

**Peer Networks and Other Influences  
On  
Aboriginal Offending**

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# Introduction

The issue of Indigenous over representation in the (juvenile) justice system is perennially vexed. Whilst there is no doubt at all that Indigenous young people are grossly over represented at all points in the justice system, the reasons for this over representation are far from certain. There are three major lines of argument frequently advanced as possible explanations. Firstly, it may be that Indigenous adolescents simply offend at a much greater rate than do non Indigenous young people and this fact is then recognised in justice system official statistics. Secondly, it may be that the justice system responds differently to Indigenous and non Indigenous youth and the apparent higher levels of offending are actually a measure of endemic systemic racism characterising the justice system. Finally, it may be that Indigenous adolescents do offend at *comparatively* high levels, and the justice system may operate *at times* in racist ways, and that both these phenomena are actually aspects of a larger cultural process involving the “swamping” of one culture by another and the tensions and resistance which then result.

For a variety of reasons, examination of this issue is highly problematic. There is a politicisation of the issue which is inescapable. The Indigenous community is understandably often suspicious of “anglo” scrutiny of Indigenous attitudes and behaviours, a factor which all too often makes access to the appropriate data (ie. respondents) difficult if not impossible. Despite the fact that one of the fundamental truths of the social sciences is that the social world is complex, and mono-causal explanations of the social world almost invariably wrong, it has become difficult to explore the notion that official statistics may be an indicator (or correlate) of some larger cultural process involving *both* systemic racism within the justice system, *and*, genuinely greater levels of offending amongst Indigenous young people. Such an argument pleases few and can readily be objected to from all sides on the basis that it appears to be incriminatory.

The Sibling Study research program represents an attempt to avoid being an apologist for any particular position within a context framed in terms of Indigenous young people on one side and a non Indigenous justice system on the other. Instead, the aim throughout has been to recognise that, *prima facie*, it would not be illogical to expect that there might well be an interactive (ie. multiplicative) effect associated with the imposition of a non Indigenous justice system upon an Indigenous culture. Given that the subordinated Indigenous community is all too aware of the fragile nature of its own (cultural) survival, it is not unreasonable to expect a degree of resistance with respect to adopting the understandings of the dominant culture as to what constitutes acceptable/appropriate (ie. non criminal) behaviours. This report, develops this theme and provides an indication of the necessary next stage in developing further the research program.

The report begins with some necessary context setting. That is, official statistics are provided as instances of *output measures*. Statistics of this type (albeit less current) have been extensively examined by other researchers, notably Chris Cunneen, and reasons offered for their genesis. That is, *input measures* are inferred (a racist justice system for example). However, what is missing from such inferences about factors driving the official statistics is quality self-report data about the attitudes and behaviours of the indigenous young people themselves. It is precisely with respect to this crucial lacuna that the Sibling Study research is well positioned to make a substantive contribution to a more informed consideration of how best to respond to Indigenous over representation.

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# **Chapter One**



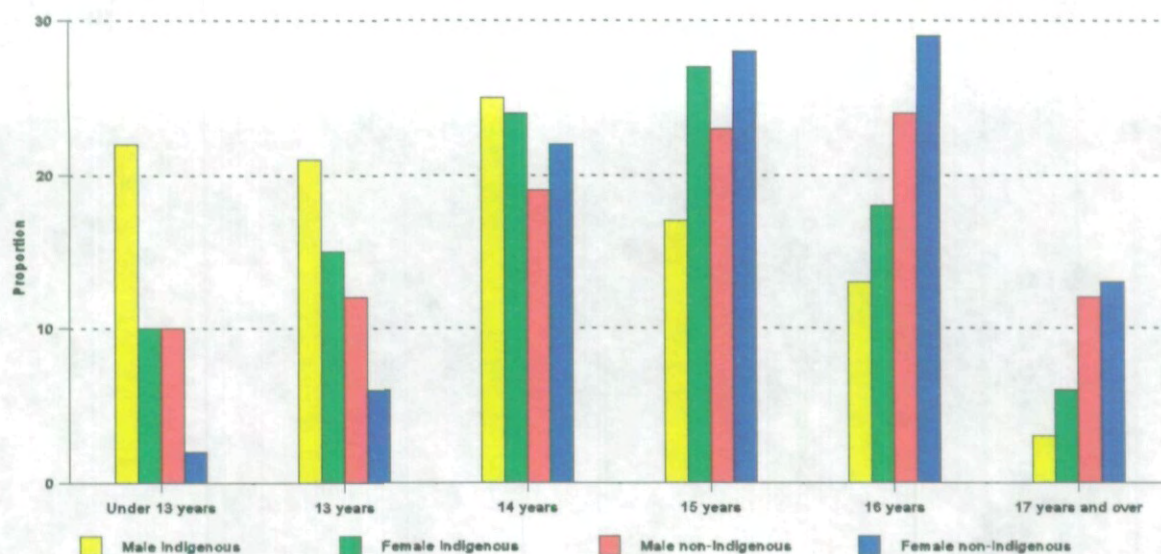
# Chapter One

## 1.1 - Indigenous Over-representation: an empirical profile<sup>1</sup>.

At the time of the 1996 Census of Population and Housing, just under five per cent of the Queensland population aged 10 to 16 years were either of Aboriginal origin or Torres Strait Islander origin. In 1996/97, however, this population group represented 27 per cent of all young people who appeared in court for offending. This proportion has remained fairly constant since 1993/94. In 1996/97, there was a total of 1,089 young Indigenous people who appeared in court for offending, 860 males and 229 females. This indicates that 109 in every 1,000 young Indigenous males and 30 in every 1,000 females appeared in court in the year. In regard to the total population, around nine in every 1,000 young people aged 10 to 16 years appear in court for offending.

## 1.2 - Age

A 1998 Department of Justice study of recidivism indicates that Indigenous children tend to appear in court and be placed on juvenile justice orders at a younger age than do non-Indigenous children. However the rate of offending which results in orders increases more sharply with age for non-Indigenous juveniles than is the case for those with an Indigenous background.



**Figure 1: All Young People who Appeared in Court for Offending, Indigenous Status by Age at Earliest Appearance and Gender, Queensland, 1987/88 to 1995/96**

<sup>1</sup>

The empirical data outlined in this chapter comprises excerpts from material currently in preparation by the Juvenile Justice Branch of the Queensland Department of Justice. This material was primarily prepared by Ms Sue Bell and Mr Nick Wienert. Data from this section should not be cited without first obtaining the permission of the Executive Manager of the Juvenile Justice Branch (Mark Lynch).



The recidivism data confirm that the older the young person at the time of their first court appearance, the greater the likelihood that the young person comes from a non-Indigenous background. Non-Indigenous juveniles, for example, comprise 54 per cent of all the appearances, yet their representation within each age rises, from 37 per cent of those aged under 13 years to 67 per cent of those aged 16 years and 77 per cent of those aged 17 years or older at their first appearance for offending. Conversely, juveniles from an Indigenous background comprise 32 per cent of all juveniles who appeared over the period, yet they comprise 49 per cent of those who appeared for the first time at under 13 years of age. Of those aged 17 or over at their first appearance, Indigenous young people accounted for only 13 per cent of the total.

Figure 1 illustrates that young male Indigenous people first appear in court at much earlier ages than any other population group shown. It provides graphical evidence that both females, regardless of their Indigenous status, and young people from non-Indigenous backgrounds, regardless of their gender, tend to first appear in court for offending at later ages than males, regardless of their Indigenous status, and young Indigenous people, regardless of their gender. Annual data indicate that over one-third of all Indigenous young people who are placed on juvenile justice orders are under 15 years of age at the time the order was made. This proportion has been rising steadily since the Act was introduced, from 35 per cent in 1993/94 to 40 per cent in 1996/97. In comparison, around one-quarter of non-Indigenous young people placed on these orders are in this age group.

These data also indicate that over 40 per cent of Indigenous offenders who appeared in court for the first time in 1995/96 were under 15 years of age, compared to less than 30 per cent of the non-Indigenous first offenders. As with the non-Indigenous population, the majority of young Indigenous offenders are 16 year old males who represented 23 per cent of all the young Indigenous people who appeared in court for offending reasons in 1996/97.

At any time since the introduction of the *Juvenile Justice Act 1992*, around 30 per cent of young people on juvenile justice orders are from Indigenous backgrounds. However, they usually comprise a disproportionate number of those on the higher tariff, supervised orders. For example, Indigenous young people represented 35 per cent of all young people placed on these orders by the courts during 1996/97.

1.3 - Offence Types

In any year, Indigenous young people account for around one quarter of all young people who appear in court for offending and around one third of all young people who are placed on juvenile justice orders (see below). Figure 2 shows the proportion of proven offences against the person and against property which were committed by Indigenous young people between 1993/94 and 1996/97.

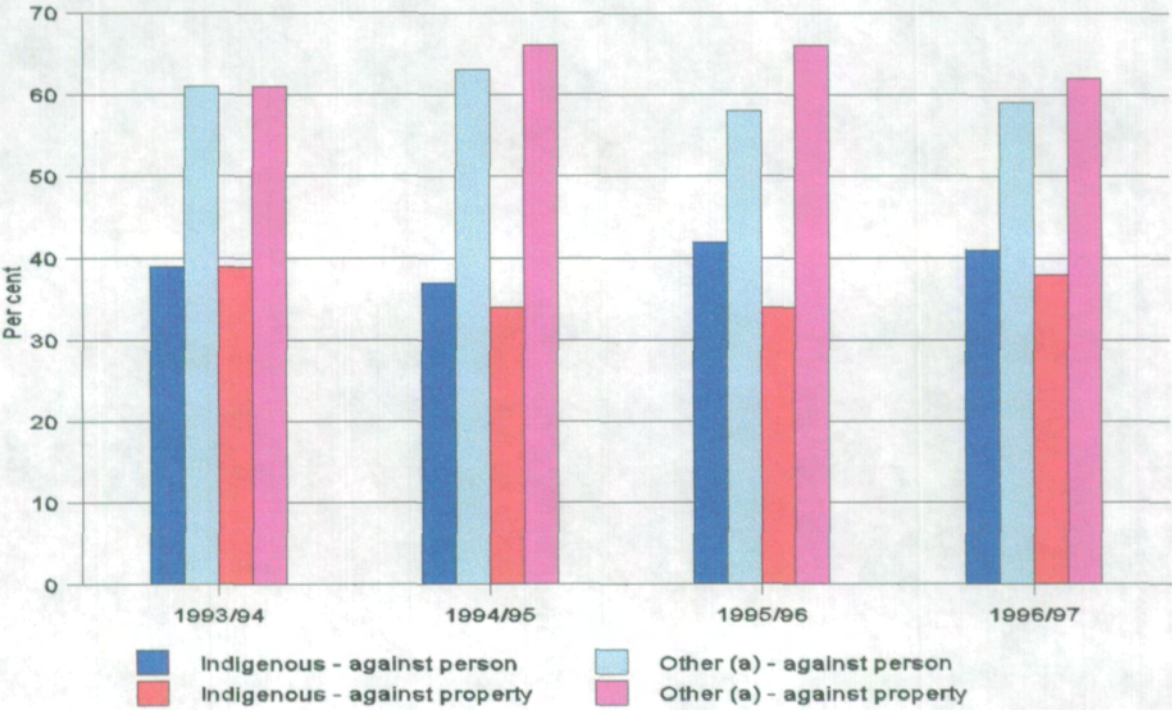


Figure 2: Proven Offences: Selected Offence Types by Indigenous Status, Queensland, 1993/94 to 1996/97

