

## 22. Juvenile justice

During their transition from adolescence to young adulthood, some young people will have an encounter with the criminal justice system. A number will also be affected by a criminal act, as victim. The juvenile justice system in each State and Territory is comprised of several organisations, with each having a different primary role and responsibility in dealing with young offenders (AIHW: Broadbent 2001):

- The police are usually a young person's first point of contact with the system. The police may administer warnings, cautions and in some jurisdictions use conferencing to divert the juvenile from formal court proceedings.
- The courts (usually a special children's or youth court) are where formal charges against a young person are heard. The courts are largely responsible for decisions regarding bail (and remand) and sentencing options if a young person admits guilt or is found guilty.
- The juvenile justice departments are responsible for the supervision of juveniles on a range of community-based orders and supervised bail and are also responsible for the administration of juvenile detention centres. They also provide conferencing in some jurisdictions.

Although every state and territory has its own juvenile justice legislation, the legislation is similar across Australia. The basic emphasis of juvenile justice in all jurisdictions in Australia is on diversion of young people from court where appropriate, incarceration as a last resort, the victim's rights, the acceptance of responsibility by the offender for his or her behaviour, and community safety. When sentencing young people, the courts must consider how to minimise re-offending and the integration of juveniles back into the community, at the same time ensuring that youth who commit offences are appropriately penalised (AIHW: Broadbent 2001).

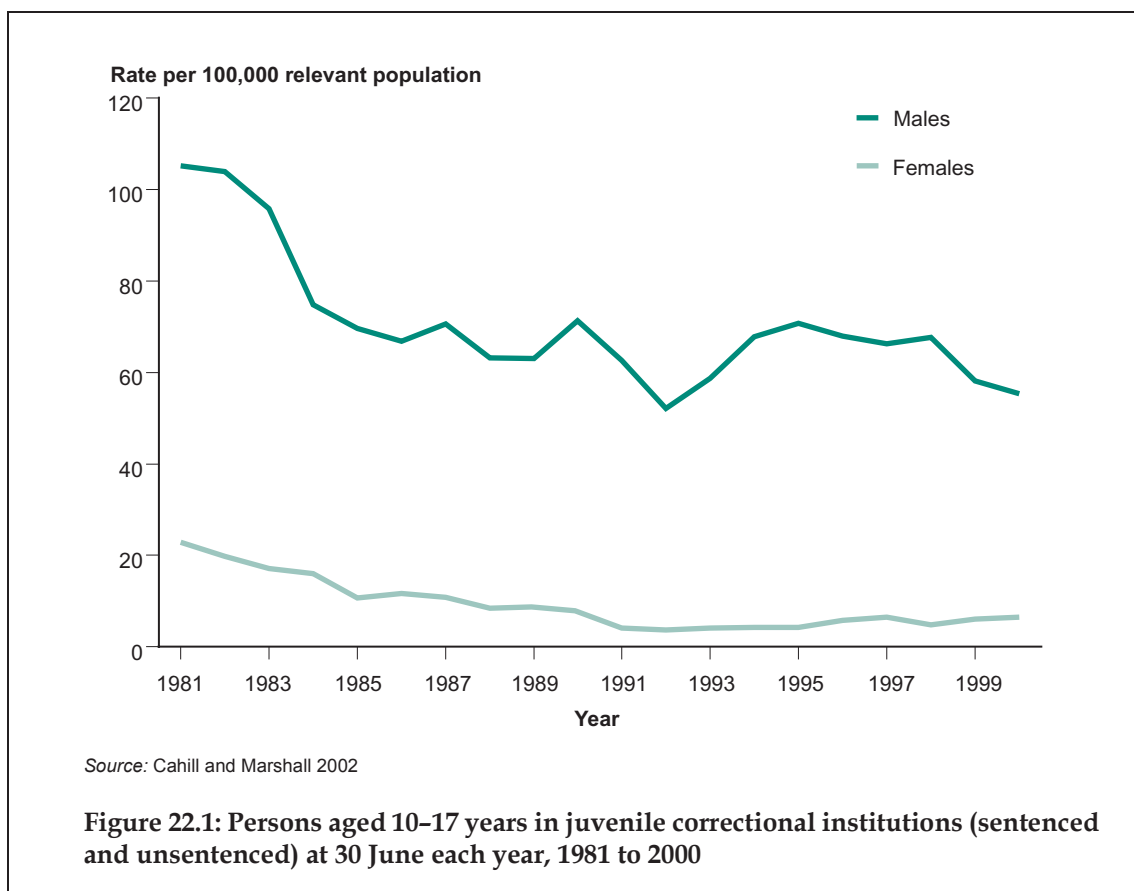
The likelihood that a young person will commit an offence is associated with their personal and social environments. Most episodes of juvenile crime are one-off events (Carcach and Leverett 1999). However, the incidence of juvenile crime appears to be rising. Mukherjee et al. (1997) reported increased involvement by juveniles in offences against the person as well as an increase in young females committing offences.

