

Juvenile Offending Trajectories: Pathways from Child Maltreatment to Juvenile Offending, and Police Cautioning in Queensland

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FINAL REPORT

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Offending, and Police Cautioning in Queensland**

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TABLE OF CONTENTS

List of Tables	v
List of Figures.....	vii
Acknowledgments	viii
CHAPTER 1. INTRODUCTION.....	1
1.1. Background to the Report	1
1.2. Research Aims and Objectives	2
1.3. Important Methodological and Conceptual Issues.....	3
1.4. Report Outline.....	5
CHAPTER 2. CHILD MALTREATMENT	7
2.1. Definitions and Classifications of Child Maltreatment	7
2.2. Rates of Child Maltreatment.....	9
2.3. Relevant Legislation	10
2.4. Official Responses to Maltreatment.....	10
2.5. General Risk Factors for Child Maltreatment.....	12
2.6. Outcomes of Maltreatment: Links with Delinquency & Offending	14
2.7. The Impact of Type, Severity, & Timing of Maltreatment on.....	19
Delinquency and Offending Outcomes.....	19
2.7.1. Types of Maltreatment.....	19
2.7.2. Severity of Maltreatment	21
2.7.3. Timing of Maltreatment.....	23
2.8. General Parenting & Links with Delinquency & Juvenile Offending.....	26
2.9. Theoretical Explanations of the Maltreatment and Offending Link.....	28
CHAPTER 3. JUVENILE OFFENDING AND DIVERSION.....	29
3.1. Introduction and Chapter Overview.....	29
3.2. Offending, Recidivism and Young People	29
3.2.1. Definitions of Delinquency and Juvenile Offending	29
3.2.2. Prevalence of offending among young people.....	31
3.2.3. Recidivism	32
3.3. Juvenile Diversion	33
3.3.1. Definitions and Types of Diversion.....	34
3.3.2. The History of Diversion	35
3.3.3. Current Justifications for Juvenile Diversion	37

3.3.4.	Criticisms of Diversion	39
3.4.	The Process of Formal Police Cautions	42
3.5.	The Current Study	47
3.5.1.	Research Questions and Hypotheses	48
CHAPTER 4.	METHOD	50
4.1.	Research Sample	50
4.2.	Research Design.....	51
4.2.1.	Data from the Department of Families (DoF).....	52
4.3.	Data Matching and De-identification Procedure	55
4.3.1.	QPS Data Cleaning	57
4.4.	Information Included In The Final Project Database.....	58
CHAPTER 5.	RESULTS: MALTREATMENT AND OFFENDING	60
5.1.	Introduction.....	60
5.2.	Child Protection System	61
5.2.1.	Distinct Children: Substantiated and Unsubstantiated Notifications...	61
5.2.2.	Biographical Details: Sex, Indigenous Status, and Age at First and Final Maltreatments	63
5.2.3.	Type of Maltreatment	64
5.2.4.	Outcomes of Maltreatment: Out of Home Placement.....	65
5.3.	Young People Who Received A Police Caution.....	66
5.3.1.	Distinct Children: Frequency of Cautions	66
5.3.2.	Biographical Details of Young People Cautioned: Gender and Age at First Caution	67
5.3.3.	Type of Offences Cautioned	67
5.4.	Children With A Finalised Juvenile Justice Court Appearance.....	69
5.4.1.	Repeat Offending	71
5.4.2.	Biographical Details: Sex, Indigenous Status and Age at First Offence 72	
5.5.	Total Young People Who Offend In Birth Cohorts.	73
5.6.	Links From Maltreatment To Offending	74
CHAPTER 6.	RESULTS: POLICE CAUTIONING IN QUEENSLAND.....	79
6.1.	Introduction.....	79
6.2.	Matching The Cautioning Data With The Offending Data	81

6.3. Research Question 1: What Proportion of Young People Who Are Cautioned Go On To Re-offend?	81
6.4. Research Question 2: Of Young People Who Are Cautioned, Does Sex, Age of Caution, And Maltreatment History Predict Their Likelihood Of Re-offending?...81	
6.5. Research Question 3: Are Young People Who Are Cautioned For Their First Offence More Likely To Re-offend Than Young People Who Go To Court For Their First Offence?.....	84
6.5.1. Nature of First Contact with the Juvenile Justice System.....	84
6.5.2. Not Guilty Pleas.....	86
6.5.3. Seriousness of the Offending.....	87
6.5.4. Research Question 3	90
6.5.5. Time to Re-Offend.....	93
6.6. Research Question 4: Of Young People Who Re-offend, Are There Differences In The Offending Records Of Those Who Are Cautioned And Those Who Appear In Court For Their First Offence?.....	94
6.6.1. Rate of Re-Offending.....	95
6.6.2. Most Serious Court Disposition as a Juvenile	95
6.7. Research Question 5: Can we predict the seriousness of a young person’s offending from their multi-agency contacts?.....	96
CHAPTER 7. DISCUSSION	100
7.1. Maltreatment Experiences	100
7.2. Juvenile Offending.....	103
7.2.1. Cautioning.....	103
7.2.2. Finalised court appearances	104
7.3. Links between Maltreatment and Offending	106
7.4. Cautioning as Diversion.....	109
7.5. Limitations and Further Research.....	113
7.6. Conclusion	115

List of Tables

Table 2.1: Substantiated cases of abuse in Queensland: Type, gender, & age	10
Table 3.1: Actions taken by Queensland police in relation to juvenile offending – 2003-04	45
Table 4.1: Population statistics of the birth cohorts.....	51
Table 4.2: Children's contacts with each of the three systems: Child protection, police cautioning* or children's court.....	59
Table 5.1 Population's proportions of children notified to the child protection system by sex and Indigenous status.....	61
Table 5.2: Distinct children (1983 and 1984 birth cohort) by number of notifications and number of maltreatment episodes	62
Table 5.3: Individual children's experience with notifications by number of substantiated and unsubstantiated notifications.	63
Table 5.4: Mean age of maltreated children at first and final notification by sex and Indigenous status.....	64
Table 5.5 Type of maltreatment by frequency of maltreatment	65
Table 5.6: Outcomes of maltreatment, out of home placement.....	66
Table 5.7: Distinct children (1983 and 1984 birth cohort) by number of police cautions	66
Table 5.8: Gender and age of young people cautioned.....	67
Table 5.9: Number of offences cautioned by Australian Standard Offence Classification Divisions.	68
Table 5.10 Populations proportions of young people who had a finalised court appearance by sex and Indigenous status.....	69
Table 5.11: Appearances by most serious offence type and outcome (guilty/ not guilty)	70
Table 5.12: Most serious outcome by gender and Indigenous status	71
Table 5.13: Distinct children (1983 and 1984 birth cohort) by number of finalised court appearances	72
Table 5.14: Mean age at first finalised appearance by sex and Indigenous status.....	73
Table 5.15: Total number of children who offend by system response (police caution, court appearance or both) and sex.....	73
Table 5.16: Maltreatment by offending	74

Table 5.17: Logistic Regression analysis of offending status as a function of maltreatment variables	75
Table 5.18: Children who offended on basis of Indigenous status and gender	76
Table 5.19: Timing of maltreatment by sex and Indigenous status (using Thornberry et al's 2001 classification).....	77
Table 5.20: Children experiencing maltreatment and offending	78
Table 6.1: Logistic Regression analysis of re- offending status as a function of sex, age of first caution and maltreatment status.....	82
Table 6.2: Young people cautioned by re-offending status by sex.....	83
Table 6.3: Re-offending rates for maltreated young people who received a police caution by sex and Indigenous status.....	84
Table 6.4: Nature of first contact with justice system (court or caution) by sex	85
Table 6.5: Young offenders who have a finalised court appearance by nature of first contact, sex, and Indigenous status	86
Table 6.6. Most serious offence at first contact by nature of contact (court or caution)	88
Table 6.7: Examination of court and caution for group codes for Divisions 13, 14, and 15.....	89
Table 6.8: Court outcomes for young people whose first contact with the juvenile justice system resulted in a court appearance.	90
Table 6.9: Outcome of first contact for offending (caution or court) by re-offending status.	91
Table 6.10: Outcome of first contact for offending (caution or court) by re-offending status and sex and Indigenous status.....	92
Table 6.11: Mean ages of young people by type of first contact and re-offending status	93
Table 6.12: Re-offending frequency of young people cautioned and appearing in court	95
Table 6.13: Most serious court disposition as a juvenile by type of first contact.....	96
Table 6.14: Logistic Regression analysis of re- offending status as a function sex, age of first caution, and no of maltreatment incidents.	97
Table 6.15: Seriousness of offending by sex, child maltreatment status, outcome of first contact and Indigenous status.....	99

List of Figures

Figure 6.1: Survival distribution of time between first and second offence by nature of first contact (court or caution) controlling for age of child at first contact and sex of child.	94
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CHAPTER 1. INTRODUCTION

1.1. BACKGROUND TO THE REPORT

This project builds on the previous project, *Pathways from Child Maltreatment to Juvenile Offending*, which was funded by a Criminological Research Council Grant in 2000 (Stewart, Dennison, & Waterson, 2002). The above project examined the link between child maltreatment and juvenile offending by following all children born in the 1983 Queensland birth cohort through any contact they had with the Department of Families¹ (DoF) regarding a child protection matter, and/or any juvenile justice matter that required the child to appear in court or be held in custody. The research extended what was known about the association between maltreatment and juvenile offending by examining the effect of the timing, accumulation, and type of maltreatment on the onset and persistence of offending.

The results of the project demonstrated a clear link between child maltreatment and subsequent juvenile offending. More specifically, the results identified that children who were maltreated were more likely to have finalised court appearances than non-maltreated children. Additionally, children who suffered repeated victimisation were more likely to offend than other children. Maltreated children were more likely to offend as their age at their final maltreatment incident increased. Children who had been maltreated began offending at younger ages, and had more serious offending careers than children who had not been maltreated. Finally, the gender of the child, their Indigenous status, and the type of maltreatment and offending, also affected the link between maltreatment and offending.

The current project re-examines these links by examining two Queensland birth cohorts, 1983 and 1984, rather than one. In addition to utilising the same child protection and juvenile justice data from the DoF that was included in the previous report, this project includes analyses on data from the Queensland Police Service (QPS) regarding police cautions. This strengthens a particular weakness in the

¹ In 2004 the protection of maltreated children came under the jurisdiction of the Department of Child Safety, while the Department of Communities assumed responsibility for the juvenile justice system. While it is acknowledged by the authors that these new departments are now responsible for the protection of all Queensland children and administration of justice respectively, all dealings throughout the research were with, and all data was obtained from, the Department of Families. Therefore, for the purpose of clarity the key department referred to throughout this report is the Department of Families.

preceding report by providing a more representative examination of juvenile offending careers and trajectories, rather than focusing on the ‘severe’ offending cases alone that resulted in a court appearance. This is particularly pertinent as the relevant legislation states that the majority of juvenile offenders should be diverted, particularly via a police caution. Using only records of court appearances as a measure of actual juvenile offending in the last report provided a limited representation of juvenile offending in Queensland. The addition of police cautioning data to the project also allows important questions to be addressed regarding the effectiveness of police cautioning as a method of diversion.

Importantly, this research has direct relevance to policy makers, particularly those in the areas of child protection and juvenile justice. This project will consider the effectiveness of police cautioning as a form of juvenile diversion. In addition, this project will help to identify the risk factors that should be targeted to reduce the likelihood of juvenile offending.

1.2. RESEARCH AIMS AND OBJECTIVES

As mentioned above, this research has several key aims. The first aim is to examine the nature and frequency of individual children’s experiences with the child protection and juvenile justice systems and the Queensland Police. Of particular interest is the extent of repeat victimisation and repeat offending. The second aim is to look at the relationship between child maltreatment and juvenile offending. A prospective focus allows us to examine whether children who have been maltreated are more likely to offend in adolescence than children for whom there is no evidence of maltreatment. An extension of this aim is to examine pathways from child maltreatment to juvenile offending. Specifically, we will focus on the timing, frequency and type of maltreatment and subsequent outcomes for children. Of interest is whether clusters of children with similar maltreatment experiences follow the same trajectories into adolescence. The final aim associated with the research is to determine the effectiveness of police cautioning as a form of diversion for young people. The current project is interested in whether police cautioning differs in its impact on re-offending amongst young offenders with, versus without, a history of child maltreatment.

1.3. IMPORTANT METHODOLOGICAL AND CONCEPTUAL ISSUES

Many of the early studies exploring the relationship between maltreatment and offending behaviour were retrospective studies consisting of small sample groups, such as case studies of clinical samples and interviewing samples of incarcerated offenders (Kratcoski, 1982; Post, 1982; Duncan & Duncan, 1971; all cited in Garbarino & Plantz, 1986). This methodology rendered very high associations between the two variables and, while drawing attention to the importance of further study in this area, such studies have since been considered methodologically unsound (Crouch & Milner, 1993; Smith & Thornberry, 1995; Widom, 1994; Zingraff, Leiter, Myers & Johnsen, 1993). One of the reasons for this is that when retrospective studies are conducted using a sample group such as incarcerated offenders, the estimated strength of the relationship appears higher than it actually is. In a recent study by Weeks and Widom (1998), 68% of a sample of 301 incarcerated adult male offenders reported some form of childhood victimisation. However, while many offenders may have a history of maltreatment, it is not true that most maltreated children will later offend (Widom, 1994). Thus, in estimating the magnitude of the relationship between maltreatment and delinquency, and in identifying protective and risk factors, prospective studies have been judged to be far more appropriate.

Further difficulties inherent in some retrospective studies include the utilisation of self-report methods. This is because events may be forgotten or reframed to accord more with current life circumstances and perceptions (Widom, 1989). It has also been suggested that groups such as those who are incarcerated may also present their past in the most favourable light (Widom, 1989). For example, they may report maltreatment when none existed in order to provide an excuse for their current behaviour. Thus, in a retrospective, self-report study there are many potential confounds, although whether these will result in under or over reporting of maltreatment instances is not always clear.

Self-report data can be problematic whether it is retrospective in nature or not. First, self-report represents the perceptions and interpretations of one person, which may not provide a valid representation of the whole picture. Second, the effect of social desirability may influence reporting, particularly in such condemned and potentially shameful situations as maltreatment and delinquency. Researchers using self-reports

of delinquency have claimed that this method of data collection may be more accurate than official records for identifying minor offences. However, it is thought that self-report measures are less accurate when it comes to serious offences (Widom & Ames, 1994). At the same time, official data also has its strengths and weaknesses. First, those cases that are brought to the attention of authorities and then processed through official agencies are likely to represent more serious cases of maltreatment and delinquency (Widom, 1989), and may only represent a fraction of actual incidences. This means that those studies utilising official data will not accurately represent rates of occurrence in the general population. Some have suggested that this may lead to under-representation of the relationship between maltreatment and delinquency (Leiter, Myers, & Zingraff, 1994). Second, it has been suggested that official data over-represents those with a low socio-economic status because of bias in agency activity (Brown, 1984).

Another limitation of many studies is that they are correlational in nature and lack the use of inferential statistics from which cause may be derived (Garbarino & Plantz, 1986). Correlational data also tends to be drawn from one point in time rather than over time as in longitudinal studies (Widom & Ames, 1994). As such, it contains temporal ambiguity, where it is not known whether instances of maltreatment preceded instances of delinquency. Thus, while many hold the view that maltreatment leads to delinquency, such studies cannot answer critics who are proponents of the perspective that some forms of delinquent behaviour may actually cause (directly or indirectly) incidents of maltreatment to occur. Utilising data from the Pittsburgh Youth Study, Stouthamer-Loeber and associates found that while most Child Youth Service contact tended to precede or co-occur with the onset of overt and covert problem behaviours, in about half of the cases, contact with the Child Youth Service was preceded by behaviours demonstrating authority conflict (Stouthamer-Loeber, Loeber, Homish & Wei, 2001). Establishing temporal order is therefore an important issue in study design, which has been addressed by some researchers by restricting the age range for maltreatment and delinquency incidents so that one precedes the other respectively (Smith & Thornberry, 1995; Widom, 1989).

A further consideration in methodological design is that variables associated with delinquency extend beyond measures of maltreatment. Additional variables include

age, race, sex, socio-economic status, and family structure. This highlights the need for appropriate control groups to be used in studies to ensure that these variables are taken into account and controlled for. The lack of matched cohorts or other appropriate control groups is a common criticism of research into the association between maltreatment and delinquency (Crouch & Milner, 1993; Garbarino & Plantz, 1986). A similar problem revolves around the fact that many participants who have been maltreated and/or delinquent come from multi-problem families (Widom, 1994). Isolating the effect of one factor can be difficult. As such, many studies have been criticised by reviewers for being too simplistic and not considering or controlling for possibly intervening or confounding variables.

Hence, whether reviewing the literature on maltreatment and delinquency, or designing a study aimed at examining this link in a way that advances knowledge in the area, definitional constraints and methodological limitations need to be identified. In short, prospective studies are preferred to retrospective studies, as they tend to more accurately reflect the proportion of children who are maltreated and later offend. Studies that measure the incidence and type of maltreatment and offending at various points throughout the youth's life are preferred to correlational studies which take a snapshot of a person's life, as they provide indicators of the causal influences of delinquency and offending. In addition, numerous methods exist by which to categorise the type and severity of maltreatment. While a more extensive categorisation system may be more informative in terms of discerning the effect of types of maltreatment on later offending, this categorisation system should also be guided by the sample size and the ability to statistically analyse and interpret outcomes. The methodology of the present research is guided by, and acknowledges, the methodological limitations of previous maltreatment and delinquency research

1.4. REPORT OUTLINE

This report begins with a basic overview of some key project issues. In Chapter Two an updated and restructured literature review from the preceding report regarding child maltreatment and links with juvenile offending and delinquency is presented. A new review of the literature on juvenile offending and diversion processes are presented in Chapter Three. Also listed in this chapter are the primary research questions and hypotheses for this research project. In Chapter Four the

methodological process of the project are described as well as the data utilised in testing the research hypotheses. The results will be presented in two chapters. In Chapter Five results of the research regarding the link between child maltreatment and juvenile offending are reported and in Chapter Six the results regarding the effectiveness of police cautioning are reported. This report is concluded with a discussion of the research findings, key conclusions, and policy implications in Chapter Seven.

CHAPTER 2. CHILD MALTREATMENT

Child maltreatment is a very serious social problem, with many short-term and long-term consequences. In this project, child maltreatment is examined as a specific risk factor for delinquency and juvenile offending. Thus, in order to ensure clarity throughout this report, and to provide a reasonable framework for the current project, this section of the report will present a review of the literature regarding child maltreatment, including definitions and classifications, rates, risk factors, legislation, official responses, theoretical rationales, and common outcomes of maltreatment.

2.1. DEFINITIONS AND CLASSIFICATIONS OF CHILD MALTREATMENT

Past research on child maltreatment has often employed and focused upon varying subtypes. Early studies in particular focused on abuse, including physical, emotional, and sexual abuse as well as neglect under the one blanket term (see Garbarino & Plantz, 1986 for a review). Many studies during the last 20 years have differentiated maltreatment into either two categories: physical abuse and neglect, or three categories: physical abuse, neglect or sexual abuse. This type of categorisation largely reflects the definitions and categories that have been adopted by government agencies processing cases of maltreatment. It has been pointed out however, that reliance on such official data and the respective categories can cause further problems in comparability (Leiter, Myers & Zingraff, 1994). This is largely because the requirements for classification as one type or another may differ across jurisdictions so that, in effect, categories with the same label are not necessarily referring to the same maltreatment problems. Furthermore, agency-processing practices may also affect such categorisation. For example, Crouch & Milner (1993) claim that there is some evidence of agencies classifying a child as neglected when it is actually suspected that they are abused but physical evidence of such abuse is lacking. Further, it should not be assumed that the lack of comparable definitions only applies to official data. In self-report studies utilising interviews or questionnaires, the measures used to ascertain maltreatment status are often varying and specific to each study (Crouch & Milner, 1993).

More specific categories and subcategories of maltreatment have also been identified in the literature. In the early 1990s, Cicchetti, Barnett and associates developed a classification system for maltreatment including seven different types of maltreatment: physical abuse, sexual abuse, emotional maltreatment, moral/legal maltreatment, educational maltreatment, physical neglect, and lack of supervision (Barnett, Manly & Cicchetti, 1993). Attention has also been directed towards specific forms of neglect. Conceptually overlapping with Cicchetti and Barnett's classification system, Zuravin and Taylor (1987, cited in Crouch & Milner, 1993) identified eight different types of neglect: physical health care, lack of medical health care, inadequate supervision, child abandonment, shelter hazards, lack of household sanitation, lack of hygiene, and lack of nutrition. Other commonly identified forms of neglect include educational neglect and emotional neglect. Use of such specific categorisations somewhat restricts methodological options. Self-report appears to be the most suitable form of data collection. Again though, problems of different conceptualisations and measurement techniques arise. To capture many of the specific categories of maltreatment or neglect using official data would require access to very detailed case histories and, again, would be determined by the judgement and information available to the researcher involved.

As a final comment regarding the conceptualisation and definition of maltreatment, it is interesting to note that the dimensions of severity, frequency, duration, and a number of different types of maltreatment have also been considered in more recent studies. In the Cicchetti and Barnett classification system, exemplars of five different levels of severity are provided in order to score individual incidents of maltreatment (Barnett et al, 1993). According to such a specific classification system (in combination with types of maltreatment), several sub-types of maltreatment would be derived. This leads to methodological problems in itself, as a very large sample would be required to make any comparison meaningful. Furthermore, access to such large numbers of detailed case histories (if official data were to be used) would again make any such study somewhat cumbersome and subject to some degree of coder judgement. Finally, the problem arises of what to do with those cases that fit into more than one category. Previous research has adopted one of four options: to delete the case from analysis, to place the case in the 'most serious' category to which it applies, to categorise the case according to the earliest incidence of maltreatment, or

to count the case in all applicable categories. Clearly there are limitations with whichever classification system is used, with the optimal system probably dependent on the richness of the information available.

In the interest of clarity and consistency, in this report definitions and classifications of child maltreatment are consistent with those of the Department of Families in Queensland. This is the most logical approach, as this project makes use of existing data from Department of Families databases. Cases of maltreatment are classified either as 'neglect', 'physical abuse', 'emotional abuse', or 'sexual abuse'. Notifications of maltreatment are rated as either 'substantiated', 'suspected', or 'unsubstantiated', so that unsubstantiated cases are classified as non-maltreated children, and substantiated and suspected cases represent maltreated children. Separate incidents of maltreatment, as opposed to ongoing maltreatment, are referred to as 'maltreatment incidents', and distinct children are represented by unique identifier codes.

2.2. RATES OF CHILD MALTREATMENT

Child maltreatment affects a significantly large number of Australian children each year. In Queensland alone, substantiated cases of maltreatment increased by 74.1% between 2001-02 and 2003-04, from 10,036 to 17,473 cases (Department of Child Safety, 2004). In the same period of time, unsubstantiated cases of maltreatment grew by 33.2% from 4,602 to 6,130 cases. Regardless of increases in population, substantiated cases of maltreatment appear to be on the increase in Queensland, with the rate of substantiated harm increasing from 7.95 per 1,000 children in 2001-02 to 13.42 per 1,000 children in 2003-04.

Substantiated cases of abuse recorded in Queensland during 2003-04 are presented in Table 2.1 on the basis of the type of abuse and the gender and age of the victim. It is apparent that neglect represented the biggest category of substantiated cases of abuse. Males and females experienced similar levels of abuse with the exception of sexual abuse. Substantiated cases of sexual abuse tended to involve a female victim. There were fewer substantiated cases of each type of abuse recorded for those aged 15 years and above than younger age groups.

Table 2.1: Substantiated cases of abuse in Queensland: Type, gender, & age

Gender	Physical	Emotional	Sexual	Neglect	Total
Male	2060	2864	288	3447	8659
	51.0%	50.5%	28.8%	51.0%	49.6%
Female	1982	2803	712	3317	8814
	49.0%	49.5%	71.2%	49.0%	50.4%
Total	4042	5667	1000	6764	17473
<hr/>					
Age	Physical	Emotional	Sexual	Neglect	Total
0-4 yrs	924	2286	198	2622	6030
	22.9%	40.3%	19.8%	38.8%	35.0%
5-9 yrs	1377	1736	336	2026	5475
	34.1%	30.6%	33.6%	30.0%	31.3%
10-14 yrs	1437	1383	371	1854	5045
	35.6%	24.4%	37.1%	27.4%	28.9%
15 yrs and over	304	262	95	262	923
	7.5%	4.6%	9.5%	3.9%	5.3%
Total	4042	5667	1000	6764	17473

Source: Department of Child Safety, 2004

2.3. RELEVANT LEGISLATION

For the two birth cohorts of interest in this project, two primary legislative Acts have determined official responses to maltreatment and the functioning of the child protection system. These are the *Children's Services Act 1965* and the *Child Protection Act 1999*, which superseded the earlier Act. Although these two pieces of legislation are quite different, for the purposes of this study, the differences are minimal. For example, under the provision of both Acts, the Department of Families evaluates notifications of child maltreatment, finding them to be either substantiated or unsubstantiated, and organises for the protection of children (individuals aged 17 years and under) according to these findings.

