimated Resident Population, June 2001.

Offence type

Based on analysis of police, courts, juvenile and adult justice data, the main offence types for young offenders in the justice system were:

- theft;
- assault;
- burglary; and
- motor vehicle offences.

Driving and drug offences are higher for young people in the Magistrates Court and the adult justice system.

Non ACT residents in the ACT justice system

Young offenders in the ACT justice system in 2001-02 who were not ACT residents at the time of the offence came from New South Wales, Victoria, Queensland, Western Australia and South Australia.

Young people charged by the police

In addition to the 2,571 ACT young people aged 12-25 years charged by police, there were a further 305 (11.8% of the total) who were not ACT residents.

Young people who appeared before the courts

In addition to the 1,679 ACT young people aged 12-25 years who appeared in ACT courts, there were a further 308 (15.5% of the total) appearances by non-ACT young people in ACT courts.

Of the 308 appearances by young people from inter-state, one-quarter (78) were in the ACT Children's Court, with the remaining three-quarters (230) in the ACT Magistrate's Court.

Young people who served court orders in the juvenile justice system

Youth Justice Services were unable to report on residential postcodes of its clients in 2001-02.

Young people who served court orders in the adult justice system

In addition to the 451 young people in the adult justice system who were aged 18-25 years and were ACT residents, there were a further 67 (12.6% of the total) young people in the adult justice system who were not ACT residents. The postcodes of an additional 11 young people were unknown.

In addition to the 350 young people serving adult Community Based Orders who were aged 18-25 years, and who were ACT residents, there were a further 59 (14.4% of the total) who were not ACT residents, and additional one individual whose postcode was unknown.

In addition to the 171 young people aged 18-25 years held in the Belconnen Remand Centre who were ACT residents, there were a further 21 (10.8% of the total) who were not ACT residents, and another two individuals whose postcodes were unknown.

In addition to the 20 young ACT residents aged 18-25 years serving periodic detention at Symonston Periodic Detention, there was one non-ACT resident also serving periodic detention.

In addition to the 29 young ACT residents aged 18-25 who were in prison, there were a further 3 non-ACT residents who were in prison (yet sentenced within the ACT). Another 11 young people's postcodes were unknown.

Implications of the profile findings

Based on information in the profile the following areas should be reviewed:

- the instances of cautions and diversionary conferencing;
- the higher proportion of young people entering the justice system aged 16-17 years;
- the high number of young males in the justice system;
- the over representation of Indigenous young people in the justice system; and
- the lack of comprehensive data on young offenders and a mechanism to track them through the justice system to ensure they receive adequate support and rehabilitation.

While the profile statistics are based on only one year and should be viewed with caution, they show that there are small numbers of young people involved in crime in the ACT.

Summary of ACT young people aged 12 to 25 years in the justice system¹

The following is an overall summary of the numbers of young people who were in the justice system in 2001-02

2,571 young ACT residents were charged by the police in 2001-02

- This was 3.7% of the ACT youth cohort aged 12 to 25 years.
- 571 (22%) were female and 2000 (78%) were male.
- 415 were aged 12-15 years, 420 were aged 16-17 years and 1,736 were aged 18-25 years.
- 126 (4.9%) identified as Indigenous.

1,679 young ACT residents appeared before the ACT courts in 2001-02

- This was 2.4% of the ACT youth cohort aged 12 to 25 years.
- 312 (19%) were female and 1,367 (81%) were male.
- 146 were aged 12-15 years, 205 were aged 16-17 years and 1,328 were aged 18-25 years.
- 517 young people appeared before the Children's Court and 1,162 appeared before the Magistrates' Court.
- No data were available on numbers of Indigenous young people appearing before court.

439 young people commenced juvenile court orders

- This was 1.3% of the ACT youth cohort aged 12-18 years
- 94 (21%) were female and 345 (79%) were male

434 of the 439 young people commenced juvenile Community Based Orders

- This was 1.3% of the ACT youth cohort aged 12-18 years.
- 93 were female and 341 were male.
- 103 were aged 11-15 years, 167 were aged 16-17 years, 164 were aged 18-21 years
- 63 (16.3%) identified as Indigenous.

141 of the 439 young people were in Quamby Youth Detention Centre

- This was 0.4% of the ACT youth cohort aged 12 to 18 years.
- 9 young people were committed and 132 remanded in custody.
- 29 were female and 112 were male.
- 49 were aged 12-15 years, 64 were aged 16-17 years and 28 were aged 18-21 years.
- 38 identified as Indigenous (27% of all in Quamby).

451 young ACT residents aged 18-25 years commenced adult court orders

- This was 1.1% of the ACT youth cohort aged 18 to 25 years.
- 62 (14%) were female and 389 (86%) were male.
- 41(9.1%) identified as Indigenous.

¹ The age cohorts used are: 12-15 years - 17,914; 16-17 years - 9,504; 18-25 years 42,204. Source: ABS Estimated Resident Population, June 2001

350 young ACT residents aged 18-25 years were on adult Community Based Orders

- This was 0.8% of the ACT youth cohort aged 18-25 years
- 49 (14%) were female and 301(86%) were male
- 35 (10%) identified as Indigenous.

171 young ACT residents age 18-25 years were admitted to Belconnen Remand Centre

- This was 0.4% of the ACT youth cohort aged 18-25 years.
- 17 (10%) were female and 154 (90%) were male.
- 22 (12.9%) identified as Indigenous.

20 young ACT residents aged 18-25 began serving periodic detention at Symonston Periodic Detention Centre

- This was less than 0.1% of the ACT youth cohort aged 18-25 years
- 20 were male.
- 3 (15%) identified as Indigenous.

29 young ACT residents aged 18-25 years began serving sentences in NSW prisons

- This was less than 0.1% of the ACT youth cohort aged 18-25 years
- 2 (7%) were female and 27 (93%) were male.
- 6 identified as Indigenous (20.7%).

Young people charged by police

ACT Policing

Number⁷

2,571 young ACT residents aged 12-25 years were charged by the police on a total of 7,529 charges. This was 3.7% of the ACT population aged 12-25 years.

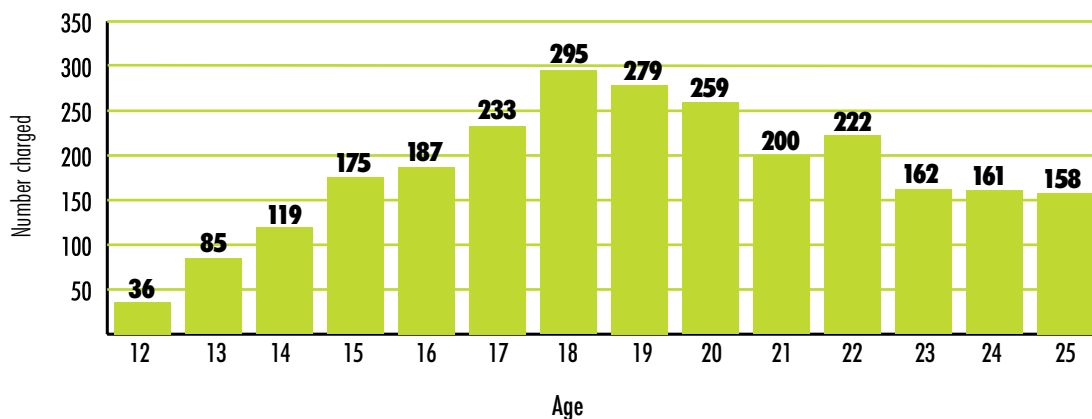
Age

For females, the number of young people charged peaked at age 17-18 years with the numbers in older ages declining steadily. For males, the peak was at 19 years with levels stabilising at ages 23 to 25. Within specific age-groups there were:

- 415 young people aged 12-15 years on 1,253 charges;
- 420 young people aged 16-17 years on 1,281 charges; and
- 1,736 young adults aged 18-25 years on 4,995 charges.

The following graph indicates the number and age of ACT young people charged by police.

Number of young people aged 12-25 years charged by police 2001-02



Source: unpublished data, Australian Federal Police — ACT Policing

Gender

Of the 2,571 young people charged by police, 571 (22%) were female and 2,000 (78%) were male.

⁷ There were 2,876 young people aged 12-25 years charged by police of which 2,571 were ACT residents.

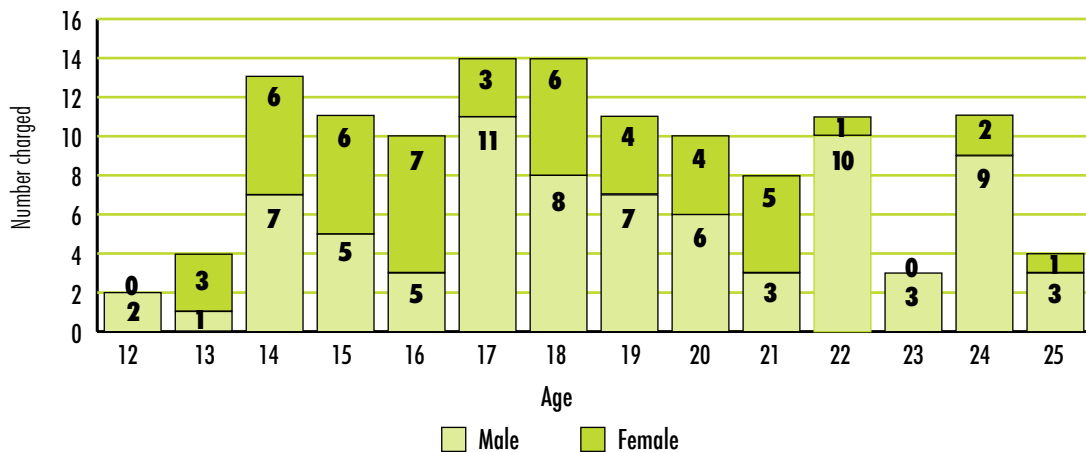
Indigenous

126 young people charged on 612 charges by police identified as being Indigenous. Of these, 48 were female and 78 were male.

The age distribution of Indigenous young people does not show a clear pattern. There were only a small number of Indigenous young people charged.

The following graph indicates the spread of young Indigenous offenders by age.

Number of Indigenous young people aged 12-25 years charged by police 2001-02



Source: Unpublished data, Australian Federal Police — ACT Policing

Cautions

Information on cautions was provided by the number of charges rather than the actual number of young people involved. ACT Policing advised that information on the number of young people receiving cautions was not available.

Of the 7,529 charges against young people aged 12-25 years, 995 (13%) resulted in cautions. The proportion of cautions as a percentage of charges was markedly less in the 18-25 years age group. Within specific age-groups there were:

- 341 (or 27%) of the 1,253 charges of young people aged 12-15 years resulting in cautions;
- 339 (or 26%) of the 1,281 charges for young people aged 16-17 years resulting in cautions; and
- 315 cautions (or 6%) of the 4,995 charges for young people aged 18-25 years resulting in cautions.

Diversiónary Conferencing

Information on diversionary conferencing was provided by the number charges rather than the number of young people. ACT Policing advised that information on the number of number of young people involved in diversionary conferencing was not available.

Of the 7,529 charges against young people aged 12-25 years, 196 (2.6%) involved diversionary conferences. The proportion of diversionary conferences as a percentage of charges decreased markedly in the 18-25 years age group. Within specific age-groups there were:

- 71 out of the 1,253 charges (5.7%) of aged 12-15 years involving diversionary conferences;
- 39 out of the 1,281 charges (3.0%) of young people aged 16-17 years involving diversionary conferences; and
- 86 out of the 4,995 charges (1.7%) of young people aged 18-25 years involving diversionary conferences.

Offences

In 2001-2002, the main offences across all ages were theft, assault and motor vehicle theft.

The majority of the charges laid against young people aged 12-15 years were theft related.

For the age group 16-17 years, theft is still a large proportion of charges, along with property damage and offences against good order.

In the 18-25 years age group, justice procedures such as breach of bail, theft, assault, fraud and property damage were the most common charges laid.

A summary of the ten most common offences by age grouping is detailed below.

Ten most common offences by ACT young people

Aged 12-15 years	Aged 16-17 years	Aged 18-25 years
Theft at burglary - dwellings	Other theft	Other offences
Shop stealing	Other offences	Justice procedures
Burglary - dwellings	Other offences against good order	Other theft
Other theft	Motor vehicle theft	Assault other
Justice procedures	Shop stealing	Fraud
Other offences against good order	Justice procedures	Other property damage
Other offences	Other property damage	Shop stealing
Motor vehicle theft	Assault other	Other offences against good order
Assault other	Theft at burglary - dwellings	Burglary dwellings
Other property damage	Burglary dwellings	Theft at burglary - dwellings

Source: unpublished data, Australian Federal Police — ACT Policing

The following tables indicate charges by offence type and age groupings.