Risk factors for involvement in juvenile crime include family factors, intelligence and school performance, truancy, the influence of delinquent peers, poverty and unemployment, and substance misuse (Weatherburn 2001). 'Family factors' include a lack of parental supervision, parental rejection, lack of parental involvement with the child, and the inconsistent application of discipline. Other social environment risk factors include low family socioeconomic status, parental and sibling criminality, child abuse and neglect, and youth homelessness.

Young perpetrators of crime are commonly already suffering from or are at risk of poor health outcomes as a result of their offending. Young people with a history of juvenile offending are more likely to have existing mental health problems including mental retardation (Vermeiren 2003; Kessler 2002), to have been maltreated as children (Stewart et al. 2002) and to have substance dependencies. Adverse health outcomes for young victims of crime can range from injuries to suicidal ideation behaviour (Simon, Anderso, Thompson et al. 2002) and depression (Arboleda-Florez & Wade 2001).

## Juvenile detention

The definition of a 'juvenile' differs between Australian jurisdictions. In Queensland, juvenile justice legislation applies to those people who were aged 10–16 years at the time of offence. In most other jurisdictions, however, those who were 10–17 years are considered as juveniles. Victoria has a dual-track system that provides a sentencing option for adult courts, allowing appropriate 17–20-year-olds to be sentenced to detention in juvenile justice facilities (AIC 2002). Each state and territory in Australia submits a quarterly count of juveniles in correctional institutions to the Australian Institute of Criminology to produce a detention rate for the whole of Australia. Figure 22.1 shows the detention rate for young people aged 10–17 years in Australia between 1981 and 2000.



- The detention rate for young people aged 10–17 years has tended to decline over the period 1981 to 2000 from a total of 1,351 detainees in 1981 to 671 detainees in 2000. The rate for males decreased by 47% (105.2 per 100,000 to 55.3) and for females the decrease was 72% (22.9 per 100,000 to 6.4).
- Young males had rates of juvenile detention more than 8 times those of young females.

Because the trends presented in Figure 22.1 are a collated national picture of juveniles in custody, they are heavily influenced by changes within particular jurisdictions that have the largest number of detainees—particularly New South Wales, Queensland and Western Australia, (Cahill & Marshall 2002).

Importantly, however, the available data do not adequately describe the extent of young people's involvement with violence, crime and juvenile justice in Australia. National data are currently available on the number of young people held in juvenile justice detention centres, either on remand or who have been sentenced. This group of young people represents only a small proportion of juveniles supervised by juvenile justice departments and an even smaller proportion of those who are dealt with by the juvenile justice system as a whole.

