

A PROFILE OF JUVENILES IN NSW JUVENILE JUSTICE CENTRES

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THE NSW GOVERNMENT CAME INTO OFFICE IN MARCH 1988 ON A STRONG law and order platform. Since then, a great deal of pressure has been placed on the Government by the public and the media to maintain this stance.

The NSW *Sentencing Act 1989* is one expression of the Government's law and order platform. Introduced in late September 1989, truth in sentencing legislation, as it became known, was an attempt by the Government to regain public confidence in both the sentencing process and the administration of custodial sentences.

Three features of truth in sentencing legislation are particularly noteworthy:

- the Sentencing Act aims to ensure that persons serve in full the minimum term of custody ordered by the court;
- the Sentencing Act abolished the use of remissions;
- the Sentencing Act applies equally to juveniles and adults.

Truth in sentencing has been successful in achieving its principal aim of ensuring court ordered minimum sentences are served in full, with no reduction possible from the application of administratively based remissions. However, it has also effectively made juveniles serve longer periods in custody than any sentencing regime since 1984. On average, juvenile detainees now serve one-third longer in custody than they would have under the earned remissions scheme which operated prior to the introduction of the Sentencing Act (Cain & Luke 1991).

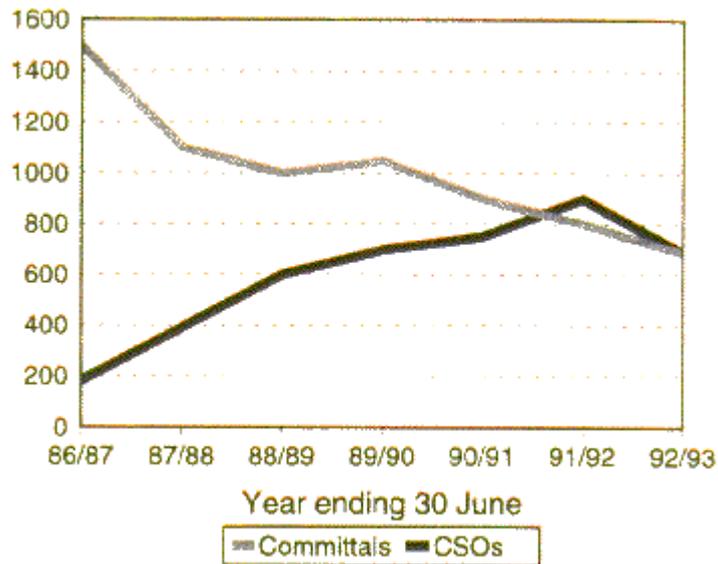
Notably, in this climate of tough law and order and truth in sentencing policies, a set of somewhat contrary principles has been operating with increasing effect. Diversion and last resort sentencing, particularly in relation to the incarceration of juvenile offenders, has been a growing movement over the last decade, urged on by criminal justice commentators who have

highlighted the inadequacies of penal measures as a means of dealing with juvenile offenders.

Figure 1 clearly shows the trend towards the reduced use of incarceration and the increased use of community service orders for juvenile offenders. Notably, in 1991-92, and for the first time in the history of juvenile justice in NSW, the number of community service orders exceeded the number of committals (CSOs: 878; committals: 851). Also, as a proportion of all Children's Court outcomes, CSOs (6.4 per cent) exceeded committals (6.2 per cent).

Figure 1

**Children's Court Committals and Community Service Orders,
1986-87 to 1992-93**



Preliminary data for 1992-93 (that is, 95 per cent complete at time of writing) indicates that the five-year trend towards fewer committals appears likely to have continued, with only 729 control detention orders (representing 6.1 per cent of outcomes) being ordered by the courts. However, CSOs also appear to have decreased in 1992-93, in terms of both their total number (704) and as a percentage of all outcomes (5.9 per cent).

