

**Information and Evaluation Series No 4**

**JUVENILES IN DETENTION  
ISSUES OF OVER-REPRESENTATION**

By

Michael Cain

Senior Policy Officer

**Department of Juvenile Justice**

**1995**

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(PO Box K399  
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The views expressed in this paper are purely the views of the author. They do not necessarily represent any official views of the Department of Juvenile Justice, nor are they necessarily shared by members of the staff of the Department of Juvenile Justice.

### **Cautionary Note on the Use of Statistics**

As the statistics in this report provide a quantitative description of the variables and factors under analysis, caution should be exercised in drawing firm conclusions from findings which relate to the sentencing process. While statistical analyses of this kind are important, the complexity of the sentencing process must be recognised. Sentencing decisions are the result of a careful consideration of relevant factors pertaining both to the offence and the offender.

The results of this study are based on a statistical examination of a number of quantifiable variables. However, particular findings may be explained by factors outside the scope of this study. Also, it may be inappropriate to draw general conclusions from the data where the number of cases being examined is small.

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# 1. INTRODUCTION

## 1.1 Background

This report is the third in the “Juveniles in Detention” series. These, reports, based on an annual census analyse the characteristics of juveniles who are in custody on April 13 of each year. The first report (Cain 1993) proposed and evaluated a model for diverting certain juvenile offenders from custody. The second report in the series (Cain 1994) examined the characteristics of three groups of juveniles in custody identified as having special needs: young women, Aborigines, and Indo-Chinese.

This report again examines these issues, and assesses the extent to which earlier findings continue to apply to the juvenile population in custody. In addition, this report profiles Pacific Islander, Lebanese and Maori detainees, all of whom are over-represented given their numbers in the general youth population.

The issues examined in the report are central to many of the initiatives and policy directions presented in the New South Wales Government’s White Paper on Juvenile Justice: *Breaking the Crime Cycle – New Directions for Juvenile Justice in NSW*. It is envisaged that this report will serve as a baseline against which the effect of current and future policy directions will be measured.

## 1.2 Organisation of the Report

This report is presented in four parts. **Part 1** is a description of juveniles in custody. This population is broken down by status, age, sex, offence type, and prior offence and outcome history.

**Part II** applies the diversionary model first proposed by Cain (1993, pp. 8-10) to the 1994 population in custody. In simple terms, the model identifies as suitable for diversion those juveniles on remand or serving a custodial sentence whose (alleged) offence, antecedents, or both, suggest that they pose minimum risk to the community.

The population in juvenile detention is notable for the over-representation of Aboriginal and Indo-Chinese youth, and the under-representation of females relative to their numbers in the broader youth population. It was the disproportionate representation of these groups which first prompted the analysis of their offence and demographic characteristics (Cain 1994). **Part III** of this report re-visits these special interest groups and assesses whether there has been any change in their profiles.

Since the previous report, other ethnic groups have also come to attention through their over-representation in the juvenile justice system. These ethnic groups – Pacific Islander, Lebanese and Maori are profiled in Part IV of the report.

## 1.3 Juvenile Justice Trends

The use of custody as a ‘last resort’ penalty is a sentencing principle popularly practised both locally and internationally. It is a principle favoured by judicial officers in the adult criminal jurisdiction, and by judicial officers dealing with children’s criminal matters. “Last resort” sentencing has its basis in fundamental humanitarian principles, and, particularly in relation to juvenile offenders, their diversion from custody is a guideline clearly articulated by the

United Nations Convention of the Rights of the Child and by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice:

The placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period (Rule 19.1, p.11).

The reasons behind this internationally adopted standard are also clearly enunciated:

Progressive criminology advocates the use of non-institutionalisations over institutional treatment. Little or no difference has been found in terms of the success of institutionalisation as compared to non-institutionalisation. The many adverse influences on an individual that seem unavoidable within any institutional setting evidently cannot be outbalanced by treatment efforts. This is especially the case for juveniles, who are vulnerable to negative influences. Moreover, the negative effects, not only loss of liberty, but also of separation from the usual social environment, are certainly more acute for juveniles than for adults because of their early stage of development. (Rule 19.1, p.11).

The past President of the Children's Court of Western Australia, Judge Hal Jackson (1994, p.37), short-listed the adverse effects of custody in simple, concrete terms:

- meeting other delinquent youths and adopting their culture;
- bravado and peer pressure;
- stigmatisation;
- the isolation of juveniles from their social context, contributing to further family and social breakdown".

It is perhaps not surprising to see that the New South Wales Government has adopted the international principle of non-institutionalisation as a standard for juvenile justice in its state. In the recently launched Government White Paper *Breaking the Crime Cycle: New Directions for Juvenile Justice in NSW*, the sentiments of the United Nations are reiterated in the document's Charter of Principles:

...young people should only be sentenced to detention where alternative community sentences have been fully considered and deemed inappropriate by the court. (NSW White Paper on Juvenile Justice, Charter of Principles, 1994, p.3)

Nevertheless, statements appearing elsewhere in the White Paper indicate that custodial sentencing of juvenile offenders, far from being abandoned, is viewed as an appropriate sanction within a liberal juvenile justice policy framework:

The Government will continue its broad juvenile justice policy directions which focus upon punishments that fit the crime, detention as a necessary sanction for serious and persistent offenders, rehabilitation of young offenders through the provision of quality education and vocational training programs, and greater involvement of the community in the juvenile justice system.

(NSW White Paper on Juvenile Justice, 1994, p.1)

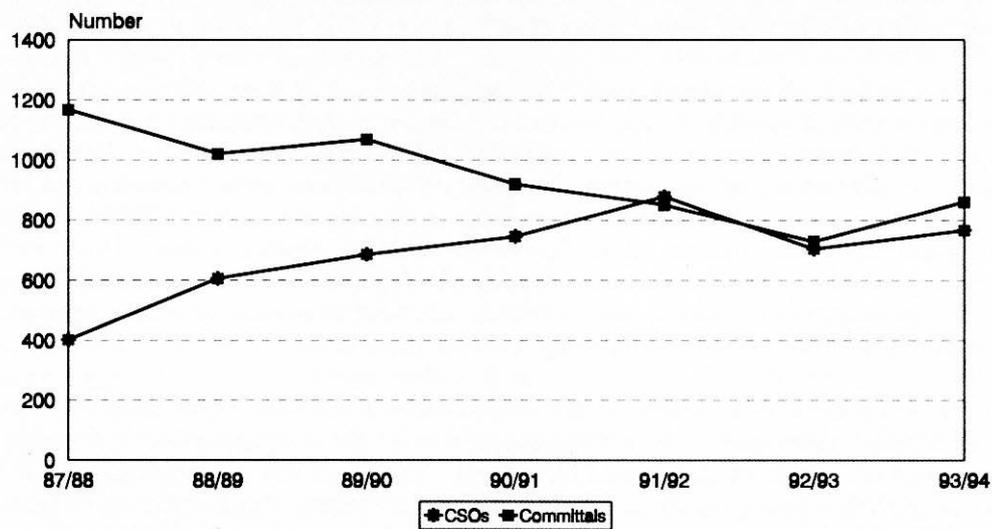
...the Government is adamant that detention is an appropriate and necessary penalty for juvenile offenders who commit serious crimes and for those juvenile offenders who repeatedly engage in criminal behaviour.

(NSW White Paper on Juvenile Justice, 1994, p.11)

Key precepts expounded in the White Paper are, the, that juvenile offenders be diverted, whenever possible, through the use of non-custodial alternatives to detention, and that custody be used judiciously as the maximum and last resort penalty for serious recidivist juvenile offenders.

Notably, one needs to go no further than NSW Children’s Court statistics to have revealed a demonstrated willingness to keep juveniles out of custody. Judicial officers, for many years prior to the release of the White Paper, have clearly applied such principles in determining penalties for juvenile offenders (see figure one).

**Figure 1: Children’s Court committals and community service orders (1986/87 to 1993/94)**

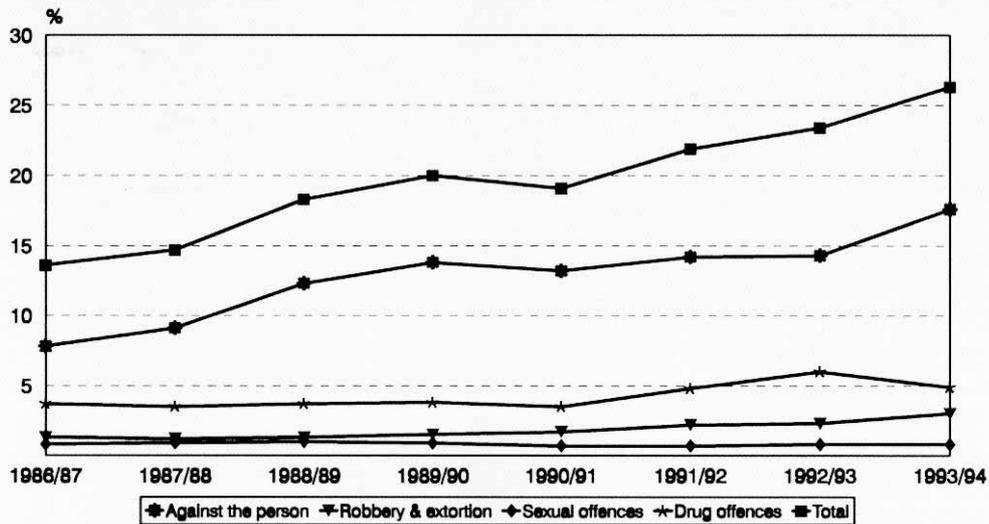


Source: Children’s Court Information System

This trend towards limited incarceration and greater community options is even more striking given that juvenile crime, as measured by court appearances, has become progressively more serious in the eight-year period from 1986/87 to 1993/94. For example, the proportion of juveniles who appeared before the Children’s Court in relation to serious offences involving violence or drugs has doubled since 1986/87; in 1993/94, violent and drug offences made up over one-quarter (26.3%) of all criminal appearances compared with 13.6% in 1986/87 (see **figure two**).

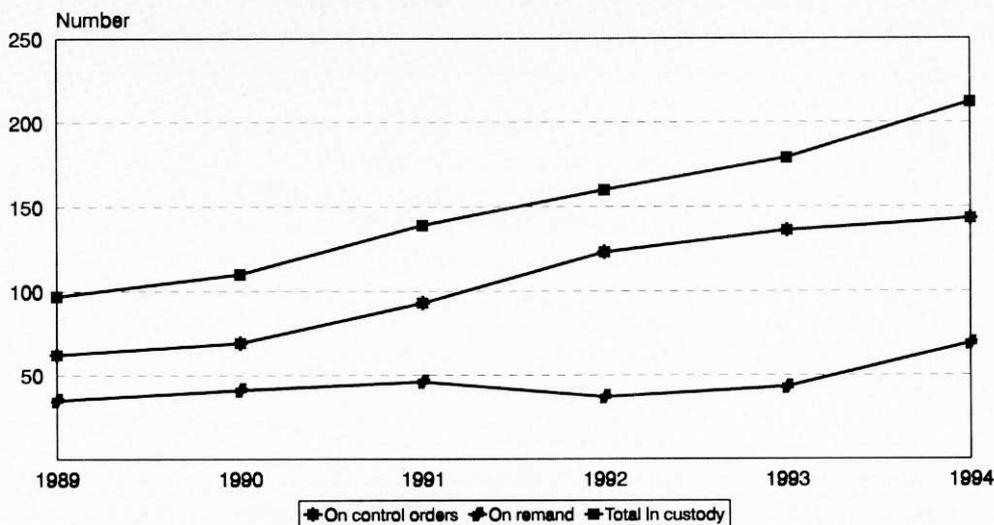
A time series analysis of the offence profile of juveniles in custody over a similar period also reflects the trend of more serious juvenile criminal activity. **Figure three** shows a steep increase in the number of juveniles in custody for violent offences. At the end of June 1989, fewer than one hundred juveniles were in custody for offences against the person. By June 1994, the number had exceeded two hundred. Most of the observed increase in the number of juveniles in custody for violent offences is the result of the sentencing and committal processes rather than the result of bail determinations. This is evident from the rapidly rising number of violent juvenile offenders serving custodial sentences in NSW juvenile Justice Centres. In contrast, the number of juveniles being remanded in relation to violent offences has remained relatively constant with only 1994 witnessing a definite increase.

Figure 2: % Children's Court appearances for violent and drug offences (1986/87 to 1993/94)



Source: Children's Court Information System

Figure 3: Violent juveniles offenders in NSW Juvenile Justice Centres (30 June, 1989 to 1994)



Source: Client Information System

This report examines the characteristics of young people detained in NSW Juvenile Justice Centres to determine whether there exists any further opportunity for the courts to reduce the number of children either admitted on control orders or held on remand. As part of this examination, there is an analysis of whether or not those young people in full-time custody, in general terms, represent the more serious and recidivist offenders.

### **1.3 Method**

Data for this study were obtained 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.