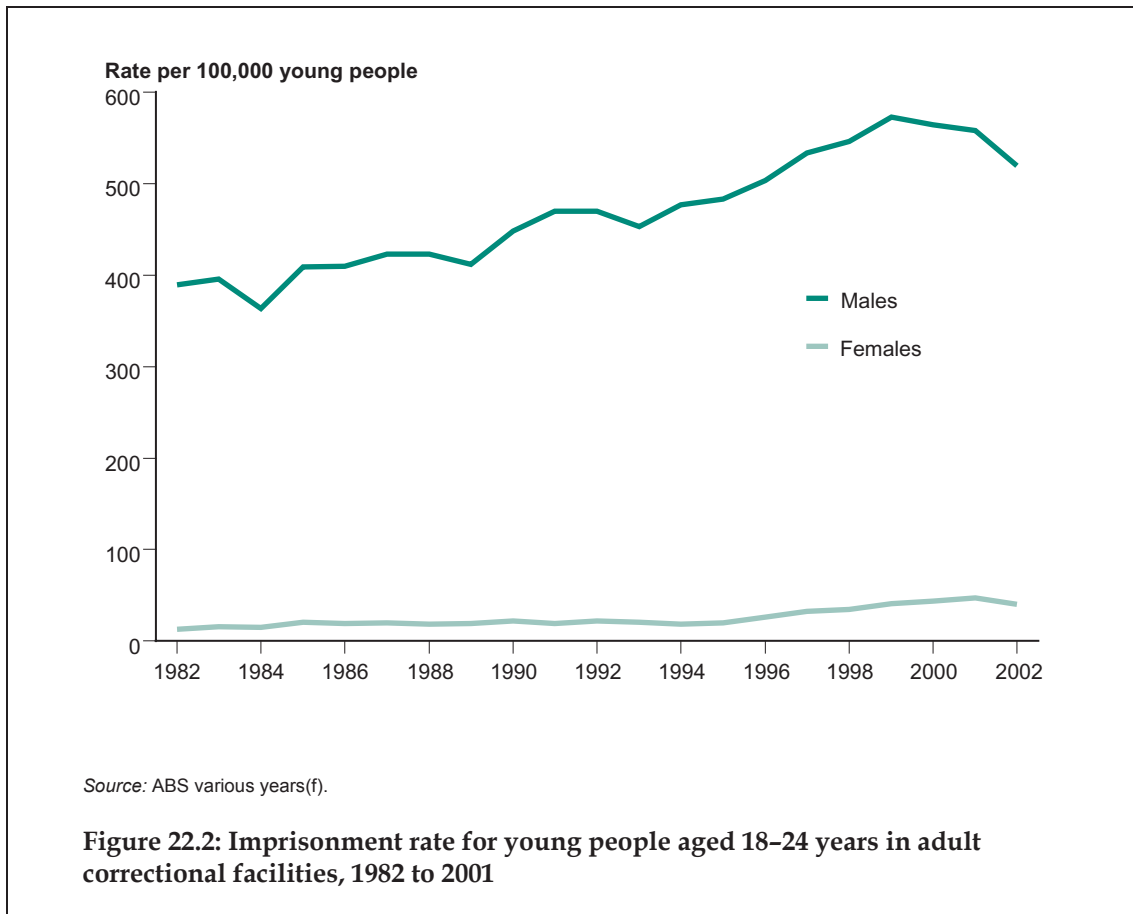
States and territories are currently working towards establishing a national data collection that will include young offenders who are on supervised community-based orders as well as in detention centres (AIHW 2003b).

### **Young people in prisons**

Data on the imprisonment rate of young people are collected through an annual prison census carried out by the ABS. The statistics collected are derived from information from administrative records held by corrective service agencies in each state and territory.

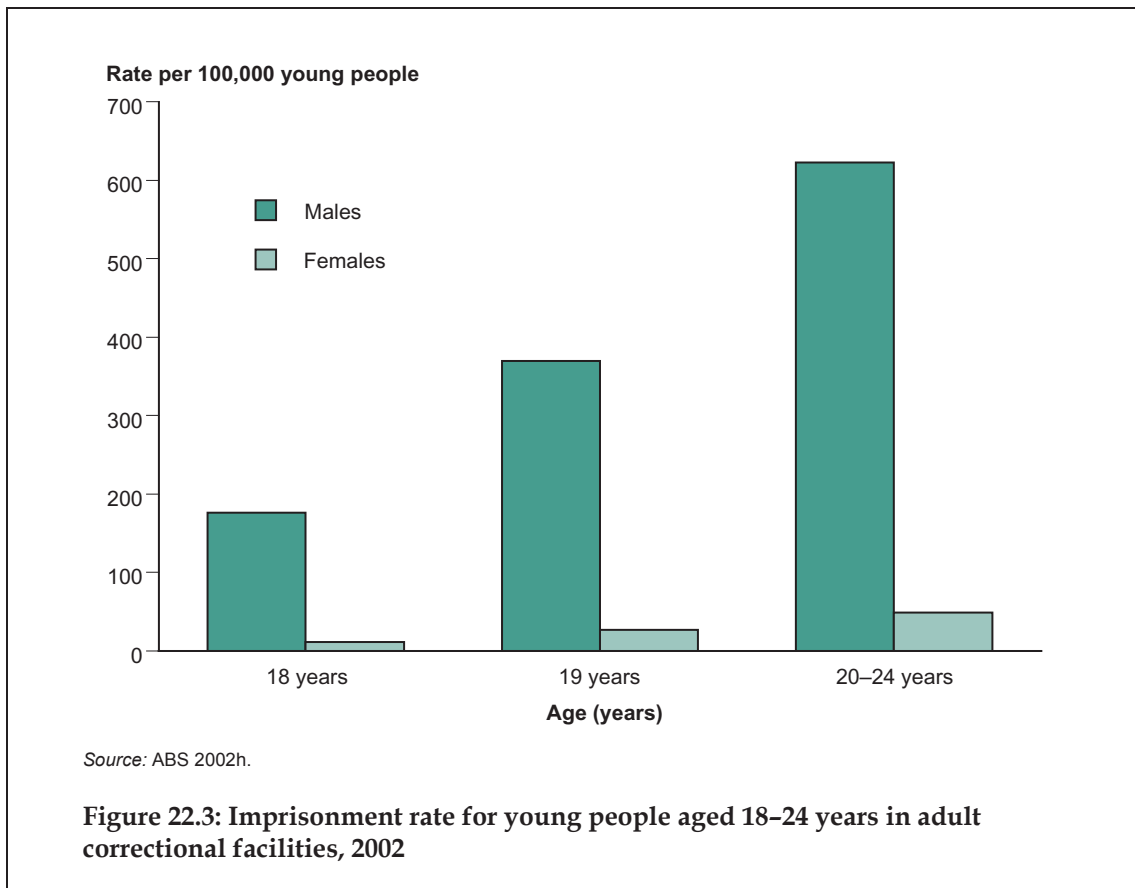
The health status of prisoners is generally poor. Inmate surveys have shown that high proportions of prisoners have communicable diseases such as hepatitis A, hepatitis B, hepatitis C and herpes simplex virus type 2 (AIHW 2002b).