2.4. OFFICIAL RESPONSES TO MALTREATMENT

Before a child can receive any form of official protection, a notification must first be made to the Department of Families. A notification of suspected harm or maltreatment can be made either by a professional who has contact with the child or a

concerned member of the community, such as a member of the child's family or a neighbour. Under the *Child Protection Act 1999* after a report of suspected harm (notification) has been made to the Department, one of two main responses may occur. When the level of harm or risk is judged as not significant (and an initial assessment is not warranted), protective advice may be provided. Protective advice includes information, resources, referral, and basic advice (Note that protective advice was not an official response category under the 1965 Act). The alternative response is an initial assessment that occurs when a notification indicates significant harm or risk of significant harm to the child. During the assessment stage, it is decided whether there is sufficient evidence to substantiate the notification (i.e. the child has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm). According to the *Child Protection Act 1999* (s9[1]) 'harm' to a child is any detrimental effect of a significant nature on the child's physical, psychological, or emotional wellbeing. It is immaterial how the harm is caused (s9[2]) and harm can be caused by;

- (a) physical, psychological or emotional abuse or neglect; or
- (b) sexual abuse or exploitation (s9[3]).

The definition of a 'child in need of protection' in the 1965 Act encompasses similar concepts, also outlining more specific illegal acts that are subsumed in the above definition.

Cases with an initial assessment outcome of 'substantiated' or 'suspected' are those where there is 'reasonable cause to believe that the child has been harmed or is suspected of harm' (Department of Families, 2002, p. 21) as opposed to unsubstantiated cases where 'reasonable cause' is lacking. Those cases that are 'substantiated' or 'suspected' are then categorised according to the type of harm the child has experienced (physical abuse, emotional abuse, sexual abuse, or neglect). In substantiated cases, action is then taken to protect the child. Depending on the severity and circumstances of the case, protection may range from supervision through to out of home placement. At the time of a child protection notification, and following assessment and intervention, the Department of Families records various data and information regarding the case.

2.5. GENERAL RISK FACTORS FOR CHILD MALTREATMENT

Before addressing the link between maltreatment and delinquency, it is important to consider the background characteristics common among those who have been maltreated. An identification of similarities between maltreated children is relevant to considering how risk factors accumulate and affect children's trajectories into adolescence.

In his investigation of the link between maltreatment and delinquency, Alfaro (1981) found that children reported as abused or neglected and children reported as delinquent or ungovernable come from similar families. Such families are also significantly different from the general population in that they are larger, have a greater percentage of illegitimate children, and a greater percentage of one-parent households. Minority groups were also over-represented. Similarly, in their investigation of the relationship between maltreatment and delinquency, Smith and Thornberry (1995) found significant differences demographically between those children who were maltreated and those who were not. Such differences occurred according to underclass status (19.5% maltreated compared to 8.2%) and family structure (18.6% maltreated in families that were not intact compared to 3.2% for intact families). In their review of the literature, Weatherburn and Lind (1997) point out that aggregate level studies almost universally show a strong positive association between measures of economic stress and reported rates of child maltreatment. According to Vondra (1990), increased irritability, arbitrary discipline, conflict, and physical punishment appear to be common parental responses to economic stressors. Vondra (1986) goes so far to say that child maltreatment can be thought of as "a symptom of stressors resulting from adverse socio-economic conditions" (p. 193).

Therefore, it appears that those who have been maltreated often have a familial background characterised by a high stress environment. Garbarino and Guttman (1986) found that high-risk families were larger, had more remarriages, may have been chronically enmeshed, and had higher discipline and parental conflict, and a greater number of life changes. Stressors may be both economic and social, as geographic mobility and social support have also been identified as predictors of rates of maltreatment. According to research conducted by Garbarino (1976), the amount of social support available influences rates of maltreatment in a community. Social

support systems for the parenting function were examined across 58 New York State counties. The degree to which mothers in a particular county are subject to socio-economic stress without adequate support systems, accounted for a substantial proportion (36%) of the variance in rates of child abuse/maltreatment across counties, while economic conditions more generally affecting the family accounted for 16% of the variance.

From the above findings, it appears that the presence or absence of support systems is an important variable in identifying high-risk families. This conclusion is echoed by Weatherburn and Lind (2001) who, following a review of previous research, suggested that “poverty and unemployment are probably less likely to lead to child maltreatment in families which have strong social supports but more likely to lead to maltreatment among parents or caregivers whose parenting is already weakened...” (p. 42).

Other factors have also been investigated in relation to maltreatment. Schellenbach and Krejci (1986) report that abusive families tend to interact less frequently and are more negative in their interactions. In particular, physical abuse tends to occur in families described as verbally impoverished and with highly negative patterns of interactions. Differences in abuse and neglect have also been examined according to family functioning and characteristics. In a review of 29 studies regarding the fertility outcomes of maltreating families, Zuravin and Taylor (1987, cited in Widom, 1994) found that neglecting parents tended to have more children and began having children earlier than abusive parents. As an overall pattern, both abusive and neglecting families were found to have children at a younger age, had children closer together, and the children were more likely to have different fathers.

Despite the aforementioned findings, it is important to emphasise that most families who are ‘high risk’ by definition do not maltreat their children. Further, although the common background characteristics of those who have been maltreated and those who become delinquent are similar, the majority of those who are maltreated do not become delinquent (Widom, 1994). Although, this does not necessarily mean that children who do not go on to offend have gone on to lead happy, healthy, and productive lives. For example, in a longitudinal study McCord (1983) reported that

approximately half of the abused and neglected boys had been convicted for serious crimes, or become alcoholics or mentally ill, or had died when unusually young. Therefore, we must be careful not to assume the outcomes for children who did not become juvenile offenders.

It is also worth noting that families in which only adolescent abuse occurs differ both in demographic characteristics and in the type of maltreatment from families in which younger children are abused. Children who experience abuse only in adolescence are more likely to have married parents (or step-parents) and parents with higher levels of education, employment, and income. In addition, in cases of sexual abuse (particularly for girls), perpetrating fathers tend to have different demographic characteristics compared to those who commit other types of abuse. This may account for some of the differences between adolescent versus child abuse (Vondra, 1986).

2.6. OUTCOMES OF MALTREATMENT: LINKS WITH DELINQUENCY & OFFENDING

Clearly, child maltreatment is a very serious problem with immediate outcomes. Of primary interest in this report however, are the various long-term consequences of childhood maltreatment, particularly juvenile offending and delinquency. In one of the earliest large prospective studies in the area, Bolton, Reich & Gutierrez (1977) identified a sample of 5,392 children reported for maltreatment in Arizona. A comparison group of 900 non-maltreated siblings were also identified. Regarding later offending, it was determined that 16% of the maltreated group had juvenile court records for delinquency compared to 8% of the non-maltreated group. This research design has strengths in that the use of siblings as a control group controls for the confounding effect of many demographic variables. However, whether such siblings provide an otherwise highly valid control group is questionable.

Later, Alfaro (1981) investigated the relationship between child abuse and neglect and subsequent socially deviant behaviour. Data was collected from the child protection and court systems in eight New York counties in two different samples. The first sample involved 3,637 children from 1,423 families who had been reported to child protection in the 1950s. Court histories were then checked for these individuals. The second sample consisted of 1,963 children who had been reported as delinquent or nongovernable in the 1970s. The histories of these individuals were then checked to

see if there were any reports of neglect or abuse. Authorities knew approximately 19% of the 1950s follow-up group (with differences across location and gender). As many as 50% of the families reported for child abuse or neglect, had at least one child who was later taken to court as delinquent or ungovernable. In the 1970s delinquent sample, it was found that a significant percentage had previously been reported as abused or neglected.

In a study of 110 ninth graders, Brown (1984) examined the links between emotional abuse, physical abuse, neglect, and self-reported delinquency. Both neglect and emotional abuse were positively correlated with all forms of delinquent behaviour examined. While physical abuse was not appreciatively correlated with any of the forms of delinquency, the relationships between neglect, emotional abuse and delinquency held even when social class was controlled. In a study conducted by Weatherburn and Lind (1997), it was similarly found that neglect was more strongly related to later deviance than the experience of physical abuse on an aggregate level. Thus, there is some evidence that child abuse is not as strong a predictor of offending behaviour as child neglect. However, as Weatherburn and Lind point out, it should be remembered that those children who are abused are nonetheless, still at increased risk of engaging in criminal activity compared to non-maltreated children.

In 1989, Widom reported the results from a prospective study based on a large sample (N = 908) of substantiated and validated cases of physical and sexual abuse and neglect from the years 1967 to 1971. Official criminal histories were collected for this group and for a control group of 667 individuals matched according to age, sex, and race. Criminal records included those for both juvenile and adult offending while maltreatment records were only utilised for cases that occurred before age 11 to establish temporal order. Findings indicated that the number of individuals with an adult criminal record was significantly higher for the maltreated sample compared to the control group. The number of arrests was also significantly higher for the maltreated group.

A logit analysis revealed that the odds of having an adult criminal record were 1.72 times higher for the abused/neglected group than the control group. Findings also indicated that the group at highest risk for criminality was older, black, abused, or

neglected males. Greater risk for maltreated children was found in relation to offending behaviour as an adolescent as well as when an adult. Results indicated that early childhood victimisation significantly increased the risk for an arrest during adolescence by more than 50% (26% vs 17%). Maltreated children also began offending activity almost one year earlier than the control subjects at 16.5 and 17.3 years respectively. The maltreated group also had approximately two times the number of arrests compared to the control group. The overall pattern of maltreated children being at greater risk for arrest as a juvenile was evident across genders. The risk of juvenile arrest for females increased from 11% (controls) to 19% (maltreated group), which represents an increase of 73%. The risk of juvenile arrest for males increased from 22% (controls) to 33% (maltreated group) which represents a 55% increase in risk. Arrest data was again gathered for this group in 1994 when less than 1% of the sample had not yet turned 25 years (the end of the peak offending period). Analysis of this data revealed that being abused or neglected as a child increased the likelihood of arrest as a juvenile by 59%, as an adult by 28%, and for a violent crime by 30%. It is interesting to note however, that roughly the same proportion of abused and neglected children and controls that had juvenile arrests, also had arrests as adults (71% and 66% respectively) (Widom & Maxfield, 2001). While Widom's (1989) study utilised a sample of validated and substantiated maltreatment cases, providing a valid sample, it should also be reiterated that many cases of maltreatment are never reported or do not proceed to the courts even when they are reported. Therefore, Widom's sample may represent more severe or repeated cases of maltreatment. The severity of maltreatment may be associated with an increased risk of offending.

Smith and Thornberry (1995) reported on a study that examined the impact of childhood maltreatment on delinquency while addressing several methodological weaknesses in previous studies. One such weakness is the lack of prospective, as opposed to retrospective, self-report studies. As such, Smith and Thornberry (1995) examined the proposed relationship between maltreatment and delinquency using both official and self-report data. Data was sourced from the Rochester Youth Development Study, a study that employed a representative sample not preselected on the basis of maltreatment or delinquency. There was a significant bivariate relationship between maltreatment and the likelihood of official delinquency. Forty-five percent of maltreated participants had a contact record compared with 32% of

non-maltreated participants. This relationship was significant even when control variables of race, sex, underclass status, and family structure were held constant. Similarly, there was a significant relationship between maltreatment and self-reported delinquency. However, when control variables were held constant, only two of the self-report scales remained significant, these were moderate and violent delinquency. There was a maltreatment effect on the frequency of contact with the justice system. Maltreated participants had an average of 1.4 contacts with the justice system while non-maltreated participants had an average of 0.8, a significant difference that was maintained with control variables.

Generally, the pathway from child maltreatment to juvenile offending is not considered a direct one. As noted previously, economic and familial stresses often form the backdrop to children who have been mistreated. Weatherburn and Lind (1997) explored the pathway from socio-economic status to delinquency in an investigation of whether this relationship is mediated by abuse or neglect (rather than by general parenting skills). This study was conducted at an aggregate level and as it utilised data from New South Wales, is probably the most relevant to the current investigation of those studies reviewed. The basis of this study is that low socio-economic status increases the risk of child neglect and other forms of harsh parenting (because of strain, and the tendency for single parent families, and larger numbers of children). These types of parenting are known to increase the risk of juvenile crime. Thus, the question arises as to how much of the effect of socio-economic status on delinquency can be explained by the effect of socio-economic status on child neglect and abuse?

Official data was used to test this question on an aggregate level. All notifications of abuse or neglect, whether substantiated or not, were recorded from notifications to the New South Wales Department of Community Services between July 1986 and June 1991. Involvement in crime was measured according to a record of appearances for all court cases finalised from July 1990 to June 1995. Socio-economic data was sourced from the "Community Profile" which is part of the Australian Bureau of Statistics census data collected in 1991. Juvenile participation in crime was positively correlated with the socio-economic stress measures of poverty, unemployment, single parent families, residential stability, and crowded dwellings. Rates of reported child

abuse and neglect were also positively correlated with these measures of social and economic stress. Further, juvenile participation in crime was positively correlated with rates of reported neglect and abuse. Postcodes with high levels of socio-economic stress also tend to have high rates of child maltreatment and high rates of juvenile criminal behaviour.

Regression analysis was used to identify explanatory variables for several different relationships. Poverty, single parent families, and crowded dwellings were found to be the best socio-economic explanatory variables for juvenile participation in crime. Together these three measures accounted for 56% of the variation across postcodes in the level of juvenile participation in crime. Regarding maltreatment, the rate of child neglect on its own, was found to explain 57% of the variation in juvenile participation in crime across postcodes. Considering property and violent crime separately, neglect accounted for 58% of the variation across postcodes in the rate of juvenile participation in property crime. For participation in violent crime, neglect accounted for 49% of the variation across postcodes. In a regression model, which included neglect as a joint predictor with poverty, single parent families, and crowded dwellings, neglect was found to account for most of the explained variation in juvenile participation in crime. A similar result is found when neglect is replaced with abuse, however Weatherburn and Lind (1997) point out that this is probably due to the high correlation between abuse and neglect.

Finally, a path analysis was conducted including the social and economic stress variables of poverty, single parent families, and crowded dwellings, the mediator variables of abuse and neglect, and the outcome variable of juvenile participation in crime. This analysis showed that neglect was the most important causal influence on juvenile participation in crime (path coefficient of 0.50). The conclusion reached from these findings is that poverty, single parent families and crowded dwellings affect the level of juvenile participation in crime mainly by increasing the rate of child neglect. The relationships found in rural areas were largely the same as those in urban areas however most of the relationships were weaker. A deeply concerning finding was "...assuming other factors remain unchanged, an increase of 1,000 additional neglected children would result in an additional 256 juveniles involved in crime. Alternatively, and again assuming other factors remain unchanged, an increase of

1,000 additional poor families would result in an additional 141 juveniles involved in crime” (Weatherburn and Lind, 1997, p. viii).

There is strong evidence for an association between maltreatment and delinquency. Regardless of whether cases of maltreatment and delinquency have been based on self-reports or official cases, or a combination of both, children who have been maltreated are more likely to engage in delinquency and juvenile offending than children for whom there is no evidence of maltreatment. While these findings suggest that maltreatment is a significant risk factor for later criminal behaviour, they do not speak as to whether specific forms of maltreatment are related to particular offending outcomes. This is important, as successful interventions may be dependent upon the nature of the maltreatment.

More recent research published after the initial *Pathways from Child Maltreatment to Juvenile Offending* project, has also examined and highlighted relationships between child maltreatment and later offending behaviour. By examining data on 667 non-maltreated children and 908 maltreated children, Grogan-Kaylor and Otis (2003) determined via a Tobit Regression Analysis that age, race, sex and experiences of child neglect, all impacted on rates of arrest in adulthood. The authors found no significant relationship between physical and sexual abuse and adult arrest rates. Similarly, Kingree, Phan, and Thompson (2003) also identified that child maltreatment in the form of emotional neglect was significantly related to recidivism amongst adolescents within a 6-month follow-up period after detainment.

2.7. THE IMPACT OF TYPE, SEVERITY, & TIMING OF MALTREATMENT ON DELINQUENCY AND OFFENDING OUTCOMES

Research has begun to consider the relationship between three particular aspects of maltreatment and delinquency. These aspects include the impact of the type, severity, and timing of maltreatment on delinquency and offending outcomes.

2.7.1. Types of Maltreatment

Researchers have recently begun to separately investigate the differential effects of various types of maltreatment, rather than considering all types of maltreatment as a whole. In 1994, utilising the data from Widom’s 1989 study, Widom and Ames

assessed the long-term criminal consequences of sexual abuse. There are several general beliefs regarding the impact of childhood sexual abuse and its link to problem behaviours such as delinquency and sexualised behaviour. In their retrospective study utilising self-reports of childhood victimisation of incarcerated offenders, Weeks & Widom (1998) found that on an overall index of childhood sexual abuse, sex offenders reported higher rates of childhood sexual abuse than other offenders (26.3% vs 12.5%). However, much of the evidence for such assertions comes from early, retrospective, and methodologically flawed studies, while more current research is not definitive (Widom & Ames, 1994; Widom, 1994). Therefore, Widom and Ames (1994) addressed whether sexually abused children were at greater risk for delinquency compared to other maltreatment and control groups, and whether they were at greater risk for committing sex crimes such as prostitution and rape. Findings indicated that there was an increased risk of arrest for the maltreated group as a whole compared to the control group. This occurred both as juveniles and as adults. The sexually abused group was not at any more risk for arrest than the abused or neglected groups. Across different types of offences there were no significant differences between the physically abused, sexually abused, and neglected groups except for arrests for running away. The sexually abused group was significantly more likely to have been arrested for running away compared to the other two maltreated groups.

Arrests for sex crimes occur relatively infrequently and have fairly low base rates of occurrence, a factor that should be kept in mind in interpreting these results. In an analysis of sex crimes as a whole, the sexually abused group was no more likely than the neglected group to be arrested for a sex crime. Both of these groups were less likely than the physically abused group to be arrested for sex crimes. Analysis of individual types of sex crimes revealed that no one in the sample had been arrested for incest, child molestation, or public indecency. As such, remaining analyses were carried out concerning prostitution and violent sex offences (rape and sodomy). Sexually abused participants were significantly more likely to be arrested for prostitution than the neglected, physically abused, and control groups. For violent sex offences, the physically abused group tended toward higher risk, however the difference was not significant. To control for variance caused by race, age, and sex, logistic regression was carried out with adult criminal record as the response variable, and race, sex, age, and type of abuse as the explanatory variables. Holding constant

these other variables, those in the sexually abused group had 4.7 times higher odds than the control group for being arrested for any sex crime. The odds for being arrested for prostitution were 27.7 times higher for this same group. The physically abused group had 7.6 times higher odds of being arrested for a violent sex offence while the neglected group showed odds 10.2 times higher than the control group of being arrested for prostitution. Thus, sexually abused children were more likely to be arrested for prostitution than a violent sex offence. Therefore, while there appears to be a link between sex abuse and later sexualised behaviour, it seems more likely to take form in a self-deprecating manner rather than a violent one.

In an investigation of the 'cycle of violence' hypothesis, utilising data from the same study, it was found that abused and neglected children did not have significantly higher rates of arrest for violent crimes as juveniles than controls (Widom, 1994). However, it is interesting to note that physically abused females had the highest rates of arrest for violent crimes as compared to controls and neglected females while neglected males had the highest risk of arrest for violent crimes compared to controls and physically abused males. Analysis of the 1994 data presented by Widom and Maxfield (2001) showed that physically abused and neglected children (as opposed to sexually abused) were the most likely to be arrested for a violent crime. Thus, perhaps it is not simply violence that begets violence, but also some aspect/s of neglect. In fact, in their retrospective study Weeks and Widom (1998) found that violent offenders reported significantly more childhood neglect than non-violent offenders, but no more physical abuse. Alfaro (1981) found that those delinquents who had been victims of abuse or neglect were far more likely than their non-abused delinquent counterparts to have engaged in violent delinquent acts. He cautions however, that such results should be used with caution in prediction of behaviour, as it is still the case that the majority of maltreated children do not engage in violent, criminal behaviour.

2.7.2. Severity of Maltreatment

Along with examination of the effects of different types of maltreatment, recent studies have begun to examine other dimensions of maltreatment such as severity, frequency, and duration. In the Smith and Thornberry (1995) study previously mentioned, a measure of the severity of maltreatment was employed based on a

classification system developed by Cicchetti and Barnett (see, for example, Smith & Thornberry, 1995; Barnett, Manly & Cicchetti, 1993). This classification produces a severity 'score' based on information such as the frequency and duration of maltreatment as well as how many different types of maltreatment there were.

Only moderate support was provided for the hypothesis that those who are most severely maltreated are most likely to offend. In order to maximise differences, the most severe third of the maltreated sample were compared to the less severe two thirds. Although, there was a trend toward greater offending for the most seriously maltreated group, the difference was not significant. There were very large differences however between the severely maltreated group and the non-maltreated group. Arrests occurred 2.8 times as often for the seriously maltreated group, 2.3 times the number of serious offences were self-reported and 1.9 times the number of violent offences as compared to the non-maltreated group. As yet however, there has been only a small amount of research into this aspect of maltreatment and the results are far from equivocal, a situation exacerbated by the fact that there is no universal designation of level of seriousness.

More recently, Hamilton, Falshaw and Browne (2002) examined the link between recurrent maltreatment and offending behaviour. They collected information on 79 residents of a secure centre for emotionally and behaviourally disturbed young people. The authors identified differences in offending behaviour between those who had no maltreatment history, those who had been victimised on a single occasion, those who had been re-victimised by the same perpetrator, and those who had been re-victimised by multiple perpetrators. The results suggest that those young people who had experienced re-victimisation were more likely to have committed violent and or sexual offences, or more serious crimes in general. The authors do however point out the need for further research, particularly prospective studies with larger research populations.

Furthermore, in a recent 6-year longitudinal study Ethier, Lemelin and Lacharite (2004) investigated the impact of maltreatment severity on children's later behavioural and emotional problems. They determined that children who had experienced chronic or continuous maltreatment as opposed to transient maltreatment,

were significantly more likely to exhibit a variety of behavioural and emotional problems. These included aggressive behaviour, social withdrawal problems, anxiety and depression, and clinical level behavioural problems within six years of their initial assessment, particularly around age 10. Though these problems appeared in each group, the severity of these problems tended to increase with the severity of the maltreatment. The authors conclude that the severity of maltreatment is an important variable when determining the actual impact of maltreatment on children.

2.7.3. *Timing of Maltreatment*

While there is a considerable body of research that supports the link between maltreatment and offending, little attention has been directed towards examining whether the timing of the maltreatment is crucial in producing delinquent outcomes (Thornberry, Ireland & Smith, 2001). Furthermore, although Moffitt (1993) proposed that the characteristics of the child and negative experiences in childhood lead to an early onset of delinquency and long-term offending, even less research has examined whether the timing of the maltreatment affects the timing of the onset of offending. This deficit is probably largely due to the inadequacy of the data collected on maltreatment and offence characteristics. Nevertheless, an important concept in pathways literature is the timing of the onset of risk factors and whether the individual is developmentally equipped to deal with adversity (Developmental Crime Prevention Consortium, 1999). Most research on maltreatment and delinquency uses reports of maltreatment that occurred in childhood, thus little is known of the effect of maltreatment that occurs in adolescence (Thornberry et al, 2001).

Thornberry et al (2001) used data from the Rochester Youth Development Study (RYDS) to examine whether the timing of maltreatment has a differential impact on adolescent outcomes. Maltreatment comprised all substantiated incidents recorded by child protective services for participants up until the age of 18. Participants were then placed into one of four categories according to the age of participants at the time of maltreatment: (1) *Early childhood-only maltreatment* (birth through age 5 years; N = 35); (2) *Late childhood-only maltreatment* (ages 6 – 11 years; N = 61); (3) *Adolescence-only maltreatment* (ages 12 – 17 years; N = 78); and (4) *Persistent maltreatment* (maltreatment occurred in both childhood and adolescence; N = 28). A fifth group included children who had received no substantiated maltreatment

notifications (N = 787). Delinquency was measured according to self-reports of having committed an offence, the frequency of the behaviour and the nature of the most serious offence.

