# Aboriginal juveniles and the criminal justice system

The case of Victoria

**Michael Mackay** 

In the light of continuing concern about the high level of involvement of Aboriginal people in the criminal justice system, this article examines the 1993/94 police data for Victoria. The focus is on juvenile 'alleged offenders processed'. The data shows contact commencing early and a continuing high level of contact with the system, especially for young Aboriginal males. Although there has been a reduction in the over-representation ratio of Aboriginal juveniles in juvenile corrective institutions, the difference in rates at all points in the system compared to non-Aboriginal youth is substantial.

Longer-term consequences including the likelihood of adult incarceration are serious and the need for more research and action is clearly signalled. Recent reports of Aboriginal contact with the criminal justice system have revealed a disturbing increase in levels of incarceration of Aborigines in most Australian jurisdictions. At the same time, much concern has been expressed about the continued high level of Aboriginal deaths in custody since the handing down of the findings and recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). As the RCIADIC pointed out, levels of Aboriginal deaths in custody are purely a reflection of levels of Aboriginal incarceration. Of particular concern is the continued high level of contact of Aboriginal juveniles with the criminal justice system, which has, as the Royal Commission made clear, '.... potentially dangerous repercussions for the future', we especially considering the exceptionally young age structure of the Aboriginal population.

According to 1994 figures, levels of over-representation of Aborigines in juvenile corrective institutions are extremely high, particularly in New South Wales, Queensland, Western Australia and South Australia (see Figure 1). Victoria has the lowest rate of over-representation of all mainland states bar the Northern Territory, with Aboriginal juveniles in Victoria being 11.9 times more likely to be in a

juvenile corrective institution than non-Aboriginal juveniles<sup>vi</sup>. Whilst this figure is still unacceptably high, it is a vast improvement on 1993, when it was found Aboriginal juveniles were 37.3 times more likely to be in such institutions in Victoria than non-Aboriginal juveniles.<sup>vii</sup>

Victoria's relatively low rate of Aboriginal over-representation has been attributed to the Koori Justice Project, a scheme in which juvenile offenders are supervised by members of the Aboriginal community whilst serving community based correction orders or when placed in diversionary programs. According to Aboriginal Affairs Victoria, this project has led to a dramatic decrease in the number of Aboriginal youth being placed on Court Orders which, in effect, dramatically reduces chances of reoffending and incarceration.

Police statistics pertaining to the processing of alleged offenders, however, paint a somewhat more alarming picture, especially for young Aboriginal males. Using statistics prepared by the Statistical Services Division of Victoria Police, it is possible to examine both Aboriginal and non-Aboriginal alleged offenders processed by police in 1993/94 across a number of crime categories and

Michael Mackay BA(Hons) MA
Koorie Research Centre
Monash University, Clayton 3168
ph. 03 9905 3247
email michael.mackay@arts.monash.edu.au

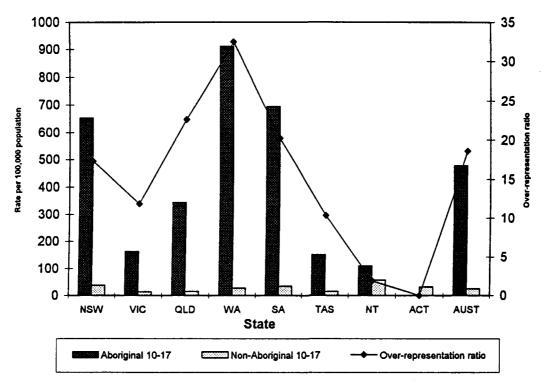


Figure 1. Rates of incarceration of Aboriginal and non-Aboriginal juveniles in Victoria, 1994

classes. ix In this paper, statistics pertaining to both Aboriginal and non-Aboriginal juveniles will be examined, and, using 1991 census population data, rates of alleged offenders processed are calculated. Before this examination proceeds, however, it is necessary to provide a brief explanation of these statistics.

#### DATA SOURCES AND METHODS

## Offence classes and categories

The Victoria Police offence categories have been condensed into the following three offence classes for the purposes of this paper:

- Crime against the person: homicide, rape, sex (non rape), robbery, assault (indictable), assault (summary), abduction.
- Crime against property: arson, criminal damage, burglary (aggravated), burglary (residential), burglary (other), deception, handling stolen goods, theft from motor vehicle, theft (shopsteal), theft of motor vehicle, theft of bicycle, theft (other).

 Other crime: drug (cultivation, manufacturing, trafficking), drug (possession, use), other indictable offences, other summary offences.

Unfortunately, many of the 'goodorder' offences for which the Royal Commission recommended relaxation of laws are grouped in the 'other summary offences' category, making statistical analysis of many minor street offences impossible at this stage.

## Definition of alleged offenders Police statistics define alleged offenders as

... persons [of any age] who have allegedly committed a criminal offence and have been processed for that offence by either arrest, summons, caution or warrant of apprehension between 1 July 1993 and 30 June 1994 regardless of when the offence occurred.\*

If a person is processed three times in a year, they are counted three times. However, if a person is processed once for three different charges, they are only counted once. In cases involving multiple charges, only the most serious offence for which an offender is processed is counted. These statistics are compiled on the Police Law Enforcement Assistance Program

(LEAP) computer system, from which tabulations of statistics based on a host of variables can be requested. Included in these variables are distinct age groups, which allow one to differentiate between juvenile and adult alleged offenders processed. The LEAP system does not include statistics relating to penalty notices or traffic offences.

#### Police definition of Aboriginality

According to the Victorian Police, the racial appearance of any offender or victim is '.... based on the subjective assessment of the attending police'<sup>xi</sup>. Statistics pertaining to Aborigines are based on this subjective identification by individual officers.

#### Definition of juvenile alleged offenders

Victoria Police define juvenile alleged offenders processed as persons under the age of seventeen at the time of being processed for an alleged offence.

