

**PROCEEDINGS – Training Project No.8/1**

# **THE POLICE ROLE IN JUVENILE DELINQUENCY**

**Australian Institute of Criminology**



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**Canberra 9-13 August 1976**

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# Introduction

The seminar on 'The Police Role in Juvenile Delinquency' conducted by the Australian Institute of Criminology from 9-13 August 1976 involved police officers nominated from each State and Territory; naval police, probation officers from Tasmania, Queensland and Victoria; a court officer from the New South Wales Department of Youth and Community Services and a magistrate from the Australian Capital Territory.

Dr Johnathan Kraus, Senior Research Officer, Department of Youth and Community Services, New South Wales, was visiting scholar to the Institute. He presented two papers to the seminar and provided valuable resource assistance.

The program consisted of eight papers followed by plenary discussions, small group workshops, an open forum and one panel discussion.

The report of the seminar, contained in these proceedings, summarises the material presented by lecturers and presents points which emerged during discussions. Summaries of the forum panel discussion and workshops are included.

The proceedings also include papers presented to the seminar, a list of participants and a bibliography.





# Report on the Seminar

by A.J. Watt

The seminar was officially opened by the Commonwealth Attorney-General, the Honourable R.J. Ellicott, Q.C., M.P. on 10 August 1976. Although other subjects had been dealt with in sessions on Monday 9 August it is relevant that his guidelines be noted.

Crime has very considerable economic and social costs to the community and involves a drain on the economy of proportions not generally appreciated, Mr Ellicott said.

A publication that has just been released by the Australian Institute of Criminology, *The Costs of Criminal Justice — An Analysis* by Anatole Kononewsky, has estimated that the expenditure required during the financial year 1975-76 to support the Australian criminal justice systems — police, courts and correctional services and other components of the criminal justice systems — was \$569 million. The cost estimated for the next financial year is \$740 million. These estimates do not take into account the losses suffered by the victims of crime and their dependents and the offenders themselves and their families.

A feeling by many countries of a sense of urgency to deal with the problem of crime has led to the establishment of institutes of criminology to discover, generate and utilise all relevant resources in the community towards a united effort aimed at working out solutions in an orderly and systematic fashion.

Mr Ellicott said that traditional methods of dealing with juvenile crime are being called into question. What new perspectives should be adopted by the police in their relationship with youthful offenders? In the important exercise of balancing human rights and social defence, it is often the police who are the most directly concerned and who come under criticism. The seminar will provide the opportunity for participants to examine further this highly difficult role of the police. The police are usually the first

who are appealed to and increasingly they are required to perform a most important and critical social work service on the spot, requiring skills and insights that are in other fields held to follow only from years of concentrated tertiary education.

The pursuit of high levels of professional competence has been regarded by police authorities as one of its most urgent objectives. It is essential for the police to preserve a balance. Increase in professionalism and in the sophistication of techniques must not result in the police becoming out of touch with the community, issues within the community involving the youth and delinquent and mal-adjusted young persons, he said.

It has been estimated that 80 per cent of police time is spent on social problems. It is important also to note that the police are, perhaps, the largest social service agency offering a twenty-four hour service. If this service were removed it would have to be replaced. It is necessary for the police to view their role, not in isolation but as part of a criminal justice system that involves many related disciplines and as part of services dealing with general community dysfunctions, Mr Ellicott said.

Increased efforts are needed to promote a dialogue between the police and the public and between the police and youthful offenders. Youth itself should be mobilised more systematically in dealing with juvenile crime and assisting in the law enforcement process.

He said that the seminar should also provide for the other professions and disciplines represented, that is the magistracy, law, probation, education, and research, the opportunity to define their roles and avenues of cooperation and mobilisation of resources.

It is earnestly hoped that this latest exercise by the Institute will carry us all a significant step forward in the promotion of a greater under-

standing of juvenile delinquency and the role of the police in dealing with juvenile crime, Mr Ellicott said.

After Mr Ellicott's paper, the ACT Commissioner of Police, Mr R.A. Wilson spoke on 'A New Look at Police-Juvenile Relations'.

He said that in Australia juveniles see the police only in a security role in respect to persons and property, but their responsibility in regard to young people must extend beyond that.

The traditional police approach to juvenile offenders cannot withstand a critical study by a society with an awareness of the complex problems that are the contributing causes of juvenile crime today. A year ago a Juvenile Aid Bureau was formed within the ACT Police, and in a small way the Bureau has had a marked influence on police-youth relations in our community, he said.

The term 'delinquency' should cover not only those who have offended against the criminal law. It should also cover those about whom family, friends or members of the community are concerned regarding their likelihood of breaking the law, Commissioner Wilson said.

