

## CHAPTER TWO

### THE INCIDENCE AND CHARACTERISTICS OF YOUTH VIOLENCE

The Committee's Youth Violence Issues Paper contained a range of statistical information on offending rates. The Issues Paper revealed that the number of alleged violent offenders aged 10 to 17 years decreased for virtually all offence types between 1990 and 1992 (Standing Committee on Social Issues, 1993:16). This was also true for alleged offenders aged from 18 to 24 years (Standing Committee on Social Issues, 1993:18). However, about one-third of all alleged violent offenders in New South Wales between 1990 and 1992 were in this age group.

This chapter provides an updated picture of the available data on the incidence and characteristics of youth violence, drawn from court statistics, police records and data from institutions including Juvenile Justice Centres and prisons. Data relating to young people aged from 10 to 17 years and from 18 to 24 years are presented in separate sections, reflecting the different treatment of these groups in the criminal justice system. Data in this chapter are compiled from both published statistical reports and statistics provided to the Committee from the NSW Bureau of Crime Statistics and Research, and the Departments of Juvenile Justice and Corrective Services.

The chapter also discusses the limitations of these various sources of data, and issues relating to the comparability of data compiled from different police recording systems. **It is important to note that it is not possible to draw firm conclusions on trends in crime rates from annual statistics over a restricted period of time, as considerable annual variations are to be expected in data of this nature.** However, monitoring annual increases and decreases does contribute to some understanding of crime in our society.

The chapter discusses a number of discernible characteristics of the violent offending of young people. Factors examined include the rate of offending in statistical divisions of New South Wales and statistical sub-divisions of Sydney, and the environments in which offenders allegedly committed assault offences. The gender of alleged perpetrators and the extent to which weapons are involved are also discussed. The ethnicity of youth in detention, the involvement of Aborigines in the justice system and evidence of racial tension are also examined. Evidence relating to gang violence and violence against homosexuals and lesbians is also presented. The chapter also examines the media reporting of violence.

#### 2.1 THE INCIDENCE OF YOUTH VIOLENCE

##### 2.1.1 Data Limitations

Evidence regarding the incidence of youth violence can be compiled from a range of sources, including court statistics, police records and data from institutions including schools and prisons. However, each of the various data sources has inherent limitations.

■ **Court Statistics**

While court statistics reveal trends in the number of alleged offenders appearing in court or being convicted of violent crimes, these data do not include violent crimes for which no offender was arrested or prosecuted. In addition, court statistics do not reveal the complete pattern of interventions in response to crime. The Committee heard that a more complete picture may be gained from also examining data relating to police reports or cautions. It was suggested that an examination of these statistics may demonstrate wide variations between different police patrols, as court diversion and schemes such as family group conferencing largely rely on the discretion of individual officers (D'Astoli Evidence, 10.02.94). The Committee was informed in 1993 that the Department of Juvenile Justice was obtaining police computer tapes on cautioning to enable data to be produced on the total number of police interventions, giving a more complete picture of young people's contact with the justice system. These data would also enable monitoring of trends as to the extent to which people are being diverted from a court appearance through police cautioning or are moving into the court system (Loughman Briefing, 17.09.93). However, the Committee was informed in 1994 that the Department of Juvenile Justice, at that time, did not have data on police cautioning statistics (Tie Evidence, 29.08.94).

■ **Recorded Crime Statistics**

Sections 2.1.2 and 2.1.3 present statistics produced by the New South Wales Bureau of Crime Statistics and Research from police reports of violent crime.

Data recorded by police when crimes are reported offer a means of including offences which did not necessarily result in the prosecution of the offender. The information recorded in relation to offences will be based on police action taken against alleged offenders. Since many offenders may evade police identification and arrest, the data are a limited sub-set of all offenders. This is true particularly in cases of offences such as murder, where, unless the case is solved, the age of the offender is not likely to be known. In cases where there is a witness to the crime, such as robbery offences, the witness may provide police with an estimate of the age of the offender. However, since these estimates may be unreliable, data based on witness descriptions only were not included in recorded crime statistics produced for the Committee by the New South Wales Bureau of Crime Statistics and Research.

The submission from the Youth Advisory Council also expressed concern over other limitations of relying on recorded crime statistics. Many offences do not come to the attention of police and therefore are not included in recorded crime statistics. For example, a significant proportion of domestic violence and child abuse offences that are committed within the home may not be reported to police (D'Astoli Evidence, 10.02.94). While young people may not be over-represented in the perpetrators of these offences, a number of young people offend as part of adolescent development, and do not come into contact with the justice system (Loughman Briefing, 17.09.93). Offences such as assaults in school may not be reported to the police, but rather are handled through the internal discipline policies of a school (Loughman Briefing, 17.09.93). The submission of the Hunter Student's Representative Council contended that more information on bullying, teasing, and fights is required before any valid conclusions on the incidence of violence can be reached (Submission 46).

Trends in rates of reporting offences to police can be observed by examining data from victims' surveys. Each year in New South Wales the Australian Bureau of Statistics conducts a Crime and Safety survey as a supplement to the monthly population survey. In April 1994, 11,646 respondents provided information on their criminal victimisation during the preceding twelve months. The Crime and Safety surveys reveal significant annual variations in both the percentage of the population experiencing a particular crime, and the percentage of these victims reporting the crime to the police, as indicated in Table Two below.

As the Table indicates, the victimisation rate for robbery and assault was lower in 1993-4 than in the previous year, but the reporting rate was substantially higher. Recorded crime statistics will reflect these increases in reporting rates in 1993-94, and must therefore be treated with caution.

**Table Two**

**Victims of Personal Crime and Percentage Reporting Last Incident to Police  
NSW Crime and Safety Surveys, 1992 - 1994**

	1991 - 1992	1992 - 1993	1993 - 1994
<b>Robbery</b>			
% Victimisation Rate	1.1	1.3	1.2
% of Victims Reporting to Police	58.6	45.6	52.6
<b>Assault</b>			
% Victimisation Rate	2.2	2.6	2.4
% of Victims Reporting to Police	37	31.9	38.9
<b>Sexual Assault</b>			
% Victimisation Rate	0.6	0.8	0.7
% of Victims Reporting to Police	24.6	28.8	25.6

Source: Australian Bureau of Statistics, 1994b:3,6.

■ **Police Recording Systems and Practices**

In April 1994 the NSW Police Service implemented the first phase of a new computer system, the Computerised Operational Policing System (COPS). The new system is used for record keeping for all police operations, not just for criminal matters. Recording of criminal offences in COPS differs from the Crime Information and Intelligence System (CIIS) previously used. The main counting unit has changed from an "offence" to an "incident". Data from the two recording systems are therefore not compatible for all types of offences. For example, one

incident may involve one offender assaulting two victims. Under COPS this would be recorded as one assault incident. Under the old CIIS system it would have been recorded as two assault offences (one for each victim).

The Bureau of Crime Statistics and Research have traditionally reported offence data, and will in the future report incident data. The 1994 Crime Statistics report by the Bureau of Crime Statistics and Research therefore only includes data for the first twelve months of operation of the new COPS system.

The report reveals that during this period there has been no statistically significant upward or downward trend in the monthly numbers of recorded criminal incidents for murder; sexual assault; robbery with a firearm; robbery with a weapon, not a firearm. However, statistically significant upward trends in the monthly numbers of recorded incidents were recorded for assault and robbery without a weapon (Bureau of Crime Statistics and Research, 1995a:4).

The statistics in the Committee's Issues Paper, and in this report, rely on data relating to alleged offenders within particular age groups. Compiling these data involves a computer search for those offences or incidents where police action has been taken against an alleged offender, and their age has been recorded.

The data presented in this report for 1990 to 1993 have been compiled from the Police Service's Crime Information and Intelligence System (CIIS). They were extracted from the Criminal Names Index (CNI) file of persons of interest. These persons of interest include the following categories: charged and fingerprinted; juvenile charged (but not fingerprinted); summonsed; Court Attendance Notice issued; formally cautioned; or some other legal process initiated. In addition, these data include *wanted* persons, that is, named persons whom the police suspect but have not yet located; escapees from prison or juvenile detention; and persons whose *arrest is not now desired*, that is, those whom the police initially suspected but no longer do so (for example, persons who have been interviewed and whose innocence has been established) (Lind, 1995a).

Data relating to the twelve months to March 1995 are a subset of the police Computerised Operational Policing System (COPS) data for persons of interest associated with the relevant criminal incidents and who are suspected or alleged offenders. These data are not directly comparable with the 1990 to 1993 data, as several categories of persons have been excluded from the computer search. These categories are *wanted* persons who have not yet been located; escapees from prison or juvenile detention; and persons whose *arrest is not now desired* and are no longer suspected (Lind, 1995a).

The inclusion of these categories of persons in data for 1990 to 1993 diminishes the value of the data and limits the conclusions that can be drawn from them. The latest information provided by the Bureau of Crime Statistics estimates the inclusion of these three additional categories of persons may have inflated alleged offender data by approximately 12%. However, it is not technically possible to separate these categories from CNI-based data for 1990 to 1993 (Lind, 1995b). In addition, the lack of consistency in data entry practices may have resulted in further limitations.

The Committee has been advised that with the introduction of the COPS system and associated data quality controls, the reliability of data has increased substantially. Police practices have been modified to ensure greater consistency in the recording of crimes. For example, before

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a charge can be brought against an offender, an "event number" must be recalled from the COPS system so that the charge can be linked to the recorded criminal incident. Formerly, there was no such mechanism which ensured that a particular charge sheet was submitted for entry as a recorded crime statistic, so data entry practices were likely to vary considerably. Individual police officers have now been instructed to ensure that all incidents they are despatched to investigate are entered on the COPS system.

The variability in recording practices, and the changes associated with the introduction of the COPS system, reveal that recorded crime statistics are more a reflection of administrative practices than levels of crime in our community.

Since categories of alleged offenders are not directly comparable for the two data sets from 1990 to 1993 and for 1994-95, and recent changes in recording practices may affect levels of recorded crime, data relating to 1994-95 are presented in separate sections of this report.

#### ■ **Methodological Limitations**

Conclusions based on recorded crime statistics may also be somewhat misleading due to the methodology employed. Compiling statistics for the 10 to 17 year age group may suggest that many young children commit offences, whereas offending may be primarily restricted to older children in the 10 to 17 year bracket. The submission from the National Children's and Youth Law Centre suggested that an examination of sub-sets of 10-12, 13-15, and 16-17 years would reveal few younger children commit violent offences, and that age-specific responses are necessary (Submission 26). The submission also suggested that the nature of violent crimes classified under one offence type may vary widely. For example, statistics for non-aggravated assault fail to allow any evaluation of the seriousness of the offence, or whether it is a first or repeat offence (Submission 26).

Notwithstanding the limitations of available data sources, it is of value to monitor trends in the numbers of offences involving young people coming to the attention of police and the courts, and attempt to supplement this information with data from additional sources.

This chapter presents police and court statistics, and data from correctional institutions, for the 10 to 17 and 18 to 24 year age groups respectively. Statistics on school violence are examined in Chapter Three.

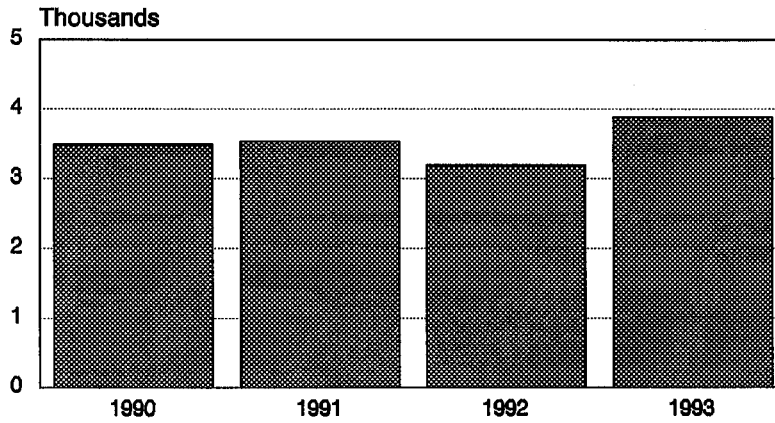
### **2.1.2 The Incidence of Violence Among 10 to 17 Year Olds**

#### ■ **Police Statistics, 1990 - 1993**

The numbers of alleged violent offenders known to be aged from 10 to 17 years for the four years from 1990 to 1993 is shown in Figure 1 below.

The graph demonstrates that while the total number of alleged violent offenders decreased between 1991 and 1992 by 9.7%, there was a 21.7% increase in 1993. However, the limited number of years in this data set prevents definite conclusions on trends from being drawn.

**Figure 1**  
Number of Alleged Violent Offenders aged 10-17 years  
All Offences\*

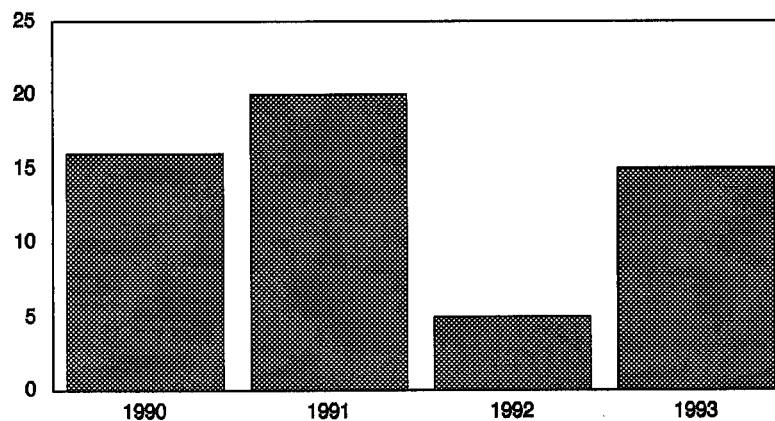


Source: NSW Bureau of Crime Statistics and Research

\* Includes murder; attempted murder; other homicide; assault aggravated; assault non-aggravated; robbery; aggravated sexual assault; sexual assault; aggravated indecent assault; and indecent assault, act of indecency

Figures 2 to 5 show numbers of alleged violent offenders aged 10 to 17 years for specific offence types. Figure 2 shows that, despite a considerable decrease in 1992, the number of alleged homicide offenders returned to a level comparable to that of previous years in 1993, suggesting the rate remains relatively stable. However, the small number of alleged offences in this category may result in considerable annual variation.

**Figure 2**  
Number of Alleged Violent Offenders aged 10-17 years  
Homicide\*



Source: NSW Bureau of Crime Statistics and Research

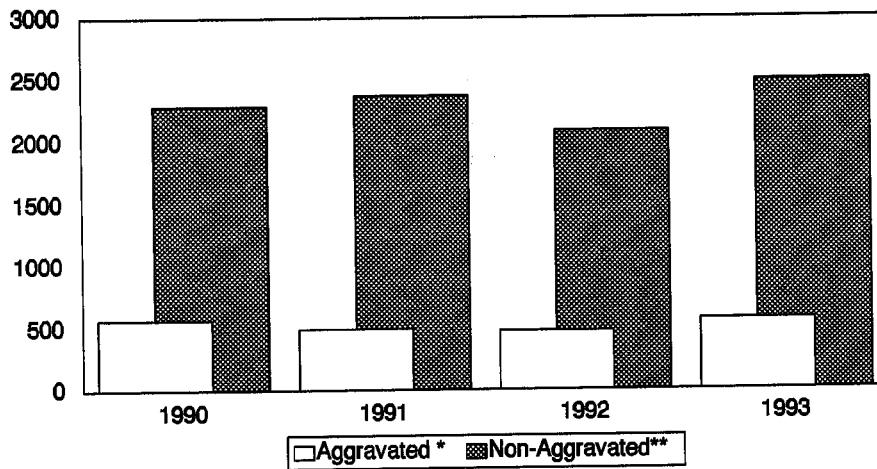
\* Includes murder; attempted murder; other homicide and manslaughter (not motoring)

Figure 3 shows that after annual decreases in 1991 and 1992, the number of alleged aggravated assault offenders returned to the 1990 level in 1993. The number of alleged non-aggravated assault offenders in 1993 was higher than at any time in the preceding three years.