Charges by offence type for the age group 12-15 years

Offence type	Number of charges
Not recorded	8
Armed Robbery	2
Arson	8
Assault causing ABH	15
Assault other	68
Bicycle theft	2
Burglary dwellings	146
Burglary other	18
Burglary shops	3
Damage at burglary - dwellings	23
Damage at burglary - other	5
Firearms and weapons	18
Fraud	3
Indecent act, person > 16 yrs	2
Justice procedures	106
Misappropriation	1
Motor vehicle theft	86
Other handling stolen goods	4
Other offences against good order	90
Other offences against the person	2
Other offences	87
Other property damage	46
Other robbery	15
Other theft	136
Receiving	19
Sexual intercourse, person > 16	2
Shop stealing	149
Theft at burglary - dwellings	160
Theft at burglary - other	19
Theft at burglary - shops	2
Unlawful possession	8
Total number of charges	1,253

Source: unpublished data, Australian Federal Police — ACT Policing

Charges by offence type for the age group 16-17 years

Offence type	Number of charges
Armed robbery	5
Arson	2
Assault causing ABH	13
Assault other	83
Bicycle theft	5
Burglary dwellings	69
Burglary other	20
Burglary shops	1
Damage at burglary - dwellings	6
Damage at burglary - other	5
Firearms and weapons	33
Fraud	14
Indecent act, person <16 yrs	3
Indecent exposure	1
Justice procedures	105
Kidnap	0
Misappropriation	1
Motor vehicle theft	112
Other handling stolen goods	9
Other offences against good order	134
Other offences against the person	4
Other offences	140
Other property damage	105
Other robbery	14
Other theft	144
Receiving	25
Shop stealing	110
Theft at burglary - dwellings	76
Theft at burglary - other	17
Theft at burglary - shops	0
Unlawful possession	5
Not recorded	20
Total number of charges	1,281

Source: unpublished data, Australian Federal Police — ACT Policing

Charges by offence type for the age group 18-25 years

Offence type	Number of charges
Not recorded	355
Armed Robbery	19
Arson	49
Assault causing ABH	108
Assault causing GBH	13
Assault other	305
Bicycle theft	4
Burglary dwellings	131
Burglary other	53
Burglary shops	23
Damage at burglary - dwellings	12
Damage at burglary - other	8
Damage at burglary - shops	3
Firearms and weapons	109
Fraud	217
Government security/operations	2
Indecent act, no consent	3
Indecent act, person > 16 yrs	4
Indecent Exposure	1
Justice procedures	773
Kidnap	8
Misappropriation	2
Motor vehicle theft	96
Other environmental offences	1
Other handling stolen goods	43
Other offences against good order	176
Other offences against the person	17
Other offences	1,279
Other property damage	209
Other robbery	15
Other theft	406
Receiving	98
Sexual assault 1st 2nd 3rd degree	1
Sexual intercourse, no consent	3
Sexual intercourse, person < 16 yrs	5
Shop stealing	197
Theft at burglary - dwellings	130
Theft at burglary - other	32
Theft at burglary - shops	12
Unlawful possession	73
Total number of charges	4,995

Source: unpublished data, Australian Federal Police — ACT Policing

Young people appearing before ACT courts

ACT courts⁸

Number⁹

1,679 young ACT residents aged 12-25 years appeared before ACT Courts on new charges. This was 2.4% of the ACT population aged 12-25 years¹⁰.

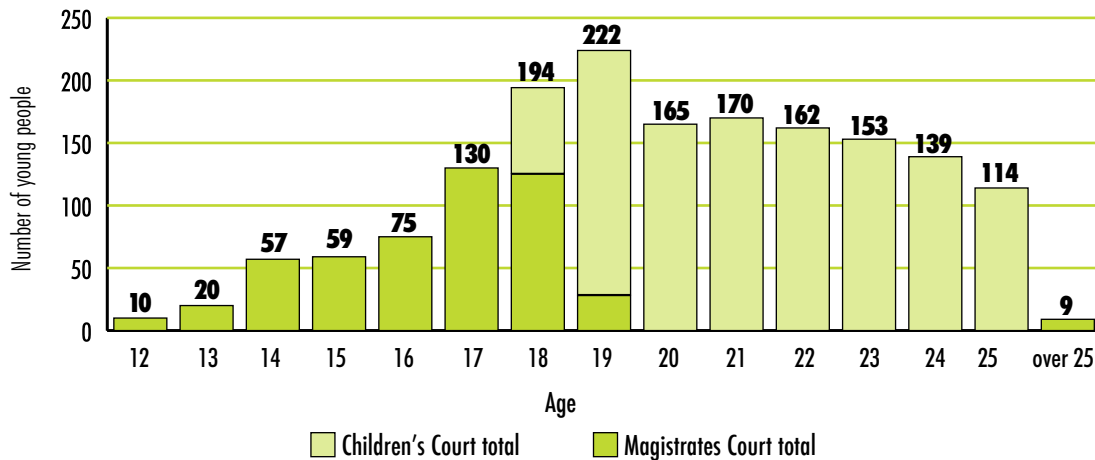
Age

The age distribution of young people appearing in ACT Courts shows an increase at 17 and 18 years of age leading to a peak at 19 years. Within the specific age-groups:

- 146 young people aged 12-15 years appeared before ACT Courts on new charges;
- 205 young people aged 16-17 years appeared before ACT Courts on new charges; and
- 1,328 young people aged 18-25 years appeared before ACT Courts on new charges.

The following graph indicates the number of ACT young people appearing before the courts on new charges in 2001-02.

Age of ACT young people appearing in ACT courts on new charges in 2001-2002



Source: unpublished data, ACT Children's Court and ACT Magistrates Court

8 This data only covers young people appearing before ACT courts on new charges. It does not include information on the results of their court appearances. Because not all court cases that commenced during 2001-2002 were finalised at the time of this publication, it was not possible to determine which of the young people entering the court system remained in the justice system and who left the system at this point. In addition, the cases that were finalised during 2001-2002 may have commenced several years earlier.

Young people who commit an offence while aged below 18 years are initially tried in the ACT Children's Court. For serious offences some may go on to be tried in the ACT Supreme Court or may be tried along with an adult in the ACT Magistrate's Court.

9 1,987 young people aged 12-25 years appeared before the ACT Courts, of which 1,679 were ACT residents.

10 69,649 young people in the ACT were aged 12-25 years.

Gender

Of the 1,679 young people appearing before both the ACT Children's Court and ACT Magistrates Court in 2001-02, 312 (19%) were female and 1,367 (81%) were male.

Indigenous

ACT courts do not record information on Indigenous status or ethnicity.

Offences

There was a higher proportion of theft charges heard in the Children's Court, with 26.5% of all charges, compared with 14.7% of all charges in the Magistrates Court.

The Children's Court and Magistrates Court heard similar proportions of charges for driving offences (both around 14%) and assault (both around 9%). However, there was a higher proportion of breach of conviction/bail orders in the Magistrates Court.

ACT Children's Court

Number¹¹

517 young people appeared before the ACT Children's Court. This was 1.6% of the ACT population aged 12-18 years¹².

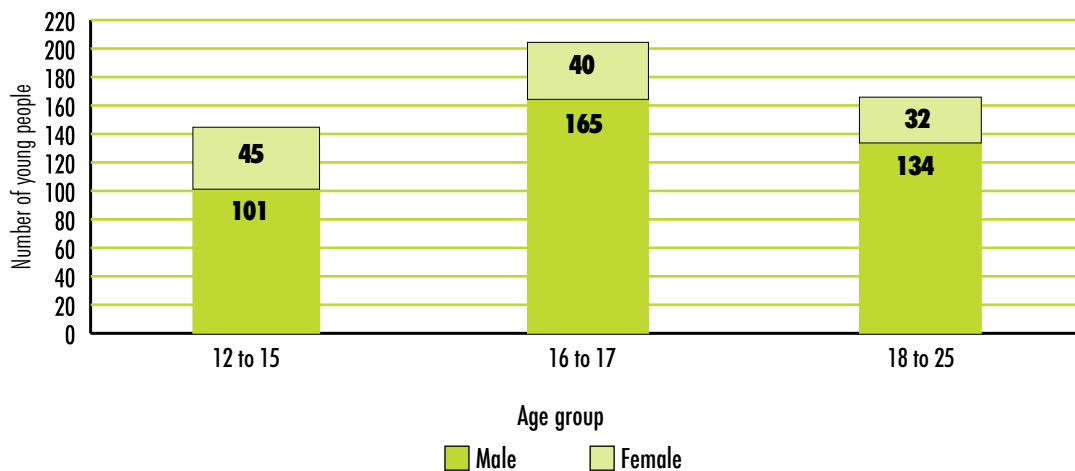
Age¹³

- 146 young people aged 12-15 years appeared before the Children's Court on new charges. This was 0.8% of the ACT population aged 12-15 years.
- 205 young people aged 16-17 years appeared before the Children's Court on new charges. This was 2.1% of the ACT population aged 16-17 years.
- 166 young people aged 18-25¹⁴ years appeared before the Children's Court on new charges. This was 0.4% of the ACT population aged 18-25 years.

A greater proportion of young people aged 16-17 years appear before the Children's Court than in other age groupings.

The following graph shows the number of young people appearing in the ACT Children's Court by age.

ACT young people appearing in the ACT Children's Court on new charges in 2001-02



Source: unpublished data, ACT Children's Court

11 595 young people aged 12-18 years appeared before the Children's Court, of which 517 were ACT residents.

12 32,637 people were aged 12-18 years in the ACT in 2001.

13 The age cohorts used are: 12-15 years - 17,914; 16-17 years - 9,504; 18-25 years 42,205. Source: ABS Estimated Resident Population, June 2001.

14 There are young people over 18 tried in the Children's Court because they offended when they were under 18 years of age.

Gender

Of the 517 young people appearing before the Children’s Court, 117 (23%) were female and 400 (77%) were male.

Offences

Specific information on the types of offences committed by the 517 ACT young people appearing before the Children’s Court was not available.

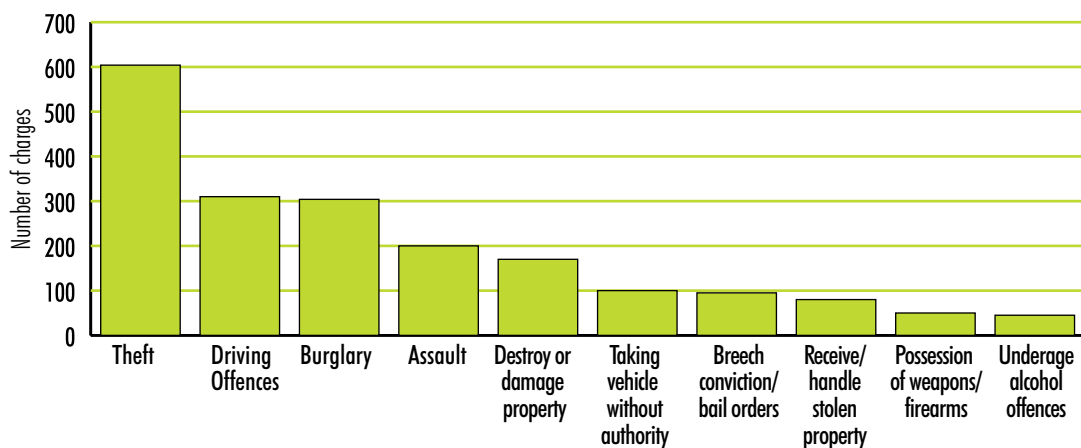
Of the total 595 young people appearing before the ACT Children’s Court, (517 were ACT residents) 137 (23%) had appeared in the Children’s Court prior to 2001-02.

The five most common offences for young people appearing before the ACT Children’s Court were:

- theft;
- driving offences;
- burglary;
- assault; and
- destroy or damage property.

The following chart shows the ten most common offences for young people appearing before the court. ACT young people appearing in ACT Children’s Court on new charges in 2001-02

Ten most common offences for young people appearing before the ACT Children’s Court on new charges



Source: unpublished data, ACT Children’s Court

Charges by offence

The following table details the offences for which young people were charged.

Charges by offence type

Offence	Number of charges
Theft	609
Driving offences	331
Burglary	316
Assault	194
Destroy or damage property	159
Taking vehicle without authority	101
Breach conviction/bail orders	85
Receive/handle stolen property	72
Possession of weapons/firearms	56
Underage alcohol offences	52
Trespass	45
Drink driving	38
Robbery	37
Obstruct/hinder arrest	32
Drug offences	28
Providing false name and address	19
Arson	18
Possessing housebreaking implements	16
Other offences	16
Knowingly concerned	14
Offensive behaviour in public	13
Acts of indecency	8
Resist police	7
Threat to kill	7
Obstructing inspector without reasonable excuse	6
Wilful damage	5
Unlawful possession	4
Burn out vehicle	3
Public mischief	3
Aid and abet	2
Offensive behaviour	1
Conveying article to detainee	1
Abduction	1
Sexual intercourse recklessly	1
Stalking	1
Total number of charges	2,301

Source: unpublished data, ACT Children's Court

ACT Magistrates Court

Number¹⁵

1,162 young people aged 18-25 years appeared before the Magistrates Court. This was 2.8% of the ACT population aged 18-25 years¹⁶.

Gender

194 (17%) of the 1,162 young people appearing before the Magistrates Court were female and 962 (83%) were male.

Offences

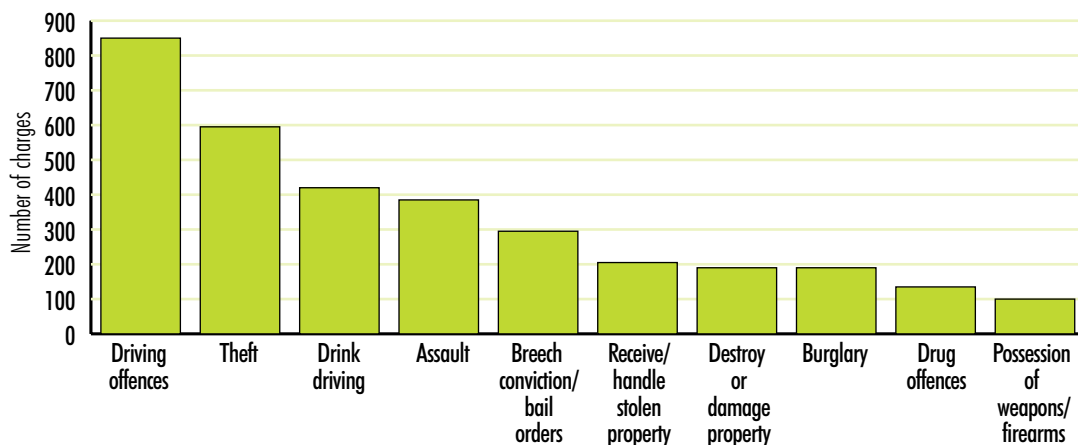
Analysis of the 1,393 young people appearing before the ACT Magistrate's Court, indicates that 411 (30%) had appeared in the Magistrate's Court prior to 2001-02.

The five most common charges for young people appearing before the Magistrates Court were:

- driving offences;
- theft;
- drink driving
- assault; and
- breach conviction/bail orders.

The following chart shows the ten most common offences for young people appearing before the court.

Ten most common offences for young people appearing before the ACT Magistrates Court on new charges



Source: unpublished data, ACT Magistrates Court

15 1,393 young people aged 18-25 years appeared in the magistrated Court, of which 1,162 were ACT residents.

16 42,205 people were aged 18-25 years in the ACT.

The following table details charges by offence.

