



No. 162

# Gender and Official Statistics: The Juvenile Justice System in Queensland, 1998–99

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*One of the more enduring aspects of official statistics is that young males commit a majority of the crime, usually at a ratio of 5:1. This means that young females are routinely regarded as not only “less criminal” than young males in absolute terms, but that the crimes they commit are considered less serious. However, an examination of official statistics reveals that female crime closely follows the patterns observed for males with respect to the “types” of crimes they commit. There is little evidence that female crime is somehow intrinsically different from male crime; instead they share a surprising degree of similarity with that of males. These data present a challenge to many theorists of female crime, especially if they signal a marked change in the way young females view the possibilities for engagement in crime.*

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Director

This paper draws upon official statistics as “captured” by those arms of the state required to formally respond to juvenile offending to examine the issue of gender and criminality. The purpose of this analysis is to reveal the types of offences for which young females are being apprehended and which may result in a finding of guilt. When official statistics are examined in detail, it would appear that while females are unquestionably being cautioned, charged, and incarcerated less than males in absolute terms, they are not being cautioned, charged, and incarcerated for the “traditional” crimes of conventional femininity.

## Methodological Issues

The data to be examined are derived from both the Queensland Police Service (QPS) and the Families, Youth and Community Care, Queensland (FYCCQ). QPS data are those which reflect the front end of juvenile involvement in the criminal justice system; that is, the number who actually come to the notice of the police as a result of offending. FYCCQ data reflect juvenile involvement in the court system and the outcomes of that involvement. Before analysing these official statistics, it is imperative to consider the manner in which the data have been collected. Collection methodologies impact on the manner in which the information can be interpreted. The likelihood of information about juvenile offending being recorded by the police is dependent upon a variety of factors. The most important of these are simple police presence and the visibility of youth. Because young people are likely to offend in groups (Cunneen and White 1995) and are likely to commit offences for which they are

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more easily apprehended (that is, shoplifting) (Gale, Naffine and Wundersitz 1993), young people are significantly more likely than adults to be detected by police and hence included in police data. Therefore, police data may indicate a higher level of juvenile offences based upon the detection techniques.

The other issue that needs to be remembered in interpreting Queensland police data is that it records “multiple offences”. This means that distinct criminal acts are counted per criminal incident. For instance, a single criminal incident (theft of a car) may result in a number of offences being recorded (for example, unlawful use of a motor vehicle, possession of a dangerous drug, and assault of a police officer). Thus, QPS data should not be read as representative of individuals, but of “offences detected”. The second source of data relate to the appearances of young people in criminal courts. As young people are assigned a unique identifier that is used for all of their court appearances, these data allow for the identification of individuals. The data also allow for the examination of charges and their subsequent outcomes.

### Gender and the Police: Cautioning

Starting with police data, Table 1 shows that 79 per cent of juvenile offenders<sup>1</sup> dealt with by the police during the 1998–99 period were males. Of the total number of females dealt with by the police, only 15 per cent of cases was the outcome an arrest. For the males, 26 per cent resulted in

**Table 1: Juvenile Offenders Dealt With by the Police, Queensland 1998–99**

Offence Category	Females		Males	
	%	N	%	N
Arrest	15	7,064	26	26,419
Attendance notice/summons	24	7,064	35	26,419
Caution	60	7,064	37	26,419
Other (include community conferencing)	1	7,064	1	26,419
Total	79	7,064	79	26,419

Source: Unpublished data, Queensland Police Service at 12 January 2000.

an arrest. While 24 per cent of females received either an attendance notice or summons, 35 per cent of the males did so. While 60 per cent of the females were cautioned, only 37 per cent of the males were cautioned.

It might be argued that this divergence in outcomes occurs because females are committing less serious offences than males. However, if we examine the actual offences for which police are cautioning young people (Table 2), we find that the 5:1 ratio remains relatively consistent, and so too (in broad terms) do the criminal acts.

It is useful at this point to classify criminal activities into three separate categories. The first being offences against the person, the second is offence against property, and the third is “other” offences which includes drug offences, and public space offences. This third group of offences are generally those which police detect in the course of their duty rather than those which are reported to the police, as generally occurs with offences against the person or property.

Seen in terms of these very broad categories, it appears that when cautioned, females are

likely to be cautioned more commonly for property offences than are males (74% compared with 68%) and that males are cautioned at a greater rate for “other” offences than are females (26% compared with 19%).