Using logistic regression, Thornberry et al (2001) found that participants who had been maltreated in childhood only were no more likely to have committed a delinquent act than children for whom there was no evidence of maltreatment. In contrast, those children who had been maltreated in late childhood had an increased risk of delinquency. Children who were maltreated in adolescence were almost five times more likely to engage in a delinquent act than children who were not maltreated. Those who were persistently maltreated (both childhood and adolescence) were not significantly more likely to be delinquent than children who had not been maltreated. The adolescence-only and persistent groups were also more likely to experience other negative outcomes, such as drug use, alcohol related problems, and internalising and externalising problems than children who were not maltreated. The authors concluded, “it is maltreatment that occurs in adolescence that is most developmentally problematic for adolescent outcomes” (Thornberry et al, 2001, p. 970).

In order to examine the effect that type of maltreatment had on adolescent outcomes, Thornberry et al (2001) combined the early- and late-childhood groups into one group (*childhood-only*) and the adolescent-only and persistent groups into a second group (*any adolescent maltreatment*). They found that physical abuse and neglect in childhood-only increases the risk by almost three times for general delinquency in early adolescence, whereas only physical abuse in adolescence increased the risk of early adolescent delinquency. What is notable about physical abuse in adolescence is that it increased the risk of general delinquency by 15 times. Physical abuse, sexual abuse, and neglect in adolescence all increased the risk for early adolescent adjustment problems. Children who experienced physical abuse and neglect in childhood-only were not significantly more at risk of general delinquency in late adolescence than children who were not maltreated. In contrast, those who experienced physical abuse and neglect in adolescence were at greater risk for delinquency in late adolescence than children who were not maltreated.

While the findings of Thornberry et al (2001) are based on small sample sizes and need to be replicated using other samples of maltreated children, the results raise some interesting questions about the timing of maltreatment and its affect on adolescent outcomes. For example, why was maltreatment in childhood-only less detrimental in terms of adolescent outcomes than maltreatment in adolescence? It would be interesting to examine whether children received interventions following the maltreatment or whether other protective factors were present that might have mediated the effect. That the persistent maltreatment group was at a significantly higher risk for delinquency and other negative outcomes than children who were not maltreated and children who were maltreated in childhood-only provides evidence for the impact of repeated victimisation. Finally, in a more recent examination of the same data from the Rochester Youth Development Study, Ireland, Smith and Thornberry (2002) once again identified no relationship between childhood-only maltreatment and adolescent delinquency or drug use, though they did identify persistent relationships between both adolescent-only maltreatment and persistent maltreatment with delinquency and drug use outcomes.

While not examining delinquency directly, Manly and associates examined children's adjustment and dimensions of child maltreatment including developmental timing, subtype, and severity (Manly, Kim, Rogosh & Cicchetti, 2001). The sample included a maltreated group and a control group of school aged children assessed on adjustment variables including internalising and externalising symptomatology, aggressive, withdrawn, and co-operative behaviour, and personality dimensions of ego resiliency and ego control. It was found that chronic maltreatment (especially with onset during infancy) was linked with more maladaptive outcomes. More specifically, it was found that externalising behaviour and aggression were linked with the severity of emotional maltreatment in infancy and toddler-hood and with physical abuse during the pre-school period. Alternatively, internalising symptomatology and withdrawn behaviour was linked with the severity of physical neglect particularly in pre-school. While these specific effects of early maltreatment were evident, it is important to note that maltreatment during the school age period contributed significant variance for the adjustment variables after earlier maltreatment was controlled. Clearly more research examining the affect of the timing of

maltreatment needs to be conducted, and may provide an empirical base on which interventions can be developed and improved.

Overall, despite differences in the types of controls used and the research questions asked, as well as differences in the eventual strength of relationship found, most studies have found that some level of relationship exists between maltreatment and delinquency as the above studies indicate. It is not only studies into maltreatment that indicate this relationship however, as studies into parenting style more generally have also indicated a link between inadequate parental management styles and later delinquency. While poor parenting may not amount to maltreatment, maltreatment may be considered an extreme form of poor parenting. Alternatively, Wolfe, Wekerle and McGee (1992, p. 32) contend, “maltreatment can be considered as an indicator of poor socialisation practices rather than the individual cause of poor developmental outcomes.” As such, the following studies provide further evidence of the relationship between maltreatment and delinquency as well as its nature.

2.8. GENERAL PARENTING & LINKS WITH DELINQUENCY & JUVENILE OFFENDING

The Cambridge Study in Delinquent Development (Farrington, 1995) assisted in identifying a clear link between parenting style and later offending. In particular, the data showed a link between delinquency and several other causes and correlates of crime, particularly including poorer and larger families, physically neglectful parents, convicted parents or older siblings, parents with poor child-rearing behaviour such as harsh or erratic discipline, cruel, passive, or neglectful attitudes, parental conflict and poor supervision. Delinquent children were also more likely to be from broken homes, be separated from parents for a period, and have authoritarian parents. Similarly, Barnes and Farrell (1992) determined that parental support, monitoring, and parental control were also predictors of adolescent drinking, delinquency, and related problem behaviours. More specifically, coercive forms of parental control such as slapping, hitting, yelling, shouting, and screaming, and taking away privileges were related to problem behaviours. Parental support and monitoring were also found to be significant predictors of problem behaviours, displaying a negative relationship. These factors were found to be important even after taking into account demographic and family factors such as SES, age, gender, race, family structure, and family history

of alcohol abuse. In fact, parental monitoring was the best and most consistent predictor out of all control variables.

In a longitudinal study from 1939 to 1979, McCord (1983) examined case records to investigate the link between parenting styles and later criminality. The children were classified as abused, neglected, rejected, or loved, though it should be noted that the children in this study did not necessarily meet official criteria for being abused or neglected, rather these categories represent the researchers' perception of general parenting styles. The findings showed that records for juvenile delinquency were higher for rejected, abused, and neglected boys than for those from loving homes. Those classified as rejected had the highest percentage with a record (50%), approximately 20% of abused and neglected children had a record, while only 11% of the loved children had a record. It is interesting to note that across these four groups, rates of alcoholism, divorce, and occupational success were similar. Family structures and characteristics alone did not seem to influence delinquency. Rather, this was influenced by rejecting, abusive, or neglectful parenting styles, potentially in conjunction with other family systems.

Other studies have also investigated the relative impact of parenting according to other correlates of delinquency. For example, Larzelere and Patterson (1990) tested the hypothesis that the effect of socio-economic status (SES) on delinquency in early adolescence would be mediated entirely by parental management skills. The correlation between SES and delinquency was $-.37$ suggesting a link between low SES and higher rates of delinquency, though this effect of SES was mediated entirely by parental management. Thus, the direct effect of SES on delinquency was not significant. The direct effect of parental management on delinquency was $-.76$, with the overall model accounting for 46% of the variance in delinquency. Similarly, in an investigation of pathways leading to criminal involvement, Simons, Wu, Conger, and Lorenz (1994) also found that SES was related only indirectly, through parental management skills, to later delinquency. In this study, a pathway was identified (for individuals who offend early and more chronically) from poor parenting skills to antisocial behaviour patterns to delinquency. It is argued that poor parenting leads to deficiencies in social skills that impact upon successful integration into law-abiding society. Thus, it appears that parental management skills may be a more important

consideration in delinquency than the traditionally focused upon SES, though stressors associated with low SES are probably instrumental in establishing poor parenting patterns.

2.9. THEORETICAL EXPLANATIONS OF THE MALTREATMENT AND OFFENDING LINK

There are a number of theories from the psychology, sociology and general criminology disciplines that can be used in an attempt to explain the development of delinquency and offending. It is likely that no theory that draws on a singular causal relationship between childhood experience and adolescent offending can adequately explain the development of criminality. Rather, those integrated perspectives such as Sampson and Laub's (1993) sociogenic model, and Widom's (1994) maltreatment pathways model, have greater explanatory value by taking into account the interaction and accumulation of multiple early childhood and adolescent experiences. Thus, research that investigates the impact of a wide range of possible influential factors that fit within a pathways model, acknowledging the importance of experiences across the life-course, is likely to contribute increased understanding of the potential for criminality which may then feed into the development of appropriate policies and practices for intervention.

The research presented in this report looks specifically at the impact of maltreatment on subsequent offending and adopts the life-course perspective put forward in developmental criminology by examining the timing, type, and accumulation of maltreatment, and how this affects offending trajectories.

CHAPTER 3. JUVENILE OFFENDING AND DIVERSION

3.1. INTRODUCTION AND CHAPTER OVERVIEW

As juvenile offending and diversion practices in Queensland are key variables of interest in this report, a review of the available literature regarding these areas will be presented in this chapter. First, definitions of delinquency and juvenile offending will be examined. Following this there will be an examination of the definitions and types of diversion, the background and rationale for diversion, and current justifications and criticisms of diversion. Finally, the legislation and policies guiding police cautioning in Queensland will be examined. The aims, hypotheses, and research questions for the current study will be outlined in the final section.

3.2. OFFENDING, RECIDIVISM AND YOUNG PEOPLE

3.2.1. Definitions of Delinquency and Juvenile Offending

The way the terms ‘delinquency’ and ‘juvenile offending’ are defined is an important methodological issue. Delinquency and juvenile offending have often been conceptualised and measured differently across studies (Garbarino & Plantz, 1986). Definitions are often reliant on the point at which data is collected during the juvenile justice process. Some studies measure how many official police contacts an individual has had, others look at court appearances, while still others look at the number of convictions for an individual (see, for example, Weatherburn and Lind, 1997; Zingraff, Leiter, Johnsen and Myers, 1994). This difference in measurement of the dependent variable means that many studies are not comparable and have produced vastly different estimates of both delinquency, and the relationship of maltreatment to delinquency (Garbarino & Plantz, 1986). A similar difference arises when self-report data is used as opposed to official data.

The measurement of delinquency also varies depending upon what types of behaviour are included in the researchers’ definition of delinquency (Garbarino & Plantz, 1986). Some researchers do not include status offences or traffic offences in their analysis as these are not always considered serious offending behaviours (Farrington, 1995), while other studies include all types of offending for analysis (Barnes & Farrell, 1992; Brown, 1984). Furthermore, while some studies only report on one general ‘offending

behaviour' variable (Zingraff et al, 1994; Leiter et al, 1994), others are more specific, reporting on various categories of offences such as personal or violent offences and property offences (Weatherburn & Lind, 1997; Smith & Thornberry, 1995; Widom, 1989). While more specific categories are generally agreed to be more appropriate, the division of offences into types presents methodological difficulties similar to those outlined for the division of maltreatment, namely the size of the data set, coder agreement and arriving at meaningful interpretations of the data. Further difficulties with classification arise when multiple charges and offence types are evident for one individual. The above-mentioned difficulties, while not necessarily representing flaws in individual studies, highlight more general methodological concerns in the area that make comparability of findings difficult, as well as establishing a consensus or status-quo as to the nature of the relationship between maltreatment and delinquency.

As data for this project was obtained from existing databases from both the Department of Families and the Queensland Police Service, classifications of juvenile offending are consistent with those classifications typically found within the Queensland juvenile justice system. This topic is discussed further in Chapter Four, the methodological section of the report. Importantly, though the terms 'delinquency' and 'juvenile offending' are often used interchangeably throughout the literature, in this report, the terms are used to represent separate constructs. Generally, 'delinquency' is used in this report to refer to juvenile behaviour that is not socially desirable, such as truancy, but may not necessarily come to the official attention of the justice system. Alternatively, 'juvenile offending' refers to cases where the offending behaviour has come to the attention of the justice system, and is considered illegal activity. Thus, the key variable of interest in this project is juvenile offending in particular, rather than delinquency.

Finally, and perhaps most importantly, under Queensland jurisdiction, children or young people are only deemed offenders after the age of 10, before which they are not held criminally responsible, even though they may be involved in offending behaviour. Further, according to the *Juvenile Justice Act 1992*, a 'child' is defined as "a person who has not turned 17 years" (Section (5)). Therefore, data in this report relating to juvenile offending behaviour applies only to such behaviour that occurred

while the 1983 and 1984 birth cohorts were between and including 10 and 16 years of age.

3.2.2. Prevalence of offending among young people

Research that has explored the prevalence of juvenile offending and recidivism rates has been based on self-report surveys and the extent of contact that young people have had with the juvenile justice system (based on police recorded contacts, court appearances, convictions, or appearances before a Children's Aid Panel). Self-report surveys conducted overseas indicate that as many as 90% of boys and 60-70% of girls engage in at least one criminal act before the age of 18 (Junger-Tas, Terlouw, & Klein, 1994; Shannon, 1988; Short & Nye, 1957).

The high level of offending by young people is supported by studies that have looked at the level of contact that young people had with the juvenile justice system in Australia and overseas. One study conducted in South Australia explored the contact that two birth cohorts (1962 and 1972) had with either the Children's Aid Panel or court from age 10 to 17 years (Morgan, 1993; Morgan & Gardner, 1992). Children's Aid Panels are a form of diversion from court whereby the child must first admit guilt and then agree to comply with the training/rehabilitative directions recommended by the panel (Sumner, 1993). Findings indicated that 10% of the 1962 birth cohort and 16% of the 1972 birth cohort only had contact with the aid panel and that 8% of the 1962 birth cohort and 6% of the 1972 birth cohort had some contact with the court. Overall, about one-fifth of all children (18% of the 1962 birth cohort and 21% of the 1972 birth cohort) had contact with either the Children's Aid Panel or the Children's Court. Boys were more likely (26% of the 1962 birth cohort and 29% of the 1972 birth cohort) than girls (10% of the 1962 birth cohort and 13% of the 1972 birth cohort) to have contact with Children's Aid Panels or the Children's Court. The effect of Indigenous status was only explored for the 1972 birth cohort. On the basis of 1986 census population statistics, it was estimated that one in two (55%) Indigenous young people had contact with Children's Aid Panels or the Children's Court compared with one in five (21%) young people in the population (Morgan & Gardner, 1992).

Another study by the Department of Families, Youth, and Community Care (1998) in Queensland explored the demographic composition of young people aged between 10 and 16 (n=9,086) who had a finalised court appearance (n=22,462) between 1987/88 and 1995/96. Over three-quarters of appearances (81%) were by boys and one-quarter (25%) of appearances were by Indigenous young people. Given the proportion of these groups in the population, these findings give further support to previous findings that boys and Indigenous young people are over-represented in court appearances.

Several studies conducted overseas also suggest that boys have a high level of contact with the juvenile justice system. The first cohort study in Philadelphia (USA) found that one-third (33%) of boys had at least one officially recorded police contact before the age of 18 (Wolfgang, Figlio, & Sellin, 1972). The Swiss Project Metropolitan study found that 31% of young boys had a police recorded contact by the age of 25 (Wilkstrom, 1991). Likewise, the Cambridge Study in Delinquent Development (UK) found that 31% of a sample of young boys living in London had a conviction by the age 21 (West & Farrington, 1977). In New Zealand a cohort study found that 25% of males had an official offending record by age 20 (Lovell & Norriss, 1990).

3.2.3. *Recidivism*

Research that has explored recidivism has been based on the number of contacts that young people have with the juvenile justice system (based on court appearances, appearances before aid panels, or proven court appearances). This research suggests that most young people only appear once and that a small proportion of young people account for a large proportion of appearances. The study of two birth cohorts in South Australia (Morgan, 1993) found that over two-thirds of children (70% of 1962 and 65% of 1972 birth cohorts) only had one appearance before a Children's Aid Panel or Children's Court and less than 5% had six or more appearances. Likewise, the study by the Department of Families, Youth, and Community Care (1998) found that nearly 60% of young people only had one finalised court appearance. Young people who had more than two proven appearances (22%) were found to account for 60% of all offending appearances. Boys (44%) were more likely than girls (32%) to have more than one court appearance. Indigenous males (66%) were the group most likely to have more than one court appearance and non-Indigenous females (44%) were the group least likely to have more than one court appearance. About half of

non-Indigenous males (47%) and Indigenous females (48%) appeared in court on more than one occasion.

Two studies in NSW also indicate that most young people only have one court contact and that a few juvenile offenders are responsible for a large amount of court appearances. The study by the NSW Department of Juvenile Justice (Cain, 1997) explored recidivism within the NSW juvenile justice system by examining juvenile court appearances for all juveniles between 1986 and 1994 who had reached the age of 18 by the end of 1994. Within this period of time, there were 91,230 records relating to 52,935 proven appearances by individual juvenile offenders. Findings indicated that the majority of juveniles had one proven appearance (70%) or two proven appearances (15%). Additionally, it was found that few juvenile offenders were responsible for a large number of offences. One-tenth of juvenile offenders accounted for nearly one-third of appearances and fewer than 2% of juvenile offenders accounted for nearly one-tenth of all appearances. Carcach and Leverett's (1999) study followed a cohort of young people in NSW who had a proven court appearance between 1 July 1992 and 30 June 1993 to 30 June 1997. There were 71,560 court appearances within this period of time that related to 35,947 distinct children. Findings indicated that nearly two-thirds (63%) of young people only had one appearance in the catchment period and did not reappear.

3.3. JUVENILE DIVERSION

Diversion occurs in all jurisdictions throughout Australia (O'Connor & Cameron, 2002; Polk, Alder, Muller & Rechtman, 2003; Wundersitz, 1997). In Queensland specifically, diversion is a primary official response to juvenile offending and is outlined in the *Juvenile Justice Act 1992*. This legislation ensures that the diversion process in Queensland is more regulated than some other jurisdictions, and is somewhat protected from excessive police discretion (Wundersitz, 1997). In consideration of the above, this section will give a broad overview of juvenile diversion before focusing specifically on police cautioning in Queensland, which is the primary form of diversion of interest in this report. The information presented will include definitions, background, rationales, theoretical justifications and criticisms of diversion.

3.3.1. *Definitions and Types of Diversion*

Though diversion can occur at any stage during criminal processing, the term 'diversion' is typically used in Australia to refer to pre-court diversion, which primarily occurs to keep offenders away from formal criminal processing, particularly within the courts system (Wundersitz, 1997). In its broadest sense, diversion can refer to any processing of offenders, which is an alternative to the formal processing or prosecution that would otherwise have occurred (Harding & Dingwall, 1998). Though diversion can occur for adult offenders, it is typically associated more with juvenile offenders.

Australia wide, the four most common forms of diversion are informal police cautions or warnings, formal police cautions, conferencing, as well as specific forms of diversion for drug related offences (O'Connor & Cameron, 2002). Within Queensland specifically, the two primary forms of juvenile diversion embodied in the *Juvenile Justice Act 1992* are youth justice conferencing and police cautioning.

Youth justice conferencing first originated in New Zealand in 1989 in response to juvenile offending (Polk, Alder, Muller & Rechtman, 2003), and is typically consistent with the principles of restorative justice (Wundersitz, 1997). A standard youth justice conference can include the offender, the victim, willing members of each of their families and other supporters, as well as the coordinator of the conference and the police officer or court prosecutor involved in the case (Polk et al, 2003; Wundersitz, 1997). Typically, a conference will entail a certain degree of mediation and conflict resolution in order to meet the needs of all those involved (Polk et al, 2003; Wundersitz, 1997). Conferencing has become very popular and influential Australia wide since its initial introduction (Polk et al, 2003; Wundersitz, 1997).

Throughout Queensland specifically, youth justice conferencing was first introduced in a pilot program 1997 around Ipswich, Logan, and Palm Island, following amendments to the *Juvenile Justice Act 1992* (Palk, Hayes & Prenzler, 1998). Youth Justice Conferencing was expanded in 1999 to also include Cairns and surrounding areas (Families, Youth and Community Care, 1999). It is important to note however, that it was not until 2004 that it was widely available throughout all of Queensland

(Department of Families, 2003), thus having little impact on the two birth cohorts under examination in this project. In light of this information, police cautioning will remain the only form of diversion of interest for the remainder of this report, and will be discussed in more detail later in this chapter.

3.3.2. The History of Diversion

The first approach to juvenile diversion in Australia was the development of a separate justice system for juveniles in the mid to late 19th century (O'Connor & Cameron, 2002; Wundersitz, 1997). The development of this separate juvenile justice system was motivated by humanitarian concerns about the treatment of young offenders in the justice system, and their general welfare (O'Connor & Cameron, 2002). Before this time, Australian children had been treated as adults within the criminal justice system (O'Connor & Cameron, 2002). Another key concern at the time was the effect that delinquent juveniles might have on society, as well as generalised concerns about the overall decaying moral fibre of society (O'Connor & Cameron, 2002).

According to O'Connor and Cameron (2002), during this period, the common belief was that juveniles could be prevented from becoming serious offenders through state intervention early in the offending cycle, and in many cases, through intervening before offending had even begun. In this sense, the perceived best response to juvenile offenders was often to imprison offending young people in institutions such as 'industrial training schools', as well as those young people who appeared to exhibit socially undesirable or immoral behaviours, regardless of whether they were illegal behaviours or not. Based on this approach, state intervention was widespread and intensive, particularly in the lives of poorer families, and Indigenous communities. The key development of this era however, was that by 1910, all Australian states had separate courts for juveniles, as well as separate sentencing practices.

For the first 75 years of the 20th century, the separate juvenile justice system developed into, and was generally consistent with, the welfare model (O'Connor & Cameron, 2002). The belief of the time was that crime was not simply a choice made by the offender, but more so a symptom of need, or a symptom of greater life problems caused by bio-psychosocial factors (O'Connor & Cameron, 2002).

According to O'Connor and Cameron (2002), state intervention for young Australians was determined by the perceived needs of each child, rather than any specific illegal behaviours, thus state intervention was very widespread, and in many cases could be long-term. Typically, state intervention took the form of welfare responses and professional treatments such as counselling, therapy, and so forth, and in serious cases institutionalisation. Some criminal behaviour was also dealt with through court sentencing. Intervention took place, regardless of whether the young person had committed illegal activities or not, and so included children who were perceived to be at risk of offending or, 'in need' for various moral reasons.

Not surprisingly, by the 1960s the welfare model had come under attack, and was discredited for a number of reasons (O'Connor & Cameron, 2002; Polk et al, 2003; Wundersitz, 1997). These included concerns that young people were not given the same due process rights as adults, that state intervention was not justified in cases where no illegal activity had occurred, that the justice system was discriminative against poorer classes and Indigenous communities, and that the existing forms of state intervention were in most cases ineffective in rehabilitating offenders (O'Connor & Cameron, 2002). Coinciding with this period was the emergence of labelling theory, which argued that continued offending could actually be caused by state intervention, rather than prevented by it. The theory argued that contact with the criminal justice system could be a stigmatising experience for the young offender, and could result in the offender being labelled as criminal or delinquent and so forth (O'Connor & Cameron, 2002; Wundersitz, 1997). It was argued that the young person could internalise these labels, and subsequently begin to behave according to their label (O'Connor & Cameron, 2002; Wundersitz, 1997). Thus, it was determined that criminal processing could result in continued offending, rather than its prevention. Overall, during this era it appeared that not only was intervention non-beneficial in most cases, in some cases it exacerbated the problem. The common belief of this era was that no intervention was effective for juvenile offenders, and that offending appeared to be so common amongst juveniles that it could almost be considered 'normal' behaviour, and that in many cases, if left alone, offending behaviour would cease naturally (O'Connor & Cameron, 2002).

In response to these criticisms, the juvenile justice system eventually moved from a welfare model to a justice model, which was built upon the belief that children should be held accountable for their behaviour, but should also be granted due process rights, and that punishment should be in proportion to the behaviour itself (O'Connor & Cameron, 2002). Also, based on the perception that intervention was ineffective in most cases of juvenile offending, the basic belief was that juveniles should be diverted away from contact with the formal system wherever possible, and that formal responses such as imprisonment, should be treated as a last resort only (O'Connor & Cameron, 2002). Hence, coinciding with the development of the justice model was the overall destructuring of the justice system, which included formalised diversionary approaches, deinstitutionalisation, decarceration, and decriminalisation (Polk et al, 2003; Wundersitz, 1997). Clearly, it was in this period that juvenile diversion first became an official, formalised, and vital aspect of the juvenile justice system (Wundersitz, 1997).

Also influential in this era was the development of the President's Commission on Law Enforcement and the Administration of Justice in the USA in 1967, which argued very strongly for the diversion of juveniles away from formal processing in the courts, in particular, diverting them into treatment programs (Wundersitz, 1997). Importantly, though diversion grew in importance both in Australia and the USA in the same era, the definition of diversion varied between the countries. In the USA, diversion typically referred to diversion into a treatment program or an alternative form of intervention, while in Australia, diversion typically referred to diversion away from any formal processing or continued state intervention (Wundersitz, 1997). According to Wundersitz (1997), some authors have argued that the Australian form of diversion can be viewed as a purer form of diversion, and more consistent with the theory base and the primary aims of diversion.