Charges by offence before the Magistrates Court

Offence	Number of charges
Driving offences	845
Theft	588
Drink driving	428
Assault	372
Breach conviction/bail orders	286
Receive/handle stolen property	212
Destroy or damage property	182
Burglary	178
Drug offences	142
Possession of weapons/firearms	100
Posses use false instrument	70
Escape hinder arrest	65
Obstruct officer	61
Fraud/deception	57
Trespass	55
Warrant of apprehension	54
Providing false name and address	47
Offensive behaviour in public	46
Other offences	44
Robbery	38
Knowingly concerned	25
Acts of indecency	21
Arson	16
Threat to kill	13
Public mischief	12
Posses housebreaking implements	11
Make off without payment	10
Interstate arrest provisions	9
Alcohol offences	7
Aid and abet	7
Attempting to pervert the course of justice	2
Impersonate officer/official	2
Unlawfully confine person	2
Total number of charges	4,007

Source: unpublished data, ACT Magistrates Court

Young people serving Children's Court Orders

Young people serving Court Orders

Number¹⁷

There were 434 young people on 1,355 Community Based Orders with Youth Justice Services. Of these, 141 (32%) were held in Quamby.

Age

The age distribution of young people serving court orders was as follows:

- 103 young people aged 10-15 years;
- 167 young people aged 16-17 years¹⁸; and
- 164 young people aged 18-21 years.

Gender

There were approximately four males for every female on Court Orders within the juvenile justice system. Of the 434 young people on Community Based Orders, 93 (21%) were female and 341 (79%) were male.

The number of young males in the juvenile justice system increased steadily with age. The number of young females peaked at 17 years. There is a significant jump in the number of orders for both genders between the ages of 16 and 17 years. Of the young people who were aged above 18 years of age, there was no information on their ages when they committed the offences.

Indigenous

63 young people on juvenile court orders identified as Indigenous. Of these, 19 were female and 45 male.

31 young people identified as 'Other' ethnicity, being neither Indigenous, nor Australian.

Home detention

Two young males, one aged 15 years was sentenced to 14 months on a home detention order and the second, aged 18 years, was give a 5 months home detention order. Neither identified as Indigenous.

¹⁷ Youth Justice figures may include young people who do not reside in the ACT.

¹⁸ These young people committed the offences for which they are serving orders prior to turning 18 years.

Quamby Youth Detention Centre

Number

141 young ACT residents aged 12-25 years¹⁹ were remanded or committed at Quamby. 6% (8) were committed to Quamby and 94% (133) were remanded in custody. The majority of young people remanded in custody were there for less than two weeks. The maximum length of time was 8 months.

Age

The age distribution of young people either remanded in custody or committed is as follows:

- of 49 young people aged 12-15 years²⁰, 47 were remanded in custody and 2 were committed;
- of 64 young people aged 16-17 years, 61 were remanded in custody and 3 were committed; and
- of 28 young people aged 18-25 years, 25 were remanded in custody and 3 were committed.

Gender

All of the 8 young people sentenced to a committal were male.

Indigenous

38 of the 141 young people in Quamby identified as Indigenous. This was 27% of all young people in Quamby.

Offence

The most common offences for which a young person was placed in custody were acts intended to cause injury, against justice procedures, theft, burglary and break and enter.

The following table details the offences of young people at Quamby Youth Detention Centre.

19 It should be noted that Quamby is a juvenile detention centre and is normally used to remand people under the age of 18 years. It is assumed that these young people either committed their offences while they were under the age of 18 years or the magistrate deemed it more appropriate for them to serve their order in a youth justice detention facility

20 Of the 49 young people aged 12-15 years 2 were aged under 12 years.

Offences of young people serving orders at Quamby Detention Centre

Offence	Number of people	Duration (days)
Acts intended to cause injury	25	1-25
Against justice procedures	29	1-165
Against justice procedures/breach of bail	6	1-178
Arson	2	3
Burglary, break and enter	17	1-47
Common assault or other	3	1-3
Illicit drugs and related	3	4
Intentional threat to kill person threatened	1	66
Property damage	3	1-4
Property damage and environmental pollution	2	1-3
Received stolen goods	2	5-14
Road traffic and motor vehicle	13	2-51
Robbery and other	2	1
Robbery, extortion and related	3	2-259
Sexual assault and related	2	1-46
Sexual intercourse without consent	1	59
Theft and related	22	1-180
Weapons and explosives	3	2-67
Not recorded	2	1-2

Source: unpublished data, Youth Justice Services

Young people in the adult justice system

ACT Corrective Services²¹

Number²²

There were 451 young ACT residents aged 18-25 years in the adult justice system.

Gender

Of the 451 young ACT residents in the adult justice system, 62 (14%) were female and 389 (86%) were male.

Indigenous

41 young people identified as being Indigenous. Of these, 9 were female and 32 were male.

Offences

The young adults on community based orders were on a variety of primary charges including driving causing death, assault occasioning actual bodily harm, assault, sexual assault, armed robbery, robbery, burglary, fraud, forgery and false pretences, handling stolen goods, theft of motor vehicle, shop stealing, theft, arson, property damage, justice procedures (breach etc), possessing weapons, child pornography, dealing and possessing drugs, drink driving, dangerous driving and driving without a licence.

The young adults remanded at Belconnen Remand Centre were on a variety of primary charges including assault occasioning actual bodily harm, common assault, sexual assault, threaten to kill, armed robbery, burglary, handling stolen property, theft, property damage, motor vehicle theft, justice procedures (breach etc), fine default, possessing a weapon, driving offences, drug possession and use, offensive language and sentenced prisoners.

The young adults placed on periodic detention were on a variety of primary charges including breaking and entering, theft, driving offences, assault, sexual offences, breach of probation or parole and armed robbery.

Young adults admitted to NSW prisons were there on a variety of primary charges including breaking and entering, breach of a community based order, assault occasioning actual bodily harm, armed robbery, handling stolen goods, sexual offences, fine default and drink driving offences.

21 This is the agency that generally has responsibility for young adults in the adult justice system. ACT Corrective Services data provided is admissions/receptions in 2001-02 and is based on age at reception. It does not include those clients who were on orders that began prior to July 2001.

22 There were 529 young people aged 18-25 years in the adult justice system, of these 451 were ACT residents.

Community Based Orders

Within the adult justice system there are a number of Community Based Orders which allow the offender to remain within the community with varying levels of supervision. These include Recognizance, Community Service Orders, Home Detention Orders, and Periodic Detention Orders.

Number²³

There were 350 young ACT residents aged 18-25 years on ACT Corrective Services Community Based Orders. This was 0.8% of the ACT youth cohort aged 18-25 years.

Gender

Of the 350 young people on Community Based Orders, 49 (13.8%) were female and 301 (86.2%) were male.

Indigenous

35 (10%) of these young people identified as being Aboriginal or Torres Strait Islander. Of these, 7 were female and 28 were male. This was less than 0.1% of the ACT youth cohort aged 18-25 years.

Offences

The young adults on Community Based Orders were on a variety of primary charges. These included:

- driving causing death;
- assault occasioning actual bodily harm;
- assault;
- sexual assault;
- armed robbery;
- robbery;
- burglary;
- fraud, forgery and false pretences;
- handling stolen goods;
- theft of motor vehicle;
- shop stealing;
- theft;
- arson;
- property damage;
- justice procedures;
- possessing weapons;
- child pornography;
- dealing and possessing drugs;
- drink driving;
- dangerous driving; and
- driving without a licence.

23 There were 410 young people aged 18-25 years serving adult Community Based Orders. Of these, 350 were ACT residents.

Belconnen Remand Centre

Number²⁴

There were 171 new admissions to Belconnen Remand Centre (BRC) of young ACT residents aged 18-25 years²⁵. This was 0.4% of the ACT youth cohort aged 18-25 years.

Gender

Of the 171 new admissions to BRC, 17 (10%) were female and 154 (90%) were male.

Indigenous

22 young adults admitted to BRC identified as Indigenous. Of these 5 were female and 17 were male.

Offences

The young adults remanded at Belconnen Remand Centre were there on a variety of primary charges. These included:

- assault occasioning actual bodily harm;
- common assault;
- sexual assault;
- threaten to kill;
- armed robbery;
- burglary;
- handling stolen property;
- theft;
- property damage;
- motor vehicle theft;
- justice procedures;
- fine default;
- possessing a weapon;
- driving offences;
- drug possession and use;
- offensive language; and
- sentenced prisoners.

24 There were 194 young people aged 18-25 years admitted to Belconnen Remand Centre, of these 171 were ACT residents.

25 A total of 600 adults were new admissions to Belconnen Remand Centre in 2001.

Periodic detainees

Number²⁶

There were 20 young ACT residents aged 18-25 years who commenced periodic detention orders. This was less than 0.1% of the ACT youth cohort aged 18-25 years.

Gender

All the young adults on periodic detention orders were male.

Indigenous

Three young people identified as Indigenous.

Offences

The young adults placed on periodic detention were there on a variety of primary charges that included:

- breaking and entering;
- theft;
- driving offences;
- assault;
- sexual offences;
- breach of probation or parole; and
- armed robbery.

26 There were 21 young people serving periodic detention at Symonston Periodic Detention Centre, of these 20 were ACT residents.

ACT prisoners held in NSW prisons

Number²⁷

There were 29 young ACT residents aged 18-25 years from the ACT admitted to NSW prisons. This was less than 0.1% of the ACT youth cohort aged 18-25 years.

Gender

Of the 29 young people admitted to NSW prisons, 27 (93%) were male.

Indigenous

6 young male adults identified as being Indigenous.

Offences

The young adults admitted to NSW prisons were there on a variety of primary charges that included:

- breaking and entering;
- breach of a court order;
- assault occasioning actual bodily harm;
- armed robbery;
- handling stolen goods;
- sexual offences;
- fine default; and
- drink driving offences.

²⁷ There were 43 young people aged 18-25 years in prison, of these 29 were ACT residents.

What happens to young people in the justice system?

Introduction

The following case studies are about young people aged 12 to 25 years who are at risk or have entered the justice system. The case studies have been developed to give a human dimension to the statistics detailed in the data sections of the profile.

In general, young people can be at risk if their behaviour or life circumstances seriously jeopardise their well being, resulting in them becoming disengaged and alienated from their families, school and the community.

Young people are at risk if they:

- are disengaged and alienated from school and further education and training;
- have life risk factors such as mental illness;
- are initial or minor offenders; or
- are persistent or serious offenders.

These young people can be grouped into three age groupings:

- school aged young people aged from 12 to 15 years who have been identified as at risk;
- young people aged 16 to 17 years; and
- young adults aged 18 to 25 years.

These groupings are explained further in the report on the mapping of services completed as part of this project.

Much has been written about the stages young people go through when they enter the justice system. The majority of this material is not easily accessible to the layperson. The following case studies have been developed based on young people's experience in the justice system. The names used in the case studies are fictitious and any resemblance to real persons is coincidental.

The case studies are found under the age categories detailed above. They are introduced by a matrix that describes the characteristics of young people at risk, the indicators of risk and considerations taken into account when providing them with support.

At risk school aged young people aged 12 to 15 years

These young people fall within the provisions of the Children and Young People Act 1999 and ACT education legislation that requires all young people to the age of 15 years to attend school or an educational program approved by the Chief Executive of the Department of Education, Youth & Family Services.

Young people at risk		Young people who have offended	
Disengaged young people	Young people with life risk factors	Young people who are initial and minor offenders	Young people who are persistent and serious offenders
Disengaged young people are at risk of early school leaving and offending. They do not experience success at school and as a result, develop behaviours that may get them into trouble with the police. These young people are at risk of being alienated from school, their family and the community.	Young people with life risk factors may include those with, mental illness, intellectual disability, substance abuse issues, family crisis, care and protection orders, issues of homelessness or experiencing poverty. These young people's life risk factors place pressure on their wellbeing. They are at risk of moving in and out of formal schooling and if their life circumstances deteriorate, making negative choices such as offending.	School aged young people who are minor offenders are at low to medium risk of reoffending. Their offending may be the result of behaviour that will not continue or signal the need for focused intervention.	School aged young people who are persistent or serious offenders have a high risk of further offending and require intensive support to break the offending cycle. Only a minority of young people become prolific or serious offenders.
Possible indicators <ul style="list-style-type: none"> Poor school performance Truancy Suspension/exclusion Contact with school counsellor Limited family support Reside in high crime areas Antisocial associates Family involved in justice system 	Possible indicators <ul style="list-style-type: none"> Truancy Poor school performance Suspension/exclusion Contact with school counsellor Limited family support Placement in special programs Reside in high crime areas Antisocial associates Family involved in the justice system 	Possible indicators <ul style="list-style-type: none"> Poor school performance Truancy Suspension/exclusion Contact with school counsellor May have special needs Limited family support Placement in targeted programs Homelessness and poverty History of interagency support Police contact Charged with an offence Served Community Based Orders Reside in high crime areas Antisocial associates Family involved in justice system 	Possible indicators <ul style="list-style-type: none"> Poor school performance Truancy Suspension/exclusion Contact with school counsellor May have special needs Limited family support Placement in targeted programs Homelessness and poverty History of interagency support Numerous contacts with the police and convictions Served Community Based Orders Detention at Quamby Reside in high crime areas Antisocial associates Family involved in justice system
Considerations <p>Young people who are disengaged from school benefit from additional education assistance that is results oriented. They need to be involved in flexible learning programs that broaden their options for the future, help them achieve and keep them out of trouble at school and in the community.</p>	Considerations <p>These young people benefit from ongoing welfare and education assistance. Multidisciplinary support that addresses both their life risk factors and improves school performance is one approach to assisting them overcome risk.</p>	Considerations <p>Diverting these young people away from the justice system through a range of informal and formal mechanisms can help prevent further involvement in crime. Assisting these young people successfully continue their schooling is integral to overcoming their risk of further offending.</p>	Considerations <p>These young people require individualised support that involves case management, welfare support and a priority being placed on them continuing their schooling.</p>

Tim's story

Tim is a 14 year-old schoolboy who is disengaged from school. His parents are preoccupied with their own affairs and do not encourage Tim to do well at school. Tim had negative and distressing experiences of school. He did not do well at school, had poor work habits and a general lack of interest and effort. He was a discouraged learner who could have been provided with greater flexibility and support to remain in school.

Tim has a history of suspension and exclusion from school outings, and has demonstrated behavioural problems in the classroom. He finds many of the subjects studied at school irrelevant or uninteresting and as a result prefers to kick around the footy or hang out with his mates (some of whom have already received police warnings) rather than pursuing his studies. He is not a member of the most popular group in the school, and has been regularly bullied.