Figure 4 shows that there were substantial annual increases in the numbers of alleged offenders for both armed and unarmed robbery in 1993. Despite annual decreases in preceding years, the number of alleged offenders committing robbery without a weapon increased by 38.6% from 1992 to 1993. Similarly, there were substantial one year variations for robbery with a weapon other than a firearm and for robbery with a firearm. However, the small number of offences in these latter categories may result in considerable annual variation.

In addition, victims' surveys reveal a lower rate of assault and robbery victimisation in 1993-4 than in the previous year, but higher reporting rates, with an increase of 15% for robbery offences (Australian Bureau of Statistics, 1994b:6). These variables will be reflected in recorded crime statistics. While victims' surveys do not reveal the age of alleged offenders, the overrepresentation of young offenders in these crimes (discussed in Section 2.1.4) suggests that these trends in reporting rates will affect recorded crime statistics for this group.

**Figure 3**  
**Number of Alleged Violent Offenders aged 10-17 years**  
**Assault**

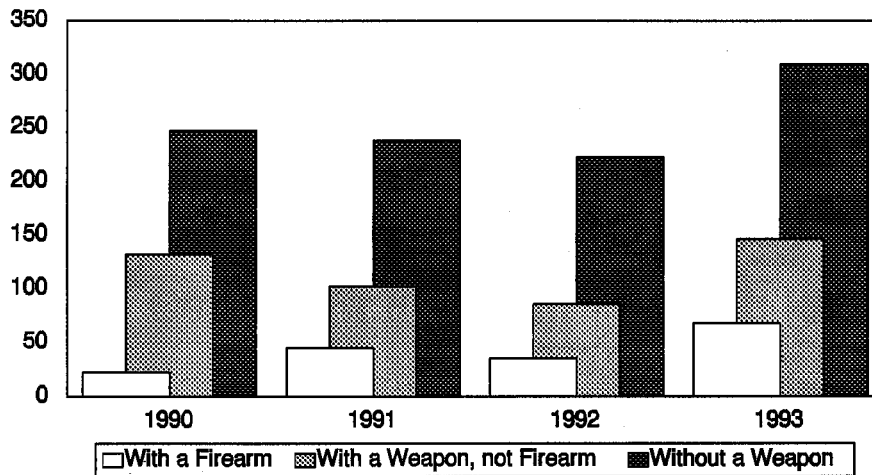


Source: NSW Bureau of Crime Statistics and Research

\* Includes assault causing grievous bodily harm; assault occasioning actual bodily harm; malicious wounding; shooting with intent; culpable driving causing grievous bodily harm and negligent act causing grievous bodily harm.

\*\* Includes common assault; assaulting police; assaulting female; culpable driving causing actual bodily harm.

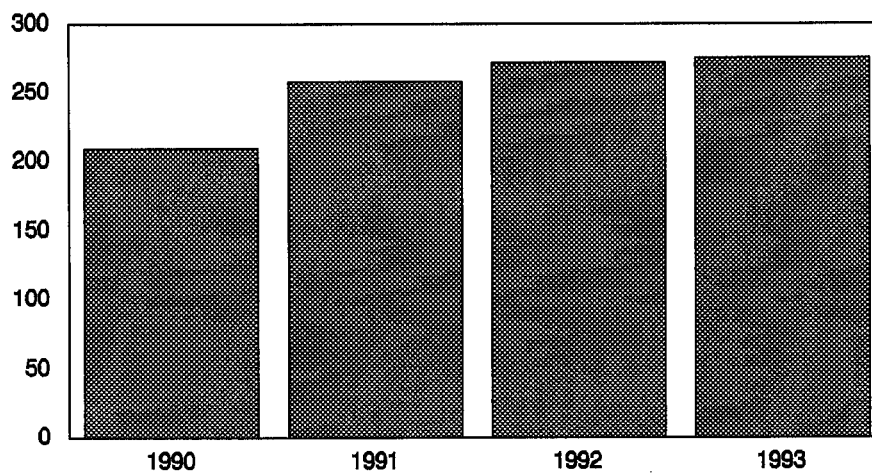
**Figure 4**  
**Number of Alleged Violent Offenders aged 10-17 years**  
**Robbery**



Source: NSW Bureau of Crime Statistics and Research

Figure 5 shows that the annual rate for sexual assaults allegedly committed by offenders in the 10 to 17 year age group has been relatively stable for several years.

**Figure 5**  
**Number of Alleged Violent Offenders aged 10-17 years**  
**Sexual Assault\***



Source: NSW Bureau of Crime Statistics and Research

\* Includes aggravated sexual assault; sexual assault; aggravated indecent assault; and indecent assault, act of indecency .



■ **Police Statistics, 1994 - 1995**

During the twelve months from April 1994 to March 1995, a total of 3,195 incidents were allegedly committed by young people aged from 10 to 17 years. As previously discussed, changes in data systems and recording practices prevent direct comparisons with data from earlier years.

The 3,195 incidents include:

- 14 homicides;
- 2,529 assaults;
- 353 robberies without a weapon;
- 9 robberies with a firearm;
- 122 robberies with a weapon, not a firearm; and
- 168 sexual assaults and indecent assaults.

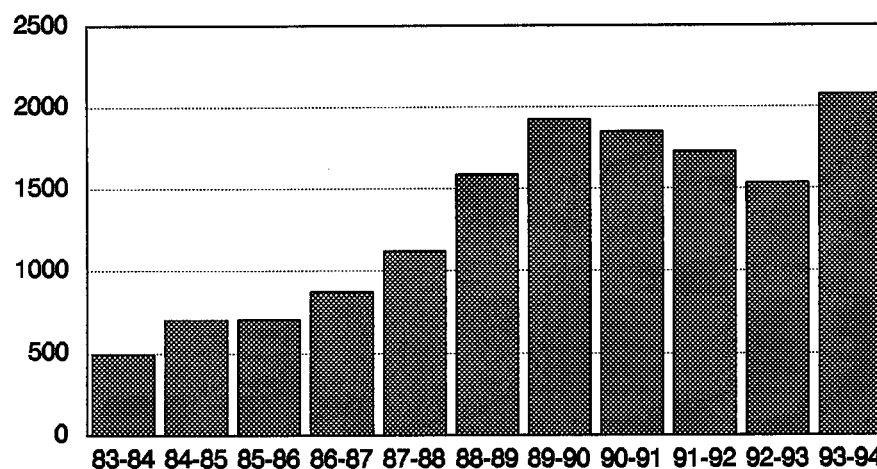
■ **Children's Court Statistics**

Available data from the Children's Court suggest the number of proven violent offences has increased substantially over the last decade, as Figures 6 to 8 reveal. In addition, a growing proportion of all court appearances involve alleged violent offences.

Figure 6 below demonstrates that, while the number of proven offences against the person had been declining since 1989-90, the 1993-94 data indicate that the number of proven violent offences has increased.

**Figure 6**

**Proven Offences before the Children's Court, 1983-84 to 1993-94  
Offences Against the Person**



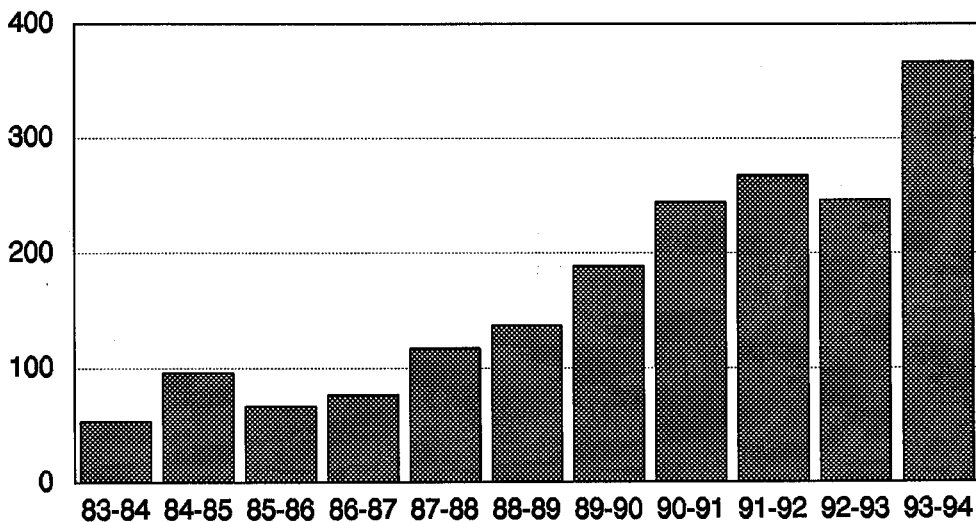
Source: NSW Bureau of Crime Statistics and Research, 1988; 1993; 1994, 1995.

The Committee was informed that the increasing number of violent offences being dealt with by the Children's Court was due largely to a rise in common assaults and robberies, rather than any substantial increase in sexual assaults and homicides, and could be related to increased rates of reporting (Tie Evidence, 29.07.94).

Data relating to proven robbery and extortion offences, shown in Figure 7 below, show that the number of cases proven in 1993-94 increased by over 45% from the previous year. It should be remembered, however, that this one year increase cannot be interpreted as an indication of a continuing upward trend.

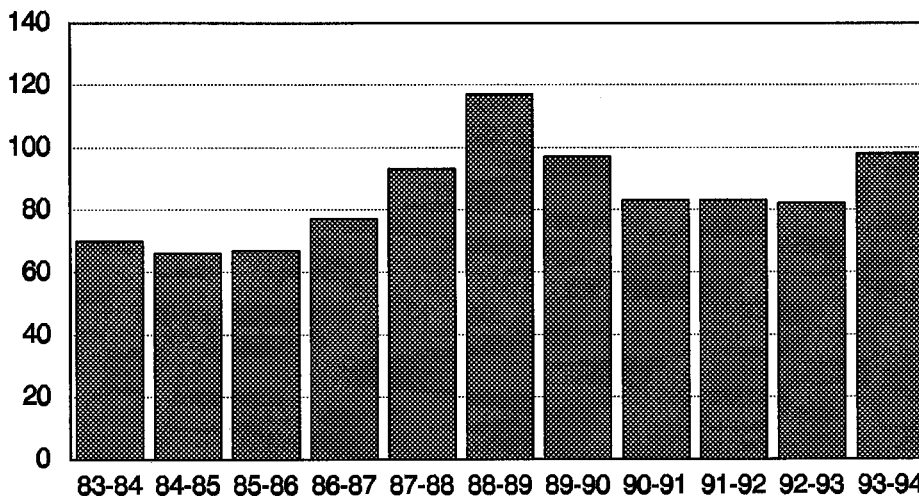
The rate of proven sexual assault offences committed by the 10 to 17 year age group has remained relatively stable over recent years, as indicated in Figure 8 below.

**Figure 7**  
**Proven Offences before the Children's Court, 1983-84 to 1993-94**  
**Robbery and Extortion**



Source: NSW Bureau of Crime Statistics and Research, 1988; 1993; 1994; 1995.

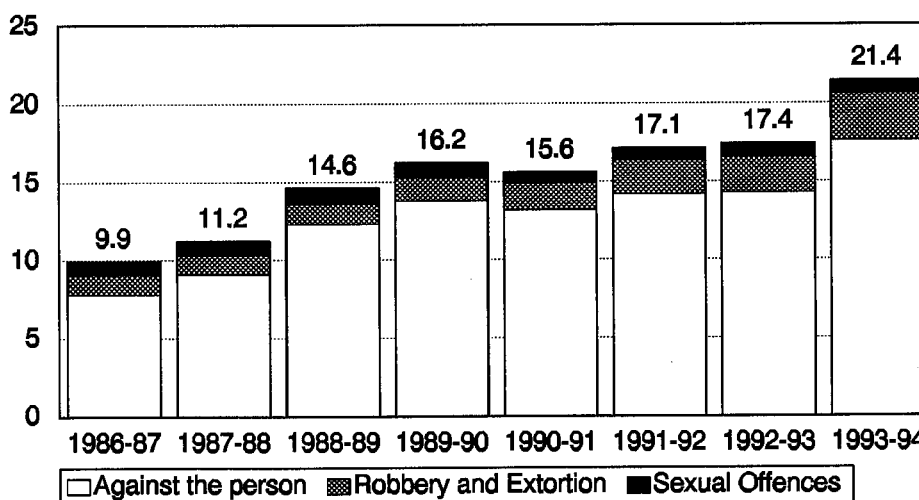
**Figure 8**  
**Proven Offences before the Children's Court, 1983-84 to 1993-94**  
**Sexual Assaults**



Source: NSW Bureau of Crime Statistics and Research, 1988; 1993; 1994; 1995.

The proportion of the total number of cases coming before the court that involve violence has also been increasing over recent years. In 1986-87 violent offences represented 9.9% of all appearances for juveniles in the children's court. As Figure 9 below demonstrates, by 1993-94 the percentage of appearances for violent crimes had more than doubled to 21.3%.

**Figure 9**  
**Appearances before the Children's Court, 1986-87 to 1993-94**  
**Violent Offences as % of all cases**



Source: Tabled Document

It has been suggested to the Committee that the focus of the Department of Juvenile Justice on the diversion of young offenders to community based options could have diverted a substantial number of less serious offenders into the community, both through cautioning and community based orders. The more serious offences will therefore comprise a greater proportion of the total number of offences reaching the Children's Courts. The number of offenders in detention in institutions has also been reduced over the last decade as a result of this diversionary focus (Loughman Briefing, 17.09.93).

In evidence to the Committee, the Senior Children's Magistrate indicated that, while the level of juvenile crime has remained fairly stable, different types of offences have either increased or decreased. He indicated that alleged violent offences comprised 41% of the pending hearings in his court over the ensuing two months. Since the total workload remains unchanged, he suggested this does point to an actual increase in the numbers of violent offences (Blackmore Evidence, 28.07.94).

The Senior Children's Magistrate indicated that the degree of violence employed in certain offences may also be increasing. Within various offence types such as robbery, the level of violence in individual crimes may vary markedly. It was suggested to the Committee that robbery offences involving a higher degree of violence, resulting in injuries to the victim, appear to be on the increase (Blackmore Evidence, 28.07.94).