Importantly, while the proportionate use of custodial sanctions for juvenile offenders has dropped from 10.3 per cent of outcomes in 1986-87 to 5.7 per cent in 1990-91, over the last two years the lowered use of custody appears to have "bottomed out" at around 6 per cent of outcomes. This may indicate that the courts have exhausted their diversionary powers and that no further reduction in the use of custody is possible. If this were true, then it

may be expected that the current clients of NSW juvenile justice centres represent, in general terms, the more extreme, serious and recalcitrant offenders for whom alternatives to custody could not be considered as either appropriate or viable.

This paper details the characteristics of juveniles held in NSW juvenile justice centres as at 13 April 1993, and provides a selection of information from a more comprehensive report currently being prepared by the Department of Juvenile Justice¹. The larger report is the first in a series of yearly replications of an earlier study profiling the characteristics of juveniles in custody in 1992 (Cain 1993).

Aim

This study provides information on the general characteristics of juveniles held in custody in order to examine whether those in custody are the more serious offenders for whom non-custodial penalties are wholly inappropriate. The study also examines the characteristics of remandees to shed light on the reasons for and appropriateness of bail refusals.

Method

Data for this study were obtained principally from the Client Information System (CIS), a client management database providing statistical information on children ordered into the care and supervision of the Department of Juvenile Justice. The CIS provides for regular census reports on the number and characteristics of children detained in juvenile justice centres. The CIS also permits personal and criminal history information to be extracted.

This study accessed the records of all juveniles detained in juvenile justice centres as at 13 April 1993. The profiles of 367 detainees were examined. The criminal history information of each juvenile in detention was verified by matching records on the Children's Court Information System, a court-based statistical information system maintained by the Department of Juvenile Justice in parallel to the CIS.

The following characteristics were examined for each person in custody:

- status
- gender
- age
- ethnicity/cultural background
- offence/alleged offence
- number of previous proven offences
- most serious previous proven offence
- first proven offence
- whether the juvenile had previously received:

¹. Office of Juvenile Justice became Department of Juvenile Justice in September 1993.

- (a) a supervised probation or supervised recognisance
 - (b) a community service order
 - (c) a term in custody
- number of custodial terms previously served.

Results

Status

Seventy per cent (70 per cent) of juveniles held in juvenile justice centres on 13 April 1993 were on control orders (that is, had been sentenced to detention), 28.1 per cent were on remand, and 1.9 per cent were on appeal.

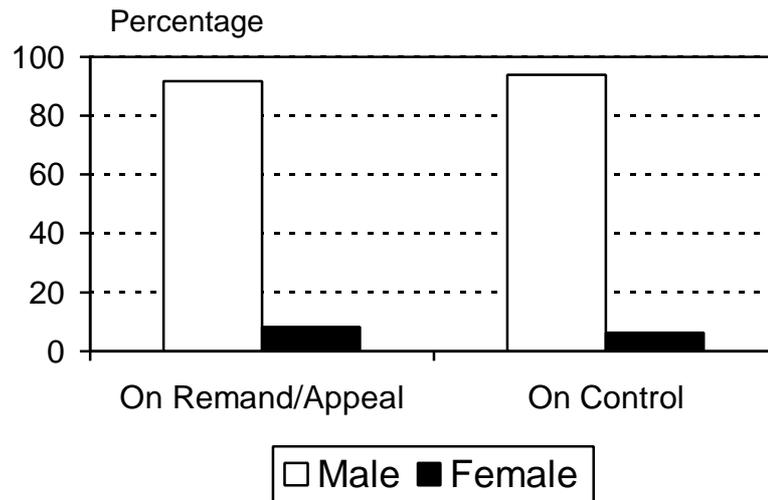
In the eighteen months since the original Office of Juvenile Justice was established as a separate department, juveniles on control have made up approximately three-quarters of the juvenile justice centre population, while juveniles on remand and appeal have made up the remaining quarter.

Gender

Males made up 93.2 per cent of the total juvenile justice centre population on 13 April 1993. Girls represent 6.2 per cent of juveniles serving control orders and 8.2 per cent of remandees, a significantly higher proportion relative to the number of females in the control population (see Figure 2).