Tim's home teacher is concerned about his deteriorating academic performance, and has sent him, with his parent's consent, to visit the school counsellor on numerous occasions to see if there is a problem that can be resolved. The counsellor has tried to explain to Tim that school can play a significant role in assisting him to reach his potential both educationally and socially, and can be a positive experience.

Unfortunately for Tim, the combination of poor academic performance and truancy place him at risk of leaving school prematurely, or adopting behaviour which puts him at risk of offending.

If Tim develops special needs, the risk of him offending may further increase. This could be the case if his home situation deteriorates and Tim is placed into substitute care, or if he develops depression, and anxiety.

There are a variety of avenues inside and outside of school that Tim can pursue as a result of the difficulties he faces. He could be referred to a range of in house supportive measures that schools undertake to assist young people, including the counselling he is currently undergoing.

Tim's behaviour and attendance will be recognised as possible risk factors by classroom and support teachers, such as his home teacher. Over a period of time, he will be monitored and encouraged to establish more appropriate behaviour or attendance. The involvement of Tim's parents will also be encouraged.

If Tim does not respond successfully to any of the above approaches, there are a number of further options that could assist him. He could be referred to an alternative education setting or a high school support centre.

It is not known what proportion of young people who leave school early will enter the justice system. If Tim does decide to drop out of school, it will be more difficult to provide support.

Tim was caught by the police for vandalising several street signs in his local area, and received an unofficial, unrecorded warning from the police. He was not held in custody for any period of time, mainly because the police took into account the fact that this was Tim's first offence, he was young and the crime committed did not cause harm to any other person. Repeated offences, however, will come to the attention of the police, such as shop stealing through to burglary and property damage. It is at this point that Tim will most likely enter the justice system.

At risk young people aged 16 to 17 years old

These young people may have left school but they remain under the Children and Young People Act 1999. Young people depending on their life circumstances are exposed to different levels of risk. These young people may or may not be in formal education. Many of them are likely to be disconnected from family, education and the community. If they commit a crime, they are dealt with by the Children's Court under the Children and Young People Act.

Young people at risk		Young people who have offended	
Disengaged young people	Young people with life risk factors	Young people who are initial and minor offenders	Young people who are persistent and serious offenders
Disengaged young people in this age grouping, while enrolled in college or other education or training course, are sporadic, disruptive attenders who struggle to successfully complete their courses. Without additional assistance and support, they are in danger of making life choices that get them into trouble with the police.	Young people in this age grouping with life risk factors may or may not be enrolled in formal education. They often have difficulty with every day living and are at risk of making decision that narrow their life choices.	Young offenders in this age grouping may have a low or high risk of further offending, with some never reoffending. If they are not in formal education and training programs, they can be difficult to target and support.	Offenders in this age grouping have a high risk of reoffending and imprisonment. They will, in many cases have a history in the juvenile justice system and have participated in many rehabilitation programs.
Possible indicators <ul style="list-style-type: none"> Continuing education for a variety of reasons including ineligibility for Centrelink Youth Allowance Contact with school counsellor Intermittent school attendance Experimenting with licit and illicit drugs Reside in high crime areas Antisocial associates Family involved in justice system 	Possible indicators <ul style="list-style-type: none"> Unemployment Ineligibility for Centrelink Youth Allowance No plans to continue in education and training Homelessness and poverty Limited contact with family or supportive adult Experimenting with licit and illicit drugs Contact with mental health agencies Reside in high crime areas Antisocial associates Family involved in justice system 	Possible indicators <ul style="list-style-type: none"> Police cautions Charged with an offence Served Community Based Orders Special needs History of interagency support Unemployment Ineligible for Centrelink Youth Allowance Not interested in education and training Homelessness and poverty Limited contact with family or supportive adult Experimenting with licit and illicit drugs Contact with mental health agencies Reside in high crime areas Antisocial associates Family involved in justice system 	Possible indicators <ul style="list-style-type: none"> Numerous contacts with the police and convictions Attendance Centre Order Detention at Quamby Unemployment Ineligible for Centrelink Youth Allowance Not interested in education and training Homelessness and poverty Limited contact with family or supportive adult May have special needs such as mental illness, substance abuse Contact with mental health agencies Reside in high crime areas Antisocial associates Family involved in justice system
Considerations These young people require dedicated assistance to help them build their skills and education and broaden their life options.	Considerations These young people would benefit from ongoing and individualised support to overcome their risk and improve their wellbeing. Connecting them with appropriate support services is a priority. They need to be encouraged to participate in education and training programs that improve their skills and employment prospects.	Considerations Diverting these young people away from the justice system is a priority. Programs targeted at these young people's needs, that address their areas of risk, and encourage them to continue with further education and training have been shown to be effective. Greater support should be provided for the young people in this group who are assessed as being at high risk of offending.	Considerations Intensive interventions in these young people's lives can assist in keeping them out of juvenile detention. Involving them in activities that improve their welfare, skills and employment prospects is important to their long term wellbeing.

Sally's story

While Tim has managed to stay outside of the formal justice system, one of his mates has an older sister, Sally, who is not so lucky.

Sally is 16 years of age and recently dropped out of school. She has no immediate plans to continue her education, is unemployed and unable to qualify for financial assistance through Centrelink.

A number of Sally's friends have entered the justice system, and like her, live in a neighbourhood which has a reputation for crime and being unsafe. Her parents are already caught up in the justice system, with her father currently serving a jail sentence. She and her older brother Mark experience periods of homelessness. This is because their mother departs periodically and unexpectedly, unable to cope with the situation. Sally has spent some time in substitute care while her mother was absent. Sally and her brother have turned to alcohol and experimenting with illicit drugs. Sally is also experiencing increasingly regular bouts of depression as she finds it progressively difficult to cope with her life circumstances.

Because of her life risk factors, Sally requires targeted educational, medical, welfare and financial support. Daily existence is difficult for her because of life or health circumstances. For Sally, coping with these problems takes precedence over her formal education.

Identification of Sally's need for support occurred late, when her family crisis became evident at school. After Sally left school, her risk became more serious, particularly as she mixed with peers that had criminal associates. Targeting her for support was difficult as she had no permanent place of residence.

Sally sometimes spends time at the local youth centre. She enjoys the company, but finds it difficult to make friends. Because she only attends sporadically, it is difficult for youth workers to provide her with any effective or ongoing support.

One evening, the police had evidence to suspect Sally had broken into a vehicle. She was apprehended for questioning. Before the police could interview her, the presence of her mother was required. Following the interview, she was released into her mother's care while awaiting a summons to attend Children's Court.

If Sally had been apprehended when her mother was absent, she may have been placed in custody to appear at court the following day.

If Sally pleads guilty to the crime committed, the matter is finalised and she may receive a court order. If no plea is entered Sally may be placed on bail with or without conditions and will be summonsed to attend Children's Court at a later date. This enables her to remain within the community and continue a normal life and attempt to address the issues that may have contributed to her offending.

In handing down an order the court would consider Sally's maturity, age, and apparent mental capacity. The Children and Young People Act 1999 enables the

court considerable flexibility in making decisions in Sally's best interest. As an early minor offender, Sally may receive: an order reprimanding her from the bench with the offence taken into account if there are subsequent appearances: a conditional discharge, which is similar to a reprimand but if the condition is breached Sally is brought back to court; or a probation order where Sally may have to report to a probation officer.

Alternatively, Sally could be placed on bail or remanded in custody at Quamby Youth Detention Centre, with a date set to reappear in court. A Pre-Sentence Report could be required and Sally requested to attend the Community Unit for assessment. At this assessment, Sally would be encouraged to accept responsibility for her behaviour and life outcomes.

If Sally is granted bail as an alternative to being remanded in custody, it may be with conditions requiring supervision from the Community Unit. Supervision could include curfew hours, participation in drug and alcohol and psychiatric assessment or to reside as directed. The Community Unit in Youth Justice Services would clarify the bail conditions and consequences of non-compliance.

If possible, Sally's mother would be closely involved with the process, whichever it happens to be, where appropriate. Given that Sally is a young person with life risk factors, she may also be referred to programs targeted at mental illness and drug and alcohol treatment services.

If Sally is found to be innocent she will be released, but if convicted a court order will be issued. Court orders are numerous, and for Sally could include a conditional discharge, probation order, community based order, attendance centre order, residential order for no longer than 2 years, committing her to an institution or an order referring her to a mental health tribunal following the conviction.

In contrast, if Sally is found to be guilty and breaches her court orders, she will be penalised. For breaches to probation, community service, attendance centre or residential orders, she will be guilty of an offence under the Children and Young People Act.

Due fairness and flexibility is applied in ensuring that Sally complies with orders. For example, Sally will receive two letters and a notification of breach action before any action is initiated. If Sally defaults in paying a fine, however, the court may make an order for her imprisonment. Breach of certain orders for reparation and compensation may result in Sally being directed to return to court.

If convicted, once Sally successfully completes the probation conditions of her court order and is considered stable, she may have supervision reviewed and discontinued. Hopefully, she will not be tempted to re-offend, as penalties will be harsher.

To break the offending cycle, Sally's life risk factors must be addressed in a targeted integrated way. She will need assistance with finding long term stable accommodation and help in addressing her mental health and drug dependency issues.

John's story

John was born in 1985 and was placed on 'self' bail on in 2002, for the charge of 'assault occasioning actual bodily harm'. John reported that the incident occurred at college. This was the second occasion that John had become involved in the criminal justice system, with his first offence of assault occurring in 2001.

John was enrolled in Year 11 at college at the time of the current offence. School reports describe John as 'happy go lucky, rather than aggressive', and suggest that the current offence is out of character.

John was experiencing some emotional difficulties at the time of the offence. These difficulties stemmed from the separation of his parents. Prior to the separation, John's father advised that John's mother had experienced a 'mental break down'. This disturbed John. The separation and his mother's mental break down resulted in John becoming introverted and isolated.

About 12 months prior to the current offence, John's father reported that he was often at John's school for various incidents.

John's father now believes that John has matured significantly over the past 12 months, which he attributes to him getting older as well as improved communication between them.

John is now enrolled in Year 12 at college, and works part time. He is actively involved in baseball. It was suggested at his court appearance that disposition without youth justice supervision be considered.

John's welfare will need to be regularly monitored to ensure he doesn't reoffend. He continues to have some contact with the school counsellor who is monitoring his progress.

At risk young adults aged 18 to 25 years

At the age of 18, young people are legally adults. If they commit a crime they are generally dealt with under the adult justice system.

Young adults at risk		Young adults who have offended	
Young adults at risk	Young adults who have already been in the juvenile justice system	Young adults who are initial or minor offenders	Young adults who are persistent or serious offenders in the adult justice system
Young adults with life risk factors are often difficult to identify and support. They may be homeless, substance dependent, have mental illness and alienated from their families and the community. Due to their life risk factors, these young people may commit an offence and be charged by the police.	These young adults are repeat offenders and without continued support, are likely to make the transition to the adult justice system. They need to be assisted to overcome their offending behaviours and participate in focused and pre and post release programs that increase their chances of staying out of trouble.	Young adults in this age grouping may have a low or high risk of further offending, with some never reoffending. They can be difficult to target and support.	These young people have committed and have been convicted of repeated or serious offences in either the juvenile justice or the adult justice system. They are resistant to rehabilitation.
Possible indicators <ul style="list-style-type: none"> Onset of substance abuse or mental illness Sudden homelessness or family crisis or other serious life occurrence Ineligibility for Centrelink financial assistance Unemployment and poverty Lack of work skills Reside in high crime areas Antisocial associates Family involved in justice system 	Possible indicators <ul style="list-style-type: none"> Young people already known to the police and justice system. May be early or persistent offenders Be unemployed or in temporary or part-time employment Lack of work skills Ineligibility for Centrelink financial assistance Be homeless or in poverty Have life risk factors such as substance abuse, mental illness or intellectual disability Reside in high crime areas Antisocial associates Family involved in justice system 	Possible indicators <ul style="list-style-type: none"> Police cautions Charged with an offence Served Community Based Order Special needs History of interagency support Unemployment Ineligible for Centrelink Youth Allowance Not interested in education and training Homelessness and poverty Limited contact with family or supportive adult Experimenting with licit and illicit drugs Contact with mental health agencies Reside in high crime areas Antisocial associates Family involved in justice system 	Possible indicators <ul style="list-style-type: none"> Repeated offences and arrests Served community orders Periods in detention centres Lack of work skills Ineligibility for Centrelink financial assistance Be homeless or in poverty Have special needs such as substance abuse, mental illness or intellectual disability Reside in high crime areas Antisocial associates Family involved in justice system
Considerations Young adults at risk of offending need flexible, ongoing and practical support structures that assist them with every day living and enable them to make connections with the community. Their physical and mental welfare is a priority as is engaging them in activities that will improve their longer term life options.	Considerations These young adults need assistance to overcome their offending behaviours and participate in focused programs that increase their chances of staying out of trouble. They need programs that reintegrate them into the community and provide them with continued support. The programs should include an emphasis on building skills and improving education and employment prospects.	Considerations These young people, where possible, need to be diverted from the justice system. As a first step, initial or minor offenders' risk of reoffending needs to be assessed to determine whether additional support is necessary.	Considerations Persistent or serious offenders in the adult justice system need alternative approaches to overcoming their criminal behaviour. These approaches recognise the particular risks of young people in this age grouping and the need for timely interventions that persevere to achieve good outcomes for both the young person and the community.

Mark's story

Sally's older brother, Mark, is 21 years of age. Like his sister, he is finding it increasingly difficult to deal with his life circumstances, and, under the influence of alcohol, has turned to crime. Mark committed a burglary and as a young adult, will be tried in the adult justice system. He is being placed on trial for three counts of burglary.

Fortunately for Mark, ACT courts are among the most likely in Australia to use non-prison alternatives when sentencing offenders.

Following an initial court appearance, Mark was detained in the Belconnen Remand Centre because his bail could not be met.

There are several other reasons why Mark might have been remanded in custody, including the risk that he may not otherwise return to court, violence and safety issues, lack of suitable accommodation, and the likelihood of him re-offending.

Mark was assessed upon arrival at the remand centre and was managed according to security considerations, mental health issues and physical health issues. While on remand he was encouraged to participate in educational programs and undertake counselling for his alcohol related problems.