Since the total number of offences coming before the courts has remained relatively stable, the Senior Children's Magistrate suggested that the removal of certain criminal options may have resulted in an increase in violent offending: for example, a clampdown on car theft has resulted in a reduction in the number of these offences in the Children's Court. The upgrading of car security may also have had an impact on reducing these offences. While these offences once constituted 50% of cases before the courts, this has dropped to below 20% (Blackmore Evidence, 28.07.94). It was suggested to the Committee that attempts to reduce one type of offending behaviour may result in a displacement effect leading to an increase in other types of offending:

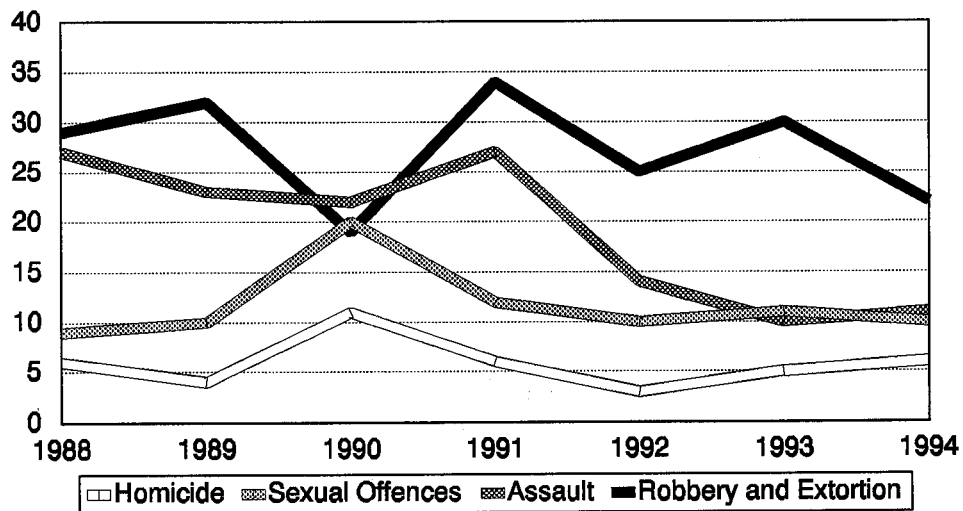
*If people are doing things for kicks, do they now go out and wander around the streets at night looking for someone to mug rather than taking someone's car? (Blackmore Evidence, 28.07.94).*

■ Higher Court Statistics

Some cases involving juvenile offenders may be heard in a higher court, depending on the seriousness of the offence. Figure 10 demonstrates the number of proven cases of homicide, sexual offences, robbery and extortion and assault involving juvenile offenders from 1988 to 1994 in trial and sentence cases. It is difficult to draw conclusions on trends in offending as the small numbers of offenders gives rise to substantial annual variations.

Figure 10

Persons aged under 18 years found guilty in trial and sentence cases finalised  
Homicide, Sexual Offences, Robbery and Extortion, Assault

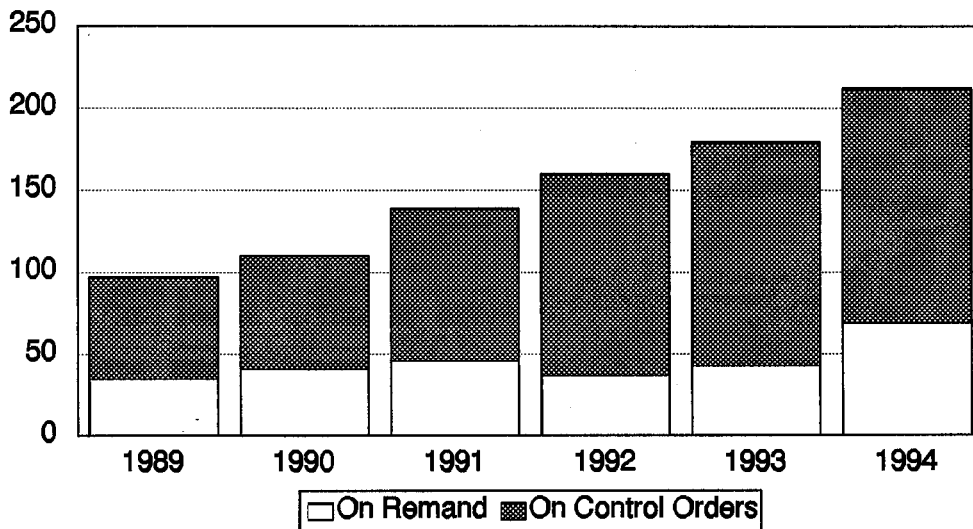


Source: NSW Bureau of Crime Statistics and Research, 1989 - 1995

■ Youths in Detention

The Committee was informed that the number of juveniles in custody for violent offences in 1994 has more than doubled since 1989, as indicated in Figure 11 below. The number of juveniles in custody for armed robbery, sexual assault, grievous assault and unarmed robbery was higher in 1994 than in previous years. The Committee was informed that the population of juveniles detained in New South Wales Juvenile Justice Centres has become increasingly violent in terms of the nature of their offending (Tie Evidence, 29.08.94). As at June 1994, 212 young people were detained in relation to violent offences, representing 44% of the total number of detainees. In contrast, 97 juveniles (29% of the total detainees) were in custody for violent offences on the same day in 1989.

**Figure 11**  
**Number of Juveniles in Custody for Violent Offences (June 1989 to June 1994)**



Source: Tabled Document

As Figure 11 includes both juveniles on control orders and those on remand, the figures relate to proven as well as unproven offences. The 69 juveniles on remand in June 1994 were awaiting court hearings in relation to the following alleged violent offences:

- 17 homicides;
- 8 grievous assaults;
- 15 non-grievous assaults;
- 13 armed robberies;
- 13 unarmed robberies; and
- 3 sexual assaults (Tabled document).

The 143 juveniles on control orders in June 1994 were sentenced to detention for the following violent offences:

- 11 homicides;
- 35 grievous assaults;
- 18 non-grievous assaults;

- 39 armed robberies;
- 26 unarmed robberies; and
- 14 sexual assaults (Tabled document).

A substantial proportion of proven violent offenders are sentenced to serve community service orders. In 1993-94 a total of 539 proven appearances involving violence resulted in a supervised community based order. This represents 18.6% of all juveniles ordered by the courts to serve orders in the community (Tie Evidence, 29.08.94).

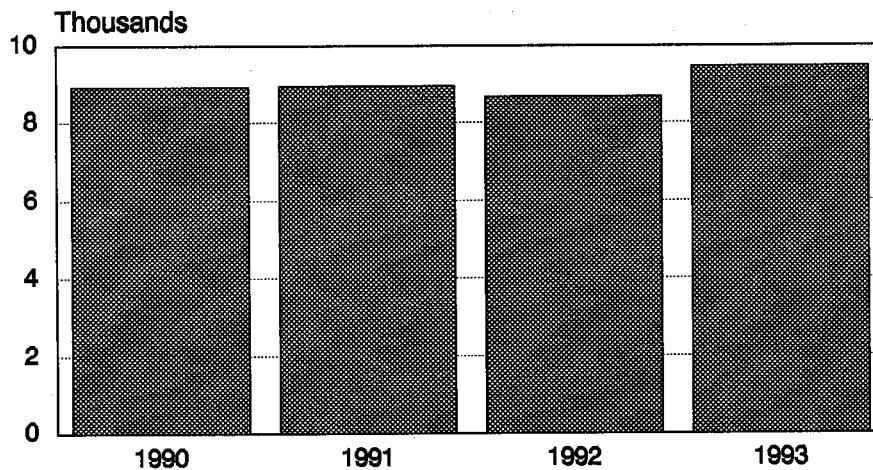
The ethnicity of youth in detention is discussed in Section 2.2.4.

### 2.1.3 The Incidence of Violence Among 18 to 24 Year Olds

#### ■ Police Statistics, 1990 to 1993

The numbers of alleged violent offenders known to be aged from 18 to 24 years for the past four years from 1990 to 1993 is shown in Figure 12 below.

Figure 12  
Number of Alleged Violent Offenders aged 18 to 24 years  
All Offences\*



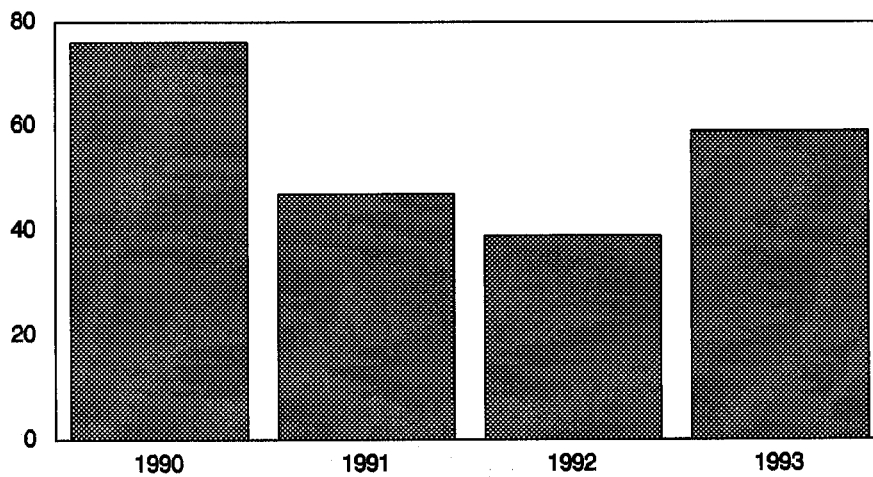
Source: NSW Bureau of Crime Statistics and Research

\* Includes murder; attempted murder; other homicide; assault aggravated; assault non-aggravated; robbery; aggravated sexual assault; sexual assault; aggravated indecent assault; and indecent assault, act of indecency

Figure 12 demonstrates that, while the total number of alleged violent offenders decreased between 1991 and 1992 by 3.1%, there was a 9.3% increase in 1993. As previously mentioned, the limited number of years in this data set prevents definite conclusions on trends from being drawn.

Figures 13 to 16 show annual numbers of alleged violent offenders aged 18 to 24 years for specific offence types. Figure 13 shows that the small number of alleged homicide offenders has resulted in annual variations in both upward and downward directions.

**Figure 13**  
**Number of Alleged Violent Offenders aged 18-24 years**  
**Homicide\***



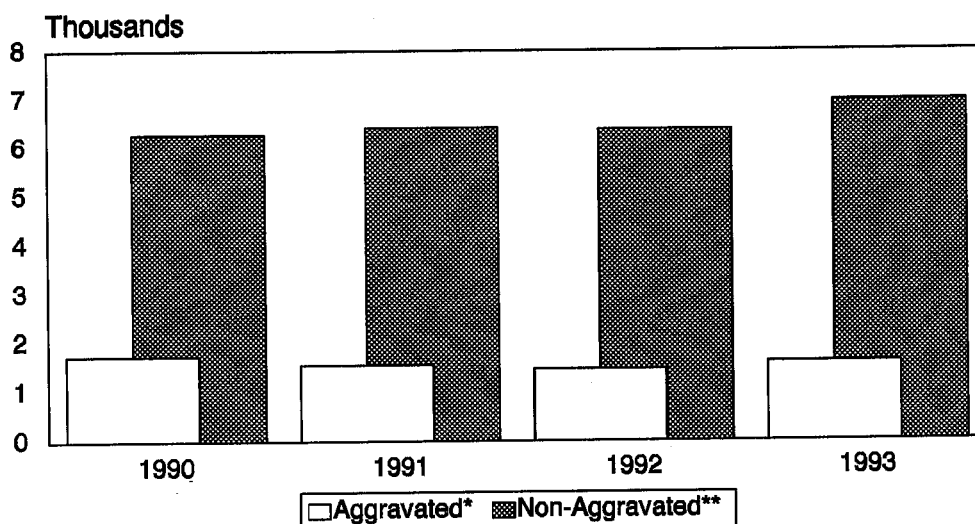
Source: NSW Bureau of Crime Statistics and Research

\* Includes murder, attempted murder, other homicide, and manslaughter (not motoring).

Figure 14 shows that, after annual decreases in 1991 and 1992, the number of aggravated assault offenders increased in 1993, but remained below the 1990 level. The number of alleged non-aggravated assault offenders in 1993 was higher than at any time in the preceding three years, which is comparable to the situation for alleged offenders aged 10 to 17 years.



**Figure 14**  
**Number of Alleged Violent Offenders aged 18-24 years**  
**Assault**



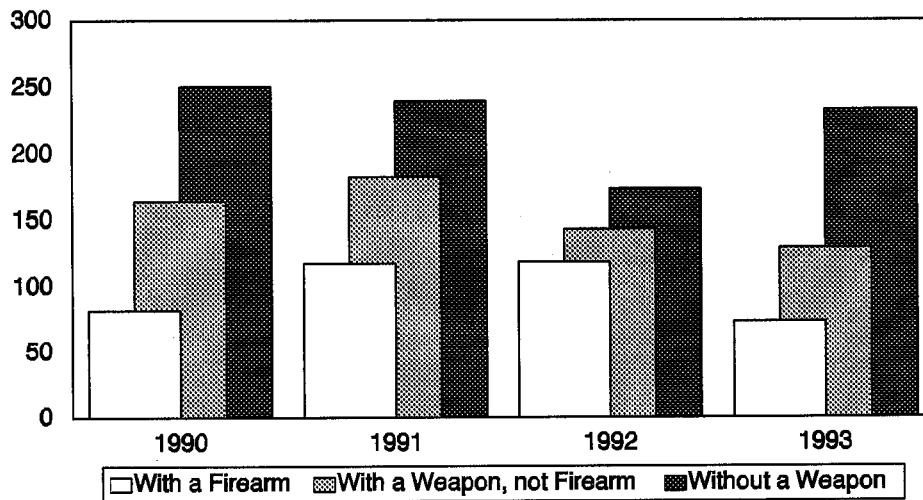
Source: NSW Bureau of Crime Statistics and Research

- \* Incl. assault causing grievous bodily harm; assault occasioning actual bodily harm; malicious wounding; shooting with intent; culpable driving causing grievous bodily harm and negligent act causing grievous bodily harm.
- \*\* Incl. common assault; assaulting police; assaulting female; culpable driving causing actual bodily harm.

Figure 15 shows that in 1993, despite a 34% annual increase in the number of alleged offenders for robberies without a weapon, levels remained lower than was the case in both 1990 and 1991. The numbers of alleged robbery offenders aged between 18 and 24 years armed with either a firearm or another weapon fell to their lowest level in the four year period under review in 1993. This contrasts with the alleged numbers of serious robbery offenders in the 10 to 17 year age group, which rose to their highest level in 1993.

As previously discussed, victims' surveys reveal lower rates of assault and robbery victimisation in 1993-4 but higher reporting rates, with an increase of 15% for robbery offences (Australian Bureau of Statistics, 1994b:6). These variables will be reflected in recorded crime statistics. While victims' surveys do not reveal the age of alleged offenders, the overrepresentation of young offenders in these crimes (discussed in Section 2.1.4) suggests that these trends in reporting rates will affect recorded crime statistics for this group.

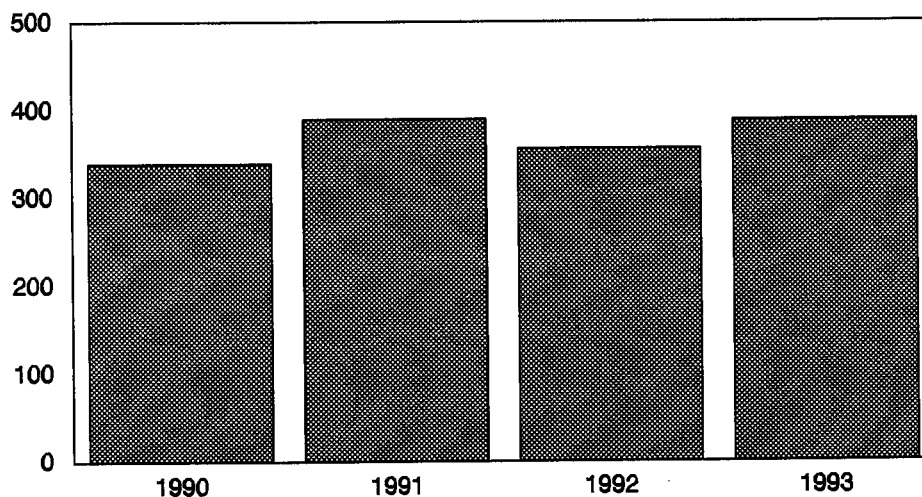
**Figure 15**  
Number of Alleged Violent Offenders aged 18-24 years  
Robbery



Source: NSW Bureau of Crime Statistics and Research

Figure 16 shows that the annual numbers of alleged sexual assault offenders in the 18 to 24 age group has been relatively stable for several years.