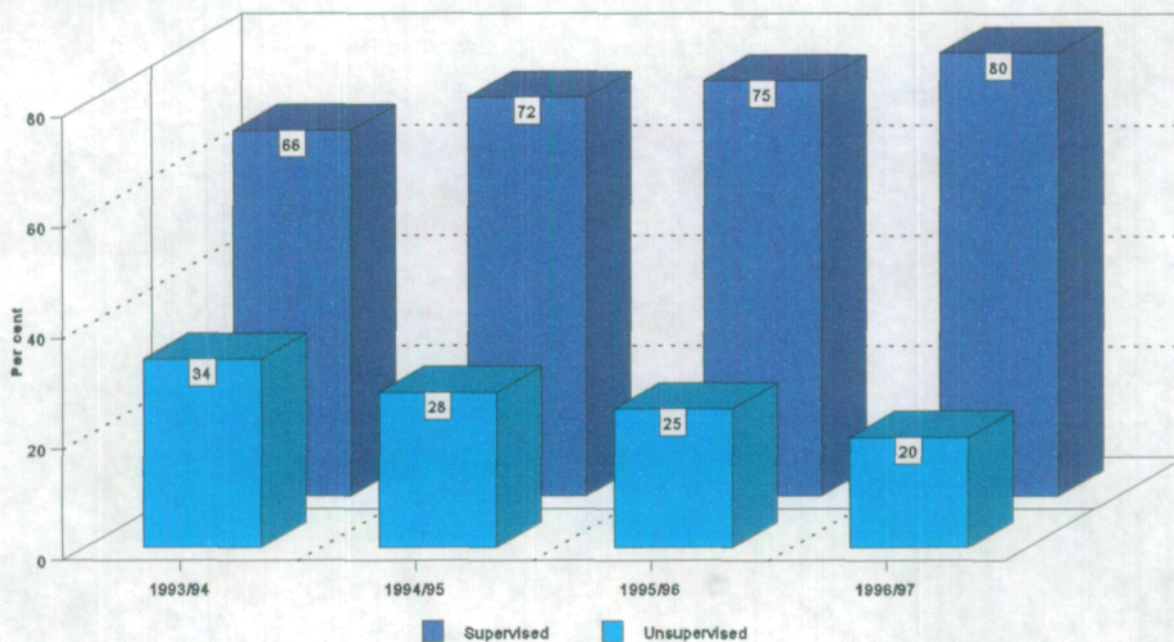
<sup>(a)</sup> Includes Non-Indigenous young people and those whose Indigenous status is unknown.

1.4 - Court Orders Made

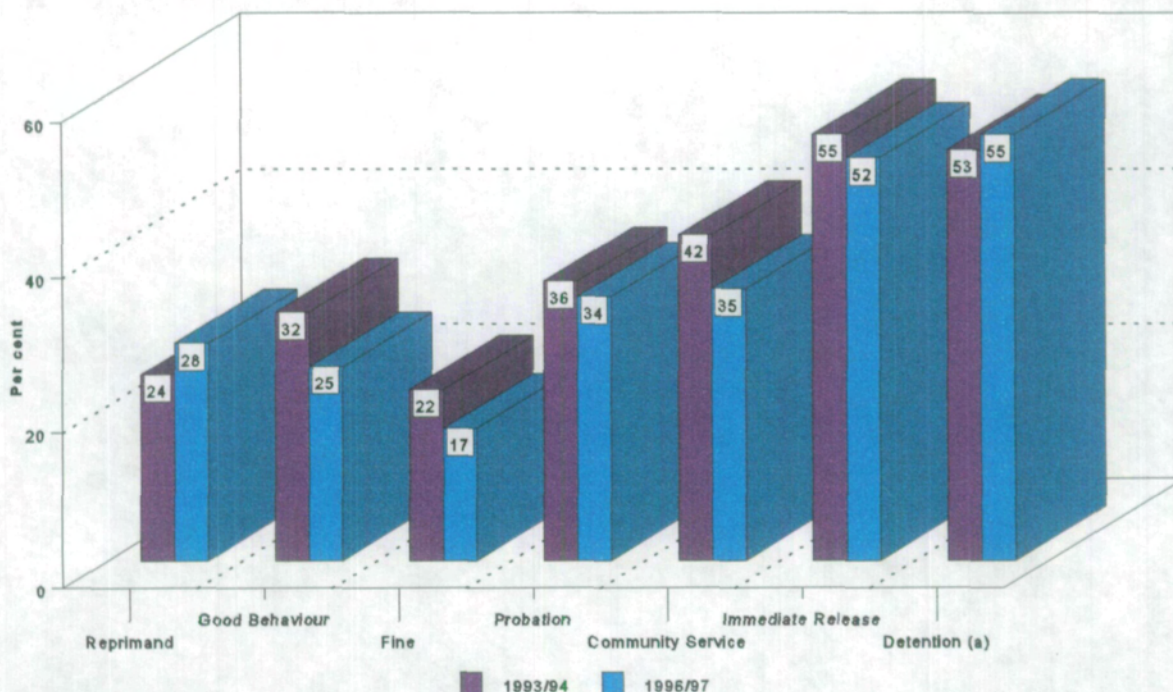
Around 27 per cent of all young people who are placed on an order in a 12 month period are from an Indigenous background, but Indigenous young people usually represent around one-third of orders made, due largely to the relatively high numbers of Indigenous young people who have extensive offending histories.

The relative under-representation of Indigenous children in relation to unsupervised orders is a feature of the juvenile justice system and is represented in Figure 3. Of all juvenile justice orders made in relation to Indigenous offenders in 1996/97, only 20 per cent were unsupervised, much lower than the 34 per cent in 1993/94.





**Figure 3: Juvenile Justice Orders Made Against Indigenous Offenders by Type, Queensland, 1993/94 to 1996/97**



**Figure 4: Proportion of Young People Placed on Orders Who are from Indigenous Backgrounds, Queensland, 1993/94 and 1996/97**

<sup>(a)</sup> Excluding those which were immediately suspended.



These data reveal the ongoing pattern of disproportionately high representation of Indigenous young people placed on supervised orders (between 34 and 37 per cent of distinct young people in the period) and the resultant reduced representation in regard to unsupervised orders. This trend may be related to various issues such as different patterns of offending (*e.g.* higher rates of assault), their more extensive offending histories and court perceptions, especially in relation to Indigenous children's ability to pay fines. However, it is important to note here that it is not clear (at this point) whether these different sentencing patterns serve to advantage or disadvantage the respective groups of young people.

## 1.5 - Unsupervised Order Outcomes

### 1.5.1 - Reprimand Orders

The number of reprimand orders made against Indigenous young people was decreasing in both absolute and relative terms between 1993/94 and 1995/96 from 780 (28 per cent) to 598 (25 per cent) respectively. In 1996/97, however, an increase to 725 orders was experienced, indicating that 28 per cent of all reprimand orders made in the period were made for Indigenous young people.

### 1.5.2 - Good Behaviour Orders

For those proven appearances involving young Indigenous people which resulted in the making of a good behaviour order for the most serious offence charged, the proportion has remained constant at around 15 per cent since the Juvenile Justice Act was proclaimed. However, Indigenous representation on the total number of good behaviour orders made fell markedly from 31 per cent in 1993/94, to 23 per cent in 1994/95, rising again to 25 per cent in 1995/96 and 1996/97.



**Figure 5: Proportion of Proven Appearances where Most Serious Offence resulted in a Good Behaviour Order, Queensland, 1993/94 to 1996/97**

<sup>(a)</sup> Includes non-Indigenous young people and those whose Indigenous status is unknown.

### **1.5.3 - Fine Orders**

The number of young people placed on fine orders has risen from 206 in 1993/94 to 368 in 1996/97, a 21 per cent average annual growth rate. The average annual growth rate for those young people from Indigenous backgrounds has risen annually by only 11 per cent.

The proportion of young people fined who were from an Indigenous background fell from 22 per cent in 1993/94 to 17 per cent in 1996/97. This illustrates the reduced likelihood of Indigenous young people being fined for offending compared to all other order types. Interestingly, 45 per cent of fine orders made against young women in 1996/97 involved those from an Indigenous background but only 11 per cent of those made for males involved young Indigenous boys.

### **1.5.4 - Supervised Order Outcomes**

The relative use of supervised orders for non-Indigenous offenders as an outcome (for the most serious offence charged) of proven appearances has increased since 1993/94 from 40 per cent to 42 per cent in 1996/97. In comparison, those involving young Indigenous offenders have risen from 56 per cent in 1993/94 to 60 per cent in 1996/97. This latest figure is slightly below the 61 per cent recorded in 1995/96.

The number of young offenders on these supervised juvenile justice orders at 30 June 1997 was 1,755 of whom 34 per cent were from Indigenous backgrounds. At 30 June 1994, in comparison, there were 1,130 young people on these orders, of whom 36 per cent were young people of Aboriginal or Torres Strait Islander origin.

### **1.5.5 - Probation Orders**

There has been an upward trend in the use of probation orders for all population groups, although the use of this sentencing option for young Indigenous offenders has been consistently higher than the average. This supports the theory that Indigenous offenders are more likely to receive the higher tariff orders. However, available data suggest that Indigenous young offenders do not, in fact, receive the highest level of tariffs in relation to the length of sentences imposed. The causal factors of this apparent anomaly require further study.

Generally speaking, Indigenous young people have accounted for a higher proportion of probation orders than their representation on juvenile justice orders would suggest. For example, in 1996/97 they represented 28 per cent of all young people placed on a juvenile justice order in the year but they represented 39 per cent of admissions to probation and 39 per cent of probation orders made.

During the 1996/97 period, there were 1,568 admissions to probation orders and another 179 to linked probation and community service orders. Almost 40 per cent of the admissions to probation which were not linked to any other order (for a single offence) involved Indigenous offenders while only 26 per cent of the linked orders did so. In 1993/94, there were 1,095 admissions to probation orders, 38 per cent of which involved Indigenous offenders.

Of the non-Indigenous young people placed on these orders in 1996/97, 61 per cent of the 775 boys and 64 per cent of the 148 girls were aged 15 or 16 years. By way of contrast, the figures for Indigenous young people were lower, with 49 per cent of the 400 boys and 53 per cent of the 80 girls in this age group. Additionally, ten per cent of the non-Indigenous boys and nine per cent of the girls were under 14 years of age.