A variety of possible pathways for Mark exist within the adult corrections system, depending upon factors such as the offence, the seriousness of the offence, risk presented by the offender, and the offender's circumstances.

If Mark enters a plea of guilty or a finding of guilt is made, the court may request ACT Corrective Services to prepare a Pre-Sentence Report. The process of preparing a Pre-Sentence Report generally takes up to six weeks and will involve interviews with Mark and significant other people in his life, such as his mother or sister. Mark may also be referred for specialist assessments, such as suitability for offender intervention programs, alcohol and drug assessments (including suitability for residential rehabilitation programs) and psychological assessment.

A variety of community-based orders are also available in the ACT. A Community Service Order is a sanction that can be made as an alternative to imprisonment, if Mark is assessed as suitable and gives his consent. He could be ordered to perform up to 208 hours of unpaid work in the community.

An alternative to full-time imprisonment is periodic detention. Detainees are required to complete the number of 'detention periods' ordered by the court. The program currently requires detainees to report to the Symonston Periodic Detention each Friday night and to remain in custody until they are discharged on Sunday night. Detainees participate in educational programs that address offending behaviour and take part in unpaid community work under the supervision of custodial officers.

Mark could also apply to serve his sentence by way of a Home Detention Order if he meets specified eligibility criteria. He would be subject to electronic

monitoring and intensive supervision during the period of his order. Mark would also be required to participate in activities that address offending behaviour, including education and vocational programs.

Should Mark be found guilty of his crimes and sent to prison, he will be escorted to a NSW prison by the ACT Corrective Services Court Transport Unit. ACT prisoners are housed in NSW prisons and treated as if they were NSW prisoners. The ACT would not have any further management responsibilities for Mark (other than paying for his incarceration) until he applies for parole or is released on a post-prison recognisance.

Mark may apply to be released on parole following the expiry of his non-parole period, if such a period is specified in his sentence. The Sentence Administration Board considers applications and makes a decision whether to make a Parole Order. If Mark is granted an order, he would be released from prison and serve the remainder of his sentence under the supervision of the Probation and Parole Unit. Parole orders contain a set of conditions with which the parolee must comply. Failure to comply with the order may result in Mark being returned to prison.

If Mark receives a short prison sentence, he may also be given a post prison recognisance, or good behaviour bond. If the recognisance contains a condition to accept the supervision of ACT Corrective Services, Mark will be required to report to the Probation & Parole Unit following his release.

If the recognisance contains a condition that Mark accepts the supervision of ACT Corrective Services (known as 'probation'), he will be interviewed by the Court Liaison Unit and directed to report to the Probation and Parole Unit. Periods of supervision may range from six months to three years. The recognisance may contain additional conditions relating to residence, counselling, attendance at residential rehabilitation programs or not contacting persons.

The purpose of supervision is to ensure Mark complies with the conditions of his order and does not re-offend. Sentencing authorities also place offenders on probation or parole supervision in order to achieve rehabilitation and community safety objectives. At the beginning of the supervision period, the probationer or parolee is expected to report to their officer on a weekly basis. The reporting frequency would reduce as Mark progresses through his order.

The initial period of supervision, usually taking a month to six weeks, focuses on assessment and addressing critical issues such as accommodation and mental health. During assessment the probation officer, in partnership with Mark, assesses his criminogenic needs, or the factors in his life that place him at risk of making a criminal decision. This process involves the use of assessment instruments, information gathering and may also include referral to specialists, such as the Drug and Alcohol Program, the Sex Offender Program or Mental Health Services.

Assessment for suitability for offender intervention programs will also take place at this stage. The Service currently operates offence specific programs including programs for family violence offenders and sexual offenders.

A 22-week cognitive behavioural change program operates for medium to high-risk offenders. An intensive six-month program for violent offenders was also recently introduced.

A case plan is also developed to ensure compliance with Mark's order and address his criminogenic risk factors. The case plan aims to address dynamic risk factors, that is, those factors that can be changed and that will reduce the risk of him re-offending.

Criminogenic risk factors include, offending history, previous imprisonment, history of anti-authoritarian behaviour, lack of participation in pro-social education, employment and social activities, anti-social/criminal associates, anti-social attitudes and beliefs, risky thinking patterns, illicit drug use, financial situation, accommodation issues, mental health issues and a negative attitude towards the person's order.

For example, in the case of Mark whose main factor in his offending behaviour was his excessive drinking, a case-plan that successfully addresses his drink problem will significantly reduce the risk of him re-offending. Elements of such a case-plan may involve directing Mark to attend detoxification or a residential rehabilitation program, participation in the cognitive skills program and efforts to engage him in pro-social activities and employment.

Once Mark has successfully completed his sentence, he will be released fully into the community where he will need particular support. He will need support in obtaining accommodation, employment and Centerlink payments as well as counselling and career education.

GLOSSARY OF TERMS

At risk of entering the justice system: young people are at risk of entering the justice system if their behaviour or life circumstances seriously jeopardise their well being and alienate them from their families, education and training and the community.

Attendance Centre Orders: are for more serious or repeat offenders and a conviction is recorded. The Court may sentence a young person to perform a mix of community work and undergo programs up to a maximum of 208 hours. The order may consist of a supervision component — to assist a young person to address and monitor issues which may have contributed to their offending behaviour, and/or community service work — on the work team or on community placements, and education modules and coping skills facilitation program — to provide a young person with the skills to cope more effectively when dealing with the issues that may have contributed to offending.

Bail: if a matter is not finalised on the day the offender appears in court, the offender may be remanded on bail, that is, released into the community or remanded in custody. If there is a condition on the bail order that the offender accept the supervision of ACT Corrective Services, they will be interviewed by the Court Liaison Unit. A bail order may have additional conditions such as ‘reside as directed’, ‘attend counselling’, and ‘undertake urinalysis’.

Breach: if an offender does not comply with an order. Penalties for breach of orders include, bail — warning letters and provide copy to the Court Liaison Officer, probation, community service, attendance centre or residential orders - if a young person contravenes these orders or conditions of the orders without a reasonable excuse they are guilty of an offence under the Children and Young People Act (CYPA). If a default occurs in paying a fine, the court may make an order for imprisonment of a young person. Breach of certain orders for reparation or compensation may result in a young person being directed to return to court.

Caution: a warning given by police.

Charge: a formal accusation against a person.

Children’s Court: exercises two specific areas of jurisdiction. The Court has jurisdiction to hear criminal proceedings against young persons generally 18 years and younger and to hear care proceedings with respect to children and young people.

Community Unit: responsible for providing bail supervision, pre-sentence assessment and other Court assessments for young people, probation supervision, Attendance Centre Order supervision, intake assessment, formulation of case plans, risks, needs and strengths assessment, and case management approach to intervention. The objective of the Community Unit is to encourage young people to accept responsibility for their behaviour.

Conditional discharge: as for reprimand with conditions. If conditions are breached, young person is brought back to court.

Community Service Orders: a sanction that can be made as an alternative to imprisonment, if the offender is assessed as suitable and gives their consent. The person is ordered to perform up to 208 hours of unpaid work in the community.

Committal: of a young person to Quamby Youth Detention Centre for no more than two years. May be considered a last resort for a young person who is a persistent offender, danger to the community or because of the seriousness of the offences.

Corrective Services: the ACT Government agency responsible for adult justice services.

Court Liaison Unit: represents Youth Justice Services in court. The Court Liaison Officer is present at all Children's Court criminal matters including public holiday court sittings. The Court Liaison office liaises between Youth Justice Service and the court in relation to a young persons previous and present compliance. They also liaise with court officials on relevant programs and accommodation available.

Court Order: a writ issued by a court of law requiring a person to do something or refrain from doing something.

Diversionsary conferencing: convening a diversionsary conference is at the discretion of the arresting police officer, who must consider a number of requirements before the matter can proceed to conference. Some offences are excluded from diversionsary conferencing, such as family violence, murder, sexual assault, drink driving, drug offences (primary offences), or where the offence is one where a specific mechanism exists to deal with the offence, eg traffic infringement notices. Conferencing may also be used as a sentencing option. The police convene and act as facilitators at diversionsary conferences. For a conference to proceed, the offender and that person's support network must be present. Either the victim and his or her support network, or a 'community representative' must attend.

Entering the justice system: young people are deemed to have entered the justice system if they are apprehended by the police for a particular offence.

Fine: with a maximum of \$1,000 per charge with consideration given to financial means. A fine may be awarded in place of an imprisonment sentence.

Home Detention Order: juvenile and adult offenders who are sentenced to imprisonment may serve their sentence by way of a Home Detention Order if they meet specified eligibility criteria. The offender is subject to electronic monitoring and intensive supervision during the period of their order. The offender is also required to participate in activities that address offending behaviour, including education and vocational programs.

Juvenile justice system: young people aged 18 or below who are in the justice system.

Magistrates Court: exercises an extensive jurisdiction people aged 18 years and over, and hears and determines:

- civil debt and damages disputes;
- workers compensation matters;
- breaches of the criminal law;
- nuisance actions; and
- the granting of protection orders.

Offence: an illegal act.

Parole: a prisoner may apply to be released on parole following the expiry of their non-parole period, if such a period is specified in their sentence. The Sentence Administration Board considers applications and makes a decision whether to make a Parole Order. If the person is granted an order they are released from prison and serve the remainder of their sentence under the supervision of the Probation and Parole Unit. Parole orders contain a set of conditions with which the parolee must comply. Failure to comply with the order may result in the person being returned to prison.

Periodic detention: periodic detention requires an offender to remain in custody for two days of each week for the duration of the sentence. The detainee reports to a detention centre by 7 pm on a specified day of the week (usually a Friday) and remains under the legal custody of the centre until 4.30 pm two days later.

Post-prison recognisance: people who receive short prison sentences may also receive a post prison recognisance. If the recognisance contains a condition to accept the supervision of ACT Corrective Services, the offender reports to the Probation & Parole Unit following their release.

Pre-sentence report: provides the sentencing magistrate or justice with objective information about the offender's family and social background; education and employment histories; financial circumstances; drug and alcohol issues; mental health issues; the circumstances of the offence(s); compliance with any court orders; and programs, treatment, therapy or other assistance that is available to the offender. Pre-Sentence Reports also include an assessment by the author of the offender's attitude towards the offence(s) and the risk of the person re-offending. Finally, the report provides comments about the available sentencing options.

Probation: entails supervision of post-sentenced offenders within the community. It avoids the detrimental effects of imprisonment. These orders may be imposed with or without conviction being recorded. Other conditions can be included such as attendance at programs related to drug and alcohol counselling, accommodation and education. The young person is required to report as directed to the Probation Officer usually weekly or fortnightly.

Remand: the act of sending an accused person into custody to await trial (or the continuation of the trial).

Reprimand: includes warning/reprimand from bench. Offences may be taken into account at any subsequent appearances.

Recognisance: a good behaviour bond. If the recognisance contains a condition that the offender accepts the supervision of ACT Corrective Services (known as 'probation'), the offender will be interviewed by the Court Liaison Unit and directed to report to the Probation and Parole Unit. Periods of supervision may range from six months to three years. The recognisance may contain additional conditions relating to residence, counselling, attendance at residential rehabilitation programs and not contacting persons.

Reparation and compensation: to be paid to victim in part or full with a maximum of \$1,000 for any one charge. Reparation orders require the offender to make reparation, either by paying money or in any other way, for loss or expense incurred by a victim.

Residential order: requires that a young person live at a designated place or with a specific person.

Special needs: young people at risk of offending often have identified special needs such as intellectual disabilities, mental illness, substance abuse, family crisis/substitute care, homelessness and poverty.

Youth Justice Services: the ACT Government agency responsible for juvenile justice services.

Quamby Youth Detention Centre: is designed for young people aged 10 years to 17 years inclusive who are on remand or serving a committal sentence. A young person aged between 18 and 21 years of age may remain at Quamby to complete a sentence handed down by the ACT Children's Court. If a young person is committed to the Supreme Court for sentence they may be tried as adults and receive a longer sentence.



Australian Institute of Criminology

**Profile of Young Offenders:
National Comparison**

**Report to the
ACT Chief Minister's Department**

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Executive summary

This comparative analysis of young people's involvement in the criminal justice system has been prepared for the Australian Capital Territory (ACT) Chief Minister's Department. This report forms part of the "Reducing Young People's Involvement in Crime Project". The Chief Minister's Department have systematically analysed contact that young people (aged 12-25 years) in the ACT have with the police, the courts and corrections to provide a definitive picture of young people and crime in 2001/2. This is an innovative approach in the development of a juvenile justice strategy. This paper seeks to verify the data provided by the Chief Minister's Department and compares the ACT with other jurisdictions across Australia using publicly available data from the justice system and the Australian Bureau of Statistics census data.

Overall, ACT young people's involvement in the criminal justice system was found to be similar to that of other jurisdictions. Some more pertinent findings are:

- The ACT charged a larger proportion of 12-17 year olds and cautioned fewer young people in 2001/2 than in other jurisdictions.
- Conferencing was used less frequently in the ACT as a diversion than elsewhere in Australia. This was particularly the case for 12-17 year olds.
- Fewer young people entered the court system and were sentenced in the ACT than in other jurisdictions.
- Males accounted for the majority of young people (approximately 80%) coming into contact with the justice system. This was similar across Australia although young women accounted for a slightly larger proportion in the ACT.
- Across Australia, Indigenous people were over-represented in the proportions of young people being charged by the police.

It should be borne in mind that there are inherent problems in undertaking comparative analysis primarily due to differences in the recording and reporting practices of the justice systems across Australia. Data are therefore difficult to compare due to differences in the way that jurisdictions group young people by age. Criminal activity peaks during the late teenage years and early twenties and an inability to directly compare age groups can have significant impact on the findings. Jurisdictions publish data at different times and may use either the financial year or the calendar year. When comparing different years overall crime trends and policy or political changes must be considered as they may affect a young person's contact with the justice system.