#### Aboriginal and non-Aboriginal juvenile populations

1991 census figures were used to establish the Aboriginal and non-Aboriginal male and female populations of the age groups 0 to 9, 10 to 13 and 14 to 16, age groups which

TABLE 1 NUMBER AND PROPORTION OF ALLEGED OFFENDERS BY INDIGENOUS STATUS, AGE AND SEX, 1993/94

	Abori	GINAL	Non-Ab	ORIGINAL
All offenders	Number	Proportion	Number	Proportion
Juvenile	809	27.4	27,424	21.1
Adult	2148	72.6	102,371	78.9
Female offenders				
Juvenile	114	20.2	5,569	21.9
Adult	451	79.8	19,819	78.1
Male offenders				
Juvenile	691	28.9	21,568	20.9
Adult	1,697	71.1	81,475	79.1

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correspond to the police definition of and statistics pertaining to juveniles.

## Calculation of rates of arrest per 1000 in the population

Using the figures relating to Aboriginal and non-Aboriginal juvenile populations across the age groups specified above and statistics regarding alleged offenders provided by Victoria Police, it is possible to calculate an estimated rate of processing of alleged offenders per 1000 in each age group and sex for each crime class and category. Juvenile offenders of unknown sex are included in the calculation of total rates.

AR = Rate of Aboriginal alleged offenders processed per 1000 population in age group = number of Aboriginal alleged offenders processed in age group/Aboriginal population in age group \* 1000.

ARM = Rate of processing of male Aboriginal alleged offenders in age group.

ARF = Rate of processing of female Aboriginal alleged offenders in age group.

NR = Rate of processing of non-Aboriginal alleged offenders per 1000 population in age group = number of non-Aboriginal alleged offenders processed in age group /non-Aboriginal population in age group \* 1000.

## Calculation of over-representation ratio for alleged offenders

A ratio of over-representation was calculated for each offence class and category by dividing the rate per 1000 for Aboriginal alleged offenders processed by the rate for non-Aboriginal alleged offenders in the same age group for each crime category. The higher the ratio, the higher the level of over-representation. A ratio of one would indicate no over-representation, and a ratio of less than one would indicate under-representation.

OR = Ratio of Aboriginal overrepresentation in age group = rate of Aboriginal alleged offenders processed per 1000 for age group/rate of non-Aboriginal alleged offenders processed for age group.

ORM = Ratio of male Aboriginal overrepresentation in age group.

ORF = Ratio of female Aboriginal over-representation in age group.

#### Metropolitan and country police districts

The state of Victoria is split into seventeen distinct police districts, each of which has boundaries corresponding to Local Government Areas, with the exception of police districts A and B for which Census Collection Districts are utilised. Police districts A to K are referred to as metropolitan districts, and L to Q as country districts. Maps of

these police districts are contained in Figures 2 and 3. Both Aboriginal and non-Aboriginal populations in police districts were calculated by the Victorian Police Statistical Services Divison using population statistics from the 1991 census<sup>xii</sup>. Unfortunately, 1991 census statistics did not allow calculations of the Aboriginal populations within each of the age groups used in this paper across individual police districts. Subsequently, geographical analysis contained towards the end of this paper is on the basis of juvenile alleged offenders processed per 1000 total population.

#### RESULTS

## Proportion of total offenders classified as juveniles

Victorian Police crime statistics for 1993/94 reveal several disturbing features in terms of Aboriginal juvenile alleged offenders processed. Table 1 illustrates that in 1993/94, 27.4 per cent of all Aboriginal alleged offenders processed were juveniles, compared with 21.1 per cent of all non-Aboriginal alleged offenders. The figures for male juveniles showed a greater disparity, with 28.9 per cent of Aboriginal male alleged offenders being juveniles, compared with 20.9 per cent of non-Aboriginal male alleged offenders. Female Aboriginal juveniles made up less of a proportion of total female Aboriginal alleged offenders (20.2 per cent) than non-Aboriginal female juveniles did of total non-Aboriginal female alleged offenders (21.9 per cent).

#### Comparing offence patterns for adults and juveniles

Recent research concerning juvenile Aboriginal contact with the criminal justice systems of Western Australia\*\*\* and New South Walesxiv have paid particular attention to the type of offences for which Aboriginal juveniles are entering the criminal justice system. Table 2 examines the proportion of Aboriginal and non-Aboriginal juvenile and adult alleged offenders processed for each class of offence in Victoria in 1993/94. In total, 8.3 per cent of non-Aboriginal juvenile offenders were processed for 'crimes against person', 72.9 per cent for 'crimes against property' and 18.8 per cent for 'other

crime'. For Aboriginal juvenile alleged offenders, 12.9 per cent were processed for 'crimes against person', 65.0 per cent for 'crimes against property', and 22.1 per cent for 'other crime'. These figures are quite different than those for adult Aboriginal alleged offenders, 22.5 per cent of which were for 'crimes against person', 48.6 per cent for 'crimes against property' and 28.9 per cent for 'other crime'.

than it did of Aboriginal juvenile male alleged offenders (21.6 per cent).

#### Comparing Aboriginal and non-Aboriginal offenders across classes and categories of crime

Examination of rates of alleged offenders processed for each of the classes and categories of offence reveals further significant differences in the types of crimes Aboriginal juvenile

representation ratios of 6.8, 3.9 and 5.1 across the respective classes of crime. Within the 'crime against the person' class, the categories of 'assault (indictable)' and 'assault (summary)' have significantly higher ratios of overrepresentation (6.6 and 8.3 respectively) than the total ratio.

Table 3 also reveals high levels of both rate of alleged offenders processed and rate of over-representation of

TABLE 2 NUMBER AND PERCENTAGE OF ALLEGED OFFENDERS IN EACH OFFENCE CLASS BY INDIGENOUS STATUS, JUVENILE STATUS, 1993/94

			ABORIGINA	AL JUVENILE	S			Non-A	BORIGINAL J	UVENILES	
	Fe	male	M	lale	10	ital	Fen	nale .	Mž	ile .	Total
	No.	% female	No.	% male	Total	% total	No.	% female	No.	% male	Total
Person	20	17.5	84	12.2	104	12.9	406	7.3	1,834	8.5	2,240
Property	65	57.0	458	66.3	523	65.0	4,426	79.5	15,362	71.2	19,788
Other	29	25.4	149	21.6	178	22.1	737	13.2	4,372	20.3	5,109
Total	1114	100.0	691	100.0	805	100.0	5,569	100.0	21,568	100.0	27,137
			ABORIGIN	IAL ADULTS				Non-/	ABORIGINAL	ADULTS	
	Fe	male	N	fale	70	ital	Fen	rale	Mž	ale	Total
	No.	% female	No.	% male	Total	% total	No.	% female	No.	% male	Total
Person	69	15.4	413	24.3	482	22.5	1,340	6.8	13,515	16.6	14,855
Property	262	58.4	782	46.1	1,044	48.6	14,142	71.3	42,277	51.9	56,419
Other	118	26.3	502	29.6	620	28.9	4,339	21.9	25,683	31.5	30,022
Total	449	100.0	1,692	100.0	2.146	100.0	19,821	100.0	81,475	100.0	101,296