3.3.3. Current Justifications for Juvenile Diversion

As argued above, labelling theory was originally one key justification for juvenile diversion. The basic premise of labelling theory was that juvenile justice procedures created in the offender a negative label and identity, which had negative consequences including social stigmatisation and increased recidivism or secondary deviance. According to Bernburg and Krohn (2003), over time, labelling theory has encountered

varying levels of popularity, and empirical findings have often been inconsistent (for examples, see also Klein, 1986; Ray & Downs, 1986). Thus, more recently, a revised approach to labeling theory has also emerged and received mixed support. The theory identifies the negative impacts of official state intervention for adolescent crime, such as decreased access to employment and education perhaps resulting from labeling and stigmatisation, which may lead to secondary deviance and further involvement in offending (Bernburg & Krohn, 2003). Importantly, though, there are alternative justifications and rationales for diversionary processes.

In the Australian context in particular, some additional anticipated benefits of diversion were that the processing of juveniles would be less expensive, and more expedient, and the process would become much simpler (Wundersitz, 1997). Additionally, since the processing of the offender would be finalised much closer to the actual offence, and intervention could occur much sooner, it was expected that the process would seem more relevant to the young offender and their parents, easier to understand and participate in, and a more positive and effective experience (Wundersitz, 1997). As intervention occurred much earlier, it was also expected that recidivism could be significantly reduced (Wundersitz, 1997). Finally, as the majority of cases would not result in a court appearance, court resources could be more efficiently applied to the remaining more serious offenders requiring more intensive and considered state intervention (Wundersitz, 1997).

Though these justifications are still used to defend diversionary processes, it is difficult to determine their continued relevance. This is primarily because evaluations in this area are rarely conducted (O'Connor & Cameron, 2002; Polk et al, 2003; Wundersitz, 1996). In particular, very little research is available showing the effectiveness of juvenile diversion to meet any of its initial aims, particularly whether diversion can alter the offending trajectories of juvenile offenders. It appears that only one Australian study has examined the effectiveness of police cautioning. Challinger (1981) compared two matched groups of juvenile offenders. One group received court processing, while the other group received a police caution. While the differences were not significant, the data showed slightly more recidivism amongst the court processed juveniles compared with those who received a caution. Based on the results, Challinger (1981) argued that while cautioning was not necessarily more

effective than court processing in decreasing recidivism, cautioning was certainly more expedient and less expensive, which were clear advantages over formal adjudication.

An additional and more recent theoretical justification for diversion is provided by the criminal careers literature. According to the criminal careers approach, individuals engage in criminal behaviour to lesser or greater extents and for varying durations throughout their life course (Vold, Bernard & Snipes, 2002). This model argues that in order to explain criminal offending, several variables must be considered, particularly because there may be different causes for crimes that occur at different points in the offender's lifespan (Vold, Bernard & Snipes, 2002). When examining a criminal career, it is important to examine the age of onset, participation, frequency, duration, and desistance for each offender (Vold, Bernard & Snipes, 2002). The model argues that certain life events for the individual may influence their involvement in crime, rather than simply their propensity to commit crime, thus the key area of interest is determining what factors influence a person's offending behaviours (Vold, Bernard & Snipes, 2002). As argued previously in this report, child maltreatment is one life event that can affect an individual's offending behaviours. It may be similarly argued that diversionary processes, as opposed to court processing, are life events that may also affect offending behaviours and criminal involvement. The possibility that diversion can affect juvenile offending trajectories is a primary area of interest in this project.

3.3.4. Criticisms of Diversion

Throughout its history, diversion has been the target of a number of criticisms (Polk et al, 2003; Wundersitz, 1997). Amongst these are concerns and criticisms of net widening, lack of due process rights, and biases regarding gender, race, and socio-economic status (for an overview, see Wundersitz, 1997). Though many of the original criticisms of diversion were more relevant to the American context, some can be applied to diversion practices in Queensland. Unfortunately, as argued earlier in this report, very little reliable research has been conducted in Australia to determine the effectiveness and outcomes of diversion through police cautioning. Clearly, therefore, an in-depth examination of the major strengths and weaknesses of diversion in Queensland is not possible in this report. Rather, this section will attempt to

provide a basic overview of the more common criticisms and concerns aimed at diversion, which can be applied to police cautioning in Queensland.

Not long after diversion was first implemented, concerns of net widening emerged (for examples see Decker, 1985; and Polk, 1984). More specifically, as summarised by Wundersitz (1997), there were serious concerns that formal diversion processes were including young people who would previously have been ignored by the justice system or dealt with via an informal warning or caution, particularly due to the minor status of their offending. This of course appeared to defeat the purpose of diversion initiatives, which was to decrease the number of young people having formal contact with the juvenile justice system. Further, in Queensland, if a young offender receives more than one caution, it is likely that any subsequent offending behaviour, regardless of its severity, will result in an appearance in court. This is a further reversal of a major aim of diversion.

Concerns of net widening have often been specifically applied to female juvenile offenders, and are thus related to additional concerns of gender biases in diversion processes. For example, based on an analysis of secondary data, Alder (1984) argued that females were overrepresented in diversion programs. Though findings were inconsistent, it appeared that generally, females were included in diversion programs at a much higher rate than they were included in traditional criminal processing. In addition, it appeared that their involvement in these programs was most often in relation to particularly minor offending, which may not have come to the attention of the formal criminal justice system before the establishment of diversion programs. Further, according to Ogilvie, Lynch, and Bell (2000), based on a more recent analysis of official statistics in Queensland, it appears that despite females committing similar offences in similar patterns as males, they are still significantly more likely to be cautioned than their male counterparts. This may imply that females are overrepresented in cautioning practices, or alternatively, that males do not enjoy the same benefits of pre-court diversion via cautioning as females.

Another major criticism of diversion, according to Cunneen and Luke (1995), is that Indigenous young people do not experience the same benefits of police cautioning as non-Indigenous children in Australia. More specifically, based on an examination of

official data in NSW, these authors determined that Aboriginal children were overrepresented at each level of the justice system, and that their overrepresentation became more marked as they continued deeper into the system. They determined that Aboriginal children are often younger when they first have contact the justice system, which leads them to develop a more extensive criminal record than non-Indigenous children, which makes them more likely to face detention. They argued that while offending patterns could assist in explaining the decreased rates of cautioning for Aboriginal young people, even when the severity of their offending was held constant in analyses, Aboriginal children were still significantly less likely to receive a caution than non-Indigenous children. The authors suggested that police officers' decisions not to caution Aboriginal young people may also be due to socio-economic factors and cultural differences which may impact on the interaction styles between Aboriginal young people and police officers. This is particularly pertinent, as Queensland police officers are authorised to consider the attitude and behaviour of the young person when determining the merits of administering a caution or proceeding with court processing (Queensland Police Service Operational Procedures Manual, Section 5.5.3). In this sense, Indigenous children, and children of low socio-economic status, may not have the skills or ability to interact as positively with police, and thus, may not be given the chance to experience the full benefits of police cautioning processes, based on the discretionary powers, and perhaps biases, of police officers (Cunneen & Luke, 1995).

Alternatively, as argued by Weatherburn, Fitzgerald, and Hua (2003), the presence of systematic bias in the criminal justice system alone, cannot explain the full extent of Aboriginal overrepresentation. Though the authors do acknowledge that bias does exist, they argue that Aboriginal overrepresentation in prisons is also due to their overrepresentation in criminal offending, particularly serious offending. More specifically, they propose that Indigenous children begin offending at younger ages, re-offend in higher numbers, and offend more seriously, which subsequently results in higher rates of imprisonment, which is consistent with the current processes of the juvenile justice system. They argue therefore that rather than diversion programs alone, early intervention and prevention programs would be more beneficial to young Indigenous offenders, particularly if consideration is given to the causes of crime and the risk factors present in these communities.

The final major concern regarding police cautioning is related to the due process rights of the alleged offenders. In Queensland, young people are required to admit to an offence before they can receive a caution. According to Wundersitz (1997), young people often have to make this decision without the advice of a lawyer. Though the legislation does state that the young person is entitled to legal representation, whether these rights are realised by the young people remains unclear. Additionally, as outlined in the legislation, the police officer must have sufficient evidence to prove that the young person committed the offence before they can appropriately administer a caution. It is possible however, that the police officer could exert pressure or influence over the young person, so that they confess to the offence even when sufficient evidence is lacking (Wundersitz, 1997). Clearly, this poses a very serious concern regarding the rights of alleged juvenile offenders.

To conclude, it appears that many of the initial justifications for diversion, as well as the criticisms against it, were first raised in much earlier research. Clearly, as adequate evaluative research has not been conducted in this area in recent years, it is difficult to confidently apply these previous arguments to the current Australian context (Polk et al, 2003). It is anticipated however, that the findings from the current project will contribute somewhat to the research areas that are currently lacking, particularly the effectiveness of police cautioning in altering juvenile offending trajectories.

3.4. THE PROCESS OF FORMAL POLICE CAUTIONS

Young people encounter the juvenile justice system according to the regulations set out in the *Juvenile Justice Act 1992*. This Act was the key legislation regulating the two birth cohorts of interest in this project. Since this time however, this Act has been substantially updated. Additionally, coinciding with the update of the *Juvenile Justice Act 1992*, a new Act was developed. This additional legislation, the *Police Powers and Responsibilities Act 2000*, now regulates the process of the arrest of a child. It is important to note however, that the processes relevant to administering a caution in Queensland have remained consistent, despite the changes to the legislation. For the remainder of this report, the legislation presented is that which was current at the time that the two birth cohorts were between the ages of 10 and 16 years of age,

inclusively. Where this legislation has since been updated or superseded, the new legislative provisions are also reported.

Under Section 22(1)(a) and (b) of the *Juvenile Justice Act 1992* “a person who arrests a child must promptly advise of the arrest and whereabouts of the child –

- a) a parent of the child, unless a parent can not be found after reasonable inquiry;
and
- b) the chief executive or a person who holds an office within the department nominated by the chief executive for the purpose”.

Section 28(1)(b) deals similarly with the issuing of attendance notices as an alternative to arrest. It was through this process that the Department of Families was notified of the commencement of a court proceeding against a child. Data was then recorded for each court appearance that the child was involved in and that required a departmental response. It is important to note therefore, that the data obtained from the Department of Families for this research is not a complete summary of offending behaviour. Rather the data only represents that behaviour for which the child had come to the attention of the police, and for which the police had initiated court proceedings.

Following the recent changes to the legislation, these guidelines are listed in the *Police Powers and Responsibilities Act 2000* under Section 223(3)(a) and (b), rather than the *Juvenile Justice Act 1992*. Also, since 2004, it has been the Department of Communities that is notified, rather than the Department of Families.

The two main approaches to juvenile diversion in Queensland are youth justice conferencing and police cautioning. Of primary interest in this project is police cautioning, which will be the focus for the remainder of this chapter. Cautions may be administered by police officers either informally or formally (O’Connor & Cameron, 2002; Polk et al, 2003). Informal cautions, or ‘warnings’ can be given verbally by the police officer to the young person in any environment, are generally given for less serious behaviours, and generate no record for the young person (O’Connor & Cameron, 2002; Polk et al, 2003). Alternatively, police officers may decide to administer a formal police caution. Formal cautions typically result in an

internal police record of the offence by the young person, as well as a record of the administration of the caution (Wundersitz, 1997). Cautions cannot typically be used against a juvenile in a court proceeding, rather the caution is considered the final response to an incident of offending behaviour (Polk et al, 2003; Wundersitz, 1997). Typically, cautions are administered to first time offenders, or non-serious offenders, though there can be some variation based upon the discretion of the police, as outlined later in this section.

In Queensland specifically, the first approach to formalised warning and cautioning of juveniles was the development of the Juvenile Aid Bureau in 1963, which is a sector of the Queensland Police Service provided the responsibility of specialising in matters involving children, such as administering warnings and counselling to juveniles (Wundersitz, 1997). The current formalised process of police cautioning was first specified and regulated in legislation with the development of the *Juvenile Justice Act 1992*. Before this time, the process of police cautioning had been in many cases informal, or regulated only within police standing orders (Wundersitz, 1997).

According to the principles of juvenile justice that governed the two birth cohorts of interest (*Juvenile Justice Act 1992* Section 4 (d)), “if a child commits an offence – the child should be treated in a way that diverts the child from the courts’ criminal justice system, unless the nature of the offence and the child’s criminal history indicate that a proceeding for the offence should be started”. This Act now states, “unless otherwise provided under this division, a police officer, before starting a proceeding against a child for an offence other than a serious offence, must first consider whether in all the circumstances it would be more appropriate to do 1 of the following:

- a) to take no action;
- b) to administer a caution to the child;
- c) to refer the offence to a conference;
- d) if the offence is a minor drugs offence within the meaning of the *Police Powers and Responsibilities Act 2000* and the child may be offered an opportunity to attend a drug diversion assessment program under section 211 of that Act – to offer the child that opportunity in accordance with that section.” (Section 11 (1) (a-d)).

Additionally, when determining the appropriate action to take in relation to a child, an officer must consider the “circumstances of the alleged offence; and the child’s criminal history, any previous cautions administered to the child for an offence and, if the child has been in any other way dealt with for an offence under any Act, the other dealings” (*Juvenile Justice Act 1992* Section 11(2)(a) and b)). According to this Act, a caution is typically administered in cases of offending that are non-serious, though a caution can be administered in a case of serious offending at the discretion of the police officer. Serious offences are considered “a life offence; or an offence of a type that, if committed by an adult, would make the adult liable to imprisonment for 14 years or more” (Section 8(1)(a) and (b)). According to the Queensland Police Service Operational Procedures Manual, cautions should not be administered “for an offence of unlawful killing or rape or an attempt to commit either of those offences” (Section 5.5.3).

Clearly, though a certain degree of discretion remains, law enforcement officers are encouraged to utilise alternatives such as cautioning or community conferencing for juvenile offenders, unless a court appearance is deemed necessary. Table 3.1 presents the actions taken by Queensland police in response to juvenile offenders during 2002-2003. It is apparent that cautioning is frequently utilised by the Queensland police for juvenile offenders (38%) while conferencing is a less frequently utilised option (6%).

Table 3.1: Actions taken by Queensland police in relation to juvenile offending – 2003-04

Type of Offence	Arrest	Caution	Conferencing	Notice to Attend	Summons	Warrant	Other
Person	886	1085	133	610	13	3	152
Property	5930	9874	1725	6424	37	7	549
Other	1880	3313	342	2802	20	2	956
Total	8696	14272	2200	9836	70	12	1657

Source: Queensland Police Service, 2004, pp. 76-77.

Importantly, according to the *Juvenile Justice Act 1992*, only authorised police officers are permitted to administer cautions to children. These authorised officers are

either Juvenile Aid Bureau officers, or, according to Section 13(3) of the Act, a suitably trained police officer who has been authorised by the commissioner of the police service to administer the caution. This provision is listed in the current Act under Section 16(3). Also, according to the *Juvenile Justice Act 1992*, an authorised police officer can only formally caution a child if the child first admits to the offence, and also gives consent for the caution to occur (Section 13(1)(a) and (b)). This provision is listed in the current Act under Section 17(1) (a) and (b). Additionally, according to the Queensland Police Service Operational Procedures Manual cautions can only be administered in cases where a prima facie case has already been established against the child in relation to each offence (Section 5.5.3(iii)). Finally, as a function of their due process rights, a child is entitled to legal representation, and can choose to have their case heard in court, rather than admitting to the offence, and consenting to receive a caution (O'Connor & Cameron, 2002).

According to the *Juvenile Justice Act 1992*, wherever possible, the cautioning officer must ensure that an adult selected by the child or the child's parents, or a parent of the child is present when the caution is administered (Section 13(2) (a) and (b)). This provision is listed in the current Act under Section 17(2)(a) and (b). If an Indigenous young person is to receive a caution, it is possible for a respected member of the Indigenous community to administer the caution, in place of an authorised officer (Section 14(1)). This provision is listed in the current Act under Section 17(1)(a). When a caution is administered, it is essential that the child and the adult present be given information to explain the "purpose, nature and effect of the caution" (Section 15(1)). This provision is listed in the current Act under Section 18(1). If consented to by the child and the victim, it is possible that a caution can include the child offering an apology to the victim (Section 16). This provision is listed in the current Act under Section 19. According to Section 17(2) of the Act, following the administration of a caution, the child must receive a notice that states: "

- a) that a caution was administered to the child; and
- b) the time and date the caution was administered; and
- c) the child's name; and
- d) the police officer's name and rank; and
- e) the place where the caution was issued; and
- f) the names of all persons present when the caution was issued; and

- g) the nature and effect of a caution”.

This provision is listed in the current Act under Section 20(2).

Additionally, according to the Queensland Police Service Operational Procedures Manual, Section 5.5.1, a “caution is to be administered with utmost fairness and is to address the circumstances of each case in a constructive and purposeful manner”. According to section 5.5.2, the caution should promote in the child: “

- a) responsibility for actions;
- b) awareness of consequences of actions;
- c) respect and regard for other individuals and property;
- d) awareness of dangers within society (exploitation);
- e) awareness of rights, responsibilities and obligations under the law;
- f) a willingness to communication with others for purposes of problem solving;
- and
- g) sensitivity for feelings of others”.

Typically, a caution will take place within a police station, and will last approximately 30 to 40 minutes (Wundersitz, 1997).

3.5. THE CURRENT STUDY

Clearly, there is a growing body of research that links child maltreatment with juvenile offending outcomes. While it is not yet clear by which processes maltreated children move along a pathway to criminal behaviour, certain characteristics of the child at an individual, familial and more broader societal level appear to increase the risk of offending. These characteristics include socio-economic stress, family structure and parenting practices, academic achievement, lack of social support, and type and frequency of maltreatment. More recently, the type, frequency, timing, and severity of the maltreatment have also been identified as an important consideration in this area of research. This study seeks to examine the risk factor of child maltreatment and identify its effect on juvenile offending trajectories.

This study also seeks to examine the effect of police cautioning on offending trajectories. As highlighted, there is a dearth of research examining the use of formal

cautioning in Australia. There has been even less effort directed towards measuring whether such diversion practices are effectively meeting their goals, whether these are reducing offending or creating an expedient process of responding to juvenile offending. Therefore, this project goes some way towards filling a significant gap in the diversion field. It is expected that the research findings will have direct relevance to policy makers, particularly those in the areas of child protection and juvenile justice. It is anticipated that this project will contribute to the literature by seeking to identify the risk factors that should be targeted to reduce the likelihood of later offending.

3.5.1. Research Questions and Hypotheses

As outlined at the beginning of the report, this study has several key aims. The first aim is to examine the nature and frequency of individual children's experiences with the child protection and juvenile justice systems. There are no specific hypotheses generated in relation to this aim. However, it is of particular interest to examine the extent of repeat victimisation and repeat offending.

The second aim is to look at the relationship between child maltreatment and juvenile offending. Within this aim we are interested in examining if a child's experience of maltreatment impacts on later offending behaviour. To do this, we will examine the prospective route from child maltreatment to offending by comparing maltreated children who went on to offend with maltreated children who did not offend. Based on previous research it is hypothesized that children who have been maltreated are more likely to offend in adolescence than children for whom there is no evidence of maltreatment. It is also hypothesised that children who have been maltreated more often are more likely to have a criminal offence than children who have experienced one occurrence of maltreatment. Furthermore, Thornberry et al (2001) found that maltreatment in adolescence was more likely to be associated with offending outcomes than maltreatment that occurred in childhood only. Following this finding, it is hypothesised that the older the children are at age of the final maltreatment incident the more likely children are to commit offences in adolescence. We also intend to examine whether the type of maltreatment impacts on the likelihood of later offending. However, given the mixed findings in respect to this issue, there are no specific hypotheses generated for type of maltreatment.

In relation to the second aim, we were also interested in comparing the offending patterns of children who had experienced maltreatment with the offending patterns of children who had not experienced maltreatment. It is hypothesised that children with child protection histories will have more serious offending careers than children with no child protection history.

Finally, we seek to determine the effectiveness of police cautioning in altering juvenile offending trajectories. We will be examining the extent of formal cautioning in Queensland for the 1983 and 1984 birth cohorts as well as the relationship between cautioning and subsequent offending. We will also examine whether the effectiveness of police cautioning in diverting juvenile offenders varies depending on the maltreatment and offending histories of the juvenile. There are five specific research questions to be addressed: (1) What proportion of young people who are cautioned go on to offend as children; (2) Of young people who are cautioned, does gender, age of caution, and/or maltreatment history predict their likelihood of offending?; (3) Are young people who are cautioned for their first offence more likely to re-offend than children who go to court for their first offence?; (4) Of young people who offend, are there differences in the offending patterns between those who are cautioned and those who appear in court for their first offence?; and (5) Can we predict the seriousness of a young person's offending from their multi-agency contacts?

CHAPTER 4. METHOD

4.1. RESEARCH SAMPLE

The research sample included every Queensland child born within the 1983 or 1984 birth cohorts who had any recorded contact with either the Department of Families (DoF) for a child protection matter or juvenile justice matter and/or the Queensland Police Service (QPS) resulting in a formal police caution. In total, data pertaining to 24,305 distinct children was collected and analysed throughout this project.

In order to gain further information about the research population, additional data concerning the characteristics of the overall 1983 and 1984 Queensland birth cohorts was obtained from the Australian Bureau of Statistics. Table 4.1 displays the number of girls and boys born in 1983 and 1984 and the number of children who were aged either 17 (those born in 1984) or 18 (those born in 1983) and living in Queensland in 2001 on the basis of gender and Indigenous status. While it is acknowledged that the population statistics of the 17 and 18 year olds living in Queensland in 2001 do not truly reflect the original birth cohorts due to factors such as migration, they are taken as providing a rough estimate of the gender and Indigenous status of the original birth cohorts. It can be seen that approximately 24% of children in Queensland had contact with one of the three Government agencies (Child protection, Police cautioning, Children's Court) included in the study. These population figures will be used to provide estimates about the proportion of Queensland children who came to the attention of the DoF for a child maltreatment matter, the proportion who were cautioned and the proportion that had a finalised court appearance.

Table 4.1: Population statistics of the birth cohorts

		Birth Cohort		Total
		1983 ^a	1984 ^b	
No of children born				
	Girls	20352	19607	39958
	Boys	21733	20840	42573
	Total	42085	40446	82531
Number of 17/18 year olds in 2001				
Indigenous	Girls	1096	1158	2254
	Boys	1085	1139	2224
	Total	2181	2297	4478
Non-Indigenous	Girls	23632	23110	46742
	Boys	24142	24068	48210
	Total	47774	47178	94952
Total 17/18 Year Olds ^c		51117	51650	102767 ^d

- a. Australian Bureau of Statistics 2000, *Births*, Cat. No. 3301.0, Australian Bureau of Statistics, Canberra.
- b. Australian Bureau of Statistics 1999, *Births*, Cat. No. 3301.0, Australian Bureau of Statistics, Canberra.
- c. Australian Bureau of Statistics 2001, *Australian Census of Population and Housing - Basic Community Profiles: Queensland*, Australian Bureau of Statistics, Canberra.
- d. Total numbers of 17 and 18 year olds in 2001 are greater than the sum of Indigenous and non-Indigenous populations due to some respondents not providing an Indigenous status.

4.2. RESEARCH DESIGN

This project uses three government administrative datasets to examine the relationship between child maltreatment and juvenile offending as well as the impact of police cautioning on juvenile offending trajectories. In this project, history of child maltreatment was identified by examining DoF data for any child maltreatment notifications recorded before a child turned 17 years of age. Information on juvenile offending was obtained from two sources, QPS and DoF. Data from DoF included all recorded cases of juvenile offending which resulted in the young person appearing in court or being held in custody. The QPS data included all recorded police cautions for juvenile offending.

The databases provided to Griffith University contained all available information relating to the two birth cohorts of interest, stripped of identifying information. Each

unique child was identifiable by a unique identifier code. These data had been collected from 1983 until 2000-2001. At this time the children in each cohort had reached the age of 17 years and were no longer considered children under Queensland legislation.

It was expected that these three sources of information combined would provide a longitudinal profile of each unique child, which identified any recorded history of child maltreatment and juvenile offending. It was further expected that this information could be used to effectively examine the relationship between known child maltreatment and juvenile offending and vice versa, as well as to separately examine the impact of police cautioning on juvenile offending trajectories.

Focus will now be directed towards examining the two DoF databases and one QPS database that were used in this project. The procedure that was used to match the separate sources of data to create a single database and the data cleaning process that was undertaken will then be reported.

4.2.1. Data from the Department of Families (DoF)

The two DoF databases included child protection information and juvenile justice information. Consistent with the legislation, DoF is responsible for the administration of juvenile justice and the protection of Queensland children. As such, they record data of all notifications of child maltreatment, as well as all criminal proceedings filed against a juvenile requiring the youth to appear in court or be held in custody.