**Figure 16**  
Number of Alleged Violent Offenders aged 18-24 years  
Sexual Assault\*



Source: NSW Bureau of Crime Statistics and Research

\* Includes aggravated sexual assault; sexual assault; aggravated indecent assault; and indecent assault, act of indecency.

■ **Police Statistics, 1994 - 1995**

During the twelve months from April 1994 to March 1995, a total of 7,046 incidents were allegedly committed by young people aged from 18 to 24 years. As previously discussed, changes in data systems and recording practices prevent direct comparisons with data from earlier years.

The 7,046 incidents include:

- 46 homicides;
- 6,238 assaults;
- 312 robberies without a weapon;
- 88 robberies with a firearm;
- 110 robberies with a weapon, not a firearm; and
- 252 sexual assaults and indecent assaults.

■ **Criminal Court Statistics**

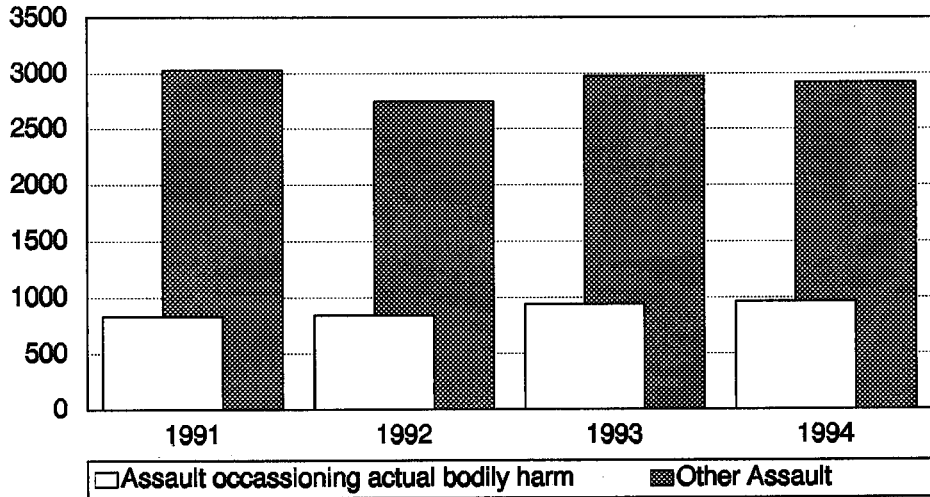
It may be expected that annual movements in the numbers of violent offences proven in the local and higher courts would generally reflect similar annual movements found in data from police statistics. There may, however, be considerable annual variation in the number of cases for which a suspect is prosecuted that will affect this relationship.

Figure 17 below indicates that the number of assault occasioning actual bodily harm offences proven in the local court increased in 1993 and 1994. However, the rate for other assaults in 1994 remained lower than 1991 levels, in contrast to recorded crime statistics. The delay in cases being brought to court and finalised may result in a lag between annual movements in recorded crime statistics and court statistics.

Figure 18 indicates that the number of sex offenders found guilty in local court appearances has increased in recent years. However, as very few cases are finalised in the local court, no firm conclusions can be drawn from annual increases or decreases.

Figure 17

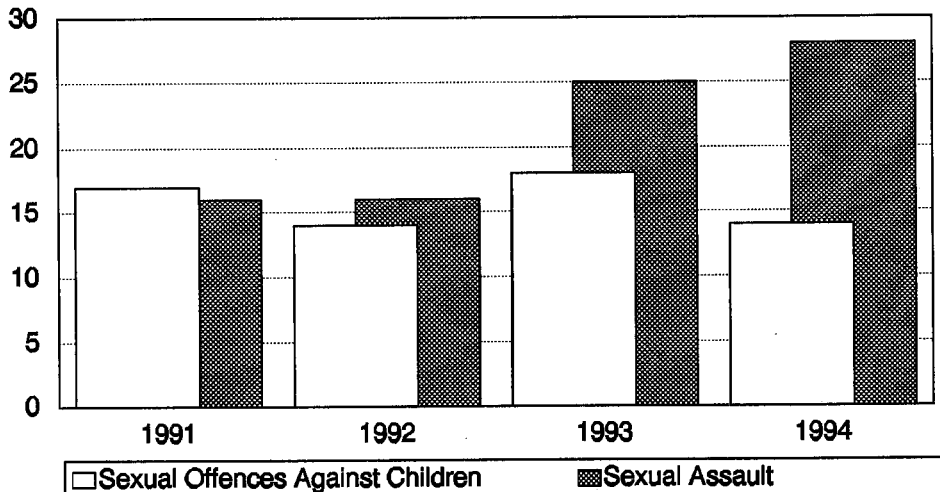
Persons aged 18 - 24 years Found Guilty in Local Court Appearances Finalised  
Assault



Source: NSW Bureau of Crime Statistics and Research, 1992 - 1995

Figure 18

Persons aged 18 - 24 years Found Guilty in Local Court Appearances Finalised  
Sexual Offences



Source: NSW Bureau of Crime Statistics and Research, 1992 - 1995

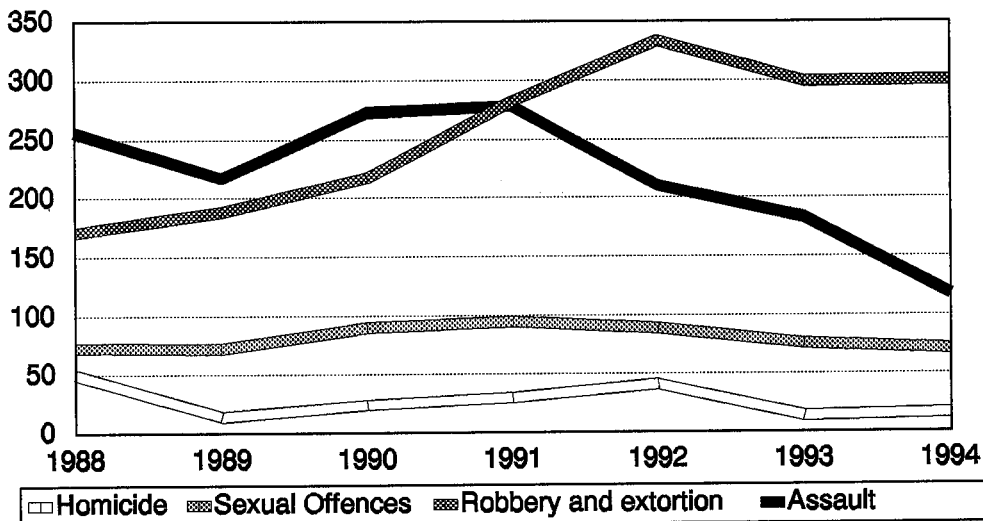
Figure 19 contains data relating to finalised trial and sentence cases. The number of persons aged from 18 to 24 years convicted of homicides and sexual offences has been relatively stable since 1988. In contrast, the number of proven robbery and extortion offenders has risen substantially in recent years. Despite a slight decrease in 1993, the number of proven offenders in this category remains 64.5% higher in 1994 than in 1988, and is likely to increase further as the increased number of cases which came to the attention of police in 1993 move through the court system.

Data relating to the number of proven assault offenders suggest that the number of convictions has been declining since 1991. This trend perhaps reflects the decline in the number of alleged aggravated assaults to 1992 recorded in police statistics. However, the small number of cases in this data set prevents conclusions on the significance of annual variations being drawn. In addition, Figure 17 revealed the number of offenders found guilty of assault occasioning actual bodily harm in the local court had increased in recent years.

Figure 19

Persons aged 18 - 24 years Found Guilty in Trial and Sentence Cases Finalised

Homicide, Sexual Offences, Robbery and Extortion, Assault



Source: NSW Bureau of Crime Statistics and Research, 1989 - 1995

■ Prisons and Violence

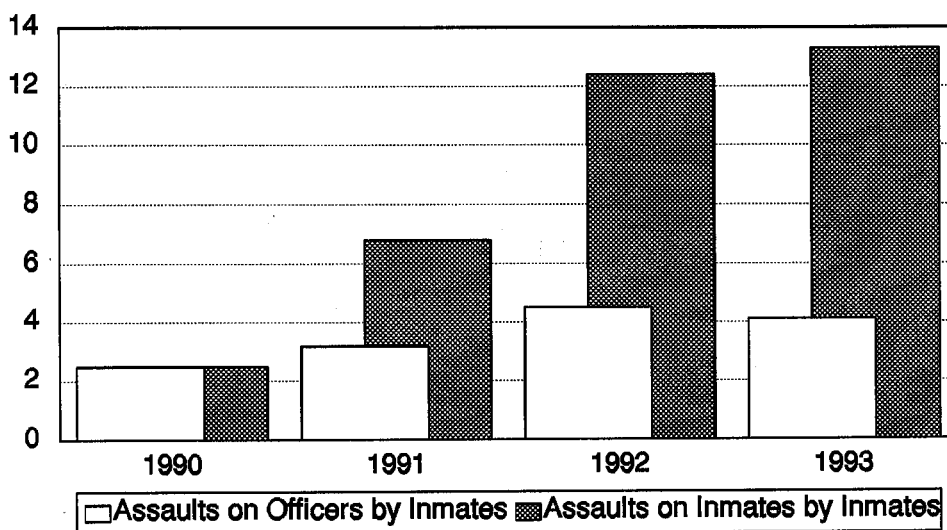
Data relating to prison inmates gaoled for violent offences may also contribute to a more complete picture of the extent of youth violence. The Committee was informed in 1994 that of a total of 7,351 prisoners in NSW, 2,098 are aged between 18 and 24 years. From this group, 716 inmates were in prison for violent offences, consisting of 696 males and 20 females, which represents 9.7% of the total prison population (Vita Evidence, 29.08.94).

Examining statistics on violence within the prison system is also relevant. The Committee heard that over the last three years the rate of assaults and fights per 100 inmates has risen. While no separate statistics are available for inmates aged from 18 to 24 years, the Committee was informed that statistics from Oberon and Parklea, which are specific young offenders' institutions, may indicate trends in violence by young inmates.

Oberon has been free of assaults on officers in recent years. Oberon has a small population of inmates (an average of 65 in 1993). The total of five assaults on inmates by inmates recorded in 1993 resulted in the highest assault rate per 100 inmates in the last four years. However, few conclusions can be drawn from these data, as a small increase in the number of assaults may have a dramatic effect on the rate per 100 inmates.

With an average daily population of 270 inmates, data relating to Parklea are more reliable than Oberon data. Figure 20 below indicates the incidence of violence in this correctional institution.

**Figure 20**  
**Assaults in Parklea Correctional Centre per 100 inmates**  
**1990-1993**



Source: Tabled Document

The incidence of assaults on officers by inmates at Parklea rose from 1990 to 1992, but was somewhat lower in 1993, with a total of eleven assaults, seven of which resulted in an injury. A further five assaults on officers were recorded in the first four months of 1994. In contrast, the rate of assaults on inmates by inmates has increased by a total of 432% from 1990 to 1993. Of the 36 assaults in 1993, seven were considered serious, and a further four resulted in hospitalisation. In addition to the 36 assaults, there were 20 fights between prisoners in 1993. A further 13 assaults on inmates by inmates, two of which were regarded as serious, and 14 fights were recorded in the first four months of 1994 (Tabled Document).

The Committee heard that victims of inmate to inmate violence are often newcomers in the prison system, and that a vulnerable time is the evening, prior to inmates being locked in their cells.

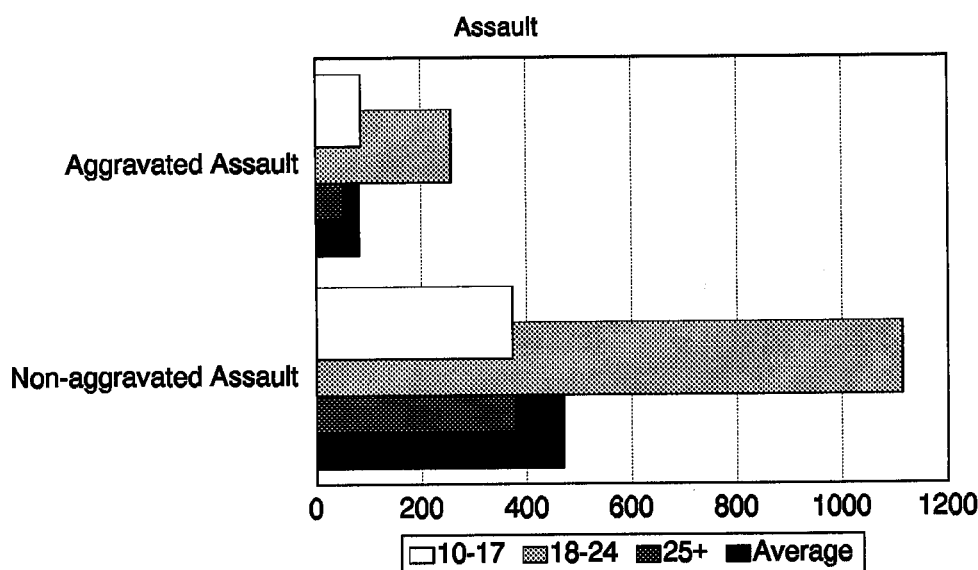
While annual increases in prison violence are disturbing, it is difficult to draw firm conclusions from these data. The Superintendent of the Reception and Industrial Centre at Long Bay Correctional Centre suggested to the Committee that prison systems reflect what is happening in the community, and therefore the escalation of fights and assaults by inmates within prisons is of "no surprise". He also suggested that the statistics may not reflect any actual increase in violent assaults. The increasing focus on the "duty of care" by personnel of the Department of Corrective Services may have contributed to the reporting of more incidents, including cases where one inmate pushes another, which is classified as an assault (Vita Evidence, 29.08.94).

In investigating the effect of imprisonment on violent offenders, the Committee was informed that no research has been conducted into re-offending by violent offenders released from New South Wales' prisons (Vita Evidence, 29.08.94). Issues relating to correctional institutions are further discussed in Chapter Twelve.

#### 2.1.4 Youth Violence in Perspective

To place violent offending by young people in perspective, it is useful to compare the rates of alleged offenders in the 10 to 17, 18 to 24 and over 24 years age groups, expressed in terms of the relative proportion of the total population that these groups constitute. Figure 21 below compares the rate of assault per 100,000 population for these groups, based on offenders as recorded by the police.

**Figure 21**  
Rate of Alleged Violent Offenders aged 10 to 17, 18 to 24 and over 24 years per 100,000 Age-specific Population for 1993



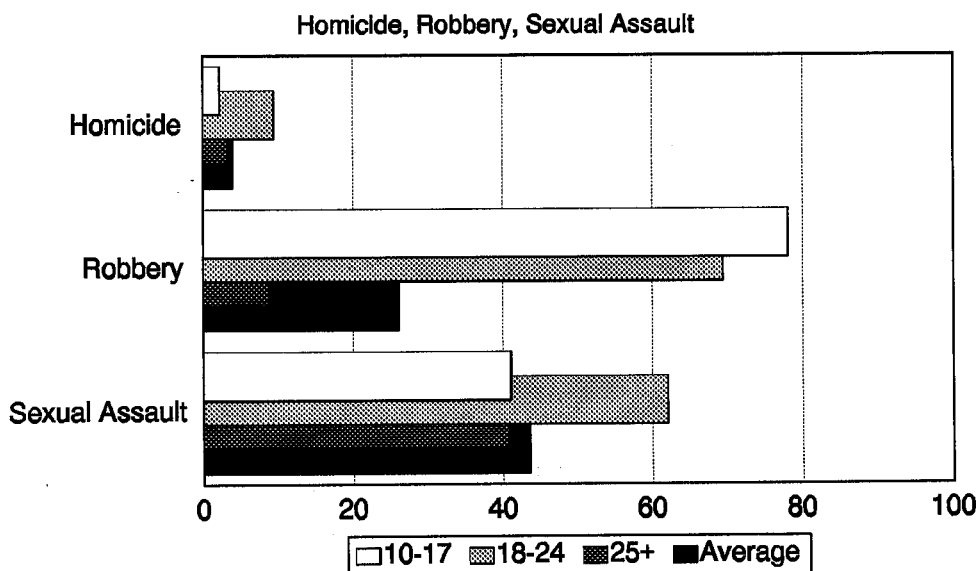
Source: NSW Bureau of Crime Statistics and Research for numbers of offenders; population figures based on 1991 census.