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Figures for female Aboriginal alleged offenders were similar across each class of crime for both juveniles and adults (see Table 2). Male Aboriginal offending patterns, however, were quite different. 24.3 per cent of adult male Aboriginal alleged offenders were processed for 'crimes against person', compared with 12.2 per cent of juvenile male Aboriginal alleged offenders and 8.5 per cent of juvenile male non-Aboriginal alleged offenders<sup>xv</sup>. More interestingly, 66.3 per cent of male juvenile Aboriginal alleged offenders were processed for 'crimes against property', compared to 46.1 per cent of male Aboriginal adult alleged offenders. The class of 'other crime' made up a greater proportion of adult male alleged offenders (29.6 per cent)

alleged offenders were processed for in 1993/94. Table 3 displays the rate at which Aboriginal and non-Aboriginal juvenile alleged offenders were processed across each individual crime class and category. In total, Aboriginal juvenile alleged offenders were processed at a rate of 113.7 per 1000 population, compared with 25.9 per 1000 population for non-Aboriginal juveniles. This equates to an overrepresentation ratio of 4.4. In the three crime classes of 'crimes against person', 'crimes against property' and 'other crime', Aboriginal juvenile alleged offenders were processed at rates of 14.6, 74.1 and 25.0 per 1000 population respectively, compared to 2.1, 18.9 and 4.9 for non-Aboriginal juveniles. This equates to over-

Aboriginal juveniles across a number of offence categories. 'Burglary (other)' (AR = 14.9 and OR = 6.3), 'theft of motor vehicle' (AR = 15.7, OR = 6.8) and 'other summary offences' (AR = 21.8, OR = 5.6) are categories in which the rate of both Aboriginal alleged offenders processed per 1000 population and over-representation ratios were noticeably higher than in other categories. Importantly, 'other summary offences' was the most common category of crime for which Aboriginal juvenile alleged offenders were processed (19.2 per cent of Aboriginal juvenile alleged offenders). The most common offence for non-Aboriginal juvenile alleged offenders was 'theft (shopsteal)' (22.9 per cent of all non-Aboriginal alleged offenders

compared to 10.8 per cent of Aboriginal alleged offenders).

# Comparing juvenile offenders according to sex

Calculated from figures contained in Table 2, 85.4 per cent of Aboriginal juvenile alleged offenders and 79.1 per cent of non-Aboriginal juvenile alleged offenders were males. Male Aboriginal juveniles were 4.8 times more likely to have been processed as alleged offenders in 1993/94 than their non-Aboriginal counterparts (see Table 4). Table 4 reveals high rates of alleged offenders processed and high levels of overrepresentation for male Aboriginal juveniles for the offences of 'assault (summary)' (ARM = 13.8and ORM = 9.2), 'burglary (other)' (ARM = 27.8, ORM = 6.5), 'theft of motor vehicle' (ARM = 29.4, ORM = 7.4) and 'other summary offences' (ARM = 35.8, ORM = 5.6). In the class 'crimes against person', Aboriginal male alleged offenders processed occurred at a rate of 23.1 per 1000 population. compared to a rate of 3.4 for non-Aboriginal males. The rate of Aboriginal alleged offenders processed for 'crimes against property' was 126.0, compared to 28.3 for non-Aboriginals. For 'other crime', the figures were 41.0 for Aborigines and 8.1 for non-Aborigines.

In terms of percentages of male Aboriginal alleged offenders, the five most common offences were 'other summary offences' (18.8 per cent of male Aboriginal juvenile alleged offenders), 'theft of motor vehicle' (15.5 per cent), 'burglary (other)' (14.6 per cent), 'theft from motor vehicle' (9.1 per cent) and 'theft (shopsteal)' (7.4 per cent). For non-Aboriginal male alleged offenders, the five most common offences were 'other summary offences' (16.0 per cent), 'theft (shopsteal)' (15.5 per cent), 'burglary



(other)' (10.7 per cent), 'theft of motor vehicle' (10.0 per cent) and 'theft (other)' (8.5 per cent).

Female juvenile arrests also reveal an interesting pattern of offences. Overall, female Aboriginal juveniles were overrepresented by a factor of 3.0, with alleged offenders processed at a rate of 32.8 per 1000 population compared with 10.8 for non-Aboriginal females in 1993/94. For 'crimes against the person', however, female Aborigines were over-represented by a factor of 7.3, with the offences of 'assault (summary)' and 'assault (indictable)' constituting 15.8 per cent of all offences, compared with only 6.4 per cent of all non-Aboriginal offences. Like Aboriginal males, 'other summary offences' were a major offence category for Aboriginal female alleged offenders, constituting 21.9 per cent of all alleged offenders processed, compared to only 10.7 per cent of non-Aboriginal alleged offenders processed.

# Comparing juvenile offenders by age groups and sex

Police statistics break down the juvenile category into three distinct age groups, less than 10 years, 10 to 13 years, and 14 to 16 years. Of course, Victorian law has it that children under the age of ten cannot be charged with a criminal offence. However, police still have the power to issue cautions to children in that age group, which is why numbers pertaining to this group are included in the police statistics provided. Aboriginal alleged offenders aged less than 10 came at a rate of 1.7 per 1000 population, compared with 0.2 per 1000 population for non-Aboriginal alleged offenders of the same age group. This equates to a somewhat disturbing overrepresent-ation ratio of 10.5.

