

What administrative data can tell us about young people in the criminal justice system?

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What I am going to focus on today

- Links between maltreatment and juvenile offending
- Police diversion and juvenile offending
- Persistent young offenders and adult offending

Work with administrative data since 2000

- Use data bases from
 - Child protection
 - Police cautioning
 - Youth justice conferencing
 - Youth justice court appearances
 - Adult court appearances
 - Corrections data
- Two longitudinal cohorts of people
 - 1983/84 – now 26/25 year old
 - 1990 – now 17 years old

Longitudinal data

- **Advantages**
 - Track children through the systems
 - Allows rough comparisons with population statistics
 - Answer questions about children's lifetime experiences with the child protection and criminal justice system
- **Disadvantages**
 - Official records
 - *Undercount both child maltreatment and offending behaviour*
 - *Often don't hold all the variables of interest*
 - System changes (policy and legislation)

Using these data answer the following questions

- How many children are maltreated over their lifetime?
- Can we predict offending from the maltreatment history?
- How many young people are diverted by the police for offending?
- Does police diversion prevent young people from reoffending?
- Do young people who offend as juveniles offend as adults?

Developmental and Life Course Criminology

- Development of offending and antisocial behaviour
 - developmental effects of life events
 - risk and protective factors
 - criminal career research
- Developmental psychopathology
 - interplay between the child, family, and environment
 - differential impact of experiences along the developmental timeline

How many children were maltreated over their lifetime?

- 9% of children born in 1983 and 1984 received at least one child protection notification (9,541)
 - 23% of Indigenous males
 - 25% of Indigenous females
 - 8% of non-Indigenous males
 - 9% of non-Indigenous females

- max notifications was 33

Child Protection (maltreated)

- 5% of notified children received an outcome of substantiated or 'at risk' (5,849)
 - 16% of Indigenous males
 - 17% of Indigenous females
 - 5% of non-Indigenous males
 - 5% of non-Indigenous females
- max substantiated was 18
- 62% of notified children had at least one outcome of substantiated or at risk

- Indigenous children
 - Have more notifications
 - Have more substantiations
 - Are more likely to be placed outside the home (36% vs 24%)

Of maltreated children what proportion go on to offend (finalised court appearance) as juvenile?

- 27% of children with substantiated maltreatment offend
 - of maltreated Indigenous males 54% offend
 - of maltreated Indigenous females 29% offend
 - of maltreated non-Indigenous males 23% offend
 - of maltreated non-Indigenous females 9% offend
- 21% children with only unsubstantiated notifications offended
- 16% children no contact with child protection system offended

Can we predict offending from the maltreatment history?

- Significant predictive factors
 - age of final maltreatment
 - number of maltreatment incidents
 - experience of neglect and physical abuse
- Not significant predictive factors
 - age of first maltreatment
 - experience of sexual and emotional abuse

What does it all mean?

- heterogeneity of children's maltreatment experiences
- maltreated children are more likely to offend
 - if they are maltreated when they are older
 - if they suffer from chronic maltreatment
- offending is only one negative life outcome
 - mental health issues, suicide, substance abuse, early pregnancy and relationship difficulties
- Why does maltreatment in older children lead to offending?
 - more likely to leave/be kicked out of home?
 - withdrawal from schooling?
 - violence in the home?

Implications for prevention

- Youth offending
 - Appropriate placements for adolescent children
 - Transitions to independent living
 - Support continued involvement in education
 - Address family violence

Police Diversion

- Why is understanding police diversion important?
 - Proposed as a key process for reducing Indigenous overrepresentation in the juvenile justice system
 - Suggestion that Indigenous young people are less likely to be diverted than non-Indigenous young people
 - Limited evidence that diversion prevents reoffending
- How many young people are diverted by the police for offending?
- Does diversion prevent young people from reoffending?

What is police diversion?

- Queensland – Juvenile Justice Act 1992
 - Divert the child from court processing
 - *Formal Police Caution*
 - *Youth Justice Conferencing*
 - Police discretion
 - *Non-serious offences*
 - *Guilty pleas*
 - Police consider
 - *Circumstances of the alleged offence*
 - *Child's criminal history*

What is the theory behind diversion?

