



Indigenous young people in the juvenile justice system

2010–11

Summary

Indigenous young people are over-represented in the juvenile justice system, particularly in the most serious processes

Although only about 5% of young Australians are Indigenous, in 2010–11, almost 2 in 5 (39%) of those under juvenile justice supervision on an average day were Indigenous. There were 2,820 Indigenous young people under supervision in Australia on an average day and 5,195 under supervision at some time during the year.

Indigenous young people aged 10–17 were 4–6 times as likely as non-Indigenous young people to be proceeded against by police during 2010–11 and 8–11 times as likely to be proven guilty in the Children's Court (among the states and territories with available data). At a national level, they were, on average, 14 times as likely to be under community-based supervision during the year and 18 times as likely to be in detention.

They are more likely to experience supervision when aged 10–17

Among the cohorts of young people for whom a complete juvenile justice supervision history is available (those born between 1990–91 and 1992–93), 14–16% of Indigenous young people experienced supervision at some time when they were aged 10–17, compared with just over 1% of non-Indigenous young people born in each year.

They enter the juvenile justice system at younger ages

Indigenous young people aged 10–17 who were proceeded against by police (in the states and territories with available data) were more likely than non-Indigenous young people to be in the youngest age groups (age 10–12). In addition, the majority (58%) of Indigenous young people under supervision in 2010–11 had first entered supervision when they were aged 10–14, compared with less than one-third (32%) of non-Indigenous young people (excluding Western Australia and the Northern Territory, as standard data were not provided).

They complete shorter periods of supervision, but spend more time under supervision overall

In 2010–11, Indigenous young people tended to complete slightly shorter periods of supervision than non-Indigenous young people (median duration 62 days compared with 68; excluding Western Australia and the Northern Territory as standard data were not provided). However, they completed more periods during the year, on average, and spent just over 3 weeks longer (200 days compared with 178) under supervision during the year.

However, their over-representation in supervision has decreased

In the 5 years to 2010–11, there was a slight drop in the level of Indigenous over-representation in supervision, as shown by the rate ratio. Indigenous young people were 15 times as likely as non-Indigenous young people to be under supervision on an average day in 2010–11, down from 16 times as likely in 2006–07. The largest decrease in over-representation was in detention, where the rate ratio dropped from 28 to 24 over the period.

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Introduction

Aboriginal and Torres Strait Islander young people are substantially over-represented in the juvenile justice system in Australia, and this over-representation is highest in the most serious processes and outcomes—particularly in detention. This bulletin examines the numbers and characteristics of Indigenous young people in the juvenile justice system, the types of supervision they experience, recent trends, and associated research findings.

Information about the Juvenile Justice National Minimum Data Set (JJ NMDS) and other data in this bulletin is provided in the *Technical Notes*. Supplementary tables (those with a prefix of S) are available for download from www.aihw.gov.au/juvenile-justice-publications.

More information about young people in the juvenile justice system is available in *Juvenile justice in Australia: 2010–11* (AIHW 2012).

Research on Indigenous young people and crime

How are Indigenous young people involved in crime and juvenile justice?

Aboriginal and Torres Strait Islander young people are substantially over-represented in the juvenile justice system in Australia. This over-representation has a long history: 20 years ago, the Royal Commission into Aboriginal Deaths in Custody (Johnston 1991) first highlighted the high rates of incarceration of Indigenous young people and adults. Despite the reforms to policy and practice prompted by the Royal Commission, substantial over-representation of Indigenous young people in the juvenile justice system persists, and this is still described as one of Australia's most significant social issues (Allard 2011; Snowball 2008).

The involvement of Indigenous and non-Indigenous young people in the juvenile justice system differs in several ways. Indigenous young people are more likely to have their first contact with the system at a young age, to have multiple contacts, and to experience multiple episodes of supervision (AIHW 2012; Carrington & Pereira 2009; Snowball 2008). The types of offences Indigenous young people are most commonly involved in include property crimes such as burglary, break and enter and other forms of theft, public order and violence-related offences (Carrington & Pereira 2009; Cunneen & White 2007). Some research has found that Indigenous young people are more commonly charged with more serious types of offences than non-Indigenous young people, such as more serious forms of property crime (Cunneen & White 2007).

Why are they over-represented?

Involvement in crime is typically highest among adolescents and decreases in early adulthood, although some people continue to offend for a significant portion of their lives (Fagan & Western 2005; Farrington 1986; Moffitt 1993). Risk factors for young people's involvement in crime include individual and family factors, school context, life events, and community and cultural factors (National Crime Prevention 1999).

A number of these factors have been identified as contributing to the over-representation of Indigenous young people in the juvenile justice system. Recently, a House of Representatives Inquiry examined the range and complexity of issues involved and concluded that contact with the juvenile justice system was a symptom of the chronic social and economic disadvantage experienced by many Indigenous young people (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011).

In particular, issues identified by the committee as contributing to this over-representation included family and community violence, child abuse and neglect, alcohol and drug abuse, inadequate housing, poor health, low educational and training achievement, and a lack of employment opportunities. These findings are supported by research demonstrating the social and economic disadvantage of Indigenous people in contact with the justice system (Kenny & Nelson 2008; Weatherburn & Snowball 2008). The committee also noted that this disadvantage may be further exacerbated by the loss of cultural values, norms, and knowledge resulting from historical events such as dispossession, colonisation and the forced removal of Indigenous children from their communities.

Issues of Indigenous social and economic disadvantage therefore form the basis of risk factors for Indigenous young people's involvement in crime and juvenile justice. Additional risk factors for Indigenous people include experiences of racism, insecure cultural identity, or being a member (or related to a member) of the Stolen Generations (Allard 2010, 2011; Homel et al. 1999; Weatherburn et al. 2006). Conversely, Indigenous-specific protective factors that may reduce these risks include cultural resilience, or positive cultural factors that operate today despite changed circumstances; personal characteristics that facilitate self-esteem and confidence; family characteristics based on strong attachment and social bonds; and a positive sense of cultural identity (Allard 2010).

Within the justice system, several factors have also been identified as potentially influencing Indigenous over-representation. These include the more extensive policing of Indigenous communities, poor awareness of Indigenous culture, language barriers, lower rates of access to diversionary processes, lack of appropriate support programs, and inadequate access to legal representation (Allard 2011; House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011; Snowball & Weatherburn 2007).

A number of commentators have argued that racial bias or discrimination in the justice system underpins aspects of Indigenous over-representation (Blagg et al. 2005; Cunneen 2006; Johnston 1991; Snowball & Weatherburn 2007). In a recent review of Australian research on the use of diversion, court sentencing, and Indigenous offending profiles, Allard (2011) found little evidence of racial discrimination. However, research in this area is limited and substantial gaps remain. More research is needed in order to better understand Indigenous over-representation in both the juvenile and adult justice systems in Australia (Snowball & Weatherburn 2006).

How can Indigenous over-representation be addressed?

Approaches to preventing crime include those that address the environmental conditions that enable crime to occur, those that reduce the likelihood of individuals' involvement in crime by reducing risk and enhancing protective factors, and those that aim to strengthen communities (AIC 2012). The activities of a range of other sectors, such as health, housing, and human services, also have an impact on crime levels. In addition, some criminal justice responses are used after a crime has occurred, such as police cautioning and conferencing, court diversions, the use of specialist courts, and programs provided by juvenile justice agencies. Information about the programs provided to Indigenous young people under juvenile justice supervision is summarised in the *Appendix*.

According to the best-practice guidelines described in the Australian Institute of Criminology's *National Crime Prevention Framework*, strategies for preventing involvement in crime among Indigenous people should address the underlying reasons for Indigenous offending, such as drug and alcohol abuse, lower participation in education and employment, housing and financial stress, and lack of social support (AIC 2012). This framework suggests that interventions should be Indigenous-specific where possible, address multiple risk factors, involve Indigenous communities in program design and delivery, and be culturally appropriate while encouraging a sense of community ownership and responsibility.

The recent House of Representatives Inquiry made 40 recommendations to address the over representation of Indigenous young people, including in the areas of social development, health, education and training, the juvenile justice system, and broader government policy directions (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011). The importance of empowering Indigenous communities and elders and delivering coordinated initiatives focusing on early intervention and the wellbeing of Indigenous young people were emphasised. For example, the committee supported the principles of justice reinvestment, a model whereby a proportion of the funding spent on imprisonment is redirected to communities with a high rate of offending, and used for local programs and services that address the underlying causes of crime (see also Australian Human Rights Commission 2009; Brown et al. 2012; Noetic Solutions 2010; Schwartz 2010). All of the recommendations of the House of Representatives Inquiry were accepted by the Australian Government, either in whole, in principle, or in part (Australian Government 2011).