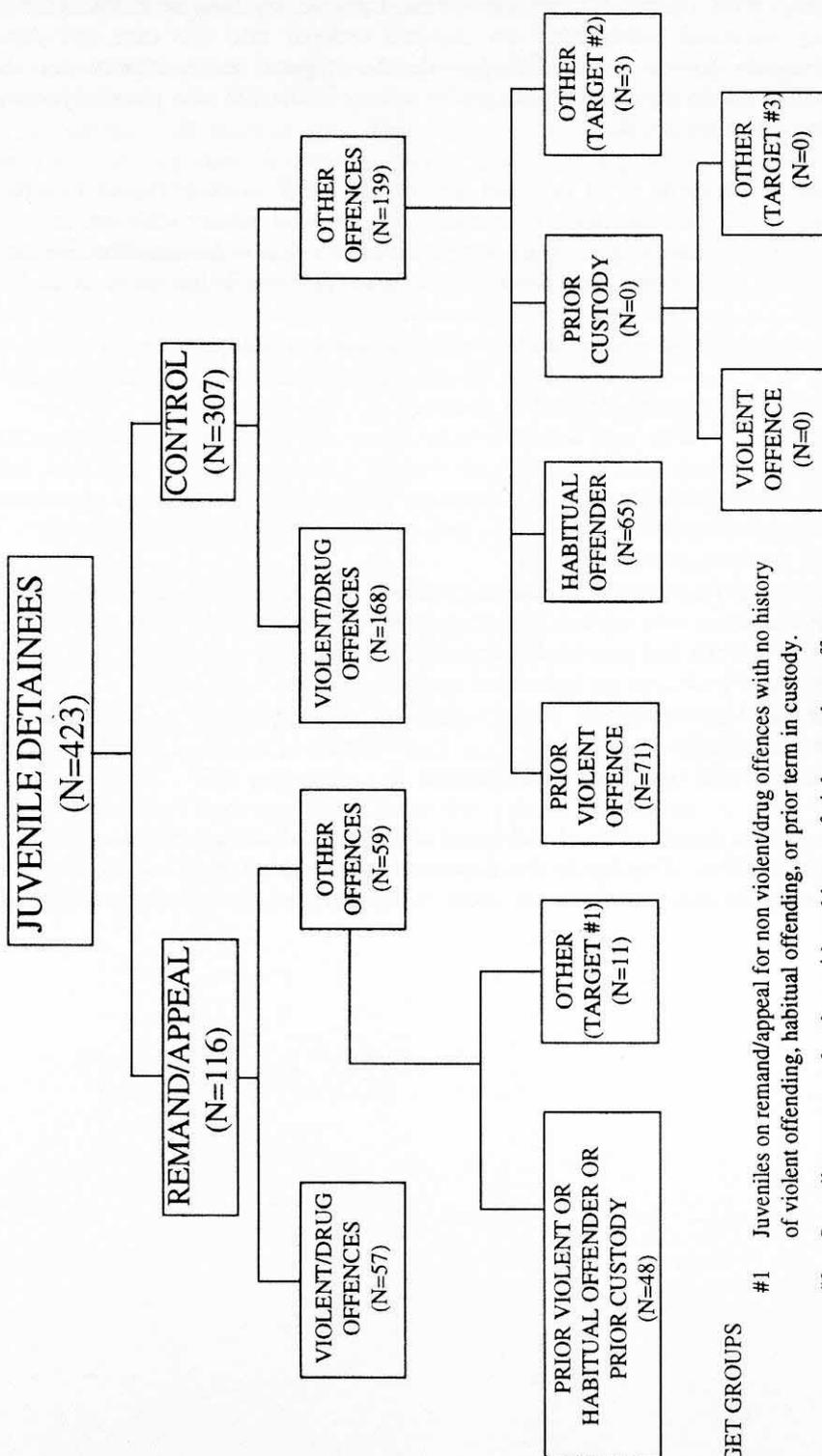
This study accessed the records of all juveniles detained in NSW Juvenile Justice Centres as at 13 April 1994. The profiles of 423 detainees were examined. The criminal history information of each juvenile in detention was verified by matching records on the Children's Court Information System, a court based statistical information system maintained by the Department of Juvenile Justice in parallel with the CIS.

The following characteristics were examined for each juvenile in custody:

- admission status (i.e. remand/appeal or control)
- gender
- age
- ethnicity/cultural background
- offence/alleged offence
- number of previous proven offence
- most serious previous proven offence
- first proven offence
- whether the juvenile had previously received:
  - (a) a supervised probation or supervised recognizance
  - (b) a community service order
  - (c) a term in custody
- number of custodial terms previously served.

**Figure four** presents, in graphical form, a breakdown of the general characteristics of juveniles who were in detention on 13 April 1994. This figure also depicts how the diversionary model, discussed in Part II, is applied to the juvenile detainee population in order to identify groups of juveniles for possible diversion.

Figure 4: Profile of Juveniles in Detention (as at 13 April 1994)



TARGET GROUPS

- #1 Juveniles on remand/appeal for non violent/drug offences with no history of violent offending, habitual offending, or prior term in custody.
- #2 Juveniles on control orders with no history of violent or drug offences, habitual offending, or prior term in custody.
- #3 Juveniles on control orders with no history of violent, drug or habitual offending, with a prior control order for a non-violent offence.

## PART 1 – PROFILE OF JUVENILES IN DETENTION

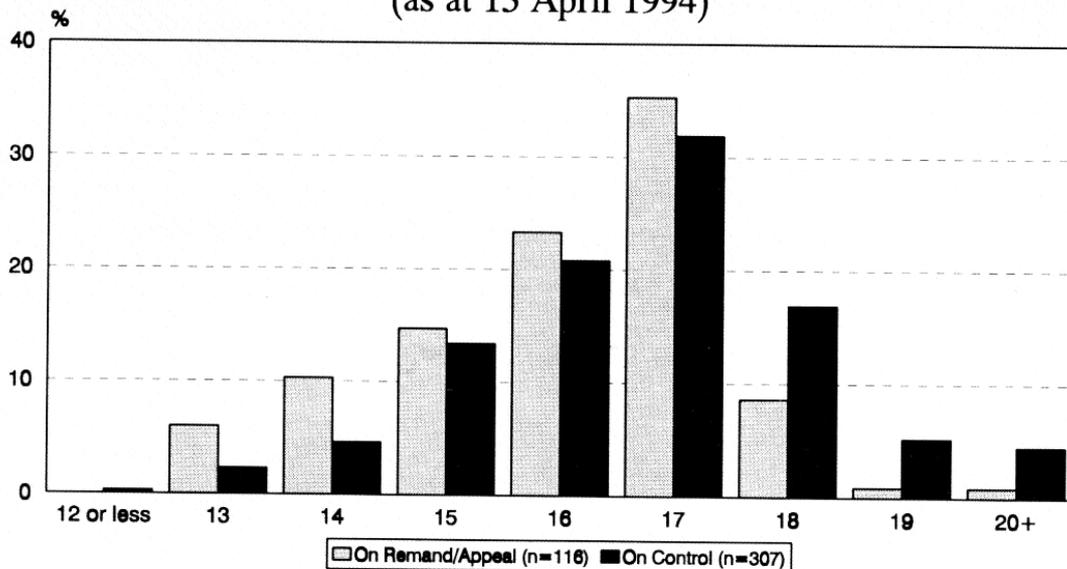
This section presents separate profiles of juveniles held on remand and juveniles serving control orders as at 13 April 1994. The legal status of the 423 juveniles in custody on the day of survey being: Control Orders (307), Remand (103) and Appeal (13). For convenience of discussion, juveniles on remand those awaiting appeals are considered together as one group.

### 2.1 Juveniles on remand and appeal

**Gender:** Males make up 92.2% (or 107) of the 116 young persons held on remand and appeal. Females represent 7.8% of remandees, which is more than double the proportion of females on control orders (3.3%).

**Age:** From **figure five** it may be seen that the majority of young persons held on remand are either aged 16 (23.3%) or 17 (35.3%). Children aged 15 years or less make up 31.0% of those refused court bail (up from 16.3% in 1993). This is far higher than the proportion of children aged 15 years or less in full-time custody (20.5%)

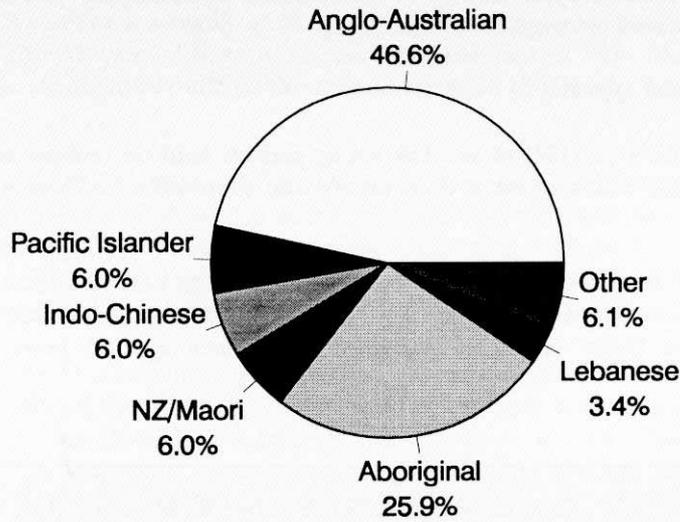
Figure 5: Age of juveniles on remand and control in NSW Juvenile Justice Centres (as at 13 April 1994)



Source: Client Information System

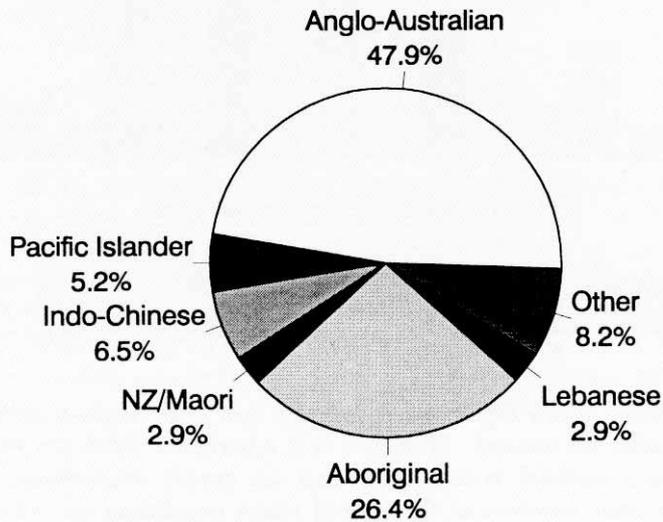
**Ethnicity/cultural background:** From **figure six** (a) it may be seen that Anglo-Australians represent just under half (46.6%) of all juveniles on remand. However, it is Aboriginal youth (25.9%) and Indo-Chinese (i.e. Vietnamese, Cambodian and Laotian) youth (6.0%) that are grossly over-represented in the remand population, particularly when their numbers in the general youth population are considered. Aborigines represent only 1.7% and Indo-Chinese 0.8% of the NSW youth population (0 to 24 years age range) according to the 1991 census figures (Australian Bureau of Statistics, *CDATA91*).

Figure 6a: Ethnicity/cultural background of juveniles on remand in NSW JJs (as at 13 April 1994)



Source: Children's Court Information System

Figure 6b: Ethnicity/cultural background of juveniles on control in NSW JJs (as at 13 April 1994)

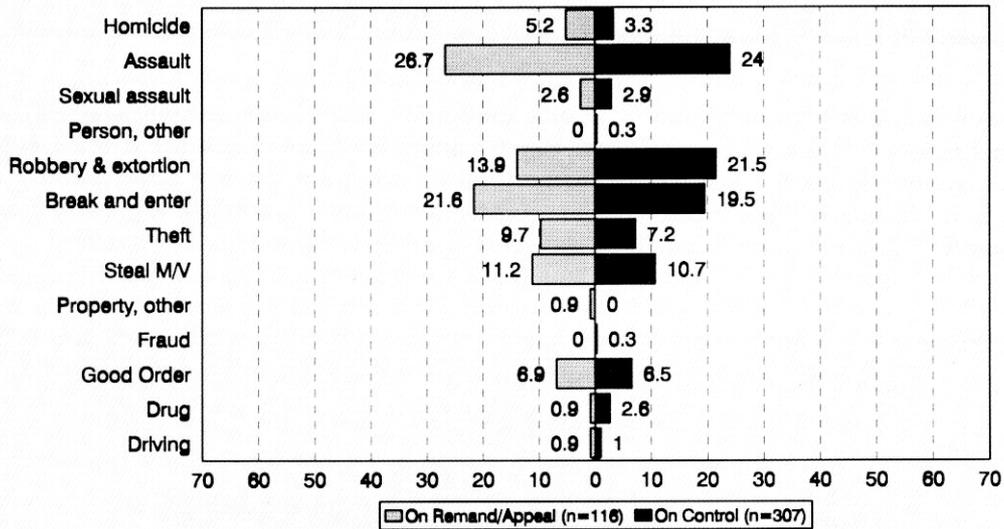


Source: Children's Court Information System

Three other ethnic categories – Lebanese (3.4%), Pacific Islander (6.0%) and New Zealand/Maori (6.0%) – also appear to have disproportionately high numbers of youth on remand. Whilst the proportion of Pacific Islanders in the NSW youth population is not available from the published census data, Lebanese and New Zealand/Maori youth constitute only 0.6% and 1.0% respectively, of the NSW youth population at the time of the 1991 census.

**Offence:** Alleged violent offences figure prominently in the offence profiles of juvenile remandees (see **figure seven**). Approximately half (48.3%) the young people were bail refused in relation to crimes of violence such as homicide, assault causing grievous bodily harm/actual bodily harm, malicious wounding, kidnapping, assault and rob, and armed and unarmed robberies.