Figure 2

Status and Gender of Persons in NSW Juvenile Justice Centres, as at 13 April 1993

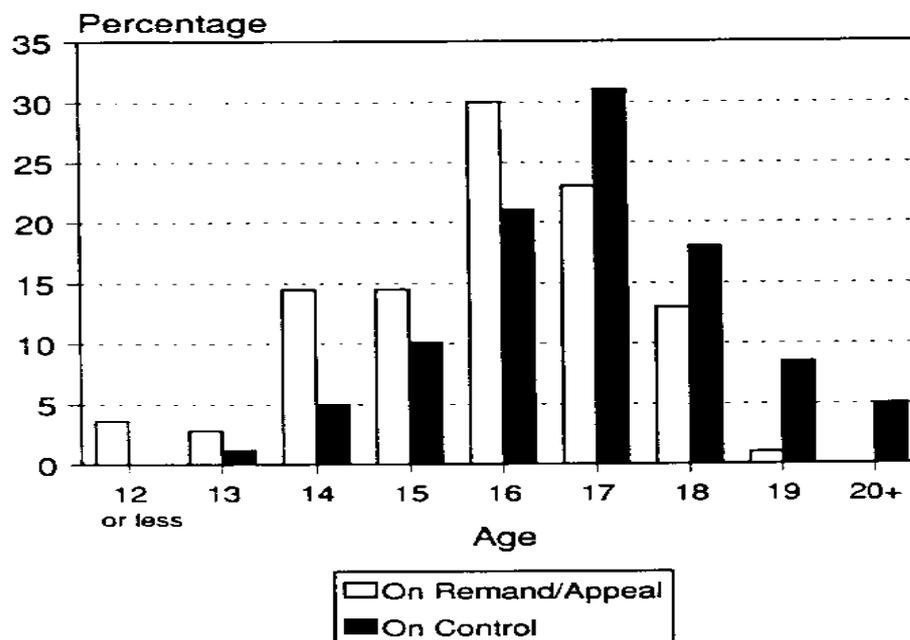


Age

The remand and control order groups have quite different age profiles (see Figure 3). Remandees are generally younger, with 33.6 per cent of remandees being less than sixteen years of age and 6.4 per cent aged 13 years or less. In contrast, only 16.3 per cent of full time detainees are less than sixteen years of age, and only 1.2 per cent of juveniles on control are aged 13 years or less.

Figure 3

Age of Persons in NSW Juvenile Justice Centres, as at 13 April 1993



Ethnicity/cultural background

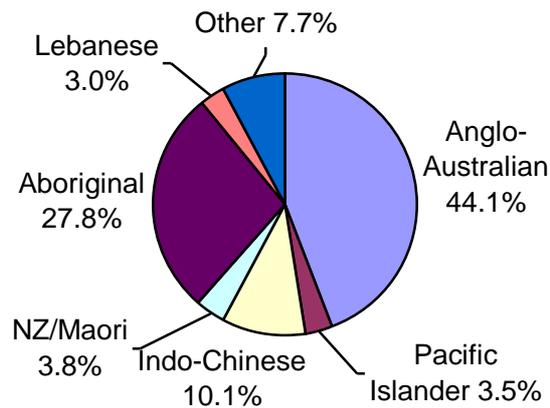
Figure 4 shows the main ethnic/cultural groups of juveniles in juvenile justice centres on 13 April 1993. While Anglo-Australians represent almost half (44.1 per cent) the detainees, it is the Aboriginal and the Indo-Chinese (ie Vietnamese, Cambodian, Laotian) groups that are grossly over-represented in comparison to their numbers in the general population.

Aboriginal people constitute less than 2 per cent of the general population of NSW but have consistently represented 20 per cent of the juvenile detention population. While 27.8 per cent is an "above average" figure for NSW juvenile justice centres, it highlights the disturbing profile of

Aboriginal youth in detention. It also raises questions concerning the adequacy of present juvenile justice measures to deal effectively and appropriately with young Aboriginal offenders.