Rates of Indigenous young people in the juvenile justice system

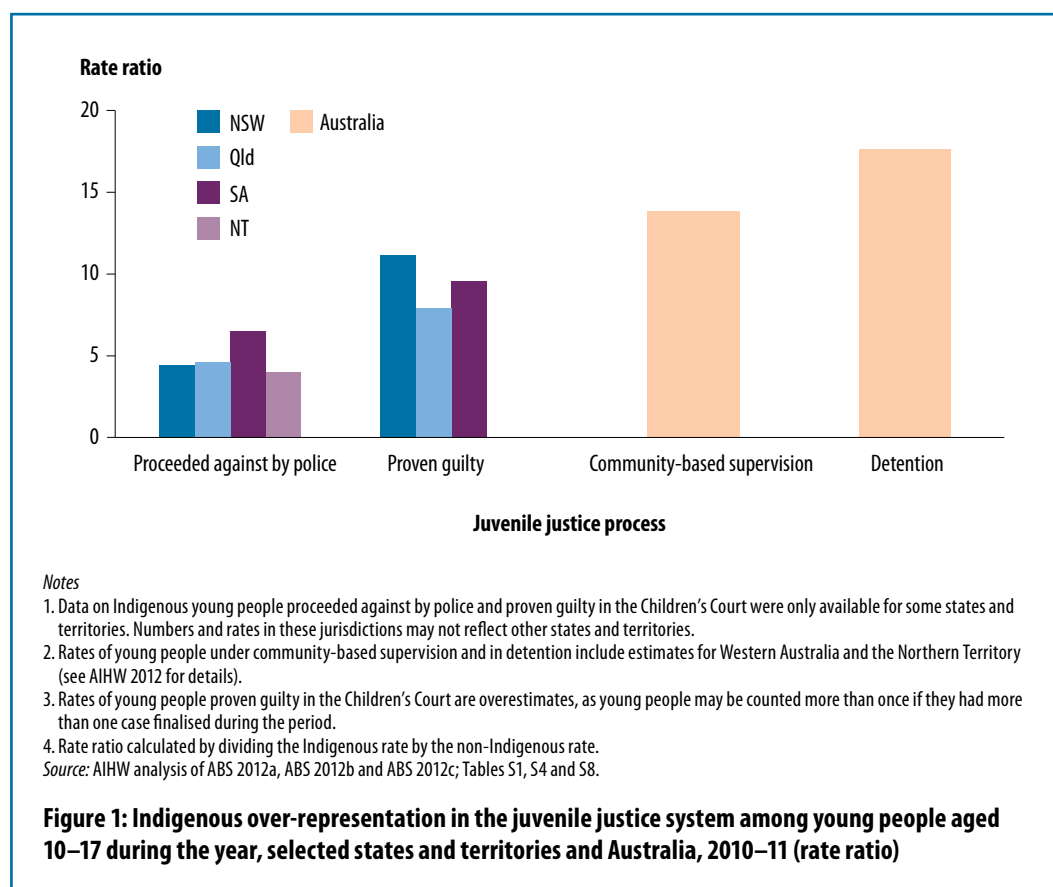
The numbers and rates of Indigenous young people proceeded against by police and proven guilty in the Children's Court were only available for some states and territories in 2010–11. Among those with available data, rates of Indigenous young people aged 10–17 who were proceeded against by police for allegedly committing a crime ranged from 55 per 1,000 in the Northern Territory to 128 per 1,000 in South Australia (Table S1). Rates of young people aged 10–17 proven guilty in the Children's Court ranged from 28 per 1,000 in the Northern Territory to 102 per 1,000 in Queensland (Table S4).

Nationally, there were 46 Indigenous young people per 1,000 aged 10–17 under juvenile justice supervision during the year: 39 per 1,000 under community-based supervision and 24 per 1,000 in detention (including estimates for Western Australia and the Northern Territory, as standard data were not provided) (Table S8). Some young people were in both community-based supervision and detention during the year.

Rates of involvement were substantially higher among Indigenous young people than non-Indigenous young people at each of these stages of the juvenile justice system. Indigenous young people were increasingly over-represented in the most serious processes and outcomes, particularly community-based supervision and detention (as shown by the rate ratios). During 2010–11, Indigenous young people aged 10–17 were:

- 4–6 times as likely as non-Indigenous young people to be proceeded against by police (among states and territories with available data)
- 8–11 times as likely to be proven guilty in the Children’s Court (among states and territories with available data)
- 14 times as likely to experience community-based supervision during the year
- 18 times as likely to experience detention (Figure 1).

The involvement of Indigenous young people in each of these stages is discussed in more detail in the following sections.

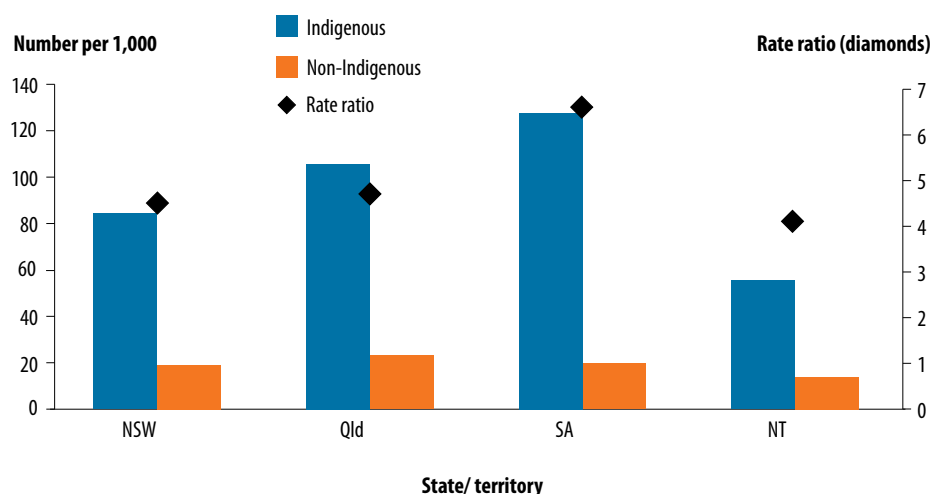


Contact with police

Young people first enter the juvenile justice system when they are investigated by police for allegedly committing a crime. A decision is then made as to whether they are proceeded against—that is, whether legal action is to be initiated for the offence. Police proceedings include court actions (the laying of charges that must be answered in court) and non-court actions (such as cautions, conferencing, counselling or infringement notices).

In 2010–11, information on the Indigenous status of young people who were proceeded against by police was available for New South Wales, Queensland, South Australia and the Northern Territory (numbers and rates in these jurisdictions may not reflect other states and territories) (ABS 2012c). In these jurisdictions, a total of 7,203 Indigenous young people aged 10–17 were proceeded by police against in 2010–11 (Table S1). About 1 in every 5 (19%) young people proceeded against were Indigenous (proportions varied among the states and territories).

Indigenous young people were more likely than non-Indigenous young people to be proceeded against by police. In 2010–11, rates for Indigenous young people aged 10–17 ranged from 55 per 1,000 in the Northern Territory to 128 per 1,000 in South Australia (Figure 2). Indigenous young people were about 4 times as likely as non-Indigenous young people to be proceeded against in the Northern Territory and New South Wales, almost 5 times as likely in Queensland, and more than 6 times as likely in South Australia.



Notes

1. Data were only available for New South Wales, Queensland, South Australia and the Northern Territory. Numbers and rates in these jurisdictions may not reflect other states and territories.

2. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

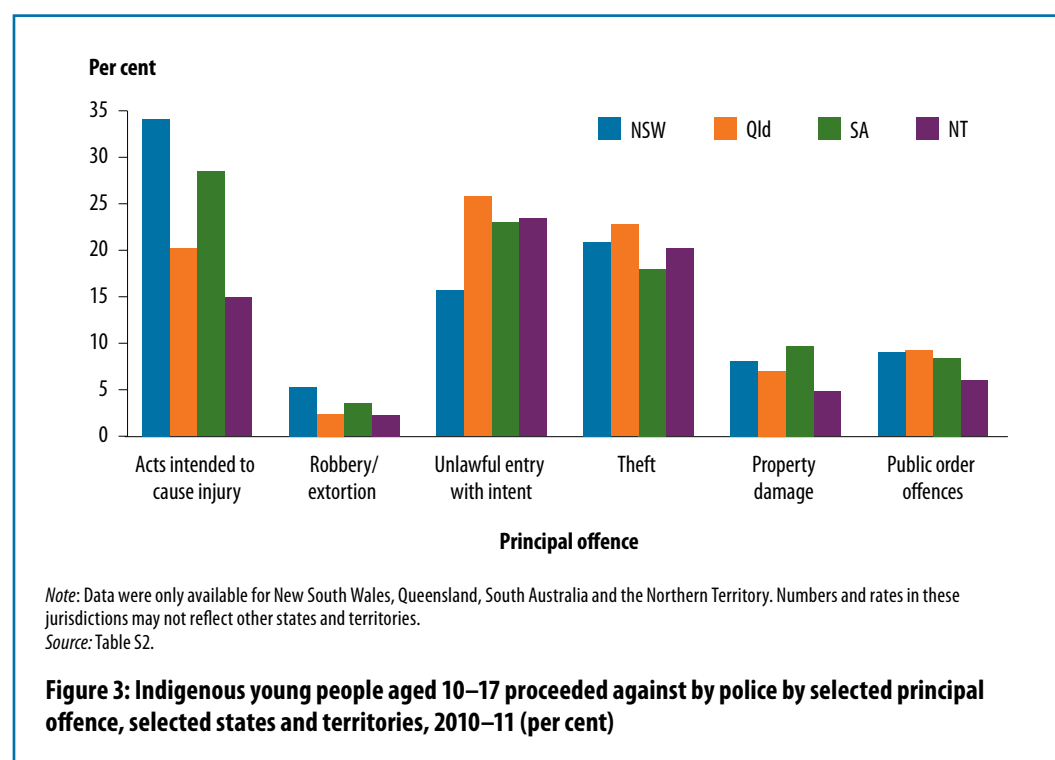
Source: Table S1.

Figure 2: Young people aged 10–17 proceeded against by police by Indigenous status, selected states and territories, 2010–11 (rate)

Most Indigenous and non-Indigenous young people aged 10–17 who were proceeded against by police were in the older age groups (Table S1). However, Indigenous young people were more likely to be in the youngest age groups: in the states and territories with available data, 13–17% of Indigenous young people proceeded against were aged 10–12, compared with just 3–7% of non-Indigenous young people.

There were some differences between Indigenous and non-Indigenous young people in the types of offences for which they were proceeded against. The most common principal (most serious) offences for Indigenous young people in all states and territories were acts intended to cause injury, unlawful entry with intent, and theft (Figure 3). These were slightly different to the most common principal offences for non-Indigenous young people, which included theft, acts intended to cause injury, public order offences, and illicit drug offences (Table S2).