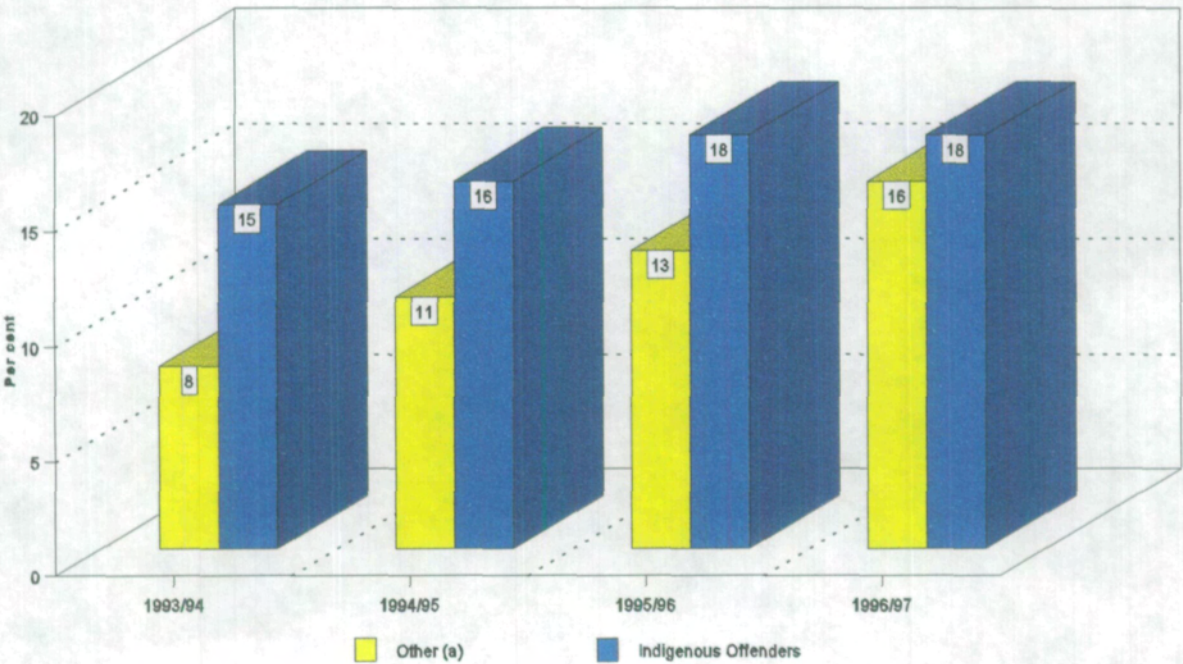


The comparable figures for Indigenous offenders in this age group (23 per cent for boys and 21 per cent for girls) indicate that these young offenders either have more extensive or serious offending histories or are perhaps dealt with more severely by the courts, *i.e.* are placed on a higher tariff order. Twenty-three per cent of the male and 21 per cent of the female Indigenous children placed on probation orders in the period were under 14 years of age.

The median duration of probation orders for Indigenous young people has increased while remaining at a slightly lower level than that of non-Indigenous young people. The median length of orders for Indigenous offenders increased from 11.3 months in 1993/94 to 14.8 months in 1996/97. For non-Indigenous young people, median duration of orders rose from 12.2 months in 1993/94 to 14.9 months in 1996/97.

**1.5.6 - Community Service Orders**

Young Indigenous offenders are less likely than their non-Indigenous counterparts to be placed on a community service order. However, Indigenous offenders are more likely to be placed on this type of order at a younger age than non-Indigenous-Indigenous offenders, where in 1996/97, 14 per cent of Indigenous children placed on this type of order were under 14 as compared to the six per cent of the non-Indigenous children. This proportion for non-Indigenous children was the same in 1993/94 but was 12 per cent for Indigenous children in that year. As they represent the majority of young people who appear in court, it is not unexpected that the majority of young people placed on these orders are aged 15 and 16 years. In 1996/97, this group represented 57 per cent and 64 per cent for Indigenous and non-Indigenous offenders respectively.



**Figure 6: Proportion of Proven Appearances where Most Serious Offence resulted in a Community Service Order, Queensland, 1993/94 to 1996/97**

<sup>(a)</sup> Includes non-Indigenous young people and those whose Indigenous status is unknown.

During the 1996/97 period, 3,510 community service orders were made which accounted for 24 per cent of all supervised orders made in the period. In 1993/94, there were 1,790 orders made which represented 19 per cent of the total. This proportion has been steadily rising over the four year period. By way of contrast, the number of these orders made against Indigenous offenders has increased by an annual average of 11 per cent over the period, but as a proportion of all supervised orders made for Indigenous offenders, community service orders have steadily fallen from 21 per cent in 1993/94 to 19 per cent in 1996/97. The downward trend in the use of community service orders against Indigenous offenders was particularly evident between 1993/94 and 1994/95 where the proportion fell from 49 per cent to 37 per cent. Since then, the trend has continued but at a less dramatic rate, falling to 34 per cent in 1996/97.

The median duration of community service orders made against Indigenous young people has remained relatively constant over the four years, ranging from 48 to 50 hours, with the figure for 1996/97 at 48 hours. In comparison, after an initial decrease, there has been an upward trend evident in relation to those orders made against non-Indigenous offenders since 1994/95. The median duration in 1993/94 was 54 hours. This fell to 48 hours in 1994/95 but has since risen steadily to 53 hours in 1996/97.

## **1.6 - Custodial Outcomes**

### **1.6.1 - Immediate Release Orders**

Indigenous young people found guilty of offending have continued to be placed on disproportionately high numbers of immediate release orders, as illustrated by the 52 per cent of young people placed on this type of order in 1996/97 who were either of Aboriginal or Torres Strait Islanders origin. In addition, they tend to be placed on these orders at a much earlier age than their non-Indigenous counterparts. For example, in 1996/97, 31 per cent of the Indigenous juveniles and 16 per cent of the non-Indigenous juveniles were under 15 years of age when placed on this type of order. In comparison, 61 per cent of Indigenous offenders and 67 per cent of non-Indigenous offenders were aged 15 or 16 years.

There were 1,490 immediate release orders made during the 1996/97 period, 44 per cent more than in the previous year. Since 1993/94, when 381 of these orders were made, there has been an average annual growth rate of 58 per cent. The number involving Indigenous young offenders has shown a similar growth rate of 58 per cent, increasing from 206 orders in 1993/94 to 815 in 1996/97. Of all such orders made, Indigenous young people are markedly over-represented, accounting for 54 per cent in 1993/94, 61 per cent in 1994/95, 45 per cent in 1995/96 and 55 per cent in 1996/97. This indicates no real trend or pattern other than ongoing over-representation, which characterises the higher tariff orders such as this.

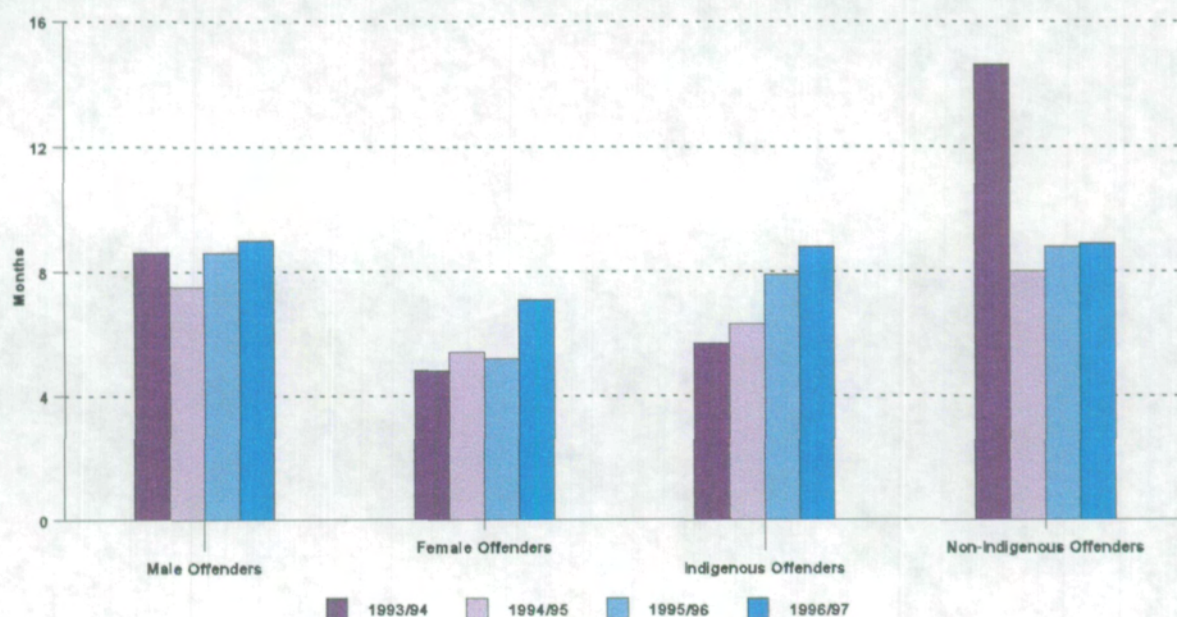
Until 1994/95, the numbers of both Indigenous and non-Indigenous young offenders who were placed on these orders were increasing at similar rates. However, between 1994/95 and 1995/96, the number of young Indigenous offenders involved fell by three per cent, while those who were from non-Indigenous backgrounds rose by nine per cent. Between 1995/96 and 1996/97, the number of young people from Indigenous backgrounds who were placed on this type of order again fell, by one per cent, from 269 to 267, however at the same time, those from non-Indigenous backgrounds fell by eight per cent, from 333 to 306.



### 1.6.2 - Detention Orders

At 30 June 1997, there were 61 young people on detention orders (excluding those who were also completing an immediate release order), of whom 39 or 64 per cent were young Indigenous offenders. The average annual growth rate in relation to the number of appearances resulting in detention orders between 1993/94 and 1996/97 was 35 per cent. This growth rate for Indigenous offenders was slightly lower at 34 per cent. However, Indigenous young offenders are disproportionately over-represented in respect to detention orders, representing between 53 per cent and 56 per cent of these appearances resulting in a detention order. Eight per cent of all young offenders who were placed on a supervised juvenile justice order by the courts received a detention order for which they were detained (*i.e.* which was not immediately suspended) in 1996/97. In the year, this involved 139 young people, 55 per cent of whom were Indigenous offenders. Seventeen of these young people were female and 12 of these girls were from Indigenous backgrounds. In comparison, there were 103 young people placed on these orders in 1993/94, 53 per cent of whom were from Indigenous backgrounds and only six of whom were young women. Indigenous young offenders consistently account for around half of all detention orders made, with figures for the period 1993/94 to 1996/97 between 48 per cent and 55 per cent.

Of the 139 young people placed on these orders during 1996/97, the majority were 15 and 16 year old males, who represented 60 per cent and 64 per cent of the non-Indigenous and Indigenous offenders, respectively. Similar proportions are involved for all years in the period examined. It is a matter of concern however, that 23 per cent of the Indigenous young people placed on these orders in 1996/97 were under 15 years of age as compared to the 13 per cent of the non-Indigenous young people. In 1993/94, 38 per cent of the Indigenous and 23 per cent of the non-Indigenous young people were under 15 years of age. In the two intervening years, the degree of difference was not as large. However, for all periods, the proportion involving Indigenous offenders was higher than that for their non-Indigenous counterparts.



**Figure 7: Median Duration of Detention Orders <sup>(a)</sup>, Queensland, 1993/94 to 1996/97**

<sup>(a)</sup> Including those which were immediately suspended. No "life" detention orders have yet been made.



The median duration of detention orders (including those made in conjunction with immediate release orders) fell from 8.5 months in 1993/94 to 7.1 months in 1994/95, rising again to 8.4 months in 1995/96 and further to 8.9 months in 1996/97.

The median duration of detention orders for Indigenous young people has remained lower than for non-Indigenous young people, although the difference has reduced substantially over the period (see Figure 7). In addition to this, and in contrast to orders against non-Indigenous young people, the duration of orders for Indigenous offenders has increased over the period from 5.7 months in 1993/94 to 8.8 months in 1996/97. The median duration of orders for non-Indigenous young people fell sharply from 14.6 months to 8.0 months between 1993/94 and 1994/95 before rising slightly to 8.8 months in 1995/96 and again to 8.9 in 1996/97.