Figure 4

Ethnicity/cultural Background of Persons in NSW Juvenile Justice Centres, as at 13 April 1993



Indo-Chinese young offenders are also prominent as a group in custody. Over recent years, the number of Indo-Chinese juvenile offenders has grown, and they now make up around 10 per cent of juveniles in custody. The current high number of Indo-Chinese offenders in detention, the sharp rise in their numbers over the last few years, and the weightiness of their sentences (which reflects the seriousness of their offending) poses a significant challenge for this Department in terms of providing effective and appropriate management strategies for this group of juveniles.

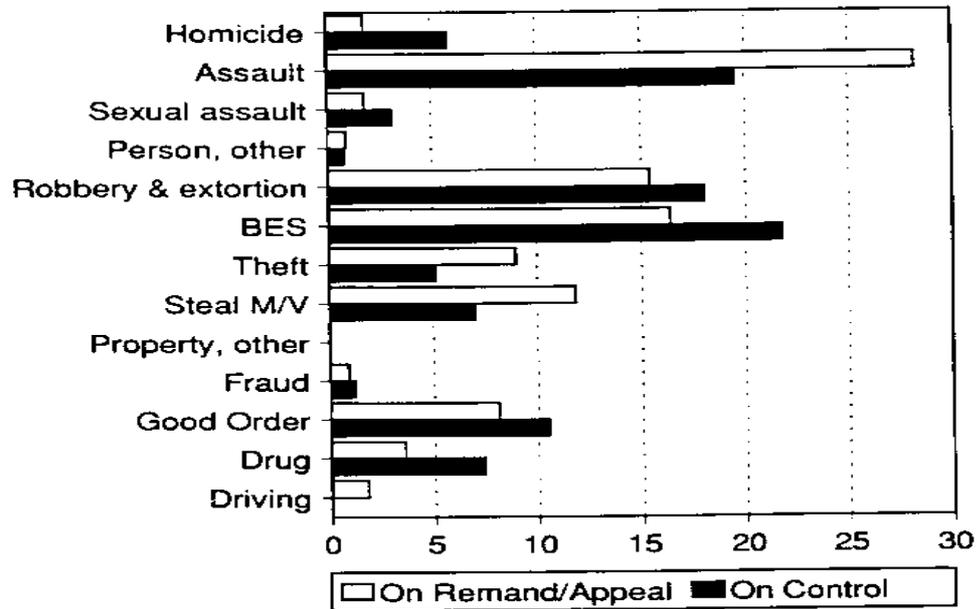
Offence

Juveniles on control orders: It is evident from figure 5 that courts tend to impose custodial sentences on juveniles who have committed acts of violence such as homicides, assaults and robberies. Close to half (47.1 per cent) of the juveniles on control orders had committed offences against persons, or robberies. Nineteen juveniles (7.1 per cent) were serving control orders in relation to drug offences, with supply/trafficking drugs outnumbering possession offences by nearly two to one.

Other juveniles serving control orders were incarcerated in relation to break and enter offences (21.8 per cent), motor vehicle theft (7 per cent) and other theft offences (5.1 per cent). Of those in custody on good order/justice offences, two-thirds (18 of 27) had been given an additional term for escaping/absconding, and another five had been placed on control for breaches of noncustodial orders. Of the remaining juveniles, one was in custody for offensive behaviour, a second for trespassing, and a third juvenile for a firearms offence.

Figure 5

**Principal Offence for Persons on Remand and Control in
NSW Juvenile Justice Centres,
as at 13 April 1993**



Juveniles on remand: Violent crimes also figure prominently in the alleged offences of remandees. Approximately half (48.2 per cent) the remandees were being held for alleged crimes of violence, including robberies.

Drug offences do not show up noticeably for juvenile remandees (3.6 per cent), but theft offences, particularly steal motor vehicle (11.8 per cent) and steal from person/shoplifting (9 per cent), are proportionately higher than for the group on control. Offences of escaping from lawful custody and breach of

existing court orders again typify the offences of the majority of juveniles held on remand in relation to good order/justice matters.

