

Part 1: Introduction, issues, and data

Chapter 1: Introduction

Chapter 2: Trends and issues



Chapter 1: Introduction

Historical overview

Defining the youth justice system

Understanding youth offenders

The approach

Revitalising the youth justice system –
towards a coordinated model

CHAPTER 1: INTRODUCTION

Historical overview

The youth justice system in the Northern Territory for the past 40 years¹ has comprised an amalgam of progressive, conservative and innovative experiments and approaches to dealing with young offenders. The need to hold young offenders responsible for their actions has been a constant theme, as has the need to provide them with skills and training.

The desire for governments to be seen as ‘tough on crime’ has also been a recurring theme and, based on a review of media commentary, it appears that each decade has seen increased levels of community concern about the rate and effects of youth crime.

Although successive governments have introduced youth strategies, action plans and programs, there has been little or no evaluation of their success. It has been difficult to assess what, if any, real or imagined policy framework underpinned the various announcements, initiatives, youth strategies and action plans.

Responses to youth crime have, understandably, changed over time. The numbers of young offenders either in, or at risk of entering, the youth justice system have increased over recent years, although the overall numbers remain relatively small.

Nevertheless, while young people represent a small number, unless they are managed well they are likely to remain in or re-enter the justice system for many years.

Solutions, like young people themselves, are more complex now than they have ever been and require innovative, yet practical responses.

Defining the youth justice system

Youth justice systems exist in all Australian jurisdictions² and comprise:

- police, who are usually a young person’s first point of contact with the system
- courts (usually a special children’s or youth court) where matters relating to the charges against young people are heard. The courts are largely responsible for decisions regarding bail, remand, and sentencing
- statutory juvenile justice agencies, which are responsible for the supervision and case management of young people on a range of legal and administrative orders, and for the provision of a wide range of services intend to reduce and prevent crime

1 For a detailed history refer to Appendix 4.

2 The need for a different justice system for children is consistent with international standards underpinning the *UN Convention on the Rights of the Child*, to which Australia is a signatory, read together with the *UN Guidelines for the Prevention of Juvenile Delinquency* (the *Riyadh Guidelines*) and the *UN Standard Minimum Rules for the Administration of Juvenile Justice* (the *Beijing Rules*).

CHAPTER 1: INTRODUCTION

- non government and community service providers who may work with juvenile agencies to provide services and programs for young people under supervision.³

The terms of reference for this Review state that the youth justice system ‘encompasses a continuum of services and responses from preventative, policing, pre court, correctional and post release’.⁴

These services are managed and delivered by various government departments, which:

- provide policy advice on *preventive* and *early intervention* measures, and administer the provision of programs and initiatives such as family support centres, community youth development units, and youth camps
- provide front line services, the largest of which is *policing*
- are directly involved in funding and administering *pre court* services, such as police diversion and programs as outlined above pursuant to Part 6A of the *Youth Justice Act*
- provide support services and a legislative framework for Territory *courts* to enable the delivery of justice to the community
- deliver *correctional services* to offenders in the form of operating juvenile detention centres
- are responsible for policy advice and the delivery of *post release services*, ranging from supervision of parole orders, youth camps, mental health and drug and alcohol treatment programs, and the provision of funding to non-government organisations to deliver some of these services.

Understanding youth offenders

There are different ways of defining ‘youth’ across different policy streams. For the purpose of this Review, the definition of a ‘youth’ contained in the *Youth Justice Act* has been adopted: ‘a person under 18 years of age’.⁵ This is the same in most Australian jurisdictions.

Children under the age of 10 years in Australia cannot be held criminally responsible for their actions⁶ and cannot be charged by police or appear before a court in relation to alleged criminal activity. In the Territory, a child aged 10 years or more, but under 14 years, can only be found guilty of an offence if the prosecution proves that the child knew the conduct was wrong.⁷

3 Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services 2011* (2011) Canberra, 15.57.

4 DoJ and DCF, *Review of the Northern Territory Youth Justice System: Terms of Reference* (29 March 2011) Northern Territory Government, Darwin.

5 *Youth Justice Act*, section 6(1).

6 This is consistent with the minimum age prescribed by the *UN Convention on the Rights of the Child*.

7 *Criminal Code*, section 43AQ.

CHAPTER 1: INTRODUCTION

The Review seeks to establish an evidence base for its recommendations and commissioned the Australian Institute of Criminology to analyse the existing data from various government agencies in relation to youth justice.

A picture of young offenders emerged, showing that the number of young offenders in the Territory is small but growing, and there are specific trends for Indigenous, non Indigenous, male and female youth, as well as trends in the types of offences committed.

The approach

To address the terms of reference, the Review set out to assess the various components of the youth justice system. Timeframes were challenging; however, between May and July 2011, the Review consulted a range of stakeholders in urban and remote areas including the legal, non government and government sectors to identify how they respond to the needs of youth in the justice system. Stakeholders were also invited to provide written submissions, and a total of 40 thoughtful submissions were received. The quality and range of suggestions identified in the submissions will provide a useful resource for government to respond to the recommendations of the Review.

Representatives of key government departments that are responsible for the delivery of the 'continuum' of services and responses in the youth justice system were also consulted, and the information gained forms a large part of this Report.

While government departments each offer a range of services and responses for young people in the youth justice system, the Review identified that these responses are limited by a confusing set of administrative arrangements, workforce capability issues and limited resources.

The end result is youth are not the core business of any one agency.

The Review has identified the gaps, examined opportunities for improvement and offers proposals where appropriate in the areas of legislation, policy, and program delivery for each department.

The Review provides a snapshot of *who* young offenders are in the Territory, and the *type of crimes* they commit. However, there are many complex drivers of youth crime, the causes of which were beyond the terms and scope of the Review.

CHAPTER 1: INTRODUCTION

Revitalising the youth justice system – towards a coordinated model

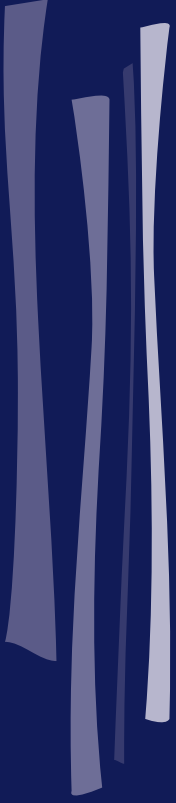
The small number of young offenders in the Territory and the trends mapped by the Review present a challenge and an opportunity.

Young offenders comprise a small proportion of the Territory's population. The majority of young people live happy, well-adjusted lives, and the prospects for most young Territorians are positive.

Systemic, generational dysfunction in the homes and families of many young offenders mean that government's approach to youth crime must include non punitive responses.

A key theme of this report is the need for a coordinated approach to youth justice and service delivery. While government agencies do their best, and some impressive initiatives are underway, it is impossible to ignore the need for government to establish a new youth justice strategy. The call for this was shared by government agencies, legal aid providers and NGOs during the consultations and in written submissions.

The Review identifies nine core recommendations that—if they are accepted by government and underpinned by a revitalised youth justice strategy and a dedicated youth justice unit comprising experts across government and working closely with the non government sectors—will collectively achieve a coordinated response to youth justice in the Territory.



Chapter 2: Trends and issues

Introduction

Part A: Trends:

Summary of key youth justice trends

Statistical analysis

Trends for vulnerable young people

Impact of trends on *Territory 2030* and *Working Future*

Data collection and limitations

Part B: A snapshot of issues:

Causes of youth crime

Regional and remote issues

Non government organisations

Gender and cultural issues

Mental health and alcohol and other drugs

Public perceptions

CHAPTER 2: TRENDS AND ISSUES

Introduction

This chapter identifies emerging trends in available policing and justice data, as well as the key issues for youth justice in the Territory. Where relevant, data is examined in other Australian jurisdictions to provide a comparative framework. However, this Review is not and is not intended to represent an audit of particular government departments' data collection capacity. It is, nevertheless, concerned that the lack of coordinated and complementary information systems across departments made the collation of data particularly difficult.

The targets, objectives and goals of *Territory 2030* and *Working Future* are also considered in this chapter, and trends and issues are identified that may adversely affect their achievement.