Importantly, when any child comes into contact with DoF they are given a unique identifier code. This enables the DoF in tracking the child across each separate contact, as well as through all DoF databases including the child protection and juvenile justice systems. Additionally, these unique identifier codes help to ensure the confidentiality of the children. For use in research, DoF release data that has been de-identified by removing the child's name.

Child Protection Database

The DoF Child Protection database contains information of all children residing in Queensland who had been the subject of a notification of child maltreatment. The

DoF database includes identifying information, as well as information regarding the child's date of birth, sex, Indigenous status, country of birth, ethnicity, age of the child at notification, and the statistical local area in which the child lives. The database also contains information regarding the nature of the notification including the notified harm category (physical abuse, emotional abuse, sexual abuse, neglect), and the primary source of the notification.

After assessment, further data are recorded in the database including assessment start and end dates and the outcome of the assessment. For cases with a 'substantiated' or 'suspected' outcome additional information is collected regarding the family type, a description of the harm inflicted on the child, the assessed harm category, and outcomes of the assessments including the actions taken by DoF.

For the purpose of clarity throughout the report, children who had at least one notification which received an outcome of 'substantiated' or 'suspected' will be described as 'maltreated children' and 'substantiated' and 'suspected' notifications will be labelled 'maltreatment incidents'. Children who received notifications that were not substantiated will be referred to as children who were not maltreated.

Juvenile Justice Database

The juvenile justice database includes information regarding any court proceedings that have been filed against a child. The information included in the database pertains to both the child, any procedural issues in the justice system, and the matter about which the child is appearing. Specific information includes the child's date of birth, birthplace, sex, Indigenous status, language spoken, ethnicity or cultural background of the child, parents' dates of birth, and the statistical local area in which the child lives including the suburb and postcode.

Information is also recorded regarding each separate court appearance. For each court appearance more than one matter may be dealt with. As such, data is recorded for each matter at each appearance. A matter number is recorded so that each particular matter may be followed across appearances (as more than one appearance is often required to finalise a matter). However, data are not collected on every appearance a child makes, only appearances where a DoF response is required (e.g., the child is

held in custody). Importantly, DoF provided flags on the data that identified when an offence matter was finalised, what the most serious offence type was that was finalised at this appearance and what the most serious outcome was at this appearance. Only these data were included in analyses. Final outcome category includes: no case to be heard, not guilty, order made, divert from formal order, non supervised order, community supervision, immediate release, or detention served.

Matters are also recorded as being one of approximately 277 offence types. As this represents such a large number of offence types, analysis according to these categories would not be meaningful or reliable. As such the offence types were categorised according to the 16 broad classifications utilised by the Australian Bureau of Statistics known as the Australian Standard Offence Classification (ASOC) (Australian Bureau of Statistics, 1997d). These 16 offence classifications are: Homicide and related offences; Acts intended to cause injury; Sexual assault and related offences; Dangerous or negligent acts endangering persons; Abduction and related offences; Robbery, extortion and related offences; Unlawful entry with intent/burglary, break and enter; Theft and related offences; Deception and related offences; Illicit drug offences; Weapons and explosives offences; Property Damage and environmental pollution; Public order offences; Road traffic and motor vehicle regulatory offences; Offences against justice procedures, government security and government operations; and Miscellaneous offences.

Queensland Police Service (QPS) Database

The QPS database includes information concerning a formal police diversion (caution or court). Information is recorded about where the caution was issued, who was responsible for issuing the caution, and the reason for the caution, such as the offence(s) committed. In addition for each recorded offence a CRISP (Crime Reporting Information System for Police) number is assigned. This number enables an officer to inspect the electronic records relating to an offence in question. The electronic records include information such as what the offence was, as well as when and where the offence was committed. The CRISP number is assigned to the offence itself, rather than the offender.

Identifying information such as the young persons full name, nicknames and aliases where relevant, as well as their sex and date of birth is also collected. Unfortunately, for the birth cohorts in this study there was no information concerning the Indigenous status of the young people. While this information is now collected by QPS this data collection did not commence until 2003, after the birth cohort had turned 17 and moved out of the jurisdiction of the juvenile justice system.

The QPS data did not contain a unique person identifier. The diversion information is collected and stored by offence. Consequently, it was necessary to match data both within the police cautioning records to identify the number of police cautions any one young person had received and then to match the data to the DoF data. The process of this matching is described in the next section.

4.3. DATA MATCHING AND DE-IDENTIFICATION PROCEDURE

In order to conduct any meaningful data analysis for this project, it was necessary first to merge each of the three separate databases into one database and second to strip the data of any identifying information in accordance with the *Commonwealth Privacy Act 1988*. As the QPS data had no unique numeric identifier all matching procedures were conducted at police headquarters to ensure compliance with Information Standard 42, Queensland's interpretation of the Privacy Act. Three steps were required to ensure accurate matching of the data sources and de-identification of the data. These are discussed below:

Step one: Identifying unique children cautioned

As a single caution may comprise or cover a number of different offences, and as it is possible for one child to receive many cautions, it was necessary to match within the cautioning data and identify each distinct child. Distinct children were identified using the three separate identifiers, including name(s), date of birth, and sex. Initial matching was carried out electronically using an EXCEL macro. This was followed by manual matching. Once matches were identified, each distinct child was assigned an unique five digit number, which acted as an identification number.

Step two: Matching cautioning data to the DoF client information number

DoF provided electronically to the QPS information containing the 1983 and 1984 children's identifying information (name, sex, date of birth and any aliases identified) and their unique identifier code. No maltreatment or offending information was included in this data transfer. The list was electronically matched to the distinct children identified in the QPS cautioning database. Following this manual searches were also conducted. When cautioned children in the QPS database also appeared in the DoF list, their five-digit identification number was replaced on the cautioning database with the DoF unique identifier code. When no match was made between the cautioning list and the DoF list, the children on the cautioning list retained their five-digit identification number. Once each distinct child had been identified, and provided with either a DoF unique identifier code or a five-digit identification number, all identifying information was stripped from the QPS database, and the DoF matching list was destroyed. The de-identified QPS data was then removed from the QPS headquarters, and transported to Griffith University for the final stage of the matching procedure.

Step three: Matching cautioning data and the DoF databases

The final step in the matching and de-identification procedures was to merge the cautioning database from QPS with the two DoF databases (Child Protection and Court Appearances). This involved merging within the file using the unique identifier codes. This merge was performed using SPSS Version 12. Once the matching procedure was complete, the final project database was ready for the necessary data analysis.

Upon completion of the matching and de-identification processes, the final database for this project represented a complete profile of each child's contact with each of the three databases. Distinct children within the database were represented either by their original DoF unique identifier code or the 5-digit identifier code created during the matching process. The database included information on any child protection matter that a child had been subject to, as well as a full profile of any recorded juvenile offending that resulted in either a police caution, or an appearance in court. All information that was available within the original databases, excluding identifying information, was included in the final database for analyses. This information

provided the researchers with a longitudinal profile for each child through to the age of 17 years.

This information will be utilised in this project to explore the relationship between child maltreatment and juvenile offending and vice versa, as well as the impact that police cautioning has on juvenile offending trajectories.

4.3.1. QPS Data Cleaning

QPS identified 31,285 cautioning records relating to 14,780 young people born in either 1983 or 1984. After the matching procedure was completed a number of anomalies were identified in the data. First, the QPS data is offence based and a young person could have multiple offences cautioned on the same day. As this research was interested in children's experiences with police cautioning if a young person had more received more than one caution on the same day this was counted as one cautioning event. Initially 20,240 cautioning events were identified.

Second, there were a small number of records that related to Youth Justice Conferencing and not police cautioning. Youth Justice Conferencing is a diversionary process available to police for young offenders (this is described in more detail in Section 3.3.1). However, during the data collection for this study this process was only available in pilot mode in South East Queensland police districts. It has subsequently been rolled out across Queensland, but this occurred in 2002 after the birth cohorts had turned 17 and were no longer under the jurisdiction of the *Juvenile Justice Act*. In total 184 young people were conferenced for 318 offences. Of these 184 young people, 50 (27%) had no other contact with the juvenile justice system, 75 (40%) also received a police caution, 11 (6%) had a court appearance and 50 (27%) were also cautioned and had a court appearance. As police diverted conferencing was not available in all police jurisdictions the decision was made to remove 318 conferencing records from the cautioning data. This resulted in the 50 young people who had only been conferenced being removed from the database.

Third, when the cautioning events were examined by the age of the child it became apparent that a number of the cautioning events were outside the scope of the *Juvenile Justice Act*. The data indicated that 143 cautioning events involved children between

6 and 9 years old and 480 cautioning involved young people over the age of 16. While a number of the cautions relating to 17 year olds are probably due to the delay between the occurrence of the offence and the caution it would appear that the majority of the records are the result of data entry error. Consequently, these 623 (3.1%) cautioning events were deleted from the database. These deletions resulted in 14,730 distinct children responsible for 19,299 cautioning events.

4.4. INFORMATION INCLUDED IN THE FINAL PROJECT DATABASE

Of the children born in 1983 or 1984, 24,255 children had at least one contact with at least one of the three systems. Table 4.2 outlines the children's contacts across the three systems. Of the 24,255 children, 9,591 children received at least one child protection notification. Just over 60% of these children received at least one substantiated notification. 15,086 children received at least one police caution. Of these children, 7.3% had at least one substantiated maltreatment notification. Finally 5,235 children had at least one finalised appearance for an offence in the Children's court. Of these children, 10.6% also had both substantiated maltreatment and a police caution. Just over 38.1% of children appearing in court had no child protection history and had not been cautioned.

Table 4.2: Children's contacts with each of the three systems: Child protection, police cautioning* or children's court

Child protection (n = 9541)			Police cautioned (n = 14,730)			Court appearance (n = 5235)		
Maltreated	5849	61.3%	Yes	1074	7.3%	Yes	222	4.2%
			No	4775		No	852	
Notified but not maltreated	3692	38.7%	Yes	547	3.7%	Yes	116	2.2%
			No	3145		No	413	
No CP history	14714		Yes	13109	89.0%	Yes	2130	40.7%
			No	1605		No	10979	
24255			24255			24255		

Note: * An additional 50 children offended and were conferenced.

CHAPTER 5. RESULTS: MALTREATMENT AND OFFENDING

5.1. INTRODUCTION

The findings of the research in relation to the first and second aims will be presented in this chapter. The first aim was to examine the nature and frequency of individual children's experiences with the child protection and juvenile justice systems. Specifically, the research examines the extent of repeat victimisation and repeat offending. The findings of the research in relation to the frequency and nature of the birth cohort's contacts with the three databases (child protection, police diversion, and children's court) will be presented in sections 5.2 to 5.4 of this chapter. Additionally, these sections will present information relating to the birth cohort's sex, Indigenous status (if available), and age of first contact

The second aim was to look at the relationship between child maltreatment and juvenile offending. A description of the birth cohorts combined contacts with the two offending databases (police diversion and court appearances) will be presented in Section 5.5. As this provides a different profile of offending, the questions explored in the original *Pathways from Child Maltreatment to Juvenile Offending* project (Stewart et al., 2002) will be re-examined in Section 5.6. Specifically, the hypotheses addressed in this section include:

1. Children who have been maltreated are more likely to offend in adolescence than children for whom there is no evidence of maltreatment.
2. Children who have been maltreated more often are more likely to have a criminal offence than children who have experienced one occurrence of maltreatment.
3. The older the children are at age of the final maltreatment incident the more likely children are to commit offences in adolescence.

In Section 5.6 we also examine whether the type of maltreatment impacts on the likelihood of later offending. However, given the mixed findings in respect to this issue, no specific hypotheses were generated for type of maltreatment.

In relation to the second aim, we were also interested in comparing the offending patterns of children who had experienced maltreatment with the offending patterns of

children who had not experienced maltreatment. It was hypothesised that children with child protection histories will have more serious offending careers than children with no child protection history. This hypothesis will be addressed in Chapter 6, Section 6.7.

5.2. CHILD PROTECTION SYSTEM

5.2.1. *Distinct Children: Substantiated and Unsubstantiated Notifications*

In the 1983 and 1984 birth cohorts there were 9,541 distinct children with a child protection notification (see Table 5.2). This represented almost 10% of all children in Queensland ($N=102,767$, see Table 4.1: Population statistics of the birth cohorts) in Queensland in 2001). When these children are examined by sex and Indigenous status it is apparent that Indigenous children are far more likely than non-Indigenous children to be notified for child protection. Almost a quarter of all Indigenous children received at least one notification for maltreatment.

Table 5.1 Population's proportions of children notified to the child protection system by sex and Indigenous status.

Gender	Indigenous status	N	% of pop
Male	Indigenous	513	24.7
	Non-Indigenous	3624	7.5
Female	Indigenous	556	22.3
	Non-Indigenous	4087	8.7

Note: 761 children missing Indigenous status

These children accounted for 20,176 notifications. Over half of these children had one notification and over three-quarters had one or two notifications. The maximum number of notifications that a child received was 33 ($M=2.11$, $SD=2.08$). A small number of children, just under 10%, were responsible for over 30% of the notifications.

Of children notified, over 60% received at least one substantiated or suspected outcome. For the purposes of this report, these children will be identified as maltreated children. Almost 7% of all children and young people in Queensland ($n=102,767$) were identified as maltreated by the DoF. These children received a total

of 10,290 maltreatment episodes. The maximum number of maltreatment episodes that one child received was 18 ($M=1.07$, $SD=1.45$).

Table 5.2: Distinct children (1983 and 1984 birth cohort) by number of notifications and number of maltreatment episodes

Number of notifications	Total number of children	% of children	Total number of notifications	% of notifications
1	5451	57.1	5451	27
2	1860	19.5	3720	18.4
3	888	9.3	2664	13.2
4	452	4.7	1808	9.0
5+	890	9.3	6533	32.3
Total	9541	100	20176	100
Number of maltreatment episodes	Total number of children	% of children	Total number of maltreatment episodes	% of maltreatment episodes
0	3692	38.7	0	
1	3861	40.5	3861	35.5
2	1018	10.7	3036	29.5
3	435	4.6	1305	12.7
4	210	2.2	840	8.2
5+	325	3.3	1248	12.1
Total	9541	100	10290	100

Children’s experiences of notifications and maltreatment are examined in Table 5.3. Thirty eight percent of children had only unsubstantiated notifications of maltreatment. These children represent decision-making by the department that the child was not at risk or was not being maltreated. Just over one quarter (26%) of children had both substantiated and unsubstantiated notifications and the DoF was notified on more than one occasion about all of these children. These children accounted for over 50% of all notifications (53.3%).

Table 5.3: Individual children's experience with notifications by number of substantiated and unsubstantiated notifications.

Outcomes	Children		Children with one notification		Max no of notifications	Total notifications	
	N	%	N	%		N	%
Only unsubstantiated notifications	3692	38.7	2825	51.8	8	4955	24.5
Only substantiated notifications	3336	35.0	2626	48.2	12	4486	22.2
Both substantiated and unsubstantiated notifications	2513	26.3			33	10735	53.3
Total	9541	100	5451	100		20176	100

5.2.2. Biographical Details: Sex, Indigenous Status, and Age at First and Final Maltreatments

It appears that girls are more likely than boys and Indigenous children are more likely than non-Indigenous children to be maltreated (see Table 5.4). Of the 5,849 children with substantiated maltreatment episodes, 53% were female. When these figures are compared with the Queensland population figures presented in Table 4.1 on page 51, 6% of all girls compared with 5% of all boys in Queensland are maltreated. Nearly 17% of all Indigenous children in Queensland are maltreated compared with nearly 5% of all non-Indigenous children living in Queensland.

Table 5.4: Mean age of maltreated children at first and final notification by sex and Indigenous status

		Age at first notification			Age at final notification	
		<i>N</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Sex	Male	2733	6.45	4.46	9.16	4.54
	Female	3116	7.19	4.77	9.91	4.69
Indigenous Status ^a	Indigenous	752	6.13	4.18	10.01	4.40
	Non-Indigenous	4799	6.81	4.63	9.29	4.66
Total		5849	7.36	4.60	8.75	4.58

a. Does not total 5,849 due to 298 missing data on Indigenous status

The mean age for first maltreatment incident was 7.36 ($SD = 4.60$) and for the final maltreatment incident was 8.75 ($SD = 4.58$). Table 5.4 presents the average age of maltreated children at first and final notification by sex and Indigenous status. Boys were significantly younger than girls both at the first incident ($t(5847) = -6.14$) $p < .001$ and final incident ($t(5847) = 6.10$) $p < .001$. Indigenous children were younger than non-Indigenous children at the first incident ($t(5549) = -3.79$) $p < .001$ and were older than non-Indigenous children for the final maltreatment incident ($t(5549) = 3.99$) $p < .001$).

5.2.3. Type of Maltreatment

Approximately 50% of maltreated children came to the attention of the DoF for only one maltreatment incident (see Table 5.5). However, when the most serious maltreatment identified is examined for children with more than one episode of maltreatment some interesting patterns emerge. Children who were the victims of sexual abuse were more likely than children who were the victims of other types of abuse to only have one maltreatment episode. Furthermore, if children were maltreated more than once, children who were sexually abused were less likely to come to the attention of the DoF for other types of maltreatment. Children who were neglected were likely to have multiple maltreatment episodes and in many cases these episodes included other types of maltreatment. That is neglected children were likely to also be the victims of either physical, sexual or emotional abuse.

Table 5.5 Type of maltreatment by frequency of maltreatment

	Type of maltreatment experienced							
	Emotional		Physical		Sexual		Neglect	
	n	%	n	%	n	%	n	%
One maltreatment episode	650	45.1	1233	54.1	823	63.7	1155	48.9
Multiple maltreatment episodes: One maltreatment type	474	32.9	526	23.1	332	25.7	472	20.0
Multiple maltreatment types	317	22.0	521	22.8	137	10.6	733	31.0
Total	1441		2280		1292		2360	

5.2.4. Outcomes of Maltreatment: Out of Home Placement

Whether the child was placed outside the home as a result of the maltreatment was considered to be an indicator of the severity of maltreatment. Of the children who were the victims of maltreatment, 26% (1,536) were placed outside the home on at least one occasion.

Table 5.6 displays the number of children who were placed out of home on at least one occasion on the basis of sex and Indigenous status. Girls were no more likely than boys to be placed outside the home ($\chi^2 = .01$, $N = 5849$, $df = 1$, $p = .48$). Indigenous children were more likely to be placed outside the home than non-Indigenous children ($\chi^2 = 50.18$, $N = 5551$, $df = 1$, $p < .001$). Over one third of the Indigenous children were placed outside the home compared with one quarter of non-Indigenous children.

Table 5.6: Outcomes of maltreatment, out of home placement

		Child placed outside the home		
		N	Yes	%
Sex	Male	2733	817	26.2
	Female	3116	719	26.3
Indigenous status ^a	Indigenous	752	277	36.8
	Non-Indigenous	4799	1181	24.6

a. Does not total 5,849 due to 289 missing data on Indigenous status

5.3. YOUNG PEOPLE WHO RECEIVED A POLICE CAUTION

5.3.1. Distinct Children: Frequency of Cautions

There were 14,730 children in the two birth cohorts who were cautioned between the ages of 10 and 17. This represents almost 15% of the young people in Queensland offending and receiving a police caution (see Table 4.1 for population figures). These children received 19,299 cautions and 30,133 charges. The mean number of cautions given to one child was 1.31 ($SD = 0.69$) and the maximum number of cautions given to one child was 13. Most children received one or two cautions (see Table 5.7).

Table 5.7: Distinct children (1983 and 1984 birth cohort) by number of police cautions

Number of cautions	Total number of young people	% of young people	Total number of cautions	% of cautions
1	11414	77.5	11414	59.1
2	2462	16.7	4924	25.5
3	610	4.1	1830	9.5
4	164	1.1	656	3.4
5	46	.3	230	1.2
6+	34	.3	245	1.3
Total	14730	100	19299	100

5.3.2. *Biographical Details of Young People Cautioned: Gender and Age at First Caution*

Over two-thirds of those cautioned were male (Table 5.8). These boys represent 20% of all males in Queensland. One in five of young males in Queensland were cautioned by police for offending behavior. This contrasts with one in ten (10%) of young women receiving a police caution for offending behavior.

There were significant differences between boys and girls in their age at first caution ($t(10632.7) = -8.12, p < .001$). Boys were younger than girls when they received their first caution.

Table 5.8: Gender and age of young people cautioned

		Age at first caution				
		<i>n</i>	%	% of pop	<i>M</i>	<i>SD</i>
Sex ^a	Male	10050	68.2	20	14.45	1.66
	Female	4678	31.8	10	14.67	1.40
Total		14728	100			

a. Two cases had missing data for sex

5.3.3. *Type of Offences Cautioned*

The types of offences that were committed by children in the two birth cohorts and cautioned are displayed in Table 5.9. These offences are classified into the 16 Australian Standard Offence Classification (ASOC) (Australian Bureau of Statistics, 1997) divisions. The most frequently committed offence that was cautioned was theft and related offences (41.4%). No homicide and related offences were cautioned.

Table 5.9: Number of offences cautioned by Australian Standard Offence Classification Divisions.

Offence Type	<i>n</i>	%
8. Theft and Related Offences	12470	41.4
10. Illicit Drug Offences	3855	12.8
12. Property Damage and Environmental Pollution	3528	11.7
7. Unlawful Entry with intent/Burglary, Break and Enter	3299	11.0
13. Public Order Offences	1515	5.0
14. Road Traffic and Motor Vehicle Regulatory Offences	1410	4.7
2. Acts Intended to Cause Injury	1340	4.5
9. Deception and Related Offences	972	3.2
11. Weapons and Explosive Offences	454	1.5
16. Miscellaneous Offences	491	1.5
15. Offences Against Justice Procedures and Government	296	1.0
4. Dangerous or Negligent Acts Endangering Persons	232	0.8
3. Sexual Assault and Related Offences	179	0.6
6. Robbery Extortion and Related Offences	80	0.3
1. Homicide and Related Offences	0	0.0
5. Abduction and Related Offences	12	0.0
Total	30133	100

5.4. CHILDREN WITH A FINALISED JUVENILE JUSTICE COURT APPEARANCE

There were 5,235 children with finalised juvenile court appearances (Table 5.12). These children were responsible for 14,059 finalised court appearances. While boys in the population (8%) were more likely than girls (2%) to have a finalised juvenile court appearance, Indigenous boys were far more likely than the other three demographic groups to have a finalised court appearance. Almost 40% of Indigenous young males had a finalised court appearance by the time they were 17.

Table 5.10 Populations proportions of young people who had a finalised court appearance by sex and Indigenous status.

Gender ^a	Indigenous status ^b	N	% of pop
Male	Indigenous	859	38.6
	Non-Indigenous	3188	6.6
Female	Indigenous	301	13.4
	Non-Indigenous	873	1.9

a. 1 child had missing data on sex

b. 13 children missing data on Indigenous status

When the data were examined by outcome it was discovered that 7.9% of appearances (n = 1114) resulted in a most serious outcome of not guilty (Table 5.11). As interest lies with juvenile offenders, appearances receiving an outcome of not guilty were removed from further analyses. This resulted in 240 young people being removed from analyses as they had only ever received an outcome of not guilty (Table 5.12). Attention will therefore be directed towards the 12,945 appearances made by 4,995 children where the child was found guilty.

Table 5.11: Appearances by most serious offence type and outcome (guilty/ not guilty)

Most Serious Offence Type	Not guilty	Guilty
Homicide and related Offences	8	4
Acts Intended to Cause Injury	112	847
Sexual Assault and Related Offences	34	77
Dangerous or Negligent Acts Endangering Persons	12	99
Abduction and Related Offences	5	4
Robbery Extortion and Related Offences	53	228
Unlawful Entry with intent/Burglary, Break and Enter	147	2299
Theft and Related Offences	277	3380
Deception and Related Offences	22	341
Illicit Drug Offences	51	1302
Weapons and Explosive Offences	10	96
Property Damage and Environmental Pollution	90	595
Public Order Offences	93	1140
Road Traffic and Motor Vehicle Regulatory Offences	57	1075
Offences Against Justice Procedures and Government	130	1311
Miscellaneous Offences	13	146
Total	1114	12944

Note: One missing offence type

When most serious court outcome a young person ever received is examined by gender and Indigenous status, substantial differences are apparent. More than 64% of Indigenous males receive a supervised court outcome, with almost 10% receiving a detention order. Forty six percent of Indigenous females receive a supervised order. This is higher than the proportion of non-Indigenous males, with under 40% of these males receiving a supervised court outcome. Only 27% of non-Indigenous females received a supervised court order.