Finally, both groups in this period were cautioned for offences against the person at an equivalent rate (7%). Overall, however, this breakdown reveals similarity rather than dissimilarity with little obvious evidence of any marked sex/gender effect with respect to type of offence committed.

Table 3 illustrates the components which populate the broader offence categories already discussed. If we examine offences against the person for which juvenile offenders are cautioned by police, it is evident that young females are cautioned for 36 per cent of all assaults. Within this broad category of “assault”, females were cautioned for 36 per cent of those classified as serious and a similar proportion for minor assaults. These data suggest that young females are involved in around one-third of all these offences that involve an element of personal violence and for which police formally caution the young person. As illustrated, this proportional distribution does not change dramatically when we distinguish between serious and minor assault, nor if we include robbery and extortion.

If, however, we examine the proportional distribution of offence types for both males and females, once again, a similar pattern emerges.<sup>2</sup> For example,

**Table 2: Juvenile Offenders Cautioned by Police, Queensland 1998–99**

Offence Category	Females		Males	
	%	N	%	N
Against the person	7	4,229	7	9,803
Against property	74	4,229	68	9,803
Other	19	4,229	26	9,803
Total	79	4,229	79	9,803

Source: Unpublished data, Queensland Police Service at 12 January 2000.

**Table 3: Female and Male Juveniles (16 Years and Under) Cautioned by Police, Queensland 1998–99**

Offence	Females	Males	Females as a proportion of the total	Males as a proportion of the total	
	%	%	%	%	
<i>Offences against the person</i>					
Assault (excludes sexual assault)	6	4	36	64	
<i>Serious assault</i>	4	3	36	64	
<i>Minor assault</i>	2	2	36	64	
Robbery and extortion	0	0	12	88	
<i>Offences against property</i>					
Unlawful entry	6	15	15	85	
Arson/other property damage	6	16	14	86	
Motor vehicle theft	2	4	19	81	
Shoplifting	50	15	58	42	
Stealing	6	12	17	83	
Fraud	2	2	30	70	
Handling and receiving	2	2	30	70	
<i>Other</i>					
Drug offences	13	15	27	73	
All other	6	11	20	80	
Total	%	100.0	100.0	30	70
	N	4,229	9,803	..	..

Source: Unpublished data, Queensland Police Service at 12 January 2000.

the proportion of males cautioned for serious assault was 3 per cent while the comparable figure for females was 4 per cent. Similarly, 2 per cent of cautioning for females and 4 per cent for males involved “motor vehicle theft”. Fifteen per cent of offences for which males were cautioned were drug-related offences, and for females the comparable proportion was 13 per cent. Notwithstanding these similarities, there are, however, some interesting differences.

Shoplifting has, over time, acquired the status of the definitively “female” offence and this characterisation is certainly supported by the official statistics. This was the offence for which 50 per cent of all females were cautioned in the period. In contrast, only 15 per cent of males were cautioned for shoplifting. This is the only offence for which more females than males were cautioned.

It should be remembered that Table 3 refers only to police cautioning and does necessarily reflect the overall trends of juvenile involvement with the police as a result of offending (suspected or proven). While this may well be one of the most prominent aspects of police intervention with respect to

young people, it is explicitly intended as the least invasive formal response by the state to offending.<sup>3</sup>

### Charges Laid: Most Serious Offence

There are some interesting differences between the sexes if data examined show the types of offences for which police lay charges. Females have a higher likelihood of being cautioned for property offences (65% of property offences for females resulted in a formal caution) than for offences against the person (47%) and other offences (51%). However, while females are more likely than males to be cautioned for property offences (65% compared to 36%), they are more

likely than males to be charged for offences against the person.

Table 4 demonstrates that of the 24 per cent of the court appearances in which females were involved, their most serious offence was an offence against the person. This compares with 17 per cent for males. Males were more likely to have property offences as the most serious offence for which they are brought before the court (55%) than were females (49%). With respect to the “other” offences category, there is no real difference between females and males (27% and 28% respectively). This pattern is quite different (opposite in fact) from that observed for cautioning.

