

8. Regional involvement in the criminal justice system

According to the 1994 NATSIS, an estimated 19 per cent of Aboriginal people aged 13 years and over in the Jabiru ATSIC Region had been arrested by police in the previous five years (ABS 1996a: 56). This was very close to the average of 20 per cent reported for the Northern Territory as a whole. At the same time, according to the Wadeye Community Youth Support Management Group, Wadeye has the highest per capita juvenile offending rate in the Northern Territory with young people from Wadeye constituting a significant proportion of all those in detention. Clearly, interaction with the police, and then subsequently with the courts, custodial institutions, and diversionary programs is commonplace in the lives of Aboriginal individuals and families in the region, as well as those associated with them. While recidivism in the Thamarrurr region is frequently portrayed as providing a measure of social dysfunction, precisely how dysfunction might be defined and explained in this particular cultural setting is only just beginning to be understood, although it is clear that the issues are more complex and culturally bound than a simple model of low socio-economic status leading to social dysfunction would suggest (Ivory 2003). One line of argument suggests that by deliberately seeking incarceration via their actions Aboriginal youth are engaging in an alternative rite of passage to manhood (Biles 1983), although Ogilvie and Van Zyl (2001) view detention not as a rite of passage but rather as simply another venue for the construction of identity among marginalised and bored adolescents who are desperate for change to their routine.

Whatever the underlying causes, for the purpose of profiling, recidivism is viewed here in its literal sense as simply the extent to which individuals repeatedly transgress the criminal code. Having said that, one relationship between crime rates and the regional society and economy that is reasonably apparent concerns the degree to which past and present convictions and interaction with police, courts and prisons, influence individual chances of participating successfully in the regional society and economy. By presenting select summary statistics from police records, court records and correctional services records for residents of the Thamarrurr region (to the extent that this is possible) this chapter will attempt to derive estimates of the population for whom contact with the police and a criminal conviction might represent a barrier, or at least a brake, on social and economic participation (Hunter & Borland 1999). Along the way, some sense of the nature of criminal activity and its implied impact on the social fabric will also be provided.

Data sources

Crime statistics for the Thamarrurr region are available from a variety of sources reflecting different stages of interaction with the criminal justice system. The initiating factor, of course, is contact with the police either by way of reporting a crime or via an apprehension (arrest), or summons. Such actions yield a range of data concerning the nature of offences and offenders with separate reporting for juveniles and adults. Individuals who are charged with an offence are further processed by the courts (a charge being an allegation

laid by the police before the court or other prosecuting agency that a person has committed a criminal offence). Statistics relating to the activities of the Supreme Court are captured by the Northern Territory Department of Justice Statistical Summary. As for those charged who are found guilty of an offence, data are provided by Correctional Services, while non-custodial community corrections data are available from the records of the Juvenile Diversion Division of the Northern Territory Police.

Reported offences

Contact between the police and the regional population is recorded as persons are apprehended by the police (either via arrest or summons), or are diverted (as juveniles) through the cautioning system and referred to the Juvenile Diversion Division. Data on offences reported in this way at Wadeye, including all reported offences for which no offenders were apprehended, are shown in Table 8.1 for 2002. A total of 329 offences were reported, one third of which involved property damage, 29 per cent involved assault, 18 per cent were for unlawful entry into dwellings and businesses, with a similar proportion for motor vehicle and other theft. It should be noted, of course, that these are reported offences—not reported offenders with the latter almost certainly far fewer in number.

Table 8.1. Reported offences by category: Wadeye, 2002

Offence category	No. reported	% of all offences
Assault	89	27.5
Sexual assault	4	1.2
Other against the person	2	0.6
Unlawful entry – dwelling	23	7.1
Unlawful entry – business	33	10.2
Motor vehicle theft	13	4.0
Other theft	46	14.2
Property damage	111	34.3
Other property offences	3	0.9
Total	324	100.0

Source: Northern Territory Office of Crime Prevention, Darwin

Correctional services

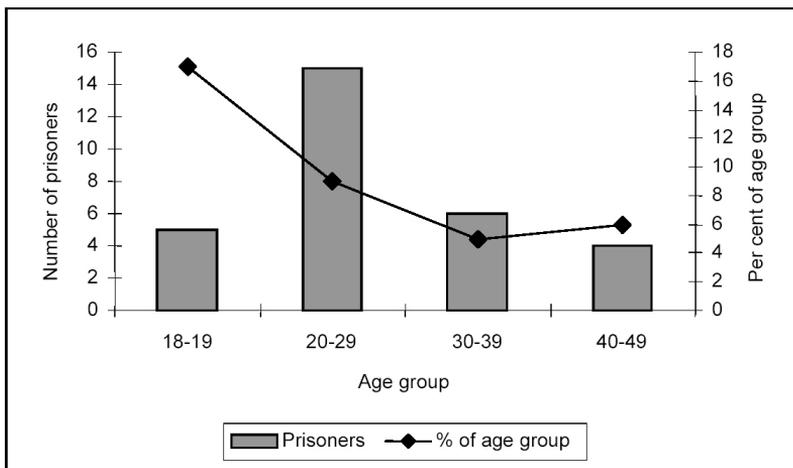
The findings of court proceedings in the form of penalties (sentences) can be grouped into four broad categories: custodial, non-custodial, fines and dismissals. According to the ABS sentence type classification (ABS 2003: 71), custodial orders involve custody in a correctional institution as life imprisonment, imprisonment with a determined term, or periodic detention, with the latter applying only to juveniles. Non-custodial orders include a variety of community supervision or work orders and community service orders, as well as probation and treatment orders. Other non-custodial orders include good behaviour bonds and recognisance orders, while monetary orders basically refer to fines or recompense to victims as well as licence disqualification/suspension/amendment and forfeiture of property.