Only a small proportion of young people become embroiled in the justice system and many have contact with the police only once (see Buttrum, 1998). Diverting young people away from the system and preventing their entry in the first place is essential. Therefore further consideration should be given to the following:

- Low numbers of cautions and diversionary conferences are given to young people in the ACT compared to the number of charges. Reasons for the low numbers should be reviewed, as these are useful and effective tactics to prevent a young person's entry further into the justice system.
- Young males account for the majority of those involved in the criminal justice system. Strategies and programs should therefore concentrate on young males but not to the exclusion of young females who come into contact with the system in the ACT more often than in other jurisdictions.
- Young Indigenous people are over-represented in the justice system although there is little data available for analysis. In the ACT the proportion is less than in other jurisdictions, however, culturally specific programs should be developed for young people to ensure that the needs of the young Indigenous are taken into consideration.
- Data collection procedures make it difficult in both the ACT and other jurisdictions to monitor an individual's progress through the justice system. It is therefore almost impossible in some cases to determine the actual number of individuals that the system is dealing with. Exercises such as this undertaken within the ACT, allow identification of a cohort of young people who are intrinsically involved in the system. This knowledge will enable agencies to develop appropriate targeted strategies and interventions.

The Australian Institute of Criminology previously completed a literature review of what works in reducing a young person's involvement in crime for the Chief Minister's Department (see Sallybanks, 2003). This review suggested that multi-disciplinary interventions targeted at the individual, together with social competence training appeared to be most effective. These interventions focus on the family, schooling, peers and the community as well as the individual. The analysis undertaken in this paper supports the need for this type of targeted approach for dealing with the small cohort of young people at risk of entering, or those already involved in, the justice system in the ACT.

Introduction

This report has been compiled on behalf of the Australian Capital Territory (ACT) Chief Minister's Department as part of the Reducing Young People's Involvement in Crime Project. The Chief Minister's Department have undertaken a systematic analysis of young people, aged 12 to 25 years, who came into contact with the criminal justice system in 2001/2. They have gathered data from the Australian Federal Police and Courts system to produce a definitive picture of the relationship between young people in the ACT and the justice system.

This report provides a comparative analysis of young people in the ACT and those (aged 10 to 25 years) living in other jurisdictions in Australia. The analysis undertaken in this report has used publicly available data from the jurisdictional police forces and court systems. Census data from the Australian Bureau of Statistics has also been used to form more meaningful comparisons. The paper also examines the usefulness of the data and draws out implications and recommendations for dealing with young people who are involved in the justice system.

It is very difficult to compare data at a jurisdictional level due to differences in recording and reporting practices. O'Connor & Cameron (2002) undertook a similar exercise to review juveniles' involvement in the criminal justice system across jurisdictions and they document a number of the inherent problems involved in this type of analysis. Outlined below are a number of issues that need to be borne in mind when reading this report.

- The 2001/2 data used by the ACT is not yet available for some jurisdictions and therefore where necessary data from previous years have been used as a comparison.
- The ACT have divided their young people into 3 age groups:
 - 12 – 15 years
 - 16 – 17 years
 - 18 – 25 years.

This was done in acknowledgement of the legislation that covers young people. The Education Act 1937 applies to young people up to the age of 15 years. The Children and Young People Act 1999 deals with young people up to the age of 18 years of age. The Crimes Act 1900 applies to young adults. Other jurisdictions publish data using different age groupings. Age groups have been matched as closely as possible for this analysis but any differences are noted in the report.

- It is difficult to obtain specific data relating to 18-25 year olds, as they are involved in the adult justice system. Data are often presented for all adults or broken into broad age groups. Data have been presented in this report for the specific age group (18 to 25 years) where possible.

- There is little data available relating to Indigenous youth in the criminal justice system. It is therefore difficult to provide meaningful comparisons across jurisdictions. Comparisons using Indigenous population cohorts have been used where possible.
- The ACT has compiled its data based on distinct persons involved in the criminal justice system. Not all jurisdictions collect and report data in this way. There are therefore gaps in the data analysis. Where data have been used that does not relate to distinct individuals this has been clearly stated.
- Data relating to distinct persons was not available from the Northern Territory, Queensland or Tasmania. They have not therefore been included in this analysis.
- There is very little current international data relating to distinct persons. No international comparisons are given in this paper for these reasons.

Table 1 provides an overview of the availability of data across the jurisdictions together with the age groups used.

The remainder of this report is divided as follows:

- Young people charged by police;
- Young people appearing before the courts;
- Young people serving court orders; and
- Implications.

Table 1: Availability of jurisdictional data

	ACT	Vic	WA	SA
Police data				
Source		Victoria Police Crime Statistics 2001/02	Crime and Justice Statistics for Western Australia: 2001	Crime and Justice in SA, 2000: Offences reported to police, the victims and alleged perpetrators
Year	2001/2	2001/2	2001	2001
Data type	Distinct individuals	Distinct individuals	Distinct individuals	Distinct individuals
Age groups	12-15yrs 16-17yrs 18-25yrs	10-14yrs 15-19yrs 20-24yrs	Under 14yrs 14-17yrs 18-25yrs	10-17yrs 18-24yrs
Gender: age groups	12-25yrs	10-24yrs	10-25yrs	10-24yrs
Indigenous status: Age groups	12-25yrs	10-24yrs	10-25yrs	10-24yrs

	ACT	NSW	Vic	QLD	WA	SA
Court data						
Source		NSW Criminal Courts Statistics 2001	Statistics of the Children's Court of Victoria 1997/98 and 1998/99; Statistics of the Magistrates' Court of Victoria 1998/99	Crime and Justice Statistics Queensland 1999-2000	Crime and Justice Statistics for Western Australia: 2001	Crime and Justice in SA, 2000 Juvenile Justice; Crime and Justice in SA, 2000 Adult Courts and Corrections
Year	2001/2	2001	1998/99	1999/2000	2001	2000
Data type	Distinct individuals	Unclear	Total number of defendants	Total number of defendants	Distinct individuals	Distinct individuals
Childrens Court: Age groups	12-15yrs 16-17yrs 18-25yrs	12-15yrs 16-17yrs 18yrs +	12-15yrs 16-17yrs 18yrs +	10-14yrs 15-16yrs 17yrs +	Under 14yrs 14-17yrs 18yrs +	12-15yrs 16-17yrs
Gender: age groups	12-25yrs	12-18yrs +	10-18yrs +	10-17yrs +	10-18yrs +	12-17yrs
Indigenous status: Age groups	12-25yrs				10-18yrs+	12-17yrs
Adults Court: Age groups	18-25yrs	Under 18yrs 18-24yrs	Up to 24yrs	Up to 24yrs	Under 26yrs	Up to 17yrs 18-24yrs
Gender: age groups	18-25yrs	Up to 24yrs	Up to 24yrs	Up to 24yrs		10-24yrs

Young people charged by the police

Number

Police in the ACT charged a total of 2,571 distinct young people during 2001/2, which constituted 3.7% of the ACT population between the ages of 12-25 years. This percentage was higher than the proportion of distinct young people (10-24 years) charged in Victoria (2.99%) but slightly lower than the other jurisdictions for which data was available. Western Australia charged 3.88% of their young people (10-25 years) and South Australia 5.48% (10-24 years). Table 2 summarises this information.

Table 2: Number of young people charged by police

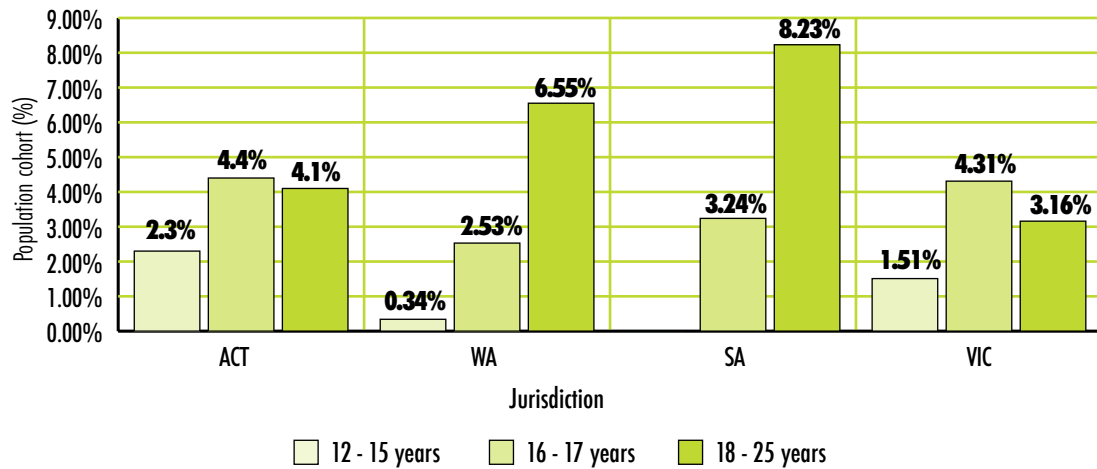
Jurisdiction	Year	Age range	Number of young people charged	Percentage of population cohort
ACT	2001/2	12 to 25 years	2,571	3.70%
WA	2001	10 to 25 years	16,374	3.88%
SA	2001	10 to 24 years	15,957	5.48%
VIC	2001/2	10 to 24 years	28,562	2.99%

Sources: ACT Chief Minister's Department (2003); Victoria Police Crime Statistics (2001/2); Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Offences reported to police, the victims and alleged perpetrators; Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Age

Figure 1 depicts the number of young people charged by police broken down by age group. It has not been possible to match exactly the age groups across jurisdictions due to differences in reporting and therefore only a broad indication of trends can be surmised. The ACT charged more 16-17 year olds than any of the other jurisdictions. They had a lower proportion of 12-15 year olds charged than the other jurisdictions except for Western Australia. From the graph it can be seen that a very small proportion of very young juveniles are charged in Western Australia, however, this may be due to the group comprising only those young people under 14 years. South Australia police charge a larger proportion of 18-24 year olds than the other jurisdictions.

Figure 1: Graph showing the population cohort of young people charged by the police broken down by age group



Notes: ACT age groups: 12-15yrs; 16-17yrs; 18-25yrs (2001/2, distinct individuals); WA age groups: Under 14yrs; 14-17yrs; 18-25yrs (2001, distinct individuals); SA age groups: 10-17yrs; 18-24yrs (2001, finalised appearances); Vic age groups: 10-15yrs; 15-19yrs; 20-24yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister’s Department (2003); Victoria Police Crime Statistics (2001/2); Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Offences reported to police, the victims and alleged perpetrators; Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Gender

Figure 2 provides a breakdown of distinct individuals by gender. As would be expected, males accounted for approximately 80% of young people charged by police. There were no significant differences between the jurisdictions.

Figure 2: Gender of young people charged by police



Notes: ACT age group: 12-25yrs (2001/2, distinct individuals); WA age group: 10-25yrs (2001, distinct individuals); SA age group: 10-24yrs (2001, finalised appearances); Vic age groups: 10-24yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister’s Department (2003); Victoria Police Crime Statistics (2001/2); Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Offences reported to police, the victims and alleged perpetrators.

Indigenous

In the ACT 126 young people (12-25 years) charged by police were identified as Indigenous. This accounted for 0.18% of the population. This was lower than the proportions in Western Australia (10-25 years) and South Australia (10-24 years), with 0.91% (3,847) and 0.42% (1,214) of the population cohort respectively. Victoria however charged only 723 young people (10-24 years) who were identified as Indigenous, only 0.08% of the cohort.

It is perhaps more meaningful however to compare the numbers of young Indigenous people as a proportion of the Indigenous population rather than the total population. The 126 young Indigenous people in the ACT accounted for 13% of the Indigenous population cohort. This compared to 4% of non-Indigenous young people being charged by police. Young Indigenous people who were charged by the police in South Australia and Western Australia accounted for 20% and 25% of the Indigenous population cohort respectively. The proportion in Victoria was 11%. Young non-Indigenous people charged by police as a proportion of the non-Indigenous population cohort was similar to that of ACT across the jurisdictions ranging from 3.37% in Victoria to 5.86% in South Australia.

Charges

Western Australian police charged 16,374 young people (10-25yrs) with 43,200 charges which was the greatest number given across the jurisdictions. 15,957 young people (10-24yrs) were responsible for 48,273 apprehension reports filed by the South Australian Police which compared to 7,529 charges by ACT police given to 2,571 young people (12-25yrs). The number of charges broken down by age was not available from Victoria Police.

Cautions

Data relating to cautions was only available for juveniles from South Australia and Western Australia. In the ACT, of the 7,529 charges against 12-25 year olds, a total of 995 resulted in cautions. This accounted for only 13% of all charges. For 12-17 year olds the percentage cautioned was 27%. These were the lowest proportions across the jurisdictions. In Western Australia, from a possible 43,200 charges, 10,202 related to juveniles up to the age of 18 years and 8,742 juveniles were cautioned (86%). In South Australia, 8,157 apprehension reports were filed for juveniles up to the age of 17 years and police gave 2,460 formal cautions (33%).

Table 3: Cautions given by police

	Year	Age group	Number of charges	Number of cautions	Percentage
ACT	2001/2	12 to 17 years	2,534	680	27%
WA	2001	10 to 18 years	10,202	8,742 ¹	86%
SA	2001	10 to 17 years	8,157	2,460	33%

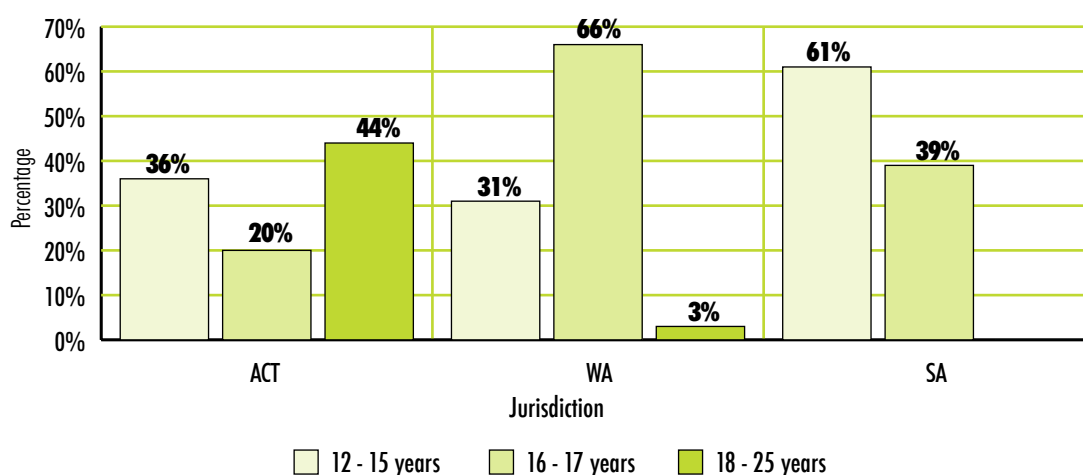
1. Notes: Relates to distinct individuals cautioned rather than the number of cautions.