To establish an evidence-based methodology for the Review, Australia's leading national research and knowledge centre on crime and justice, the Australian Institute of Criminology (AIC), was commissioned to assess and interpret data sources collected from a range of Northern Territory Government agencies, including police, corrections, juvenile justice and juvenile diversion data.¹

The data assessed by the AIC and supplemented by other sources for the Review provides valuable insights into the nature of youth justice. Unless otherwise specified, the data referred to in this section of the report refers to data collected in the Territory.

¹ AIC, *Review of the Northern Territory Youth Justice System: Overview of the Data* (2011) Canberra

CHAPTER 2: TRENDS AND ISSUES

PART A

Trends

Summary of key youth justice trends

Within the context of known data limitations, the statistical analysis provides a clear picture of the characteristics of young people involved in the justice system, as well as the types of offences they commit and punishments received:

- Young people involved in the youth justice system are mostly male and Indigenous (76%).
- Property offences such as theft and unlawful entry with intent are the most common type of crimes committed by young offenders. Traffic and motor vehicle offences represent the second biggest category of youth crime.
- The number of young offenders is small compared to the number of young people in the overall population: 639 young people were apprehended by police in 2010–11; 1192 matters were lodged in courts of which 665 were finalised; and 39 young people were in juvenile detention on any given day during this period. There are around 53 100 young people under the age of 15.²
- The number of young people involved in the justice system has increased in recent years. The number of young people apprehended by police increased from 587 in 2006–07 to 797 in 2009–10.
- Males are more likely to have been apprehended for property crime. Females are more likely to have been apprehended for acts intended to cause injury, traffic and motor vehicle offences.
- The number of traffic and vehicle convictions increased by nearly 100% from 2006–07 to 2009–10.
- Young people aged 15 to 16 years are the most likely group to be apprehended.
- Indigenous offenders are more likely to commit their first offence at a younger age than non-Indigenous offenders, and are more likely to have been charged multiple times.
- The number of young people in juvenile detention is small but has increased from an average daily number of 18 in 2005–06 to 39 in 2010–11. There is an increasing number of children under the age of 15 being detained.

² ABS, *Population by Age and Sex, Regions of Australia, 3235.0* (2009) Canberra

CHAPTER 2: TRENDS AND ISSUES

- Indigenous youth are much more likely to be in detention than non Indigenous youth, and they are being placed into detention for more serious crimes, such as acts intending to cause injury.
- Young people in detention are more likely to be on remand than serving sentences. The number of juveniles on remand is increasing (with an average daily number of around 23 on remand in 2010–11 compared with around 11 in 2005–06).
- While the literature suggests that mental health, and alcohol and other drugs affect many young offenders, there is little data in the Territory on these issues.
- There is little evidence to suggest that culturally diverse groups in the Territory are a target offending group.

Statistical analysis

Youth demographics

The overall population of the Territory as at June 2010 is estimated at 229 711, and more than 30% of the population is Indigenous.³ At June 2010, just over one-third (33.6%) of the population resided in the Darwin, 13.1% in Palmerston and 12.2% in Alice Springs.

According to Australian Bureau of Statistics (ABS) projections, there are an estimated number of 53 100 young people under the age of 15 residing in the Territory.⁴ Young people aged 24 years and younger comprise 38% of the total population. Territorians aged 20 to 24 years comprise 8.3% of the total population, those aged 15 to 19 years comprise 7.3% and those under 15 years comprise 24.5% of the population.⁵ The Territory has the youngest median population of all the states and territories, of 31.3 years, compared to Tasmania (39.9 years) and South Australia (39.2 years).⁶

The Indigenous population as at 30 June 2006 was 66 582 people, representing 31.6% of all the total number of Territorians.⁷ It has a much younger age profile than the non Indigenous population, as it does across Australia. More than half (54%) of Indigenous people included in the 2006 Census were under 25 years of age.⁸

Indigenous Territorians have much lower levels of formal education than non Indigenous people, with Census data showing that only 10% of Indigenous respondents had completed education to Year 12 or equivalent, compared with 48% of non Indigenous respondents. More than one-third (37%) of Indigenous Territorians had completed only Year 8 or below, compared with 5% of non Indigenous respondents.⁹

3 Northern Territory Government, *Budget 2011-12: Budget Paper No. 3 The Budget* (2011).

4 ABS, *Population by Age and Sex, Regions of Australia, 3235.0* (2009) Canberra. Note this data refers to the most recently available population projections for young persons aged under the age of 15 in the NT, as at 30 June 2010. Population projections for the legal definition of 'youth' as used in this Review, defined as between 10 and 18 years of age were not available.

5 ABS, *Population by Age and Sex, Australian States and Territories, 3201.0* (2010) Canberra.

6 Ibid.

7 ABS, *Population characteristics, Aboriginal and Torres Strait Islander Australians, Northern Territory* (2006) Canberra.

8 Ibid.

9 Ibid.

CHAPTER 2: TRENDS AND ISSUES

Police involvement with young people

Policing data analysed by the AIC includes types of offences, number of youth apprehended, number of Indigenous youth apprehended, gender, age and number of offenders and victims.

Number of young people apprehended by police

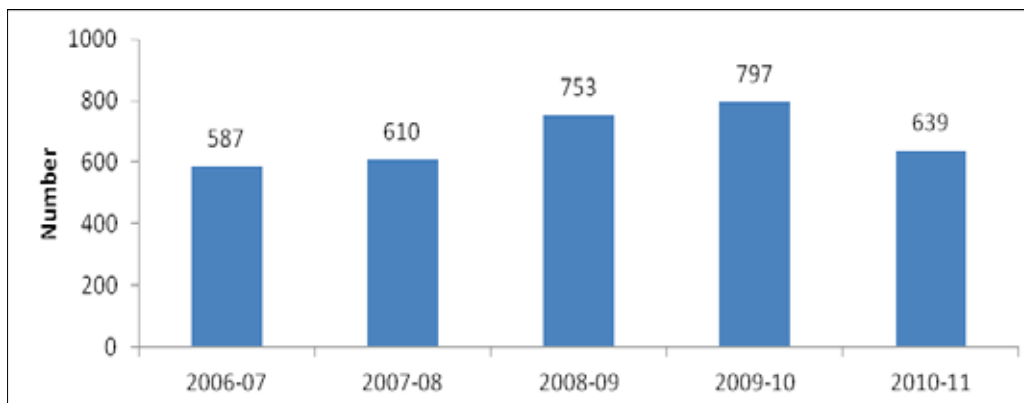
The number of young people apprehended from 2006–07 to 2010–11 is shown in figure 2.1.¹⁰

A total of 3386 young people were apprehended over the past five years and there has been a general upward trend in the number of apprehensions.

There was a 23% increase in youth apprehension from 2007–08 to 2008–09¹¹, followed by a smaller increase of 6% from 2008–09 to 2009–10.

The limitations of obtaining data on repeat offenders are discussed later in this chapter.

Figure 2.1 Youth apprehended by police, 2006–07 to 2010–11



Source: NT Department of Justice

Type of offences

The trends in different types of offences committed by young offenders over the past five years are shown in figure 2.2.

The types of offences committed by young people are consistent with the types of youth offences committed across Australia.¹² The data shows:

- Young people are more likely to engage in property offences, particularly theft (21.1%), unlawful entry with intent, and break and enter crimes (13.1%).

¹⁰ It is important to note that the large decrease (20%) seen from 2009–10 to 2010–11 is most likely to reflect incomplete 2010–11 data sets rather than actual reductions.