Among young people aged 10–17 who were proceeded against by police, levels of Indigenous over-representation were particularly high for the principal offences of unlawful entry with intent (12–14 times as likely as non-Indigenous young people), acts intended to cause injury (5–9 times), and robbery/extortion (6–8 times) (Table S3).



Contact with the courts

Charges against young people are usually heard in the Children's Court. The Children's Court may decide to dismiss the charge, divert a young person from further involvement in the system, or transfer them to other specialist courts or programs. If the matter proceeds and the charge is proven, the court may hand down any of a number of orders.

Some matters may also be heard by specialist courts such as drug courts and Indigenous courts. Indigenous courts available to young people include the Murri Court in Queensland, the Children's Koori Court in Victoria, and the Community Court in the Northern Territory (for example, see Morgan & Louis 2010).

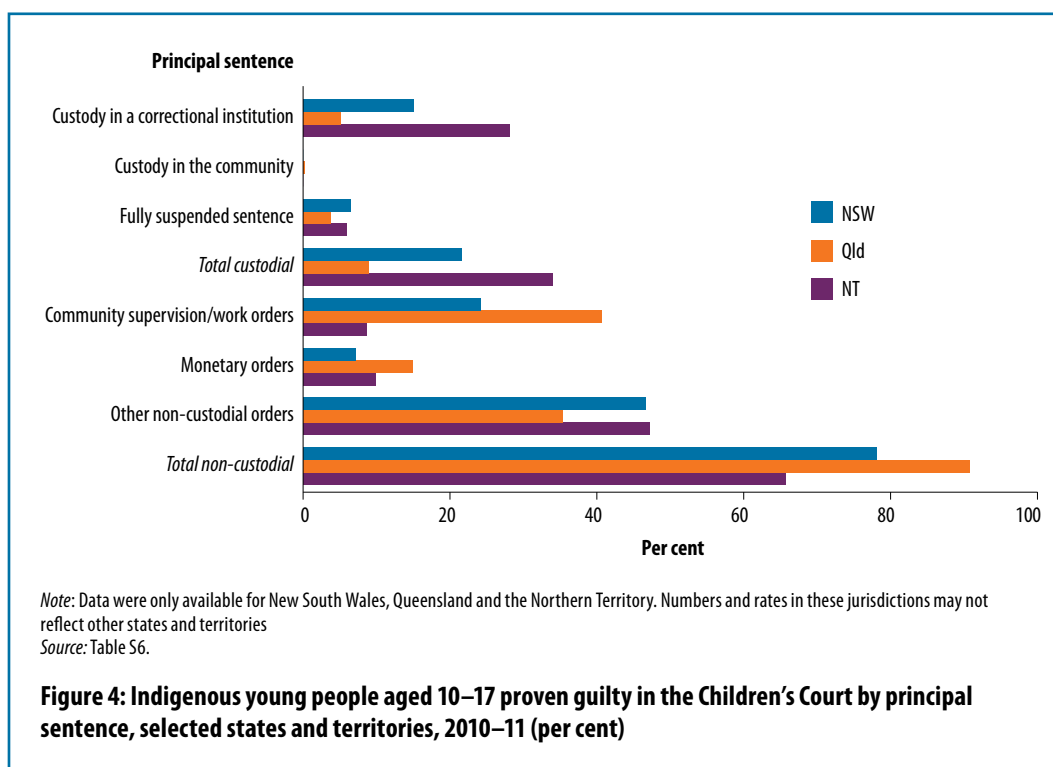
In 2010–11, information on the Indigenous status of young people in the Children's Court was available for New South Wales, Queensland, and the Northern Territory (numbers and rates in these jurisdictions may not reflect other states and territories) (ABS 2012a). Overall, in these three jurisdictions, about one-third (33%) of young people proven guilty in the Children's Court during 2010–11 were Indigenous (5,166 young people), although proportions varied (Table S4).

In 2010–11, Indigenous young people were more likely than non-Indigenous young people to be found guilty in the Children's Court. Among the states and territories with available data, rates of Indigenous young people aged 10–17 found guilty in the Children's Court were 28 per 1,000 in the Northern Territory, 57 per 1,000 in New South Wales, and 102 per 1,000 in Queensland (young people may be counted more than once if they had more than one case finalised during the period) (Table S4). Indigenous young people aged 10–17 were about 8 times as likely as non-Indigenous young people to be found guilty in the Children's Court in Queensland, 10 times as likely in the Northern Territory, and 11 times as likely in New South Wales.

The most common principal offences among Indigenous young people proven guilty in the Children's Court included theft, unlawful entry with intent, acts intended to cause injury, and public order offences (Table S5). These were similar to the most common principal offences among non-Indigenous young people, although there were variations among the states and territories.

Most Indigenous young people aged 10–17 who were proven guilty in the Children's Court received a non-custodial order—that is, a sentence that does not involve being held in custody (Figure 4). The proportion of Indigenous young people who received a non-custodial order ranged from 66% of those proven guilty in the Northern Territory to 91% in Queensland.

However, Indigenous young people were more likely than non-Indigenous young people to receive a custodial sentence (such as custody in a correctional institution or a fully suspended sentence) in each state and territory (Table S6). They were similarly likely to receive community supervision or work orders.



Juvenile justice supervision

How many Indigenous young people were under supervision in 2010–11?

In 2010–11, there were 2,820 Indigenous young people under juvenile justice supervision in Australia on an average day and 5,195 at some time during the year (including estimates for Western Australia and the Northern Territory; see *Technical notes* for more information) (Table 1). This equates to about 23 Indigenous young people aged 10–17 under supervision for every 1,000 in the population on an average day (just over 2% of Indigenous young people) and about 46 per 1,000 during the year (almost 5%).

Indigenous young people were substantially over-represented in juvenile justice supervision. Although only about 5% of young people in Australia are Indigenous, about 2 in 5 (39%) young people under juvenile justice supervision on an average day in 2010–11 were Indigenous (Table S7). An Indigenous young person aged 10–17 was 15 times as likely as a non-Indigenous young person to be under supervision on an average day (Table 1).

Table 1: Young people under supervision by type of supervision, Indigenous status and sex, Australia, 2010–11

	Number—all ages			Rate—age 10–17		
	Community	Detention	All supervision	Community	Detention	All supervision
Average day^(a)						
Indigenous						
Young men	1,880	455	2,320	29.88	6.95	36.83
Young women	450	55	495	7.90	0.89	8.69
<i>Total</i>	<i>2,325</i>	<i>500</i>	<i>2,820</i>	<i>19.21</i>	<i>4.00</i>	<i>23.20</i>
Non-Indigenous						
Young men	3,105	495	3,590	2.15	0.31	2.47
Young women	620	30	650	0.51	0.02	0.54
<i>Total</i>	<i>3,720</i>	<i>535</i>	<i>4,240</i>	<i>1.35</i>	<i>0.17</i>	<i>1.53</i>
During the year						
Indigenous						
Young men	3,545	2,190	4,140	60.70	38.53	70.38
Young women	910	430	1,055	16.78	8.19	19.35
<i>Total</i>	<i>4,460</i>	<i>2,620</i>	<i>5,195</i>	<i>39.33</i>	<i>23.78</i>	<i>45.54</i>
Non-Indigenous						
Young men	6,390	2,910	7,345	4.53	2.23	5.24
Young women	1,270	475	1,445	1.06	0.43	1.22
<i>Total</i>	<i>7,660</i>	<i>3,385</i>	<i>8,800</i>	<i>2.84</i>	<i>1.35</i>	<i>3.28</i>

(a) Number of young people on an average day may not sum due to rounding.

Notes

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2010–11. Totals include estimates for Western Australia and the Northern Territory; see *Technical notes* for details.

2. Rates are number of young people per 1,000 relevant population.

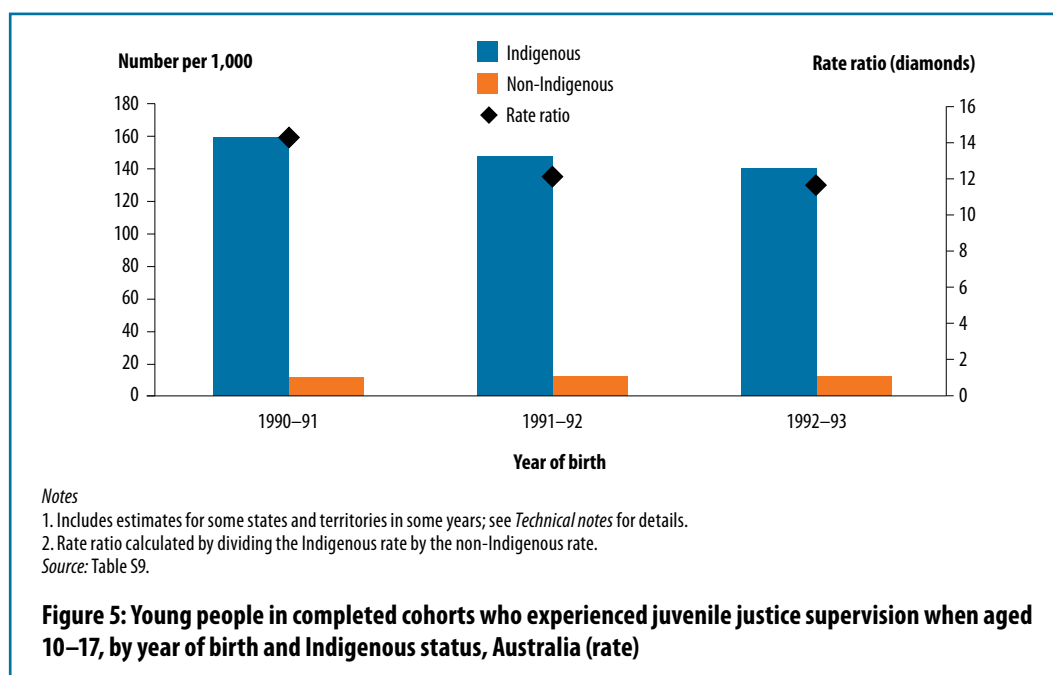
Source: Tables S7 and S8.