Prior record

One may argue that the juveniles in detention on 13 April 1993 are a highly recidivist group of offenders, with only one in eight children (12.7 per cent) on remand and fewer than one in twelve (7.8 per cent) on control having no prior proven criminal offence (*see* Table 1).

Table 1

Number of Previous Proven Offences for Juvenile Detainees

<i>No. previous offences</i>	<i>On Remand/Appeal</i> %	<i>On Control</i> %
None	12.7	7.8
1	5.5	7.0
2 to 5	26.4	20.6
6 to 9	16.4	14.0
10 or more	39.1	50.6

Over half (50.6 per cent) of the juveniles in full-time custody and almost 40 per cent (39.1 per cent) of all juveniles held on remand had at least ten prior proven offences (this excludes multiple counts of the same offence). In fact, almost 82 per cent of remandees and over 85 per cent of juveniles on control had two or more prior proven offences. This provides a very disturbing picture of the level of experience and sophistication of criminal activity of juveniles held in NSW juvenile justice centres, and of the continuing problems posed by juvenile recidivism for criminal justice administrators.

Most serious previous proven offence

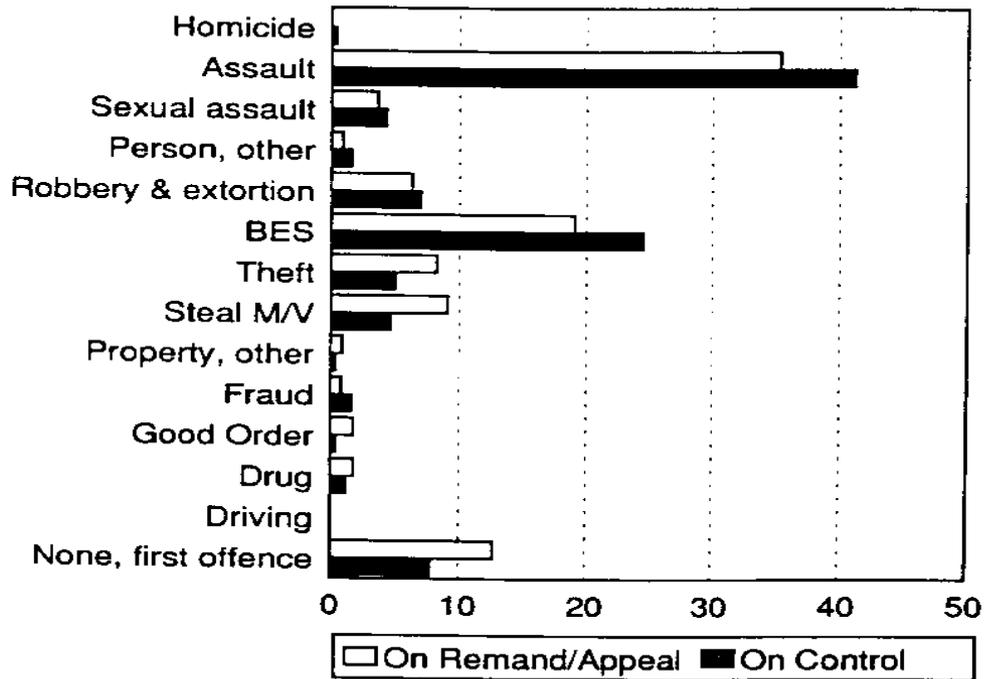
In terms of their most serious previous proven offence, both juveniles on control and juveniles on remand are likely to commit, at least at some stage in their criminal career, a crime of violence. Almost half the remandees (46.4 per cent) and over half of those on control (54.5 per cent) had at some time been convicted of a violent offence, with the control population having committed a slightly higher proportion of assaults (41.2 per cent vs 35.4 per cent) and a slightly higher proportion of robberies (7 per cent vs 6.3 per cent) than the remand group (*see* figure 6).

On the other hand, the remand group is more likely to have a property offence as the most serious previous proven offence. Car theft, theft from

persons and shoplifting figure in the profiles of almost 20 per cent of remandees, yet occur in fewer than 10 per cent of the profiles of juveniles in full-time custody.