Figure 6 shows that Aboriginal 10 to 13-year-old alleged offenders processed

came at the rate of 126.5 per 1000 population, compared to a non-Aboriginal rate of 23.8 (OR = 5.3). In this age group, Aboriginal alleged offenders were processeed at a rate of 92.9 per 1000 population for 'crimes against property', 23.1 for 'other crime' and 10.5 for 'crimes against person'. The categories with the highest rate of Aboriginal alleged offenders in this age group were 'theft (shopsteal)' (AR = 28.7, OR = 3.1), followed by 'other summary offences' (AR = 21.0, OR = 7.2), 'burglary (other)' (AR = 19.6, OR = 9.1) and 'theft (other)' (AR = 16.1, OR = 7.6).

Examination of the 14 to 16 years age group showed a similar level of Aboriginal over-representation (AR = 606.1, OR = 5.3) (see Table 6). For 'crimes against person', Aboriginal alleged offenders in this age group came at a rate of 85.0. The rate for 'crimes against property' was 381.2, and 139.8 for 'other crime'. The most significant individual crime categories in terms of rates of Aboriginal alleged offenders in this age group were 'other

summary offences' (AR = 120.2, OR = 6.7), 'theft of motor vehicle' (AR = 96.8, OR = 8.4), 'burglary (other)' (AR = 75.3, OR = 7.2) and 'theft from motor vehicle' (AR = 54.7, OR = 6.1). Excluding 'homicide', 'assault (indictable)' (OR = 8.6) and 'assault (summary)' (OR = 10.0) were the two crime categories in which Aborigines of this age group were most overrepresented.

Examination of figures broken down by sex and age groups also reveal some quite interesting differences between Aboriginal and non-Aboriginal alleged offenders (see Table 6). Over-representation ratios of 9.9 for males under 10 years, 5.5 for 10 to 13 years and 6.0 for 14 to 16 years emerged from the dataset. In the 10 to 13 year old age group, Aboriginal male alleged offenders were processed at a rate of 142.1 per 1000 population for 'crimes against property'. 'Other summary offences' (ARM = 36.9), 'burglary (other)' (ARM = 36.9), 'theft (shop)' (ARM =31.4) and 'theft (other)' (ARM = 21.9) were high in terms of rates of Aboriginal alleged offenders processed.

The most disturbing aspect shown in Table 6 is the rate of processing of male Aboriginal alleged offenders aged between 14 and 16 (ARM = 1064.7, ORM = 6.0). Male Aboriginal alleged offenders in this age group were processed at the rate of 145.1 for 'crimes against person' (OR = 9.2), with the category 'assault (summary)' standing out (ARM = 86.3, ORM = 12.3). In the class 'crimes against property', the ARM was a staggering 688.2, with 'theft from motor vehicle' (ARM = 184.3, ORM = 9.3), 'burglary(other)' (ARM = 143.1, ORM = 7.6)and 'theft from motor vehicle' (ARM = 107.8, ORM = 6.6) being categories where Aboriginal rates and overrepresentation ratios were extremely high. Within the class 'other crime' (ARM = 231.4), the rate of Aboriginal alleged offenders processed for 'other summary offences' was 198.0 (ORM = 6.8). As mentioned earlier, this category of crime contains many of the street offences which the Royal Commission found were common contributors to the criminal histories of the Aboriginal people whose deaths it investigated. Rates of female Aboriginal alleged offenders processed

across the three age groups are contained in Table 7, where a comparison of male and female Aboriginal rates and ratios are displayed.

Coupled with the extremely low levels of Aboriginal participation in the higher years of secondary education, these figures paint a somewhat disturbing picture of an uneducated and criminalised Aboriginal youth in Victoria.

## Towards a geography of juvenile contact with police

## Comparing processing of alleged offenders across police districts

As mentioned earlier, the 1991 census data does not allow calculations of Aboriginal populations in police districts in the age groups utilised in this paper. Notwithstanding the limitations of the available population data, it is possible to calculate rates of juvenile alleged offenders processed per 1000 total populations living in each police district\*\* (police districts are displayed in Figures 2 and 3). Table 8 shows extremely high rates of Aboriginal juvenile alleged offenders processed in A (AR = 212.6), B (AR = 98.9), L (AR = 143.3) and N (AR = 104.5) districts, and extremely high ratios of over-representation in A (OR = 12.9), B (OR = 12.8), E (OR = 10.7), H (OR = 10.6), L (OR = 24.3)and N(OR = 20.9) districts. A very similar geographical pattern of overrepresentation of Aborigines of all age groups was revealed elsewhere wi, a finding which seemingly provided some support for anecdotal evidence of over or selective policing of Aboriginal communities, particularly in rural

#### **CONCLUSION**

The evidence presented above shows disturbing rates and over-representation of Aboriginal juvenile alleged offenders processed. Particularly disturbing are the phenomenally high rates and levels of over-representation for Aboriginal males aged 14 to 16 years. Whilst only pertaining to one year (1993/94), these statistics show that Aboriginal juveniles are entering the criminal justice system (in terms of being processed by police) earlier than non-Aboriginal juveniles. As the Royal Commission into Aboriginal Deaths in Custody found, early contact with the legal system often culminates in adult incarceration. Whilst Victoria has fared somewhat better than other states in terms of levels of juvenile incarceration, the figures presented here do not auger well for the future imprisonment levels of these juveniles as they become adults. Coupled with the extremely low levels of Aboriginal participation in the higher years of secondary education, these figures paint a somewhat disturbing picture of an uneducated and criminalised Aboriginal youth in Victoria.xviii

The phenomena of juvenile Aboriginal contact with the criminal justice system has been seen by some criminologists as the continued oppression of the Indigenous community, in that

... the process of criminalisation has replaced the previously overt genocidal doctrine of 'breeding out' Aboriginality. Aboriginal youth are no longer apparently institutionalised because they are Aboriginal, but rather because they are criminal. xix

The high levels of Aboriginal juveniles processed as alleged offenders referred to in this paper do, of course, have their roots in the cultural dislocation, social marginalisation, economic dispossession, the historical relationship between Aboriginal people and police and extreme prejudice and oppression faced by the Indigenes of this country over the past 208 years. What these statistics are not able to do is provide statistical comparison of economic and social indicators pertaining to Aboriginal and non-Aboriginal offenders. Likewise, these statistics fail to give any indication of the level of respect and acceptance Aboriginal

juveniles have of what is essentially, both in terms of actual laws and those who enforce the laws, a non-Aboriginal legal system in which levels of Aboriginal self-determination are quite minimal, particularly here in Victoria. The usefulness of these statistics is also tempered by the fact that they do not relate to distinct persons, which means, in effect, that they give no indication of recidivism, a topic which requires further research in this state.