- Reduce the criminogenic effects of the justice system
 - stigmatising and negative labelling
 - Limits education and employment opportunities
- Juvenile offending is transitory
 - Economically efficient to divert non-serious offences
- More effective in preventing reoffending
 - Reduce delay between apprehension and finalisation
 - Increase understanding and participation in the process
- Conferencing
 - Restorative
 - Victim participation

Contact with Juvenile Justice System

- 1990 cohort - **14%** of Queensland 10-16 year olds offend (caution, conference or court)
- Queensland population
 - **63% of all Indigenous males**
 - 13% of all non-Indigenous males
 - **28% of all Indigenous females**
 - 7% of non-Indigenous females
- 8,236 young people responsible for 18,000 contacts
- 17% missing data on Indigenous status (police cautioning, n = 1357)

- Queensland young people with +6 offending contacts
 - 25% Indigenous males
 - 6% non-Indigenous males
 - 17% Indigenous females
 - 2% non-Indigenous females

- Mean age of first contact
 - Indigenous males 13.5 years
 - non-Indigenous males 14.5 years old
 - Indigenous females 13.9 years old
 - non-Indigenous females 14.4 years old

How many young people are diverted by the police for offending?

- For all contacts,
 - 53% were given police caution
 - 5% received a police referred conference
 - 41% were heard in court
- Need to control for previous contacts with the system
- Need to control for offence seriousness
 - Remove first contacts that resulted in supervised order (n = 152)

- First contact (controlling for seriousness)
 - *89% received a police caution*
 - *3% a police referred youth justice conference*
 - *9% of first contacts were heard in court*
- For first time offences, police diversions (caution and youth justice conferences) were given to:
 - *93% of non-Indigenous females*
 - *90% of non-Indigenous males*
 - *85% of Indigenous males*
 - *80% of Indigenous females*

Is this evidence of police bias?

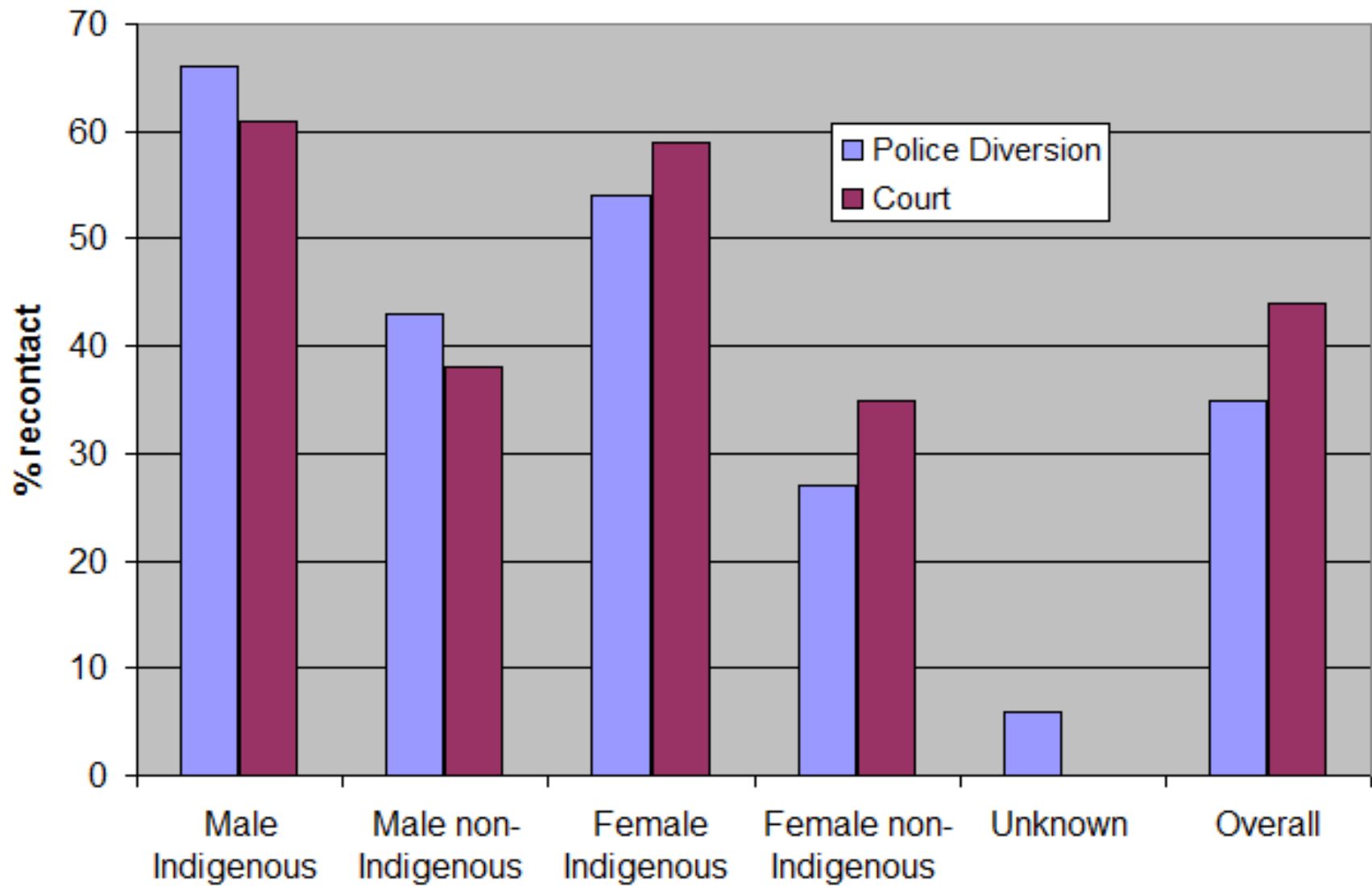
- Indigenous young people were less likely to be diverted by the police
- Competing explanations
 - Need admission of guilt and agreement from child
 - Prior informal contact with police
 - Geographic availability of diversionary options