### Outcome of Most Serious Offence

When it comes to the outcome of these charges, the pattern changes again (see Table 5). The proportion is constant between the sexes (8% respectively) where the most serious offence was not proven. However, the outcome is clearly different when the matter is proven. While 53 per cent of females received the lower tariff unsupervised order, only 44 per cent of males did so. Not surprisingly, when it comes to the higher tariff supervised orders, the balance swings in the opposite direction, with 39 per cent of males receiving this tariff and only 33 per cent of females. However, the circumstances of the offence are invisible in these statistics and may well contribute somewhat to the apparent disparity.

**Table 4: Most Serious Offence Charged, Queensland 1998–99**

Offence Category	Females	Males	Females as a proportion of the total	Males as a proportion of the total	
	%	%	%	%	
Against the person	24	17	21	79	
Against property	49	55	14	86	
Other	27	28	16	84	
Total	%	100.0	100.0	16	84
	N	1,307	6,935	..	..

Source: Unpublished finalised court appearance data, Families, Youth and Community Care, Queensland.

**All Charges Heard**

This paper has so far examined only the most serious offence for which young people have appeared in court, rather than all offences. As noted earlier with respect to police cautioning, it could be argued that the patterns being discovered are unrepresentative in that they only explore the “extreme” examples, rather than broader patterns that might exemplify female offending. This argument can be tested by examining in detail *all* of the charges laid against young people, and the subsequent outcomes from the court.

In terms of the total number of charges dealt with by courts, 18 per cent of all offences in which females were involved were those against the person (Table 6). This compares with only 11 per cent for males. In terms of the final tariffs associated with all charges, 39 per cent of the charges involved females, an unsupervised order was the outcome (compared with 26% of the males). In contrast, most of the charges (54%) which involved males resulted in a supervised order compared to 45 per cent for the females.

Obviously, the circumstances of both the offender and the offence contribute to the ultimate sentence of the court, where, for

**Table 5: Outcome of Most Serious Offence, Queensland 1998–99**

Outcome	Females		Males	
	%	N	%	N
Charge not proven	8	8	17	83
Committed to another court	6	9	11	89
Supervised order	33	39	14	86
Unsupervised order	53	44	18	82
Total	100.0	1,307	100.0	6,935
			16	84
			..	..

Source: Unpublished finalised court appearance data, Families, Youth and Community Care, Queensland.

example, males are more likely to be recidivist offenders than are females. As a result, males have a greater likelihood of a harsher sentence than females. However, as a Queensland Department of Justice (1998) recidivism study shows, the variance between the levels of recidivism (68% for males and 56% for females) is not as great as that apparent in sentencing.

Thus, the outcomes which females receive are (again) clearly lower tariff orders than those that males receive. However, the offences themselves do not appear to be so very different.

**Proven offences**

Rather than further examining all charges dealt with by the court, Table 7 focuses solely upon those which were proven. Selected components of the three broad offence categories previously

examined are presented here in terms of the proportion of offences of a particular type which were proven in court. As can be seen, fully 15 per cent of the proven offences for females are offences against the person, compared with only 7 per cent for males. In this case, the category offence against the person is so broad it might be obscuring the fact that males are committing serious assaults and females trivial assaults. It is salutary to observe that 6 per cent of females’ proven offences were serious assaults compared with only 2 per cent for males. Whilst there is no denying that in absolute terms, females are less likely to commit a serious assault than are males, the fact that females are twice as likely to have proven offences which involve serious assaults than are the males is a finding which should not be overlooked. There is, however, little difference between females and males in terms of property or “other” offences.

The question which immediately arises from an examination of Table 7 is the types of assault offences for which both males and females appear in court and have the matter proven. This data is supplied in Figure 1.

While it must be remembered that males are much more likely to be charged with assault than are females, Figure 1 shows that when charged and the matter is proven, females and males had exactly the same proportional representation (10% respectively). More interestingly, females had higher proportional representation for assault occasioning

**Table 6: Charges Heard, Queensland 1998–99**

Offence category	Females		Males	
	%	N	%	N
Against the person	18	3,061	11	22,165
Against property	58	3,061	69	22,165
Other	24	3,061	20	22,165
Total	100.0	3,061	100.0	22,165
			12	88
			..	..

Outcome	Females		Males	
	%	N	%	N
Charge not proven	6	3,061	6	22,165
Committed to another court	9	3,061	15	22,165
Supervised order	45	3,061	54	22,165
Unsupervised order	39	3,061	26	22,165
Total	100.0	3,061	100.0	22,165
			12	88
			..	..