In 2001/02, a total of 193 matters were lodged at the court of summary jurisdiction at Wadeye, with 133 finalised in the same year. In the juvenile court, 27 matters were lodged in 2001/02, and 35 were finalised. An indication of the outcomes of these hearings is provided by data from correctional services on prisoners, juvenile detention and conditional liberty orders.

Custodial sentences

In the Northern Territory census of prisoners in June 2002, a total of 32 Indigenous prisoners indicated Wadeye as their last known address. All of these were males. Because this number is relatively small, it is necessary to use data from several censuses in order to disaggregate select sentencing and social characteristics. Thus, between 2000 and 2002, a total of 79 prisoners indicated Wadeye as their usual address. Of these, 48 per cent were imprisoned for assault, 18 per cent for break and enter and property damage, and 10 per cent for motor vehicle offences. The length of sentence varied considerably with 15 per cent of sentences for less than six months, 19 per cent between six months and one year, 29 per cent between one and five years, and 15 per cent over five years. One-fifth of Wadeye prisoners were on remand. As for the age of prisoners, 15 per cent were aged between 18 and 19 years, 57 per cent were between 20 and 29 years, 20 per cent were between 30 and 39 years, and eight per cent were aged between 40 and 49 years. Using the single-year age data that underlie Table 2.3, together with prison census data for 2002, some idea of the imprisonment rate among Wadeye males in different age groups can be established. This is shown in Figure 8.1.

Figure 8.1. Imprisonment rate by age: Wadeye males, 30 June 2002



Source: Northern Territory Office of Crime Prevention, Darwin

Thus, a total of five Wadeye males aged 18 and 19 were imprisoned, and while this seems a relatively small number it nonetheless represents 16 per cent of that age group. The largest number of prisoners were aged between 20 and 29 years, although as Figure 8.1

shows the rate of imprisonment declines with age. Partly because of this, almost two-thirds of those imprisoned (62%) were single men.

Using the three years of data for 2000–2002, it is significant to note that the vast majority (91%) of Wadeye prisoners had previous experience in correctional centres suggesting that the data reflect a core group of repeat offenders. As to clues regarding their socio-economic status, the educational background is consistent with that profiled for Wadeye males as a whole in Chapter 5. Thus, the majority (46%) had primary level schooling only, 37 per cent had some secondary level schooling, four per cent had completed secondary level, and 11 per cent had post secondary education which probably reflects their participation in TAFE training courses. In a few cases, no formal schooling was indicated. In turn, these education levels are manifest in labour force status with two-thirds (67%) of prisoners previously unemployed, and only 23 per cent employed.

Juvenile diversion

In 2001/02, a total of 10 juveniles from Wadeye aged between 13 and 17 commenced a detention episode in a correctional centre. Since 2000, however, the aim of policy has been to divert juveniles (those under 18), away from the formal justice and courts system except in cases where serious offences are committed or where options to prevent re-offending have proven unsuccessful. The guiding principles are to support and involve victims, and to encourage parental responsibility and community involvement in reducing youth crime. Diversionary conferencing is the key management tool for this purpose, and this involves police, families, and the community jointly determining the nature of amends to be made for harm done with rehabilitation as the prime aim.

In 2002/03, a total of 123 juvenile apprehensions were recorded in Wadeye District. Most of these apprehensions (70 per cent) were for unlawful entry, primarily into buildings, although a few (eight) involved entry into dwellings. The next largest offence type was unlawful use of motor vehicles (15%). For the most part, it was male youths who were apprehended with only three females recorded, and the majority of these (81%) were aged between 15 and 17 years, although this means that 19 per cent were aged 14 years. In processing these apprehensions, a total of 37 individuals (31%) were offered diversion from the courts system, which meant that by far the majority (69%) were dealt with by the courts.

Family conferencing was the most common method of handling diversion referrals with this strategy applied in 67 per cent of cases. Victim/offender conferencing was applied in 24 per cent of cases. In three instances a written warning was issued. At this stage, diversion case management and program support is embryonic—in 2002/03, 27 case management events were recorded, but only six individuals were engaged in formal diversionary programs. With regard to the latter, the aim of the Wadeye Youth Development Working Group is to develop personal and family action plans that would include a range of requirements such as attendance at Kardu Kigay, work experience with CDEP, attendance at drug and alcohol sessions, cultural activities, practical life skills, arts, and team sports. Ironically, one measure of success in regard to juvenile crime at Wadeye would be a rise over time in the numbers recorded in diversionary programs.