Table 5.12: Most serious outcome by gender and Indigenous status

Most serious court outcome	Male				Female			
	Indigenous		non-Indigenous		Indigenous		non-Indigenous	
	n	%	n	%	n	%	n	%
Not guilty	24	2.8	151	4.7	14	4.7	39	4.5
Court Diversion	7	0.8	40	1.3	6	2.0	13	1.5
Non Supervised Order	274	31.9	1801	56.5	142	47.1	585	67.0
Community Supervised Order	405	47.2	1043	32.7	104	34.6	229	26.2
Immediate Release Order	70	8.1	82	2.6	19	6.3	5	0.6
Detention Order	79	9.2	71	2.2	16	5.3	2	0.2
Total	859	100	3188	100	301	100	873	100

Note: Missing values for 1 case for sex and for 13 cases for Indigenous Status

5.4.1. Repeat Offending

Over half of the young offenders in the 1983 and 1984 birth cohorts who appeared in court had one finalised court appearance (Table 5.13). The average number of appearances was 2.59 ($SD = 2.82$) and the maximum number of court appearances was 24. Only 12% of children had more than five appearances and these children accounted for 41% of all finalised appearances. The 15% of children with five or more appearances accounted for almost half (48%) of all finalised court appearances. This confirms findings in the literature on repeat offending that a small number of children account for a large percentage of juvenile offending behaviour (Wundersitz, 1996).

Table 5.13: Distinct children (1983 and 1984 birth cohort) by number of finalised court appearances

Number of court appearances	Total number of young people	% of young people	Total number of court appearances	% of appearances
1	2657	53.2	2657	20.5
2	882	17.7	1764	13.6
3	419	8.4	1257	9.7
4	277	5.5	1108	8.6
5	174	3.5	870	6.7
6+	586	11.7	5289	40.9
Total	4995	100	12945	100

5.4.2. Biographical Details: Sex, Indigenous Status and Age at First Offence

Table 5.14 presents the gender, Indigenous status, and age at first appearance for all young people who had a finalised court appearance with an outcome other than not-guilty. It is apparent that boys were more likely than girls ($\chi^2 = 59.85$, $N = 5234$, $df = 5$ $p < .001$) and Indigenous children were more likely than non-Indigenous children ($\chi^2 = 300.70$, $N = 5222$, $df = 5$ $p < .001$) to have a finalised court appearance with a guilty finding. Indigenous children were younger than non-Indigenous children when they had their first finalised court appearance ($t(1585.03) = 14.168$ $p < .001$). There was no difference in the age at which girls and boys had their first finalised appearance in court ($t(2013.91) = 0.135$, $p = .90$).

Table 5.14: Mean age at first finalised appearance by sex and Indigenous status

Sex	Indigenous status	N	Age at first finalised appearance	
			M	SD
Male	Indigenous	835	14.92	1.59
	Non-Indigenous	3037	15.67	1.30
Female	Indigenous	287	15.03	1.39
	Non-Indigenous	834	15.67	1.14
Total		4993		

Note: One child had missing sex and 1 child had missing Indigenous status

5.5. TOTAL YOUNG PEOPLE WHO OFFEND IN BIRTH COHORTS.

There were 17,226 children in the two birth cohorts that had come to the attention of the police for offending and had either received a police caution or a finalised court appearance (Table 5.15). This represents almost 17% of the population. Just under 70% of these young people were male. This represents almost a quarter of young males coming into contact with the police for offending behavior.

Just over 10% of young women came into contact with the police for offending. It is apparent that girls who had contact with police or courts were more likely than boys to receive a caution only and were less likely than boys to receive caution and court or court only responses to their offending behaviour.

Table 5.15: Total number of children who offend by system response (police caution, court appearance or both) and sex

Offending type	Sex					
	Male		Female		Total	
	N	%	N	%	N	%
Caution only	8067	67.6	4163	78.8	12231	71.0
Caution and court	1983	16.6	515	9.8	2499	14.5
Court only	1890	15.8	606	11.4	2496	14.5
Total	11940	100	5284	100	17,226	100

Note: 2 children had missing values for sex

5.6. LINKS FROM MALTREATMENT TO OFFENDING

As the research is interested in exploring the link from maltreatment to offending, 231 children who offended before they were maltreated were excluded and focus was directed towards the 9,310 children who had been subject to a notification of maltreatment. The majority of these children do not have an official record of offending (includes cautioning and proven court appearances) (Table 5.16). However, it is apparent that those who are maltreated are more likely to engage in offending. Of the 5,749 children who are maltreated, 26% subsequently offend. Of the 3,561 children who were not maltreated, 17.5% subsequently offended.

Table 5.16: Maltreatment by offending

Offending	Maltreatment		Notifications only		Total offending	
	N	%	N	%	N	%
Yes	1486	25.8%	623	17.5	2109	22.7
No	4263	74.2	2938	82.5	7201	77.3
Total	5749	100	3561	100	9310	100

Attention was then directed towards the children who were maltreated ($n = 5,749$) and a direct logistic regression was performed to address the research question, “Can the maltreated young person’s likelihood of offending be predicted from their maltreatment history?”. Two hundred and eighty five children had missing data on Indigenous status leaving 5,464 children available for analysis. Of these children, 1,407 (26%) went on to offend and 4,057 (74%) did not offend. The 11 predictor variables included sex of the child (male/female), Indigenous status of the child (Indigenous/non-Indigenous), age of the child at first substantiation, age of the child at final substantiation, number of notifications, number of substantiations, substantiated incidents for sexual abuse, emotional abuse, physical abuse, and neglect, (yes/no), and out of home placement (yes/no).

A test of the full model with all 11 predictors against a constant only model was statistically reliable ($\chi^2(11, N = 5,464) = 727.71, p < .001$) indicating that all the predictors, as a set, distinguished between offenders and non-offenders. However, the

variance in offending accounted for was small (Cox and Snell $R^2 = .13$) and classification accuracy was 76%.

Table 5.17 shows the regression coefficients, Wald statistics, odds ratios, and 95% confidence limits for each of the 11 predictors. According to the Wald criterion, sex of the child, Indigenous status, age of the child at final substantiation, number of notifications, number of substantiations, and experience of neglect and physical abuse all significantly contributed to predicting offending status.

Table 5.17: Logistic Regression analysis of offending status as a function of maltreatment variables

	B	SE	Wald	df	odds ratio	95% CI for odds ratio	
						Lower	Upper
						Sex	.97
Indigenous status	.99	.09	122.09***	1	2.69	2.26	3.21
Age of first notification	-.01	.01	.24	1	.99	.97	1.02
Age of final notification	.11	.01	84.17***	1	1.12	1.09	1.14
Number of notifications	.13	.03	20.77***	1	1.14	1.08	1.21
Number of maltreatment episodes	-.12	.04	7.22**	1	.89	.81	.97
Emotional abuse	.11	.10	1.13	1	1.11	.91	1.35
Neglect	.26	.10	6.55*	1	1.30	1.06	1.59
Physical abuse	.23	.10	5.94*	1	1.26	1.05	1.53
Sexual abuse	-.01	.11	.01	1	.99	.80	1.22
Out of home placement	.11	.08	2.04	1	1.12	.96	1.30
Constant	-3.17	.13	587.47	1	.04		

*** $p < .001$, ** $p < .01$, * $p < .05$

Using the Wald criteria, sex among the maltreated children and Indigenous status were the most significant in determining whether or not a maltreated child would offend. Maltreated males were more likely than maltreated females and maltreated Indigenous children were more likely than maltreated non-Indigenous children to offend (Table 5.18). Sixty percent of Indigenous males who were maltreated had

contact with the juvenile justice system for offending (through cautioning or proven court appearance/s) compared with 32% of non-Indigenous males. Indigenous girls (36%) were also more likely than non-Indigenous girls (16%) to have had contact with the juvenile justice system.

Table 5.18: Children who offended on basis of Indigenous status and gender

		Offend			
		Yes		No	
		N	%	N	%
Indigenous	Male	207	59.3	142	40.7
	Female	140	35.9	250	64.1
Non-Indigenous	Male	697	31.6	1509	68.4
	Female	407	16.2	2112	83.8
Total		1451	26.6	4013	73.4

When the age of the child was examined, only the age of the final substantiated maltreatment was significant in determining whether the maltreated child would subsequently offend. At the final maltreatment incident, the mean age of children who offend was 11.0 years ($SD = 4.19$) compared to 8.9 years ($SD = 4.64$) for maltreated children who did not offend. Table 5.19 presents the timing of maltreatment and whether the maltreatment resulted in offending utilising Thornberry et al's (2001) classification of ages. It is apparent that nearly one-third (29%) of offending involved children who were maltreated into adolescence. Therefore, those children whose maltreatment extended into adolescence were more likely to offend than children whose maltreatment was confined to childhood. This finding conforms with the findings of the previous project, *Pathways from Child Maltreatment to Juvenile Offending* (Stewart et al., 2002), and with Thornberry et al's (2001) findings that children who were only maltreated in childhood were less likely to offend than children who were only maltreated in adolescence or had maltreatment continue into adolescence.

Table 5.19: Timing of maltreatment by sex and Indigenous status (using Thornberry et al's 2001 classification)

	Offend					
	Yes		No		Total	
	N	%	N	%	N	%
Early Childhood only < 6yrs	179	12.0	1067	25.0	1246	21.7
Late Childhood only 6-11	310	20.9	1223	28.7	1533	26.7
Adolescence only 12-17	357	24.0	892	20.9	1249	21.7
Persistent during Childhood (both childhood and adolescence)	208	14.0	523	12.3	731	12.7
Persistent into Adolescence (both childhood and adolescence)	432	29.1	558	13.1	990	17.2
Total	1486	100	4263	100	5749	100

Note: Table includes 285 children excluded from regression because of missing data (Indigenous status).

Additionally, maltreated children who offended had more notifications ($M = 3.41$, $SD = 2.97$) and more substantiated notifications ($M = 2.13$, $SD = 1.84$) than maltreated children who did not subsequently offend ($M = 2.34$, $SD = 2.22$; $M = 1.62$, $SD = 1.35$ respectively).

The type of maltreatment a child was a victim of was also significantly related to the likelihood of the child offending. Children who were victims of either neglect or physical abuse were more likely to offend than children who had not been victims of these types of maltreatment. Table 5.20 displays the children who experienced the four types of maltreatment on the basis of whether the maltreatment resulted in offending. It is apparent that over 30% of children who experienced neglect or physical abuse engaged in offending.

Table 5.20: Children experiencing maltreatment and offending

Maltreatment Type	Offend			
	Yes		No	
	N	%	N	%
Neglect	726	31.1%	1606	68.9%
Physical	674	30.1%	1568	69.9%
Emotional	412	29.1%	1004	70.9%
Sexual	256	19.9%	1029	80.1%

CHAPTER 6. RESULTS: POLICE CAUTIONING IN QUEENSLAND

6.1. INTRODUCTION

In this chapter the results of the analyses examining police cautioning data are presented. The overarching question these analyses address is: Does police cautioning reduce recidivism? It is not possible to definitively answer this question without carrying out a randomised controlled trial. Such an experiment, in which young people who offend are randomly assigned to either the police cautioning condition or the court condition and then followed up over a period of time to see if they re-offend, would be highly unethical and as such, cannot be performed. Furthermore, only an experiment could control for selective police practices and provide a definitive answer to the above question. Consequently, in this chapter this question will be addressed by examining the data available from the Queensland Police on police cautioning and the information from Department of Families on finalised court appearances. The following specific research questions will be addressed.

Research Question 1: What proportion of young people who are cautioned go on to re-offend?

The first research question is addressed by examining all young people who received a police caution to see if they either had no further contact with the juvenile justice system or re-offended and received either a subsequent police caution or a finalised appearance in the Children's Court (Section 6.3)

Research Question 2: Of young people who are cautioned, does sex, age of caution, and/or maltreatment predict their likelihood of re-offending?

The results addressing this research question are presented in Section 6.4. The analyses examine the impact of police cautioning on subsequent re-offending controlling for sex, age of caution and maltreatment status, and all variables that have been shown to impact on the likelihood of a young person offending. Unfortunately, it

was not possible to include Indigenous status, as the Queensland Police Service did not collect these data on these two birth cohorts.

Research Question 3: Are young people who are cautioned for their first offence more likely to re-offend than young people who go to court for their first offence?

The third research question examined in Section 6.5 was the most difficult question to answer. It was discovered that many young people's first contact with the juvenile justice system results not in a police caution but a finalised court appearance (Section 6.5.1). However, there are two legislative reasons why this may be occurring. First, police are unable to caution a young person if the young person does not plea guilty to the offence. Consequently, these young people must go to court to get the matter finalised. Unfortunately, no information was available concerning the plea that the young person entered. However the court outcomes have been examined to try and understand the impact of guilty pleas (Section 6.5.2). Second, although police have the discretion to administer a caution in a case of serious offending, cautions are typically administered when the offending is not of a serious nature. The courts deal with serious offending. Consequently, before comparing the re-offending rates between the two groups it was necessary to examine the nature of the offending and the outcomes of the court appearances (Section 6.5.3).

To try and control for the seriousness of offending, the re-offending rates for young people who had appeared in court for their first offence and received an outcome of either a court diversion or a non-supervised order were compared with children who received a caution (Section 6.5.4). The final analysis examined the probability of re-offending and the time to re-offend between the two groups (Section 6.5.5).

Research Question 4: Of young people who re-offend, are there differences in the offending patterns between those who are cautioned and those who appear in court for their first offence (and receive an outcome of diversion or non supervised order)?

This question is addressed in Section 6.6. Two analyses were performed to examine the differences in offending patterns between the two groups of re-offenders. The first analyses examined the rate of re-offending by comparing the mean number of

offences for re-offenders whose first contact was a caution with those whose first contact was court (and received an outcome of diversion or non-supervised order (Section 6.6.1). The second analyses compared the most serious outcome between the two groups (Section 6.6.2).

Research Question 5: Can the seriousness of a young person's offending (measured by ever receiving a supervised order/not supervised order) be predicted from their contacts with the system (child protection and police cautioning)?

The final question addressed in Section 6.7 attempts to examine the impact of contacts with multiple systems on the seriousness of the young person's offending.

6.2. MATCHING THE CAUTIONING DATA WITH THE OFFENDING DATA

A total of 14,730 young people in the two birth cohorts received a police caution. When these data were matched with the court data it was found that 158 young people had a finalised court appearance for an offence prior to receiving the police caution. As the focus of the analyses in this chapter was examining the impact of police cautioning on subsequent offending these young people were removed from the relevant analyses. The remaining 14,572 young people were included in the analyses.

6.3. RESEARCH QUESTION 1: WHAT PROPORTION OF YOUNG PEOPLE WHO ARE CAUTIONED GO ON TO RE-OFFEND?

Of the 14,572 young people who initially received a police caution, 4,566 (31.3%) went on to re-offend (resulting in either a further caution or a finalised court appearance for offending). The majority of young people (68.6%, $n = 10,006$) did not re-offend. Of the 4,566 young people who did re-offend, 49% received a further caution. The other 51% went to court.

6.4. RESEARCH QUESTION 2: OF YOUNG PEOPLE WHO ARE CAUTIONED, DOES SEX, AGE OF CAUTION, AND MALTREATMENT HISTORY PREDICT THEIR LIKELIHOOD OF RE-OFFENDING?

To examine this question a logistic regression was performed. The independent variable was whether or not the young person re-offended (yes/no) and the dependent variables were sex (male/female), age of first caution, and maltreatment status

(maltreated/not maltreated). The logistic regression was significant ($\chi^2 = 1597.12$, $df = 3$, $p < .001$) indicating that all predictors, as a set, distinguished between cautioned young people who re-offended and those that did not re-offend. However, the variance accounted for was small (Cox and Snell $R^2 = .10$) and the classification accuracy was 70.8%.

Table 6.1 presents the regression coefficients, Wald statistics, odds ratios and 95% confidence limits for each of the three predictor variables. All three variables significantly contributed to predicting re-offending.

Table 6.1: Logistic Regression analysis of re-offending status as a function of sex, age of first caution and maltreatment status.

	B	SE	Wald	df	odds ratio	95% CI for odds ratio	
						Lower	Upper
Sex	.69	.04	252.14***	1	1.99	1.82	2.17
Age of first caution	-.34	.01	793.53***	1	.71	.70	.73
Maltreatment status	-1.35	.07	367.39***	1	3.86	3.36	4.43
Constant	3.49	.18	389.99	1	34.04		

*** $p < .001$

Examination of the odds ratios indicated that cautioned males were almost twice as likely as females to re-offend. As Table 6.2 indicates, 35.5% of cautioned boys re-offended and only 22.2% of girls re-offended. Additionally, cautioned young people who re-offended were significantly younger ($M = 13.99$, $SD = 1.55$) at their first caution than cautioned young people who did not re-offend ($M = 14.79$, $SD = 1.52$). It must be noted that these data are censored as at the age of 17 young people leave the juvenile justice system. Consequently, this finding may be an artifact of this censoring.

Table 6.2: Young people cautioned by re-offending status by sex

Re-offending status	Males		Females		Total	
	n	%	n	%	N	%
No subsequent offending	6389	64.4	3616	77.8	10006	68.7
Subsequent offending	3536	35.6	1029	22.2	4566	31.3
	9925	100.0	4645	100.0	14570	100.0

Note: 2 cases had missing values for gender.

Just over 7% (1,041) of young people cautioned had a maltreatment history. These children were almost 4 times more likely to re-offend than children who had no maltreatment history. Of young people who were cautioned and also had a maltreatment history, just over 60% re-offended compared with only 29% of young people with no maltreatment history.

Unfortunately the impact of Indigenous status on a young person's experience of cautioning could not be examined, as QPS did not collect these data. However, if a young person had been maltreated there was information available regarding their Indigenous status. In Table 6.3 young people who had been both the victim of maltreatment and received a police caution were examined for subsequent re-offending. This analysis revealed some disturbing differences among the groups. The majority (82.2%) of Indigenous males who were maltreated and cautioned subsequently re-offended. Similar findings were apparent for Indigenous females with two-thirds of maltreated Indigenous girls re-offending after receiving a police caution.

Table 6.3: Re-offending rates for maltreated young people who received a police caution by sex and Indigenous status

Indigenous status	Sex	Maltreated	Re-offending status			
			yes		no	
			n	%	n	%
Indigenous	Male	107	88	82.2	19	17.8
	Female	85	63	74.1	22	25.9
Non-Indigenous	Male	486	321	66.0	165	34.0
	Female	315	147	46.7	168	53.3
	Total	993	619	62.3	374	37.7

Note: 48 young people had missing data for Indigenous status.

It is apparent from these figures that the majority of young people who are cautioned do not go on to re-offend. However, children who have been maltreated and then come into contact with the police for a caution are more likely to re-offend than not re-offend. This is particularly apparent for Indigenous children regardless of sex.

6.5. RESEARCH QUESTION 3: ARE YOUNG PEOPLE WHO ARE CAUTIONED FOR THEIR FIRST OFFENCE MORE LIKELY TO RE-OFFEND THAN YOUNG PEOPLE WHO GO TO COURT FOR THEIR FIRST OFFENCE?

6.5.1. Nature of First Contact with the Juvenile Justice System

When the merged data set was examined it was found that 2,496 young people's first contact with the juvenile justice system resulted in a court appearance. These young people made up just over 14% of first time offenders (Table 6.4). Females were more likely than males to receive a caution ($\chi^2 = 57.81, N = 17066, df = 1, p < .001$). Furthermore, cautioned offenders were significantly younger ($M = 14.51, SD = 1.59$) than offenders whose first contact with the juvenile justice system was a court appearance ($M = 15.62, SD = 1.40$) ($t(17066) = -32.86, p < .001$).

Table 6.4: Nature of first contact with justice system (court or caution) by sex

First contact	Males		Females		Total	
	n	%	n	%	n	%
Police caution	9925	84.0	4645	88.5	14570	85.4
Court	1890	16.0	606	11.5	2496	14.6
	11815	100.0	5251	100.0	17066	100.0

Note: 2 young people had missing data for sex.

Unfortunately because there was no information on Indigenous status of the young offender at the time of a police caution it was not possible to examine the police cautioning data for differences in cautioning practices between Indigenous and non-Indigenous young people. However, for all young people who had appeared in court it was possible to examine for differences in the outcome of their first contact with the court. Over half of the young people appearing in court had not received a police caution (Table 6.5). Examination of the sex and Indigenous status of these young people revealed few differences. While young women were more likely than young men to have received a police caution (Table 6.4) young women who appeared in court were less likely to have received a police caution ($\chi^2 = 9.38, N = 4836, df = 1, p < .01$). This result indicates that young women who are cautioned are less likely to go on to re-offend than young men who are cautioned. Indigenous and non-Indigenous young people who appear in court are equally likely to have received a court outcome or caution at their first contact with the juvenile justice system ($\chi^2 = 1.69, N = 4836, df = 1, p = .100$). Although Indigenous young people are far more likely than non-Indigenous young people to appear in court, for these young offenders there does not appear to be any systematic racial bias in the outcome of their first contact with the juvenile justice system.

Table 6.5: Young offenders who have a finalised court appearance by nature of first contact, sex, and Indigenous status

Indigenous status	Sex ^a	First Contact				Total Contact	
		Caution		Court		total	pop % ^b
		<i>n</i>	%	<i>n</i>	%		
Indigenous	Male	381	48.2	409	51.8	790	35.5
	Female	118	42.1	162	57.9	280	9.2
Non-Indigenous	Male	1476	49.9	1481	50.1	2957	6.1
	Female	364	45.0	444	55.0	808	1.7
	Total	2339	48.4	2496	51.6	4835	4.7

^aTwo young people were missing data on the variable sex

^bPopulation figures provided in Table 4.1 on page 51.

It is apparent that large numbers of young people appearing in court have not received a police caution. However, there are two legislative reasons why these young people may not have received a police caution; they did not plea guilty and the seriousness of their offence. Each of these two reasons will be examined in the following sections.

6.5.2. Not Guilty Pleas

If a young person does not plea guilty at the time of apprehension by the police the police are unable to administer a police caution. No data were available that would allow examination of the young person's behaviour at the time of apprehension. Anecdotal evidence from police suggests that young people are often advised by their legal representative not to plead guilty. Furthermore, there are a number of young people who plea not guilty at their first court appearance and then change their plea some time during the court process. It was not possible to examine the plea entered by the defendant in the court as DoF does not systematically collect this data. The only information available was the number of young people with a court outcome of not guilty. This information gives no indication of the number of young people who plead not guilty but were found guilty. However, it does appear that the percentage of not guilty outcomes for young people who went to court for their first offence is higher (10.4%) than the overall not guilty outcomes (4.7%: Table 5.12 on page 71). All not guilty outcomes were removed before analyses.

6.5.3. *Seriousness of the Offending*

The seriousness of offending was examined two ways. The first examined the nature of the most serious offence at the first contact with the juvenile justice system and the second examined the outcome of the first contact with the court.

The most serious offence at the first contact was examined for both court appearances and the cautions using the Australian Standard Offence Classification (ASOC) (Australian Bureau of Statistics, 1997) divisions (Table 6.6). The offence types most likely to be dealt with by court rather than caution at first contact were: Offence Division 1 Homicide and related offences; Offence Division 15: Offences against justice procedures etc (74% dealt with by court); Offence Division 14: Road traffic and motor vehicle regulatory offences (42% dealt with by court); Offence Division 6: Robbery, extortion and related offences (35% dealt with by court); and Offence Division 13: Public order offences (30% dealt with by court).

It was not unexpected that offences categorised into Division 1: Homicide and related offences and Division 6: Robbery extortion and related offences were more likely to be dealt with in the court than by a caution. According to the *Juvenile Justice Act*, a caution is typically administered in cases of offending that are non-serious, and these offence divisions contain the serious offences defined by the Act as including “a life offence; or an offence of a type that, if committed by an adult, would make the adult liable to imprisonment for 14 years or more” (Section 8(1)(a) and (b)).

However, the offence Divisions 15, 14 and 13, which include over 11% of all offences committed by the young people, do not appear to fall into the serious offence category. To further examine these offences, these three Divisions were broken down into their group codes (Table 6.7).