How many experienced supervision when aged 10–17?

A complete juvenile justice supervision history is available for three cohorts of young people—those born in 1990–91, 1991–92, and 1992–93. Young people born in these years were aged 10–17 during the period for which Juvenile Justice National Minimum Data Set (JJ NMDS) data are available (2000–01 to 2010–11). As data are not available for all states and territories in all years, some estimates were used in the calculation of rates of supervision for completed cohorts (see *Technical notes* for details).

Indigenous young people are consistently more likely than non-Indigenous young people to experience juvenile justice supervision. Overall, 160 in every 1,000 Indigenous young people born in 1990–91 experienced juvenile justice supervision when they were aged 10–17, which equates to about 16% of all Indigenous young people (Figure 5).

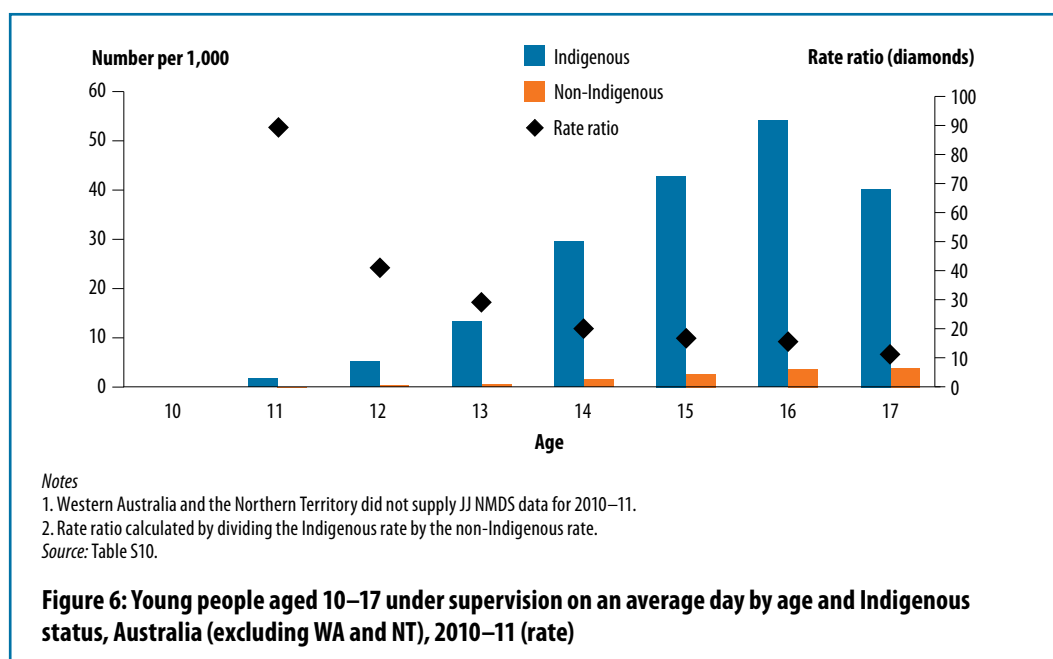
While this rate decreased to 148 per 1,000 among those born in 1991–92 and 141 per 1,000 among those born in 1992–93 (around 14%), the rate of non-Indigenous young people remained around 11–12 per 1,000 in each cohort (or just over 1%). Indigenous young people born in 1990–91 were therefore 14 times as likely as non-Indigenous young people to have experienced supervision when they were aged 10–17, decreasing to about 12 times as likely among those born in 1992–93.



How does supervision differ?

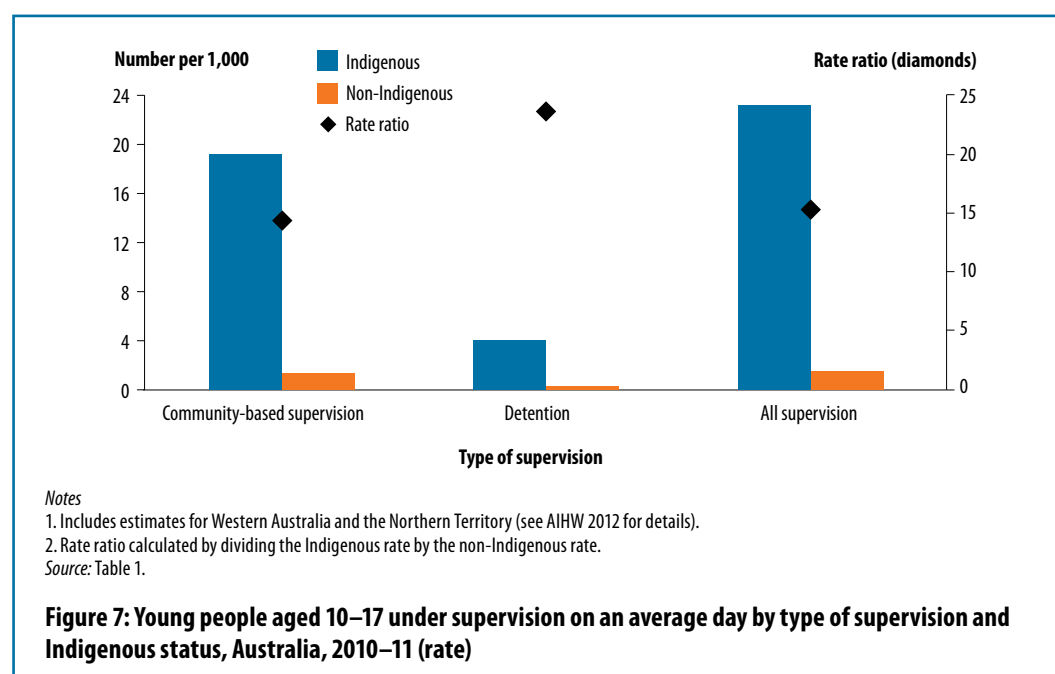
Indigenous young people under supervision were younger, on average, than non-Indigenous young people. Around one-quarter (24%) of Indigenous young people under supervision on an average day in 2010-11 were aged 10-14, compared with 14% of non-Indigenous young people (excluding Western Australia and the Northern Territory, as standard data were not provided) (Table S10).

Indigenous over-representation was therefore greatest among the youngest age groups and decreased steadily as age increased (Figure 6).



Indigenous over-representation was greatest in detention. On an average day in 2010–11, around 37% of young people under community-based supervision and 48% of young people in detention were Indigenous (including estimates for WA and NT) (Table S7). In addition, half (50%) of Indigenous young people who were supervised in 2010–11 experienced detention at some time during the year, compared with 38% of non-Indigenous young people.

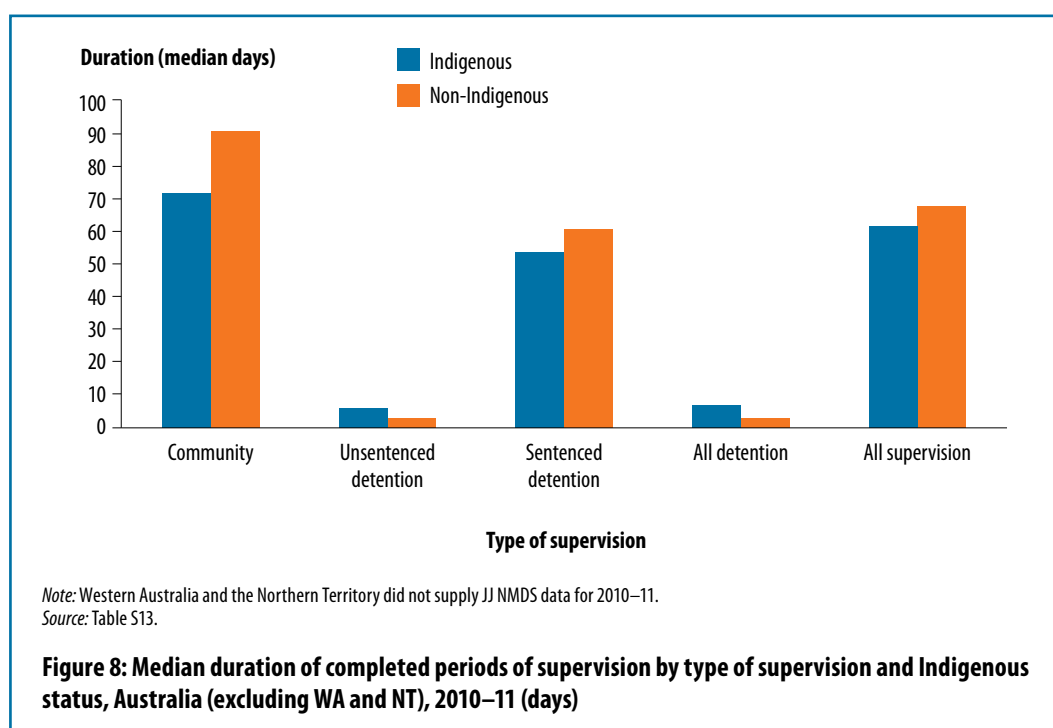
Overall, Indigenous young people aged 10–17 were 14 times as likely as non-Indigenous young people to be under community-based supervision on an average day (19 per 1,000 compared with 1.4 per 1,000), and 24 times as likely to be in detention (4 per 1,000 compared with less than 0.2 per 1,000) (Figure 7).



On an average day in 2010–11, most (94%) Indigenous young people under community-based supervision were serving a sentence, and this was similar to the proportion of non-Indigenous young people (90%; excluding Western Australia and the Northern Territory) (Table S11). Most Indigenous young people under sentenced community-based supervision were under probation and similar orders (88%), followed by suspended detention (10%) and parole or supervised release (8%; young people may be under supervision in relation to multiple types of orders on the same day) (tables S11 and S12). These were similar to the proportions of non-Indigenous young people.