### **1.7 - Young People in Detention**

During the 1995/96 period, there were 460 instances of watchhouse detention involving juveniles, of which 22 per cent were for periods longer than overnight. Just under one-half of all instances of watchhouse detention involved young people from Indigenous backgrounds.

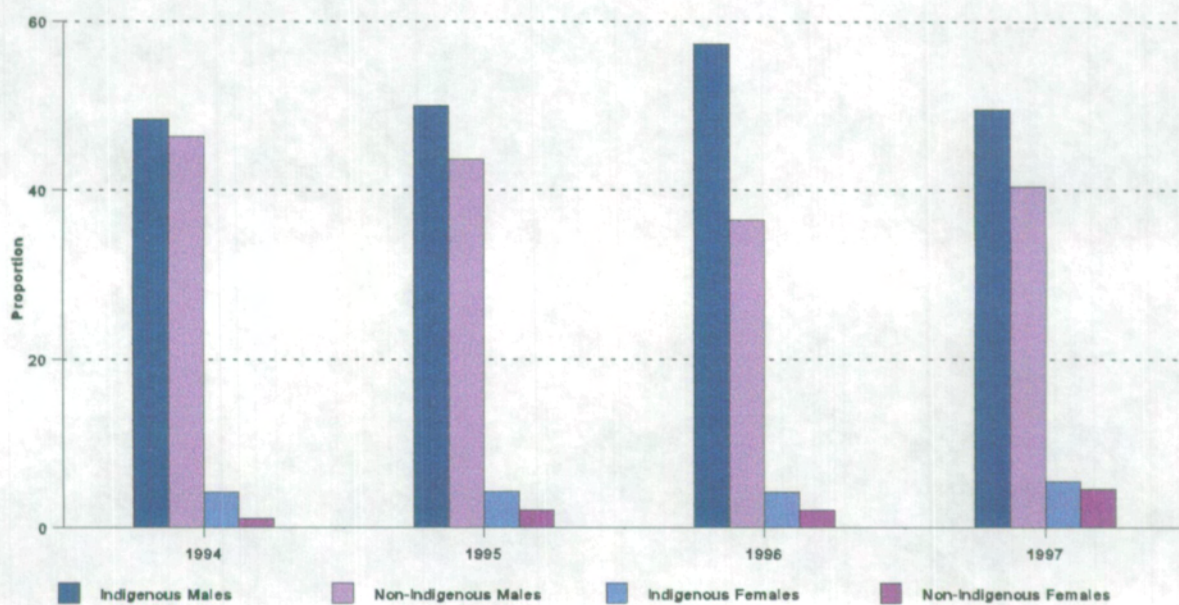
At 30 June 1997, there were 109 young people in Queensland Youth Detention Centres, the majority (55 per cent) of whom were Indigenous young people. In comparison, at the same day the previous year, there were 143 young people in these centres of whom 62 per cent were from Indigenous backgrounds.

As with all other juvenile justice indicators, the majority of all young people in detention centres at any time are 15 and 16 year old boys, and most of these are from Indigenous backgrounds. At 30 June 1997, males aged 15 or 16 years comprised 50 per cent of the total detention centre population. At the same date, young Indigenous boys aged 15 and 16 comprised 28 per cent of the total as well as 52 per cent of all young Indigenous people in the centres. In addition, one quarter of all those in the centres were over 16 years of age, 52 per cent of whom were of Aboriginal origin or Torres Strait Islander origin.

At 30 June 1994, males aged 15 or 16 years accounted for just over three-quarters of all residents. At that time, young Indigenous males in this age group comprised 37 per cent of the total and 70 per cent of all young Indigenous people in the centres.

As a proportion of all young women who were admitted to these centres, those who were from Indigenous backgrounds has ranged from a low of 38 per cent to a high of 58 per cent over the four annual periods. In addition, the number of admissions involving young Indigenous males has ranged from 43 per cent to 49 per cent of all male admissions.

Data for the years 1993/94 to 1996/97 also indicate that the minority of distinct admissions to remand result in a custodial order, where between 64 per cent and 72 per cent of these admissions did not result in a custodial order. Where non-Indigenous young people were involved, this proportion ranges between 68 and 76 per cent, however for Indigenous young people, the figure is generally lower, ranging from a low of 48 per cent to a high of 70 per cent, again indicating the trend for these young offenders to be placed on the higher tariff orders often resulting in incarceration.



**Figure 8:** Proportion of Young People in Detention Centres at 30 June by Sex and Indigenous Status, Queensland, 1994 to 1997

## **Chapter Two**

## Chapter Two

### 2.1 - A Culture of Resistance

...it must be acknowledged that non-Indigenous interventions in juvenile justice, both historical and contemporary, have been a dismal failure. ...Franz Fanon (1967) has written about the way the coloniser creates the 'native' as an inferior and subjected being. It is worth extrapolating to consider the extent to which the mainstream juvenile justice system creates the Indigenous juvenile delinquent (Cunneen and White 1995:154).

Juvenile offending is increasingly discussed in terms of socio-economic disadvantage and there is no doubt that Aboriginal youth are massively 'disadvantaged'...[however] The concept of 'oppression' is more suitable than 'disadvantage' because it incorporates both the manifestations of disadvantage, such as unemployment and the active dimensions of policing and the criminal justice system which have been used to control Aboriginal people (Cunneen 1994:153).

What has been described as delinquency could also be regarded as acts of individual defiance. The scale and nature of Aboriginal children's conflict with "authority" is reflective of a historical defiance (D'Souza 1990:5).

In these three quotes we have a reasonably succinct presentation of a highly complex issue. Criminality, as defined by a colonising culture, is used by both dominant and subordinated cultures. The dominant culture uses it as a means of asserting control, and the subordinated culture uses it as a means of resisting attempts at control. Also 'flagged', are non culturally specific precursors to offending such as unemployment. At first sight this would appear to be a promising avenue to explore. However, a degree of reluctance to pursue this particular line is also evident.

The socio-economic or class position of Aboriginal young people may offer some help in understanding their over representation in police statistics. However, whether Aboriginal young people actually offend more often and more seriously than their non-Aboriginal counterparts is difficult to determine. Policing itself plays such a fundamental role in determining the extent and nature of offences brought before the court that no simple conclusions can be drawn (Cunneen 1994:153).

Whilst it is undeniably the case that issues of hyper visibility and over policing are implicated in official statistics documenting the extent of Indigenous over representation, the case for shying away from a comparison of the reported levels of offending amongst Indigenous and non Indigenous youth of equal socio-economic disadvantage is less than compelling. Obviously such an exercise is fraught with political as much as methodological problems. If, controlling for class/disadvantage, Indigenous young people offend at a greater rate than their non Indigenous counterparts, to an extent which it seems implausible to attribute to systemic racism, then, there is a proportion of offending which needs to be explained as a consequence of cultural factors.

Such factors may involve expressions of defiance or resistance, or as is perhaps the concern of those choosing not to confront the issue directly, it may reflect some intrinsic aspect of Indigenous culture not well accommodated for by non Indigenous society generally, and the criminal justice system in particular.

The general strategy which as been adopted in the research outlined here is to focus upon three specific Sibling Study subgroups for comparison. These groups are, firstly, the “School” subsample which closely approximates a general population profile and so can be employed as a control group. Secondly, the “Indigenous” (ie. urban Aborigines) subsample, which is obviously the group of central interest. And thirdly, the “Chronically Disadvantaged/Marginalised” subsample<sup>1</sup>. This final group provides an alternative control group in the sense of representing disadvantage but not Aboriginality. Thus, to the extent that the Aboriginal sample differs from both control groups (general population and disadvantaged) it is not unreasonable to infer that there are culturally specific factors at work.

**2.2 - Socio-Economic Precursors**

Whilst the Sibling Study data cannot provide direct measures of household income, a reasonably clear picture of socio-economic status can nevertheless be obtained by examining , firstly, the number of parents in the household actually working. And secondly, by categorising (ASCO coded) occupations as either Blue Collar or White Collar. As can be seen in Table One, both the Indigenous sample and the Marginalised/Disadvantaged sample are clearly disadvantaged, relative to the School control group, but, in different ways. As would be expected, almost 40 per cent of the group specifically targeted on the basis of their marginalisation, are from households in which no parents are present. This compares with 27 per cent in the Indigenous subsample and only three per cent in the School based subsample. Conversely however, in those household where there are resident parents, in 37 per cent of cases in the Indigenous group no parent was employed, whereas, in the School sample the equivalent figure is nine percent and only slightly higher at 12 per cent for the Marginalised/Disadvantaged sample.

**Table 1 - A Comparison Of The Number Of Employed Parents In Household**

	No employed parents %	1 employed parent %	2 employed parents %	No parents in household %
Indigenous	37	28	8	27
Control (Disad)	12	29	20	39
Control (School)	9	36	52	3

Total n = 931 (137/123/671)  
prob = 0.001

Further evidence in support of the notion that Indigenous status is associated with factors over and above those associated with disadvantage (relative to the general population as indicated by the School subsample) can be seen in Tables Two and Three. The Indigenous group are characterised by a very high proportion of households in which the father is absent, 58 per cent, compared with 48 per cent for the Marginalised/Disadvantaged group and 15 per cent for the School subsample.

Interestingly, with respect to the presence or absence of mothers in the household, it is the Marginalised/Disadvantaged group in which the proportion of absent mothers is greatest, at 43 per cent. This compares with 34 percent for the Indigenous group and five per cent for the School subsample. In those households in which there are employed parents, again, disadvantage and Indigenous status, appear to entail culturally specific factors. The picture which emerges with respect to both mothers and fathers employment status (in those households in which parents are present) is very consistent.

The Marginalised/Disadvantaged are consistently *between* the Indigenous group and the School group. The single exception to this is with respect to non working mothers. Whilst almost 50 per cent of the mothers from the Indigenous group are not employed, 30 percent of the School group and 27 per cent of the Marginalised/Disadvantaged are not working. The reasons behind these figures can reasonably be expected to be quite different across the groups given that in the School group 53 percent of the working mothers are in White Collar occupations, compared with 20 percent for the Marginalised/Disadvantaged group and 12 per cent for the Indigenous group. The picture is the same with respect to the fathers occupation. In the Indigenous group 11 per cent of the fathers are in White Collar occupations, compared with 15 percent for the Marginalised/Disadvantaged group and 41 percent for the School subsample.

**Table 2 - A Comparison of Mothers' Occupation**

	Not working %	Blue Collar %	White Collar %	Not in Household %
Indigenous	49	5	12	34
Control (Disad)	27	10	20	43
Control (School)	31	11	53	5

Total n = 923 (121/136/666)  
prob = 0.001

**Table 3 - A Comparison of Fathers' Occupation**

	Not working %	Blue Collar %	White Collar %	Not in Household %
Indigenous	17	14	11	58
Control (Disad)	13	24	15	48
Control (School)	10	34	41	15

Total n = 919 (121/137/660)  
prob = 0.001

It might well be objected at this point that these tables provide an early indication of a counter argument to the notion that Indigenous over representation in the justice system is not in fact a consequence of different (ie culturally specific) factors from those associated with socio-economic disadvantage, but rather, Indigenous groups simply *have more* disadvantage than the Marginalised/Disadvantaged group and so offend more as a result.



