

Executive Summary

The highlights and trends from this Report are:

General crime

In comparison to national rates, Western Australia (WA) had average or higher than average recorded crime rates for several offence categories in 1999. The Northern Territory had the highest homicide and assault rates, New South Wales had the highest rates for robbery and kidnapping/abduction, Queensland had the highest rate for sexual assault, while WA had the highest rate for burglary offences. WA has had the highest rates of recorded burglary offences since the start of the ABS national recorded crime series (1993).

Compared to 1998 figures, the total number of offences recorded by police for 1999 fell by 4.9%. When population growth is taken into account, the rate of recorded crime in WA decreased from 16,776 to 15,692 offences per 100,000 persons. For against the person (that is, violent) offences, the rate decreased from 1,286 to 1,258 offences per 100,000 persons. Similarly, the rate of reported property offences declined from 14,297 to 13,242 offences per 100,000 persons. The rates of armed and unarmed robbery also declined during the 12 months to December 1999 (see Chapter 1, Table IV).

Aboriginal people continue to be over-represented as victims of violence. Based on crimes reported to the police, the victimisation rate of Aborigines for violent offences in 1999 was 5,518 per 100,000 persons – more than five times the rate of non-Aborigines (1,072 per 100,000 persons).

Obviously related to Aboriginal victimisation, the Kimberley region was identified as having the highest rate of violence in 1999. It also had the highest rate of property crimes in 1999. The Perth metropolitan area had one of the lowest rates of violence compared to the other regions, but had a high rate of property crimes and the highest of robbery offences (see Chapter 1, Table IX).

Police Apprehensions

Compared to 1998 figures, apprehensions in WA *decreased* by 3.2% during 1999. However, the number of *juvenile* apprehensions increased and is now at its highest level since 1993. For Aborigines, and despite declines in arrests throughout the 1990s, the level of over-representation in police apprehension statistics has steadily increase. By 1999, Aboriginal people were almost 10 times more likely to be apprehended by police than non-Aboriginal people. Since 1990, arrests of Aboriginal women have increased by almost 100% - most of these arrests related to good order and driving-related offences.

Juvenile justice

Activity in the juvenile justice area increased slightly in 1999. Compared with 1998, the number of cautions issued by police increased by 2%. However, since 1995, the number of

formal cautions issued to young people has increased by 28%. Aboriginal participation in the cautioning scheme has also increased in recent years – from 16% in 1995 to 23% in 1999. The use of cautioning outside the Perth metropolitan region also appears to be comparable with the use of arrest for juveniles (57% of cautions and 56% of juvenile arrests took place inside the Perth metro area in 1999).

The number of charges and juveniles dealt with by the Children's Court increased slightly in 1999, compared with 1998. Charges finalised by the Court increased by 2.6%, while the number of juveniles dealt with increased by 1.4%. The number of juveniles referred to juvenile justice teams declined slightly in 1999 (by 1.1%). Compared with 1998, the number of juveniles referred by the Court decreased by 7.9%, although the number referred by the police actually increased by 2.8%.

As in previous years, burglary/theft offences constituted the most common offences dealt with by the Children's Court (40%), followed by good order (18%) and driving/motor vehicle offences (17%). The most common sanctions imposed by the Court were non-custodial sentences, however, a significant proportion (about one-third) of burglary/theft offences received custodial sentences.

Overall, about 13% of juveniles were placed in detention, and these accounted for about 23% of all offences. This indicates that a small group of offenders, who were responsible for committing many offences, received the severest penalty available to the Court. Since the early nineties, the proportion of juveniles placed in custody has increased - from 4.1% in 1991 to 12.6% in 1999.

At a national level, WA had the highest juvenile detention rate (56.9 per 100,000 juvenile persons) than any other State, except the Northern Territory for 1999. WA also had the highest Aboriginal rate of juvenile detention (714.3 per 100,000 Aboriginal juveniles). This rate was 38 times greater than that for non-Aboriginal juveniles.

Owing to continuing poor recording of ethnicity data in the CHIPS database, attempts to analyse differences between Aboriginal and non-Aboriginal juvenile offending patterns or sentencing patterns have become difficult. In 1999, almost half (45%) of juvenile records had no details of ethnicity (Aboriginality). This is a growing problem within the data-collection that requires urgent attention.