**Figure 7: Principal offence for juveniles on remand and control in NSW JJs ( as at 13 April 1994)**



Source: Client Information System

Alleged theft offences, particularly break and enter offences (21.6%) and steal motor vehicle (11.2%), show up noticeably as crimes for which young people are placed on remand. In total, 6.9% of juveniles were being held on remand in relation to escaping from lawful custody or breaching an existing court order.

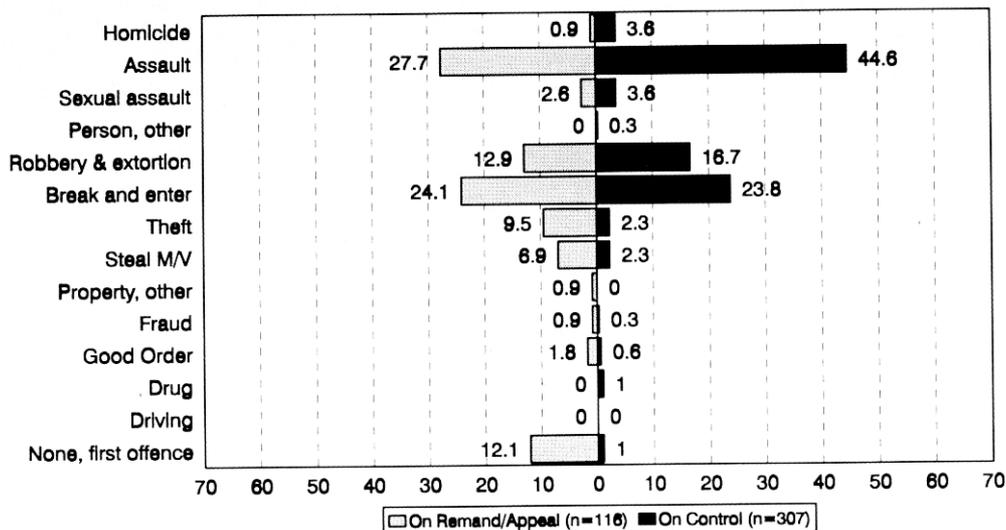
**Prior record:** Only one in every eight children (12.1%) on remand had no prior proven criminal offence and just 6.9% had one prior proven offence (**table one**).

Previous proven offences	On Remand/Appeal		On Control	
	N	%	N	%
None	14	12.1	3	1.0
1	8	6.9	19	6.2
2 to 5	20	17.2	55	17.9
6 to 9	17	14.7	30	9.8
10 or more	57	49.1	200	65.1
<b>Total</b>	<b>116</b>	<b>100.0</b>	<b>307</b>	<b>100.0</b>

Over 80% of remandees had two or more prior proven offences. In fact, just under half (49.1%) of all young people remanded in custody had ten or more prior proven offences (excluding multiple counts of the same offence). On this basis alone, one may argue that those juveniles remanded in custody on 13 April 1994 are very experienced in terms of their criminal activity.

**Most serious previous proven offence:** A large proportion of juveniles on remand (56%), like their counterparts serving full-time sentences (69.7%), have committed a crime of violence at some stage of their criminal career (see **figure eight**). The most common form of violence previously perpetrated by a juvenile remandee is an assault (26.7%) – either grievous (14.6%) or common assault (12.1%). A further one in eight remandees (12.9%) have previously been convicted of robbery either armed or unarmed.

Figure 8: Most serious previous proven offence for juveniles on remand and control in NSW JJs (as at 13 April 1994)



Source: Client Information System

Property offences are also likely as the most serious previous proven offence of remandees. Just under one-quarter of all remandees have an offence of break and enter recorded as their most serious antecedent. Motor vehicle theft (6.9%) and receiving stolen goods (6.0%) also figure in the criminal records of remandees.

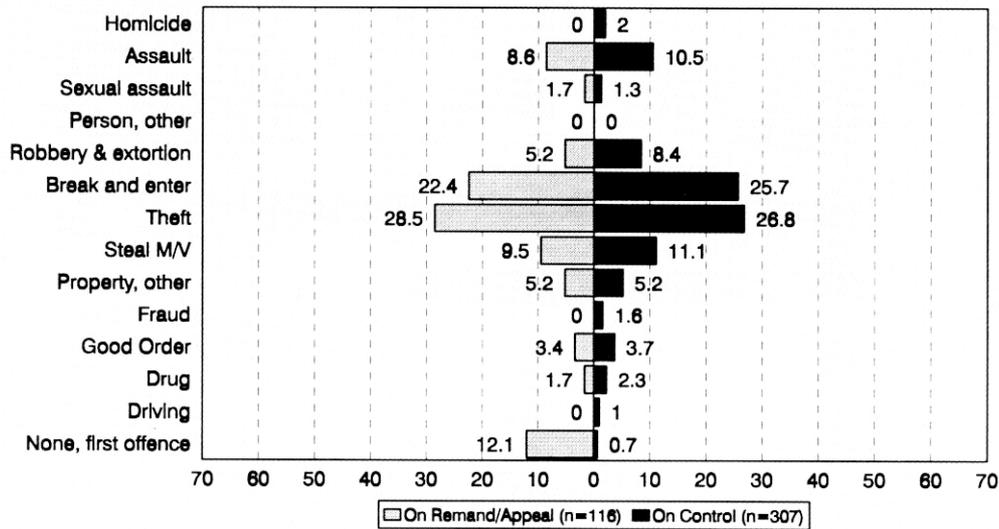
**First proven offence:** The first offence of juvenile remandees is in marked contrast to the present alleged offence. Basically, the criminal careers of most juveniles held on remand began with a non-violent, property related crime (**figure nine**). The majority of remandees (60.4%) were first convicted of an offence involving theft or burglary. The percentage of young persons on remand with a violent offence as their first offence (27.9%) is up from previous years (22.1% in 1992, and 15.5% in 1993).

**Prior Court Orders:** **Figure ten** shows that 61.2% of juvenile remandees had previously served a supervised probation or recognizance. However, what is surprising given the trend over the last decade for increased diversion “last resort” sentencing, and the elevated use of community service orders, is that only one fifth (21.6%) of juveniles on remand had previously been given the benefit of the more structured alternative to custody, the CSO. This percentage is down slightly on the previous year (25.5% in 1993).

Just under half (52 of 116, or 44.8%) of the juveniles on remand had previously served a term in custody. This is up from 36.4% in 1993.

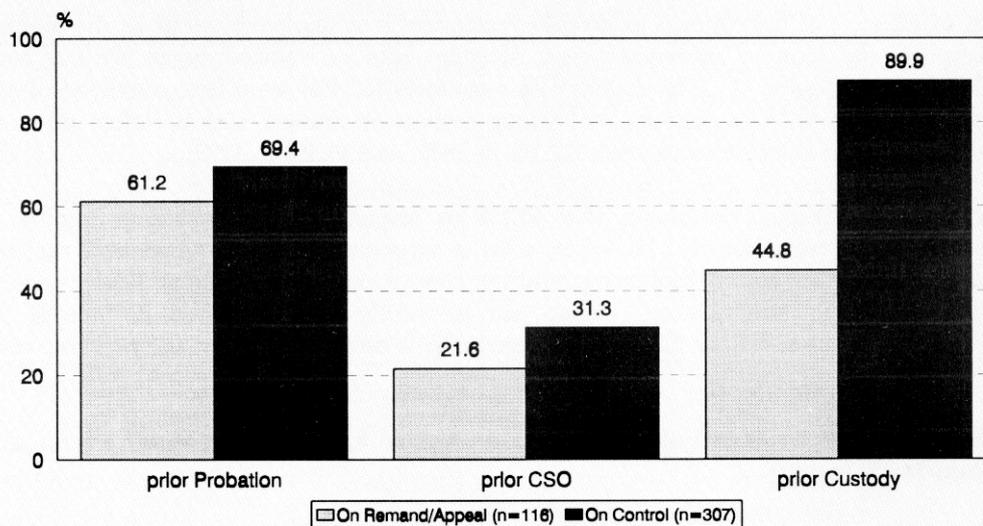
**Number of times in custody:** Of the 52 juveniles on remand who had served time previously, 27 (or 23.3% of the 116 remandees) had previously served a single term, 23 (19.8% of 116) had served time on two to five separate occasions, and two remandees (1.7% of 116) had served more than six separate terms in juvenile detention (**figure eleven**).

Figure 9: First proven offence for juveniles on remand and control in NSW Juvenile Justice Centres (as at 13 April 1994)



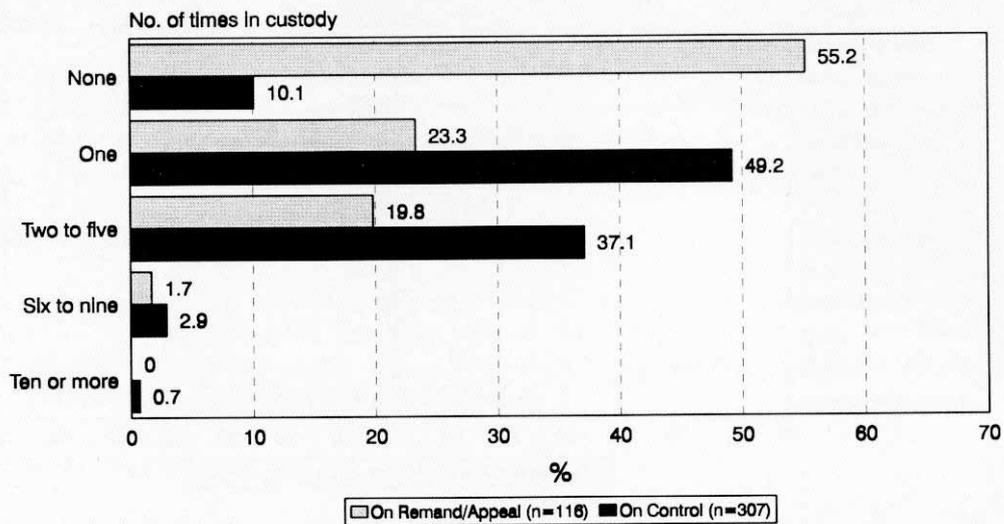
Source: Client Information System

Figure 10: Percentage of juveniles on remand and control in NSW JJs with prior probation, CSO or custody (as at 13 April 1994)



Source: Client Information System

Figure 11: Prior times in full-time custody for juveniles on remand and control in NSW JJC's (%) (as at 13 April 1994)



Source: Client Information System

## 2.2 Juveniles on control orders

**Gender:** Males make up 96.7% of the control population. There were ten females in juvenile justice centres on control orders as at 13 April 1994, down from 16 on the same day in the previous year.

**Age:** The courts, generally, restrict full-time custody to the older more experienced juvenile offender. This is reflected in **figure five**, which shows that only 20.5% of juveniles on control orders are aged less than sixteen years. Sixteen year olds make up 21% of full-time detainees, while those aged seventeen years and older represent the bulk (58.6%) of juveniles serving sentences in NSW juvenile justice centres.

**Ethnicity/cultural background:** **Figure six(b)** shows that, as for the remand population, Anglo-Australian youth make up a large proportion (47.9%) of juveniles on control. But, as for the remand group, it is Aboriginal youth (26.4%) and Indo-Chinese youth (6.6%) who are over-represented in full-time detention relative to their numbers in the NSW youth population.

The proportion of Lebanese youth (2.9%) and New Zealand/Maori (2.9%) youth serving control orders also are disproportionately high. Given that over five percent (5.2%) of juvenile detainees are of "Pacific Island" descent, the same may be inferred for this group of young people.

**Offence:** The courts tend to impose custodial sentences on to juveniles who have committed serious acts of violence such as homicides, assaults and robberies. Over half (52.1%) the juveniles on control orders had committed offences against other persons, including robberies (see **figure seven**).

Eight juveniles (2.6%) were serving control orders in relation to drug offences, down from 7.4% in 1993. Substantial numbers of juveniles were committed in relation to principal offences involving break and enter (19.5%), motor vehicle theft (10.7%), and stealing (4.6%).

Of the 20 juveniles serving control orders for good order of justice offences, 11 had been given a further term for escaping/absconding and a further five had received a control order for breaching a non-custodial order. The remainder were in custody in relation to offensive behaviour (1), firearm offences (2), and other justice offences (1).

**Prior Record:** Only one percent of full-time juvenile detainees as at 13 April 1994 were first offenders. **Table one** shows that juveniles on control orders are very experienced in terms of their level of past criminal activity. Over 92% have two or more prior proven offences. The extent of juvenile recidivism is also indicated by the 65% of juveniles on control orders who have no fewer than ten prior proven criminal offences.

**Most serious previous proven offence:** Seventy percent of juveniles serving control orders had previously been found guilty of a robbery or other violent crime (see **figure eight**). Assault appears commonly as the most serious prior proven offence in the criminal histories of those serving control orders (28.3%). Grievous assault also regularly appears as the most serious previous proven offence (15.0%), as do armed robbery offences (8.5%).

Almost one in every four (23.8%) full-time detainees have “break and enter” recorded as their most serious previous proven offence.

**First proven offence:** Ten percent (10.5%) of full time detainees had initially committed a non-sexual assault, 1.3% a sexual assault, and a further 8.4% initially committed a robbery (see **figure nine**).

One in four detainees (25.7%) had first been convicted of a break and enter offence, and for 11.1% motor vehicle theft was recorded as their first conviction. Various other theft-related offences figure as the first proven offence of 26.8% of juveniles on control orders.