With this issue in mind, it is useful to recall the high proportion of households in the Marginalised/Disadvantaged group in which no parent is present and to consider the education level of those parents who are present in each group. To the extent that level of educational attainment can be seen as an indicator of level of (subsequent) access to material goods and services (via employment opportunities) there is very little difference between the Indigenous group and the Marginalised/Disadvantaged group. As shown in Table Four, 50 per cent of those from the Indigenous group are in a household in which either the sole parent (in single parent families) or both parents (in dual parent families) left school before completing year twelve. In contrast, the Marginalised/Disadvantaged is associated with a slightly *higher* figure, with 52 percent being in a household in which the parent/s left school before completing year twelve. Not unexpectedly, the School subsample is characterised by the much lower figure of 31 per cent.

**Table 4 - A Comparison of Parents' Level of Education**

	Parent/s Less Than Year 12 %	Parent/s Year 12 Or More %
Indigenous	50	50
Control (Disad)	52	48
Control (School)	31	69

Total n = 931 (123/137/671)  
prob = 0.001

There is then, little to suggest that the Marginalised/Disadvantaged group are so markedly less disadvantaged than the Indigenous group that their status as an alternative control group could reasonably be questioned. It then follows from this that differences between these two groups in terms of attitudinal and behavioural factors might reasonably be interpreted in cultural terms rather than “class” terms<sup>2</sup>.

**2.3 - Quality of Interactions with Parents**

Clearly, level of education, or type of occupation, are only the most partial of measures in terms of capturing some sense of the intra-familial factors which might serve as a precursor to a delinquent disposition/ propensity to offend. For this reason it is useful at this point to turn to measures of more *affective* factors. The Sibling Study questionnaire includes the following (three level, forced answer) measure; “Do your parents or the adults who look after you, take much interest in what you do”. In Table Five below, “a bit of interest” and “a lot of interest” have been collapsed into the “Mod-High” category. As can be seen, and consisted with their definitional status, the Marginalised/Disadvantaged group are markedly represented in the “Very Little” category with 22 per cent of respondents attributing very little interest in their activities on the part of their parents (or adult carers). The School subsample is characterised by very high levels of interest with fully 98 per cent of respondents believing their parent took “some” or “a lot” of interest in what they did. In contrast, and in a sense midway between these two groups, the Indigenous subsample is characterised by 85 per cent of respondents believing their parent took “some” or “a lot” of interest in what they did. Nevertheless, expressed in terms of an Odds-Ratio, the Indigenous group are around seven times as likely as the School group to fall into the “Very Little” category.

Table 5 - A Comparison of Level of Interest of Parents

	Level of Interest	
	Very little %	Mod-High %
Indigenous	15	85
Control (Disad)	22	78
Control (School)	2	98

Total n = 913 (120/135/658)  
prob = 0.001

A more sensitive measure of intra familial affectivity (when respondents were growing up) can be obtained by drawing upon the Parker, Tupling and Brown (1979) measure of Parental Bonding. This measure comprises eight items aimed at ascertaining the nature and extent of the parent-child bond. To each of the eight items below, respondents could answer “very often”, “often”, “occasionally”, “hardly ever” or “not applicable”. Each of these items (for all parents/adult carers) were recoded such that “very often” and “often” were coded as “two” with all other responses being coded as “one”. Respondents who recorded two or less recoded scores of “Two” were then categorised as having a “Very Low” level of emotional support. Those respondents who recoded more than two of the (“Two”) recoded scores were categorised as the recipients of “Moderate-High” levels of emotional support.

Scale Items

- Spoke to me in a warm and friendly voice
- Gave me as much help as I needed
- Seemed to understand my problems and worries
- Was affectionate to me
- Liked talking things over with me
- Understood what I needed
- Made me feel wanted
- Gave me praise

Table 6 - A Comparison of Levels of Emotional Support

	Level of Support	
	Very Low %	Mod-High %
Indigenous	21	79
Control (Disad)	29	71
Control (School)	6	94

Total n = 820 (94/121/605)  
prob = 0.001  
odds ratio = Indigenous : School = 4.5:1 (2.48-8.29)



As can be seen in Table Six, although the Indigenous group are four and a half times more likely than the School group to be in the “Very Low” category, 21 per cent and 6 per cent respectively, it is the Marginalised/Disadvantaged group which is most disproportionately represented in the “Very Low” category (29 per cent).

**Table 7 - A Comparison of the Belief that Parents “usually love their children”**

	Belief that Parents “usually love their children”	
	Agree %	Disagree %
Indigenous	85	15
Control (Disad)	84	16
Control (School)	93	7

Total n = 905 (110/136/659)  
prob = 0.001

Respondents were also asked to respond to a four level Likert type item as to whether they agreed/disagreed that “parents usually love their children”. This (dichotomised) item, although general rather than individual/specific, provides some further indication of the intra familial environment. As can be seen in Table Seven, it is the Indigenous and Disadvantaged/Marginalised group who are least likely to agree with this statement (85 and 84 per cent respectively) with the School subsample most likely to, at 93 percent.

In a somewhat similar vein, respondents were asked to respond to the statement “most children have no reason to look up to their parents”. As revealed in Table Eight, with respect to this sentiment, it is the Disadvantaged/Marginalised subgroup who are most likely to agree with this statement (43 per cent). In contrast, only 28 per cent of the School subsample and 38 per cent of the Indigenous subsample agreed with this view.

**Table 8 - A Comparison of Respect for Parents**

	Most Children “Have NO Reason to Look Up to Their Parents”	
	Agree %	Disagree %
Indigenous	38	62
Control (Disad)	43	57
Control (School)	28	72

Total n = 849 (96/128/625)  
prob = 0.001

Turning more directly towards the issue of offending behaviours, Table Nine reports the responses to a statement concerning the extent to which parent and child agree about “right” and “wrong”. Respondents were presented with the statement “I think the same as my parents about what is “right” and “wrong” and asked to select from four choices: “Always”, “Often”, “Sometimes” or “Never”. Tables Nine dichotomises these responses. Perhaps not surprisingly given Table Eight, it is once again the Disadvantaged/Marginalised group who are least likely to agree with this statement (47 per cent). However, the Indigenous group is also characterised by a low level of agreement (54 per cent) and even the School group, at 74 per cent, may strike some as surprisingly low.

**Table 9 - A Comparison of Parents Influence About “Right” And “Wrong”**

	I think the same as my parents about what is “right” and “wrong”	
	Always/Often %	Sometimes/Never %
Indigenous	54	46
Control (Disad)	47	53
Control (School)	74	26

Total n = 873 (103/135/635)  
prob = 0.001

The final factor to be considered here in terms of intra familial affective factors relates directly to the central focus of this paper. Respondents were asked whether they felt their parents would “stick by them” if they were caught doing something against the law. This was a four level, forced response, statement which has then been dichotomised with the “always” category retained and the other three categories collapsed together. The pattern of responses revealed in Table Ten are very interesting. Again, the Disadvantaged/Marginalised demonstrate the distance/ alienation, which defines them as a group, by being least certain their parents would “always” “stick by them” (34 percent). However the School group are not dramatically higher with only 44 per cent of respondents being sure their parents would (always) stick by them. For the Indigenous group however, a very high degree of confidence of parental support is evident with 60 per cent of respondents believing their parents would always stick by them if they were caught doing something against the law.

**Table 10 - A Comparison of Confidence Parents Would “stick by you” if caught “doing something against the law”.**

	Parents would “stick by you” if caught “doing something	
	Yes - Always %	Mostly-No-Unsure %
Indigenous	60	40
Control (Disad)	34	66
Control (School)	44	56

Total n = 910 (122/135/653)  
prob = 0.001

## 2.4 - From The “Family” To The “Psyche”

The question which arises at this point is that of the *consequences* of these factors of material and affective deprivation/ provision. In order to address this question, the following section focusses upon a range of attitudinal factors. To begin with, more *general* orientations are considered, followed by an examination of adherence to, or disavowal of, *particular* attitudes.

## 2.5 - Underlying (general) Orientations

Two measures of underlying orientations are considered here. Firstly, the Zuckerman (1964) measure of sensation seeking, and secondly, the Schalling, Daisy, Edman and Asberg (1983) measure of Impulsivity and Monotony Avoidance<sup>3</sup>.

**Table 11 - A Comparison of Level of Sensation Seeking**

	Level of Sensation Seeking	
	High Sensation Seeking %	Mod/Low Sensation Seeking %
Indigenous	33	67
Control (Disad)	44	56
Control (School)	22	78

Total n = 887 (108/133/646)  
prob = 0.001

**Table 12 - A Comparison of Level of Impulsivity**

	Level of Impulsivity	
	High Impulsivity %	Mod/Low Impulsivity %
Indigenous	46	54
Control (Disad)	49	51
Control (School)	27	73

Total n = 823 (89/127/607)  
prob = 0.001

As can be seen in Tables Eleven and Twelve, it is the Marginalised/Disadvantaged group which score highest in both impulsivity and sensation seeking (dichotomised summative scales). The between group differences are perhaps most interesting with respect to sensation seeking, where an unexpectedly elegant progression emerges. The School group has 22 percent of respondents in the “high” sensation seeking category (quartile), followed by 33 percent in this category amongst the Indigenous group followed by 44 percent from the Marginalised/Disadvantaged group. The differences are less apparent with respect to the measure of impulsivity, with the 46 per cent of the Indigenous group, 49 per cent of the Marginalised/Disadvantaged group and 27 per cent of the School subsample falling into the “High” category.

In addition to these standard measures of psychological orientation, the Sibling Study questionnaire contains a number of other more readily interpretable indicators/ measures. The first of these additional measures to be considered concerns the confidence of respondents in their capacity to “make your life be the way you want it right now”.

**Table 13 - A Comparison of the sense of being able to make life the way you want it**

	Sense of making life as you want it		
	Can make life anything I want %	Some things %	Can't make life the way I want %
Indigenous	23	60	17
Control (Disad)	27	58	15
Control (School)	20	69	11

Total n = 894 (117/135/642)  
prob = 0.67

Table Thirteen is the only Table presented in this paper in which there is no statistically significant association between subsample group and some factor of interest. Respondents were asked whether they felt they could “make their life the way they want it, right now”. As can be seen in Table Thirteen, there is very little difference between groups with respect to this issue. Twenty per cent of the School group, twenty three per cent of the Indigenous group and twenty seven per cent of the Disadvantaged/Marginalised felt they could make their life “anything I want”. In none of the three groups did more than twenty per cent of respondents feel they could not make their lives the way they wanted (right now).

**Table 14 - A Comparison of Level of Sense of Being “Cheated”**

	Do you ever feel cheated	
	Never %	Hardly Ever-Often %
Indigenous	43	57
Control (Disad)	25	75
Control (School)	21	79

Total n = 909 (117/136/656)  
prob = 0.001

With an eye to the “relative deprivation thesis”, the Sibling Study questionnaire included items relating to the subjective sense of material deprivation. Respondents were presented with the statement “when you look at the things other people have, do you ever feel cheated?” Respondents were given four choices ranging from “yes, I often feel cheated” to “no, I never feel cheated”. In Table Fourteen, the “Never” category has been retained and the alternative three choices collapsed into a single category. As can be seen, it is the Indigenous group who are most likely to “never” feel cheated (43 per cent) with the Disadvantaged/Marginalised sample (25 per cent) and the School group (21 per cent) both at considerably lower levels.