On 30 June 2002, there were 22,492 prisoners in Australia, of whom, 24% (5,399) were aged less than 25 years.



- The imprisonment rate for young people aged 18–24 increased steadily between 1982 and 2002. The total number of imprisoned young people rose from 3,809 in 1982 to 5,399 in 2002.
- The imprisonment rate for males aged 18–24 years was 30 times the rate for females in 1982, but had reduced to 11 times by 2002. This was the outcome of a higher increase in the imprisonment rate for females—205% (from 13.2 per 100,000 to 40.3) compared with 33% (from 389.3 per 100,000 to 519.5) for males.
- The highest rate of imprisonment for males was in 1999 for males (571.4 per 100,000) and in 2001 for females (47.1 per 100,000)

Figure 22.3 shows the imprisonment rate in 2002 by age and sex.



- In 2002, there were relatively few imprisonments of young people aged 18 and 19 years (833, with 94% of these males).
- In 2002, the imprisonment rate for young people aged 20-24 years was 622.9 per 100,000 (4,566 imprisoned).
- Among young people aged 20-24 years, the imprisonment rate for males was more than 12 times the rate for females.

## Type of offence

Table 22.1: Prisoners in Australia by most serious offence, 2002

	Number		Per cent distribution	
	18–24 years	All age groups	18–24 years	All age groups
Robbery, extortion and related offences	1,122	3,105	20.8	13.8
Unlawful entry with intent	1,001	2,857	18.5	12.7
Acts intended to cause injury	881	3,118	16.3	13.9
Theft and related offences	585	1,899	10.8	8.4
Offences against justice procedures, government security and government operations	475	1,691	8.8	7.5
Homicide	315	2,330	5.8	10.4
Illicit drug offences	249	2,194	4.6	9.8
Road traffic and motor vehicle regulatory offences	175	1,005	3.2	4.5
Sexual assault and related offences	153	2,222	2.8	9.9
Deception and related offences	72	693	1.3	3.1
Property damage and environmental pollution	61	228	1.1	1.0
Abduction and related offences	54	164	1.0	0.7
Dangerous or negligent acts endangering persons	51	237	0.9	1.1
Public order offences	34	134	0.6	0.6
Weapons and explosives offences	28	98	0.5	0.4
Miscellaneous offences	141	513	2.6	2.3
Unknown	2	4	0.0	0.0
<b>Total</b>	<b>5,399</b>	<b>22,492</b>	<b>100</b>	<b>100</b>

Source: ABS Prisoners Australia, unpublished data.

- The most common serious offence category for which young people were held in prison (both as sentenced and unsentenced prisoners) was robbery, extortion and related offences (21% of all young people in prisons)
- Young prisoners had been convicted for robbery (21%), unlawful entry (19%), assault (16%) and theft (11%) at a higher rate than the total prisoner population (14%, 13%, 14% and 8% respectively)
- Prisoners in the total prison population had been convicted for sexual assault and homicide (10% each) at a higher rate than the young prisoner population (3% and 6% respectively).