Sources: ACT Chief Minister’s Department (2003); Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Juvenile Justice.

Diversions Conferencing

For ACT and South Australia the following figures relate to the total number of diversionary conferences and not to discrete individuals; if a young person attended more than one conference over a 12-month period they would be counted on each separate occasion. They are therefore not strictly comparable to Western Australia’s figures, however they do provide an overall picture of diversionary conferencing. Of the 7,529 charges against young people in the ACT, 196 were dealt with through diversionary conferences (2.6%). In South Australia, 1,668 cases were referred to the Family Conference Team and 1,502 conferences were actually held. More than one offender could also be dealt with at one conference. In Western Australia, police referred 1,887 distinct persons to juvenile justice teams (2,299 referrals) and 1,142 were referred by the Children’s court (1,299 referrals). These teams work on a restorative justice model and use family group conferences.

Figure 3: Total number of diversionary conferences broken down by age group



Notes: ACT age groups: 12-15yrs; 16-17yrs; 18-25yrs (2001/2, number of conferences); WA age groups: 10-14yrs; 15-17yrs; 18+yrs (2001, distinct individuals); SA age groups: 13-15yrs; 16yrs and over (2001, finalised appearances);

Sources: ACT Chief Minister’s Department (2003); Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Offences reported to police, the victims and alleged perpetrators.

Family Conference Teams dealt with a larger proportion of cases involving very young offenders (13-15 years) in South Australia than in other jurisdictions. Fifteen to seventeen year olds accounted for the largest proportion (66%) of Western Australia's referrals to juvenile justice teams. The ACT held fewer conferences across all age groups compared to the other jurisdictions. They held more conferences for 18-25 year olds than the other age groups.

Young people appearing before the courts

In this section the ACT and Western Australia provided information relating to distinct individuals appearing before the courts. Victoria provided information relating to total number of defendants at final appearance and it is unclear whether the data from New South Wales refers to distinct individuals or total number of defendants. South Australia provided information relating to numbers of young people in finalised appearances. The data therefore are not directly comparable but do provide an initial indication of trends.

Number

ACT Courts saw 1,679 young people (12-25 yrs) on a new charge in 2001/2. This accounted for 2.4% of the ACT population. This was the lowest proportion across the other jurisdictions for which data were available. Western Australia accounted for the largest proportion with 4.9% of the population aged less than 26 years appearing before a court in 2001. Table 5 provides a summary of the number of young people appearing before courts across the jurisdictions.

Table 4: Number and proportion of the population cohort appearing before a court

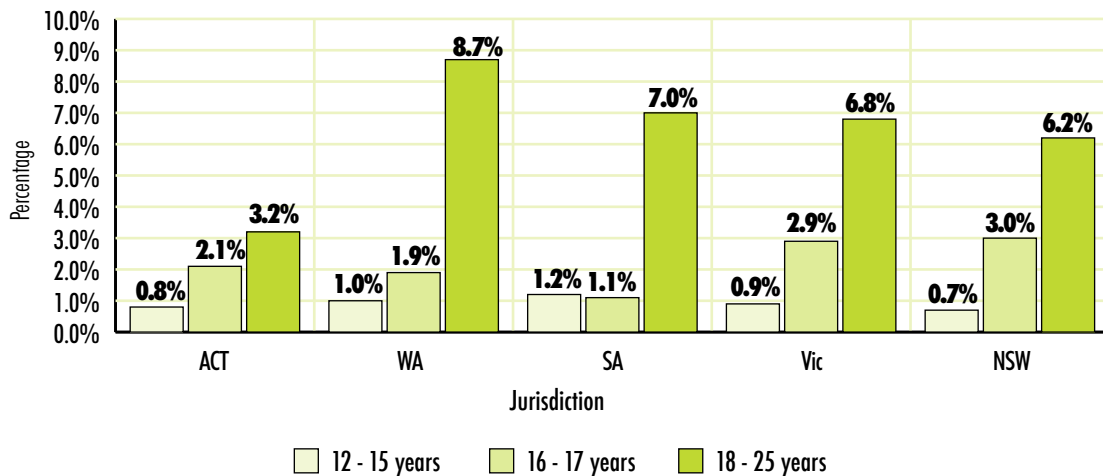
	Year	Age group	Number of individuals appearing before court	Percentage of population cohort
ACT	2001/2	12 to 25 years	1,679	2.4%
WA	2001	Under 26 years	20,812	4.9%
SA	2001	10 to 24 years	11,911	4.1%
Vic	1998/99	Up to 24 years	36,139	3.8%
NSW	2001	Up to 24 years	44,106	4.0%

Sources: ACT Chief Minister's Department (2003, distinct individuals); New South Wales Criminal Courts Statistics 2001 (unclear whether data is based on distinct individuals or total number of defendants); Statistics of the Children's Court of Victoria 1997/98 and 1998/99 (total number of defendants); Statistics of the Magistrates' Court of Victoria 1998/99 (total number of defendants); Crime and Justice Statistics for Western Australia: 2001 (distinct individuals); Crime and Justice in South Australia, 2001: Juvenile Justice; Crime and Justice in South Australia, 2001: Adults Courts and Corrections (finalised appearances); Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Age

Figure 4 shows the proportion of the population appearing in court broken down by age group. Overall a smaller proportion of young people in the ACT appeared before the courts compared to other jurisdictions. The only exceptions are that 0.7% of the 12-15 year old cohort in New South Wales appeared before a court compared to 0.8% in the ACT and 1.9% of the 15-16 year old cohort in Western Australia appeared before a court compared to 2.1% in the ACT. It is not possible to say confidently that this is a distinct difference or whether this may be due to the slight differences in the age groupings. Only 3.2% of 18-25 year olds from ACT appeared before the courts compared to between 6.3% and 8.7% across other jurisdictions.

Figure 4: Proportion of the population cohort appearing before a court broken down by age group



Notes: ACT age groups: 12-15yrs; 16-17yrs; 18-25yrs (2001/2, distinct individuals); NSW age groups: 12-15yrs; 16-17yrs; 18-24yrs (2001, unclear whether data is based on distinct individuals or total number of defendants); WA age groups: Under 14yrs; 15-16yrs; 17-24yrs (2001, distinct individuals); SA age groups: 12-15yrs; 16-17yrs; 18-24yrs (2001, finalised appearances); Vic age groups: 12-15yrs; 16-17yrs; 18-24yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister's Department (2003); New South Wales Criminal Courts Statistics 2001; Statistics of the Children's Court of Victoria 1997/98 and 1998/99; Statistics of the Magistrates' Court of Victoria 1998/99; Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Juvenile Justice; Crime and Justice in South Australia, 2001: Adults Courts and Corrections; Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Gender

Figure 5 shows that young males accounted for the majority of young people appearing before courts. The proportion was similar (approximately 80-85%) across all jurisdictions for which data were available.

Figure 5: Gender of those young people appearing before courts



Notes: ACT age group: 12-25yrs (2001/2, distinct individuals); NSW age group: 12-24yrs (2001, unclear whether data is based on distinct individuals or total number of defendants); SA age group: 10-24yrs (2001, finalised appearances); Vic age groups: 12-24yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister's Department (2003); New South Wales Criminal Courts Statistics 2001; Statistics of the Children's Court of Victoria 1997/98 and 1998/99; Statistics of the Magistrates' Court of Victoria 1998/99; Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2000: Juvenile Justice; Crime and Justice in South Australia, 2000: Adults Courts and Corrections.

Children's Court

Number

The proportion of young people from the ACT appearing before the Children's/Youth Court was similar to that of other jurisdictions. Victoria had the lowest proportion (1.37% of the 12-18 year old population) and South Australia the highest at 2.24% of the 12-17 year old population. Table 6 summarises the number of young people appearing before the Children's Court.

Table 5: Number and proportion of the population cohort appearing before the Children's/Youth Court

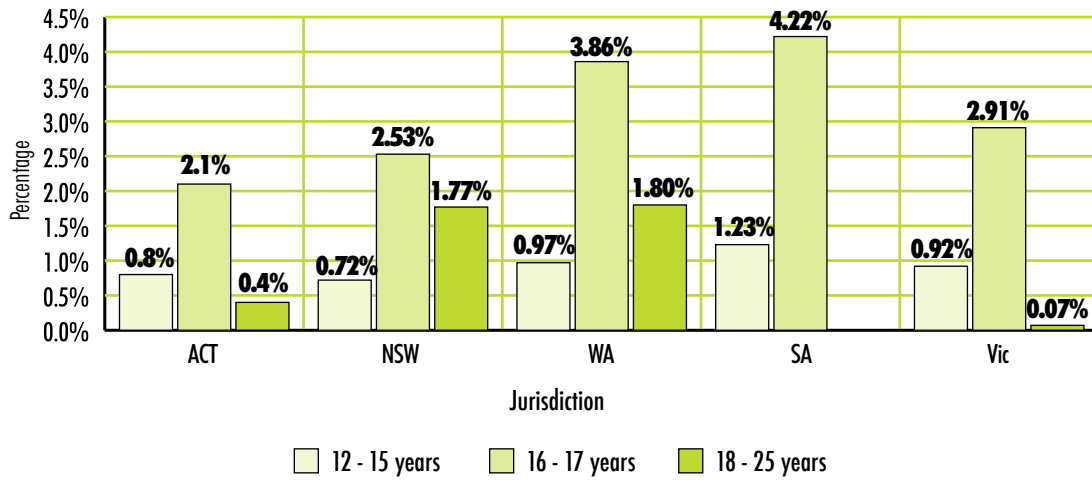
	Year	Age group	Number of individuals appearing before court	Percentage of population cohort
ACT	2001/2	12 to 18 years	517	1.60%
WA	2001	10 to 18 years	3,726	1.95%
SA	2001	12 to 17 years	2,715	2.24%
Vic	1998/99	12 to 18 years	6,160	1.37%
NSW	2001	12 to 18 years	8,525	1.38%
QLD	2001/2	12 to 17 years	4,521	1.47%

Sources: ACT Chief Minister's Department (2003, distinct individuals); New South Wales Criminal Courts Statistics (2001, unclear whether data is based on distinct individuals or total number of defendants); Statistics of the Children's Court of Victoria 1997/98 and 1998/99 (total number of defendants); Crime and Justice Statistics for Western Australia: 2001 (distinct individuals); Crime and Justice in South Australia, 2001: Juvenile Justice (finalised appearances); Queensland Government Department of Families Annual Report 2001/2 (distinct individuals); Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Age

The proportion of 12-15 and 16-17 year olds appearing before the Children's/Youth Court in the ACT was less than in other jurisdictions. The highest proportion occurred in South Australia with 1.14% of 12-15 year olds and 4.14% of 16-17 year olds appearing before the Court. The very small number of 18 year olds appearing before the court in Victoria is probably due 18 year olds being treated as adults and therefore appearing before the Adult court. As is the case with the ACT across all jurisdictions the majority of young people appearing before the Court are 16-17 years old.

Figure 6: Proportion of the population cohort appearing before Children's/Youth Court broken down by age group



Notes: ACT age groups: 12-15yrs; 16-17yrs; 18-25yrs (2001/2, distinct individuals); NSW age groups: 12-15yrs; 16-17yrs; 18+ yrs (2001, unclear whether data is based on distinct individuals or total number of defendants); WA age groups: Under 14yrs; 14-17yrs; 18+ yrs (2001, distinct individuals); SA age groups: 12-15yrs; 16-17yrs (2001, finalised appearances); Vic age groups: 12-15yrs; 16-17yrs; 18+ yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister's Department (2003); New South Wales Criminal Courts Statistics 2001; Statistics of the Children's Court of Victoria 1997/98 and 1998/99; Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Juvenile Justice; Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Gender

The ACT saw a slightly larger proportion of young females appearing before the Children’s Court than in other jurisdictions. Females accounted for 23% of all young people compared with approximately 19% in the other jurisdictions.

Figure 7: Gender of young people appearing before the Children’s/Youth Court



Notes: ACT age group: 12-25yrs (2001/2, distinct individuals); NSW age group: 12-18yrs (2001, unclear whether data is based on distinct individuals or total number of defendants); WA age group: 10-18yrs (2001, distinct individuals); SA age group: 12-17yrs (2001, finalised appearances); Vic age groups: 10-18+yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister’s Department (2003); New South Wales Criminal Courts Statistics 2001; Statistics of the Children’s Court of Victoria 1997/98 and 1998/99; Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Juvenile Justice.

Indigenous

South Australia and Western Australia provide overall numbers of young Indigenous people who appeared before the Children’s Court. In Western Australia 1,369 Indigenous young people appeared before the Court accounting for 0.63% of the total population cohort. The number in South Australia was 465 and the proportion, 0.38%. As a proportion of the total Indigenous population, the numbers appearing before the Children’s Court accounted for 9.06% in Western Australia and 7.73% in South Australia.

Magistrates Court

Number

The ACT had the lowest proportion (2.80%) of young people appearing before the Magistrates Court compared to the other jurisdictions. Western Australia and Victoria had the highest proportions with 6.80% and 6.81% of the population appearing before the court. New South Wales was the only state that reported people under the age of 18 years (836 individuals) appearing before the Magistrates Court.

Table 6: Number and proportion of the population cohort appearing before the Magistrates Court

	Year	Age group	Number of individuals appearing before court	Percentage of population cohort
ACT	2001/2	18 to 25 years	1,162	2.80%
WA	2001	Under 26 years	15,722	6.80%
SA	2001	Up to 24 years	8,892	3.05%
Vic	1998/99	Up to 24 years	29,979	6.81%
NSW	2001	Up to 24 years	34,522	5.15%

Sources: ACT Chief Minister’s Department (2003, distinct individuals); New South Wales Criminal Courts Statistics (2001, unclear whether data is based on distinct individuals or total number of defendants); Statistics of the Magistrates’ Court of Victoria 1998/99 (total number of defendants); Crime and Justice Statistics for Western Australia: 2001 (distinct individuals); Crime and Justice in South Australia, 2001: Adults Courts and Corrections (finalised appearances); Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Gender

The ACT had the highest proportion of young females (17%) appearing before the Magistrates Court compared to the other jurisdictions. However, the difference was marginal with Victoria experiencing the lowest proportion (14%).