While the rate of aggravated assault offenders in the 10 to 17 year age group is not notably higher than the average rate, the 18 to 24 year group are markedly over-represented, with three times the average rate of offending, and five times the rate for the 25 year and over group. A similar pattern is evident in rates for non-aggravated assault. The rate of offending among the 10 to 17 year group is slightly lower than the rate for the 25 year and over group, while the rate for the 18 to 24 year group is close to three times that of the other groups.

Figure 22 contains data relating to the rates of alleged homicide, robbery and sexual offenders per 100,000 of the population in each age group.

Figure 22

Rate of Alleged Violent Offenders aged 10 to 17, 18 to 24 and over 25 years per 100,000 Age-specific Population for 1993



Source: NSW Bureau of Crime Statistics and Research for numbers of offenders; population figures based on 1991 census.

While the rate of alleged homicide offenders in the 10 to 17 age group is 43% lower than the overall rate, the rate for the 18 to 24 year age group is 139% higher than the average. Both age groups are over-represented in statistics relating to robbery offences. While the overall rate is 26.04 offenders per 100,000 population, the rate for 10 to 17 year olds is three times higher than this average, and close to nine times the rate for offenders over 25 years. The rate for the 18 to 24 years group is over 2.5 times higher than the average, and close to eight times the rate for those aged 25 years or older.

The rate for sexual offenders in the 10 to 17 year age group is slightly lower than the average, while the rate for the 18 to 24 year segment of the population is over 50% higher.

As these comparisons demonstrate, young people are disproportionately responsible for the violent offences that come to the attention of the police. This is particularly true for alleged offenders aged 18 to 24 years in relation to assault, and for those aged 10 to 17 years for robbery offences.



**2.2 THE CHARACTERISTICS OF YOUTH VIOLENCE**

**2.2.1 Location of Offending**

■ **Offending in New South Wales**

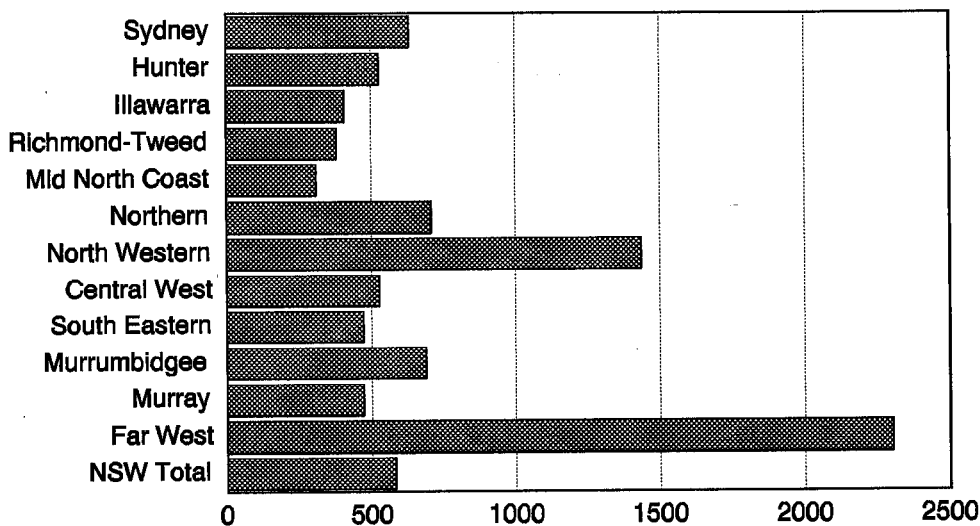
Data in the Committee's Youth Violence Issues Paper revealed substantial variation in the incidence of violent offenders across the various statistical divisions of the state. The Far West and North Western regions had comparatively higher rates for both the 10 to 17 and 18 to 24 year age groups for offences against the person in 1992. For robbery offenders, the Sydney statistical division had a higher comparative rate than other regions.

Figures 23 and 24 are based on data for all violent offenders, including robbery offenders, recorded in 1993 as being in the 10 to 17 years and 18 to 24 years age groups respectively. The Far West and North Western areas continue to have disproportionately high rates, even though robbery offences are predominantly committed in the Sydney area. While these areas have higher proportionate rates for alleged offenders for all age groups than other areas, this is particularly true for the younger age groups.

**Figure 23**

**Rate per 100,000 Age-specific Population of Alleged Violent Offenders aged 10-17 years, NSW Statistical Divisions**

1993

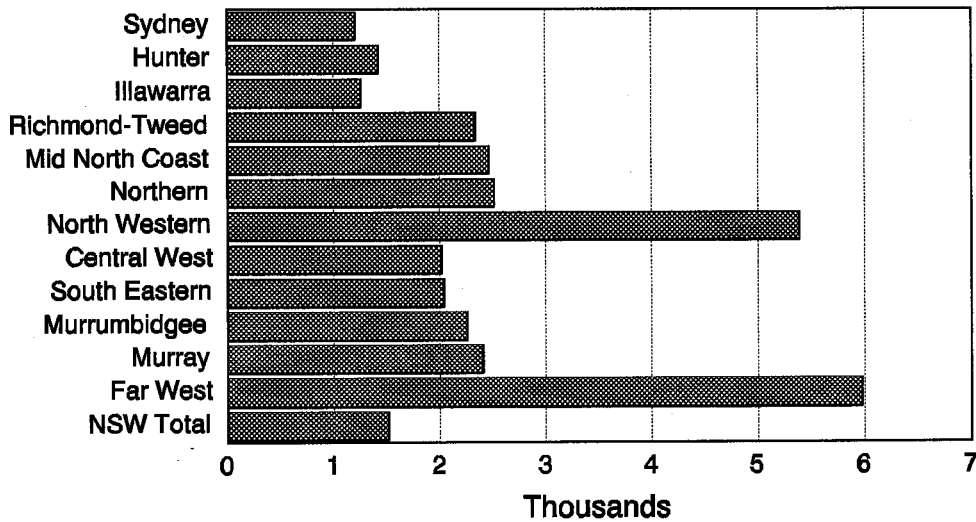


Source: NSW Bureau of Crime Statistics and Research

Figure 24

Rate per 100,000 Age-specific Population of Alleged Violent Offenders aged 18-24 years,  
NSW Statistical Divisions

1993



Source: NSW Bureau of Crime Statistics and Research

It is difficult to draw firm conclusions from these statistics. One witness suggested to the Committee that crime statistics will vary across different areas because of different levels of police and judicial intervention (Marsden Evidence, 01.11.93). During its Inquiry into Juvenile Justice in New South Wales, the Committee heard of a study of policing in one town which revealed the reluctance of police to charge "whites" compared to Aborigines (Standing Committee on Social Issues, 1992:73).

While some of the discrepancies in Figures 23 and 24 are probably attributable to differential levels of intervention, the size of the discrepancies must be reason for concern in any examination of youth violence.

Issues relating to Aboriginality are further dealt with in Section 2.2.4.

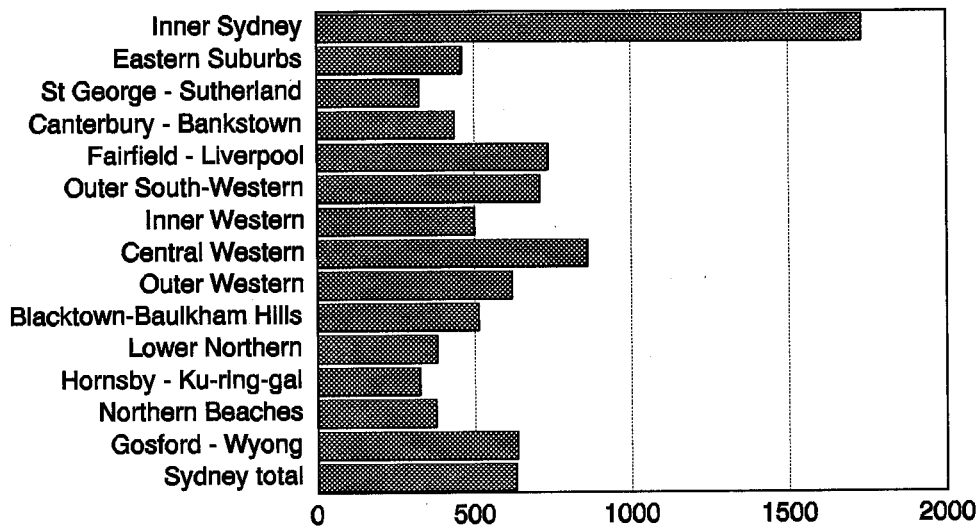
■ Offending in Sydney

Data relating to Sydney's statistical sub-divisions are shown in Figures 25 and 26 below.

Figure 25

Rate per 100,000 Age-specific Population of Alleged Violent Offenders aged 10-17 years, Sydney Statistical Sub-divisions

1993

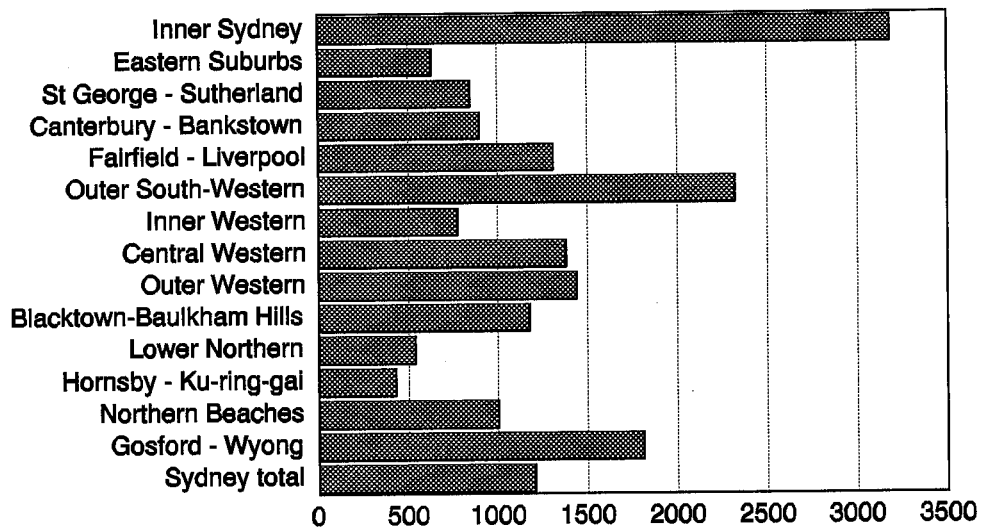


Source: NSW Bureau of Crime Statistics and Research

Figure 26

Rate per 100,000 Age-specific Population of Alleged Violent Offenders aged 18-24 years, Sydney Statistical Sub-divisions

1993



Source: NSW Bureau of Crime Statistics and Research

The Inner Sydney area has the highest comparative rate for offenders in all age groups. Robbery and assault offences may be higher in this area as a result of the business district attracting large numbers of people for both work and recreation. Offenders committing crimes in this area may also reside in other areas. The Committee heard from an officer of the Department of Juvenile Justice that most violence occurs in metropolitan areas due to the high concentration of youth populations. He also suggested that

*Cities tend to attract the unemployed, the homeless, and also provide opportunities for more danger-related activities, for instance the night life, the availability of prostitution, drug trafficking and supply (Loughman Briefing, 17.09.93).*

Other regions with a rate for 10 to 17 year olds which is significantly above the average include the Central West, Fairfield, and Outer South Western districts. For the 18 to 24 year group, the Outer South Western region has a high comparative rate, with Gosford, the Outer West and Central West also over-represented.

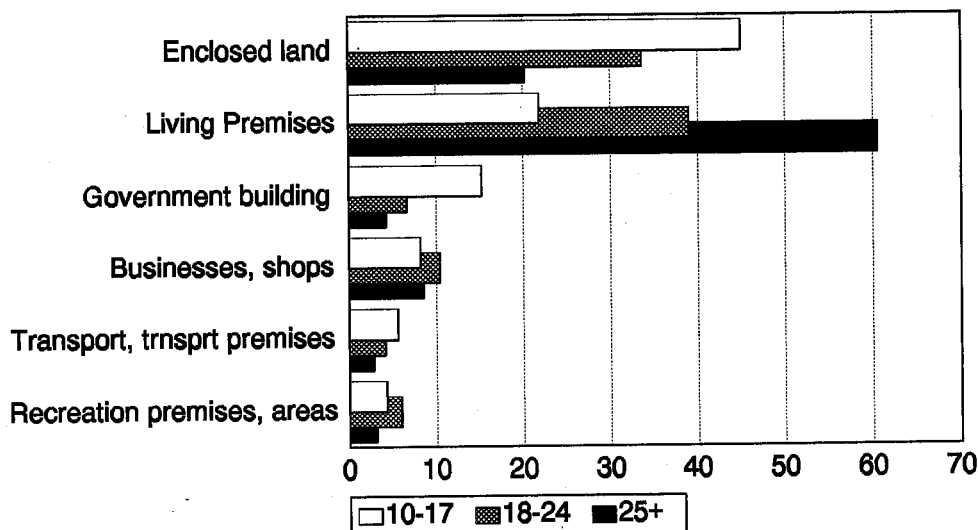
#### ■ Offending Environments

In addition to considering areas of the state or regions of Sydney in which violence occurs, it is also useful to evaluate specific surroundings in which violence predominantly occurs. Figure 27 below shows the percentage of alleged assault offenders in the various age groups by the location in which the offence occurred.

A comparatively high proportion of the offences attributed to persons aged between 10 and 17 years were allegedly committed on "enclosed land". These were primarily offences committed on the street, although substantial numbers of assaults were also committed at parks or sports grounds, in parking areas, and in grass or scrub areas. A considerably higher proportion of assault offences by 10 to 17 year olds were recorded as occurring at government buildings than was the case with the older age groups. The majority of these assaults occurred at schools, reflecting the daily structure of the lives of these young people. A larger proportion of assaults by this age group also occurred on public transport, particularly trains, again reflecting the different lifestyles of young people when compared to their older counterparts.

Figure 27

Percentage of Alleged Assault Offenders by Location of Offence, 1993  
10 to 17, 18 to 24 and over 25 years



Source: NSW Bureau of Crime Statistics

The assaults perpetrated by the 18 to 24 year age group on enclosed lands were predominantly on streets or at parks or sportsgrounds. A higher proportion of assaults by this age group also occurred at businesses or shops and at recreation premises, particularly hotels and clubs, corresponding to the recreation patterns of young adults.

Over 60% of the assaults by the over 25 year age group were committed in the home, revealing that domestic violence is predominantly perpetrated by older people. However, close to 40% of the assaults committed by persons in the 18 to 24 year age group were also committed in the home, which was the single most frequent location, which suggests that the shift in patterns of offending begins at a relatively early adult age. This is not to suggest that offenders who previously committed street offences will turn to domestic violence as they grow older. Many young offenders will simply grow out of their offending behaviour, while many domestic violence offenders will not have a history of offending as juveniles.