## Victims of crime

Young people aged 15–24 years have higher victimisation rates for a number of specific offences than members of the overall population.

**Table 22.2: Victims<sup>(a)</sup> aged 15–24 years by selected offence category, 2002 (rate per 100,000 young people)**

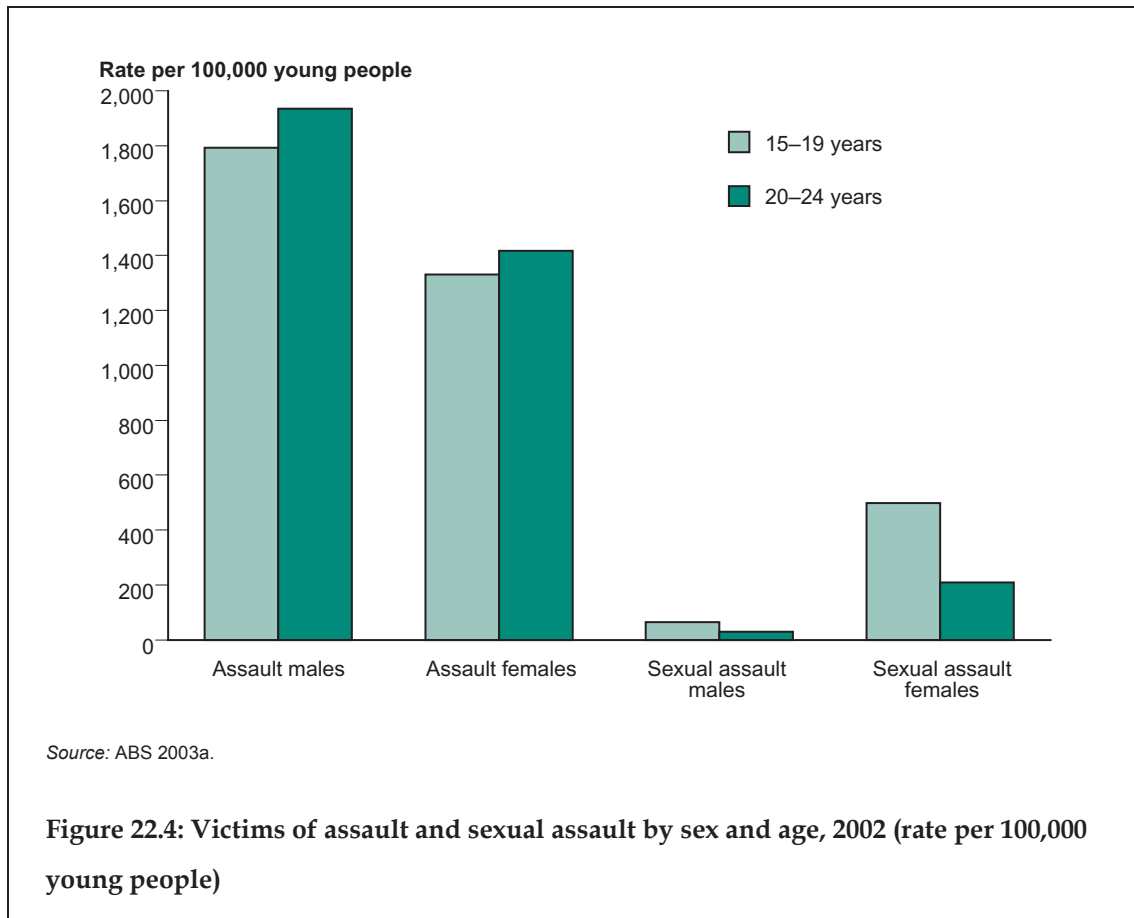
Offence	15–19 years	20–24 years	Total population aged 15+
Murder	1.5	2.6	1.6
Attempted murder	2.5	4.2	2.0
Driving causing death	2.5	2.5	1.0
Assault	1,580.5	1,728.7	809.7
Sexual assault	277.6	121.1	90.6
Kidnapping/abduction	11.1	7.6	3.5
Robbery	331.9	236.3	88.9
Blackmail/extortion	2.2	2.5	1.5

(a) Refers to individual persons.

Source: ABS 2003a.

- In 2002, young people were more likely to be victims of a number of specific crimes than the general population aged 15 years and over.
- Young people aged 20–24 were more likely to be victims of assault than those aged 15–19 years whereas 15–19-year-olds were more likely to be victims of sexual assault and robbery than 20–24-year-olds.