**Prior Court Orders:** The majority (69.4%) of full-time detainees previously had received a supervised probation from the court. However, over two-thirds (68.7%) of juveniles in custody had not been given the benefit of a community service order, which is viewed as the penultimate penalty. Nine of every ten persons in juvenile detention had previously served time in custody (see **figure ten**).

**Number of times in custody:** The entrenchment of young offenders in the juvenile justice system is not only evident from the large number of juvenile detainees (276 of 307) who have previously served custodial sentences in juvenile justice centres. It is also evident in the figure that almost half such detainees had served control orders on two or more times previously (see **figure eleven**).

For 114 juveniles (37.1%), the current term in custody is their second to fifth; for nine juveniles (2.9%), the number of previous sentences served ranged from six and up to nine; and, for a further two juveniles, ten or more separate custodial terms had been served in juvenile justice centres.

## PART II – A MODEL FOR DIVERSION

### 3.1 Aim

This section aims to provide comprehensive detail on the demographic and offence characteristics of juveniles in detention in order to test the claim that these juveniles are serious offenders, whom the courts could not deal with by way of non-custodial alternatives. Analysing the characteristics of juvenile offenders placed in detention may corroborate the court's decision to incarcerate or, alternatively, suggest anomalies in the court's diversionary processes.

The corollary of such an analysis is the identification and highlighting of particular types of young people in detention (both remandees and committals) who may have been better served by non-custodial adjudications. It is hoped such information will be considered by the courts to foster further diversion from custody of those considered a minimum risk to the community.

This study adopts and applies the diversionary model detailed in the previous profile (Cain 1993, *Juveniles in Detention: A Model for Diversion*, pp.8-10). This model is depicted graphically in figure four. In simple terms, the model attempts to identify groups of juvenile detainees "suitable" for possible diversion. The model seeks to assess the "criminality" of current detainees through examining, by way of successive filters, the following characteristics:

- Admission status (i.e. remand/appeal or control)
- Nature of offending (i.e. violent or non-violent)
- History of violent or habitual offending
- History of custodial terms (and whether such terms were for violent/non-violent offences).

One revision to the original model was made in appreciation of the perceived seriousness of drug crimes. Any drug matter which was the principal offence and which resulted in a committal was placed at the same level of offence seriousness as crimes involving violence.

It is conceded that the posited model does not take into account the intricacies and complexities of the sentencing process. The model simply proposes for the diversion and decarceration of certain juvenile offenders on the grounds that the (alleged) offences and criminal histories of such juveniles seem minor and, therefore, denying these individuals their freedom in the community appears inappropriate.

### 3.2 Juvenile Detainees Identified for Possible Diversion

**Figure 4** shows that, in total, only 14 of the 423 juveniles in custody on the 13 April 1994 have offences and/or criminal histories which, when the diversionary model is applied, make them suitable for possible diversion. The 14 juveniles represents 3.3% of the juvenile justice centre population on the day. A brief summary of the characteristics of these identified target groups follows:

- **Target Group #1** contains those juveniles on remand for non-violent offending who do not have a serious criminal record. Eleven juveniles, or 9.5% of the remand population on the day of survey, are contained in this target group.
- **Target Group #2** contains those young persons serving control orders for non-violent or non-drug offences. Furthermore, these detainees do not have a serious criminal record in that;

- they have not offended violently in the past;
- are not habitual offenders; and,
- have not previously been ordered into custody.

Three of the 307 juveniles serving control orders are identified in this group, representing just under 1.0% of the control population on the day of survey.

- **Target Group #3** contains those juveniles serving a term in custody for a non-violent or non-drug offence who have no history of violent or habitual offending, but have previously served time in custody (for a non-violent offence). There were no young persons in this group as at 13 April 1994.

Additional information on the characteristics of juveniles identified in the target groups is provided in section 3.2.4.

### **3.2.1 Target Group #1**

The eleven young persons in this group are juveniles on remand (or appeal) for a non-violent offence. They do not have a record of violent, drug, or habitual offending and have not previously served a control order.

**Gender:** There is only one female in this group. Male young offenders comprise the remaining 91%.

**Age:** Juveniles in this group are young with 36.4% below the age of 16 and no individual older than 17 years of age.

**Ethnicity/cultural background:** One of the eleven juveniles is Aboriginal, two juveniles are from New Zealand, one from Cambodia, one from Tonga, and the remaining six are Anglo-Australian youths.

**Offence:** The alleged crimes committed by these juveniles are non-violent and involve property offences, mainly break and enter (7), steal motor vehicle (2), and receive stolen goods (1). The remaining juvenile was on remand for breaching the condition of an existing order.

**Prior Record:** Five of the eleven remandees (45.5%) have a criminal record of one-prior proven offence each. The prior offences relate to steal motor vehicle (2), shoplifting (1), and receiving (1). The other six have no prior proven offences.

**Prior Court Orders:** Only one of the eleven juveniles in this group previously received a supervised probation or recognizance. No Juvenile from this target group received a community service order for their first (and only) previous proven offence.

### **3.2.2 TARGET GROUP #2**

The three young persons in this group represent juveniles on control orders for non-violent offences. Each is without record of violent, drug, or habitual offending or, for that matter, prior incarceration.

**Gender:** The three young persons in this group are male.

**Age:** They are aged 15, 16 and 19 years of age.

**Ethnicity/cultural background:** One juvenile detainee is Aboriginal; the other two are Anglo- Australians.

**Offence:** Two were committed for break and enter offences, the third for stealing.

**Prior Record:** All three have one prior proven offence. These priors refer to break and enter (2), and stealing (1).

**Prior Court Outcome:** One juvenile in this group received a supervised recognizance for his initial proven offence. The other two had their earlier matters finalised by way of dismissal, one being cautioned.

### 3.2.3 Target Group #3

There are no juveniles in this group.

### 3.2.4 The target groups – further dimensions

A further analysis of the members of the target groups was undertaken which considered:

- The juvenile's region of residence;
- The region in which the adjudicating court was located;
- Whether the juvenile was detained on warrant for fine default.

**Place of residence:** **Table two** indicates that half the juveniles identified in the target groups resided in the Sydney metropolitan area. Of those residing in "non-metropolitan" areas, two came from Southern NSW, and one each came from the Hunter, Northern and Western NSW areas (Note: the place of residence of two juveniles was not recorded).

**Court of determination:** **Table two** shows that five of the 14 (35.7%) targeted juveniles had been placed in custody (i.e. bail refused or committed) by a Metropolitan West Court. Even allowing for the small numbers involved, Metropolitan West courts are involved in a disproportionately high number of decisions to place custody individuals potentially suitable for diversion. The country courts in Hunter (3), Southern NSW (3), northern NSW (2) and Western NSW (1) were involved in placing the remaining nine targeted juveniles into custody.

**Warrants:** None of the fourteen targeted juveniles were being held in custody on warrants for fine default.

Table 2: Regional breakdown of place of residence and court of determination for juveniles in Target groups				
REGION	Place of residence		Court of determination	
	N	%	N	%
Metropolitan East	2	14.3%	0	0.0%
Metropolitan South	1	7.1%	0	0.0%
Metropolitan West	4	28.6%	5	35.7%
<i>Sub-total (metro)</i>	7	50.0%	5	35.7%
Hunter	1	7.1%	3	21.4%
Northern NSW	1	7.1%	2	14.3%
Southern NSW	2	14.3%	3	21.4%
Western NSW	1	7.1%	1	7.1%
<i>Sub-total (country)</i>	5	35.6%	9	64.3%
Interstate	0	0.0%	0	0.0%
Unknown	2	14.3%	0	0.0%
<b>Total</b>	<b>14</b>	<b>100.0%</b>	<b>14</b>	<b>100.0%</b>

### 3.3 OVERVIEW

The young persons identified in the target groups have never committed violent crimes or drug crimes. All 14 young persons were in custody for crimes which are traditionally considered to be opportunistic, episodic, circumstantial or transitory in nature, namely break and enter (9), stealing (3), receiving stolen goods (1), and breach of order (1).

The target group members are relatively young with five of the fourteen (36%) below the age of sixteen years. One of the identified juveniles is female.

The targeted juveniles appear relatively inexperienced in terms of prior offending. Six of the fourteen targeted juveniles (43%) have no criminal record and the remaining eight (57%) have but one prior proven offence. Considering the fairly innocuous nature of the offences and criminal records of these juveniles, it is hoped that the decision to deny these young people their liberty was not based on welfare related protection reasons.

No cultural group appears disproportionately represented in the target groups. Most juveniles in the target groups came from metropolitan area, and were incarcerated by courts in the Metropolitan West area.

For each of the 14 identified juveniles there exists a doubt that the decision to incarcerate, by way of bail refusal or committal, was based on the criminality of the offender involved given that:

- the offence (or alleged offence) was no-violent and not a drug matter;

- it was either only their first or their second offence;
- where it was the second offence, few of these juveniles had received a supervised order, such as a CSO, probation with supervision or recognizance with supervision, in relation to the initial offence.

### **PART III – SPECIAL NEEDS GROUPS IN CUSTODY**

#### **4. YOUNG WOMEN IN CUSTODY**

Young women in custody are very much a minority group. They make up only around five percent of the Juvenile Justice Centre population (NSW Department of Juvenile Justice, *Information Package for 1993/94*). Their number in appearances before the children's Court on criminal matters, however, is substantially higher (1993/94: 16.5%; *ibid*).

As at 13 April 1994, there were only 19 females in NSW Juvenile Justice Centres: nine girls on remand and ten girls serving control orders. As a previous profile suggested that "remand centres may be being used to meet the welfare needs of certain groups of socially disadvantaged young persons" (Cain 1993, p.34), the characteristics of girls on remand are examined separately from girls on control orders.

##### **4.1 Girls on remand**

**Age:** Five of the nine (56%) girls were below the age of 16 years whilst awaiting the court to hear their case. The percentage of those aged 15 years or less for the entire remand group is 31%. This may indicate that young(er) girls coming to the attention of the courts are being dealt with relatively more severely in relation to bail determination than young males charged with offending.

**Ethnicity/cultural background:** The nine girls on remand were recorded as being of the following ethnic backgrounds: Anglo-Australian (3), Aboriginal (2), New Zealand (1) Samoan (1), and Vietnamese (2).

**Offence:** Six of the nine (67%) female remandees were bail refused in relation to alleged violent offences. The principal charges related to: assault occasioning grievous bodily harm/actual bodily harm (3) and common assault (3). The remaining three girls on remand were awaiting hearing of charges of steal motor vehicle (1), and breach of court order (2).

**Prior Record:** Only one female remandee has no record of past proven offending. One girl has a record with one prior proven offence three girls have two prior proven offences, one girl has six priors, and three had ten or more prior proven offences.

**Prior Court Orders:** Three (33%) of the young women remandees had served time in custody on one prior occasion. None of these young women had previously received a CSO, but seven of the nine (78%) had previously been placed under the supervision of a juvenile justice officer for an earlier offence.

##### **4.2 Girls on Control**

**Age:** Two of the ten (20%) girls serving control orders on 13 April 1994 were younger than 16 years of age. This indicates that young women on control are of comparable age to their male counterparts.

**Ethnicity/cultural background:** Five of the ten (50%) girls on control are Aboriginal, which is an alarming over- representation. Four of the remaining five young women serving control orders are Anglo-Australian and the other young woman is of Maori descent.

**Offence:** Eight young women (80%) were serving control orders in relation to violent offences specifically: homicide (2), assault (1), malicious wounding (1), armed robbery (1), and robbery (3). The remaining two young women were serving control orders in relation to stealing and receiving stolen goods.

**Prior Record:** Each of the ten females on control has a record of previous criminal offending. In fact, seven (70%) of the young women have ten or more prior proven offences recorded against them, two have seven and eight priors respectively and one girl has two prior proven offences.

**Prior Court Orders:** Nine of the ten (90%) females serving control orders previously served time in custody. Three girls have been in detention only one previously but six girls have served sentences from two to five times previously.

Not one young woman on control previously served a CSO. However, eight (80%) female detainees previously had the benefit of a supervised recognizance probation.

#### **4.3 Young women: serious offenders or victims of the system?**

The previous profile (Cain 1994) examined the issues revolving around the juvenile justice system's treatment of young women offenders. It found that young women in custody are generally as serious (i.e. violent) in their offending, and with as lengthy criminal histories, as their male counterparts. It also reported "the limited degree to which prostitution and soliciting appear in the criminal records of young women currently in juvenile justice centres" (p.49).

In order to substantiate the findings of the previous profile, the current study also examines the following factors concerning the justice and welfare histories of young women in custody. (See **table three(a and b)**):

- (1) whether the principal offence to which the young woman was ordered into custody was associated with the less serious charge of prostitution or soliciting;
- (2) the extent to which the criminal records of young women in custody contain charge(s) for the prostitution offences;
- (3) the number of times each young woman in custody had appeared in court for an offence which may be interpreted as a "survival strategy";
- (4) the number of times young women in custody have appeared in court in relation to charges under the *Summary Offences Act 1988*;
- (5) the number of proven serious offences (eg homicides serious assaults, robberies, serious drug offences) for young women in custody;
- (6) the number of young women in custody who *first* came to the notice of the court for welfare or status offences (e.g. "irretrievable breakdown", "neglected child", "uncontrollable").