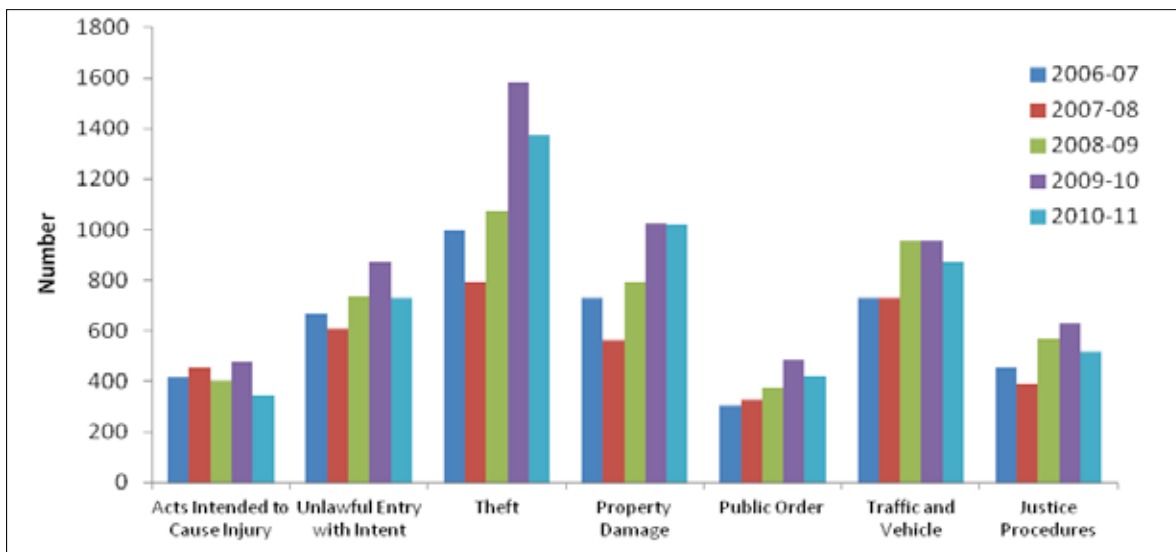
¹¹ The increase from 2007–08 may possibly be linked to the implementation of the NTER in 2007–08.

¹² AIC, above n 1.

CHAPTER 2: TRENDS AND ISSUES

- Traffic and motor vehicle offences (15.4%) and property damage (15%) accounted for a large proportion of youth crime.
- Violent offences such as assault (7.6%) and sexual assault (1.6%) accounted for a relatively small proportion of youth offences.
- Adult offenders are more likely to engage in more serious crimes than young offenders. For example, among adult prisoners held on 30 June 2009, 38% were held for acts intended to cause injury, 14% for sexual assault and related offences, 11% for traffic and vehicle regulatory offences and 10% for homicide. By comparison, 2% of young offenders were held for sexual assault, and no juveniles were detained for homicide in the same reporting period.¹³
- There was a large increase in the incidences of theft committed by young people in 2009–10 compared with the previous year. There were also increases in most of the other main offence categories.

Figure 2.2 Youth offences by category, selected offences, 2006–07 to 2010–11



Source: NT Department of Justice

¹³ ABS, *Prisoners in Australia, 4517.0* (2009), Canberra.

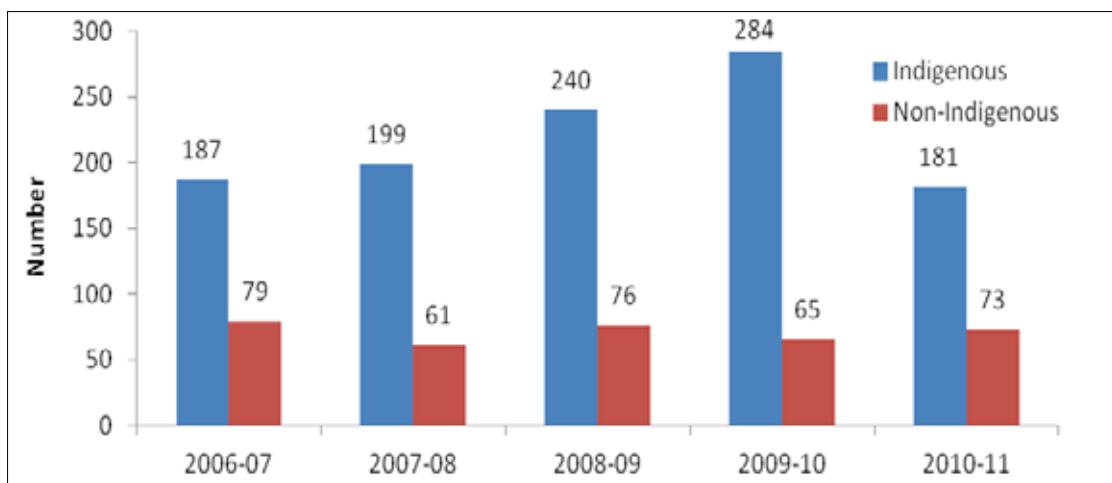
CHAPTER 2: TRENDS AND ISSUES

Indigenous and non Indigenous offenders

Of the total number of 3386 young people apprehended over the past five years, 76% or 2582 people were Indigenous (see figure 2.3).

There have been continual increases in the number of Indigenous youth apprehended across this period. There were relatively small variations in the total numbers of non Indigenous youth being arrested.

Figure 2.3 Distinct youth apprehended by police, 2006–07 to 2010–11, by Indigenous status



Source: NT Department of Justice

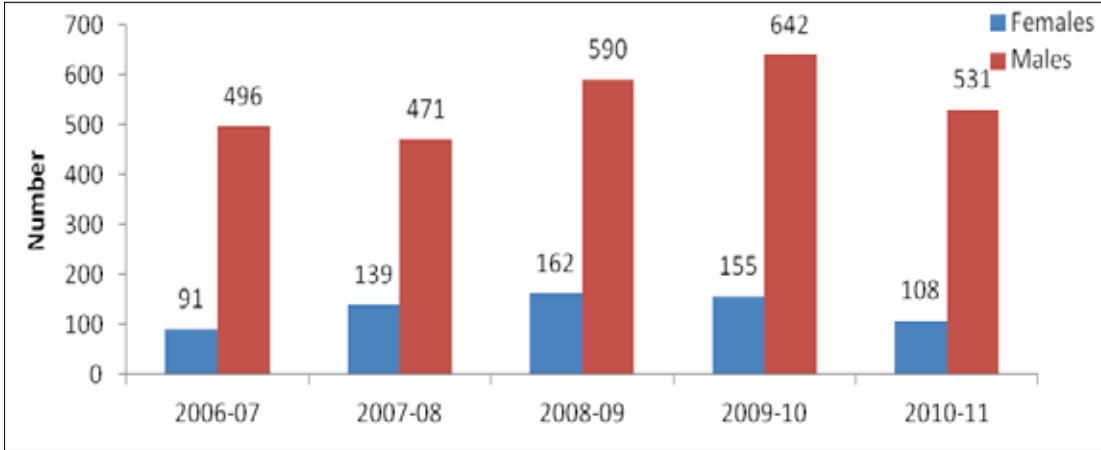
Male and female offenders

A large majority (81%) of apprehended youth were male (see figure 2.4).

Further analysis undertaken by the AIC has shown that young females are relatively more likely than young males to be apprehended for acts intended to cause injury, and traffic and motor vehicle offences. Young males are more likely to be apprehended for the property offences of unlawful entry with intent and theft, as well as property damage.

CHAPTER 2: TRENDS AND ISSUES

Figure 2.4 Youth apprehended by police, 2006–07 to 2010–11, by gender

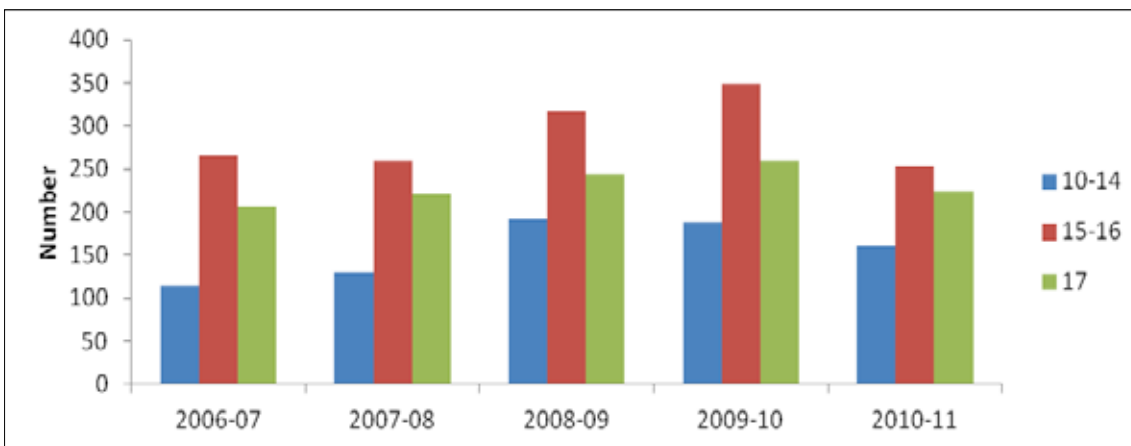


Source: NT Department of Justice

Indigenous and non Indigenous youth offenders by age group

The main age group for offenders is Indigenous youth aged 15 to 16 years, who accounted for 42%, or a total of 1446 of young people apprehended over the past five years (see figure 2.5). Indigenous people aged 17 years accounted for 34% of apprehended youth, while Indigenous offenders aged 10 to 14 years made up the remaining 23%.