### 2.2.2 Use of Weapons

As discussed in Section 2.1.2, there were annual increases in the number of alleged armed robbery offenders aged between 10 and 17 years, from 121 in 1992, to 214 in 1993. The 1993 figure comprised 68 alleged offenders for robbery with a firearm, and 146 for robbery with a weapon other than a firearm. There were 131 armed robbery incidents allegedly committed by offenders in this age group in the twelve months from April 1994 to March 1995, with nine of these incidents involving a firearm. While the two data sets are not directly comparable, the 1994-95 data are more reliable, and give a clearer indication of the prevalence of the use of weapons by the group of alleged offenders aged 10 to 17 years.

The number of robberies allegedly committed by persons aged between 18 and 24 years armed with either a firearm or another weapon fell to a level lower than in preceding years in 1993, with 73 and 129 alleged offenders in the respective categories. In the twelve months to March 1995, there were 88 incidents involving firearms, and 110 involving other weapons.

The Senior Children's Magistrate suggested to the Committee that the carrying of knives by juveniles is "very frequent" both in the community and in schools:

*The kids who do it will usually say not that it is there to peel their orange or they are going fishing with it but, "We are carrying it for our own protection"* (Blackmore Evidence, 28.07.94).

One Year 12 student who contributed to a submission to the Committee stated that "I feel that carrying a knife for protection is most valuable" (Submission 58).

The Senior Children's Magistrate suggested this concept of self-protection is "rather foolish" because the people who might wish to use a knife for their own protection are probably the least able to do so and are likely to find the knife turned on themselves when they are disarmed. If they do use a knife in some confrontation, they may cause greater injury than is justified by self-defence and face criminal prosecution, including a charge of manslaughter (Blackmore Evidence, 28.07.94).

A consultant's report prepared for the NSW Police Service, *Street Gangs*, states:

*there is growing anecdotal evidence of increasing incidence of weapons among youth. This includes guns with youths claiming they are "easy to come by" .... if verified [this] is a most worrying development* (Pulse Consultants, 1994:26).

The police response to weapons is discussed in Chapter Eleven.

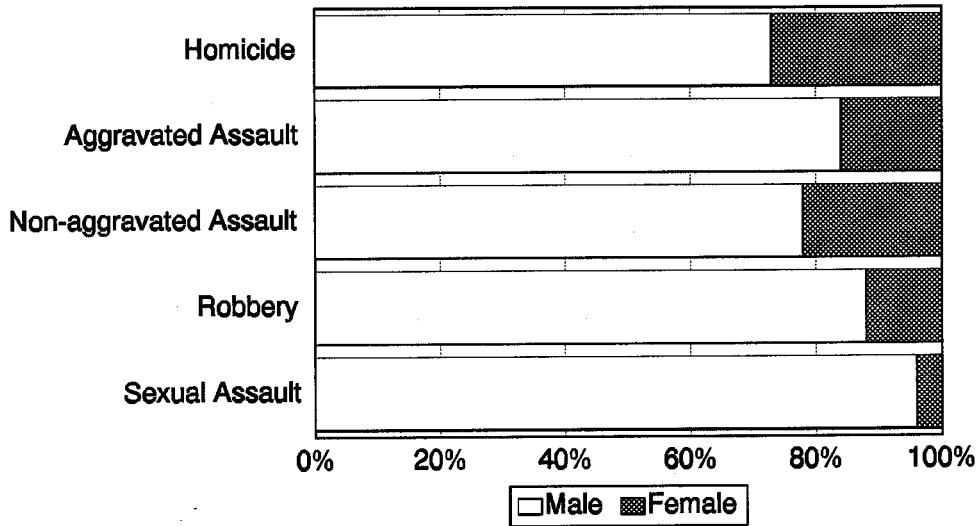
### 2.2.3 Violence and Gender

**Recorded crime statistics considered by the Committee reveal that violence is an overwhelmingly male phenomenon.** Figures 28 and 29 below provide details of the relative proportions of violent offences allegedly committed by male and female offenders aged from 10 to 17 years and 18 to 24 years respectively.

Figure 28

Percentage of Male and Female Alleged Violent Offenders aged 10 to 17 years (%)

1993

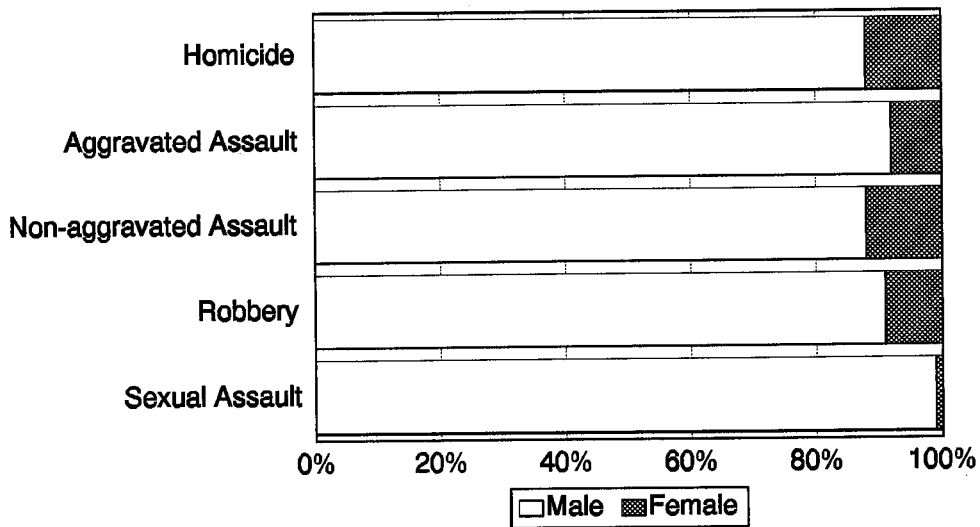


Source: NSW Bureau of Crime Statistics and Research

Figure 29

Percentage of Male and Female Alleged Violent Offenders aged 18 to 24 years (%)

1993



Source: NSW Bureau of Crime Statistics and Research

The Committee recognises that violence is predominantly a male behaviour, and the issue of gender will be addressed in subsequent chapters of this report. However, the Committee heard from a number of witnesses suggesting that violence is deemed acceptable when it is perpetrated by young men, but female perpetrators are viewed differently. The Committee heard a range of evidence on the response to violence by young women. One worker in a residential facility informed the Committee that one young female client had been involved in a school fight which was made into a major issue:

*I am sure if that was the boys it would have been, "stop sparring boys, come on" and they would separate them (Wilson Evidence, 29.07.94).*

The witness differentiated between internal and external violence for young women and young men, suggesting that women are taught to express anger internally, in the form of self-mutilation, drug abuse, eating disorders and even forming relationships. When young women do express anger and act violently, it is noticed more and not tolerated as much as it is for young men (Wilson Evidence, 29.07.94).

Another witness suggested that

*being bad can actually be a sort of romantic, positive image for blokes. There is no notion of badness that is acceptable for women (Alder Evidence, 29.07.94).*

A study of all juveniles in detention as at 13 April 1993 revealed that of the 25 young women in detention on that date, 17 had a history of harming others, with ten of these females having three or more proven offences of violence against others. The report notes that young women are more likely to appear before the court as a result of action initiated by parents and others not involved in law enforcement (Cain, 1994:37).

It was suggested to the Committee that the records of young women in youth institutions or the juvenile justice system have details of arguments and fights that would not be recorded for young men. It has also been claimed that girls living in community homes who became involved in disruptive behaviour are often reported to police by staff and subsequently charged with an offence and transferred to a detention centre. Differences have also been noted in the way in which Aboriginal young women's behaviour is defined and responded to (Alder Evidence, 29.07.94).

In contrast, one welfare worker suggested

*It is also more likely, if these young women come to the attention of the police, for the police to talk to them, boot them out of the station and not charge them (Condonis Evidence, 29.08.94).*

This witness suggested that some young women she had worked with had been as physically aggressive and as dangerous as young male perpetrators of violence. Her clients have included four females who have offended sexually against younger females and males. It was claimed that in such cases

*the police are not interested because they are females. They must have been sexual assault victims, therefore, they can be excused (Condonis Evidence, 29.08.94).*



While acknowledging the probable underlying reasons for the offending behaviour, the witness suggested the offending behaviour must be appropriately addressed (Condonis Evidence, 29.08.94). Another witness contended that, while the violence perpetrated by male and female offenders share certain features, a distinctive aspect for young women is the level of sexual violence in their lives (Alder Evidence, 29.07.94).

#### 2.2.4 Race

##### ■ Ethnicity of Youth in Detention

The Committee is aware that young people of particular ethnic/cultural groups are over-represented in the juvenile justice system in relation to violent offences.

Figures 30 and 31 demonstrate the ethnicity or cultural background of all young offenders in Juvenile Justice Centres for violent offences and robberies respectively from 1991 to May 1993.

As the graphs below demonstrate, Aboriginal juveniles were substantially over-represented in Juvenile Justice Centres in New South Wales during this period. They accounted for 28.4% of all violent offenders and 24.1% of all robbery offenders, although young Aborigines aged from 10 to 17 years represent only 1.86% of the youth population in this age group (Australian Bureau of Statistics, 1993:18). As at 13 April 1994, there were 46 Aboriginal juveniles on control orders for violent offences, and 15 on remand (Cain, 1995:25).

Lebanese juveniles were also over-represented among youth in detention, with 59 detained for violent offences and 56 for robberies from 1991 to May 1993. This represented 5.6% and 2.8% of these respective offenders, while young people from this ethnic group constitute less than 0.9% of the youth population of 12 to 25 year olds (Australian Bureau of Statistics, 1993:21). Similarly, while 1.6% of this population segment are from New Zealand, including Maoris, juveniles from these groups were responsible for 3.6% of the violent offences and 3.8% of the robbery offences that resulted in detention in a Juvenile Justice Centre during this period. On 13 April 1994 there were five Lebanese juveniles on control orders for robbery and extortion, and four on remand for violent offences. Five Maori young people were on control orders and four on remand in Juvenile Justice Centres on that date (Cain, 1995:31-33).

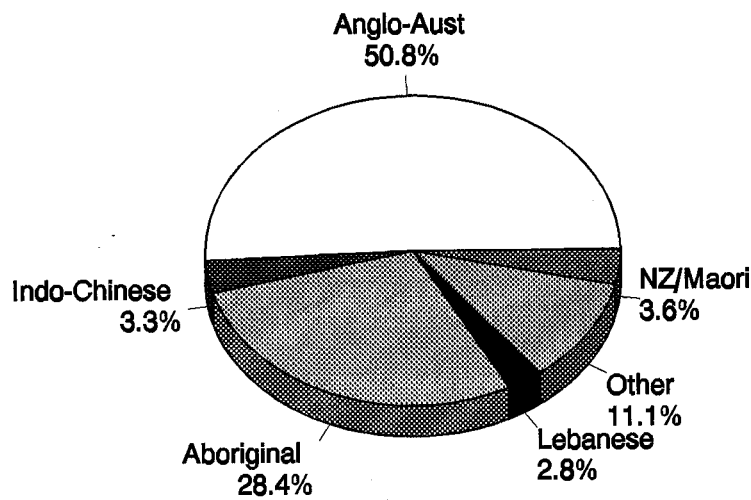
While the variations in the percentages of most ethnic and cultural groups in Juvenile Justice Centres since 1991 were minor, there was a significant increase in the percentage of Indo-Chinese young people, from 1.6% in 1991 to 6.2% as at 31 May 1993 (Graham, 1993:2). While the majority of these juveniles had been detained for theft or drug offences, 63 Vietnamese and seven Cambodian youth had been in Juvenile Justice Centres for violent offences between 1 January 1991 and 31 May 1993. This represents 3.3% of all juveniles in detention for violent offences, although young people from these cultural groups comprise 1.5% of the youth population (Australian Bureau of Statistics, 1993:21). In addition, a further 30 Vietnamese juveniles had been detained for robbery, representing 3% of all such cases (Tabled Document). As at 13 April, 1994, there were eleven Indo-Chinese youths on control orders for violent offences, and five on remand (Cain, 1995:27).

While census figures are not available for young people of Pacific Island background, it is clear that a disproportionate number are now in custody, and this over-representation is increasing. The number of Pacific Islander detainees increased by 75% from April 1993 to April 1994, and the offences for which these youth were placed in custody suggest a tendency towards violent

criminal activity. As at 13 April 1994, 12 Pacific Islander people were on control orders for violent offences, with five on remand for such offences (Cain, 1995:30).

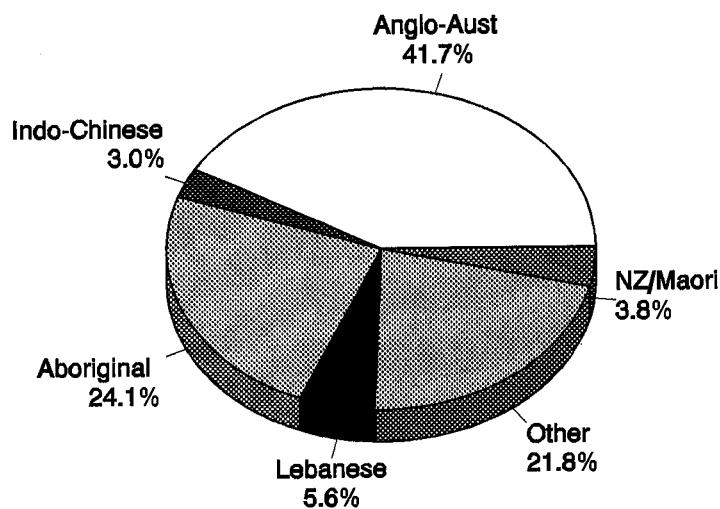
The Committee recognises that the representation of young people from certain ethnic or cultural groups may be due to the life experiences of individuals from these groups, or may be a result of police targeting these individuals. The need for culturally appropriate programs for these groups is discussed in Chapter Twelve.

**Figure 30**  
**Violent Offences by Ethnicity/Cultural Background**  
**NSW Juvenile Justice Centres, 1 January 1991 to 31 May 1993**



Source: Tabled Document

**Figure 31**  
**Robberies by Ethnicity/Cultural Background**  
**NSW Juvenile Justice Centres, 1 January 1991 to 31 May 1993**



Source: Tabled Document

■ **Racial Tension**

The Committee heard a range of evidence relating to racial tension. One witness attributed a violent incident in 1993 to a group which "periodically lays siege to part of the suburb". The Committee heard that a youth was assaulted in a pool hall and then summoned a number of his own friends, who responded in kind upon the group that had attacked him. A ten minute battle involving baseball bats, billiard cues, knives, machetes and an axe ensued on the main street, with one youth receiving a serious laceration to his leg (In camera Evidence). However, rather than being racially motivated, the Committee heard from another witness that the assault followed the failure of one boy to pay a debt of money that was allegedly lost over a game of pool to a boy of a different racial background (In camera Evidence).

Several students from one suburban school that sent a submission to the Committee suggested that a lot of fights are started by students of a particular racial background identifying as "homies". It is suggested that these students have bashed teachers at a neighbouring school, and threatened others to ensure they do not intervene in the harassment of other students (Submission 58). It is difficult for the Committee to separate the truth of such allegations from perceptions of other cultures that may be false, and which may lead to a self-perpetuating cycle of polarisation, racism and violence.

While many young people from non-English speaking cultures are second generation Australian, having been born and educated here, their families may adhere to the social values of their country of origin. These values may include prejudice against or conflict with other cultural or religious groups.