**Table 3 (A & B): Criminogenic factors in the histories of young women in custody  
(as at 13 April 1994)**

A. Young Women on Remand						
No	Solicit as secondary offence	Previous soliciting offence	Previous survival offences	Previous summary offences	Previous serious offences	1st app. welfare or status
1	No	No	Steal (1)	Off. lang (1)	Assault (6) AOABH (3)	Yes (NC)
2	No	No	Steal (1) <sup>a</sup>	-	-	No
3	No	No	-	-	-	Yes (IC)
4	No	No	-	Off.lang (1) Off. beh (1)	Possess (6) Assault (1)	No
5	No	No	Shoplift (5) Steal (1)	Off.lang (1)	-	Yes (IC)
6	No	No	Steal (5) Receive (3)	Off.lang (1)	Assault (4) <sup>b</sup>	Yes (IB)
7	No	No	Shoplift (3) Receive (2)	Off.lang (1)	Assault (2) <sup>b</sup>	No
8	No	No	Shoplift (1)	-	AOABH (2)	No
9	No	No	Steal (5) Receive (3)	Off.lang (1)	AOABH (2) Assault (2)	No

AOABH = Assault occasioning actual bodily harm

NC = Neglected child, IC = Inadequate care, IB = Irretrievable breakdown

*a* The current offence, for which the outcome was a supervised recognizance.

*b* The current offence, for which the charge was dismissed.

#### 4.3.1 Prostitution related principal offences

**Table three** clearly show that it is not valid to assume that prostitution offences form part of the offence profile for which young women are ordered into custody. Only one female detainee was found to have been convicted (with fine of \$100) for prostitution, and this conviction was additional to a control order being imposed for malicious wounding (together with a further conviction for stealing). Not one of the nine female remandees had prostitution or soliciting recorded as their principal or non-principal offence.

Prostitution, as anecdotally reported, may be part of the lifestyle of many young women in juvenile justice centres. However, the picture presented by the complete criminal histories of these young women clearly shows that arrests for prostitution are the exception not the rule, and that, at least at the time of their arrest; these young women appear not to have been actively engaged in prostitution or soliciting.

B. Young Women on Control						
No	Solicit as secondary offence	Previous soliciting offence	Previous survival offences	Previous summary offences	Previous serious offences	1st app. welfare or status
10	No	No	Steal (5)	Off. beh (1) Sacrilege (1)	Assault (5) Homicide(1) AOABH (2)	Yes (IB)
11	No	No	Receive (6) Shoplift (2) Steal (2)	Off.lang (2)	Robbery (3) Assault (2)	No
12	No	No	Steal (9) Shoplift (1)	-	Assault (2)	No
13	No	No	Shoplift (1) Steal (4)	-	Robbery (2)	No
14	No	No	Shoplift (1) Steal (2) Receive (1)	-	Possess (3) Homicide(1)	No
15	No	No	Steal (2)	Off.lang (2) Off. beh (1)	AOABH (1) Robbery (1) Assault (2)	No
16	No	No	Steal (11)	-	Robbery (7) Assault (1)	Yes (IC)
17	No	No	-	-	Assault (3)	No
18	No	No	Receive (1)	-	Robbery (1)	Yes (IB) <sup>c</sup>
19	No	No	Steal (9)	Off.lang (1)	Robbery (7)	Yes (IB)

AOABH = Assault occasioning actual bodily harm

NC = Neglected child, IC = Inadequate care, IB = Irretrievable breakdown

c At second court appearance.

#### 4.3.2 Previous soliciting offences

None of the young women on remand or serving a control order have a charge or conviction recorded for prostitution or soliciting under the Summary Offences Act 1988. This finding is even more definitive than that reported in the previous profile (Cain 1994), which found that only one of 25 young women in custody on 13 April 1993, had charges relating to soliciting.

#### 4.3.3 Survival strategy offences

It has been reported that economic disadvantage is a significant factor in delinquency and criminal offending (Farrington 1989; Devery 1991). Many forms and instances of crime are alternate means of gaining sustenance or gaining money to purchase essentials such as food and accommodation.

It is undeniable that many young people who find their way into custody are typical of the “youth underclass” (White 1993) – a disadvantaged group who often must commit criminal offences in order to subsist and survive. As in the previous study, the offences in this report which are considered as survival strategies are stealing, shoplifting, receiving/possessing stolen goods, forgery, false pretences, fraud, prostitution and soliciting.

Sixteen of the nineteen (84%) young women in custody on 13 April 1994 have criminal records which include offences that are categorised as survival strategies. In fact, 13 of the 19 (68%) females had attended court on two or more previous occasions for such survival offences. Ten girls had five or more such matters contained in their criminal records.

#### **4.3.4 Summary offences**

Under the *Summary Offences Act 1988*, individuals may be charged to appear before the court in relation to a range of “offences in public places” including offensive conduct or language, obscene exposure, obstructing traffic, “prostitution”, participation in an unauthorised “public assembly”, and violent disorder”.

The criminal histories of ten of the 19 (53%) females in detention contained charges for offences legislated under the *Summary Offences Act*. In total, 11 charges of offensive language and three charges of offensive behaviour had been levelled against these ten young women.

#### **4.3.5 Previous serious offences**

Six of the nine young women on remand and each of the ten young women serving custodial sentences have been convicted of violent offences such as homicide armed robbery, unarmed robbery, assault causing actual bodily harm, and common assault. A number had also been convicted of indictable drug offences such as possession or supply of a prohibited drug.

The extent of violent criminal behaviour in the profiles of these young women is worthy of further mention. Eleven of the nineteen (58%) females have history of harming others on three or more separate occasions. Two young women have prior proven offences of homicide. A further four have been convicted on one or more occasions for assault occasioning actual or grievous bodily harm. Six young women have convictions for armed robbery, robbery in company, and assault and rob.

#### **4.3.6 First appearance in court: welfare or justice related?**

*The Child Welfare Act 1939 (as amended)* subjected juveniles appearing before the court in relation to care and protection matters to the same experiences, and the same range of punitive sanctions, as juvenile offenders. This legislation was superseded in 1987, allowing children and young persons appearing before the court on care and protection matters to be dealt with separately from the juvenile justice system.

All of the young women in this study were young children under the old legislation and many, having the misfortune to come from dysfunctional and abusive homes, directly experienced the injustices of the old regime. Some of these young women, who were neglected children and/or received inadequate care, were placed by the courts for protective reasons in detention centres together with juvenile offenders.

Eight of the 19 (42%) young women in this study *first* appeared in court in relation to child welfare or care and protection matters. Four young women first appeared before a magistrate with regard to “irretrievable breakdown” of family relationships. Four others were

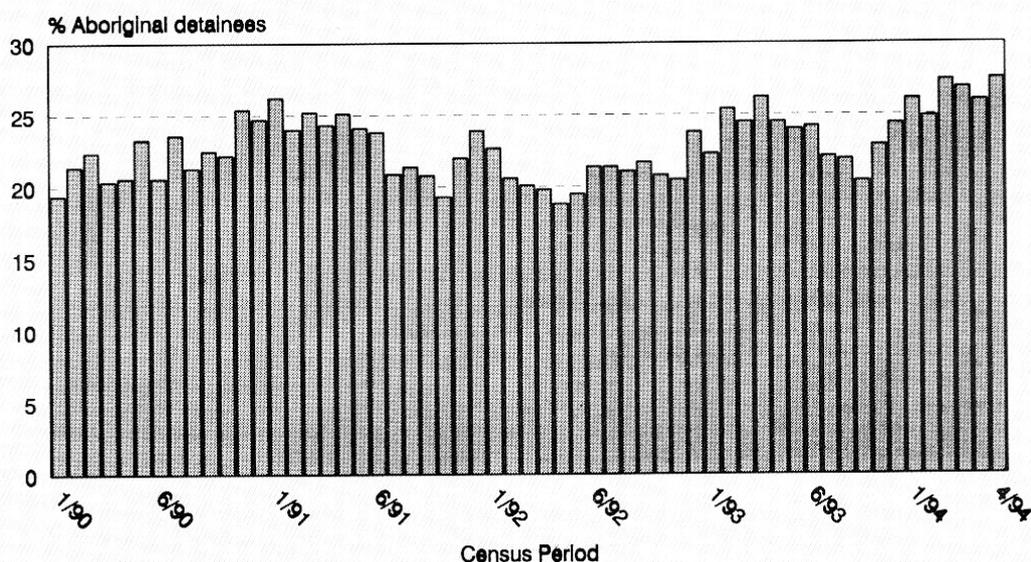
involved in cases of inadequate care or neglected child. In three of the eight welfare hearings, a committal of the child as a Ward of the State was the result. Three girls were placed in the care of a relative.

## 5. INDIGENOUS YOUTH IN CUSTODY

Given, that Aborigines make up less than two percent of the NSW youth population, the over-representation of Aboriginal youth in NSW juvenile justice centres is most alarming (**figure twelve**). Furthermore, if anything, the last four years has seen an upward trend in the proportion of Aboriginal juveniles detained in these centres.

As at 13 April 1994, there were 111 Aboriginal juveniles in custody, over 26% of the NSW juvenile justice centre population on the day. The proportion of Aboriginal youth on remand (25.9%) is not much different to the proportion of Aboriginal youth on control orders (26.4%).

Figure 12: Percentage of Aboriginal detainees in NSW JJC's  
(January 1990 to April 1994)



Source: Client Information System (note: each year has 13 census periods)

### 5.1 Aboriginal juveniles on remand

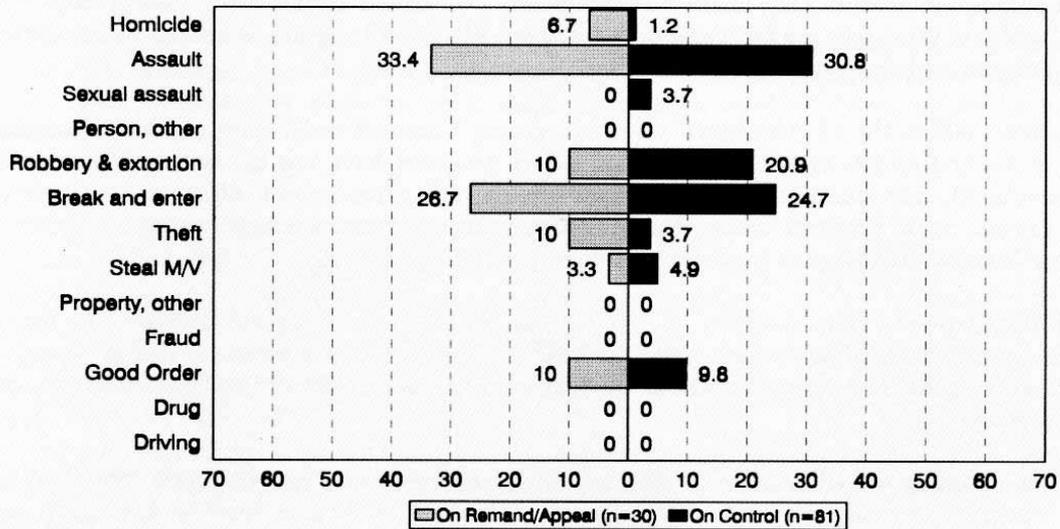
**Gender:** The number of male and female Aboriginal juveniles held on remand is 28 (93.3%) and two (6.7%), respectively.

**Age:** Individuals below the age of 16 account for 40% of Aboriginal youth on remand. This is higher than for the whole remand population (i.e. with 31% below 16 years of age). Four Aboriginal remandees are 15 years of age, four are 14 years of age, and four are aged 13 years. Of those youth aged 16 years and older, 26.7% are 16 year olds, the same proportion are 17 year olds, and 6.6% are 18 or 19 years of age.

**Offence:** Exactly half the Aboriginal remandees were refused bail in relation to alleged offences involving violence. Two youth are on remand in relation to homicides. A further 11 Aboriginal youth were bail refused in relation to the following charges: assault occasioning actual or grievous bodily harm (5), common assault (3), malicious wounding (2) armed

robbery (1), and unarmed robbery (2). Notably, the offence profile of Aboriginal remandees (**figure thirteen**) is not very different to the offence profile of remandees generally (refer to **figure seven**).

**Figure 13: Principal offence for Aboriginal juveniles on remand and control in NSW JJCS (as at 13 April 1994)**



Source: Client Information System

**Prior Record:** Of the 30 Aboriginal remandees only one has no record of past proven offences. Generally, the level of criminal activity for this group of remandees appears high, with eight (26.7%) juveniles having between two and five prior proven offences, five juveniles (16.7%) having six to nine proven priors, and 14 juveniles (46.7%) having ten or more prior proven offences.

**Prior Court Orders:** Fifteen of the 30 Aboriginal remandees (50%) previously served time in custody. Eight individuals (26.7%) had served time on one previous occasion, five (16.7%) had been in custody on two to five prior occasions, and two individuals had been in custody on six to nine prior occasions. Only 20% of Aboriginal remandees at time of survey had previously received a CSO, slightly lower than for all remandees (21.6%). Seventy percent, however, had received a supervised recognizance or probation for an earlier conviction (the same proportion as for all remandees).

## 5.2 Aboriginal juveniles on control

**Gender:** The number of male and female Aboriginal juveniles serving control orders on 13 April 1994 was 76 (93.8%) and five (6.2%), respectively.

**Age:** Juveniles aged 15 years or less made up 28.4% of the Aboriginal youth on control orders on the day of survey. Notably, five 15 year olds, two 14 year olds and one 12 year old Aboriginal youth were serving custodial terms. At the other end of the scale, there were 15 juveniles aged eighteen years or older (18.5%).