Source: Unpublished finalised court appearance data, Families, Youth and Community Care, Queensland.

actual bodily harm (24% females in comparison to 20% for males). These data alone provide little insight into the seriousness of the offences involved, as the laying of a charge is largely dependent on a police officer's perception of the circumstances of the offence.

However, if the outcomes of these offences are considered, the seriousness becomes more apparent. This is because the Act under which a juvenile offender is sentenced, the *Juvenile Justice Act 1992*, requires courts to sentence in a manner that is proportionate to the seriousness of the offence. While males were more likely than females to receive a supervised order for their assault offences in total (65% compared to 59%), when the offence was assault occasioning grievous bodily harm, females were just as likely as males to receive this higher tariff sentence (98% respectively). Interestingly, females were also more likely to receive a more severe tariff for more minor offences, such as resisting or obstructing police (94% for females in comparison to 90% for males). Together, these data suggest that there is very little difference in the manner in which more severe sanctions are imposed accordingly to the sexes. Figure 2 illustrates the proportional representation of higher tariff outcomes for both males and females for each of the offences classified within the assault category (excluding sexual assault offences).

Table 8 examines the distribution of juvenile justice orders, including those that resulted in a supervised or unsupervised order. Before examining the data in Table 8, however, it is worth recalling the fact that females are far more likely than males to be cautioned (60% versus 37%). Females, therefore, frequently do not progress into the Juvenile Justice system to the point where they appear in court and become liable to receive a juvenile justice order.

If we examine the two right hand columns of Table 8, we see very obvious evidence of the 5:1

ratio. In terms of the female to male ratio, females appear at approximately one-fifth the level of males. However, and crucially, when we look at the distribution of orders for each sex, there is little difference between them,

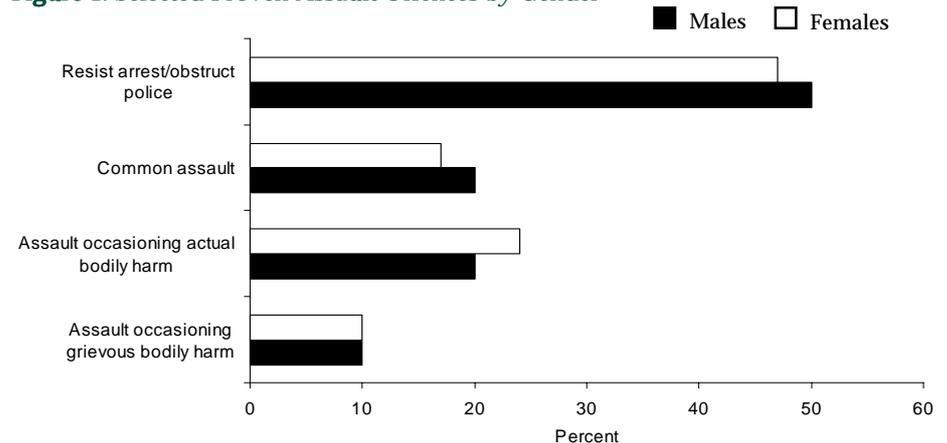
with the exception of community service orders. This is not surprising given the fact that (proportionately) females and males appear to be committing similar offences at levels that are relatively similar. Excepting of

**Table 7: Selected Offences as a Proportion of All Proven Offences, Queensland 1998–99**

Selected offences	Females		Males	
	No.	% of total	No.	% of total
Assault (excludes sexual assault)	381	15	1,212	7
<i>Serious</i>	151	6	394	2
<i>Minor</i>	224	9	824	5
Theft, breaking and entering	1,210	47	9,888	56
Drug offences	132	5	1,018	6
Public space offences	273	11	982	6
<b>Total N (All Proven Offences)</b>	<b>2,591</b>	<b>100.0</b>	<b>17,650</b>	<b>100.0</b>