Figure 8: Gender of young people appearing before the Magistrates Court



Notes: Based on ACT age groups: 18-25yrs (2001/2, distinct individuals); NSW age group: up to 24yrs (2001, unclear whether data is based on distinct individuals or total number of defendants); SA age group: 10-24yrs (2001, finalised appearances); Vic age groups: up to 24yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister’s Department (2003); New South Wales Criminal Courts Statistics 2001; Statistics of the Magistrates’ Court of Victoria 1998/99; Crime and Justice in South Australia, 2000: Adults Courts and Corrections; Statistics of the Magistrates’ Court of Victoria 1998/99.

Young people serving Court Orders

Juvenile Court Orders

Juvenile court orders encompass a range of disposals. Each jurisdiction has different options available to them. Included in this analysis are:

- Detention to custody;
- Suspended detention;
- Community service order;
- Obligation;
- Licence disqualification;
- Fine;
- Compensation;
- Probation; and
- Bond.

These disposals are broad and have different implications for young people. The data are therefore not strictly comparable, however do indicate an overall picture of juveniles on court orders.

Number

Only Western Australia provides information on juvenile court orders for distinct persons. New South Wales, South Australia and Victoria provide data regarding all outcomes at finalised appearances. Therefore if a young person appeared in court more than once in that year they would be counted more than once. However, these figures have been included to provide a broad comparison.

The proportion of the population serving a juvenile court order is high in the ACT at 1.32%, second to South Australia (1.58%). The lowest proportion serving a court order is NSW with only 0.76% of its population between 12 and 18 years. The figures for the other jurisdictions relate only to individuals found guilty of an offence. New South Wales again has the lowest proportion of young people found guilty compared to the number appearing before the Children's Court.

Table 7: Number and proportion of the population cohort serving juvenile court orders

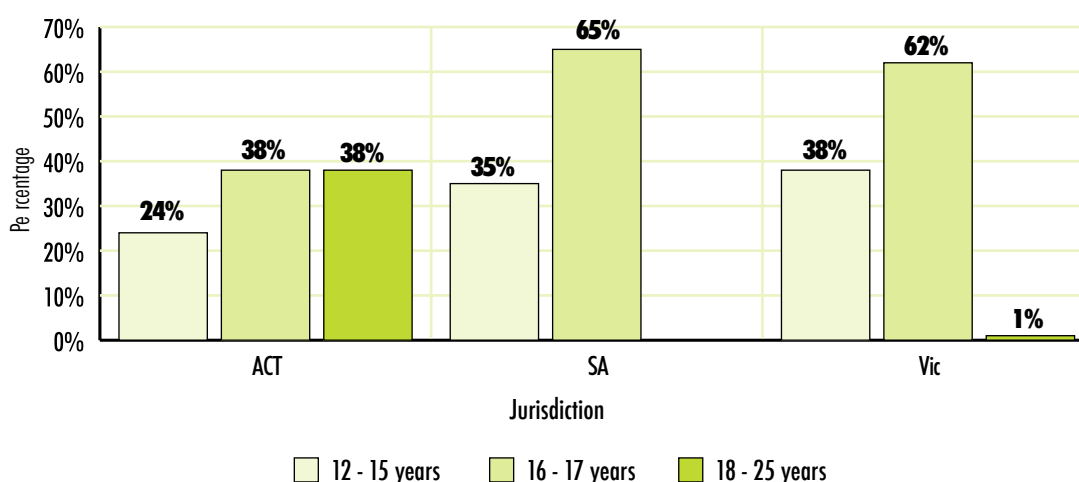
	Year	Age group	Number of individuals given court order	Percentage of population cohort given a court order
ACT	2001/2	12-18 yrs	434	1.32%
WA	2001	10-19+ yrs	2,373	1.23%
SA	2001	12-17 yrs	1,907	1.58%
Vic	1998/9	12-18 yrs	5,030	1.12%
NSW	2001	12-18 yrs	4,657	0.76%

Sources: ACT Chief Minister’s Department (2003, distinct individuals); New South Wales Criminal Courts Statistics 2001 (finalised appearances); Statistics of the Children’s Court of Victoria 1997/98 and 1998/99 (finalised appearances); Crime and Justice Statistics for Western Australia: 2001 (distinct individuals); Crime and Justice in South Australia, 2001: Juvenile Justice (finalised appearances); Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Age

A breakdown of young people by age was only available from South Australia and Victoria. Figure 9 shows the breakdown as a proportion of the total number of young people given a court order. The larger proportion of young people aged 18 years or over in the ACT is probably due to the figures including 18-21 year olds. Breaking down court orders by age group it can be seen that the ACT gave court orders to a smaller proportion of younger people than the other jurisdictions. Only 24% of 10-15 year olds were given orders compared to 35% in South Australia and 38% in Victoria.

Figure 9: Breakdown of age of young people as a proportion of the total number given a juvenile court order



Notes: ACT age groups: 10-15yrs; 16-17yrs; 18-21yrs (2001/2, distinct individuals); SA age groups: 12-15yrs; 16-17yrs (2001, finalised appearances); Vic age groups: 12-15yrs; 16-17yrs; 18+ yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister’s Department (2003); New South Wales Criminal Courts Statistics 2001; Statistics of the Children’s Court of Victoria 1997/98 and 1998/99; Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Juvenile Justice.

Gender

The proportion of males on court orders was lower (79%) for the ACT than for other jurisdictions. South Australia and Western Australia had the highest proportion with 84% of young people on court orders being male.

Figure 10: Gender of young people on juvenile court orders



Notes: ACT age groups: 10-21yrs (2001/2, distinct individuals); WA age groups: Up to 18+yrs (2001, distinct individuals); SA age group: 12-17yrs (2001, finalised appearances); Vic age groups: 12-18+yrs (1998/9, total number of defendants).

Sources: ACT Chief Minister's Department (2003); New South Wales Criminal Courts Statistics 2001; Statistics of the Children's Court of Victoria 1997/98 and 1998/99; Crime and Justice Statistics for Western Australia: 2001; Crime and Justice in South Australia, 2001: Juvenile Justice.

Types of court orders²⁸

Of the 434 young people (12-18 years) in the ACT on community-based orders²⁹, only 9 people were committed to detention (a further 132 were remanded to custody). Those sentenced to detention equated to 0.03% of the population cohort. Victoria also had a low proportion of the population cohort (12-18+ years) sentenced to detention – 0.04%. New South Wales (12-18+ years) and South Australia (12-17 years) had the highest proportion of their young people sentenced to custody – 0.1%.

Most young people across jurisdictions sentenced by the court were given community based orders. These orders included community service orders, probation, fines and bonds. New South Wales and the ACT had the lowest proportions of their population cohorts on community-based orders (0.66% and 0.89% respectively). South Australia had the largest proportion with 1.47% of their young people on community-based orders compared to the other jurisdictions³⁰.

Adult Court Orders

Number

Very limited data was available regarding young people in the adult justice system. Data are rarely broken down into age groups and where this is undertaken the age groups often encompass a larger age group than was required for this analysis.

In Western Australia 1,986 young people up to the age of 25 years were received into prisons in 2001. This included remand, fine defaulters, those on finite sentences and parole sentences. The higher court sentenced 831 young people up to the age of 30 years. There were 4,231 young people (18-25 years) on community-based orders. In South Australia 111 young people (18-24 years) were sentenced to prison and 952 were remanded in custody. The number of young people sentenced to a Youth Training Centre in Victoria was 487. These figures compare with 220 young people on remand or sentenced to prison and 350 on community-based orders in the ACT. The table below shows these statistics as a proportion of the population cohort. It can be seen that a large proportion of young people are held on remand across all jurisdictions and that remandees account for the majority of young people received in prison.

28 The data relating to juveniles in detention that have been used in this report are published by the jurisdictions. They provide a total number of juveniles received into detention across a one-year period. The AIC maintains the national monitoring system for juveniles in detention, however, these figures have not been used in this report as they are based on a census of juveniles in detention on the last day of each quarter in the year (march, June, September and December) rather than a total number of receptions of a one-year period. See Bareja & Charlton, 2003.

29 In the ACT community based orders include remands and sentences to custody.

30 community based orders in NSW refer to community service orders, probation, bonds and fine, fines, bonds and dismissed with caution. In WA they refer to non-custody and fines. In SA suspended sentences, community service orders, obligations, licence disqualification, fines, compensation and other are included. In Victoria community based orders include good behaviour bonds, fines, probation, youth supervision orders and youth attendance orders.

Table 8: Types of court orders given to young people by the Adult Courts

	ACT		WA		SA		Vic	
	2001/2		2001		2001		1998/9	
	N	% of cohort	N	% of cohort	N	% of cohort	N	% of cohort
Community based orders	350	0.83%	4,231 ³	2.10%				
Prison	49	0.12%	831 ¹	0.41%	111	0.09%	487 ²	0.11%
Remand	171	0.41%	1,157	0.57%	952	0.73%		

- Notes:
1. Sentenced in the higher court.
 2. Young people sentenced to Youth Training Centre
 3. WA - Non-custody, including fines from higher court

Sources: ACT Chief Minister's Department (2003, distinct individuals); New South Wales Criminal Courts Statistics 2001 (total number of defendants); Statistics of the Magistrates' Court of Victoria 1998/99 (total number of defendants); Crime and Justice Statistics for Western Australia: 2001 (distinct individuals); Crime and Justice in South Australia, 2001: Adults Courts and Corrections (total number of defendants); Australian Bureau of Statistics (2002) 2001 Census Community Profile Series: Basic Community Profile.

Implications

This report has compared the proportion of young people in the ACT who are involved in the justice system with proportions in other jurisdictions. There are inherent problems with undertaking this type of analysis; primarily the data are not directly comparable. The two main reasons for this are:

- The data are not broken down into the same age groups and therefore it is not possible to compare like with like. The literature shows that criminal activity among young people increases throughout the teenage years, peaking in the late teens and early twenties. Any differences in age groupings can therefore have a significant impact on comparisons.
- The data are not available from the same years. When comparing data from different years it is important to bear in mind any changes in overall trends in crime as well as any policy changes that may alter the path of young people into the justice system.

It has, however, been possible to draw out some main findings:

- Overall, the ACT has a smaller proportion of young people involved in the justice system than other jurisdictions.
- Young males account for the majority (approximately 80%) of young people who have contact with the justice system. This holds across all jurisdictions.
- The police charge a higher proportion of younger people (aged 12-17 yrs) in the ACT than in other jurisdictions. However, a smaller percentage of 18-25 year olds are charged.
- Fewer cautions are given in the ACT than in other jurisdictions.
- There are fewer diversionary conferences held within the ACT than in other jurisdictions. This is especially the case for 12-17 year olds.
- The ACT has a lower proportion of young people passing through the court system and being passed sentences than in other jurisdictions.
- The proportion of 16-17 year olds appearing in Children's Court is lower than other jurisdictions.
- A very low proportion of young people appear in ACT's Magistrates Court compared to other jurisdictions.
- Compared to other jurisdictions there are a low proportion of young people serving court orders from Magistrates Court.

From these findings further consideration should be given to the following:

- The low number of cautions given in the ACT in comparison to the number of charges should be reviewed. Further examination should be able to provide information on the actual number of individuals given a caution. It may be that a few young people are committing the majority of the offences and a single caution relates to a number of charges. This could account for the low percentage. Another reason may be that young people are given informal cautions that are not recorded. The literature shows that the majority of young people who come into contact with the law do so only once and therefore cautions may be a good tactic to divert young people away from the justice system (see Courmarelos, 1995 and Cain, 1996; cited in Buttrum, 1998).
- From the data it appears that only a minority of charges result in a diversionary conference in the ACT. Diversionary conferencing has been shown to be an effective vehicle to prevent some young people from venturing further into the justice system (see Sallybanks, 2003). The use of conferencing in the ACT should be reviewed to establish why only a small proportion of 12-17 year olds are involved in this process.
- The data available within the ACT and other jurisdictions make it difficult to establish the number of distinct individuals that are in contact with the justice system. It is therefore almost impossible in some cases to establish how many young people the system is actually dealing with. Previous studies have shown that only a relatively few people are responsible for the majority of the crime (Weatherburn & Baker, 2001). It would be very useful for developing overarching strategies to, in the first instance, be able to identify a core number of people that the justice system deals with. Further, to be able to track these individuals through the justice system and monitor their contact with the system would enable agencies to be able to provide more appropriate targeted interventions.
- The proportion of Indigenous young people coming into contact with the police in the ACT is smaller than in other jurisdictions for which data is available. However, in all jurisdictions Indigenous young people are over-represented. This supports the findings of O'Connor & Cameron (2002) in their analysis of juveniles' contact with the justice system. There is a lack of data relating specifically to Indigenous young people and their involvement in the justice system, especially when they are involved in the court system. Further action should be taken to improve the monitoring and collecting of data relating to ethnicity of young people. Whilst the ACT has a relatively small proportion of Indigenous young people in the justice system, this is not a reason for complacency and programs developed for young people should consider cultural specificity.

- It is well documented throughout the literature that young males are responsible for the majority of crime amongst young people and are therefore over-represented in the justice system. Programs should be developed to focus on the needs of these young males. However, in the ACT a slightly larger proportion of young females are involved in the justice system compared to other jurisdictions and therefore their needs must also be met and not be excluded from programs.

This analysis has shown that in the ACT there are only a minority of young people who are involved in the justice system. It has also shown that these young people come into contact with the police at an early age. It is important therefore not only to try and reduce their contact but also prevent others from entering the system. The literature review that the AIC undertook for the ACT Chief Minister's Department as an earlier phase of this project suggested that multi-disciplinary interventions that are targeted at the individual are effective at reducing and preventing a young person's involvement in crime (see Sallybanks, 2003). Risk factors that contribute to a young person's criminal activity cross over their family, school, peers and community. Risk factors for each person are different and therefore it is important that a risk/needs analysis is undertaken to ensure that the most appropriate approach is used for the young person. The review showed that social competence training and comprehensive (multi-disciplinary) programs are the most promising approaches to reducing and preventing crime. These programs often take place in the family or in school. These approaches could be considered to target the small cohort within the ACT who are at risk of being involved and are involved in the justice system.

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