**Table 15 - A Comparison of the Desire to Change Life**

	If you could change your life would you change it much		
	A Lot %	Some things %	No %
Indigenous	28	44	28
Control (Disad)	22	53	25
Control (School)	13	58	29

Total n = 904 (118/135/651)  
prob = 0.001

However, whilst the Indigenous group may not feel “cheated” this should not be interpreted as blanket satisfaction with life. When asked if they would change their life “much” if they could, 28 per cent of the Indigenous group chose the “a lot” option. This compares with 22 percent of the Disadvantaged/Marginalised group and 13 per cent of the school subsample. Again, however, a desire for change does not necessarily indicate dissatisfaction with oneself or ones position. When presented with the statement “do you ever look at your friends or people you know and wish you were someone else?” it is the Indigenous group who were most likely to select the “never” option (37 per cent). This compares with 14 per cent for the School group and 32 per cent for the Disadvantaged/Marginalised group.

**Table 16 - A Comparison of the Desire to be “Someone Else”**

	Do you ever wish you were someone else	
	Never %	Hardly Ever-Often %
Indigenous	37	63
Control (Disad)	32	68
Control (School)	14	86

Total n = 905 (115/136/654)  
prob = 0.001

There is obviously a sense in which (at least some) individuals appear to be adhering to sentiments which intuitively appear at odds to some degree. However, given that life is complex (perhaps particularly so in adolescence), this effect was anticipated in the design stage of the Sibling Study questionnaire and a measure of sense of “confusion” included as a control measure of sorts. Respondents were simply asked “how confusing is your life?” Table Seventeen presents the (dichotomised) responses to this statement. In terms of the “many things in my life are really confusing” option. The Indigenous group sit squarely between the other two groups with the School group seven points *below* at 21 per cent, and the Disadvantaged/Marginalised group seven points *above* at 35 percent;

**Table 17 - A Comparison of the Sense of Life Being “Confusing”**

	How confusing is your life	
	Many things are confusing %	Some things - not %
<b>Indigenous</b>	28	72
<b>Control (Disad)</b>	35	65
<b>Control (School)</b>	21	79

Total n = 906 (117/137/652)

prob = 0.001

Respondents were also asked how sure they were that “things would work out OK in the future”. This five level item was then collapsed into a three level measure with the response categories “very/pretty sure” (things will work out), “don’t know” and “not sure/won’t work out at all”. Not surprisingly, it is the School group which is most confident about the future with 73 per cent at least “pretty sure” things will work out OK for them. In contrast, 56 per cent of the Disadvantaged/Marginalised group felt the same way, with the Indigenous group at 41 per cent.

**Table 18 - A Comparison of confidence that things will work out  
“OK” in the Future**

	How sure are you things will work out OK for you in the future		
	Very/pretty sure Yes %	Don’t Know %	Not sure/won’t No %
<b>Indigenous</b>	41	14	45
<b>Control (Disad)</b>	56	14	30
<b>Control (School)</b>	73	8	19

Total n = 902 (116/131/655)

prob = 0.001

The final Table presented in this section of the paper concerns respondents sense of self-worth, and so, at least to some extent, represents the calescence of the preceding Tables. Table Nineteen indicates that it is respondents from the Disadvantaged/Marginalised group which are least likely to “Often” or “Sometimes” think of themselves as “a worthwhile person” (66 per cent). In contrast, 80 per cent of the School subsample and 77 per cent of the Indigenous subsample took this view. The difference between the Disadvantaged/Marginalised group and the other two subsamples is even more obvious if the category which collapses together the “sometimes not worthwhile” and “often not worthwhile” options is examined. Here we find five percent of the Indigenous group and four per cent of the School group, but 13 per cent of the Disadvantaged/Marginalised group.

**Table 19 - A Comparison of the Sense of Personal Worth**

	Do you think of yourself as a worthwhile person		
	Often-Sometimes	Not Sure	Sometimes-Often
	Yes %	%	No %
Indigenous	77	18	5
Control (Disad)	66	21	13
Control (School)	80	16	4

Total n = 902 (113/136/653)  
prob = 0.001

**2.6 - Underlying (specific/ offending related) Orientations**

In contrast to the previous section, this section of the paper focuses upon more specific attitudes, and in particular, attitudes directly related to criminal behaviours. The first Table to be considered (Table Twenty) is concerned with attitudes towards “breaking the law”. Respondents were presented with the item statement “its OK to break the law if you can get away with it”. This four level (strongly agree-strongly disagree) item was then dichotomised into a simple agree/disagree measure. Whilst only 11 per cent of the School group agreed with this item statement, 42 per cent of the Indigenous and 38 per cent of the Disadvantaged/Marginalised groups agreed with this sentiment. Given these figures, it is perhaps not unexpected that 48 per cent of the Indigenous group and 35 per cent of the Disadvantaged/Marginalised group also agreed “we would be better off without the Police”. In contrast, only 9 per cent of the School subsample adhered to this view (Table Twenty One).

**Table 20 - A Comparison of Attitudes Towards Breaking the Law**

	Its OK to break the law if you can get away with it	
	Agree %	Disagree %
Indigenous	42	58
Control (Disad)	38	62
Control (School)	11	89

Total n = 904 (111/133/660)  
prob = 0.001

**Table 21 - A Comparison of Attitudes Towards Police**

	We would be better off without the Police	
	Agree %	Disagree %
<b>Indigenous</b>	48	52
<b>Control (Disad)</b>	35	65
<b>Control (School)</b>	9	91

Total n = 916 (116/135/665)

prob = 0.001

A more sophisticated measure of the extent of any antagonism towards the Police is provided in Table Twenty Two. A summative scale was constructed using five Likert-type items relating to the Police<sup>4</sup> which was then dichotomised with the most “anti” third comprising one category (High) and the remaining two thirds comprising the second (Mod-Low) category. As can be seen in Table Twenty two, slightly more than two thirds of the Indigenous group (67 per cent) record a high level of antagonism towards the Police. This compares with 49 per cent on the part of the Disadvantaged/Marginalised subsample and only 16 per cent on the part of the School subsample.

**Table 22 - A Comparison of Level of “Anti-Police” Sentiment (summative Scale)**

	High (Anti) %	Mod-Low (Anti) %
<b>Indigenous</b>	67	33
<b>Control (Disad)</b>	49	51
<b>Control (School)</b>	16	84

Total n =800 (84/124/592)

prob = 0.001

### **2.7 - Peers/ Friends**

The final section of this paper to be considered before turning specifically to the issue of level of offending and offence types, concerns peers/ friends. The first Table in this section (Table Twenty Three) is concerned with where respondents’ best friend was met. Table Twenty Three demonstrates that while there are certainly (statistically significant) differences between groups with respect to the likelihood that respondents met their best friend in their own neighbourhood, in all cases the majority of respondents met their best friend somewhere else. Notwithstanding this point, it is still interesting to note that slightly more than a quarter (26 per cent) of the Indigenous group did in fact meet their best friend in their neighbourhood, compared with, only nine per cent of the Disadvantaged/Marginalised group and 14 per cent of the School subsample.



**Table 23 - A Comparison of Extent To Which Best Friends Met In Neighbourhood**

	Met In Neighborhood Neighbourhood %	NOT Met In Neighbourhood %
Indigenous	26	73
Control (Disad)	9	91
Control (School)	14	86

Total n = 801 (96/114/591)

prob = 0.001

A more interesting peer related measure is described in Table Twenty Four. The Sibling Study questionnaire contains nine items which ask respondents what they would do if they had a friend who started engaging in a particular criminal activities. The activities specified were, shoplifting, breaking into houses, stealing cars, bullying, vandalising things, graffiti, getting drunk (a lot), using drugs and getting into fights. Respondents were provided with six possible responses ranging from joining in to "reporting" them. For each item, respondents who indicated they would "join in" were scored "six" while at the other end, respondents who indicated they would "report them" were scored "one". Intervening responses were scored with the appropriate intervening value<sup>5</sup>. This measure was then dichotomised with the "high" category representing the top quartile and all lower scores collapsed into the "mod-low" category.

Table Twenty Four thus provides a measure of two (admittedly conflated) factors, peer alignment and a propensity to offend. As can be seen, 59 per cent of the Indigenous subsample fall into the "High" category. This compares with only 12 per cent of the School group and 41 per cent of the Disadvantaged/Marginalised group.

**Table 24 - A Comparison of Level of Peer Alignment (skewed towards co-offending)**

	High %	Mod-Low %
Indigenous	59	41
Control (Disad)	41	59
Control (School)	12	88

Total n = 7640 (98/106/560)

prob = 0.001

However, the fact that the Indigenous group score so highly on the peer alignment/ propensity to offend measure cannot be interpreted as evidence that the Indigenous respondents are more "peer-oriented" in terms of the influence of friends as to what is "right" or "wrong". As Table Twenty Five reveals, it is the Indigenous group who are *least* likely to think the same as their friends about right and wrong. Where 70 per cent of the Disadvantaged/Marginalised subsample and 69 per cent of the School subsample "always" or "often" think the same as their friends, only 52 per cent of the Indigenous group fall into this category.

**Table 25 - A Comparison of Friends Influence About “Right” And “Wrong”**

	I think the same as my friends about what is “right” and “wrong”	
	Always/Often %	Sometimes/Never %
Indigenous	52	48
Control (Disad)	70	30
Control (School)	69	31

Total n = 873 (103/134/636)  
prob = 0.003

## **Chapter Three**

# Chapter Three

## 3.1 - “Crunch Time:” self reported offending.

Up until this point, the issue of actual offending levels has been left unexamined, and the question of the extent to which Indigenous over representation in the justice system is a direct consequence of a disproportionate tendency to offend, unquestioned. Measuring *actual* offending is of course a highly problematic endeavor, as almost four decades of debate concerning the relative merits of official statistics and self-reports testifies. However, with respect to adolescents the issue becomes even more difficult. The Sibling Study questionnaire includes three primary measures of whether or not a respondent has engaged in criminal behaviours. Each of these measures provides a quite different picture of offending patterns because respondents have been inconsistent in their responses. This inconsistency was always anticipated and the multiple measures were deliberately included in order to increase the opportunity for developing a satisfactory measure. The three measures included were as follows. Firstly, respondents were simply asked whether or not they had ever done something against the law. Secondly, respondents were asked to describe the last thing they did which was against the law, and thirdly, the (37 item, modified) Mak scale was included which seeks yes/no responses to a wide range of criminal/delinquent behaviours.

The measure of level offending used here draws upon each of these three measures. If a respondent did not claim to have “never” broken the law, *and*, provided a description of the last thing they did which was against the law, *and*, answered yes to at least two of twenty one (the most serious) items from the Mak scale, *then*, they were assigned to the “High” category. If however, a respondent only satisfied two of the three preceding criteria (in the sense of indicating offending), they were assigned to the “Mod” category. Finally, a respondent who indicated offending for one (or none) of the three “routes” was assigned to the “Low-None” category.

Use of this strategy reveals an extraordinarily interesting picture. It is not the Indigenous group who are most obviously represented in the “High” offender category, but rather the Disadvantaged/Marginalised group. Fully 74 per cent of the Disadvantaged/Marginalised group report some offending. This compares with 67 per cent of the Indigenous group and 46 per cent of the School group.