In detention, Indigenous young people were more likely than non-Indigenous young people to be unsentenced on an average day—that is, awaiting the outcome of a court case or sentencing (54% compared with 46%) (Table S11).

In 2010–11, Indigenous young people tended to complete slightly shorter periods of supervision than non-Indigenous young people (median duration 62 days compared with 68) (Figure 8). On average, Indigenous young people completed shorter periods of community-based supervision (72 days compared with 91) and sentenced detention (54 days compared with 61) but longer periods of unsentenced detention (6 days compared with 3) than non-Indigenous young people.



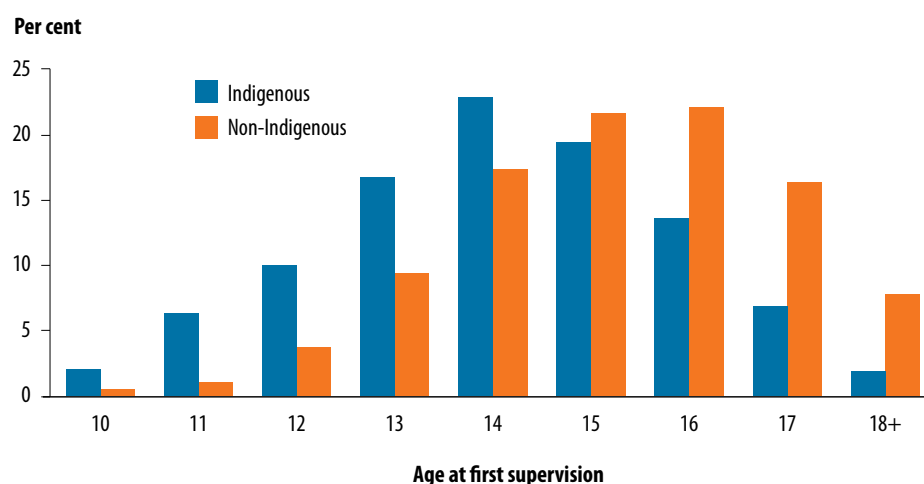
In 2010–11, Indigenous young people completed slightly more periods of supervision during the year than non-Indigenous young people, on average (1.4 compared with 1.3), and this pattern occurred in community-based supervision and detention (Table S14).

Despite completing shorter periods of supervision, when all time spent under supervision during the year is considered, Indigenous young people spent just over 3 weeks longer under supervision than non-Indigenous young people, on average (200 days compared with 178) (Table S15). Indigenous young people spent more time in both community-based supervision (192 days compared with 179) and in detention (68 days compared with 59). Indigenous young people spent more time in unsentenced detention (41 days compared with 32) but less time in sentenced detention (105 days compared with 111).

Does entry to supervision differ?

Indigenous young people under supervision during 2010–11 were more likely than non-Indigenous young people to have been supervised in a previous year (73% compared with 65%, excluding Western Australia and the Northern Territory) (Table S16).

One reason for this is because Indigenous young people tend to first enter supervision at younger ages (Figure 9). Among Indigenous young people under supervision during 2010–11, the most common age of first supervision was 14 years (23%), compared with 16 (22%) for non-Indigenous young people. In addition, the majority (58%) of Indigenous young people had first entered supervision when they were aged 10–14, compared with less than one-third (32%) of non-Indigenous young people.



Note: Western Australia and the Northern Territory did not supply JJ NMDS data for 2010–11.
Source: Table S17.

Figure 9: Young people aged 10–17 under supervision during the year by Indigenous status and age at first supervision, Australia (excluding WA and NT), 2010–11 (per cent)

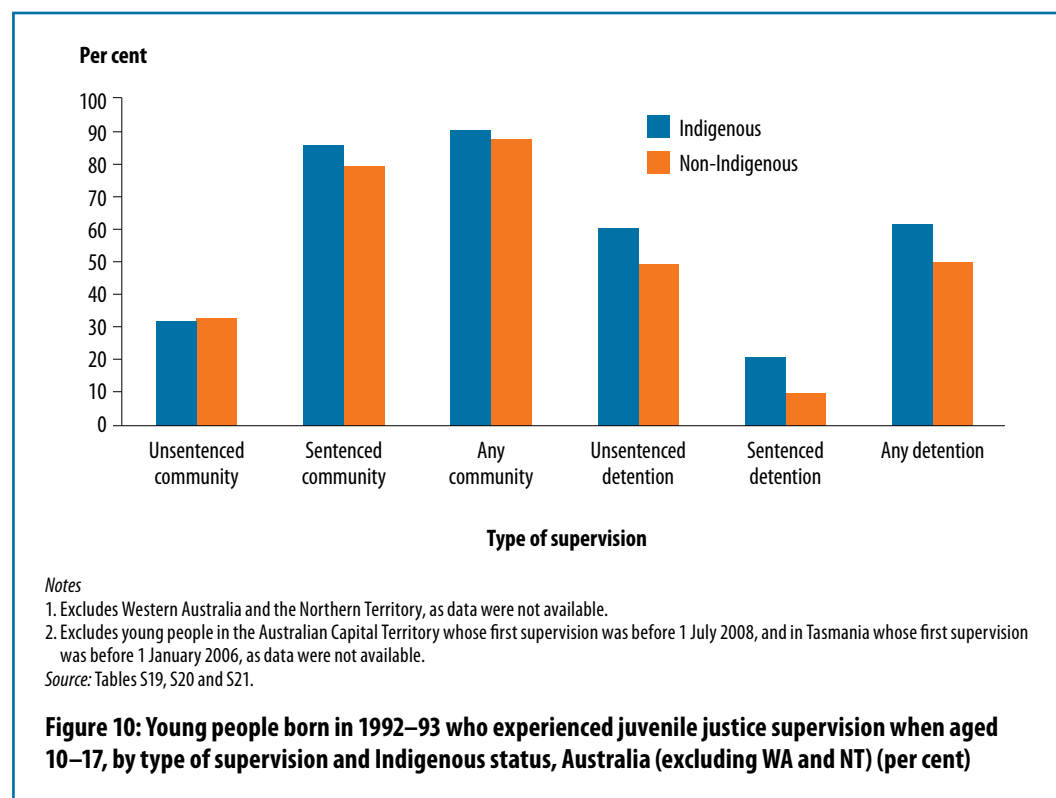
There were some differences in the types of first supervision experienced by Indigenous and non-Indigenous young people (Table S18). Indigenous young people were less likely to experience supervised or conditional bail or similar as their first type of supervision (10% compared with 20%) and more likely to experience probation and similar (51% compared with 43%). Similar proportions of Indigenous and non-Indigenous young people experienced remand and police-referred detention as their first type of supervision.

Do completed supervision histories differ?

There were differences in the supervision histories of Indigenous and non-Indigenous young people (excluding Western Australia and the Northern Territory, and other states and territories in some years; see *Technical notes* for details). In the most recently completed cohort (young people born in 1992–93), most (91%) Indigenous young people who experienced juvenile justice supervision when they were aged 10–17 were supervised in the community at some stage, and this was similar to the proportion of non-Indigenous young people (88%) (Figure 10).

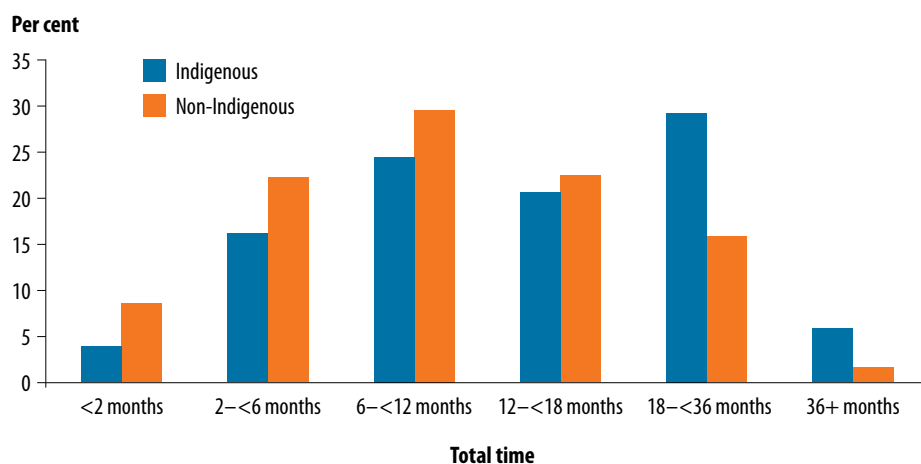
However, Indigenous young people were more likely to have been in detention. About 62% of Indigenous young people who experienced supervision when they were aged 10–17 had been in detention, compared with 50% of non-Indigenous young people. This was the

case for both unsentenced detention (61% compared with 50%) and sentenced detention (21% compared with 10%). Similar patterns occurred among young people born in 1990–91 and 1991–92 (tables S19, S20 and S21).



When the total amount of time young people spent under supervision when aged 10–17 is considered, Indigenous young people spent longer under juvenile justice supervision than non-Indigenous young people (Table S22). About 2 in 5 (39%) Indigenous young people born in 1992–93 who experienced supervision had spent a total of 18 months or longer under supervision, compared with 1 in 5 (20%) non-Indigenous young people.

This pattern occurred in both community-based supervision and detention. Among those born in 1992–93 who experienced community-based supervision, Indigenous young people were less likely than non-Indigenous young people to have spent a total of 6 months or less under supervision (20% compared with 31%) and more likely to have spent 18 months or longer under supervision (35% compared with 17%) (Figure 11).



