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## Pathways of 10 to 13 year old offenders through the Victorian criminal justice system

This paper presents findings from Crime Statistics Agency (CSA) analysis examining young 10 to 13 year old alleged offenders recorded by Victoria Police between 1 July 2012 and 30 June 2022. It explores their pathways through the Victorian criminal justice system, including police outcomes, court outcomes and Youth Justice supervision.<sup>1</sup> In this paper, young offenders are defined as children who were aged between 10 and 13 years old at the time of offence. Offenders are counted once per year in which they were recorded by police. Where a young alleged offender had multiple contacts with police or courts in the same year, the most serious outcome only is included. Any reference to an offender is referring to an alleged offender except where charges were proven in court.

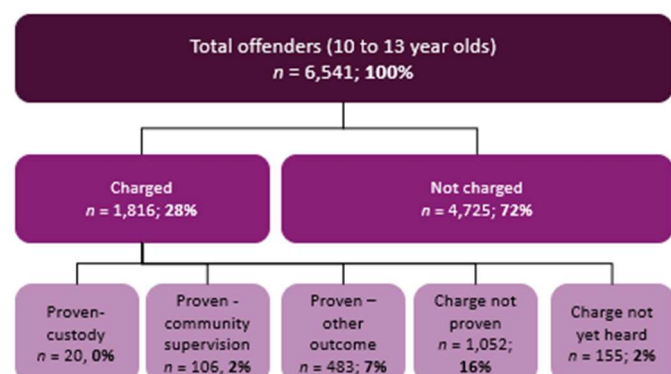
Overall, the majority of young offenders were cautioned by police for their alleged offending. For those alleged offenders that were charged by police, the majority had their charges not proven in court.

### 1. How many young offenders progressed through the Victorian criminal justice system?

**Less than 1 in 10 (9%) alleged 10 to 13 year old offenders had charges finalised and proven in court between 2017-18 and 2022-23.**

Figure 1 summarises 10 to 13 year old offenders' pathways through the criminal justice system over the five years 2017-18 to 2021-22. Just over one quarter (28%,  $n = 1,816$ ) were charged by police, with the majority (54%,  $n = 3,551$ ) being cautioned instead (Figure 2).

Figure 1. 10 to 13 year old offender pathways through the criminal justice system, 2017-18 to 2021-22.<sup>234</sup>



Most alleged offenders who were charged had their charges not proven in court (58% of those charged, 16% overall,  $n = 1,052$ ). One-third had charges proven (34% of charged offenders, 9% overall,  $n = 609$ ).

A very small proportion of young offenders with proven charges received custodial outcomes (3% of those proven, <1% overall,  $n = 20$ ) or community supervision (17% of those proven, 2% overall,  $n = 106$ ) outcomes. Most received other proven outcomes including adjournment, discharge, dismissal, fine, good behaviour bond or undertaking (79% of those proven, 7% overall,  $n = 483$ ).

### 2. What are the police outcomes for young offenders?

**More than half (54%) 10 to 13 year old alleged offenders were cautioned by police**

Figure 2 displays police outcomes for alleged 10 to 13 year old offenders. It shows cautions were the most common outcome (54%,  $n = 3,551$ ), and for those that were charged (28% overall) there was an even divide between arrest and summons (14%  $n = 887$  and  $n = 929$ , respectively). Other police outcome (18%,  $n = 1,174$ ) includes penalty infringement notice, cases where a summons was not authorised and intent to summons.

Figure 2. Police outcomes for 10 to 13 year olds, 2017-18 to 2021-22.