These statistics also fail to show whether offences for which Aboriginal juveniles are processed are of a more serious nature due to police discretion (ie, whether police are choosing to process Aboriginal juveniles for more serious offences than they would non-Aboriginal offenders), or whether the Aboriginal community is subject to over or selective policing. As one pair of researchers concluded in their study of Aboriginal juvenile contact with the criminal justice system in New South Wales,

... [the] information on the few offenders who get caught [for particular offences] is particularly susceptible to policing practices, reporting levels in particular areas, and the relative sophistication or otherwise of the offenders.xx

#### In other words.

... whether Aboriginal young people actually offend more often and seriously than their non-Aboriginal counterparts is difficult to determine. Policing itself plays such a fundamental role in determining the extent and nature of offences and offenders brought before the court that no simple conclusions can be drawn.xxi

The statistics presented here also tell us little about the method of processing used by police when dealing with alleged offenders. However, one recently published paper showed that Aboriginal juvenile alleged offenders were far more likely to be actually arrested and much less likely to be cautioned than their non-Aboriginal counterparts.xxii

The extremely high rate of processing of Aboriginal juveniles for 'other summary offences' is worthy of further research, especially considering many of the street offences (including

assaulting police, resisting arrest, hindering police, indecent language, offensive behaviour) attacked by the Royal Commission are contained in this category of crime. It must be remembered that these types of street offences are

> ... the ones most dependent on direct police intervention with the potential for selective enforcement and the adverse

i The terms Aboriginal and Aborigine are used to define persons of Aboriginal and Torres Strait Islander descent.

See House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, 1994, Justice under scrutiny: Report of the inquiry into the implementation by governments of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, Australian Government Publishing Service; Aboriginal and Torres Strait Islander Social Justice Commissioner, 1995, Third Report, Australian Government Publishing Service, Canberra.

iii Royal Commission Into Aboriginal Deaths In Custody, 1991, Final Report, Australian Government Publishing Service, Canberra. RCIADIC, 1991, Vol. 2, p. 252.

<sup>\*</sup> For a detailed graph showing the marked differences between the age structure of Australia's Aboriginal and total populations, see Bhatia, K. & Anderson, P. 1995, An overview of Aboriginal and Torres Strait Islander health: present status and future trends, Australian Institute of Health and Welfare, p. 9.

Data for Figure 1 is taken from Australian Institute of Criminology, 1994, Persons in juvenile corrective institutions, Australian Institute of Criminology, Canberra.

Australian Institute of Criminology, 1993, Persons in juvenile corrective institutions 1990-1993, Australian Institute of Criminology, Canberra. In 1993, Aboriginal juveniles wer incarcerated in Victoria at the rate of 425.1 per 100,000 population, compared to 163 per 100,000 population in 1994. In the same period, the non-Aboriginal rate fell from 13.7 per 100,000 population to 11.4 per 100,000 population.

See Aboriginal Affairs Victoria, 1996, Royal Commission into Aboriginal Deaths in Custody: Victorian Government Implementation Report, Department of Health and Community Services, Melbourne.

ix A more detailed analysis of 1993/94 Police statistics pertaining to alleged offenders can be

found in Mackay, M. 1996, 'Law, space and justice: A geography of Aboriginal arrests in Victoria', in People and place (forthcoming). See Victoria Police crime statistics 1993/94, Victoria Police, Melbourne, 1995, p. 7. <sup>xi</sup> Ibid, p. 8.

<sup>&</sup>lt;sup>nii</sup> See Victoria Police, 1994, Demographic profile of Victoria police districts, Victoria Police Statistical Services Division, Melbourne.

xiii Harding, R. W., Broadhurst, R., Ferrante A. & Loh, N. 1995, Aboriginal contact with the criminal justice system and the impact of the Royal Commission into Aboriginal Deaths in Custody, Hawkins Press, Sydney.

xiv Luke, G. & Cunneen, C. 1995, Aboriginal over-representation and discretionary decisions in the NSW juvenile justice system, Sydney, Juvenile Justice Advisory Council of

NSW.

\*\* As mentioned earlier, the most serious offence is the only offence counted in the database. A person may have been processed with a host of quite different offences from different offence

categories at the same time.

xxi It is important here to note that such calculation does not take into account the differing age structure of the populations of different police districts. The fact that the Aboriginal age structure is quite different to the total age structure (see Figure 2) needs also to be considered.

See Mackay M. 1996.

xviii For descriptions and analysis of school participation rates and possible links to juvenile offending rates, see Gardiner, G. 1996, School to street: The Aboriginal youth experience in Victoria, Koorie Research Centre Discussion Paper 2/1996, Monash University.

Cunneen, C. 1990, A study of Aboriginal juveniles and police violence, Human Rights and Equal Opportunity Commission, Canberra,

Cunneen, C. 1994, 'Enforcing genocide?: Aboriginal young people and the Police', in White R. & Alder C. (eds.), 1994, The police and young people in Australia, Cambridge University Press, Cambridge, p. 153. A useful summary of the debate concerning the importance of Police discretion to the overrepresentation of Aboriginal juveniles in the criminal justice system can be found in Blagg H. & Wilkie M. 1995, Young people and police powers, The Australian Youth Foundation, Sydney, pp. 143-54.

See Mackay, M. 1996, Victorian criminal justice system fails ATSI youth, Koorie Research Centre Discussion Paper 1/1996, Monash University.

xxiiiCunneen, C. 1995, p. 13.