Table 26 - A Comparison of Levels Of Self Reported Offending

	High %	Mod %	Low-None %
Indigenous	67	25	8
Control (Disad)	74	17	9
Control (School)	46	28	26

Total n = 469 (73/88/308)  
prob = 0.001

The question which arises here is why then does Indigenous offending have so much higher a profile than the offending of the Disadvantaged/Marginalised. Obviously there are issues of relative population sizes involved, however, in part, the explanation may relate to the types of offending characterising the different groups. Table Twenty Seven presents twenty one (more “serious”) Mak scale items and the proportion of each group who recorded “yes” they had committed that particular act in the last 12 months. The shaded cells indicate that group *most* associated with engaging in the activity. Also included are the odds-ratio’s comparing the Indigenous group and the Disadvantaged/Marginalised group to the School group in each case. The shaded cells provide an immediate indication that the Indigenous group and the Disadvantaged/Marginalised are each characterised by quite different patterns of offending. This can be made even clearer by drawing upon the odds-ratios. If we highlight those instances where there is a degree of differences greater than a factor of “one” in the group :School ratio a very illuminating pattern emerges.

**Table Twenty Seven - A Comparison of The Three Groups and 21 (serious) Mak Scale Items**

	School % Yes	Indigenous % Yes	Marginalised % Yes	Prob	Odds Indig to School	Odds Marg to School
Driven an unregistered car?	5	21	21	0.001	4.6:1	4.8:1
Driven a car or motor bike without a licence?	20	41	30	0.001	2.9:1	1.8:1
Driven a car or a bike after drinking alcohol?	4	17	23	0.001	5.3:1	7.7:1
Stolen things or parts from a car or a motor bike?	5	17	21	0.001	4.3:1	5.4:1
Bought beer, wine, spirits or other kinds of alcohol?	23	52	53	0.001	3.7:1	3.7:1
Drunk alcohol in a public place like a pub or nightclub?	14	44	53	0.001	5:1	7:1
Shoplifted?	17	47	46	0.001	4.5:1	4.2:1
Stolen money of \$10 or more in one go?	8	45	40	0.001	9.9:1	8:1
Broken into a house or a building to steal things?	3	42	26	0.001	20.6:1	9.9:1
Deliberately damaged other people's property?	12	37	35	0.001	4.5:1	4.2:1
Deliberately damaged property by starting a fire?	4	14	16	0.001	4.1:1	4.6:1
Deliberately damaged things like telephone boxes, street signs and street lights?	6	31	28	0.001	6.9:1	6:1
Deliberately damaged school desks, windows or other school property?	12	40	35	0.001	6.9:1	3.9:1

Put graffiti on walls, toilet doors, bus panels or other public places?	14	36	37	0.001	3.4:1	3.5:1
Taken part in a fight between two or more groups?	21	55	32	0.001	4.7:1	1.8:1
Deliberately hurt or beaten up somebody?	14	44	32	0.001	4.7:1	2.8:1
Used anything as a weapon in a fight?	5	17	19	0.001	3.5:1	4.3:1
Forced someone to give you things?	9	29	25	0.001	4.2:1	3.5:1
Use marijuana or hashish?	18	49	60	0.001	4.4:1	6.8:1
Used ecstasy, acid or speed?	3	12	38	0.001	5.4:1	23.7:1
Used pills, puffers or medicine for fun when you are not sick?	7	17	34	0.001	2.8:1	7:1

Indigenous Most Likely	Marginalised Most Likely
Driven a car or motor bike without a licence?	Driven a car or a bike after drinking alcohol?
Stolen money of less than \$10 (in one go)?	Stolen things or parts from a car or a motor bike?
Stolen money of \$10 or more in one go?	Bought beer, wine, spirits or other kinds of alcohol?
Broken into a house or a building to steal things?	Drunk alcohol in a public place like a pub or nightclub?
Deliberately damaged school desks, windows or other school property?	Used marijuana or hashish?
Taken part in a fight between two or more groups?	Used ecstasy, acid or speed?
Deliberately hurt or beaten up somebody?	Used pills, puffers or medicine for fun?

As can be seen above, to the extent that the groups differ, they differ along very clear lines. The Indigenous group offences are property crimes and crimes against the person (ie. *others* related). In contrast, the Disadvantaged/Marginalised group is characterised by substance related offences (ie. *self* related). This is not altogether surprising inasmuch as we might well expect marginalised individuals to be concerned with matters of self, and conversely, individuals who are objectively *as* marginalised but protected to some degree by a relatively high sense of self worth, to be concerned with matters of appropriation and aggression (ie. “resistance”).



### 3.2 - The Issue Of Causal Factors

What we have in Table Twenty Eight is the drawing together of those factors shown in the preceding tables to be associated with offending, for at least one of the three groups. The highlighted cells indicate the group/s for which the association is statistically significant at the 0.05 level.

**Table Twenty Eight - A Comparison of the Influence of Causal Factors.**

	<b>Indig Prob (Gamma)</b>	<b>Disad Prob (Gamma)</b>	<b>School Prob (Gamma)</b>
	Association with Lawbreaking		
Peer Alignment/ Propensity To Offend	0.03 (0.2)	0.008 (0.1)	0.003 (0.1)

Emotional Support When Growing Up (Parental Bonding)	NS (0.2)	0.01 (0.2)	0.01 (0.2)
Interest In What You Do	0.01 (0.2)	NS (0.3)	NS (0.4)
Parents Stick By You If Caught Breaking The Law	NS (0.2)	0.002 (0.2)	NS (0.1)
Impulsivity	NS (0.3)	NS (0.2)	0.001 (0.1)
Sensation Seeking/ Monotony Avoidance	NS (0.3)	NS (0.2)	0.001 (0.1)
Anti-Police Attitude	NS (0.3)	NS (0.2)	0.04 (0.1)
Fathers Occupation	NS (0.2)	0.01 (0.1)	NS (0.1)
Mothers Occupation	NS (0.2)	0.04 (0.2)	NS (0.1)
Level Of Surety Things Will Work Out In The Future	NS (0.2)	NS (0.2)	0.01 (0.1)
Attitude re: Its OK To Break The Law (if you can)	NS (0.2)	NS (0.2)	0.01 (0.1)
Attitude re: Better Off Without Police	NS (0.2)	0.05 (0.2)	NS (0.2)

What the pattern (literally) shows is that, with the single exception of the (somewhat problematic) measure of peer solidarity/willingness to offend, each group is associated with entirely unique factors driving offending. However, if we turn to the measure of level of association (*gamma*) rather than the *chi-square* value it becomes clear that the *discreteness* of these patterns of precursors is perhaps less marked than is suggested by restricting consideration to the attainment or otherwise of conventional levels of statistical association. Whilst in very general terms the gamma pattern mirrors the chi-square pattern, it also provides evidence that the earlier rejection of the psychological variables with respect to the Indigenous group may have been premature.

### 3.3 - Drawing The Threads Together

This paper began by suggesting that the issue of Indigenous over representation was arguably complicated by a reluctance to examine the issue from a start-point which accepted the possibility that any such over representation might be (at least in part) a consequence of culturally specific factors. It was suggested that such failures of nerve do not assist with respect to the first task of social scientists of providing an accurate and informative *description* of the nature of the social world. It was also acknowledged that a paucity of relevant empirical (self-report) data contributed to the difficulty of the task.

The Sibling Study data, and the analyses of that data outlined here, very obviously do not resolve the issue of the bases of Indigenous over representation, nor do they provide anything like a complete description of the social factors underpinning Indigenous offending. However, the analyses do provide compelling *indications* of the appropriateness of the general research design employed.

The use of the two control groups has revealed persuasive evidence that the social/environmental precursors of Indigenous offending are quite different to those relevant to the two non indigenous groups. If we had accepted that the data/methodology/political difficulties associated with Indigenous offending/offenders meant that inferences about this group would have to be drawn from analyses of the causal patterns revealed by examining the (larger and more reliable) general population sample group, the conclusions we would have been encouraged to draw would have been incorrect and an injustice to the group to which they were being applied. The analyses of the School group reveals a range of factors associated with offending, and, since the Indigenous group have *more* of these factors (low levels of emotional support, high anti-police sentiment, for example) we would have felt justified in concluding that herein lay the explanation for the apparently greater propensity of Indigenous adolescents to offend. We would of course have been wrong. Perhaps what is most interesting here is the finding that the other group sharing *more* of the predictor factors applicable to the School based sample (the Disadvantaged/Marginalised), also demonstrated unique patterns of statistically significant causal factors. Two very important lines for further research are thus opened here. Firstly, what is it about Indigenous cultural values which demonstrably serve to insulate, in some sense, individuals from the effects of factors which in the non Indigenous groups increase the propensity to offend. And secondly, what is it that propels offending in the Disadvantaged/Marginalised group.

Overall, what emerges from the analyses here is a very positive message about the value of what is unique about Indigenous cultural values. The fact that Indigenous young people offend at a greater rate than their non Indigenous counterparts is not denied, but, and crucially, they do not appear to offend for the same reasons and nor do they appear to offend at as high a level as their non Indigenous counterparts who happen to share important aspects of disadvantage. It does not seem entirely unreasonable to conclude that the “gap” between the reported offending of the Indigenous group and the Disadvantaged/Marginalised group represents the contribution of culturally specific factors. And further, that this gap exists at all is remarkable when we consider that the analyses also reveal considerable support for the notion of offending as individual acts of resistance to cultural oppression.

With respect to Indigenous offending, therefore, there would appear to be three key “types” of propellant. Firstly, the objective fact of disadvantage, secondly, the role of criminality as an expression of resistance, and thirdly, (and least well understood) the role of Indigenous community cultural values in suppressing offending. The central issue with respect to these three factors underpinning propensities to offend, is that only the third and final factor is culturally specific. The first two factors, which both drive offending *up*, are social processes to be found wherever an Indigenous culture is subordinated by a colonising culture. In contrast, however, the effect of the culturally specific contribution appears to be to drive offending *down*. The policy implications of this recognition are considerable.

Before discussing some of the policy implications it is essential to acknowledge the rather fragile nature of the picture which has emerged in the twenty eight tables presented here. The limitations entailed in the small sample size mean that we are compelled to restrict the analyses to bivariate analyses for the most part. The step by step presentation of a range of bivariate relationships, moving from independent to intervening to dependent variables (coupled with the twin control group strategy) represents an attempt to begin to reveal some of the little recognised underlying dynamics of an extraordinarily complex social phenomenon. It is undoubtedly the case that the argument would be more persuasive if it were based upon a multivariate analyses (LISREL perhaps). However, as a first step, this analysis provides the basis of important lines of hypothesis development/testing which can be undertaken following the second wave of Sibling Study data collection about to begin. The projected increases in sample sizes for both the Indigenous sample and the Marginalised/Disadvantaged group means that statistical tests which are currently not possible and/or inappropriate will soon become feasible.

### **3.4 - Policy Implications**

As far as possible, the policy implications here are discussed first in terms of the same categories employed in the earlier empirical profile section of this paper. The aim being to at least point to ways in which the Sibling Study data analyses can be employed in useful ways with respect to understanding the implications of the differences between Indigenous and non Indigenous young offenders. The official statistics cannot of course distinguish between non Indigenous disadvantaged adolescents and their more objectively privileged (non Indigenous) counterparts. This is then followed by a more general discussion of the policy implications suggested by the data.