**Offence:** Just under half (45.7%) of the indigenous youth were serving sentences in relation to principal offences of violence, namely: homicide (1), assault occasioning actual/grievous bodily harm (7), sexual assault (3), common assault (11) malicious wounding (7), armed robbery (7), assault and rob (1), and unarmed robbery (9). Just under one-quarter (20 of 81)

of Aboriginal juveniles were serving control orders in relation to break and enter offences (see **figure thirteen**).

**Prior Record:** All of the 81 Aboriginal juveniles serving a control order have a criminal record. In fact, four out of every five (66 of 81, or 81.5%) of Koori detainees have ten or more prior proven offences. The remaining 15 individuals (18.5%) have from one to nine prior proven offences. As indicated in the previous profile, such statistics show that Aboriginal juveniles are amongst the more experienced and recidivist of juvenile offenders in custody.

**Prior Court Orders:** The majority (77 of 81, or 95.1%) of Aboriginal juveniles in detention had previously served custodial sentences. Over half (42 or 51.9%) of these juveniles had previously served at least two, and up to five, prior terms in custody, and a further 29 (35.8%) had served time on one previous occasion.

A substantial number of Aboriginal juveniles serving control orders on 13 April 1994 had been given alternative penalties to custody for past convictions. However, only one-third of Aboriginal juveniles on control orders had previously received a CSO. A much higher proportion (76.5%) had the benefit of a supervised probation or recognizance in relation to prior convictions.

## **6. INDO-CHINESE YOUTH IN CUSTODY**

There are two major issues relating to Indo-Chinese youth in custody which continue to present problems for the NSW Department of Juvenile Justice. First, there is the large number and over-representation of Indo-Chinese juveniles placed in custody over recent years (Graham 1994; Cain 1994). Secondly, there are the above average terms in custody that Indo-Chinese young offenders are required to serve as a consequence of the serious nature of many of their crimes.

On 13 April 1994, there were 27 Indo-Chinese juveniles in custody: seven on remand and 20 serving custodial sentences. As a percentage, these figures represent 6.0% of remandees and 6.5% of juveniles serving control orders, respectively. The 27 Indo-Chinese juveniles represent, in total 6.4% of the juvenile justice centre population on the day of survey. This is down from 10% on the same day in the previous year (Cain 1994).

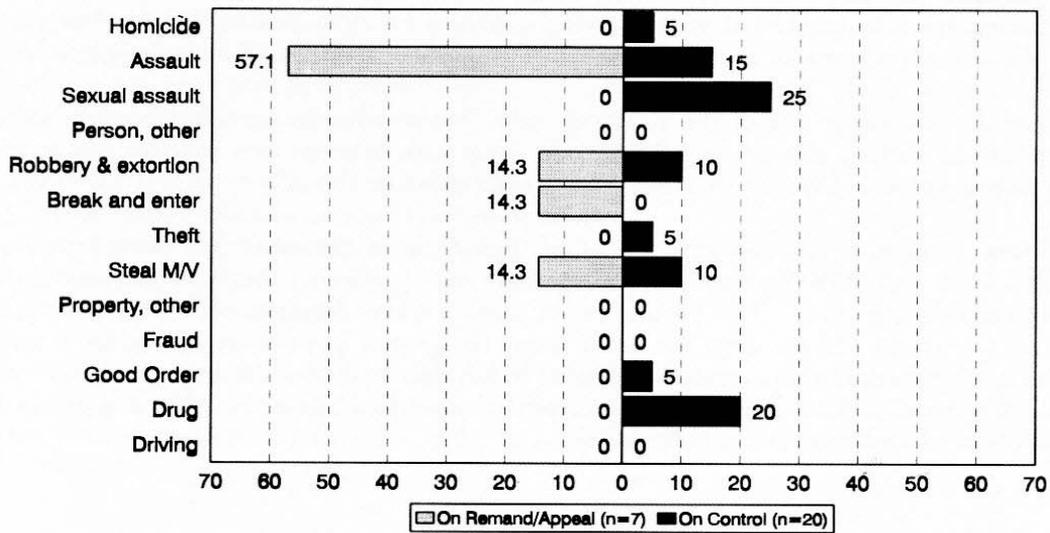
### **6.1 Indo-Chinese juveniles on remand**

**Gender:** Five males and two females make up the seven Indo-Chinese youth being held on remand on 13 April 1994.

**Age:** Two of the seven Indo-Chinese remandees are younger than 16 years of age: both being 15 year olds. Two individuals are aged 16, two are aged 17, and one individual is aged 18 years.

**Offence:** Five of the seven (71.4%) Indo-Chinese remandees were bail refused in relation to alleged violent offences, namely assault occasioning actual or grievous bodily harm (2) common assault (1), malicious wounding (1), and assault and rob (1). A further two Indo-Chinese juveniles were held on remand in relation to alleged offences of break and enter and steal motor vehicle (**figure fourteen**).

Figure 14: Principal offence for Indo-Chinese juveniles on remand and control in NSW JJCS (as at 13 April 1994)



Source: Client Information System

**Prior Record:** Two Indo-Chinese youth held on remand have no history of prior offending. Of the remainder, only one youth has a criminal record limited to one prior conviction; the other four have six or more prior proven offences.

**Prior Court Orders:** Three Indo-Chinese remandees had previously served time in custody; each having served one prior custodial term. Only one of the seven Indo-Chinese remandees previously had been given a community service order. Similarly, a relatively small proportion compared with remandee generally (4 of 7, or 57.1%) had previously been placed on a supervised recognizance or probation. Thus, it could indicate that Indo-Chinese remandees, in the past, have been sentenced relatively harshly.

## 6.2 Indo-Chinese juveniles on control

**Gender:** All 20 Indo-Chinese juveniles serving control orders on 13 April 1994 are male.

**Age:** Only one Indo-Chinese youth serving a control order was below 16 years of age, he being a 14 year old. Sixteen year olds made up 15% of this group, 17 year olds 35%, and 18 year olds 40%. One Indo-Chinese youth on Control is 20 years of age. This pattern would appear to indicate that the average age of Indo-Chinese youth serving control orders is higher than for the general population of youth serving control orders.

**Offence:** Seven Indo-Chinese juveniles (35%) were serving sentences in relation to the non-violent principal offences of receive stolen goods (1), steal motor vehicle (2), escape (1), possess firearm (2), and offensive behaviour (1). Thirteen Indo-Chinese juveniles (65%) were serving sentences for violent or drug offences: homicide (1), assault occasioning actual or grievous bodily harm (3), armed robbery (3), unarmed robbery (2), possess/use drug (3), and deal/traffic drug (1) (see figure fourteen).

The current offence profile differs from last year's, which showed that 70% of Indo-Chinese youth were serving custodial sentences for drug crimes. Nonetheless, Indo-Chinese youth continue to represent a highly disproportionate number of youth serving sentences for drug

crimes. As at 13 April 1994, Indo-Chinese youth made up 44% of the total number of drug offenders in NSW juvenile justice centres.

**Prior record:** All except one of the 20 (95%) Indo-Chinese juveniles serving a control order have past proven offences. In fact, 30% of Indo-Chinese detainees have between two and five priors, 25% have six or more priors, and 40% have ten or more prior proven offences.

**Prior Court Orders:** The majority (85%) of Indo-Chinese detainees had served time in custody previously. Over half (55%) had been in custody only once previously, but 30% had served two or more custodial terms in the past. The proportion of Indo-Chinese detainees who had received a CSO in relation to a previous offence does not differ from the general population of detainees (30% vs. 31%). However, it is up from nine percent indicated in last year's profile. However, Indo-Chinese detainees continue to be relatively less likely to have received a supervised recognizance or a supervised probation for a past offence (40% vs. 69% for all detainees).

## **PART IV – OVER REPRESENTED ETHNIC GROUPS IN CUSTODY**

### **7. PACIFIC ISLANDER YOUTH IN CUSTODY**

Youth whose ethnicity is recorded as either Fijian, Tongan or Samoan currently represent 5.4% of juveniles in custody in NSW Juvenile Justice Centres. This is up from 3.6% at the same time in 1993.

Without doubt, the 23 Pacific Islander youth – seven on remand and 16 on control orders – make up a disproportionate number in custody. Unfortunately, census figures available through ABS CDATA91 provides insufficient detail to allow an estimate of the number of Pacific Islander youth in the general youth population of NSW.

There are currently ten more youth of Pacific Islander descent in custody than at the same time last year. This is an increase of over 75% in a period of twelve months. The possibility of increasing numbers of Pacific Islander detainees is just one concern. The offences (alleged or proven) for which these youth are placed in custody suggest a tendency towards violent criminal activity. Violent offences typically earn stern penalties, resulting in longer than average stays in custody for these young persons. Furthermore, there is the challenge of providing adequate, culturally appropriate counselling services for these young people.

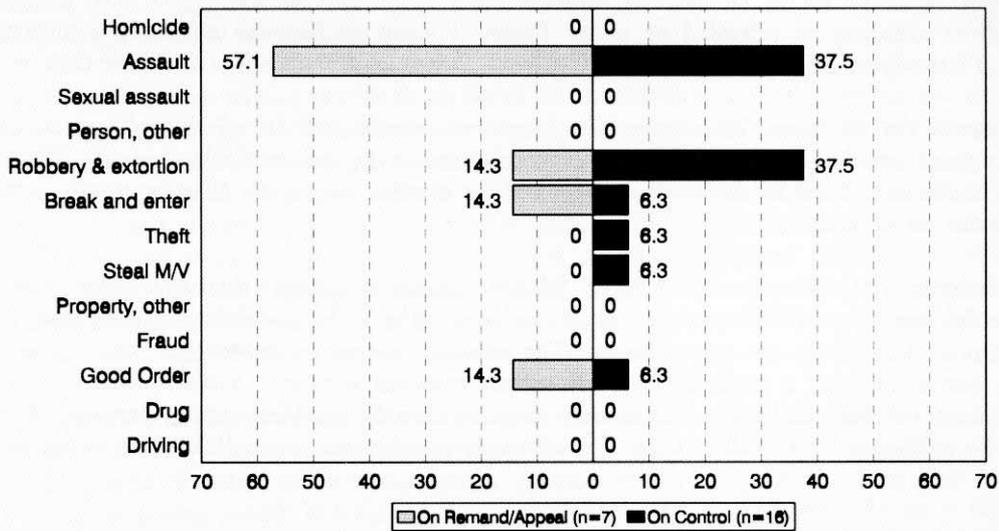
#### **7.1 Pacific Islander juveniles on remand**

**Gender:** Six males and one female make up the six Pacific Islander youth being held on remand on 13 April 1994.

**Age:** Two of the six Pacific Islander remandees are younger than 16 years of age: one 14 year old and one 15 year old. Four individuals are aged 17, and the other individual is aged 18 years.

**Offence:** Five of the seven (71.4%) Pacific Islander remandees were bail refused in relation to alleged violent offences. Assault occasioning actual or grievous bodily harm is the alleged principal offence of four young persons. The other alleged violent offender had been remanded in relation to the charge of armed robbery. Two Pacific Islander juveniles were held on remand in relation to an alleged break and enter and an alleged breach of existing order, respectively (**figure fifteen**).

Figure 15: Principal offence for Pacific Islander juveniles on remand and control in NSW JJCS (as at 13 April 1994)



Source: Client Information System

**Prior Record** All the Pacific Islander youth held on remand have a record of prior offending. In fact, two youths in this group have six to nine prior proven offences, while three others have ten or more prior proven offences. Only two Pacific Islander remandees have criminal records with fewer than five prior proven offences.

**Prior Court Orders:** Three Pacific Islander remandees had previously served time in custody, in each case on two or more occasions. Not one of the seven Pacific Islander remandees previously had been given a community service order. However, five of the seven (71.4%) had previously received a supervised recognizance or probation in relation to an earlier proven offence. The fact that these Pacific Islander remandees had been placed in custody on a number of occasions, without prior use of the direct alternative to custody, the CSO, indicates the possibility of differential treatment of this ethnic group by the courts.

## 7.2 Pacific Islander juveniles on control

**Gender:** All 16 Pacific Islander juveniles serving control orders on 13 April 1994 are male.

**Age:** Three Pacific Islander youth serving control orders are below 16 years of age: one 14 year old and two 15 year olds. Sixteen year olds made up 25% of this group, as do 17 year olds; while 18 year olds make up over 30% of this group.

**Offence:** Seventy five percent (75%) of Pacific Islander youth were custodial sentences in NSW juvenile justice centres in relation to violent offences, namely assault occasioning actual bodily harm (1), common assault (4), malicious wounding (1), armed robbery (2), assault and rob (1), and unarmed robbery (3). The remaining four detainees in this group were committed for the following non-violent offences: break and enter (1), steal motor vehicle (1), stealing (1), and breach of order (1) (see **figure fifteen**).

**Prior Record:** All 16 Pacific Islander juveniles on control have a criminal record of past proven offences. In fact, five (31.3%) Pacific Islander detainees have between two and five

priors, three (18.8%) have six or more priors, and seven (43.8%) have ten or more prior proven offences. The remaining juvenile had just one prior proven offence.

**Prior Court Orders:** The majority of Pacific Islander detainees had served time in custody previously (12 of the 16, or 75%). Six of these twelve had been in custody only once previously, whereas the other six had served at least two, and up to five, custodial terms in the past.