Notes

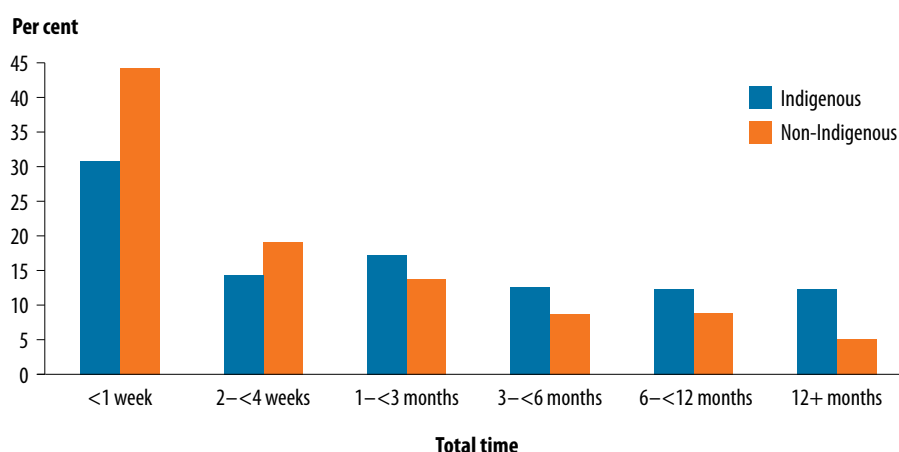
1. Excludes Western Australia and the Northern Territory, as data were not available.

2. Excludes young people in the Australian Capital Territory whose first supervision was before 1 July 2008, and in Tasmania whose first supervision was before 1 January 2006, as data were not available.

Source: Table S23.

Figure 11: Young people born in 1992–93 who experienced community-based supervision when aged 10–17, by Indigenous status and total time spent under community-based supervision, Australia (excluding WA and NT) (per cent)

Indigenous young people born in 1992–93 who experienced detention were less likely than non-Indigenous young people to have spent less than 1 month in detention (45% compared with 64%) (Figure 12). About 1 in 8 (12%) Indigenous young people spent a total of 12 months or more in detention when they were aged 10–17, compared with 1 in 20 (5%) non-Indigenous young people.



Notes

1. Excludes Western Australia and the Northern Territory, as data were not available.

2. Excludes young people in the Australian Capital Territory whose first supervision was before 1 July 2008, and in Tasmania whose first supervision was before 1 January 2006, as data were not available.

Source: Table S24.

Figure 12: Young people born in 1992–93 who experienced detention when aged 10–17, by Indigenous status and total time spent in detention, Australia (excluding WA and NT) (per cent)

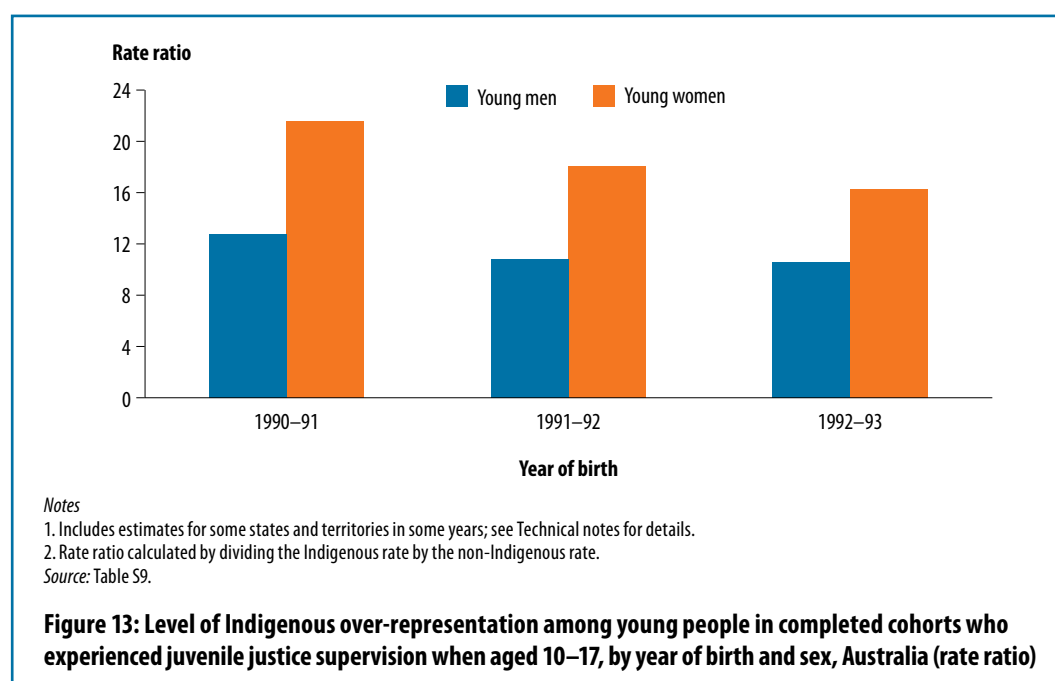
Indigenous young men and women in juvenile justice

Rates of juvenile justice supervision were higher among Indigenous young men than Indigenous young women. In 2010–11, there were 37 Indigenous young men per 1,000 aged 10–17 under supervision on an average day and 70 per 1,000 during the year (including estimates for Western Australia and the Northern Territory, as standard data were not provide) (Table S8). This equates to almost 4% of all Indigenous young men on an average day and 7% during the year. By comparison, there were almost 9 Indigenous young women per 1,000 (less than 1%) under supervision on an average day and 19 per 1,000 (almost 2%) during the year.

Indigenous young men aged 10–17 were therefore about 4 times as likely as Indigenous young women to be under supervision on an average day. A similar pattern occurred among non-Indigenous young people (almost 5 times as likely).

However, there were differences between community-based supervision and detention. On an average day in 2010–11, Indigenous young women aged 10–17 were about 15 times as likely as non-Indigenous young women to be under community-based supervision, and almost 45 times as likely to be in detention. These were higher than the rate ratios for young men (14 and 22 times as likely).

Levels of Indigenous over-representation were also higher among young women than among young men in each completed cohort (Figure 13). Among those born in 1990–91, Indigenous young women were almost 22 times as likely as non-Indigenous young women to have experienced juvenile justice supervision when aged 10–17, compared with 13 times among young men. These rate ratios decreased in the subsequent cohorts for both young men and young women: Indigenous young women born in 1992–93 were 16 times as likely as non-Indigenous young women to have experienced supervision, compared with 11 times as likely among young men.

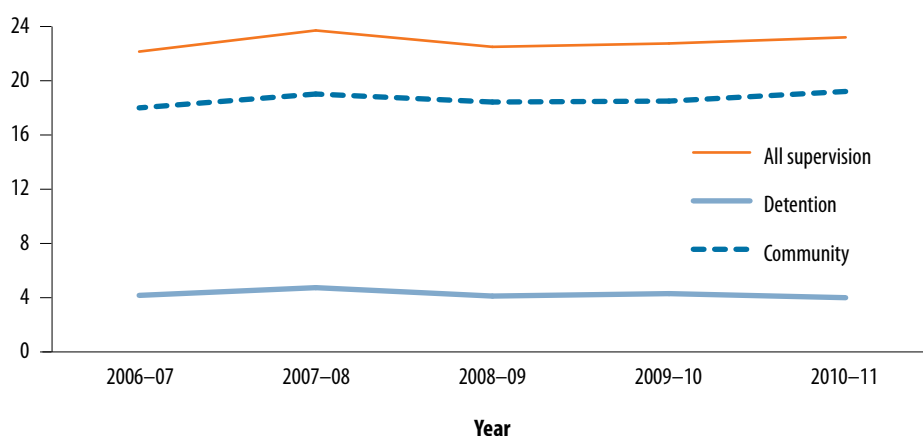


Recent trends

Over the 3 years to 2010–11, the numbers and rates of Indigenous young people aged 10–17 proceeded against by police in the states and territories for which data were available fluctuated (longer trend data were not available) (Table S25). However, Indigenous young people remained over-represented in every state and territory each year. Trend data for Indigenous young people in contact with the Children’s Court were not available.

National data on the rates of young people under juvenile justice supervision were available for the 5-year period to 2010–11 (including estimates for Western Australia and the Northern Territory). Over this period, rates of Indigenous young people aged 10–17 under supervision on an average day remained relatively stable, with small fluctuations from year to year (Figure 14). Overall, there was a slight increase in the rate between 2006–07 and 2010–11, from 22 to 23 per 1,000. This was mainly due to a small increase in the rate of Indigenous young people under community-based supervision (from 18 to 19 per 1,000), while the rate in detention fluctuated, with a slight decrease overall (from 4.2 to 4.0 per 1,000).