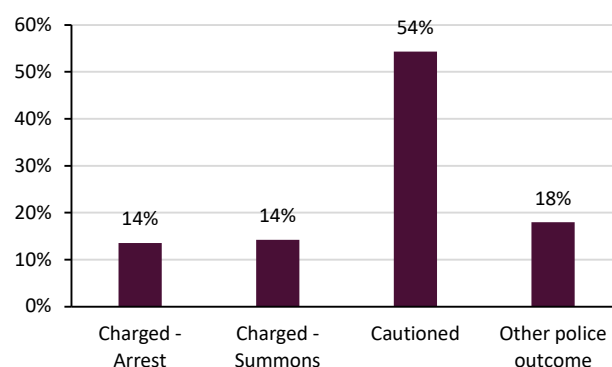
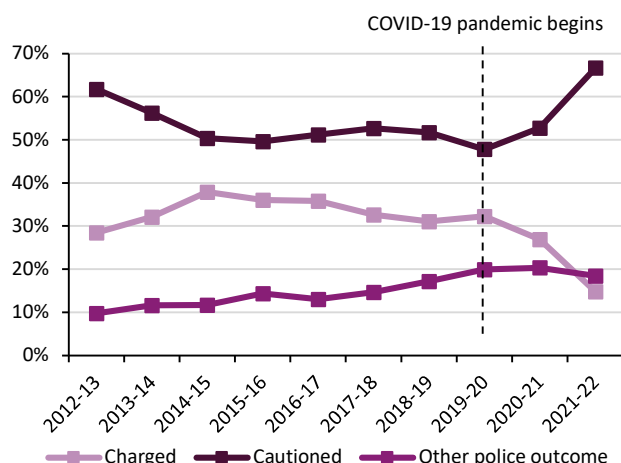


Figure 3 shows police outcomes over the 10-year period 2012-13 to 2021-22. The rate at which young offenders have received Cautions, while remaining consistent for most of this period, has increased in the past 12-months (53%  $n = 612$  in 2020-21 to 67%,  $n = 845$  in 2021-22). This is a return to the level seen at the start of the analysis period (62%,  $n = 1,087$  in 2012-13). The Other police outcome category has steadily increased, from 10% ( $n = 172$ ) in 2012-13 to 18% ( $n = 234$ ) in 2021-22.

In contrast, charges have decreased in the past 12 months (27%,  $n = 312$  in 2020-21 to 15%,  $n = 188$  in 2021/22). This is in line with a steady downwards trend in charges since 2014-15, where they peaked at 38% ( $n = 536$ ).

Figure 3. Police outcomes for 10 to 13 year olds over time, 2012-13 to 2021-22.



### 3. What are the court outcomes for young offenders?

The majority (58%) of 10 to 13 year olds charged by police did not have charges proven in court.

Figure 4 displays court outcomes for young offenders over the five-year period 2017-18 to 2021-22. Overall, *not proven in court* is the most common outcome (58% of those charged  $n = 1,052$ ) followed by *proven, other outcome* (27%,  $n = 483$ ) which encapsulates less serious penalties such as adjournment, discharge, dismissal, fine, good behaviour bond or undertaking. A small proportion of offenders received custodial outcomes (1%  $n = 20$ ), or community supervision outcomes (6%  $n = 106$ ).

Figure 4. Court outcomes for charged 10 to 13 year olds, 2017-18 to 2021-22.