Does diversion prevent young people from reoffending?

- 36% of young people who offended had recontact with the juvenile justice system (1990 cohort):
 - 65% Indigenous males
 - 55% Indigenous females
 - 43% non-Indigenous males
 - 28% non-Indigenous females
 - 6% unknown gender/Indigenous status

Does the system of first contact make a difference?

- 35% recontact - Police caution
- 28% recontact - Police referred conference
- 44% recontact - Court
 - Not controlling for seriousness of offence, age of offence, gender)



What does this all mean?

- Indigenous young people are less likely to be diverted than non-Indigenous young people
- However
 - disparity is very small when control for prior offences
 - competing explanations that need to be explored
- Diversion (caution or conference) reduces the likelihood of recontact
- However
 - appears to be a gender/Indigenous status interaction
 - Need randomised controlled trials

Finally;

- Impact of persistent offenders on the system
- Links between juvenile and adult offending

Persistent young offenders

- 9% of young offenders had 5+ contacts with the system (n = 754)
 - 40% Indigenous male
 - 12% Indigenous female
 - 41% non-Indigenous male
 - 8% non-Indigenous female
- This 9% were responsible for 37% of all contacts
 - 17% of police caution contacts (1,576)
 - 30% of police referred conferences (251)
 - 66% of finalised court appearances (4,549))

Persistent offenders and detention

- 10% of persistent offenders were sentenced to detention (n = 72)
 - 19 were sentenced to detention on multiple occasions
 - average duration of detention: 13.6 months (414 days)
 - *These 72 young people cost government **17 million dollars** (at \$600 per day)*
 - (\$250,000 per detainee)
- total of 93 young people were sentenced to detention (i.e. all but 21 were persistent offenders)

Links between juvenile and adult systems (83-84)

- Offending as a juvenile is a significant risk factor for offending as an adult
 - 44% of young people who offended (caution or court) offended again as an adult
- 1% of young offenders (83/84 cohort) received a detention sentence
 - Of these detainees
 - *75% offended as an adult (compared to 44% of all young offenders)*
 - *47% incarcerated as an adult (compared to 0.5% of all young offenders)*
- Significant relationship between juvenile incarceration and adult incarceration

What does this mean?

- Indigenous young people
 - highly likely to have contact with the juvenile justice system
 - highly likely to have recontact with the system
- Young people who persistently offend
 - Account for much of the crime
- Young people in detention
 - Are expensive
 - Are very likely to offend as an adult and be incarcerated

Summary of findings

- Indigenous young children are more likely to have contact with the child protection system
- Children who experience maltreatment as adolescents are more likely to have contact with the juvenile justice system
- While police diversion may reduce recontact with the juvenile justice system for some young people this is not a uniform result
- Frequent offenders
 - Account for most of the contact to the juvenile justice system
 - Are expensive
 - Are more likely to offend as adults

Implications

- Two main implications
 - Need to prevent young Indigenous people from entering the juvenile justice system
 - *Child protection*
 - *Homelessness*
 - *Education*
 - For young Indigenous people in the juvenile justice system need intensive interventions appropriate to Indigenous young peoples' needs
 - *Holistic responses*
- Need to understand “what works” with Indigenous young people

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