Similarly, young people or children coming to Australia as refugees from war-torn countries may have been in camps where they have been exposed to violence:

*the only model of how to live that they know is extreme violence (Hirsch Evidence, 01.11.93).*

The principal of a school with a large number of refugees advised the Committee that these children face considerable stress:

*A number of my students are the head of the family and they bring up the siblings while their parents are in camps or are still overseas (James Evidence, 22.02.94).*

It was also suggested to the Committee that many people from non-English backgrounds come from countries where the police force is part of the authoritarian regime which rules the country. Citizens in these countries are instilled with a strong fear of the police which can affect relations with the police and institutions in their new home (D'Astoli Evidence, 10.02.94).

Violence can also be a response to the way racial groups are perceived or treated by other groups, and may be used a means to gain respect when no other apparent means are available to them.

It was also suggested to the Committee that focussing on racial tension may only serve to obscure the true dynamics of violent confrontation:

*Racial tension is a feature of Australian life but, in my view, ethnic identities are almost peripheral [in violent incidents] and often the real issue is masculine confrontation. Ethnic identities often provide the spark, but underneath that is the willingness of young males to engage in adventurous, risk-taking behaviour (Polk Evidence, 29.07.94).*

■ **Aboriginality**

In examining breaches of the law by youth in Moree, Bourke and Walgett, the Community Youth Support Taskforce found that the problems leading to young people being on the streets late at night were primarily, but not exclusively, to be found in the Aboriginal communities:

*a lot of it is gang behaviour between Aboriginal children and white children  
.... a lot of it is driven by poor race relations (Schwager Evidence, 29.07.94).*

While Aboriginal youth may be over-represented in groups on the streets late at night, this is not to suggest that all these children are involved in criminal behaviour or violence. The Moree Youth Co-ordinator suggested to the Committee that a number of Aboriginal and non-Aboriginal youth are participating in violent activities, and that socio-economic patterns are more of a determinant in this type of behaviour than race (Green Evidence, 29.07.94).

The Walgett Youth Co-ordinator stated that:

*because of the highly visible lifestyle of Aboriginal people, they are the ones who are perceived as being violent, when that is not the case (Gleeson Evidence, 29.07.94).*

A similar perception exist regarding urban Aboriginal communities:

*There isn't more violence amongst Aboriginal youth, certainly in Redfern and Waterloo ... there are assumptions made [but] ... I would suggest that that is not the case (Brown Evidence, 25.10.93).*

A study of young people in detention found that the offence profile of Aboriginal juvenile offenders was no more violent than the offence profile for all detainees (Cain, 1994:40,42). In another study of 2,165 police cautions and 16,100 finalised court appearances during 1990, Luke and Cunneen (1995:iv) found that the demographic over-representation of young Aboriginal people progressively increases with each successive point of discretion, with higher levels of over-representation with the most severe outcomes, such as detention orders. Aboriginal young people comprised 7.1% of police cautions, 15.6% of court appearances and 26.6% of detention orders during 1990. Luke and Cunneen suggest the over-representation of young Aboriginal people may be the result of the complex interaction of a range of factors such as higher levels of offending; high police staffing levels in areas in which larger Aboriginal populations reside; discrimination by the police and courts; and the use of minor good order and street offences to arrest Aboriginal young people.

Profiles of violent offending by Aboriginal and non-Aboriginal juveniles are shown in Table Three below:

**Table Three  
Offences By Indigenous Status  
1990**

Offences	non-Aboriginal		Aboriginal	
	No.	Rate*	No.	Rate*
Homicide/Manslaughter	6	0.02	3	0.24
Armed Robbery	35	0.05	3	0.24
Sexual Assault	83	0.12	9	0.73
Unarmed Robbery	47	0.07	8	0.65
Grievous Assault/Malicious Wound	918	1.37	192	15.48
Other Assault	1002	1.50	277	22.34

\* Rate is calculated per 1,000 relevant youth population  
Source: Luke and Cunneen, 1995:11.

Luke and Cunneen (1995:v) conclude that there appears to be some bias against young Aboriginal people in police decisions to arrest and prosecute. However, Aboriginal young people and non-Aboriginal young people with equivalent criminal histories appear to be treated equally by the courts. Due to the longer average criminal histories, a much higher proportion of Aboriginal court appearances result in detention. In addition, the average age of first detention order is lower for young Aboriginal people.

The Committee heard that Aboriginal youth from rural communities who do enter the criminal justice system may remain in urban areas and not return to their communities. A representative of the Department of Juvenile Justice suggested to the Committee that such youths may establish bonds with other young people in Juvenile Justice Centres, which provide an incentive for remaining in the metropolitan area (Loughman Briefing, 17.09.93).

The Committee heard that incidents of violence on behalf of young Aboriginal people are often a response to racist remarks and comments:

*The violence towards Aboriginal young people is across the board ... if you are an Aboriginal young person you cannot catch a taxi because no one will stop to pick you up so you get very angry about that (Brown Evidence, 25.10.93).*

It was also suggested that teachers with racist attitudes have been violent towards Aboriginal students (Brown Evidence, 25.10.93). While women generally report less physical violence at the hands of police than men, the Committee was informed that research evidence suggests that this is not necessarily the case with young Aboriginal women (Alder Evidence, 29.07.94).

### 2.2.5 "Gang" Violence

The Committee heard a range of evidence on the involvement of young people in gangs in New South Wales. The Committee believes that the term "gang" is often used erroneously to denote any group of young people, and that caution should be exercised in the usage of the term.

The Committee heard a number of alternative definitions for the term "gang". One submission to the Committee containing research on gangs in the United States and New South Wales defined a gang as "a group of three or more persons who may have a common name, symbol or sign and who regularly associate together for a common purpose which is considered to be disreputable" (Submission 16). However, in the 1994 study for the NSW Police Service by Pulse Consultants, *Street Gangs*, a street or youth gang is defined as

*several people who regularly act together in an illegal or threatening manner.  
A gang has some form of ongoing organisation* (Pulse Consultants, 1994:1).

The characteristics identified in the United States by Arnold Goldstein as defining a gang include an organised structure; an identifiable leadership; territorial identification; continued, ongoing contact amongst members; having a specific purpose; and engaging in illegal activities. Additional defining characteristics include drug use and abuse and the increased use of violence in an instrumental fashion (Bowie Evidence, 08.11.93). The Committee received little or no evidence that such structured gangs exist in New South Wales, and believes this usage of the term "gang" has little relevance to youth activity in our communities.

The Pulse Consultants' report distinguishes three major categories of gangs: graffiti gangs; street or youth gangs; and criminal gangs. The report suggests the following factors encourage the establishment or growth of graffiti and street gangs:

- the entertainment media;
- high youth unemployment;
- immigrants from troubled areas of the world; and
- declining family and cultural ties (Pulse Consultants, 1994:16).

By contrast, criminal gangs can form at any time to achieve some returns or rewards. The report suggests that, rather than the various types of youth groups, movements and gangs forming a continuum, there is a "quantum leap" between youth gangs and criminal gangs (Pulse Consultants, 1994:18). Additional factors which may lead to the development of criminal gangs include:

- a high concentration of similar individuals (often an ethnic base);
- an accepting culture of crime; and
- some older people for organisation and influence (Pulse Consultants, 1994:19).

The report suggests a possible profile of a gang member is a male, aged from 15 to 20 years, with low socio-economic status, a low level of education, and unemployed. With some exceptions, the ethnic bases of gangs are declining (Pulse Consultants, 1994:20).

■ **Evidence of "Gang" Activity**

An officer of the Department of Juvenile Justice suggested to the Committee that evidence relating to gangs is, currently, largely anecdotal, and little evidence of organised activity is present in the juvenile justice system:

*Young people do actually offend with groups to a certain degree, but [as for] the so-called gangs that are being [reported in] the media, we don't hear about the Homeboys coming in [to Juvenile Justice Centres], or the Legends ... (Loughman Briefing, 17.09.93).*

In evidence to the Committee, the Senior Children's Magistrate referred to groups of youths in certain suburban areas, suggesting that:

*I have heard them described as gangs in the past and even colour gangs, but .... Nothing that comes to court has shown anything like that (Blackmore Evidence, 28.07.94).*

Similarly, the Department of Juvenile Justice has advised that there is no evidence of juveniles in detention identifying themselves as part of a gang (Loughman Briefing, 17.09.93).

Students in one Year 9 class at a suburban high school reported in a class discussion forming the basis of part of a submission to the Committee that they had experiences with "gangs" from one ethnic background, including a number of violent incidents.

The lack of evidence of gang activity in official records may reveal the limitations of data collection rather than the level of gang activity. The *Street Gangs* report notes that, since there is no crime of "gangs", no court statistics on gang activity are maintained and police reports are unreliable and inconsistent in their recording of gang activity (Pulse Consultants, 1994:7).

The *Street Gangs* report suggests that, while a complete listing of known youth gangs over the past few years exceeds 100, many disintegrate or form new groupings. In 1993, the Police Service reported 54 street gangs, with approximately 40 in the Sydney Metropolitan area. According to this information, these gangs consisted of approximately 500 members, with possibly a further 1,000 regularly participating in some gang activities and a greater number of associates who may be in the company of gang members on occasions. However, the Committee heard no other evidence to support these allegations. In addition, the *Street Gangs* report concedes that many of these "gangs" are more likely to be groups, falling outside the stated definition (Pulse Consultants, 1994:10-11).

While the Pulse Consultants' report suggests that several gangs have a violent nature, it notes that most gangs limit their criminal behaviour to petty theft, graffiti and vandalism (Pulse Consultants, 1994:12). One witness suggested to the Committee that, while there is evidence linking members of "the graffiti cult" to more serious acts of violence, this is a rare rather than

common situation (Hickman Evidence, 26.04.94). The *Street Gangs* report states that more serious criminal activity by gang members or suspects, such as robbery and homicide, appear to be individual rather than gang related (Pulse Consultants, 1994:12).

In notes prepared for the briefing of the Committee by the Police Service, it was suggested that there has been a tendency for youth gangs to congregate in the entertainment area of George Street, Sydney and in the general area of Kings Cross. Reports concerning youth gang violence in one suburban area have led to successful police operations following armed robbery offences upon taxi operators. It was also suggested that violence attributed to groups of youths has been reported at most major suburban SRA public facilities and major shopping complexes. The street gangs report also listed a number of "suburban gang hot spots". These areas, however, do not correlate well with incidences of assault, robbery, or other crimes (Pulse Consultants, 1994:13).

The Committee heard considerable evidence relating to alleged formal gang activity and violent incidents in one suburb. The Committee was informed that an alleged gang of youths regularly gather at a local milkbar to brag of their exploits and plan further criminal activity. Witnesses suggested that their criminal activities constitute a significant and planned attack upon the community and community standards (In camera Evidence). The Committee understands that five members of this gang are currently on committal for murder and attempted murder.

The Committee recognises that groups of young people may be attracted to certain areas, and that unacceptable behaviour and community concern may result. The Committee's key recommendation on police and community action discussed in section 11.3.5 has been formulated to empower communities to respond in locally appropriate ways to potential, perceived and/or actual locations of violent activity.

The Pulse Consultants' report suggests that New South Wales has been "largely spared racial hate gangs" (Pulse Consultants, 1994:21). The report concludes

*it is likely that both graffiti and youth gangs have reached their current peak and will now turn down in their prevalence [but not disappear] (Pulse Consultants, 1994:26).*

The report concedes that it is always possible that gang activity could flare at short notice, and that the following warning signs should be monitored:

- greater use of weapons, especially guns;
- defence of territory, especially to control drug distribution;
- entrenchment in schools or schools as defined territory;
- involvement of older persons;
- greater participation by girls;
- age subdivisions in gangs; and
- longevity (Pulse Consultants, 1994:31).



■ **Criminal Gangs**

The majority of the evidence the Committee heard regarding the involvement of young people in gangs formed primarily for criminal activity related to the Asian community in Sydney. While recognising that criminal gangs may be involved in violent activities, the Committee heard no evidence to suggest young people are extensively involved in these gangs.

The Committee did hear in camera evidence of police intelligence and investigations of extortion offences involving threats and violence being committed upon school students of Asian heritage in the Sydney area. Students have been assaulted and robbed, and asked to join the offenders' particular gang or meet further demands for money. While a number of offenders have been charged, in many cases the complaints are not pursued by the victims, due to fear of reprisal, mistrust of the police or the judicial system, or language barriers. The Committee also heard that one school age gang is suspected of being involved in home invasion offences.

The Committee also heard evidence of a range of other gangs. While some gang members may be aged in their early twenties, the Committee concluded that these gangs are not primarily youth gangs.

However, the Committee heard evidence of adult gangs using juveniles to carry out activities:

*Juveniles tend to be utilised by adults because the nature of the penalties are lighter for juveniles if they are apprehended (Loughman Briefing, 17.09.93).*

An example of gangs of this nature that was raised in evidence is the Vietnamese group known as the 5T gang. The Committee heard a range of opinions relating to this gang. One witness suggested the gang has a core membership of 30 to 40, with an additional associate membership of up to 150 members, ranging from school age upwards. It was alleged that this gang is involved in drug supply and extortion. The Committee was informed that the five Ts of the gang's name refer to five steps that must be met before becoming a full member of the 5T - sex, prosecution, imprisonment, violence and death threat (In camera Evidence).

However, information compiled by a number of Vietnamese Youth and Community Workers in South Western Sydney and tabled before the Committee suggests the five letter Ts are the initials of the Vietnamese words "Tuoi Tre Thieu Tinh Thuong", which means "young people lack love and care". While certain individuals with the five letter Ts tattooed on their arm may have connections with gangs or criminal organisations, it was suggested to the Committee that the 5T is not an organised gang. Any Vietnamese young person may have the tattoo to represent their loneliness or alienation, without any initiation, vow of secrecy or loyalty to a gang. Young people who feel lost about their identity, and feel they don't belong at school or home may gather together:

*because their family and community does not understand them or care for them the only sense of belonging they have is with others who are in the same predicament as themselves (Tabled Document).*

While the Committee was also informed of a number of other "criminal" gangs of young people, little evidence that these young people are involved in violent activities was put to the Committee. The fact that police intelligence records are maintained on such groups of young people when no illegal activities have been confirmed is of concern to the Committee.

■ **Conclusion: Gangs or Groups?**

The Committee is of the opinion that while a number of gangs involving young people do exist, their number and prevalence is greatly exaggerated by the media. The media attention and subsequent public fear regarding gangs is not a recent phenomenon. The Committee was informed that

*Group gangs are not new to Australia ... in the 1880s and the 1890s we had the larrikins and right through the twentieth century we have had young people perceived as being problematic (Bessant Evidence, 28.07.94).*

In the 1930s there was concern about groups of young people because they were unemployed in the Great Depression; in the 1940s there was concern about groups of young boys because their fathers were away fighting in WWII. The "bodgies" and "widgies" were seen to be problematic in the 1950s, as were the "sharpies" and the "mods" in the 1960s and the "skinheads" and "punks" in the 1970s (Bessant Evidence, 28.07.94).

The media's exaggeration of the gang problem was graphically illustrated during the course of the Committee's Inquiry when the *Telegraph-Mirror* published a story on the Pulse Consultants' *Street Gangs* report with the headlines "City Street Gangs Crisis" and "Crime Gangs Haunt Our Streets". The article was accompanied by a list of gang names, many of which were listed as "not recently active"; "low level of activity"; "gang unconfirmed"; or "not a problem" (McDougall, 1994).

The *Telegraph-Mirror* article suggests the *Street Gangs* report "warns that a major crackdown is needed" (McDougall, 1994). The Pulse Consultants' report in fact states that "most bands of youth are not gangs but groups", and that it is important to make this distinction so that police action can be appropriately focussed and to prevent public perceptions from creating a "gang" problem unintentionally (Pulse Consultants, 1994:2-3). The report is also highly critical of media being the driving force of the latest interest in gangs, and for action by some politicians:

*Gangs are media grabbers because they play on people's fears (great seller), they are highly visual (photos and videos are easy to obtain), and they appeal to biases of race, age and social class (big sellers) (Pulse Consultants, 1994:8).*

The Committee was informed that negative media publicity in fact appears to have resulted in increased levels of gang activity (Submission 16).