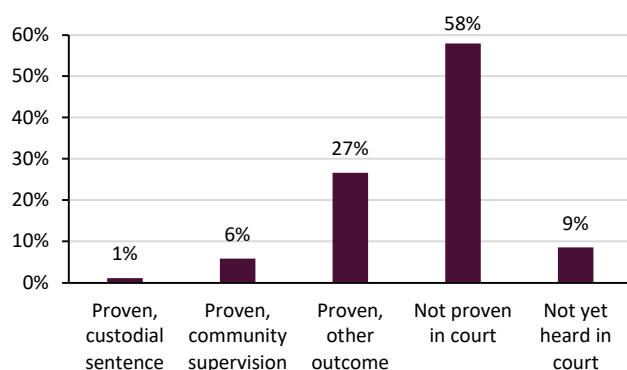
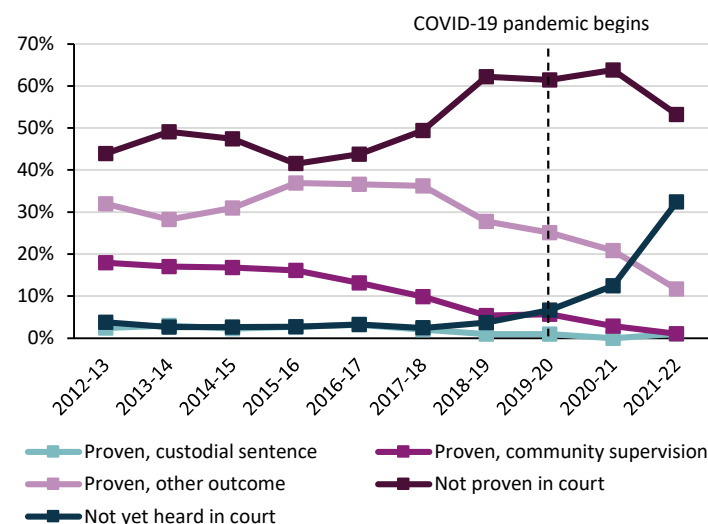


Figure 5 shows offenders' court outcomes over the 10-year period 2012-13 to 2021-22. Caution should be used when interpreting the most recent years as there is a natural lag in court proceedings being finalised, as shown by the *not yet heard in court* line. Nevertheless, there has been a notable increase in *charges not proven*, which jumped to 62% ( $n = 266$ ) in 2018-19 up from between 40% and 50% in the years prior. Conversely, downward trends can be seen in *proven, other outcome* and *proven, community supervision*. Proven, custodial sentence has remained low and steady at between 0% to 3% of court outcomes over the analysis period.

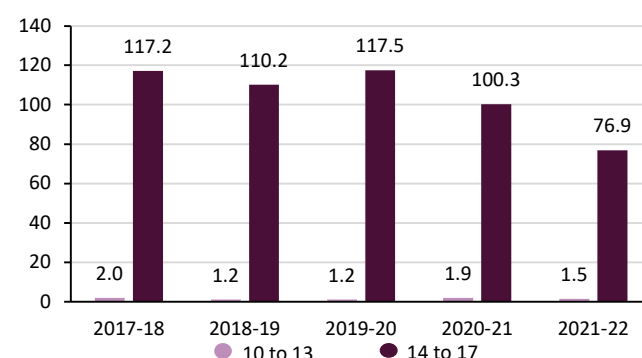
Figure 5. Court outcomes for charged 10 to 13 year olds over time, 2012-13 to 2021-22.



### 4. How many young offenders are under Youth Justice custodial supervision?

Figure 6 displays the average daily number of young people aged 10 to 13 and 14 to 17 under Youth Justice (YJ) custodial supervision. Over the past five years, there has been an average of between 1.2 and 2 young people aged 10 to 13 in YJ custody each day. The average daily number of 14 to 17 year olds in custodial supervision was comparatively much higher. The average daily number of 14 to 17 year olds in custody in 2017-18 was 117.2. This figure was stable before declining to 100.3 in 2020-21 and then 76.9 in 2021-22.

Figure 6. Average daily number of young people under YJ custodial supervision, 2017-18 to 2021-22.<sup>5</sup>



<sup>1</sup> Data on police and court outcomes is sourced from Victoria Police LEAP database. Data on Youth Justice interactions is sourced from the Australian Institute of Health and Welfare.

<sup>2</sup> Offenders are counted once per year in which they offended. Their most serious police and court outcomes are included.

<sup>3</sup> Charge not yet heard indicates the offender is either still progressing through the justice system or may have had charges dropped prior to being finalised in court.

<sup>4</sup> This analysis includes some 'historical' offences reported to police between 2017-18 and 2021-22 but committed in earlier years. 4% of offenders in this analysis were aged 18 years or older when the offence was recorded by police but were aged 10-13 years at the time the alleged offence was committed.

<sup>5</sup> Australian Institute of Health and Welfare (2023). *Youth justice in Australia 2021-22*, Table S129c