Figure 2.5 Distinct youth apprehended by police, 2006–07 to 2010–11, by age

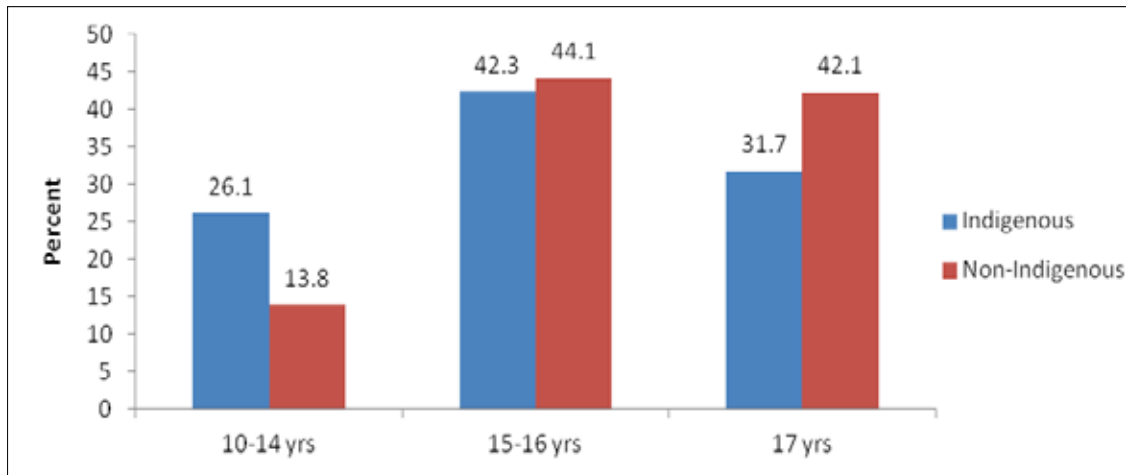


Source: NT Department of Justice

Younger Indigenous children are more likely to offend than non Indigenous children in the 10 to 14 year age group (see figure 2.6). Conversely, in the 17 year age group, non Indigenous youth are more likely than Indigenous youth to be apprehended.

CHAPTER 2: TRENDS AND ISSUES

Figure 2.6 Distinct youth apprehended by police, 2006–07 to 2010–11, by Indigenous status and age



Source: NT Department of Justice

Young people in the courts

The AIC analysed data provided by the Department of Justice (DoJ) on court lodgements and methods of finalisations of court matters involving young people from 2006–07 to 2010–11.

A court lodgement is where one or more criminal charges are lodged with the court for prosecution, while a court finalisation is the method by which the court case is finalised such as withdrawal of charges, acquittal or conviction.

Court lodgements involving young people

There has been a general upward trend over the past five years for court lodgements involving young people, with a particularly large increase in 2008–09 (see figure 2.7).

This upward trend is similar to the trend evident in policing data and indicates that the increase in youth offences encountered by police in recent years did not relate to minor offences, since they warranted prosecution through the courts.

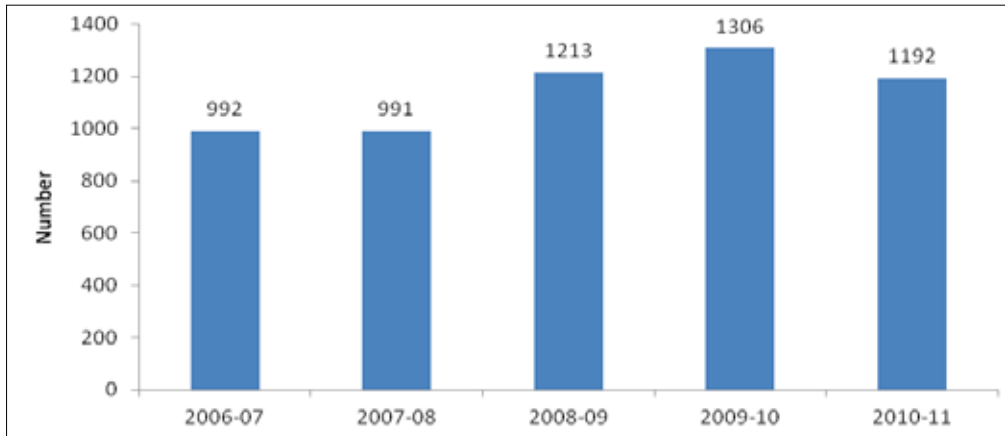
The trend of an increasing number of youth matters heard by the courts is consistent with trends in other Australian jurisdictions. From 2006–07 to 2010–11, the Territory was one of four jurisdictions that had increases in the number of defendants finalised in children's courts.¹⁴

¹⁴ ABS, *Criminal Courts, Australia, 4513.0* (2010) Canberra. Of the four jurisdictions exhibiting increases in the number of juvenile cases finalised, Queensland held the largest percentage increases, which were several times higher than the other jurisdictions.

CHAPTER 2: TRENDS AND ISSUES

NT Legal Aid Commission (NLTAC) data also supports this trend. The number of client case files for young people opened by NLTAC rose from 122 in 2007–08 to 188 in 2010–11.¹⁵

Figure 2.7 Lodgements, NT criminal courts, juvenile defendants 2006–07 to 2010–11



Source: NT Department of Justice

Regional and remote court lodgements

Between 2006 and 2011, the majority (85%) of children's court lodgements were in the major court locations of Alice Springs, Darwin, Katherine and Tennant Creek. During this period:

- 45% of all lodgements were in Darwin
- 28% were in Alice Springs
- 7% were in Katherine
- 5% were in Tennant Creek.

The remaining 15% of children's court lodgements were spread across 26 locations.

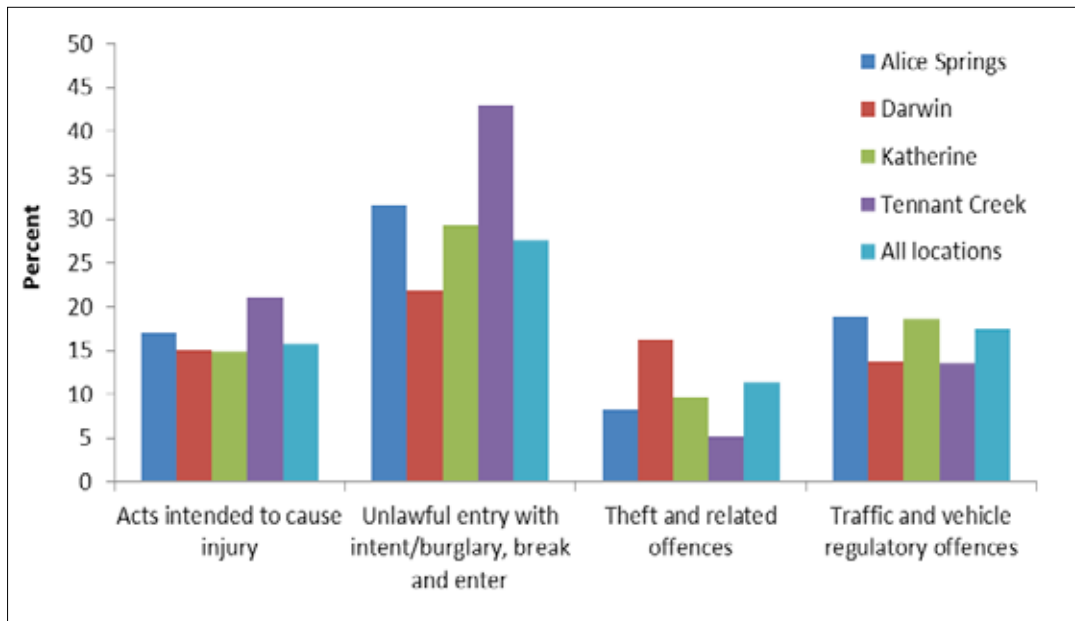
The types of offences committed across the Territory by young people are shown in Figure 2.8:

- Unlawful entry with intent, burglary, and break and enter crimes accounted for 28% of lodgements, though this varied between locations.
- Unlawful entry accounted for 22% of lodgements in Darwin, 29% in Katherine, 32% in Alice Springs and 43% in Tennant Creek.
- Acts intended to cause injury, theft and related offences, and traffic and vehicle regulatory offences accounted for most of the remaining lodgements, both in the major and smaller court locations.