	Table 3 Juvenile alleged offenders by Indigenous status, offence class and category	enike alkeg	ed orierio	ers by # ruiger	NOUS STAILUS, C.	lience class	and category	lable 4 N	Iak juvci IIK	ollenders L	y indigeno.	us status, or	lable 4 Male juvenire offenders by indigenous status, offence class and category	nd category
	NO.	Non-Aboriginal	<del></del>		Aboriginal		Abonginal over-rep.	Ż	Non-Aboriginal			Aboriginal		Aboriginal over-rep.
	Na	Rate	æ	No	Rate	*		Ş	Kate	×	£	Rate	*	
Homicide	8	0.0	0.0	-	1.0	0.1	18.5	7	0.0	0.0	-	0.3	0.1	21.2
Rape	95	0.1	0.2	0	0.0	0.0	0.0	55	0.1	0.3	0	0.0	0.0	0.0
Sex (non-rape)	267	0.3	1.0	8	1.1	1.0	4.4	857	0.5	1.2	80	2.2	1.2	4.6
Robbery	243	0.2	6.0	8	1.1	1.0	4.9	504	0.4	6.0	9	1.7	6.0	4.4
Assault (indict)	909	9.0	2.2	27	3.8	3.3	9.9	489	6.0	2.3	18	5.2	2.7	5.8
Assault (summary)	1074	1.0	3.9	09	8.4	7.4	8.3	518	1.5	3.8	50	13.8	7.2	9.1
Abduction	6	0.0	0.0	0	0.0	0.0	0.0	9	0.0	0.0	0	0.0	0.0	0.0
PERSON	2263	2.1	<b>6</b>	<b>3</b> 01	14.6	12.9	68	1834	3.4	8.5	84	23.1	12.2	6.8
Arson	202	0.2	0.7	-	0.1	0.1	0.7	189	0.4	6.0	0	0.0	00	0.0
Criminal damage	1050	1.0	3.8	21	3.0	2.6	3.0	925	1.7	4.3	17	4.7	2.5	2.7
Burgulary (agg)	01	0.0	0.0	0	0.0	0.0	0.0	6	0.0	0.0	0	0.0	0.0	0.0
Burgulary (resid)	1772	1.6	6.3	38	5.3	4.7	3.3	1584	2.9	7.3	35	9.6	5.1	3.3
Bugulary (other)	2495	2.4	9.1	901	14.9	13.1	6.3	2315	4.3	10.7	101	27.8	14.6	5.9
Deception	009	9.0	2.2	80	1.1	1.0	2.0	352	7.00	1.6	4	1.1	9.0	1.7
Handle	624	9.0	2.3	56	3.7	3.2	6.2	505	6.0	2.3	25	6.9	3.6	7.4
Theft from motor vehicle	1902	1.8	6.9	64	9.0	7.9	5.0	1782	3.3	8.3	63	17.3	9.1	5.3
Theft (shop)	6286	9.0	22.9	87	12.2	10.8	2.0	3346	6.2	15.5	51	14.0	7.4	2.3
Theft of motor vehicle	2437	2.3	8.9	112	15.7	13.8	8.9	2155	4.0	10.0	101	29.4	15.5	7.4
Theft (bike)	379	0.4	1.4	7	1.0	6.0	2.7	363	0.7	1.7	7	1.9	1.0	2.9
Theft (other)	2284	2.2	8.3	57	8.0	7.0	3.7	1840	3.4	8.5	48	13.2	6.9	3.9
PROPERTY	16661	19.0	72.9	527	1 + 1	1 59	3.9	15362	28.5	71.2	458	126.0	E'99	4.4
Drug (cult. etc.)	137	0.1	0.5	2	0.3	0.2	2.2	119	0.2	9.0	-	0.3	0.1	1.2
Drug (poss., use)	637	9.0	2.3	13	1.8	1.6	3.0	533	1.0	2.5	10	2.8	1.4	2.8
Other indictable	305	0.3	1.1	80	1.1	1.0	3.9	274	0.5	1.3	8	2.2	1.2	4.3
Other summary	4091	3.9	14.9	155	21.8	19.2	5.6	3446	6.4	16.0	130	35.8	18.8	5.6
COTHER	5170	6.4	189	178	25.0	22.0	-2	4372	8.1	20.3	149	41.0	21.6	5.1
TOTAL	27424	26.1	100.0	608	113.7	100.0	4.4	21568	40.0	100.0	169	1.06.1	100.0	4.8

TABLE 5. RATES OF JUVENILE OFFENDERS BY INDIGENOUS STATUS, AGE GROUPS AND OFFENCE CLASS AND CATEGORY

		<10 years	:	1	0-13 YEAF	rs	1	4-16 YEAR	8		TOTAL	
	NA	٨	O-R	N-Λ	٨	O-R	N-A	Α	O-R	NΛ	٨	D-R
Homicide	0.0	0.0	-	0.0	0.0	0.0	0.0	1.0	30.4	0.0	0.1	18.5
Rape	0.0	0.0	-	0.1	0.0	0.0	0.2	0.0	0.0	0.1	0.0	0.0
Sex (non-rape)	0.0	0.2	-	0.3	0.7	2.4	1.0	5.9	5.6	0.3	1.1	4.4
Robbery	0.0	0.0	-	0.2	1.4	8.2	1.1	5.9	5.5	0.2	1.1	4.9
Assault (indict)	0.0	0.0	0.0	0.3	1.4	4.9	2.9	24.4	8.6	0.6	3.8	6.6
Assault (summary)	0.0	0.2	66.6	0.7	7.0	10.1	4.8	47.9	9.9	1.0	8.4	8.3
Abduction	0.0	0.0	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0	0.0
PERSON	0.0	0.4	66.6	1.5	10.5	70	10.1	85.0	8.4	2.1	14.6	6.8
Arson	0.0	0.0	0.0	0.3	0.0	0.0	0.6	1.0	1.5	0.2	0.1	0.7
Criminal damage	0.0	0.0	0.0	0.9	3.5	4.1	4.5	15.6	3.5	1.0	3.0	3.0
Burgulary (agg)	0.0	0.0	<u> </u>	0.0	0.0	-	0.1	0.0	0.0	0.0	0.0	0.0
Burgulary (resid)	0.0	0.2	26.6	1.4	4.9	3.4	7.3	29.3	4.0	1.6	5.3	3.3
Bugulary (other)	0.0	0.2	26.6	2.1	19.6	9.1	10.5	75.3	7.2	2.4	14.9	6.3
Deception	0.0	0.0	0.0	0.2	2.1	10.7	2.9	4.9	1.7	0.6	1.1	2.0
Handle	0.0	0.0	0.0	0.3	3.5	10.1	2.9	20.5	7.1	0.6	3.7	6.2
Theft from motor vehicle	0.0	0.0	0.0	0.9	5.6	6.4	9.0	54.7	6.1	1.8	9.0	5.0
Theft (shop)	0.1	0.2	4.0	9.2	28.7	3.1	21.3	44.0	2.1	6.0	12.2	2.0
Theft of motor vehicle	0.0	0.0	0.0	1.2	9.1	7.9	11.5	96.8	8.4	2.3	15.7	6.8
Theft (bike)	0.0	0.0	0.0	0.4	0.0	0.0	1.4	6.8	4.8	0.4	1.0	2.7
Theft (other)	0.0	0.2	22.2	2.1	16.1	7.6	9.4	32.3	3.4	2.2	8.0	3.7
PROPERTY	0.1	09	7.2	19.1	92.9	4.9	81.5	381.2	4.7	19.0	74.1	3.9
Drug (cult. etc)	0.0	0.0	0.0	0.0	0.7	14.3	0.7	1.0	1.5	0.1	0.3	2.2
Drug (poss., use)	0.0	0.0	0.0	0.2	0.7	3.5	3.1	11.7	3.7	0.6	1.8	3.0
Other indictable	0.0	0.0	0.0	0.2	0.7	4.0	1.4	6.8	4.9	0.3	1.1	3.9
Other summary	0.0	0.4	14.0	2.9	21.0	7.2	17.9	120.2	6.7	3.9	21.8	5.6
OTHER	0.0	0.4	11.1	3.3	23.1	6.9	23.1	139.8	6.0	4.9	25.0	5.1
TOTAL	0.2	1.7	10.4	23.9	126.5	5.3	114.8	606.1	5.3	26.1	113.7	4.4