#### **3.4.1 - Age**

One of the best predictors of commitment to a criminal career is the “age of onset”. The age at first in appearance in court for more than 50 per cent of the Indigenous adolescents is fourteen years or less, with more than 10 per cent being 12 years or less. The corresponding percentages for the non Indigenous young people are slightly less than 40 per cent and five per cent respectively. These very different age profiles point to the particular importance of “mentoring” programs (such as that being trialed by the Aboriginal Community on Stradbroke Island - supported by the Department of Families, Youth and Community Care, DFYCC) in which young Indigenous adolescents are provided with older (male) role models in a context which stresses the incompatibility of traditional Indigenous cultural values and criminal behaviours.

#### **3.4.2 - Reprimand Orders**

The number of reprimand orders given for Indigenous young offenders is decreasing. It is not possible to determine whether this is to the advantage or disadvantage of Indigenous adolescents, however, what is clear is that the legislative provision for reprimands to be issued by “Respected Persons” has yet to be effectively utilised. The experience of the Indigenous “Local Justice Groups” such as those at Palm Island, suggests that the use of Respected Persons *can* be a highly effective strategy for interrupting the progression from delinquency to more serious criminality. The Palm Island group which operates primarily under the legislative protection of the *Juvenile Justice Amendments Act 1996* as it relates to Community Conferencing, has clearly demonstrated the efficacy of Respected Person reprimands.

#### **3.4.3 - Good Behaviour Orders**

Over the period 1993/94 to 1996/97 the proportion of Indigenous offenders receiving good behaviour orders has fallen from 31 per cent to 15 per cent. Further analysis of the official statistics needs to be undertaken by the Department of Justice in order to determine whether this decrease is helpful or discriminatory.

#### **3.4.4 - Fine Orders**

Indigenous males appear disproportionately likely to *not* be ordered to pay a fine (eleven per cent of all fines for males, 1996-97). In contrast, 45 per cent of all fine orders for females were for Indigenous young women, 1996-97. Apart from the questions of gender equity which might be posed here, there is some evidence that a well intended strategy may not be as effective as hoped.

During the qualitative stage of the Sibling Study research this issue of diminished access to Fine Orders was raised. It was suggested that courts were acting on the basis that the relative economic disadvantage of the Indigenous community meant that fines were an inappropriate outcome.

However, it was argued by Community Elders that a Fine Order meant that the young offender would be made aware of the extent to which their extended family network would share the burden resulting from their criminal behaviours and that the effect was very similar to that described by John Braithwaite in his discussion of reintegrative shaming.

#### **3.4.5 - Supervised Orders**

Indigenous offenders are disproportionately likely to receive a supervised order. This has been interpreted in some quarters as discriminatory, as evidence of an undue level of surveillance of young Indigenous offenders. Whilst this may be the case, we need to be mindful of the fact that a supervised order means access to programs and services, which, might otherwise not be available and/or immediately attractive to the young person. Particularly given the “cocktail sentencing” options made possible by the 1996 amendments to the *Juvenile Justice Act 1992*, it now becomes possible for the courts to “tailor” a sentence outcome with more precision than previously possible. Whilst this arguably means the “justice” orientation of the 1992/96 legislation is being tempered with “welfare” considerations, it nevertheless means the increased opportunities for the courts to act in the “best interests of the child”. The crucial issue is thus not are Indigenous offenders over represented in terms of supervised orders, but rather, do the courts have a wide enough range of specialised programs and services available in order to maximise the advantages entailed in supervised orders. If the answer is “yes” then perhaps an even more disproportionate level of imposition of this type of order is desirable. It is simply not possible at this point to answer this question, however, as lead agency in the tripartite administration of the juvenile justice system in Queensland, the Department of Justice should pursue this issue with the responsible department (DFYCC).

#### **3.4.6 - Community Service Orders**

The use of Community Service Orders has increased (as a proportion of all orders) in recent years in overall terms. However, this increase is not reflected in the extent to which these outcomes are made against Indigenous offenders. The proportion of Indigenous offenders receiving a community service order has actually decreased whilst the overall proportion has increased. This represents a lost opportunity of some concern. Given the importance of “community” within the Indigenous community the opportunity to once again take advantage of the reintegrative shaming effect is unfortunate. The usefulness of this option would of course depend, to some extent, on the ability of DFYCC to provide opportunities for the order to be culturally relevant.

#### **3.4.7 - Detention Orders**

Indigenous young people are markedly over represented in terms of detention (albeit for slightly shorter periods than their non Indigenous counterparts. As with all incarcerated adolescents, the challenge is to ensure that the ultimate result of detention is diversion from a criminal identity rather than consolidation of such an identity. Although Indigenous adolescents represent 50 per cent or more of all detention centre populations, staffing has yet to match this profile. One Queensland centre appears to come close, however this relies on counting Torres Strait Islander staff as “Indigenous” staff and this may not be appropriate.

### 3.5 - More General Considerations

If there is a single most important message to emerge from the analyses outlined here it is that it is unsafe to generalise from general population samples to minority group samples. More sophisticated multivariate models may change the detail of this finding, but the message is so clear and so consistent across all the bivariate analyses, that it is unlikely to be somehow artifactual. Indigenous adolescents and marginalised/disadvantaged adolescents are responsible for a disproportionate amount of juvenile offending. Their reasons for offending are, in both cases, different from the reasons less disadvantaged non Indigenous young people offend. It is not that the less disadvantaged (and non Indigenous) have *less* of what it is which increases the likelihood of offending, the precursors in each case are quite different. And, Indigenous cultural values appear to insulate Indigenous young people from a heightened propensity to offend which derives from their status as a colonised and subordinated community.

There are, in a sense, two quite different sets of responses required if official policy is to give effect to the implications of these findings. Firstly, and very clearly, further research is required which utilises larger samples and is based upon the indications provided by the analyses undertaken to date. Responsibility for this rightly falls to the Sibling Study Consortium. The necessity for this has been recognised by the Consortium and the appropriate enlarged research program begins in mid 1998. However, research is only useful to the extent that it actually “makes a difference” by directly informing policy underpinning official responses/interventions. With respect to this second aspect it is DFYCC, and the Department of Justice, which need to take seriously the implications of this research.

Ultimately, it is DFYCC which determines the extent to which the response of the state sensibly reflects the empirical realities of the social world. There exists more than adequate legislative scope to act in a fashion informed by this research. The difficulty, if there is a difficulty, lies with moving from research to program development, implementation and evaluation. These are matters exclusively for DFYCC. However, even before we begin to think of (new) program development we need much better insight into the consequences of current state responses.

That is, whilst the Sibling Study research is useful, it is of little consequence at all until we have much more effectively analysed the official statistics in order to determine the consequences of the current range of interventions. Are supervised orders “better” than unsupervised for Indigenous young people, do fines represent a lost opportunity; these are questions which we simply cannot answer and yet without answers we cannot hope to understand what really are the *practical* implications of the Sibling Study research program.

There would seem to be a reasonably compelling case for providing the opportunity for DFYCC to become much more involved in Sibling Study Consortium considerations than has been the case to date. There is a noteworthy precedent for DFYCC collaborating more closely with the Sibling Study Consortium. Although the Department of Justice and the Queensland Corrective Services Commission are full partners in the Sibling Study Research, Queensland Corrections (QCORR), who have responsibility for juveniles in detention, are increasingly formally involved in Consortium planning on a day to day basis. QCORR have sought to become involved in the research because they recognise that the academic research has very direct policy implications for their management of youth detention centres, particularly with respect to intake assessment procedures, risk assessment, staffing policies and gender issues.

Similarly, DFYCC, if made aware of the potential relevance of the Sibling Study research, can be expected to seek closer involvement. It may well be that the necessary analysis of official statistics falls to the Department of Justice (as part of its lead agency responsibilities), if so, this presents no difficulties given its status as a full partner in the project.

With these issues in mind, it would seem timely for the Department of Justice to place this research, and its implications on the agenda for the next meeting of the “Juvenile Justice Steering Committee”, the forum convened by the Department of Justice to coordinate and oversight the activities of the stakeholders in the tripartite administration of the juvenile justice system. At the same time, the Sibling Study Consortium should be seeking to formally involve DFYCC in the same way it has begun to involve QCORR.

**The research undertaken so far is illuminating, provocative and enormously positive with respect to the Indigenous community. The challenge for the future is to ensure that we move beyond the sort of academic exercise that results in little or no change in the world people actually live in.**

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## ENDNOTES

1. The “Sibling Study” research program is a large scale survey of some 1200 adolescents aged between 12 and 18 years. The research design is quasi-experimental and utilises discrete subsample, namely:

- a general population group drawn from 16 SE Queensland High Schools (ranging from very advantaged to very disadvantaged)
- an “offender” group drawn (primarily) from two SE Queensland youth detention facilities
- a “chronically disadvantaged/marginalised” group drawn primarily from a range of community support agencies
- an “urban Aborigines” group drawn from a number of suburbs within the Brisbane metropolitan region. This group was located and interviewed by a “respected person” within the local Indigenous community.

The Sibling Study has a number of very distinctive features (apart from the groups sampled), notably its use of sibling pairs wherever possible. That is, in order to unpack, at least to some extent, sex and household environment effects, sibling pairs have been interviewed where the age difference between siblings does not exceed three years. The “general population” (School) group is entirely made up of mixed sex sibling pairs. This level of completeness was not surprisingly however not realisable with respect to the other groups sampled.

The overall aim of the Sibling Study research is the identification of the environmental and attitudinal determinants of delinquency. To this end a questionnaire was developed comprising some 750 items which aimed to operationalise the major theories of juvenile delinquency. Interviews were undertaken in 1995 and will be repeated later this year (1998). That is, a longitudinal dimension is central to the research design. It is not expected that all respondents will be located (and agree to the second phase) and further “snap shots” will be undertaken. The sample size can thus be expected to remain at around 1200 adolescents.

Further details on the Sibling Study research can be obtained either by contacting the authors, or, the Director of the project, Ms Lisa Kennedy, Dept of Anthropology & Sociology, The University of Queensland, St Lucia 4072.

2. It is important to note here that it is the *relativities* which are important rather than the absolute proportions. There would seem to be evidence of the adolescent respondents generally over estimating the level of education of their parents.

3. The Zuckerman measure is a four factor scale (thrill sensation seeking, social sensation seeking, visual sensation seeking and anti-social sensation seeking). The scale correlates positively with “autonomy” “desire for change” and “exhibitionism” measures. A modified

version of the complete scale was used in the Sibling Study research instrument.

The Schalling, Edman and Asberg measure of impulsivity derives from the view that “extroversion” is not a unitary concept but rather entails two discrete aspects (extroversion/**sociability** - *stability* and extroversion/**impulsivity** - *solidity*). Whilst Schalling, Edman and Asberg are interested in the psycho-physiological aspects of these orientations the Sibling Study research project utilised a modified version of the measure on the basis of the apparent relevance of these qualities to “at risk” groups of adolescents.

4. The measure of attitude to police is the standard Rigby “Attitude to Authority” measure from which all items not relating specifically to police have been excluded.

5. This measure was an additive scale derived by summing scores on nine items. The items all took the same “if you had a friend who started.... what would you do” form. The activities focussed upon were, shoplifting, breaking into houses, stealing cars, bullying other people, vandalising things, doing graffiti, getting drunk, using drugs, getting into fights. In summing scores, the response codes were rated as follows:

I would join in (6)

I would do nothing (5)

I don't know what I would do (4)

I would walk away (3)

I would try and stop them (2)

I would report them (1)