¹⁵ NLTAC, *submission 13*, 8.

CHAPTER 2: TRENDS AND ISSUES

Figure 2.8 Children's court lodgements, 2006–11, by major court locations



Source: NT Department of Justice

Matters finalised by the courts

The number of cases dealing with young people that were finalised by Territory courts is shown in figure 2.9.

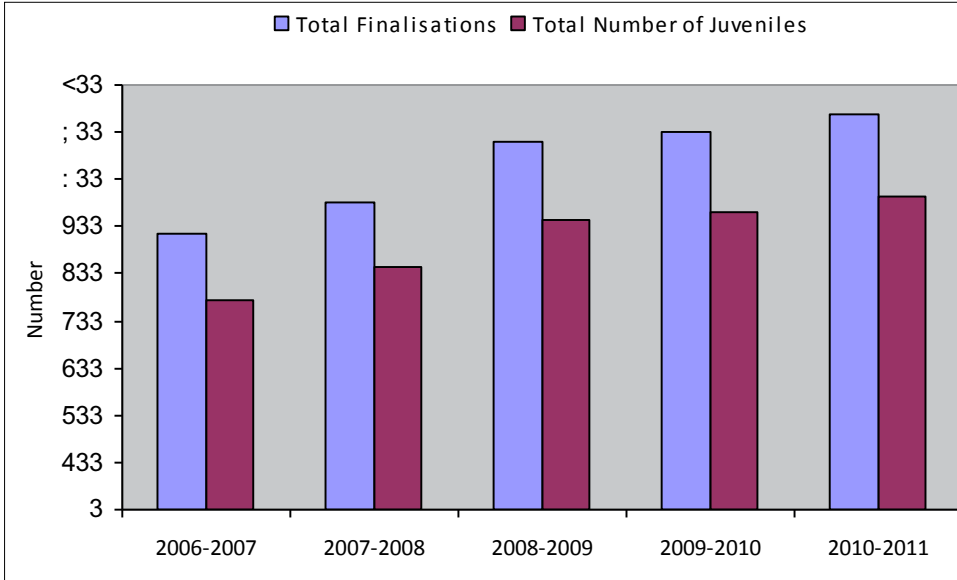
The number of total finalisations may include youth who have entered the criminal justice system more than once and provides an indication of the number of youth crimes being dealt with by the courts. The total number of juveniles shows the number of young people who had their matters finalised in the courts.

This information further supports the existence of an increasing trend in the numbers of matters being finalised where young people are involved, as well as the number of individual young offenders having their matters finalised by courts.

For example, the total number of young offenders having their offence finalised in the courts in 2006–07 was 442 and this number rose to 665 in 2010–11.

CHAPTER 2: TRENDS AND ISSUES

Figure 2.9 Juvenile cases finalised in courts 2006–07 to 2010–11



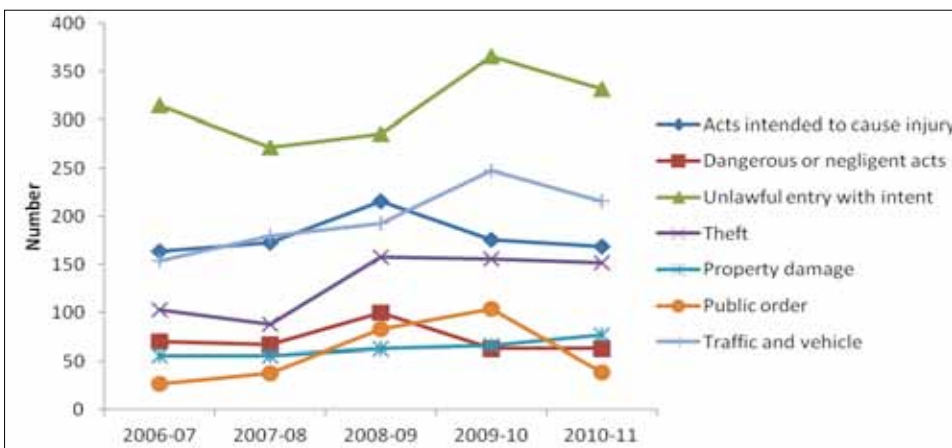
Source: NT Department of Justice

Types of offences in the courts

The main offence categories, which together accounted for 89% of the 5694 court lodgements between 2006–07 and 2010–11, are shown in figure 2.10.

Unlawful entry with intent represented the largest number of court lodgements for young offenders, followed by traffic and vehicle offences and acts intended to cause injury.¹⁶

Figure 2.10 Lodgements in criminal courts relating to juvenile defendants, by main offence types, 2006-07 to 2010–11



¹⁶ The noticeable increases in most categories from in 2007–08 or 2008–09 were most likely as a result of changes to police activity such as targeted operations, the increased policing presence resulting from the NTER and changes to data collection and recording.

CHAPTER 2: TRENDS AND ISSUES

Source: NT Department of Justice

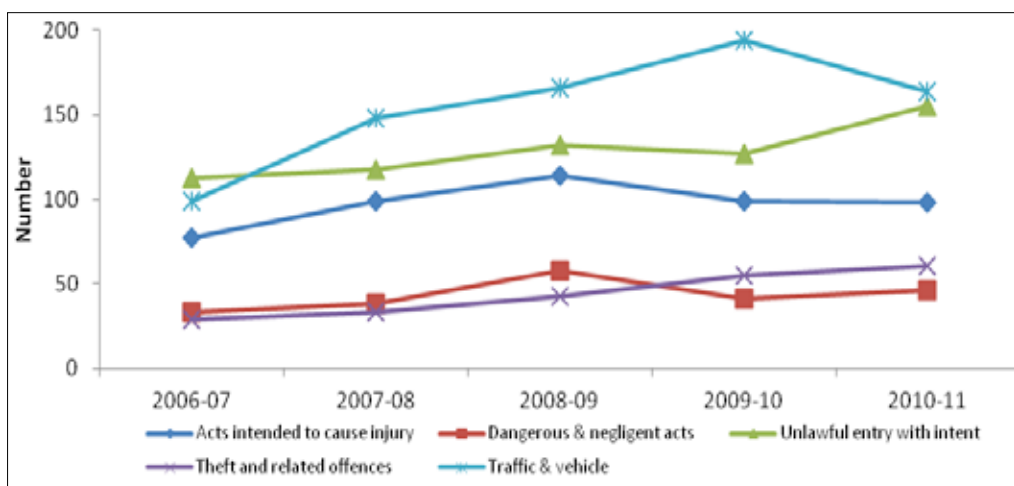
Figure 2.11 shows the main offence types for juveniles who were found guilty in criminal courts from 2006–07 to 2010–11.

While the greatest number of court lodgements for young people was for unlawful entry with intent, and break and enter offences, the greatest number of defendants found guilty had committed traffic and motor vehicle offences.

The number of traffic and vehicle convictions increased by nearly 100% from 2006–07 to 2009–10. There was also an increase in unlawful entry with intent convictions in 2010–11.

The number of juveniles found guilty of acts intended to cause injury has remained largely stable.