The proportion of Pacific Islander detainees who had received a CSO in relation to a previous offence is slightly lower than for detainees in general (25% vs. 31%). Pacific Islander detainees appear to have received a fair “quota” of supervised recognizance/probation orders in relation to past proven offences (69% vs. 69% for all detainees).

## **8. LEBANESE YOUTH IN CUSTODY**

There are over three times the number of Lebanese young people in custody as would be expected from their numbers in the NSW youth population. Lebanese young people make up only 0.6% of the youth population but 3.1% of juvenile detainees as at 13 April 1994.

### **8.1 Lebanese juveniles on remand**

**Gender:** The four Lebanese youth being held on remand on 13 April 1994 are male.

**Age:** They are aged sixteen years (1), 17 years (1), and 18 years (2).

**Offence:** All four Lebanese youth were bail refused in relation to alleged violent offences. Two had been remanded in relation to charges of armed robbery, one was remanded in relation to an assault, and the remaining Lebanese young person was awaiting hearing in relation to an alleged homicide (figure sixteen).

**Prior Record:** Two of the four Lebanese youth held on remand do not have a criminal record. The other two youth in this group have three and ten prior proven offences, respectively.

**Prior Court Orders:** Only one of these two Lebanese remandees with a prior record had been given a supervised non-custodial order for an earlier offence. Neither had previously received a community service order. One Lebanese remandee has been in custody on two prior occasions.

### **8.2 Lebanese juveniles on control**

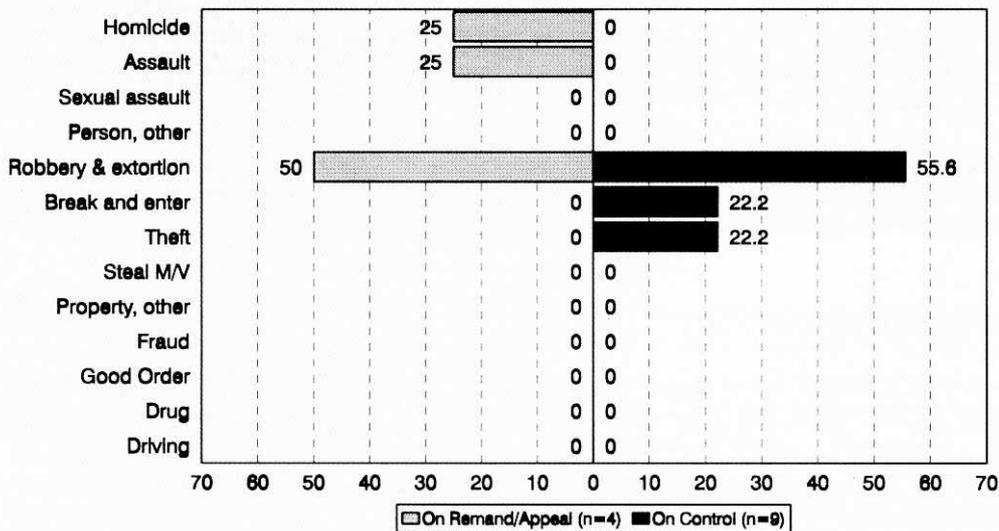
**Gender:** The nine Lebanese juveniles serving control orders on 13 April 1994 are male.

**Age:** No Lebanese detainee is below the age of 16 years. One sixteen year old, four 17 year olds, and four 18 year olds make up this group.

**Offence:** An offence involving violence was the reason for committal for five of the nine (55.6%) Lebanese youth serving control orders. Robbery is recorded as the principal offence (Unarmed in one case and armed robbery in four cases) for these offenders (see **figure sixteen**).

The remaining four detainees in this group were committed in relation to break and enter offences (2) and stealing (2).

Figure 16: Principal offence for Lebanese juveniles on remand and control in NSW JJCS (as at 13 April 1994)



Source: Client Information System

**Prior Record** All but one Lebanese juvenile on control has a criminal record of past proven offences. Five (55.6%) Lebanese detainees have extensive criminal records with ten or more prior proven offences. The three other repeat offenders in this group have up to nine prior proven offences.

**Prior Court Orders:** Seven of the nine (77.8%) Lebanese serving a control order had served time in custody previously, with three of the seven having served time on more than one occasion previously.

However, as a group of detainees, Lebanese young people do not appear harshly treated by the system in relation to the granting of CSOs as a direct non-custodial alternative to detention. A relatively high proportion of Lebanese detainees have received a CSO in relation to a proven offence in the past (55.6%) vs. 31% for all detainees).

In relation to what may be considered a "fair" proportion of supervised recognizances or probationary orders, Lebanese detainees appear to have been harshly dealt with, as only 55.6% of this group had ever received the benefit of supervised non-custodial penalties (compared with 69% for all detainees).

## 9. MAORI YOUTH IN CUSTODY

There are over three times more Maori young people in custody than would be expected from their numbers in the NSW youth population. New Zealand/Maori young people make up only 0.9% of the NSW youth population but 3.3% of juvenile detainees as at 13 April 1994 are of Maori descent. As with most other groups in custody, offences involving violence appear prominently in the profiles of Maori young people in custody.

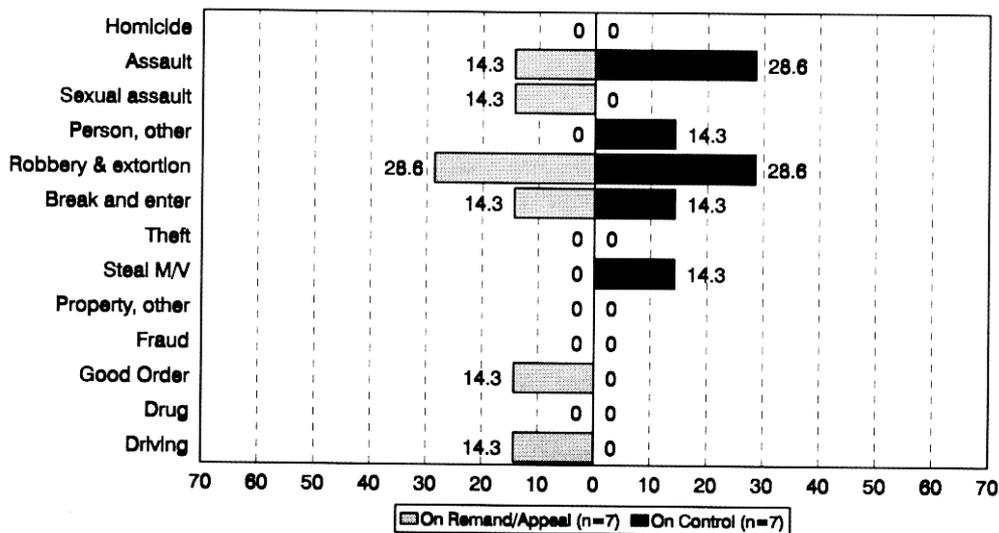
### 9.1 Maori juveniles on remand

**Gender** Of the seven Maori youth being held on remand on 13 April 1994, six are male and one is female.

**Age:** Three remandees were aged 15 years. There was also one sixteen year old, two 17 year olds, and one 18 year old held on remand.

**Offence:** Three Maori youth were bail refused in relation to non-violent matters: a charge of break and enter, a negligent driving charge, and an alleged breach of order. As figure seventeen shows, the remaining four were remanded in relation to charges of: sexual assault (1), assault (1), armed robbery (1), and unarmed robbery (1).

Figure 17: Principal offence for Maori juveniles on remand and control in NSW JJCS (as at 13 April 1994)



Source: Client Information System

**Prior Record:** Only two of the seven Maori youth on remand do not have a criminal record. Of the others, one had three prior proven offences, another had seven priors, and three Maori remandees had ten or more prior proven offences.

**Prior Court Orders:** Of the seven Maori youth on remand, three (or 43%) had previously been given a community service order. Three (43%) also had previously been required to serve a supervised probation of recognizance for an earlier proven offence. Also, three (43%) had previously been in custody, with two of the three remandees having served more than one term in full-time detention previously.

### 9.2 Maori juveniles on control

**Gender:** Six of the seven Maori juveniles serving control orders on 13 April 1994 are male.

**Age:** A 15 year old is the only Maori detainee below the age of 16 years. Two 16 year olds, three 17 year olds, and one 18 year old make up the rest of the group.

**Offence:** Five of the seven (71%) Maori youth serving control orders were incarcerated for violent offences, namely assault (1), malicious wounding (1), kidnapping (1), robbery (1), and assault & rob (1). The Maori juveniles committed for non-violent crimes had principal matters of break and enter and steal motor vehicle, respectively (see figure 17).

**Prior Record:** All Maori juveniles in full-time custody on the day have a criminal record of past proven offences. Three (43%) Maori detainees have extensive criminal records with ten or more prior proven offences while three others had between two and five prior proven offences. The remaining juvenile has one prior proven offence.

**Prior Court Orders:** Four of the seven (57%) Maori juvenile detainees had served time in custody previously, with three of the four having served time on more than one prior occasion.

In terms of past non-custodial orders received, Maori young people do not appear unduly treated by the system. A relatively high proportion of Maori detainees have received a CSO in the past (43% as compared to 31% for all detainees). Also, there is little difference between the proportion of Maoris and all detainees who had previously received a supervised recognizance or probation from the court (71% vs. 69% for all detainees).

## 10. SUMMARY CHARACTERISTICS OF GROUPS IN CUSTODY

In presenting the characteristics of juveniles in custody, the natural extension of such an analysis is to consider inter-group differences. Before describing the main features arising from a comparison of different juvenile groups in custody, one must keep in mind that:

- (1) the study is a snapshot, taken on one particular day. As such, the results may differ from those which may have been obtained had a longer period of observation been used;
- (2) the meaning of any inter-group differences must be treated with caution unless they can be demonstrated to be large and persistent (Geis and Jesilow 1988);
- (3) the “point against which immigrants or non-English speaking young people are being measured is the dominant (Anglo-Australian) group” (Human Rights and Equal Opportunity Commission Discussion Paper, *Juvenile Justice and Young People of Non-English Speaking Background* 1994, p.28).

From table four the main characteristics of the various major ethnic/cultural groups may be described and compared. A summary of the main features of each group follows.

### 10.1 Aboriginal juvenile detainees

- relatively more young females in custody, particularly on remand, than any other group (apart from the Indo-Chinese group for which the actual numbers are small);
- a low level of violent offences;
- the second highest level of prior proven offending
- the highest level of past supervised probations/recognizances received;
- an average level of prior CSOs received for past offences;
- the highest level of prior incarcerations;
- a similar profile to the Anglo-Australian group.

### 10.2 Indo-Chinese juvenile detainees

- a high proportion but a small number of young women in custody;
- one of the lowest levels of violent offences but, clearly, the highest level of drug offences;
- the third lowest level of prior proven offences;
- the lowest level of probations received and the second lowest level of prior CSOs received;
- a high level of past custodial orders.

### **10.3 Pacific Islander juvenile detainees**

- a relatively high proportion of juveniles on remand;
- the highest level of violent offences;
- the highest level of prior proven offences
- a high level of past probations received but the lowest level of prior CSOs;
- an average level of past custodial sentences served.

### **10.4 Lebanese juvenile detainees**

- a relatively high proportion of juveniles on remand
- no female representation;
- the second highest level of violent offences;
- the lowest level of prior proven offences;
- a low level of past probations/recognizances received;
- a high level of CSOs previously received;
- a relatively low level of past custodial sentences served.

### **10.5 Maori juvenile detainees**

- the highest proportion of juveniles on remand;
- a large proportion (though small number) of young woman detainees;
- a median level of violent offences;
- the second lowest level of prior proven offences;
- a relatively low level of past probations but the highest level of CSOs received for past offences;
- the lowest level of prior incarcerations.

### **10.6 Anglo-Australian juvenile detainees**

- a marginally higher proportion of male detainees;
- the lowest level of violent offences but the second highest level of drug offences;
- the equal second highest level of prior proven offences;
- an above average level of past probations but a below average level of CSOs received previously;
- the second highest level of prior incarcerations.

**Table 4: Summary characteristics of Anglo-Australian and over-represented ethnic/cultural groups in NSW JJs (as at 13 April 1994)**

Group	% of Group:									
	On remand	On control	Male	Principal offence - violence	Principal offence - drug	With prior proven offences	With prior probation	With prior CSO	With prior custody	
Anglo-Australian (n = 201)	27%	73%	97%	42%	3%	96%	70%	28%	79%	
Aborigine (n = 111)	27%	73%	94%	55%	0%	96%	75%	30%	83%	
Indo-Chinese (n = 27)	26%	74%	93%	52%	15%	89%	44%	26%	74%	
Pacific Islander (n = 23)	30%	70%	96%	74%	0%	100%	70%	17%	65%	
Lebanese (n = 13)	31%	69%	100%	70%	0%	77%	46%	38%	62%	
Maori (n = 14)	50%	50%	93%	64%	0%	86%	57%	43%	50%	

## 11. DISCUSSION

The question may be posed, “Is there scope for further diversion from custody?” An application of the proposed diversionary model to the NSW juvenile justice population of 13 April 1994 identified only 14 individuals, from a total of 423, who may be considered suitable for diversion from custody. This number represents 3.3% of the total juvenile justice centre population on the day of survey. Nevertheless, one should note that the majority (11 of 14) of the juveniles assessed as suitable for possible diversion are remandees and not committals. This means that just under ten percent of the remand population on the day are considered suitable for diversion. If one extrapolates to the intake of juveniles who are bail refused and enter custody on remand each year – some 5,000 admissions – then the current finding suggests that as many as 500 juveniles annually *may* be inappropriately detained.