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KEY: N-A (Non-Aboriginal), A (Aboriginal), O-R (Over-representation)

TABLE 6. RATES OF MALE JUVENILE OFFENDERS BY INDIGENOUS STATUS, AGE GROUPS AND OFFENCE CLASS AND CATEGORY

	<	10 YEARS		10	-13 YEARS		1	4-16 YEARS			TOTAL	
	N-A	۸	O-R	N-A	٨	O-R	NΛ	٨	O-R	N-A	A	O-R
Homicide	0.0	0.0	-	0.0	0.0	0.0	0.1	2.0	37.6	0.0	0:3	21.2
Rape	0.0	0.0	-	0.1	0.0	0.0	0.4	0.0	0.0	0.1	0.0	0.0
Sex (non-rape)	0.0	0.4	ı	0.5	1.4	2.5	2.0	11.8	5.9	0.5	2.2	4.6
Robbery	0.0	0.0	-	0.3	2.7	9.3	1.7	7.8	4.5	0.4	1.7	4.4
Assault (indict)	0.0	0.0	0.0	0.4	0.0	0.0	4.6	37.3	8.2	0.9	5.2	5.8
Assault (summary)	0.0	0.0	0.0	1.1	8.2	7.4	7.0	86.3	12.3	1.5	13.8	9.1
Abduction	0.0	0.0	-	0.0	0.0	•	0.1	0.0	0.0	0.0	0.0	0.0
PERSON	0.0	0.4	33.2	2.5	12.3	5.0	15.9	145.1	9.1	3.4	23.1	6.8
Arson	0.0	0.0	0.0	0.6	0.0	0.0	1.2	0.0	0.0	0.4	0.0	0.0
Criminal damage	0.0	0.0	0.0	1.3	5.5	4.1	7.8	25.5	3.3	1.7	4.7	2.7
Burgulary (agg)	0.0	0.0	•	0.0	0.0	•	0.1	0.0	0.0	0.0	0.0	0.0
Burgulary (resid)	0.0	0.4	44.3	2.5	9.6	3.9	13.2	52.9	4.0	2.9	9.6	3.3
Bugulary (other)	0.0	0.4	26.6	3.9	36.9	9.5	19.0	143.1	7.5	4.3	27.8	6.5
Deception	0.0	0.0	0.0	0.3	1.4	4.1	3.2	5.9	1.8	0.7	1.1	1.7
Handle	0.0	0.0	0.0	0.6	6.8	12.3	4.5	39.2	8.7	0.9	6.9	7.4
Theft from motor vehicle	0.0	0.0	0.0	1.6	10.9	6.7	16.5	107.8	6.6	3.3	17.3	5.3
Theft (shop)	0.1	0.4	7.8	10.4	31.4	3.0	21.0	52.9	2.5	6.2	14.0	2.3
Theft of motor vehicle	0.0	0.0	0.0	1.8	17.8	9.6	20.0	184.3	9.2	4.0	29.4	7.4
Theft (bike)	0.0	0.0	0.0	0.8	0.0	0.0	2.7	13.7	5.2	0.7	1.9	2.9
Theft (other)	0.0	0.0	0.0	3.2	21.9	6.9	15.0	62.7	4.2	3.4	13.2	3.9
PROPERTY	0.2	13.	7.2	27.0	142.1	5.3	124.2	688.2	5.5	78.5	126.0	4.4
Drug (cult. etc)	0.0	0.0	0.0	O. 1	0.0	0.0	1.1	2.0	1.8	0.2	0.3	1.2
Drug (poss., use)	0.0	0.0	0.0	0.3	1.4	4.2	5.1	17.6	3.5	1.0	2.8	2.8
Other indictable	0.0	0.0	0.0	0.3	1.4	4.3	2.4	13.7	5.6	0.5	2.2	4.3
Other summary	O. 1	0.80	15.6	4.9	36.9	7.5	29.3	198.0	6.8	6.4	35.8	5.6
OTHER	o i	0.8	12.1	5.6	39.6	7.0	38.0	231.4	6.1	8.1	41 O	5.1
TOTAL	0.3	2.5	9.8	35.1	194.0	5.5	178.1	1064.7	6.0	40.0	190.1	4.8

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N-A (Non-Aboriginal), A (Aboriginal), O-R (Over-representation)