Figure 2.11 Juvenile defendants found guilty in criminal courts by main offence types 2006-07 to 2010-11



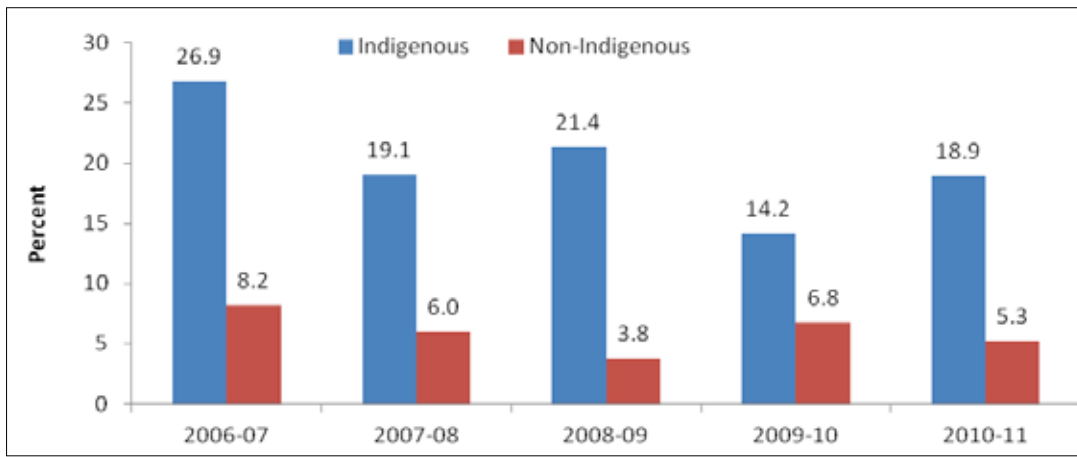
CHAPTER 2: TRENDS AND ISSUES

Source: NT Department of Justice

Indigenous and non Indigenous trends

Indigenous offenders are much more likely to receive custody orders than non Indigenous offenders (see figure 2.12).

Figure 2.12 Custody orders made by criminal courts, juvenile defendants found guilty, 2006–07 to 2010–11, by Indigenous status



Source: NT Department of Justice

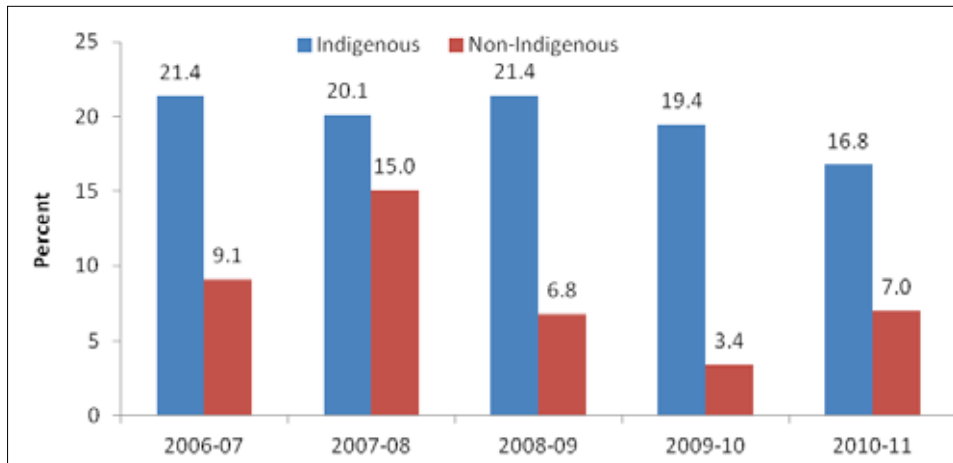
The reasons Indigenous offenders are more likely to receive custody orders are linked to the seriousness of the offences they have committed and their prior offending history, with research showing that Indigenous offenders are more likely to commit their first offences at a younger age than non Indigenous offenders. The same research indicates that Indigenous offenders are more likely to have been charged multiple times.¹⁷

Data assessed by the AIC supports this research (see figure 2.13), showing that Indigenous juvenile offenders are much more likely to have been convicted of acts intended to cause injury than non Indigenous offenders.

¹⁷ Don Weatherburn, Bronwyn Lind and Jiuzhao Hua, *Contact with the New South Wales Court and Prison Systems: the Influence of Age, Indigenous Status and Gender*, Crime & Justice Bulletin No 78 (2003) NSW Bureau of Crime Statistics and Research.

CHAPTER 2: TRENDS AND ISSUES

Figure 2.13 Acts intended to cause injury as a proportion of convictions, juvenile defendants found guilty in criminal courts 2006–07 to 2010–11, by Indigenous status



Source: NT Department of Justice

Trends for vulnerable young people

In its statistical analysis for the Review, the AIC notes that, with the exception of Indigenous youth, there is limited data available for vulnerable groups of young Territorians identified in the terms of reference:¹⁸

- young people affected by alcohol or other drug abuse
- young people with mental health issues
- young women
- culturally diverse groups.

For example, an identifier for ‘mentally disturbed persons’ was included in NT Police (NTP) data systems from 2007–08. The data records only small numbers of mentally disturbed young people coming into contact with police: 17 in 2007–08, 19 in 2008–09, and 11 in 2009–10.

Despite the lack of recorded data, it is acknowledged that young people with mental health issues are disproportionately likely to become involved with the criminal justice system¹⁹ and so it could reasonably be assumed that a much higher proportion of the young offender population in the Territory would have mental health issues than is indicated by the data.

¹⁸ AIC, above n 1.

¹⁹ For example, a NSW survey has shown that 88% of young people in custody reported symptoms consistent with a psychiatric disorder. See Aboriginal and Torres Strait Islander Social Justice Commissioner, *Indigenous Young People with Cognitive Disabilities and Australian Juvenile Justice Systems: A Report* (2005) Australian Human Rights Commission.

CHAPTER 2: TRENDS AND ISSUES

Similarly, existing data from NTP does not capture other persons at risk, such as those with alcohol and substance abuse issues. A total of 1921 incidents over a ten year period (2000–01 to 2010–11) were recorded involving the protective custody (being detained) of drunk youth, and 799 involvements were for ‘substance abuse—non alcohol’ out of approximately 157 000 involvements (1.2% and 0.5% respectively). Clearly, this information only captures a small proportion of alcohol and substance related crime.

Some information was able to be extracted from the Alcohol and Other Drugs Program (Department of Health) on young people referred through the Volatile Substance Abuse (VSA) program (see chapter 5). This data demonstrates that there was a small number of VSA referrals (639) between 2006 and 2011, of which 73% were male and 27% were female. The analysis also showed that females were generally younger when referred, with 45% of females referred to the program aged between 13 and 15 years.

There has been an increase in recent years in the number of young females apprehended, although the numbers are still very small compared to those for males. For example, in 2009–10, 155 females, compared to 642 males were apprehended. This compares with 91 females, and 496 males being apprehended in 2006–07.

The statistical analysis has shown some trends in the differences between young males and females in the youth justice system; however, there is little understanding of the behavioural drivers for such differences and this is an important area for future analysis.

The Review is unaware of data available to identify youth justice trends and issues for culturally diverse groups in the Territory.

The impact of youth justice trends on achieving *Territory 2030* and *Working Future*

***Territory 2030* and youth justice**

At its broadest level, *Territory 2030* is a strategic overarching plan for achieving social inclusion and economic development in the Territory over a 20 year period. The strategy was developed in consultation with the public and encompasses six key areas of importance, underpinned by the first key area of education and also including society; economic sustainability; health and wellbeing; the environment; and knowledge, creativity and innovation. These key areas for action are interrelated.²⁰

Territory 2030 is regularly measured and reviewed and data collection is central to monitoring its progress against identified targets.

²⁰ Northern Territory Government, *Territory 2030* <<http://www.territory2030.nt.gov.au/>> at 9 September 2011.

CHAPTER 2: TRENDS AND ISSUES

There are multiple targets in the strategy that relate to youth justice issues. Perhaps the most critical of these is Target 4.1, which seeks to ensure citizens feel safe from the risk of assault and property crime. Specifically, this target seeks to reduce the rate of assault, including domestic violence and property crime incrementally to the year 2030, as well as to develop a measure of community safety.²¹

There are a number of other targets that, when progressed, will impact on the issues and emerging trends for youth justice in the Territory. These encompass school achievement and literacy, higher education and training (and particularly training in prisons), health and wellbeing of young people, early childhood development, reducing suicide rates, reduced alcohol consumption and drug prevention, Indigenous employment, social inclusion and improving road safety.