Table 6.6. Most serious offence at first contact by nature of contact (court or caution)

Offence Division	Caution	Court	Total	%	
				Court	% Total
1. Homicide and related offences	0	2	2	100	0.0
15. Offences against justice procedures, government security and government operations	86	247	333	74	2.0
14. Road traffic and motor vehicle regulatory offences	440	324	764	42	4.5
6. Robbery, extortion and related offences	49	26	75	35	0.4
13. Public order offences	638	275	913	30	5.3
5. Abduction and related offences	3	1	4	25	0.0
3. Sexual assault and related offences	121	32	153	21	1.0
4. Dangerous or negligent acts endangering persons	138	37	175	21	0.9
7. Unlawful entry with intent/burglary, break and enter	1644	350	1994	18	11.7
2. Acts intended to cause injury	917	159	1076	15	6.3
9. Deception and related offences	336	58	394	15	2.3
10. Illicit drug offences	1625	213	1838	12	10.8
12. Property damage and environmental pollution	1121	133	1254	11	7.3
8. Theft and related offences	6960	606	7566	8	44.3
11. Weapons and explosives offences	201	16	217	7	1.3
16. Miscellaneous offences.	293	17	310	5	1.8
Total	14572	2496	17068		99.9

% does not add to 100 because of rounding

Table 6.7: Examination of court and caution for group codes for Divisions 13, 14, and 15.

Code	Group	Caution	Court	Total	% Court
1311	Trespass	255	33	288	11
1312	Offensive Language	13	47	60	78
1313	Offensive Behaviour	65	90	155	58
1314	Criminal Intent	27	3	30	10
1319	Disorderly Conduct, nec	0	83	83	100
1321	Betting and Gambling Offences	7	0	7	0
1322	Liquor and Tobacco Offences	268	19	287	7
1324	Prostitution Offences	3	0	3	0
Driving While Licence Cancelled or					
1411	Suspended	0	1	1	100
1412	Driving Without a Licence	422	107	529	20
1419	Driving Licence Offences, nec	8	0	8	0
1421	Registration Offences	1	46	47	98
1422	Roadworthiness Offences	2	1	3	33
Exceeding the Prescribed Content of					
1431	Alcohol Limit	3	63	66	95
1439	Regulatory Driving Offences, nec	4	106	110	96
1512	Breach of Bail	0	1	1	100
1519	Breach of Justice Order, nec	0	1	1	100
1521	Subvert the Course of Justice	6	1	7	14
Resist or Hinder Police Officer or					
1522	Justice Official	48	203	251	81
Offences Against Justice Procedures,					
1529	nec	32	41	73	56

Note: 'nec' not elsewhere classified.

Of the driving offences only Driving without a License was more likely to be cautioned than sent to court. In Queensland young people under the age of 17 cannot hold a driving license. It appears that these offences are procedurally dealt with

through the court. Consequently, these offences were excluded from analyses examining re-offending rates.

Within the Public Order Offences division the majority of the Trespass and Liquor and tobacco offences are dealt with as a caution. However, the offences Offensive Language, Offensive Behavior, and Disorderly conduct were more likely to be sent to court than cautioned. Similarly within Division 15, Offences against justice procedures, government security and government operations the majority of offences were categories as Resist or Hinder Police Officer or Justice Official. The majority of these offences were sent to court. These offences appear to be offences that challenge the authority of the police or the criminal justice system.

An additional way of examining the seriousness of the offence is to examine the outcomes from the court of the appearance (Table 6.8). The majority of the offences received an outcome of a non supervised order (fine, good behavior bond). However, just under a quarter of appearances received either a supervised order (probation or community service) or detention order. These orders are at the serious end of the outcomes for young people.

Table 6.8: Court outcomes for young people whose first contact with the juvenile justice system resulted in a court appearance.

Outcome	n	%
Court Diversion	53	2.1
Non Supervised Order	1855	74.7
Community Supervised Order	554	22.3
Immediate Release Order	14	.6
Detention Order	7	.3
	2483	100.0

Note: 13 young people missing court outcome.

6.5.4. Research Question 3

To answer Research Question 3: *Are young people who are cautioned at their first offence more likely to re-offend than young people who go to court for their first offence?* It was necessary to compare the cautioned young offenders with the young

offenders who were eligible for a caution at their first contact. Consequently, the analysis excludes young people who appeared in court for their first contact and received a supervised order, young people who had committed a motor vehicle or traffic offence and the young people who were found not guilty.

This left 1,634 young people appearing in court at their first contact who could have been cautioned and 14,573 young people who were cautioned at their first contact. Of the young people who were cautioned, 31.3% re-offended (i.e. received a second police caution or finalised court appearance). When compared with these young people who were cautioned on their first contact, significantly more young people (42.2%) whose first contact resulted in a finalised court appearance re-offended ($\chi^2 = 78.68$, $df = 1$, $N = 16,206$), $p < .001$).

Table 6.9: Outcome of first contact for offending (caution or court) by re-offending status.

	Outcome of First Offence			
	Caution		Court	
Re-offend	n	%	n	%
Yes	4566	31.3	689	42.2
No	10006	68.7	945	57.8
	14572	100.0	1634	100.0

It is not possible to examine this result fully by sex and Indigenous status as Indigenous status was not available for young people who had been cautioned and never re-offended. Table 6.10 presents the results of the outcome of first contact by re-offending status broken down by the available biographical details. Young women who were cautioned were less likely to re-offend (22.2% re-offended) than young women who went to court (35.6% re-offended). However, Indigenous young women who went to court were more likely (53.4%) to re-offend than non-Indigenous young women (28.2%). Similar patterns are evidenced for young males. Over two thirds of young males who were cautioned re-offended, however of young males who went to court 44.5% re-offended. Of young Indigenous males who went to court on their first

contact, 63.5% re-offended compared with 39.2% of young non-Indigenous males re-offending.

Table 6.10: Outcome of first contact for offending (caution or court) by re-offending status and sex and Indigenous status

Outcome of First Offence	Sex	Indigenous Status	Re-Offend				Total
			Yes		No		
			n	%	n	%	
Caution	Male	Not Known	3536	35.6	6389	64.4	9925
	Female	Not Known	1029	22.2	3616	77.8	4645
		Total	4565	31.3	10005	68.7	14570
Court	Male	Indigenous	169	63.5	97	36.5	266
		Non-Indigenous	374	39.2	580	60.8	954
		Total	543	44.5	677	55.5	1220
	Female	Indigenous	62	53.4	54	46.6	116
		Non-Indigenous	84	28.2	214	71.8	298
		Total	146	35.3	268	64.7	414

To examine if the young offender's age at first contact differed not only between those who were cautioned and those who went to court, but also between those who re-offended, a two way ANOVA was performed. The two independent factors were type of first contact (court or caution) and re-offending status (yes or no). The dependent factor was age of first contact. A significant two-way interaction was found ($F(1,16202) = 7.22, p < .01$) as well as significant main effects for type of first contact ($F(1,16202) = 816.81, p < .001$) and re-offending status ($F(1,16202) = 626.78, p < .001$). The means are presented in Table 6.11. Young people who re-offended were significantly younger at first contact than young people who did not re-offend. Again there is the issue of the impact of censoring on the data as younger people had longer to re-offend than older people. This issue will be addressed in the next section.

Table 6.11: Mean ages of young people by type of first contact and re-offending status

Type of First Contact	Re-offending status	n	Age at First Contact	
			M	SD
Caution	Yes	4566	13.90	1.55
	No	10006	14.79	1.52
Court	Yes	689	14.94	1.35
	No	945	16.05	1.20

6.5.5. Time to Re-Offend

Survival analysis is a common statistical tool used to analyse ‘time to failure’ (in this situation, time to second offence) when data is censored at a certain point in time (in this situation, when an individual turns 17 and leaves the system). The Cox regression survival analysis models the time to failure with the data censoring removed and allows for the examination of covariates. The Cox regression survival analysis was performed to examine differences in time to second offence between young people who were cautioned for their first offence and young people who appeared in court. Age of first contact and sex were included in the analysis as covariates. There was a reliable effect for cautioning after adjusting for the sex and age of first appearance ($G^2 = 606.86$, $df = 3$, $p < .001$). All three covariates (outcome of first contact, sex and age of first contact) reliably predicted survival time.

As

Figure 6.1 indicates, if the young offenders were tracked beyond the age of 17, under 50% of cautioned young people would re-offend by the time 300 weeks had passed. However, if the young offenders who appeared in court on their first contact were tracked for 300 weeks, almost 80% would re-offend. Furthermore, the young offenders who appeared in court re-offended earlier, with 50% re-offending within 100 weeks compared with only 20% of cautioned offenders.

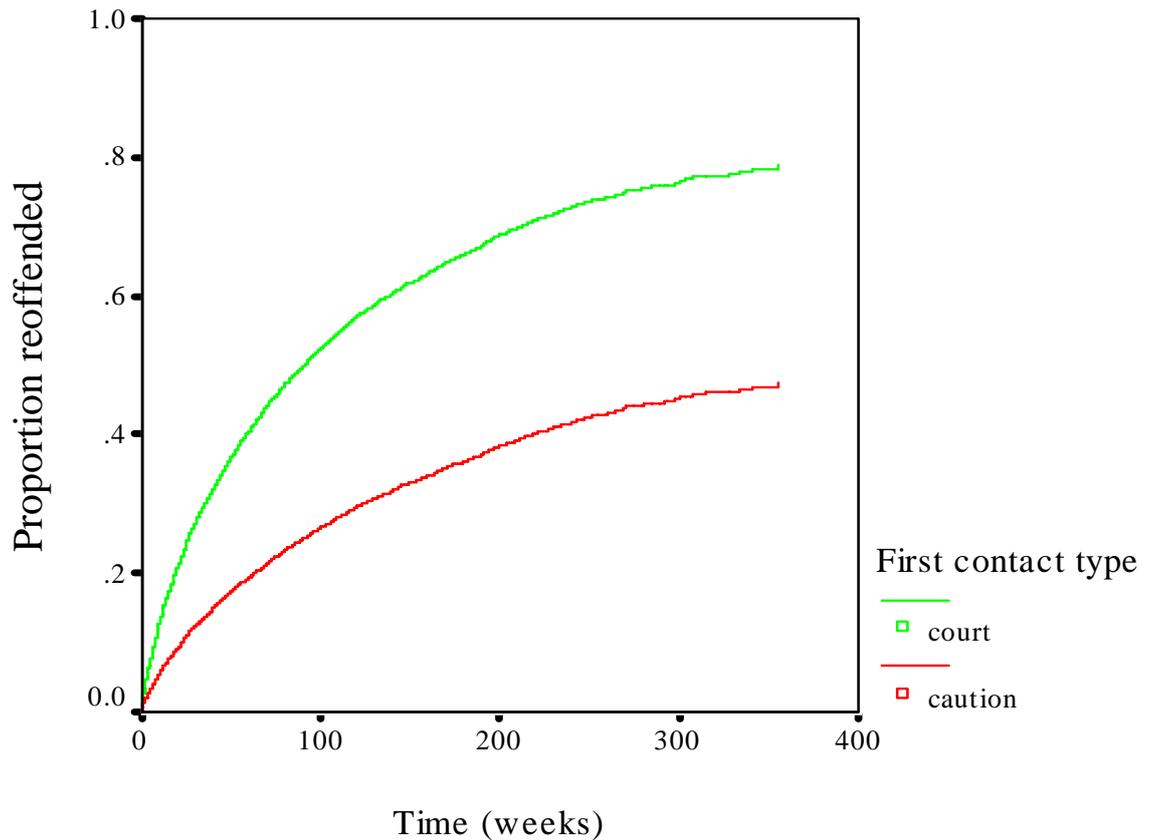


Figure 6.1: Survival distribution of time between first and second offence by nature of first contact (court or caution) controlling for age of child at first contact and sex of child.

6.6. RESEARCH QUESTION 4: OF YOUNG PEOPLE WHO RE-OFFEND, ARE THERE DIFFERENCES IN THE OFFENDING RECORDS OF THOSE WHO ARE CAUTIONED AND THOSE WHO APPEAR IN COURT FOR THEIR FIRST OFFENCE?

The results presented in the previous section indicate that young people who appear in court for their first offence are more likely to re-offend than young people who receive a police caution. In this section the nature of the re-offending will be compared between young people who appeared in court (and received a non-supervised order or diversion) and young people who are cautioned. Two analyses were performed. The first examined the rate of re-offending, the second examined the most serious outcome the young person ever received.

6.6.1. Rate of Re-Offending

Offenders who were cautioned at their first offence and re-offended, did so less frequently than offenders who went to court for their first offence (Mann-Whitney U test = 1314269.00, $p < .001$). Of those offenders who first appeared in court, 22.1% went on to re-offend more than six times. However, of young people who received a police caution, only 12.4% re-offended more than five times. The majority of these young people only re-offended once (Table 6.12).

Table 6.12: Re-offending frequency of young people cautioned and appearing in court

Number of Contacts with the Juvenile Justice System	First Contact Type			
	Caution		Court*	
	n	%	n	%
2	2479	54.3	284	41.2
3	868	19.0	129	18.7
4	419	9.2	82	11.9
5	233	5.1	42	6.1
6+	567	12.4	152	22.1
	4566	100.0	689	100.0

Note: * Court only includes young people whose first appearance resulted in an outcome of court diversion or non-supervised order

6.6.2. Most Serious Court Disposition as a Juvenile

The second analysis examines the severity of re-offending by examining the most serious court disposition received as a juvenile by type of first contact. Young offenders who appeared in court for their first offence received more serious outcomes than young offenders who were cautioned ($\chi^2 = 663.8$, $N = 5249$, $df = 5$, $p < .001$). The most serious court disposition for over 50% of the young people cautioned at their first contact was a non-supervised order. Less than 2% of these young people received a detention order. However, for the young people whose first contact resulted in a court appearance, 68% received a supervised order as their most serious court disposition as a juvenile and 7.5% of these young people ended up serving a detention order.

Table 6.13: Most serious court disposition as a juvenile by type of first contact

Most Serious Court Disposition	First Contact Type				
	Caution			Court*	
	n	%	%	n	%
Caution	2225	48.7		0	
Court diversion	25	.5	1.1	1	.1
Non-supervised order	1279	28.0	54.6	219	31.8
Community supervised order	872	19.1	37.2	366	53.1
Immediate release order	87	1.9	3.7	51	7.4
Detention order	78	1.7	3.3	52	7.5
Total	4566			689	

Note: * Court only includes young people whose first appearance resulted in an outcome of court diversion or non-supervised order

6.7. RESEARCH QUESTION 5: CAN WE PREDICT THE SERIOUSNESS OF A YOUNG PERSON'S OFFENDING FROM THEIR MULTI-AGENCY CONTACTS?

This final question attempts to examine the impact of both child protection and cautioning on the severity of offending. All young people who had contact with the juvenile justice system were included in the analysis ($N = 27,066$, 2 cases had missing sex). The independent variable was seriousness of offending. This was measured as if the most serious disposition the young person received as a juvenile was a supervised or unsupervised order. The dependent variables were sex (male/female), child maltreatment (yes/no), and cautioned at first contact (yes/no). The logistic regression was significant ($\chi^2 = 2294.86$ $df = 3$, $p < .001$) indicating that the three predictors, as a set, distinguished between young people who received a supervised order and those that did not receive a supervised order. However, the variance accounted for was small (Cox and Snell $R^2 = .13$) and the classification accuracy was 88.4%.

Table 6.14 presents the regression coefficients, Wald statistics, odds ratios and 95% confidence limits for each of the three predictor variables. All three variables significantly contributed to predicting re-offending. The odds ratio indicates that, of young people who offend, young people with a child maltreatment history are almost five times more likely to receive a supervised order than young people who were not

maltreated. Young people who offend and are not cautioned are more than seven times more likely to receive a supervised outcome than young people who offend and are cautioned on their first contact.

Table 6.14: Logistic Regression analysis of re-offending status as a function sex, age of first caution, and no of maltreatment incidents.

	B	SE	Wald	df	odds ratio	95% CI for odds ratio	
						Lower	Upper
Sex	.907	.067	183.84***	1	2.476	2.172	2.822
Maltreatment history	1.587	.068	550.07***	1	4.891	4.283	5.585
Cautioning history	2.019	.054	1385.54***	1	7.527	6.768	8.371
Constant	-3.449	.066	2707.299	1	.032		

*** p < .001

When the actual figures are examined, it is apparent that there is a differential impact of the experience of maltreatment and cautioning for the various demographic groups. While the majority of young people who offend do not receive a supervised order (85.8% of males and 93.1% of females), most of these young people were not maltreated and they received a caution on their first offence. For young people who had experienced maltreatment, the likelihood of receiving a supervised order was substantially increased. For young Indigenous men who had been maltreated and who had not received a caution on their first contact, over two thirds received a supervised order. Almost 60% of maltreated Indigenous males who had been cautioned on their first offence received a supervised order. Indigenous males who were not maltreated and whose first offence resulted in a court appearance were less likely (59%) to receive a supervised order when compared with maltreated Indigenous males who were not cautioned on their first offence (76%). Similar patterns were apparent with non-Indigenous males. Those males who were not maltreated and went to court on their first offences were less likely (34%) to receive a supervised order than maltreated non-Indigenous males who went to court for their first offence (56%). This pattern was also apparent when the seriousness of young women's offending is examined. Non-Indigenous young women who are not maltreated and who are sent to court are less likely (23%) to end up with a supervised order than maltreated young

women who went to court (34%). However, as in males, maltreated young non-Indigenous women who were cautioned were less likely to receive a supervised order than the other maltreated young women. These findings will be discussed further in the following chapter.

Table 6.15: Seriousness of offending by sex, child maltreatment status, outcome of first contact and Indigenous status.

Sex	Child Maltreatment History	Outcome of First Offence	Indigenous Status	Seriousness of Offending				Total	
				Supervised Order		Non-Supervised Order			
				n	%	n	%		
Male	No	Caution	Not Known	652	7.0	8661	93.0	9313	
		Court	Indigenous		181	58.6	128	41.4	309
			Non - Indigenous		425	34.0	826	66.0	1251
	Yes	Caution	Indigenous		64	59.8	43	40.2	107
			Non-Indigenous		147	30.2	339	69.8	486
		Court	Indigenous		76	76.0	24	24.0	100
			Non-Indigenous		130	56.5	100	43.5	230
					1675		10121		11796
Female	No	Caution	Not Known	97	2.3	4119	97.7	4216	
		Court	Indigenous		42	39.3	65	60.7	107
			Non - Indigenous		78	23.2	258	76.8	336
	Yes	Caution	Indigenous		36	42.4	49	57.6	85
			Non-Indigenous		41	13.0	274	87.0	315
		Court	Indigenous		30	54.5	25	45.5	55
			Non-Indigenous		37	34.3	71	65.7	108
					361		4861		5222

CHAPTER 7. DISCUSSION

There were two purposes to conducting this research. The first purpose was to update the *Pathways from Child Maltreatment to Juvenile Offending* report as a result of the addition of the 1984 birth cohort and formal cautioning histories to the dataset. The addition of new data allowed analyses to be examined for consistencies with the findings of the earlier report as well as providing an additional point at which to measure onset of offending by way of police cautions. Such information enriches our ability to examine the impact of maltreatment on offending.

The second purpose of this research was to examine the use of formal police cautioning as a diversionary tool from subsequent offending. The study aimed to investigate rates of cautioning, the relationship between cautioning and subsequent offending in comparison to children who appeared in court for their first offence, and the impact of maltreatment experiences in conjunction with cautioning on subsequent juvenile offending. The following discussion highlights the key findings and puts them in context with existing research. Suggestions are also made for further research as well as policy implications for the development and resourcing of prevention programs.

7.1. MALTREATMENT EXPERIENCES

An aim of this research was to document individual children's experiences with the child protection system in Queensland. In particular, we examined the frequency of both substantiated and unsubstantiated notifications, the demographics of the child, the type of maltreatment and the extent of out of home placements as an outcome of maltreatment. The addition of the 1984 birth cohort to the original 1983 cohort data set did not alter the key findings of the initial report in relation to the general picture of the extent and nature of maltreatment.

Of all children born in 1983 and 1984, almost 10% received a child protection notification. In Stewart et al. (2002), approximately 4% of children were reported to have five or more maltreatment incidents, accounting for 22% of all notifications. In the current study this figure rose dramatically, with 9% of children having five or more maltreatment episodes, accounting for 32% of all notifications. Although it is

unclear why such a shift in the number of repeat maltreatment episodes occurred with the addition of the 1984 cohort, it is likely that the increase at least in part reflects trends in the increase in child protection notifications over the last two decades (Department of Families, 2001). Regardless, the figures point to the unsatisfactory state of repeat victimisation at the extreme end and highlight the need for effective interventions targeted at the prevention of repeat maltreatment.

Males and females were equally likely to have been maltreated; however, males were significantly younger at both the age of their first maltreatment and the age of their final maltreatment episode. While Indigenous children only represented approximately 4% of the birth cohort, they represented 11% of maltreated children, indicating that they are vastly overrepresented in the child protection system. These findings are consistent with the original report and also with Alfaro (1981) who found overrepresentation of maltreated children belonging to minority groups. When comparing substantiated versus non-substantiated notifications, Indigenous children were more likely to have at least one substantiated notification compared to non-Indigenous children and were victims of more maltreatment incidents than non-Indigenous children. Non-Indigenous children were more likely to have only one substantiated notification compared with non-Indigenous children. Not only were Indigenous children maltreated more often, but they were more likely than non-Indigenous children to suffer multiple types of maltreatment. Indigenous children were also significantly younger than non-Indigenous children at the first maltreatment episode, but not at the final maltreatment episode. As this study cannot uncover the true causes of the overrepresentation of Indigenous children in the system, whether it be exposure to greater risk or greater scrutiny that brings them to the attention of the Department, it is clear that the underlying causes of this finding must be examined. Appropriate strategies must be put into place to reduce this gross overrepresentation of both single and multiple episodes of maltreatment.

Consistent with the original study (Stewart et al., 2002), children who experienced multiple types of maltreatment were youngest at their first maltreatment incident than children who had been repeatedly maltreated with one form of maltreatment, who were younger still than children with one maltreatment episode. Therefore children who were youngest at their first maltreatment incident were more likely to be

repeatedly maltreated and more likely to be the victim of multiple types of maltreatment. This indicates that maltreatment is not a unitary phenomena but rather for some children one form of maltreatment can come hand in hand with other forms of maltreatment. Indeed the classification of one form of maltreatment may be based on that which appears to be the most serious at the time, such as physical abuse. These classifications may mask the fact that other forms of maltreatment, such as neglect or emotional abuse, are also present. The message that comes from this finding is that more needs to be done to ensure that a single maltreatment episode is not co-occurring with other forms of maltreatment, and that maltreatment does not become a cycle of victimisation for these young children. Early intervention and prevention of further risk to the child is necessary.

In terms of the type of maltreatment experienced, the findings were consistent with Stewart et al (2002) in that physical abuse and neglect were the most common forms of maltreatment. For children who experienced multiple maltreatment episodes but only one form of maltreatment, this maltreatment was more likely to be neglect. However, multiple maltreatment episodes were more likely to result in multiple maltreatment types rather than a single type of maltreatment. Also consistent with the original report was the finding that males were more likely to be victims of physical abuse and neglect compared to females, whereas females were more likely to be victims of sexual abuse than males. There were negligible differences between males and females on substantiated incidents of emotional abuse.

In the absence of a better measure of the severity of maltreatment, the occurrence of out of home placements was used as an indicator of severity. Just over a quarter of children with a substantiated maltreatment incident were placed outside the home at some stage in their childhood. While there was no difference in the extent to which males and females were placed outside the home, Indigenous children were more likely to be placed outside the home than non-Indigenous children. Children placed outside the home following maltreatment were also significantly older at their first and final maltreatment episodes than children who were not placed outside the home. In fact, using Thornberry et al's., (2001) age categories revealed that children were more likely to have been placed outside the home if they were persistently maltreated throughout childhood, if the maltreatment only occurred in adolescence, or if the

maltreatment persisted from childhood into adolescence, rather than if it occurred in early or late childhood only. This is consistent with the finding that children who were placed outside of the home were maltreated more often than maltreated children who were not placed outside the home and were more likely to have multiple rather than singular types of abuse. Unfortunately, the impact of out of home placements is not known. Given that children who are placed outside the home tend to be those who are Indigenous, who have experienced maltreatment at multiple times and in multiple forms, it is important to determine the outcomes for these children and whether out of home placements served to break the cycle of victimisation and provide protective factors for the child.

7.2. JUVENILE OFFENDING

A major addition to this report from that of the original (Stewart et al., 2002), was the addition of formal caution history for the birth cohorts as a measure of offending. This data provided a more accurate measure of the age of onset and incidence of officially recorded offending compared with relying on finalised court appearances. Combining the cautioning and court data revealed that 17% of children born in 1983 and 1984 offended. More specifically, one in four males from these cohorts offended. The findings are consistent with Morgan and Gardner's (1992) study where approximately one-fifth of the two birth cohorts in that study had contact with either the Children's Aid Panel or the Children's Court for an offence in South Australia, with one in four boys offending. Furthermore, a cohort study in New Zealand found that one quarter of males had officially offended by the age of 20 (Lovell & Norriss, 1990). These figures indicate that offending is a common occurrence in young people, particularly for young males.