Figure 6

Most Serious Previous Offence for Persons on Remand and Control in NSW Juvenile Justice Centres, as at 13 April 1993



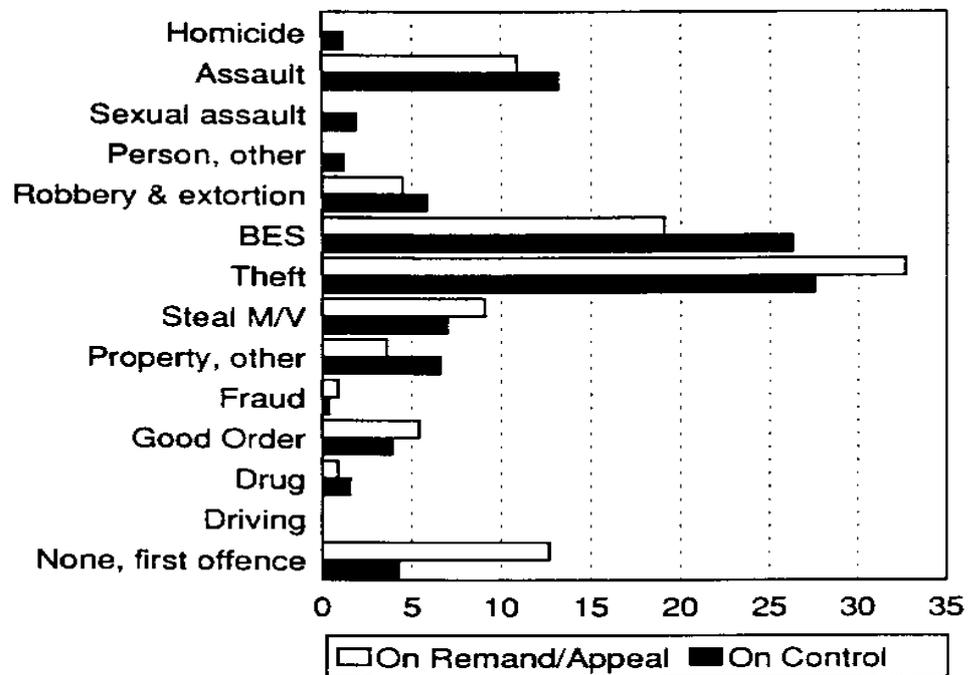
First proven offence

Figure 7 provides not only an interesting picture of the nature of the first proven offence committed by juveniles currently in detention, but in conjunction with figures 5 and 6 (indicating the current and most serious offence committed by detainees) shows the extent to which juveniles in custody have not just re-offended, but escalated or graduated in terms of the seriousness of their offending.

The profiles of first offences for both remandees and juveniles on control show a clustering towards break and enter and theft offences. However, as indicated earlier, violent crimes figure prominently in the profiles of juveniles on remand and control as either the most serious of subsequent offences, the current offence, or both.

Figure 7

First proven offence for persons on remand and control in NSW Juvenile Justice Centres, as at 13 April 1993



Prior court orders

Over one-third of remandees (36.4 per cent) and over half of all juveniles on control orders (54.1 per cent) had previously served a term in custody.

The principles of diversion and the discretionary powers of the courts to accord juvenile offenders opportunities for rehabilitation show up in the statistic which indicates that 70 per cent of juveniles in custody (remand and control) had previously been ordered to serve a supervised probation order or recognisance in relation to earlier offences.