The Committee heard that groups of young people that are forced onto the fringes of society, such as those that are excluded from schools, will often merge together for a sense of identity or belonging. Since these groups may form along cultural lines, they can be categorised in stereotypical terms. With limited and confined public spaces available to these young people, groups will often come into contact with each other and tension may arise, which may result in violence (Marsden Evidence, 01.11.93). However, the Committee believes it is inappropriate to describe these groups as gangs or describe disputes in terms of gang violence.

Attributing crime and violence to youth "gangs" negatively affects the way young people are perceived:

*Often young people will come together in groups, they will dress in a particular way, they will be seen on the street or outside McDonalds or in a park, and they will be perceived to be a threat and to be a part of a gang (Acheson Evidence, 01.11.93).*

The Committee heard that when there is a perception in the community that there is a high level of youth violence, citizens become concerned when young people are seen together on the streets and telephone police. When the police investigate, they find no law has been broken (Pisarski Evidence, 29.07.94).

The Committee recognises that young people will gravitate together through ties of friendship, sport, school, or ethnic background and that these support networks are a normal and beneficial aspect of the lives of young people.

It is also important to distinguish between gangs and the various youth cultures. Young people make clear distinctions between groups such as "bogans", "goths", "skegs", "headbangers", and those identities can provide a source of friction between young people. The Committee believes, however, that this phenomenon must be differentiated from gang membership:

*There is a collective character ... but I do not think that we have gangs in the sense that gangs exist in America (Polk Evidence, 29.07.94).*

The Pulse Consultants' report concludes

*there is a "problem" of street or youth gangs. They do exist and they sometimes do indulge in criminal or threatening behaviour. However, there is little evidence to suggest that the problem is growing (but it may be evolving) (Pulse Consultants, 1994:9).*

## **2.2.6 Violence against Homosexuals and Lesbians**

Concern over the issue of violence against homosexuals and lesbians generated more submissions to the Committee's Inquiry than any other single issue. Of the submissions received during this Inquiry, eleven, or 17%, raised the issues of homophobia and violence against homosexuals and lesbians.

### **■ Data on Incidence**

The Committee heard evidence from representatives of the Lesbian and Gay Anti-Violence Project, a project of the Gay and Lesbian Rights Lobby funded by the New South Wales Department of Health.

The Lesbian and Gay Anti-Violence Project has co-ordinated three reports. *The Streetwatch Report*, a study based on 67 reports of violence, primarily against homosexual men, suggests that:

- assailants are overwhelmingly young males in groups; and
- approximately 90% of assailants were considered to be 25 years or younger (Submission 47).

The *Off Our Backs Report*, focussing on attacks against lesbians, suggested that:

- approximately 43% of offenders acted alone;
- approximately 61% were estimated to have been aged 25 years or under; and
- approximately 38% knew their attackers (Submission 47).

The *Count and Counter* report examines data from the 90 incidents reported to the Project between November 1991 and June 1992, and the 94 incidents between July 1992 and June 1993. Data from 1991-1992 suggest:

- approximately 65% of assailants were aged between 15 and 25 years;
- approximately 2% were under 15 years, with 8% not stated;
- approximately 60% of attacks involved three or more assailants (Submission 47).

Data from 1992 - 1993 suggest:

- approximately 50% of assailants were in the 15 to 25 years age bracket;
- approximately 5% were under 15 years with 8.5% not stated;
- approximately 45% involved groups (Submission 47).

The decline in violence by groups may be the result of government policies implemented following the *Streetwatch Report*, with the rise in attacks by single males due to increased reporting by women (Submission 47).

In evidence to the Committee, the Acting Co-ordinator of the Lesbian and Gay Anti-Violence Project stated that the majority of incidents involve three to five assailants, although there have been reports of attacks involving as many as 17 and 20 assailants. He also suggested that the larger the number of assailants, the younger they are likely to be. The available evidence does not suggest that formal gangs are involved, or that the perpetrators are drawn from a particular racial group or social class. One of the groups that was conducting a series of attacks with baseball bats throughout Oxford Street and Darlinghurst in 1993 was allegedly from a private school. Most of the assaults do not involve weapons, and few involve robbery (van Reyk Evidence, 29.06.94).

Other reports also augment these data. The Australian Lesbian Youth Coalition's *Young Lesbian Report*, produced in 1992, outlines data collected from a survey of 200 women aged 25 or younger. Almost 80% reported that they had experienced verbal violence and over 10%

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had experienced physical violence because of their lesbianism. A high level of anti-lesbian vilification involved male perpetrators travelling in groups on the street or in cars, with many involving threats of physical or sexual assault (Submission 23). A 1991 survey with 300 respondents from the National Lesbian Conference at the University of Technology, Sydney, revealed 18% had experienced physical assault in the previous twelve months (NSW Police Service, 1995b:2)

To test whether the levels of victimisation suggested by such survey data could be considered representative, the NSW Police Service commissioned a survey of 259 homosexual men and lesbians at the Sydney Gay and Lesbian Mardi Gras Fair Day in February 1994. The survey revealed that 12% of lesbian and 14% of homosexual respondents had experienced physical assault in the previous twelve months. The lesbians surveyed were therefore at least six times more likely to be assaulted in a twelve month period than Sydney women in general, and the homosexual men at least four times more likely than other Sydney men to experience an assault in that period (NSW Police Service 1995b:8).

The Committee also received a submission from the Gay Services Committee, University of New South Wales Student Guild. In 1992, a Gay Welfare Survey conducted with a sample of 211 homosexual students revealed that 53% of these students had experienced harassment on campus with 28% of this group experiencing both physical and verbal harassment. Approximately 94% of these students believed that they were attacked by other students (Submission 40).

The Committee heard from a PhD candidate in the Faculty of Education at the University of Sydney who interviewed 31 young offenders in a Juvenile Justice Centre and found:

- approximately 39% admitted to having harassed gays and lesbians;
- approximately 29% admitting to actual bashings; and
- approximately 61% were potential perpetrators of homosexual victimisation and violence, admitting that they would perpetrate such violence under certain circumstances (van de Ven Evidence, 29.06.94).

■ **Causes of Violence against Homosexuals and Lesbians**

*Violence with homosexuals is a big thing too, there isn't enough of it!*  
(Submission 58)

This comment from a student in a suburban High School indicates that attitudes supporting violence against homosexuals and lesbians are part of the value system of some young people.

The Committee heard evidence of possible causes for feelings justifying violence towards homosexuals and lesbians. One witness informed the Committee of a model developed by Herek which suggests that young people derive psychological benefit from hating homosexuals and lesbians and perpetrating violence against them (Bendall Evidence, 29.06.94). The suggested benefits include social acceptance by others, reinforcement of a particular set of values and a way of dealing with internal anxieties about their own identity, usually related to their own masculinity or femininity. These factors may be exacerbated by social factors such

as unemployment, leading to increased feelings of self doubt and frustration and an increased likelihood of using violence for these psychological functions. In addition, boredom may lead to increased time spent on the streets with other adolescent males, increasing the potential for peer group dynamics to lead to harassment and violence (Bendall Evidence, 29.06.94).

The submission from ACON contends that while violence against lesbians and gay men is not a new problem, AIDS has been used to rationalise prejudice, discrimination and violence (Submission 42).

In a submission to the Committee, the Hon Paul O'Grady, M.L.C. asserts that the groups of young men who commit violence against homosexual men also harass and attack women in the same area, as they too are seen as weak and attacking them reinforces group unity:

*Only by demonising homosexuality to an extreme degree can participating in pack rape be considered an acceptable method of bonding with your peer group. Violence against homosexuals and violence against women can therefore be seen as facets of the same problem (Submission 54).*

Similarly, hatred of lesbians is seen to grow out of, and reinforce misogynist attitudes such as the belief that all women are available; that women's consent is irrelevant; and that a woman who rejects a man should be punished (Submission 54).

### 2.3 MEDIA REPORTING OF VIOLENCE

Several witnesses suggested to the Committee that the way violence is reported in the media contributes to public fear. Informal surveys carried out by the National Children's and Youth Law Centre suggest that young people's perceptions of increasing violence are a product of media reporting. Parents who were teenagers in the 1960s recalled a considerable level of violence, but less was reported or publicised (Submission 26).

One witness stated that:

*the media view violence as a commodity to be sold on the market. They are concerned then with visual images that meet commercial criteria: will it sell? Their answer to dealing with the commercial imperatives, as they see them, is to present an image of violence that is totally distorted (Polk Evidence, 29.07.94).*

In relation to school violence, the Committee heard that:

*Clearly [critical incidents are] very complex, and the press, regretfully, beat [them] up in ways that do not tell the whole story (Davidson Briefing, 17.09.93).*

An example of such reporting, considered by the Committee to be irresponsible, involved the death of a student at a school at Baulkham Hills. While the media speculated on the involvement of other students in acts of violence, the incident reports revealed that the student's death was a tragic accident involving a fall from a height (Davidson Briefing,

17.09.93). The Committee also heard of a media report in which a fight at a school which involved a small knife was reported as the "Marrickville Machete Attack" (Pisarski Evidence, 29.07.94).

The President of the NSW Teachers' Federation expressed concern regarding the damage to the reputation of schools which can result from sensational media reports (Cross Evidence, 11.10.93). A lecturer in Special Education also drew the Committee's attention to media reporting which focuses on "schoolboy crime" which attributes blame to schools when the offender is of school age, regardless of the time of the crime and the circumstances of the case (Jenkin Evidence, 11.10.93).

Media reports of crime in particular areas can also promote false perceptions. A student from one high school expressed disappointment that the reputation of a whole suburb or area can be negatively affected by reports of one crime by one individual (Submission 58). The Committee also heard of the effects of negative media reports from a number of witnesses working with young people in areas which are perceived to have disproportionate levels of crime:

*The notoriety which [this area] has earned through the media ... is slanderous to many other young people in the area (Acheson Evidence, 01.11.93).*

In one area where young people are often portrayed in the media as being extremely violent, and members of colour gangs, a youth worker suggested to the Committee that:

*young people are now too scared to leave their local suburb because everywhere they go the whole of Sydney is scared of them or wants to challenge them and fight them so they do not leave the area any more because there is so much pressure on them to conform to that role (Hirsch Evidence, 01.11.93).*

The submission of the Youth Action and Policy Association (YAPA) Western Sydney Project suggests rather than media portraying groups of young people from non-English speaking backgrounds as "gangs", young people should be encouraged to maintain their culture and support networks (Submission 53).

The submission of the National Children's and Youth Law Centre recommends that balanced media coverage of youth issues should be encouraged, with good practice recognised through an award system, sponsored by government and industry (Submission 26).

## 2.4 SUMMARY OF FINDINGS

- In reviewing data relating to violent offending by the 10 to 17 year age group, the Committee found:
  - Police records suggest:
    - \* the number of alleged homicide offenders remains relatively stable;

- \* after a number of annual decreases, the number of alleged aggravated assault offenders returned to the levels of previous years in 1993, while the number of alleged non-aggravated assault offenders was higher than in the preceding years;
- \* there were substantial annual increases in the numbers of alleged offenders for both armed and unarmed robbery in 1993. While evidence of an upward trend cannot be drawn from these data, the rate of robbery offenders for this age group is substantially higher than the average;
- \* the numbers of alleged sexual assault offenders has been relatively stable for several years; and
- Available data from the **Children's Court** suggest the number of proven violent offences has increased substantially over the last decade, and that a growing proportion of all court appearances involve alleged violent offences.
- The number of **juveniles in custody** for violent offences in 1994 has more than doubled since 1989.
- **In reviewing data relating to violent offending by the 18 to 24 year age group, the Committee found:**
  - Police records suggest:
    - \* the small number of alleged homicide offences has resulted in annual variations;
    - \* the numbers of assaults and aggravated assaults increased in 1993, and this age group has a substantially higher than average rate of assault offenders;
    - \* the numbers of alleged robbery without a weapon remain below the levels reached in previous years, while robberies with a firearm or other weapon continued to decline. However, this group has a robbery offending rate substantially higher than the average;
    - \* the annual numbers of sexual assaults allegedly committed by the 18 to 24 age group has been relatively stable for several years, but is higher than the average rate; and
  - Data from the local court suggest:
    - \* the number of proven aggravated assault offenders increased somewhat in 1993 and 1994. However, the number of non-aggravated assault offenders remains lower than 1991 levels, in contrast to recorded crime statistics; and



- \* the number of sex offenders found guilty in local court appearances has increased in the last two years. However, as very few cases are finalised in the local court, no firm conclusions can be drawn from annual increases or decreases.
- Data from trial and sentence cases suggest:
  - \* the number of proven assault offenders has been declining since 1991;
  - \* the number of persons aged to 24 years convicted of homicides and sexual offences has been relatively stable since 1988; and
  - \* the number of proven robbery and extortion offenders has risen significantly in recent years.
- Approximately 28.5% of prisoners in NSW are aged between 18 and 24 years. From this group, 34% are in prison for violent offences. Over the last three years the rate of assaults and fights per 100 inmates has risen.
- The Committee also found:
  - Across the state, the Far West and North Western areas continue to have disproportionately high rates of alleged young violent offenders. Within Sydney, the Inner Sydney area has the highest comparative rate for alleged young offenders.
  - A comparatively high proportion of the assault offences attributed to persons aged between 10 and 17 years were allegedly committed on "enclosed land", primarily on the street, at parks or sports grounds. Higher proportions of assault offences by 10 to 17 year olds were recorded as occurring at government buildings (particularly schools) and public transport. Comparatively high proportions of assaults allegedly perpetrated by the 18 to 24 year age group were committed in living premises; on enclosed lands; and at businesses, shops, hotels and clubs.

## 2.5 CONCLUSIONS

- The Committee recognises the **limitations of various sources of data**. Court statistics do not reveal the complete pattern of judicial intervention, and recorded crime statistics only reveal offences reported to the police. Data collection and production practices may also affect the reliability of the data, with categories such as persons cleared of suspicion included as alleged offenders. Data now produced from the COPS system will be more reliable than those from previous years.
- Victims' surveys reveal a lower rate of assault and robbery victimisation in New South Wales in 1993-4 than in the previous year, but **higher reporting rates**. These variables will be reflected in recorded crime statistics.

- Given the limitations of the data and variations in reporting rates, the Committee concludes it is not possible to determine if any trends in the actual rates of youth violence are occurring. While there have been increases in the number of violent offences proven in the Children's Court in 1994, this increase was not evident in the number of proven young violent offenders in the adult courts.
- However, the available data suggest to the Committee there is **no youth violence "crime wave"**. The number of alleged young violent offenders appears to have been fairly stable over recent years.
- Recorded crime statistics considered by the Committee reveal that violence is an overwhelmingly **male** phenomenon.
- It is difficult for the Committee to separate the truth of allegations that certain racial groups are responsible for violence from perceptions of other cultures that may be false, and which may lead to a self-perpetuating cycle of polarisation, racism and violence.
- The term "gang" is often used erroneously to denote any group of young people, and that caution should be exercised in the usage of the term. While a number of gangs involving young people do exist, their number and prevalence is greatly exaggerated by the media. The maintenance of police intelligence records for groups of young people not involved in illegal activities is of concern to the Committee. Young people will gravitate together through ties of friendship, sport, school, or ethnic background and these support networks are a normal and beneficial aspect of the lives of young people.
- Data on violence against homosexuals and lesbians suggest that assailants are overwhelmingly young males in groups.