The following sections provide an overview of the findings in relation to the separate cautioning and court data, before examining the links between maltreatment and offending more generally.

7.2.1. Cautioning

Of young people who received formal cautions, just over two-thirds were male. A far greater number of males in the birth cohort received a caution compared with females, which is not surprising given the overrepresentation of males in the criminal justice

system more generally. However, in terms of first contact with the justice system, females were more likely to be cautioned for their first offence than males. While Alder (1984) and Ogilvie et al. (2000) have raised concerns about overrepresentation of females in diversion programs compared with the number that are processed through the court, it is possible that the differences found in this study are due to differences in the seriousness of offences committed. Males were significantly younger when they received their first caution compared with females, although the difference was very small.

Most children who were cautioned received only one caution, although some children received multiple cautions with one child receiving 13 formal cautions. Given that a child's criminal history should be considered before administering a caution (*Police Powers and Responsibilities Act 2000*, s.11), the data reveals that the majority of children who are cautioned are first time offenders and that the incidence of cautioning decreases as the number of prior offences increases. Less than one percent of children were cautioned more than five times.

As children should only be cautioned for non-serious offences (*Police Powers and Responsibilities Act 2000*, s.223), it was important to examine the type of offences for which children were cautioned. The most frequent type of offences were theft and related offences, with unlawful entry with intent (including burglary, break and enter), illicit drug offences and property damage and environmental offences being the next most common. Following these public order offences, road traffic and motor vehicle regulatory offences and acts intended to cause injury were the next most common. Few cautions were issued for offences that may be considered at the more serious end of the spectrum, such as sexual assault and related offences and abduction and related offences. Therefore the findings reveal that for the most part, police are exercising their discretion within the confines of the legislation.

7.2.2. Finalised court appearances

The majority of children who had finalised court appearances were males, with one quarter of this sample being females. Approximately 22% of the children with a finalised court appearance were Indigenous, a finding consistent with the original report and the literature (Wundersitz, 1996). Therefore Indigenous children are

grossly overrepresented in both the child protection and juvenile justice systems. While there were no significant differences in the age at which males and females incurred their first finalised appearance, Indigenous children were younger at their first finalised appearance than non-Indigenous children.

The total number of children with finalised court appearances represented approximately 5% of the birth cohort; therefore fewer children appear in court for a finalised offence compared with those who receive a formal caution. This finding indicates that the goal of diverting children away from the courts for their offences to be dealt with through other procedures is being achieved to some extent.

Just over half of the children with court records had only one finalised appearance, with just over 20% of children having four or more finalised appearances. However, these children with four or more appearances accounted for almost 60% of all finalised appearances, indicating that a portion of these offenders are repeat offenders who utilise the majority of the courts resources. While these figures are slightly higher than the original study (Stewart et al., 2002), the general pattern is the same. Similar to the findings from the police cautioning data, the most common form of the most serious finalised offence for children was theft and related offences, followed by unlawful entry with intent (including burglar, break and enter), and illicit drug offences. Ten percent of children's most serious finalised offences were offences against justice procedures and government, a far greater proportion than the number of children who were cautioned who committed this offence. Given that this category includes resisting and hindering a police officer or justice official, subverting the course of justice, as well as other official offences against justice procedures, it is not surprising that relatively few of the children were cautioned for these offences. It would be difficult for an officer to administer a formal caution in a constructive manner within such contexts.

Both males and females were more likely to receive a non-supervised order as their most serious court outcome than any other outcome. However, females were more likely to receive a non-supervised order than males. Females were also less likely to receive a community supervised order as their most serious outcome compared with males. There were larger differences in the most serious court outcomes between

Indigenous and non-Indigenous children. Indigenous children were more likely to receive a community supervised order as their most serious outcome, while non-Indigenous children were more likely to receive a non-supervised order as their most serious outcome. Indigenous children were also more likely to receive an immediate release order and a detention order than non-Indigenous children. While court outcomes likely reflect the seriousness of the offence and a history of offending, it is important that this overrepresentation of Indigenous children in the courts and in detention is addressed, as well as reducing non-Indigenous repeat offenders. A strategy centred on standard law and order approaches is likely to prove ineffective. What is required is a focus on current best practice in the reduction of offending, drawing on early intervention strategies and programs that focus on multiple problems across multiple contexts in which the child lives and socialises. Research has demonstrated such programs (e.g., Multisystemic therapy) are effective in reducing offending even with chronic juvenile offenders (Farrington & Welsh, 1999, 2003; Woolfenden, Williams & Peat, 2002). They also have the potential to produce significant savings in the long-term for government and society through reduced court appearances, a reduction in imprisonment, reduced victimisation, and improved education and employment outcomes.

7.3. LINKS BETWEEN MALTREATMENT AND OFFENDING

The hypothesis that maltreated children would be more likely to offend than children for whom there was no evidence of maltreatment was supported. Therefore it appears to be the experience of maltreatment itself, rather than having contact with the child protection system, that increases the likelihood of juvenile offending. The number of children who appeared in the child protection system and subsequently offended increased from the previous study, due to the addition of cautioning as a measure of offending. In the current study 26% of children who were maltreated children went on to offend, compared to 17% reported in the original study (Stewart et al., 2002), 16% reported by Bolton et al., (1977) and 19% reported by Alfaro (1981). Interestingly, almost 20% of children who received unsubstantiated notifications also went on to offend, which is higher than that reported by Bolton et al., (1977) and McCord (1983), but more consistent with the findings of Widom (1989) and Thornberry and Smith (1995). Given that overall 17% of the birth cohort offended, the much higher number of maltreated children who offended indicates the impact that maltreatment may have

on juvenile offending. By combining cautioning and finalised court appearances this may produce a finer picture of the relationship between maltreatment and offending.

Despite the addition of a new birth cohort and a new measure of offending by way of cautioning, the results of the logistic regression used to examine the relationship between child maltreatment and juvenile offending were remarkably similar to that of the original study (Stewart et al., 2002). We found that gender, Indigenous status, the timing of the final maltreatment incident, the number of notifications and maltreatment incidents, and the experience of physical abuse and neglect were significant in predicting maltreatment. Unlike the previous study, out of home placements was not a significant predictor of later offending, most likely because of its shared variance with frequency and type of maltreatment.

Maltreated males were more likely to go on to offend in adolescence than maltreated females, while Indigenous maltreated children were more likely to offend than non-Indigenous maltreated children. A particularly disturbing finding was that more than half of the Indigenous males who were maltreated offended prior to the age of 17. Given that approximately 20% of Indigenous males are maltreated, the data indicates that many of these children are moving from the child protection system into the juvenile justice system. While maltreatment might not be the specific cause of offending, it does appear to serve as an indicator that the child is being exposed to significant risks that may lead to later offending. Additionally, just as maltreatment might serve as an indicator of risk, it also serves as a point at which agencies can engage with the child and their family to reduce the likelihood of repeat victimisation and other risks while at the same time reducing the possibility of later offending. At the moment it appears that male Indigenous children who are maltreated, in particular, are more likely than not to be on a trajectory to offending. Opportunities to intervene in these pathways must be harnessed.

The age of the child at their final substantiated maltreatment notification was a significant predictor of juvenile offending, while their age at the first maltreatment incident was not. The hypothesis was supported that maltreated children who offended were significantly older at their final maltreatment notification than children who did not offend. This is consistent with the finding based on Thornberry et al's

(2001) age categories that the highest number of children offended if their maltreatment persisted into adolescence, followed by those whose maltreatment occurred only in adolescence. The group with the least number of children who offended were those whose maltreatment was confined to early childhood (under six years). These findings provide additional support to those reported by Thornberry et al. (2001) and Ireland et al (2002) and suggest that maltreatment may have a differential effect on delinquency and juvenile offending depending on the timing and duration of the maltreatment. The potential for later child maltreatment to increase the likelihood of offending suggests that maltreatment may be particularly damaging in behavioural terms during the late childhood and early adolescent developmental phase. Therefore we need to ensure that support services and crime prevention program resources are also directed towards these children. Thought needs to be given to the possibility that the kind of support and interventions required for adolescents may be different to that required for younger children. We also need to develop a better understanding of why the timing of maltreatment is a significant predictor of later offending.

The hypothesis that children who have been maltreated more often are more likely to have a criminal record than children who have experienced one occurrence of maltreatment was supported. Both the number of notifications and the number of substantiations contributed significantly to the prediction of juvenile offending. Maltreated children who offended had significantly more notifications and substantiations than children who did not offend. Therefore it appears that repeat victimisation is a significant risk factor for juvenile offending. Although methodologically distinct, the results are consistent with the retrospective study by Hamilton et al. (2002) which reported that young people who were repeatedly maltreated were more likely to commit serious offences than young people who had been either maltreated on a single occasion or had never been maltreated. Furthermore, even though Ethier et al. (2004) did not measure offending, they did find that children who were repeatedly maltreated exhibited more behavioural problems than those exposed to transient maltreatment. The finding also provides some support to Marshall and Watt's (1999) contention that it is the number of risks that a child is exposed to that is predictive of later problems.

As this study found that the number of notifications was also an important predictor of later offending, the results indicate that even though some of these notifications were not substantiated, the child may have nevertheless been living in adverse conditions sufficient to produce a risk for offending. This relationship provides additional justification for the need to develop better intervention and protective responses for maltreated children to minimise the risk of subsequent maltreatment. In Queensland the new Department of Child Safety has been developed because of recommendations from an inquiry into foster care. One of their key responsibilities is child protection. As such they are currently developing new strategies to respond to notifications and to work with children who are maltreated. Future examination of their operational databases would assist in evaluating whether the new Department has been effective in reducing the repeat maltreatment and the impact of substantiated and unsubstantiated notifications.

Finally, the type of maltreatment that children were exposed to was a relevant predictor of subsequent offending. Consistent with the original study, children who were neglected or who were physically abused were more likely to offend than children who had not been victims of these forms of maltreatment. Neither emotional abuse nor sexual abuse were significant predictors of juvenile offending. These findings contribute to a mixed body of research that has reported a significant association between neglect and offending (Kingree et al., 2003; Weatherburn & Lind, 1997; Zingraff et al., 1994) but a more inconsistent link between physical abuse and offending (e.g., Brown, 1984; Weatherburn & Lind, 1997; Zingraff et al., 1994). The findings are also inconsistent with Widom and Ames (1994) who reported that there were no significant differences between physically abused, sexually abused and neglected children in their likelihood of arrests (with the exception of running away). As the current findings are based on a large sample and are consistent across two birth cohorts, there may be some justification for assessing the intervention strategies being utilised with physically abused and neglected children with a view to increasing protective factors for these children.

7.4. CAUTIONING AS DIVERSION

Although the methodology utilised to examine whether police cautioning is an effective diversionary strategy was limited to a comparison group of children who

went to court for their first offence, the results of the analyses indicate that police cautioning may be effective, at least in terms of system costs. Approximately two-thirds of children who were cautioned never received another caution or had a finalised court appearance. This figure is consistent with Morgan (1993) who also reported that two-thirds of the children in the South Australian cohort study did not re-offend. In line with the conclusions of Challinger (1981), on the basis alone that the majority of young people who were cautioned did not re-offend, it seems that formal police cautioning may be a cost-saving strategy compared to the costs associated with processing these children through the court system. Therefore the anticipated benefits, noted by Wundersitz (1997), of diversion forming a less expensive, more expedient and simpler process may be being realised.

In determining whether sex, age of caution and maltreatment history predicted whether children who were cautioned went on to re-offend, the study found that each of these variables were significant predictors. Males were close to twice as likely to re-offend as females and those young people who re-offended were younger at their first caution than children who did not re-offend. While this finding is limited to offending that occurred prior to the age of 17, it does provide some support to Moffitt's (1997) contention that an earlier age of onset of offending is associated with persistent offending. Maltreatment was a significant predictor of re-offending with maltreated children being almost four times as likely to re-offend subsequent to a caution compared with children with no maltreatment history.

While an examination of the relationship between cautioning and Indigenous status was restricted to those children who also had a maltreatment history, the findings revealed that the vast majority (82%) of Indigenous males who were maltreated and cautioned re-offended before they were 17 years, while the same was true of approximately three quarters of Indigenous females. Non-Indigenous males and females who were maltreated also re-offended in high numbers after being cautioned, relative to the finding that only a minority of young people who are cautioned re-offend in adolescence. Again, maltreatment appears to serve as an indicator that a child may be exposed to a number of circumstances that place them at risk of repeat offending. That nearly one thousand children from these two birth cohorts were present in the child protection system and received a police caution prior to appearing

in court indicates that there are opportunities to engage with these children across systems prior to them becoming repeat offenders.

Of particular interest in this study was whether the likelihood of re-offending differed depending on whether children had been cautioned for their first offence or whether they had appeared in court. This question was addressed by comparing children who were cautioned with children who went to court for their first appearance but appeared to have been eligible to be cautioned. Almost one third of young people who were cautioned re-offended, compared with 42% of children whose first contact involved a court appearance. Therefore children were more likely to re-offend if their first justice system contact was a court appearance rather than a police caution. However, it is important to note that there may be a range of other factors that differentiate children who were cautioned from children who appeared in court which were not controlled in this study, but which may impact on the likelihood of re-offending. Therefore we cannot conclude that cautioning reduces the likelihood of subsequent offending.

When examining the time to re-offend for young people who were cautioned for their first offence compared with those who appeared in court, the survival analysis revealed significant differences between these two groups. Overall, young people whose first offence resulted in a court appearance were more likely to re-offend and to do so sooner than those who were cautioned for their first offence. For example, allowing for offences beyond the age of 17, after 300 weeks approximately 80% of young people who appeared in court for their first offence would re-offend, compared with approximately 50% of children who were cautioned. In comparison it would take only 100 weeks for 50% of children with a finalised court appearance for their first offence to re-offend. Additional analyses revealed that of young people who re-offended, those who were cautioned re-offended less frequently than those whose first offence resulted in a court appearance. Furthermore, young people who were cautioned for their first offence were more likely to receive a non-supervised order as the most serious outcome for their subsequent offence, compared with young people whose first contact was a finalised court appearance, which may indicate differences in severity of re-offending between these two groups. However, it is difficult to make even tentative conclusions from these findings. While it appears that cautioning may

be serving a diversionary function for young offenders, without a matched control group it is likely that other factors are also impacting on re-offending, which we are unable to ascertain.

A history of maltreatment, being male, and appearing in court for a first offence, were factors that increased the likelihood of a young person eventually receiving a supervised order for a subsequent offence. Appearing in court for a first offence versus being cautioned was associated with higher frequencies of supervised orders for later offences for both males and females, although the actual frequencies differed for males and females. Similarly, children who were maltreated and cautioned for a first offence were less likely to ever receive a supervised order than children who were maltreated but who went to court for a first offence. Although differences existed between males and females on these comparisons, the pattern of findings was the same regardless of sex. Indigenous children who went to court for a first offence were more likely to receive a supervised order than non-Indigenous children regardless of maltreatment history, although frequencies were higher for children who were maltreated. This pattern was similar for both males and females. This finding may not necessarily be indicative of the effect of biases against Indigenous children in the system, but reflect the proposal by Weatherburn et al. (2003) that Indigenous children begin offending at younger ages, re-offend in higher numbers, and offend more seriously, which subsequently results in higher rates of imprisonment. A similar pattern of offending by Indigenous children emerged in the current study. Overall, the results reveal that while maltreatment and the sex of the young person are significantly related to whether or not the young person ever received a supervised order, across each of these categories cautioning versus an initial court appearance is a significant predictor of the most serious offending outcome.

Despite the methodological limitations of the study of the effectiveness of cautioning as a diversionary strategy with this sample, some tentative conclusions can be drawn. The first is that the majority of children are being cautioned for their first offence, and that of these children, the majority do not offend again prior to the age of 17 years. Therefore, diverting children away from the court system is likely to be an efficient way of responding to young people who offend for the first time. The second conclusion is that while an ideal comparison group was not available, when

comparing children who were cautioned for a first offence with children who went to court for a first offence but appeared to be eligible for cautioning, children who were cautioned fared better in terms of likelihood of offending, frequency of offending and most serious sentencing outcomes. While we cannot conclude that cautioning reduces offending, we can conclude that at least cautioning does not appear to increase offending relative to those young people whose first contact was a finalised court appearance.

7.5. LIMITATIONS AND FURTHER RESEARCH

This report represents data obtained from a large operational database, recording the contact of two birth cohorts with the children protection system, juvenile justice system and official police cautioning. As such, this report represents one of the largest longitudinal studies examining pathways between child maltreatment and offending, and one of the only studies to examine the impact of cautioning as a method of diversion. However, there are four specific methodological limitations inherent in this study that should be noted.

First, the maltreatment section of this report compares children with substantiated maltreatment notifications with children whose maltreatment notifications were not substantiated. It is not known how these two groups of children differ from children who have never come into contact with the child protection system. Second, maltreatment is based on notifications that came to the attention of the Department of Families and were subsequently substantiated. This is unlikely to provide a representative account of the rate of maltreatment in the general community, or the severity of that maltreatment given that more serious cases are likely to come to the attention of official agencies (Widom, 1989). Data that is based on official reports only is also likely to significantly underestimate the true level of child maltreatment and juvenile offending. The limitations of the data set should be considered when attempting to extrapolate results to the existence of maltreatment and juvenile offending in society.

Third, the type of data collected from the DoF and QPS also limits our analyses. There are a number of variables that have been correlated with juvenile offending in the past, such as poor parental discipline, single parent households, soci-economic

status, school achievement and peer groups. However, none of these variables have been recorded by the Department, therefore our study cannot include all those risk factors that may be prevalent in pathways to offending. However, we can surmise that maltreatment is fairly indicative of poor parenting practices and environmental stresses, so our data may indirectly tap into these risk factors. Therefore, while the study cannot ultimately conclude that maltreatment causes offending, it may be used as an indicator of risk of offending for the child. That Indigenous status of the child was not recorded by the QPS for these children also limited our ability to examine the relationship between Indigenous status and cautioning.

Fourth, while an attempt was made with the diversion data to identify a comparison group for the children who were cautioned, using those who appeared to be eligible for cautioning but instead were sent to court for their first recorded offence, conclusions cannot be drawn as to whether diversion is effective. There may be other key variables that distinguish these two groups from each other and that impact on the effectiveness of cautioning versus court. Only a randomised controlled study could accurately assess whether cautioning is effective in reducing subsequent offending, however, for ethical reasons such a study would not be conducted. Therefore, while the current study provides one of the few empirical examinations of the use of cautioning and its relationship with repeat offending, care needs to be exercised in interpreting results and assessing relevant policy.

Additional research on the effectiveness of formal cautioning as a method of diversion from the criminal justice system needs to be conducted. In this study the data was censored at the age of 17. To develop a more accurate picture of movement from cautioning into the court system, offending in adulthood by these birth cohorts also needs to be examined. Furthermore, the current study could not test for other anticipated benefits that may be associated with the cautioning process, such as whether the cautioning is more relevant to the child and their parents, and whether the process was easier to understand and more positive overall than a court appearance (Wundersitz, 1995). More specific research with samples of children who were cautioned compared with those that were processed in court could be conducted to address these questions, although a number of variables would need to be controlled for in relation to why the child was or was not cautioned.

In considering where to take the findings of this study, it is apparent that we need to develop a better understanding of the possible interactions between the timing of maltreatment, repeat victimisation, physical abuse and neglect, as well as gender and Indigenous status. We also need to think carefully about what kind of resources are being directed towards responding to maltreatment, to which children are they being directed to most, and whether existing resources could be more effective by being tailored to the circumstances of the children, including their age and maltreatment history. Therefore, developmental prevention research also needs to be conducted to assess what works, when it works, and for what children, if crime prevention strategies are going to have optimal effect.

Clearly more research also needs to be conducted to further examine pathways from maltreatment to offending. A trajectory analysis would likely provide a measure of the dynamic sequence of pathways from maltreatment to offending, including whether particular maltreatment experiences lead to distinct developmental trajectories. In the case of the present study, we are interested in whether frequency, type and severity of maltreatment differentially impacts on later juvenile offending, such that there are distinctive offending trajectories.

7.6. CONCLUSION

This study addressed four key aims. The first aim was to examine the nature and frequency of individual children's experiences with the child protection and juvenile justice systems and the Queensland Police. The study revealed that approximately 10% of the birth cohorts received maltreatment notifications at some stage in their childhood, with a small but not insignificant proportion of these children being victims of repeat maltreatment. Approximately 15% of the birth cohorts received a caution prior to the age of 17 while 5% of young people had at least one finalised court appearance. In total 17% of the two cohorts offended. A small number of young people were repeat offenders, although these young people accounted for a large proportion of offences committed by young people.

The second aim was to look at the relationship between child maltreatment and juvenile offending. A prospective analysis found that children who had been maltreated were significantly more likely to offend in adolescence than children for

whom there was no evidence of maltreatment. Although child maltreatment may co-occur with other factors that have been identified as risks for juvenile offending and therefore we cannot infer a direct causal relationship, the results nevertheless indicate that child maltreatment is associated with heightened levels of offending in adolescence. The implications of these findings are that some children have contact with multiple systems on multiple occasions. By the time children appear in court a proportion of them have already had contact with both the child protection system and the police service. If more resources were targeted to early intervention and prevention programs, through a whole-of-government approach, some of these court appearances may be prevented, reducing justice system costs, victimisation, and negative life outcomes for these children.

The third aim of the research was to examine more closely the potential pathways from child maltreatment to juvenile offending. The timing, frequency and type of maltreatment were significant predictors of whether maltreated children offended in adolescence, as was the gender of the child and Indigenous status. In particular, young people whose final maltreatment occurred in adolescence or persisted into adolescence were more likely to offend than children for whom their maltreatment was confined to childhood. Children who were repeat victims of maltreatment were also more likely to offend than those children exposed to a single maltreatment incident, while physical abuse and neglect also appeared to significantly increase the risk of later offending compared with sexual abuse and emotional abuse.

Despite the additions of another birth cohort and police cautioning as a measure of offending to the existing database, the findings in relation to maltreatment experiences, juvenile offending and the link between these two factors were remarkably consistent with the original study (Stewart et al, 2002). However, what this revised examination of the data did highlight was the disturbing number of children who are repeatedly maltreated, the disturbing number of offences that are accounted for by repeat offenders, the disturbing relationship between repeat maltreatment and offending, and the disturbing relationship between Indigenous status, maltreatment and offending. While an obliteration of these kinds of figures is likely impossible, the reality is that more could and should be done to reduce both repeat maltreatment and repeat offending. Interventions that take into account the

timing of the maltreatment, the type of maltreatment, gender and cultural factors may need to be developed to achieve the best possible outcomes for these children. Furthermore, interventions that work with young offenders, their families and other networks may be required to create an environment conducive to reducing juvenile offending, rather than relying on traditional justice system responses. Trials could be conducted in conjunction with the use of existing operational databases, such as those used in this report, to measure the impact of prevention and protection programs on maltreatment and offending.

The final aim associated with the research was to consider police cautioning as a form of diversion for young people. The study found that for the most part police cautioning appears to be exercised in line with the existing legislation with the majority of first time offenders receiving a caution rather than appearing in court. Furthermore, the majority of young people who receive a caution never commit another recorded offence. Some limited comparisons between cautioned children and those who appeared in court for their first offence revealed that for those that do re-offend, cautioned children commit fewer subsequent offences and their offences are associated with less serious court outcomes than children who had their first offence finalised in court. Although efforts were made to control for eligibility to be cautioned for the first offence, it is possible that other factors associated with these children and their offences account for these findings relating to the potential effectiveness of diversion, rather than the cautioning itself. Nevertheless, the study represents one of the first examinations of the process of formal police cautioning in Australia and suggests that at the very least, it is likely to be an efficient way to respond to first time offenders and may even serve to deter some young people away from further offending.

Further research is required to better understand the trajectories between maltreatment and offending. Ideally, additional risk factors associated both with maltreatment and offending would be included in such research. It is also important to extend the measurement of outcomes beyond juvenile offending to offending that occurs in adulthood, as well as other outcomes such as education, health, welfare and employment. A better understanding of causal relationships between early risks and later outcomes will help to identify the types and timing of interventions that might be

most effective. One of the major strengths of this research was the ability to compare single and multi-agency contacts for the cohorts with population statistics, demonstrating the extent of maltreatment and offending as well as the impact of maltreatment on offending. As it stands, the current research has identified that a wide range of opportunities exist to work with these children as some children are coming into contact with multiple systems multiple times. These contacts should be viewed as opportunities to engage with a child, using a whole-of-government approach, with the aim of preventing continuing contact with child protection, police, and juvenile justice systems.

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