The achievement of the targets and actions under the strategy will deliver social benefits and flow-on effects across a range of areas impacting on young Territorians, and specifically youth justice.

Conversely, the trends identified in this Review relating to young people involved with the police or justice system will inevitably have a negative impact on the achievement of many of *Territory 2030's* targets.

While overall numbers of young people in the youth justice system are relatively low, they are trending upwards and the types of offences progressively become more serious as the offender gets older. The generational effects of young Indigenous Territorians entering the criminal justice system earlier and the associated effects of this criminal activity on the individual, the family and the wider community will undoubtedly impact on government's ability to achieve the long term social and economic goals of *Territory 2030*.

Working Future and youth justice

The *Working Future* framework²² seeks to transform 21 Indigenous communities into Territory Growth Towns that are properly planned and designed with targeted investment and infrastructure, with services, buildings and facilities commensurate with any other regional town in Australia. The framework is the Territory's program for regional and remote development, carried out in conjunction with the National Partnership Agreement (NPA) for Remote Service Delivery (RSD), and the National Indigenous Reform Agreement under the auspices of the Council of Australian Governments (COAG). *Working Future* is part of the overarching *Territory 2030* strategic plan.

The framework has adopted the nationally agreed COAG targets and indicators to close the gap of Indigenous disadvantage. These are underpinned by the seven building blocks of early childhood, schooling, health, healthy homes, economic participation, safe communities, and governance and leadership. While there is no specific youth indicator,

21 Northern Territory Government, *Territory 2030, How We're Going: Data Snapshots—Target: Society 4.1: Ensure Citizens Feel Safe from the Risk of Assault and Property Crime* <<http://www.territory2030.nt.gov.au/snapshots/pdf/S4.1.pdf>> at 9 September 2011.

22 Northern Territory Government, *Working Future* <<http://www.workingfuture.nt.gov.au/>> at 9 September 2011.

CHAPTER 2: TRENDS AND ISSUES

there are measurements in the framework and links to national targets that will evaluate progress towards indicators relevant to youth justice issues. These include indicators such as community safety, education, health, housing, police and justice infrastructure, service delivery, and youth services in identified growth towns.²³

The framework also includes targeted investment in community infrastructure for schools, police stations, courts, health services, community facilities, aged care, disability services, essential services, internet and transport.

The emerging trends for youth justice identified by this Review, and their implications for the achievement of the objectives of *Working Future*, could be jeopardised by a 'business as usual' approach to youth justice.

Such an approach would lead to a long term progression of the emerging trends in youth justice identified by this Review, such as a predominantly Indigenous offender profile for youth crime, increasing numbers of offenders and an increasingly younger age profile for Indigenous offenders. This will have a negative impact on the achievement of the joint Australian, Territory and local government, and community goals to enhance outcomes in Territory regional Growth Towns.

Data collection and limitations

To complement its consultative framework, the Review sought to obtain and analyse all relevant data about youth justice in the Territory. Throughout this process, however, it became clear that data collection itself was an issue, and a recommendation would be required to improve the collection of all necessary information relating to youth offending. A relevant and accurate evidence base is an essential component of decision making, and forms the platform upon which government determines strategies, programs, policies and funding allocations. Evidence based decision making is critical where results must be accountable and withstand public evaluation.

Precise information and data was also necessary for the Review to address, and at times challenge, the widely held belief by many members of the public about what they perceive as increasing rates of youth crime. Perceptions of rising crime rates together with the public's need to *be* and *feel* safe are important issues and cannot be dismissed. However, the Review sought to obtain and analyse the facts and provide government with sensible, evidence based recommendations.

There is widespread recognition of the benefits of improved data collection for youth justice issues in the Territory:

Some of the challenges facing the NT, for example our high detention and remand rates, indicate we could benefit from detailed data collection across government and non-government services, research and evidence-based reform.²⁴

²³ Ibid.

²⁴ NTLAC, *submission 13*, 9.

CHAPTER 2: TRENDS AND ISSUES

And:

The missing NT data from chapter 15 dealing with 'Protection and support services' in the 2010 and 2011 reports for the Commonwealth Government Productivity Commission illustrates the need to collect relevant data. Very little is known in relation to the work and impact of non-government/community services providing essential support services to children and youth and to government.²⁵

The Review determined that it was important to obtain as much information as possible about offenders, the seriousness of their offending, whether they are repeat offenders, their age and gender, and the regional breakdowns of youth crime. With this and other information, conclusions could be drawn to support the Review's recommendations.

Considerable difficulties were encountered in collecting current and accurate data, which is why the Review commissioned the AIC and provided it with the data it had collected to interpret. The report obtained from the AIC forms the statistical basis of this Report.²⁶

Notwithstanding the robust analysis provided by the AIC, there were a number of limitations identified by the Review, as well as the AIC, in collating and interpreting existing data on youth justice in the Territory. Examples of these difficulties are outlined below, and specific difficulties in relation to vulnerable groups identified in the terms of reference are detailed earlier in this chapter.

Department of Justice (DoJ)

The *Quarterly Crime and Justice Statistics* (QCJS) publication was introduced in 2002 and was published by the former Office of Crime Prevention until 2007, when responsibility was transferred to Research and Statistics of the Policy Coordination Division.

Research and Statistics has experienced increased demand with limited resources over recent years. The unit is responsible for meeting the crime and justice research and statistical reporting needs of DoJ and produces regularly scheduled and ad hoc statistical reports on a broad range of crime, justice and alcohol related matters. The sources from which this unit obtains information include the:

- Integrated Justice Information System (IJIS), which is used by police, courts and correctional services to track movements of all persons (including youth) through the criminal justice system
- Police Real-time Online Management Information System (PROMIS), which contains information pertaining to incidents recorded by NT Police (NTP)
- Banned Drinker Register, which contains information relating to alcohol bans
- Alcohol Wholesale Supply returns provided by alcohol wholesalers

²⁵ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services 2011* (2011) Canberra, cited in NTLAC, *submission 13*, 9.

²⁶ AIC, above n 1.

CHAPTER 2: TRENDS AND ISSUES

- Integrated Offender Management System (IOMS), which is operated by NT Correctional Services (NTCS)
- Australian Bureau of Statistics, which provides data on populations and crime and justice trends across Australia.

In early 2011, the Northern Territory Government determined that it would no longer publish the QCJS and would move instead to an annual publication, a reporting framework in line with that used by other jurisdictions.

In each edition of QCJS for almost a decade, the introduction stated ‘the availability of comprehensive crime and justice figures is necessary for informed public debate and the development and evaluation of targeted crime prevention strategies’.²⁷

While reasonably comprehensive data was published, detailing the nature of offences (offences against the person and property offences) with a breakdown as to region, gender and race, there was no detailed separate dataset for youth crime. The only specific information included in the publication was the quarterly daily average number of detained youth offenders.

The Review requested Research and Statistics provide youth data in relation to bail, sentencing, community work orders, detention and family violence.

Issues experienced with obtaining this data included:

- The IOMS reporting system was not finalised at the time of the Review, limiting the retrieval of certain information within the required timeframes.
- Research and Statistics comprises a small number of staff. Over the period of the Review there were staff movements, as well as competing priorities for the unit, that limited its capacity to assist the Review team over the short timeframes dictated by the Review’s terms of reference.

Research and Statistics was not able to provide the Review with all the data requested, but did provide raw numerical data in relation to detention, community based orders, youth receptions, conditional liberty programs, types of offences committed by youth and youth on bail.

The Review also noted difficulties in extracting qualitative information from Research and Statistics, as a result of the systems used. The database from which the unit compiles its raw data is numerically based, which means that information requiring text fields, such as types of bail conditions, could not be provided.

In addition to the limited resources for data collection and evaluation in Research and Statistics, the Review noted that Northern Territory Correctional Services (NTCS) lacked capacity in this area.

²⁷ See, for example: Department of Justice, *Northern Territory Quarterly Crime and Justice Statistics: Issue 35: March Quarter 2011* (2011) Northern Territory Government, Darwin.