The alleged offences of the remandees identified as candidates for diversion are relatively minor – break and enter, car theft, receiving and breach. Also more than half of these juveniles have no prior convictions and the remainder have only one prior proven conviction (each involving property crimes). Furthermore, these remandees are quite young with over one-third below the age of 16 years. There are genuine doubts about the seriousness of the offence and the potential for community danger that these young persons pose, particularly given their alleged offending and criminal records. The increased use of bail hostels, and other non-custodial accommodation, in addition to less stringent bail conditions, may well represent more suitable options for the courts to pursue in relation to such young people.

Juveniles serving control orders present with far more serious criminal histories than juvenile remandees. Over fifty percent of juveniles on control orders are serving time for serious violent offences or drug offences. Armed robberies and serious assaults figure prominently. Generally, these juveniles have “graduated” to these indictable violent and drug offences from less serious property or good order offences. In addition, most juveniles serving time in custody have extensive criminal records, with ten or more prior proven offences being the rule rather than the exception. Having returned to serve time in juvenile detention for a second, third, fourth (or more) time, most are hardened and entrenched offenders. Also, as **figure ten** indicates, most juveniles serving time have not been swayed from a criminal career despite having been previously accorded the benefit of a range of non-custodial sanctions by the courts.

There is evidence of a trend for increasing numbers of juvenile detainees to have more serious and protracted criminal histories than was previously the case. This may be, in part, an indirect and unintended consequence of the principal of diversion. That is, diverting the less serious offender makes those who do enter custody relatively more serious. However, the observed level of entrenchment in criminal activity, the escalation to, or continuation of, aggressive and violent behaviours, and the repeated return to custody of the majority of juveniles serving time, indicates that little that the juvenile justice system has offered in the past in terms of rehabilitative programs has worked – at least for these recidivist offenders.

Recent initiatives, such as the establishment of the Robinson Program for Boys at Reiby Juvenile Justice Centre (Campbelltown), are positive steps towards attempting to more successfully manage juvenile detainees who are characterised by violence, poor impulse control, acting out, and other aggressive behaviours. The Robinson Unit provides a therapeutic program for younger male detainees structured around three fundamental principles:

1. development of a comprehensive case plan based on a thorough assessment and identification of individual needs, problems and issues;
2. undertaking of various programs that deal with and address case plan needs (such as anger management, conflict resolution, and personal development); and
3. integration – initially into mainstream custody and, eventually, into the community.

The success (or otherwise) of the program will be known after a comprehensive evaluation is undertaken in late 1995.

The courts appear to be bail refusing an inordinate number of female juveniles, especially younger female juveniles. Girls represent only 3.3% of the control population but 7.8% of the remand population. Also, in contrast to the control population, the number of girls on remand who are below the age of 16 years is disproportionately high (31% vs. 21% for the control population).

There is a distinct possibility, at least for some of these young female remandees, that “authorities continue to use custody as a means to protect girls from risks associated with their lifestyle” (Moore 1994, p.139). There is little doubt that, each year, a number of young women are bail refused for reasons which are not associated with their criminality or their perceived danger to the community. Again, the provision of a greater level and variety of suitable non-custodial alternatives to remand accommodation may influence the courts to keep young girls out of custody, at least until the determination of their criminal matters. Ironically, programmes developed and designed to better meet the specific needs of young women in custody, such as the recently established Yasmar Girls programme may be swaying judicial officers to use forced containment as the preferred option to the neglect and moral danger which many young female offenders may face “on the outside”.

Nevertheless, it should not be forgotten, that two-thirds of the young women remanded on the day of survey were bail refused in relation to offences involving violence. Also, these alleged crimes of violence do not appear as isolated acts for these individuals. Each of the alleged female violent female offenders has convictions for violent crimes committed on no fewer than two earlier convictions. Like their male counterparts, females in juvenile justice detention appear to be getting not only more serious in terms of their criminal histories, but more violent in the offending.

On a more positive note, the incarceration of young women for prostitution may, now, be nothing more than a juvenile justice antiquity. Prostitution is no longer a major reason or, for that matter, a common reason for the incarceration of young women. In fact, it is a rarity. In the period from July 1 1991 to 30 June 1994, for the 6,119 appearances by young women in the Children’s Court on criminal matters, there were a total of only 98 appearances for the principal offence of prostitution or soliciting. Of these 98 appearances, only *one* was finalised by way of custodial order (see **table five**).

Table 5: Incidence and outcome of prostitution and soliciting offences for young women appearing in the Children's Court, 1991/92 to 1993/94			
FEMALES	1991/92	1992/93	1993/94
No. of Children's Court appearances	2012	1832	2275
Principal offence: prostitution or soliciting (as % of appearances by females)	44 (2.2%)	42 (2.3%)	12 (0.5%)
<i>Outcome:</i>			
- Control orders	0	1	0
- CSOs	0	0	0
- Supervised orders	4	3	0
- Unsupervised orders	3	4	1
- Fines	35	25	10
- Dismissals	2	9	1

These figures reveal that very few young women appear in the Children’s Court in relation to a principal offence of prostitution. Of the 6,119 court appearances involving female juveniles, only 98 (or 1.6%) related to matters of prostitution or soliciting. Notably, only one of the 98 young women involved in these cases end up serving time in custody for such matters. In

relation to the 16 young women involved in the present survey, not one was in custody, or for that matter, had a charge or conviction recorded for prostitution or soliciting.

There also appears to be a clear reduction in the number of young women coming before the court on prostitution charges. Furthermore, when found guilty of such matters, young women appear to be receiving lighter penalties than in previous years. For instance, in 1993/94, the most severe penalty received by a young woman for prostitution was an unsupervised orders. Ten others received fines. In previous years, there was a higher proportion of both supervised and unsupervised orders handed out by the Children's Court in relation to prostitution and soliciting offences.

Turning to the issue of over-representation, are there any solutions to the continuing high numbers of Aboriginal young people in custody? Certainly, it is a problem that continues to plague every Australian state and territory (see Atkinson, 1994). The recommendations of the Royal Commission into Aboriginal Deaths in Custody provide a policy structure for reducing the large number of Aboriginal juveniles entering custody. So too do the "National Principles to address the Over-representation of Indigenous Youth in the Juvenile Justice System". These principles were developed by a national Juvenile Justice committee and endorsed by both the Social Welfare Administrators Council (SWAC) and the standing Committee of Attorneys General (SCAG).

Unfortunately, despite the best intentions of these principles, and the concerted attempts of juvenile justice agencies to implement the relevant recommendation and strategies, the numbers of Aboriginal youth entering juvenile detention continue to remain disproportionately high and are, in some cases, increasing. A further disturbing aspect of the over-representation of Aboriginal juveniles in custody is the high numbers on remand below the age of 16 years. Up to 50% of Aboriginal children who are bail refused and remanded to a NSW juvenile justice centre are just 10 to 15 years of age.

Many reasons are given for the disproportionately high number of Aboriginal youth in custody. The "higher rate of commission of offences", "over-policing" and differential treatment by the courts are often related as the reasons for the entry of so many indigenous youth into the juvenile justice system (e.g. Cunneen and Robb 1987; Luke and Cuneen 1992; Gale, Bailey-Harris and Wundersitz 1990; Cain 1994). Solutions, however, will not be found unless greater recognition is given to the complex social, economic, legal and inter-racial factors underlying these 'simple' reasons.

Aboriginal juveniles in custody, as has been indicated, are no more serious in terms of their current offence than non-Aboriginal youth. However, in terms of the number of prior proven offences and number of times previously in custody, Aboriginal young people are amongst the most experienced and recidivist of juvenile offenders in custody. This is the case for both remandees and those serving custodial sentences.

In many cases, when police and courts are dealing with young persons with extensive criminal records, their hands are effectively tied. It is an unfortunate fact that Aboriginal juvenile offenders have a high level of prior criminal activity. This high level of involvement in past criminal activity has five main effects. Firstly, it keeps them under the watchful eyes of concerned neighbours, community members and the police. Secondly, it brings them to the attention of authorities after an offence has been committed. Thirdly, it will influence police to arrest and charge rather than caution such youth. Fourthly, it will operate against successful bail interventions. Finally, it may result in less forgiving judicial attitudes and influence the court to consider a more severe penalty.

The provision of Aboriginal bail hostels and other alternatives to detention are little more than post hoc measures, band-aid solutions, to a deeper problem. The deeper problem is a function of two forms of differential treatment by the justice system. The first, differential treatment of first and persistent offenders is an accepted judicial system. The second is

unjustified being based on race discriminatory practices. As Luke and Cuneen (1992) noted, differential treatment of Aborigines may be found at all stages of the juvenile justice system including the harsher treatment of first offenders. The differential treatment of Aboriginal offenders by the police and by the courts is, in part a function of their extensive criminal histories. It is very likely, however, that these extensive criminal records are themselves a function of the "very powerful...compounding effect" of discriminatory practices. If this is the case, it suggests that, once on the juvenile justice merry-go-round, it is very hard, especially for Aboriginal youth, to get off.

Aborigines are not the only ethnic/cultural group over-represented in custody. The Indo-Chinese, Lebanese, Pacific Islanders and Maoris have disproportionately large numbers of their youth in custody on remand and control. Such over-representation also raises the possibility of discrimination operating in relation to these groups.

The number of Indo-Chinese juveniles detained in NSW juvenile justice centres has decreased over the last twelve months. At the time of the previous survey, there were 37 Indo-Chinese young people on remand and control, representing just over ten percent of the detainee population on the day. One year later, the number of Indo-Chinese youth detained in custody was 27, representing 6.4% of the detention population. Also, at the time of the 1993 survey, 54% of Indo-Chinese youth (including 70% of those on control) were in custody in relation to a principal drug offence. In the latest survey, only 15% of Indo-Chinese youth (including 20% of those on control) were in detention for a principal drug offence.

The high numbers of Indo-Chinese detainees incarcerated in 1993 in relation to drug matters can be interpreted as a reflection of increased police intelligence and policing of Asian drug crimes in the Cabramatta area (e.g. Operation Oak). The smaller number of Indo-Chinese youth in custody, especially in relation to drug offences, is likely to reflect this reduced police activity. In absolute terms, the number of Indo-Chinese youth in custody for violent crimes has not risen, although the reduced numbers in custody for drug crimes has brought about a relative increase in the proportion of Indo-Chinese youth in custody for violent offences.

For the Department of Juvenile Justice the practical problems of managing Indo-Chinese detainees remain the same. The lack of familiarity of staff with language, culture and traditions of the Indo-Chinese people, the alienation of Indo-Chinese juvenile offenders by parents, family and community, and the inappropriateness of western models of counselling and intervention for Indo-Chinese young people are major concerns. Specific responses to these problems include the appointment of the Coordinator, Vietnamese programs, the introduction of staff training modules on Indo-Chinese culture, and the establishment of the Indo-Chinese Youth Support programme in Cabramatta to provide community support for Indo-Chinese young offenders.

The number of Pacific Islander juveniles in custody, that is whose ethnic background is recorded as being Fijian, Tongan or Samoan, is up by 75% on last year's survey. Despite a lack of sufficient details in ABS Census information, it is unquestionable that this group, representing 5.4% of the surveyed juvenile detention population is over-represented in custody. There are no existing culturally appropriate management or counselling programs for such youth. This may be an especially severe shortcoming considering that this group, on face value, constitutes the most violent group of offenders in custody. Over 70% of Pacific Islander youth were bail refused or incarcerated in relation to an alleged or convicted violent offence.

Not far behind Pacific Islander youth in terms of over-representation are juveniles of Lebanese and Maori background. These ethnic groups each make up over three percent of the juvenile detention population and, respectively, are five times and three times more likely to be in custody than their number in the NSW youth population would suggest. Like their Pacific Islander counterparts, the principal offence for which they were placed in custody is more often than not a crime of violence. However, unlike the Pacific Islander group, Maori

and Lebanese youth have relatively lower rates of prior offending (still high, nonetheless) and have generally been given the benefit of the direct alternative to custody, the Community Service Order, for an earlier transgression.

The emergence of a number of different ethnic groups who are over-represented in the NSW juvenile justice centre population is placing incredible strain on the Department of Juvenile Justice to respond creatively and strategically with a variety of culturally appropriate counselling and management services. There is a real danger that members of these and other ethnic groups in custody will not respond to, or be rehabilitated by, the typically White Anglo-Australian counselling programs being provided. The failure of such programs to prevent or even reduce the level of re-entry of Aboriginal youth into the juvenile justice system generally, and detention specifically, is a lesson that cannot be ignored. Whilst there is no guarantee that new, culturally specific management and counselling programs will work any better, until they are developed and introduced, past performance informs us that the success of existing juvenile justice services and programs will be limited. The majority of individuals in juvenile detention will re-offend and find their way back into detention, or worse still, face a life prison when they are no longer covered by children's legislation.

Detailed research on the relationship between offending patterns and particular non-English speaking background groups is needed. Fortunately, the NSW Juvenile Justice Advisory Council has recently initiated such research. It is hoped that Council's forthcoming report will explore the relationships between ethnic-specific offence patterns and cultural and socio-economic disadvantage, including race discriminatory practices, and cast light on the factors which underlie the involvement of ethnic young people in juvenile crime.

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