Assaults were the most common type of crime against the person recorded by police in 1998. Figure 22.4 shows the number and rate of assault victimisation for young people aged 15–24 years.



- Over 50,000 victims of all types of assault were recorded by police in 2002.
- Males aged 20-24 years (1,934 per 100,000 young people) were assaulted more than any other age group.
- Males were assaulted at higher rates than females in both the age groups.
- Females aged 15-19 and 20-24 years were sexually assaulted at rates around 7 times higher than males (499 compared with 64 per 100,000 and 210 compared with 31 per 100,000).
- Females aged 15-19 years were sexually assaulted at twice the rate of females aged 20-24 years (499 per 100,000 compared with 210 per 100,000).

## Reporting violence

Data on young people as victims of crime are incomplete. Victims of violence and other crimes are often reluctant to report crimes to the police and therefore the true estimation of the level of crime experienced by young people is likely to be underestimated in the data presented. For example, Williams and Bryant (2000) used data from the National Drug Strategy Household Survey to show that during 1998 nearly 70% of victims of an alcohol-related assault did not report the incident to police. Many victims stated they did not report matters because they believed the police could not do anything or because they thought the violence was too trivial to be reported to the police.

Table 22.3 shows the proportion of young people who were victims of an assault in 2002 and whether they reported the incident to police. These figures come from the 2002 ABS Crime and Safety Survey.

**Table 22.3: Whether a victim of an assault in the previous 12 months reported the matter to police, by age group and sex, 2002**

		Number ('000s)			Reporting rate (%) <sup>(a)</sup>
		Police told	Police not told	Total	
Males	15–19	17.7	57.3	75.0	23.6
	20–24	16.1	47.3	63.4	25.4
	<i>Total 15+</i>	<i>128.5</i>	<i>263.7</i>	<i>392.2</i>	<i>32.8</i>
Females	15–19	9.0	45.6	54.6	16.5
	20–24	9.8	26.4	36.2	27.0
	<i>Total 15+</i>	<i>92.6</i>	<i>233.0</i>	<i>325.7</i>	<i>28.4</i>
Persons	15–19	26.7	102.9	129.6	20.6
	20–24	25.8	73.7	99.6	25.9
	<b>Total 15+</b>	<b>221.1</b>	<b>496.7</b>	<b>717.9</b>	<b>30.8</b>

(a) The reporting rate is the number of victims who told police, expressed as a percentage of victims.

Source: ABS 2002 Crime and Safety Survey, unpublished data.

- The 2002 Crime and Safety survey data show that around 230,000 young people were the victims of assault in the 12 months before the survey.
- In 2002, only 21% of young people aged 15–19 years out of 130,000 and 26% of people aged 20–24 years out of around 100,000 reported an assault on them to police.
- Males 15–19 years reported assaults to police at a higher rate than females of the same age (24% compared with 17%). For young people aged 18–24 the reporting rates for males and females were similar.
- Females aged 20–24 years reported assaults to police at a higher rate than all other young people (27%).

In 1996 the ABS conducted a survey to look at women's safety. The percentage of young women aged 18–24 who were the victim of violence by a male, compared with all women over 18, is shown in Table 22.4.

**Table 22.4: Young women's experience of violence<sup>(a)</sup> by a male during the 12 months before the survey, by age group and marital status, 1996**

Marital status	18–24 years		18 years+	
	Number ('000)	Per cent	Number ('000)	Per cent
Married/de facto	239.1	10.0	4,318.3	4.0
Not married (%)	706.2	18.6	2,562.3	10.0
<b>Total women</b>	<b>945.2</b>	<b>16.5</b>	<b>6,880.5</b>	<b>6.2</b>

(a) Includes physical and sexual violence.

Source: ABS 1996b.

- Approximately 945,000 women aged 18–24 years (17%) experienced violence by a male in the 12 months before the survey, compared with nearly 688,000 women aged 18 years and older (6%).
- Young women who were married or in a de facto relationship were less likely to be the victim of violence by a male than those young women who were not married (10% of married/de facto young women compared with 19% of unmarried women).

### Services for young women experiencing violence

Services available to young women experiencing violence include crisis, legal and financial services as well as health and counselling services.

The majority of women who experienced either a sexual or physical assault during 1998 did not use services available to them after the last incident of assault. In 1998, only 11% of women aged 18–24 years who had experienced a physical assault and 9% who had experienced sexual assault used at least one service after the incident respectively. These are important findings as women who access services and support following an experience of assault are more likely to make a successful recovery than those women who seek no services.

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