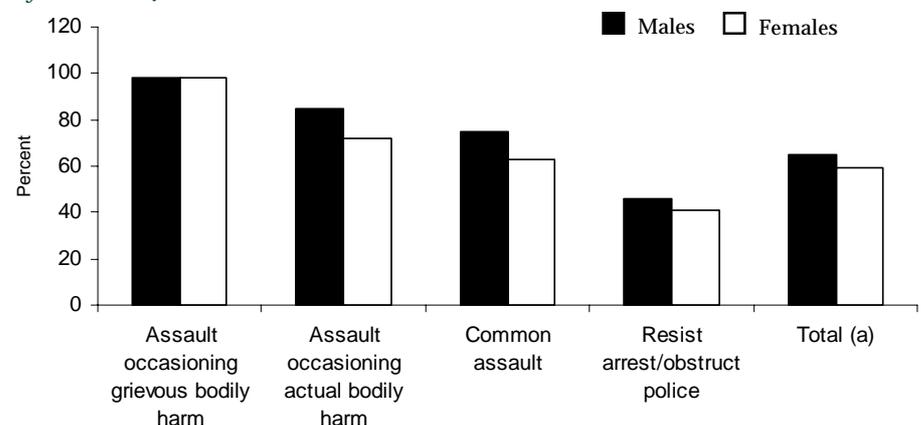
Source: Unpublished finalised court appearance data, Families, Youth and Community Care, Queensland.

**Figure 1: Selected Proven Assault Offences by Gender**



Source: Unpublished finalised court appearance data, Families, Youth and Community Care, Queensland.

**Figure 2: Proportion of Proven Assault Offences Resulting in a Supervised Order By Gender, Queensland 1998-99**



(a) Including some assault charges not separately identified (that is, aggravated assault where numbers are very small) but excluding sexual assault offences.

Source: Unpublished finalised court appearance data, Families, Youth and Community Care, Queensland.

course the very interesting finding that incidents of assault as a proportion of total female offending are reported at a greater level than that reported for males.

**Conclusion**

This paper has set out to demonstrate that while the official statistics conform to the 5:1 male-female ratio of offending so typical of official figures, when examined more closely they also reveal significant female/male similarities. These figures have relevance for the theoretical arguments developed around gender and youth criminality. Young females appear to be committing similar types of offences to young males (albeit at one fifth the rate), and the “spread” of offences observed for females and males are also comparable. This then changes the theoretical questions we need to ask. One of the causes for these trends may be the introduction of the *Juvenile Justice Act 1992* in Queensland, which changed the focus of responding to juvenile crime from a “welfare” model to a “justice” model (Youth Justice Program 1998). The trends outlined in this paper may, therefore, be representative of an increase in females appearing before Queensland courts because of *policy decisions* rather than *criminal activity*. Alternatively, in examining gender and adolescent crime,

we may be better served by investigating the differences in “engagement opportunities”, “social milieu”, or “cultural context” (Maher 1997; Messerschmidt 1997; Miller 1998) which lead to similar *proportions* of female and male criminal activity, despite the extensive difference in overall *numbers*.

Given that this paper has focused upon Queensland, it may be also be that jurisdictional policing/sentencing practices, as well as different situational contexts uniquely affect these patterns. While research in other states has demonstrated similar trends (Alder and Hunter 1999; Chilvers 1999), there has been a paucity of inter-jurisdictional comparisons of gender and adolescent offending within the Australian context. The challenge then is to examine jurisdictional patterns of gender and criminality nationally in order to better ascertain the manner in which young females and males are being processed by different juvenile justice systems.

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**Notes**

<sup>1</sup> QPS counting concept which is more a count of charges than of offenders.  
<sup>2</sup> Not all recorded offences have been individually documented in Table 3, only those that are considered indicative of separate “high level” offence categories.  
<sup>3</sup> Proclamation of the *Juvenile Justice Legislation Amendment Act 1996* (Qld) introduced community conferencing as another diversionary and less invasive option for the police.

**Table 8: Juveniles <sup>(a)</sup> placed on Juvenile Justice Orders, Queensland 1998–99**

Type of order	Females	Males	Females as a proportion of the total	Males as a proportion of the total
	%	%	%	%
Reprimand	48	42	20	80
Good behaviour	30	27	19	81
Fine	7	12	11	89
Probation	31	35	4	96
Community service	18	29	12	88
Detention	6	8	18	87

Female N = 793; Male N = 3,655; Total N = 4,448.

<sup>(a)</sup> Distinct child count. This means that a young person placed on three different types of orders in the year will be counted once against each type of order and will also be counted once only in the total n. This means that the percentages of Juvenile Justice Orders for each sex will exceed 100 and will not represent the exact numbers in terms of the total n.

Source: Unpublished finalised court appearance data, Families, Youth and Community Care, Queensland.

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