CHAPTER 2: TRENDS AND ISSUES

Information relating to the number of offenders under statutory care orders was not readily available from NTCS and had to be sourced from the Department of Children and Families (DCF) after a manual count. Similarly, monthly or annual average numbers of young offenders in correctional services had to be calculated manually.

The Court Support and Independent Offices (CSIO) is a division of DoJ responsible for providing support services to the Territory's courts and other independent offices. It was able to provide some data relating to lodgements by principal offence for youth matters, number of youth matters finalised in the courts, and lodgements for youth matters in various court locations. This was similar to the data provided by Research and Statistics in relation to the types of offences committed by youth. However, the usefulness of this information was limited because it was not easily accessible, and it was unclear if the data was provided in a format comparable to other areas of government, or nationally.

Obtaining information about how many offenders are repeat offenders was also difficult. Measuring recidivism (or repeat offending) for either juvenile or adult offenders is problematic. The AIC recently prepared a report on this issue, which recommends improved measurement of juvenile recidivism, including:

- measuring recidivism through individual offenders, rather than offences, orders, convictions or sentences
- tracking juveniles into the adult criminal justice system
- excluding minor offences and administrative breaches from the measure
- incorporating frequency and severity of the offence into the measure.²⁸

The AIC has noted that mechanisms for measuring recidivism vary between jurisdictions, depending on the type and quality of data collected, and there is a much greater capacity to measure recidivism accurately and meaningfully when data is linked between different areas of the criminal justice system in a way that allows unique individuals to be tracked.²⁹

Some evidence on recidivism rates was provided by Northern Territory Police (NTP), linking recidivism with participation in youth justice conferences (see chapter 5); however, this information was program specific. CSIO advises systems are in place to track youth recidivism in the courts, though currently this information is not routinely collated or reported. The Review was unable to access this information in the limited timeframes available.

The Review is not aware of a central database or mechanism for tracking recidivists across the various streams of the criminal justice system in the Territory. This should be improved.

28 Kelly Richards, *Measuring Juvenile Recidivism in Australia*, Technical and Background Paper No 44 (2011) Australian Institute of Criminology.

29 AIC, above n 1.

CHAPTER 2: TRENDS AND ISSUES

Regional and remote reporting of youth offenders was another area of deficiency noted by the Review. While CSIO provides some information on lodgements in criminal courts in different locations, this information was limited in its usefulness by the very small numbers involved. Similarly, the Review identified information in relation to the detailed Baseline Mapping Reports prepared for regional growth towns under the Remote Service Delivery National Partnership Agreement, which includes a number of indicators for 'safe communities'; however, these reports include little information on youth offending.³⁰

Given the difficulties in extracting statistical trends for regional and remote youth offences, the Review considers that more meaningful information may be sourced through coordinated data on individuals tracked throughout the youth justice system, including in the non government sector, rather than from one specific area of government. This is consistent with the coordinated community driven approach outlined by the *Working Future* framework.

Department of Children and Families (DCF)

The Review invited DCF to provide advice on the number of children who were the subject of protective orders over the past five years and to identify in percentage terms those who had been in contact with the youth justice system. As outlined in chapter 4, the Chief Executive of DCF advised that 'there is no readily accessible information regarding their interaction with the justice systems'. She also commented that, in order to extract the information, it would have to be done manually. This is an unsatisfactory situation.

It is also surprising that DoJ and DCF do not share common data. This represents an obvious barrier in delivering youth justice services and achieving better outcomes.

Territory 2030

Territory 2030 acknowledges the importance of data collection in several areas, particularly health.³¹ Although the lack of young offender data does not 'adversely affect the achievement of *Territory 2030*',³² it does limit the ability of government to respond to issues and trends involving young offenders. In the context of the targets and actions in *Territory 2030* regarding 'public safety'³³ and reducing property crime, much of which is committed by young offenders, it also restricts policy formulation and the development of crime prevention strategies. Hence, a recommendation for improved data collection for youth justice issues is made in this report.

National data limitations and standards

In addition to problems with data collection, there is relatively little evidence and evaluation of specific programs designed to assist offenders and reduce re-offending. This is not,

30 Department of Families, Housing, Community Services and Indigenous Affairs, *Remote Service Delivery* (2011) Australian Government <http://www.fahcsia.gov.au/sa/indigenous/progserv/RSD_NPA/Pages/default.aspx> at 21 September 2011.

31 See chapters 'Society' and 'Health and Wellbeing' in Northern Territory Government, *Territory 2030: Strategic Plan* (2009).

32 As per term of reference no 1 for this Review.

33 See Objective 4, 'Ensuring Public Safety' in Northern Territory Government, *Territory 2030: Strategic Plan* (2009)

CHAPTER 2: TRENDS AND ISSUES

however, unique to the Territory. Recent research by the Indigenous Justice Clearinghouse noted that, around the country 'there is a lack of high-quality evidence about what works to prevent offending by Indigenous juveniles'.³⁴

Most jurisdictions encounter their own limitations, and resources are an ongoing consideration for all governments. Comparative data is also difficult, as the type and range of data available varies significantly both across and within jurisdictions. For example, there are differences in categories and classifications, and different counting rules.

The ABS has developed the National Crime Recording Standard to enable recorded crime statistics to be compared across jurisdictions; however, it only applies to crimes that are reported to and recorded by the police. Further, data and records on individuals who come into contact with police are measured in different ways across jurisdictions.

Generally there are three measures of recorded crime:

1. **Victims:** ABS publishes nationally comparable statistics in its publication entitled *Recorded Crime—Victims, Australia*.³⁵ However, ABS has some concern over the comparability of recorded assault offences.
2. **Offenders:** ABS publishes nationally comparable statistics in its publication entitled *Recorded Crime—Offenders*.³⁶ This collection is sourced from administrative data from jurisdictions across Australia and so there are inconsistencies with how alleged offenders are dealt with, making it difficult to compare state and territory data. Further, this publication categorises youth offenders as aged between 10 and 19 which differs from the legal definition of youth in most jurisdictions, including where offenders aged between 10 and 18 are considered as youth.
3. **Offence (frequency of criminal activities):** There is nationally comparable data on recorded offences, although these are released in various forms of publications making the data difficult to access in one source.

The Australasian Juvenile Justice Administrators (AJJA) Juvenile Justice Standards are published jointly by Australian and New Zealand juvenile justice administrators.

Although the standards are currently under review, they recognise the need to provide 'agreed standard for practice to be delivered by juvenile justice administrators. They are the agreed set of standards juvenile justice service agencies aspire to meet'.³⁷ Standard two in particular recognises the need to 'provide professional, timely, evidence based advice to courts, statutory authorities and other stakeholders'.³⁸

34 Kelly Richards, Lisa Rosevear and Robin Gilbert, *Promising Interventions for Reducing Indigenous Juvenile Offending*, Brief No 10 (2011) Indigenous Justice Clearinghouse.

35 ABS, *Recorded Crime – Victims, Australia, 4510.0*, Canberra.

36 ABS, *Recorded Crime – Offenders, 4519.0*, Canberra.

37 Australasian Juvenile Justice Administrators, *The Australasian Juvenile Justice Standards* (2011) <<http://www.ajja.org.au/Australasian%20Juvenile%20Justice%20Administrators%20Juvenile%20Justice%20Standards.html>> at 9 September 2011.

38 Ibid.

CHAPTER 2: TRENDS AND ISSUES

The Juvenile Justice National Minimum Dataset is a national data collection centre under the auspices of the Australian Institute of Health and Welfare, established in 2004. It contains information on all young people from 2000–01 who were supervised by Australian juvenile justice agencies, both in the community and in detention.

Relevant data specific to the Territory's youth justice needs would assist to identify the complexity of individual, community and regional motivations and behaviours for youth justice trends, counter historical data gaps and develop a comprehensive Territory-specific body of research to establish longitudinal and regional comparisons.

While the Review notes that the establishment of national and *intra*-jurisdictional data standards is an ongoing policy reform agenda, comprising various intergovernmental working groups and advisory bodies, there is more that the Northern Territory Government can do to expedite its participation in this reform agenda and, importantly, to get its own house in order.

There is an opportunity to incorporate data collection and reporting between government agencies, as well as youth service providers, to ensure a coordinated approach for individual young Territorians in, or at risk of entering, the youth justice system.