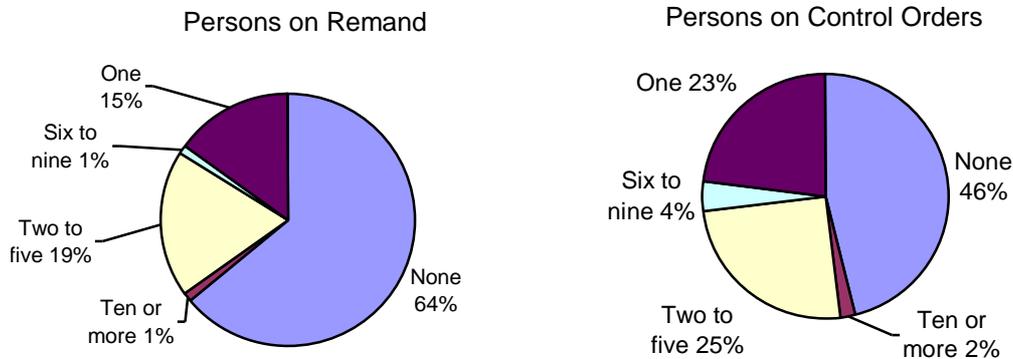
However, what is surprising, given the principles of diversion, "last resort" sentencing and the increased use of CSOs over the last five years, is the fact that only one-quarter of all children on remand (25.5 per cent) and slightly more than one in three (37.7 per cent) in full-time custody previously had the benefit of the more structured alternative to custody, the community service order, despite its status as the penultimate penalty.

Number of times in custody

Many juveniles in custody on 13 April 1993 had previously served time in custody. Figure 8 shows the extent of this problem.

Figure 8

Number of Times in Full-time Custody



Of the 36 per cent of juveniles on remand who had previously served time in custody, 15 per cent had served a single custodial term, 19 per cent had served more than one term and had up to five prior terms in custody, and 2 per cent had served more than six separate terms in juvenile justice centres.

Of the 54 per cent of juveniles serving control orders who had previously served a custodial term, 23 per cent had served time in custody once, 25 per cent had served two to five prior terms in custody, 4 per cent had served terms on six to nine prior occasions, and 2 per cent had served ten or more prior terms in juvenile justice centres.

Conclusion

This study presents a snapshot of the nature of juvenile offenders in NSW juvenile justice centres. As such, some caution must be exercised in making inferences about the nature of juvenile detainees across longer time periods. However, the following points are worthy of further discussion.

In comparison to juveniles on control, the remand group has a significantly higher proportion of females and younger detainees. Both the age and gender characteristics of juveniles on remand raises concerns about the possible inappropriate use of NSW juvenile justice centres as crisis accommodation for certain disadvantaged young offenders (particularly female offenders) who are homeless and/or lack community support.

There is a disturbingly high proportion of children of Aboriginal and Indo-Chinese background in NSW juvenile justice centres. Aboriginal youth have been over-represented in custody for many years, constantly making up some 20 per cent of the NSW juvenile detainee population, whereas the Indo-

Chinese have emerged as an over-represented group only in the last few years. It is time for criminal justice administrators at both the State and national level to realise the inadequacies of current justice and correctional measures, especially in relation to minority groups of different ethnic or cultural backgrounds, and to begin to provide more practical and effective means of dealing with, managing and rehabilitating juvenile offenders from different cultural and ethnic backgrounds.

While the problems presented by Aboriginal and Indo-Chinese juveniles in custody are significant, criminal justice administrators must also face the correctional, management and re-integration problems arising from the high and possibly increasing numbers of Lebanese, Pacific Islander and Maori juveniles coming into custody.

This paper largely vindicates the court's use of custody for the majority of juveniles who were in custody at the time of this study. It is important to remember that while the court has the power to accord juvenile offenders opportunities to change their ways, and is constantly exercising the application of diversionary measures, the court also has a role to play in protecting society. A great many juvenile offenders to whom the court refused bail or ordered into custody are violent, possibly dangerous individuals. Most juveniles in custody have been convicted of a large number of previous offences, and most have previously had the benefit of a wide variety of non-custodial alternatives to custody. Unfortunately, many have returned to full-time custody. The highly recidivist nature of juveniles in detention is without doubt a major concern for the NSW juvenile justice system. The high level of recidivism and increasing criminality of repeat offenders indicates not only the inadequacies of current judicial and correctional measures to effectively manage and rehabilitate juvenile offenders, it also highlights the inadequacies and failings of our society to address the many socioeconomic and socio-cultural factors that cause and maintain juvenile crime.

References

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