TABLE 7. RATES OF INDIGENOUS JUVENILE OFFENDERS BY AGE GROUPS, SEX, OFFENCE CLASS AND CATEGORY

		<10 vears	۲			10-13 vears	   			14-16 ve	vears			Total	_	
	COLVE				ECVAN:		MAIC			?	74.0		GENTAL E		MALE	u
	Parts	90	one o	9	ote d	ð	e te	3	r contra	90	T C	3 8	dre d	ð	dr.d	9
Homicide	00	5	00	5 '	00	5	G	9	00	5 6	2	37.6	00	00	0.3	21.2
Rape	0.0		00		00		0.0	00	0.0	3	8	00	00		0.0	00
Sex (non-rape)	0.0		0.4		0.0	0.0	4.7	2.5	0.0	0.0	11.8	5.9	0.0	0.0	2.2	4.6
Robbery	0.0		0.0		0.0	0.0	2.7	9.3	3.9	10.8	7.8	4.5	90	7.8	1.7	4.4
Assault (indict)	0.0	,	0.0	0.0	2.9	19.0	0.0	0.0	11.7	11.7	37.3	8.2	2.3	10.8	5.2	5.8
Assault (summary)	0.4		0.0	0.0	5.7	22.8	8.2	7.4	9.7	4.1	86.3	12.3	2.9	6.0	13.8	9.1
Abduction	0.0		0.0	·	0.0	•	0.0	,	0.0	00	0.0	0.0	0.0	0.0	0.0	0.0
FRON	40		0.4	33.2	98	180	12.3	0.5	25.3	9.9	145.1	-6	2.3	7.3	23.1	6.8
Arson	0.0	,	0.0	0.0	0.0	0.0	0.0	0.0	1.9	25.4	0.0	0.0	0.3	14.7	0.0	0.0
Criminal damage	0.0	,	0.0	0.0	1.4	4.5	5.5	4.1	5.8	8.9	25.5	3.3	1.1	5.1	4.7	2.7
Burgulary (agg)	0.0	-	0.0		0.0	-	0.0	•	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Burgulary (resid)	0.0	0.0	9.0	44.3	0.0	0.0	9.6	3.9	5.8	6.1	52.9	4.0	6.0	3.5	9.6	3.3
Bugulary (other)	0.0	•	0.4	56.6	0.0	0.0	36.9	9.5	5.8	4.2	143.1	7.5	6.0	2.8	27.8	6.5
Deception	0.0		0.0	0.0	2.9	68.4	1.4	4.1	3.9	1.5	5.9	1.8	1.1	2.4	1.1	1.7
Handle	0.0	-	0.0	0.0	0.0	0.0	6.8	12.3	1.9	1.8	39.2	8.7	0.3	1.3	6.9	7.4
Theft from motor vehicle	0.0	-	0:0	0.0	0.0	0.0	10.9	6.7	1.9	1.7	107.8	9:9	0.3	1.3	17.3	5.3
Theft (shop)	0.0	0.0	9.0	7.8	24.3	3.2	31.4	3.0	33.1	1.6	52.9	2.5	9.8	1.8	14.0	2.3
Theft of motor vehicle	0.0	•	0.0	0.0	0.0	0.0	17.8	9.6	6.6	4.1	184.3	9.2	1.4	2.8	29.4	7.4
Theft (bike)	0.0	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	13.7	5.2	0.0	0.0	1.9	2.9
Theft (other)	0.4	133.4	0.0	0.0	10.0	10.2	21.9	6.9	1.9	9.0	62.7	4.2	2.6	3.2	13.2	3.9
PROPERTY	0.4	7.4	1.3	7.2	38.6	3.8	142.1	5.3	72.1	2.1	5883	5.5	18.7	2.2	126.0	4.4
Drug (cult. etc)	0.0	•	0.0	0.0	1.4	170.9	0.0	0.0	0.0	0.0	2.0	1.8	0.3	8.7	0.3	1.2
Drug (poss., use)	0.0	٠	0.0	0.0	0.0	0.0	1.4	4.2	5.8	6.1	17.6	3.5	6.0	4.7	2.8	2.8
Other indictable	0.0	•	0.0	0.0	0.0	0.0	1.4	4.3	0.0	0.0	13.7	5.6	0.0	0.0	2.2	4.3
Other summary	0.0	0.0	9.0	15.6	4.3	5.8	36.9	7.5	42.9	7.7	198.0	6.8	7.2	6.2	35.8	5.6
ОТНЕК	00	00	80	121	2'5	01	9'6£	07	48.7	7.0	\$ 16Z	19	8.3	5,8	0'19	1.3
O Koone Research Centre																

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TABLE 8. JUVENILE ALLEGED OFFENDERS PROCESSED BY POLICE DISTRICT AND INDIGENOUS STATUS

	ABORIGINAL ARRESTS	ABORIGINAL POPULATION	ABORIGINAL RATE [PER 1000]	Non- Aboriginal Arrests	Non- ABORGINAL POPULATION	Non- Aboriginal Rate (Per 1000)	RATE OF OVER- REPRESENT- ATION
٨	91	428	212.6	1786	108205	16.5	12.9
В	27	273	98.9	914	118353	7.7	12.8
С	11	455	24.2	1555	320397	4.9	5.0
D	7	760	9.2	2644	321257	8.2	1.1
E	69	974	70.8	1587	240326	6.6	10.7
f	4	953	4.2	2042	349222	5.8	0.7
G	10	589	17.0	1879 .	498460	3.8	4.5
Н	73	1525	47.9	1716	381399	4.5	10.6
1	16	1032	15.5	2139	400588	5.3	2.9
Ţ	7	1036	6.8	2549	315214	8.1	0.8
K	13	770	16.9	1181	196946	6.0	2.8
L	98	684	143.3	689	116750	5.9	24.3
M	9	995	9.0	1317	172235	7.6	1.2
N	154	1473	104.5	393	. 78530	5.0	20.9
0	95	2238	42.4	1559	241820	6.4	6.6
P	7	703	10.0	883	159581	5.5	1.8
a	118	1784	66.1	2591	206681	12.5	5.3
TOTAL	809	16672	48.5	27424	4225964	6.5	7.5

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Figure 2. Metropolitan police districts

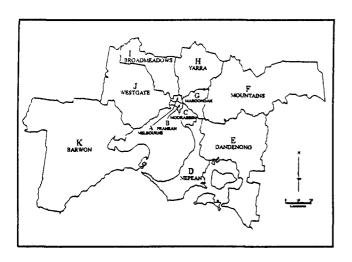


Figure 3. Country police districts