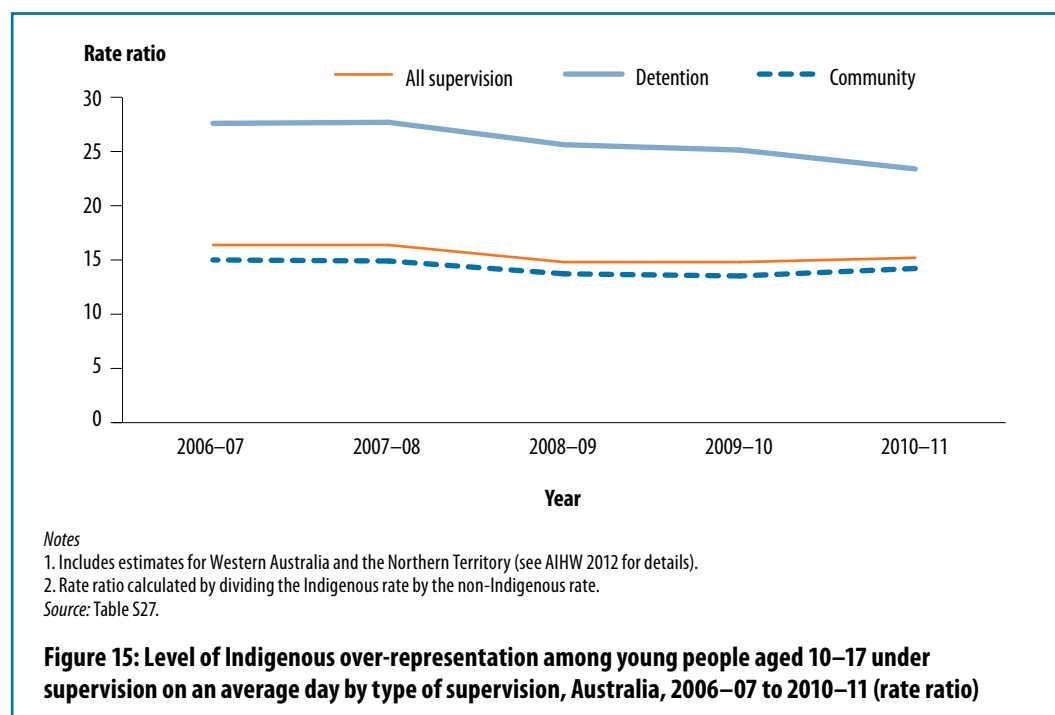
Number per 1,000



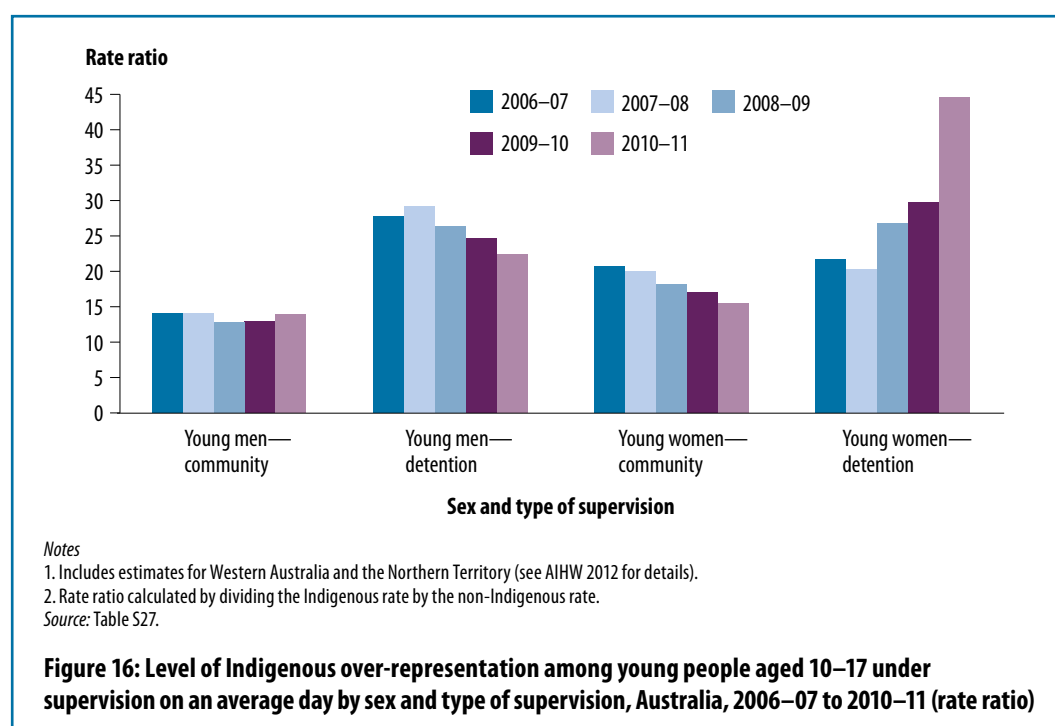
Note: Includes estimates for Western Australia and the Northern Territory (see AIHW 2012 for details).
Source: Table S27.

Figure 14: Indigenous young people aged 10–17 under supervision on an average day by type of supervision, Australia, 2006–07 to 2010–11 (rate)

However, a rise in the rate of non-Indigenous young people under supervision resulted in a slight decrease in the level of Indigenous over-representation, as shown by the rate ratio (Figure 15). Indigenous young people aged 10–17 were 16 times as likely as non-Indigenous young people to be under supervision on an average day in 2006–07, dropping slightly to 15 times as likely in 2010–11. The decrease was largest in detention: Indigenous young people were 28 times as likely as non-Indigenous young people to be in detention on an average day in 2006–07, but 24 times as likely in 2010–11.



Over the 5-year period, the level of Indigenous over-representation among young people aged 10–17 under supervision on an average day decreased among both young men (from 16 to 15) and young women (from 21 to 16) (Table S27). Young women in detention were the only group for which the level of Indigenous over-representation increased (Figure 16). However, the small numbers of young women in detention means that trends should be interpreted with caution.



Conclusion

Research suggests that the over-representation of Indigenous young people in the juvenile justice system is largely driven by the social and economic disadvantage experienced by many Indigenous communities and compounded by the ongoing effects of historical events.

Current strategies and recommendations for reducing Indigenous involvement in crime and juvenile justice commonly aim to address the underlying reasons for Indigenous offending across a broad range of areas and focus on culturally specific initiatives that encourage community participation and responsibility.

In 2010–11, Indigenous young people remained over-represented throughout the juvenile justice system, particularly in the most serious processes and outcomes. They tended to enter the juvenile justice system at younger ages than non-Indigenous young people and spent more time under supervision in total.

However, over the 5 years to 2010–11, there was a slight decrease in the level of Indigenous over-representation among young people under supervision on an average day, mainly driven by a decrease in the rate ratio in detention.

Appendix: Programs and services for Indigenous young people under supervision

State and territory juvenile justice agencies provide a range of services and programs to young people under juvenile justice supervision to help reduce their risk of re-offending. These include education and training programs, assistance in returning to school, help with finding employment or accommodation, and programs focused on specific offending behaviours or issues such as drug and alcohol use, violence and aggressive behaviour, and relationships. Programs may be available in the community or within a detention centre. More information about the programs and services in each state and territory is available in Appendix A of *Juvenile justice in Australia: 2010–11* (AIHW 2012).

Programs designed specifically for Indigenous young people under juvenile justice supervision are available in all states and territories (Table A1). These aim to provide culturally sensitive and appropriate support to Indigenous young people and their families and communities to help reduce the risk of further offending.

The focus of Indigenous-specific juvenile justice programs varies across jurisdictions, and includes topics such as alcohol and drug use, family violence, education and employment, art and cultural activities, mentoring, counselling, and family support. In most states and territories, specialist Indigenous staff may help to design and deliver programs, provide case planning and support, and facilitate communication between Indigenous young people, their families and communities and a range of services and government departments.

Table A1: Indigenous-specific programs, services and specialist staff available to Indigenous young people under juvenile justice supervision, states and territories, 2010–11

	Indigenous-specific programs	Specialist Indigenous staff
NSW	<p>Intensive Supervision Program (ISP): a family-focused, community-based intervention program.</p> <p>Dthina Yuwali: a drug and alcohol program that aims to reduce the likelihood of re-offending.</p> <p>Our Journey to Respect: a group session program for young men that aims to reduce family and inter-generational violence.</p>	<p>Aboriginal team advisors facilitate the engagement of Indigenous families involved in the ISP.</p>
Vic	<p>Koori Youth Justice Program: helps young people under supervision or at risk of offending access appropriate role models and culturally sensitive support, advocacy and casework.</p> <p>Koori Early School Leavers and Youth Employment Program: supports young people to re-engage with school and other learning opportunities.</p>	<p>Koori Youth Justice Workers provide support to young people under the Koori Youth Justice Program, assist other youth justice workers to support Indigenous young people, and develop and implement preventive programs such as sport and recreation.</p>
Qld	<p>Programs and services aimed at Indigenous young people remain a priority and are being continuously improved.</p> <p>Woorabinda Early Intervention Coordination Panel Service: coordinates a panel of government and community representatives to assess, plan and implement interventions for young people and families at risk of becoming entrenched in a pattern of offending in the Indigenous community of Woorabinda. Also provides intensive case management, case coordination, practical support to caregivers, after-school activities, in-school support, and rewards programs for young people.</p> <p>The Youth Opportunity Program: an integrated case management, therapeutic and intervention service for young people in Far North Queensland who are on community service orders or bail and considered at moderate to high risk of re-offending. Focuses on delivering culturally competent services to Indigenous young people and their families to address the causes of crime. Also supports and equips young people's families with skills to help reduce the risks associated with offending and re-offending.</p>	<p>Indigenous Service Support Officers ensure that programs and services are culturally appropriate, contribute to case planning, and facilitate communication between families, elders, other key community members, community agencies and government departments to ensure that young people are effectively supported.</p> <p>Indigenous Conferencing Support Officers provide culturally responsive and appropriate youth justice conferencing services to young people, victims, families, and communities.</p>
WA	<p>Aboriginal Youth Diversion Service: provides positive pro-social alternatives, guidance, mentoring and leadership within a family and community context.</p> <p>HALO: assists Indigenous young people and their families at Banksia Hill Detention Centre and in the community. Provides a range of culturally appropriate pro-social activities, mentoring, leadership, community engagement, and linkages with community networks and similar activities.</p> <p>Regional Youth Justice Services (RYJS): works largely with Indigenous families in the Mid-West Gascoyne, Goldfields, East and West Kimberley and Pilbara regions. RYJS has proven successful in increasing diversion and reducing remands in custody. Provides a range of services such as extended-hours youth and family support, extended-hours bail services, emergency accommodation, diversion for young people in the early stages of offending, management of young people on community orders, and psychological support.</p>	<p>Aboriginal Team Advisors in Youth Justice Centres engage Indigenous families and communities in programs that address offending, facilitate community development in collaboration with Indigenous community groups, and provide advice and training on cultural issues.</p> <p>Aboriginal Welfare Officers provide support to detainees, families and caregivers; participate in case management and assessment; facilitate group programs; and provide advice and training to centre staff.</p> <p>Aboriginal Support Officers support young people and their families who are involved in Juvenile Justice Teams. Indigenous staff may also be employed in a range of other youth justice positions.</p>