Adult Court activity

In contrast to the trend of previous years, there was a sharp rise in the number of charges finalised by the Higher Courts in 1999 (a 24% increase, mostly in the District Court). There was a substantial increase in the number of fraud charges dealt with by the Courts, however, the reason for this increase is not clear.

As with the Children's Court, the poor level of recording of ethnicity (Aboriginality) in Higher Court databases has compromised our ability to analyse trends in the sentencing of Aboriginal offenders. In 1999 less than half (48%) of all defendant records contained details of ethnicity.

The Higher Court conviction rate in 1999 was high (about 75% for all charges), however, the proportion of charges withdrawn (nolle prosequi) continued to increase - from 7.6% in 1997 to 12.2% in 1999.

Imprisonment continued to be the most common sentence handed down by the Higher

Courts (65% of convicted charges received this penalty). However, there was a significant increase in the use of non-custodial sentences, particularly suspended prison sentences. Prison sentences were most likely for violent (against person) offences – about 78% of such offences received custodial sentence upon conviction.

For the second year, the Report includes statistics on the activities of the adult lower courts (Courts of Petty Sessions) which have been sourced directly from Ministry of Justice data. The Courts of Petty Sessions deal with the majority (about three quarters) of offences brought before Western Australian criminal courts (usually the less serious offences).

Regrettably, the recording of Indigenous status was also poor in the lower courts: in eight out of nine charges (89%), no ethnicity details were recorded.

In 1999, the most common offences dealt with by the Courts of Petty Sessions were driving offences (37%) and burglary/theft offences (20%). The conviction rates for these offences were quite high (98% for driving offences and 92% for burglary/theft offences), as they were generally (95%).

Reflecting the less serious nature of offences dealt with by the lower courts, the most common sentences imposed by the court were fines (67%), followed non-custodial orders (18%) and prison sentences (9%). Compared with other types of offences, burglary/theft offences and violent offences were the most likely to receive prison sentences, while driving offences were most likely to receive fines. Burglary/theft offences and violent offences were also more likely than other types of offences to receive *longer* prison sentences (ie, terms greater than 12 months).

Of the most common offences dealt with by the courts (that is, driving offences), charges of driving while under suspension (DWUS) constituted the largest sub-category (38%). Most DWUS offences received fines as penalties (76%), but 10% received prison sentences and, of these, more than half received relatively long sentences of six months or more.

General prison trends

Compared with 1998 figures, prison receptions in 1999 increased by 13% - due mostly to continuing increases in the number of offenders serving finite (non-parole) sentences and the number of fine-defaulters entering prison. Prison census populations have also continued their steady increase (up 8% on 1998 figures), reflecting the growing number of prisoners serving generally longer prison sentences.

Aborigines accounted for more than two fifths (43%) of prison receipts but only one third (33%) of prisoners on census night – indicating a higher 'throughput' of Aboriginal prisoners (for comparatively shorter sentences) than non-Aboriginal prisoners.

While burglary/theft and violent offences accounted for a significant proportion of prison receptions (28% collectively), the next largest category of offences was driving/motor vehicle offences. In 1999, these accounted for more than 17% of prison receptions, and the majority of these were licence-related offences, primarily driving while under suspension.

As in previous years, female Aborigines featured in the general prison trends for 1999. Although they accounted for a relatively small proportion of total prison receptions (9%), their presence in the statistics is noteworthy because a significant percentage (46%) of sentenced female Aboriginal prisoners were received for non-payment of fines.

Lock-up trends

The number of admissions into police lock-ups increased by 4% in 1999 - due mostly to increases in police arrests and in the number of persons held in a lock-up under warrant. There were slightly fewer drunken detainees placed in police lock-ups in 1999 (4,677 detainees) than in 1998 (4,827). Drunken detainees made up 7% of all lock-up receptions but comprised only 4% of all distinct persons received; thus indicating a small but highly repetitive population.

Community-based orders

Compared with 1998 figures, the total number of work and development orders (WDOs) commenced in 1999 fell by 27%. Other types of orders, eg, intensive supervision orders (ISOs), community-based orders (CBOs), parole and home detention, all experienced slight increases in utilisation during 1999. The profile of offenders serving these orders differs according to the type of order issued. For example, a large and increasing proportion of WDOs are served by Aborigines (73%), ISOs are served mainly by young offenders aged 25 years or less (58%), while a significant proportion of CBOs are served by female offenders (30%).