	Indigenous-specific programs	Specialist Indigenous staff
SA	Indigenous young people and their families are provided with access to a range of cultural support services. These include specialist Indigenous programs available in the community and in detention that focus on problem-solving and creating new patterns of behaviour while emphasising positive aspects of cultural identity.	
Tas	<p>Lungtalanana: program available to young people in detention, where young people live on Lungtalanana (Clarke Island) and participate in culturally appropriate activities.</p> <p>Partnerships with Indigenous organisations include:</p> <ul style="list-style-type: none"> • The Tasmanian Aboriginal Corporation, which has provided supervision, health and wellbeing programs, and activities such as land care • the Circular Head Aboriginal Corporation, which provides preparation for work programs and linkages to employment • the Meenah Mienne (My Dream), which provides art and mentoring programs. 	
ACT	Indigenous community service organisations provide programs relating to Indigenous art, counselling and family support to young people in detention.	<p>An Aboriginal and Torres Strait Islander liaison officer provides services for young people in detention and works with Indigenous service providers to ensure young people leaving custody are supported within their community.</p> <p>An Aboriginal and Torres Strait Islander transition officer aims to facilitate the transition of young people into training, education or employment.</p>
NT	<p>Balunu Foundation: provides cultural healing youth camps for young people at risk and engaging in anti-social behaviour, including offending. Young people are taken on a 9-day camp, where cultural healing methods are used as the framework to address personal issues.</p> <p>Elders Visiting Program: includes Indigenous elders visiting young people in detention to maintain cultural connections and support reintegration back into their community.</p> <p>The Northern and Central Australian Aboriginal Legal Services: provides a throughcare and advocacy service to Indigenous young people in the justice system.</p>	<p>Aboriginal Cultural Advisors support the Family Responsibility Program, which works with families whose circumstances are causing or contributing to a young person's anti-social or criminal behaviour. They provide advice and guidance to practitioners regarding case management and directly support Indigenous families and young people.</p>

Technical notes

Supplementary tables

Supplementary tables (tables with a prefix of S) referred to in this report are available for download from www.aihw.gov.au/juvenile-justice-publications/.

Young people proceeded against by police

Information on young people proceeded against by police is based on unpublished data from the Australian Bureau of Statistics (ABS) collection *Recorded crime—offenders*. More information about this collection is available from the ABS website at www.abs.gov.au.

Young people in contact with the Children's Court

Information on young people in contact with the Children's Court is based on unpublished data from the ABS collection *Criminal courts, Australia*. In this collection, if a person or organisation is a defendant in more than one case dealt with by the court during the collection period then they will be counted more than once. For this reason, data on the number of defendants are likely to be an overestimate of the number of individuals. More information about this collection is available from the ABS website at www.abs.gov.au.

Rates of young people aged 10–17 found guilty in the Children's Court were calculated by AIHW using ABS Estimated Resident Population data (ABS 2012b).

Young people under juvenile justice supervision

Information about young people under juvenile justice supervision is based on data from the JJ NMDS. This collection contains information about all young people who were supervised by state and territory juvenile justice agencies in Australia, both in the community and in detention.

For more information about this collection, including details of the data and methods used in reporting, see *Juvenile justice in Australia: 2010–11* (AIHW 2012), available from www.aihw.gov.au/juvenile-justice/. A data quality statement for the JJ NMDS 2010–11 is also available at <http://meteor.aihw.gov.au/content/index.phtml/itemId/490897>.

Age range for treatment as a young person

Across Australia, young people have criminal responsibility if they are aged 10 or older. The upper age limit for treatment as a young person is 17 years (at the time an offence was allegedly committed) in all states and territories except Queensland, where the age limit is 16 years. Young people aged 18 and older (17 or older in Queensland) at the time an offence was allegedly committed are dealt with under the criminal legislation relating to adults. However, it is possible for young people aged 18 and older to be under juvenile justice supervision.

Number under supervision

Two measures of young people under supervision are available from the JJ NMDS:

- Average day—calculated by summing the number of days each young person spends under supervision during the year and dividing this total by the total number of days in the financial year.
- During the year—calculated by counting each distinct young person under supervision during the year only once, even if they entered and exited supervision multiple times.

National totals

Western Australia and the Northern Territory did not provide JJ NMDS data for 2008–09 to 2010–11. Estimated national totals were calculated, where possible, using non-standard data. Data from the JJ NMDS may therefore include two national totals:

- Australia excluding Western Australia and the Northern Territory—all states and territories with JJ NMDS data.
- Australia including estimates for Western Australia and the Northern Territory—an approximate national total derived, where possible, from the available JJ NMDS data, non-standard data for Western Australia and 2007–08 JJ NMDS data for the Northern Territory (both rounded to the nearest 5 young people). These totals are then further rounded to the nearest 5 young people.

In addition, not all states and territories were able to provide JJ NMDS data in the current format for all years of the JJ NMDS (2000–01 to 2010–11).

Rates

Population rates allow for the comparison of different groups while taking into account differences in population sizes. Because there are differences between the states and territories in the extent to which young people aged 18 and older can be supervised by juvenile justice agencies, rates are restricted to those aged 10–17. For this bulletin, rates are expressed as the number per 1,000 young people.

The calculation of rates for particular variables excludes young people for whom data are not available. For example, the calculation of rates for Indigenous and non-Indigenous young people excludes young people with unknown Indigenous status (although they are included in totals).

The number of young people on an average day is rounded to the nearest whole person. The rate for an average day is calculated using the number on an average day before rounding.

Rates are not calculated where there are fewer than five young people in the numerator due to a lack of statistical reliability.

Rate ratios

In this bulletin, rate ratios are used to compare Indigenous and non-Indigenous rates and to provide a measure of the level of Indigenous over-representation. Rate ratios should be

interpreted with caution where there are small denominators, rare events and rates that converge while declining. Crude rates are also provided to guide interpretation.

Rate ratios are not calculated where one or both the rates has fewer than five young people in the numerator, due to a lack of statistical reliability.

Completed cohorts

'Completed cohorts' are groups for which a complete juvenile justice supervision history is available. In 2010-11, a complete supervision history is available for young people born in the 1990-91, 1991-92 and 1992-93 financial years, as these young people were aged 10-17 during the period of the JJ NMDS (2000-01 to 2010-11).

Young people who experienced supervision

The number of young people in completed cohorts who experienced supervision when they were aged 10-17 was calculated by counting each young person only once, even if they entered and exited supervision multiple times. Since JJ NMDS data are not available for all states and territories in all years, some estimates were used in the calculation of the number of young people who experienced supervision.

- ♦ **Western Australia and the Northern Territory:** JJ NMDS data were not available from 1 July 2008 onwards. Data therefore under-count the number of young people in completed cohorts who experienced supervision, as young people who first entered supervision after this date are excluded. Data on age at first supervision among completed cohorts were used to adjust data for Western Australia and the Northern Territory for the relevant age groups and years.
- ♦ **Tasmania and the Australian Capital Territory:** JJ NMDS data are only available for Tasmania from 2006-07 onwards, and for the Australian Capital Territory for 2003-04 onwards. Data therefore under-count the number of young people in completed cohorts who experienced supervision, as young people who exited supervision before these dates and did not return are excluded. Data on the exit date of last supervision by age were used to adjust cohort data for the relevant age groups and years. Using this method, it was not possible to create estimates for young people in Tasmania who exited supervision when aged 10-12 and did not return. Analysis of other jurisdictions with similar age distributions indicated that this is likely to result in under-counting of less than 0.5% (equal to less than 1 young person) in Tasmania in each cohort.

Population rates for completed cohorts were calculated by dividing the number of young people who experienced supervision by the number of young people who were eligible to be supervised. The number of young people eligible to be supervised was estimated using ABS Estimated Resident Population data (ABS 2012b) for each cohort at age 10.

Completed supervision history

The supervision history of completed cohorts, including the types of supervision experienced and the total time spent under supervision, was calculated using the latest version of the JJ NMDS (known as JJ NMDS 2009 format). JJ NMDS 2009 data are not available for some states and territories in all years, and data from the previous version

of the JJ NMDS are not sufficiently comparable for these types of analyses. Therefore, analyses exclude young people in the following states and territories, for whom a complete supervision history is not available:

- Western Australia and the Northern Territory
- Tasmania, for young people with first supervision before 1 January 2006
- Australian Capital Territory, for young people with first supervision before 1 July 2008.

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- Department of Health and Human Services, Tasmania
- Community Services Directorate, Australian Capital Territory
- Department of Justice, Northern Territory.


Related publications

The following AIHW publications might also be of interest:

- ♦ AIHW 2012. Girls and young women in the juvenile justice system: 2010–11. Bulletin no. 107. Cat. no. AUS 162. Canberra: AIHW.
- ♦ AIHW 2012. Juvenile justice in Australia 2010–11. Juvenile justice series no. 10. Cat. no. JUV 10. Canberra: AIHW.
- ♦ AIHW 2012. Juvenile detention population in Australia 2011. Juvenile justice series no. 9. Cat. no. JUV 9. Canberra: AIHW.
- ♦ AIHW 2012. Child protection Australia 2010–11. Child welfare series no. 53. Cat. no. CWS 41. Canberra: AIHW.
- ♦ AIHW 2011. Headline indicators for children's health, development and wellbeing, 2011. Cat. no. PHE 144. Canberra: AIHW.
- ♦ AIHW 2011. The health of Australia's prisoners 2010. Cat. no. PHE 149. Canberra: AIHW.
- ♦ AIHW 2011. Young Australians: their health and wellbeing 2011. Cat. no. PHE 140. Canberra: AIHW.
- ♦ AIHW 2008. Linking SAAP, child protection and juvenile justice data collections: a feasibility study. Data linkage series no. 5. Cat. no. CSI 5. Canberra: AIHW.



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