Young people commit more crimes than their elders. Police experience has shown that this is particularly applicable to certain types of motor-ing offences, breaking and entering and acts of wilful damage. Also involvement in drug-taking has involved children in high schools and some of them have barely entered their teens.

Children have been challenging parental authority and the first time that some aggressive, irresponsible juveniles have been challenged has been by a police officer. This has been their first confrontation with established authority.

Dealing with delinquency requires training and experience, because delinquency is due to a number of factors or a particular combination of them. Delinquents' motives are varied and involve conscious acts, impulsive acts, and inexplicable conduct. Studies have shown that in 70 per cent or more of crime committed by juveniles, there have been two or more young persons participating.

The Vice President's Commission on Law Enforcement Report of 1967 entitled the 'Challenge of Crime in a Free Society' stated that:

Police-juvenile encounters are shaped by other, less tangible forces. One influence was the character of the police force as a whole. Education and training within a force reflected itself in the reactions and attitudes of individual officers and were influences when dealing with juveniles. It was so easy in the handling of juveniles in the street to create conflicts and it was important that at all times the juvenile receive treatment that was neither unfair nor degrading.

The Commission suggested the following:

1. That court referral by police should be at last resort and restricted to cases involving serious criminal conduct, or repeated misconduct of a serious nature.
2. That schools, parents, or police should have direct referral of a juvenile to a youth aid bureau if such action were considered in the best interests of the child.
3. That procedure should be limited to release and referral, and not included sanctions imposed.

Experience overseas has shown that to be effective, any programs directed towards juveniles must of necessity be planned and implemented by youth-oriented individuals to serve youth.

We have seen a bringing together of police, probation officers and social workers in conferences and in day-to-day work in an attempt to meet a common problem. We must look forward to developing a more positive youth-police contact in the community, on a more informal basis than we have had in past years, Commissioner Wilson said.

We recognise today that a police force, as well as being law enforcement oriented, must direct its energies to crime prevention. It must demonstrate a greater involvement in community affairs and be more directly concerned with what youth is doing and thinking. Police, courts, and corrections are three sides of the criminal justice system, but the fourth dimension is the public and of this the most responsive and fruitful area is the community of youth, he said.

Mr C.R. Bevan, the Institute's Assistant Director (Training), presented a paper on 'Socialisation - The Family'.

He emphasised the examination of developmental ways and means of preventing young people from becoming serious law-breakers. Placed against the acknowledged importance of diversionary criminal justice procedures is the question of the family influence, whether filial or social. Mr Bevan said that most delinquents are basically unhappy, insecure or suffering from damaged self-images resulting from emotional deprivation. However, the emphasis goes beyond the emotionally deprived and those who have offended because of this experience.

Social changes in family structures were shown to bear upon the concepts of social conditioning as set out in G. Trasler, *The Explanation of Criminality*.<sup>1</sup>

1. His hereditary temperamental endowment.
2. The disciplinary methods used by those entrusted with his social conditioning; and

1. G. Trasler, *The Explanation of Criminality* (London, Routledge and Kegan Paul).

3. The actual quality of the attitudes and values guiding the life-styles of those entrusted with the social conditioning.

Despite statistics and predictions quoted from Great Britain and Victoria (Australia), Mr Bevan drew attention to recent predictions by Mr David Biles, the Institute's Assistant Director (Research), that by 1979 there should be significant decreases in juvenile delinquency. Mr Biles made this prediction at the 47th ANZAAS Congress held in Hobart in May 1976.

Several factors were suggested to indicate reasons for this reduced rate. The first of these was the residential trend away from major cities and the resultant beneficial changes in family life styles. The second factor could follow from a down-turn in population caused by effective birth control measures. It is predicted that this should become clearly effective from 1980. A third factor could be the provision of divorce as provided through the Family Courts. It is predicted that these procedures will result in more stable marriages, and less family tensions resulting in better-adjusted children and less juvenile crime. The proposition was advanced that it is preferable for young people to be emotionally secure rather than financially secure. Statistics of court appearances from the Depression years of 1928-29 were used to support the contention that affluence rather than common need promoted delinquency and crime.

Mr Bevan said that in summary, the correlation of crime rates with affluence, mobility of population, lack of work satisfaction and family instability was all against the traditional orders of family, education and religious influence.

The terms of the seminar were set to consider the existing proportions of juvenile delinquency, the problem to be faced and the response which the police may and ought to make to the situation.

The discussion period which followed Mr Bevan's paper covered four major areas.

#### **Born criminality**

Mr Bevan conceded in response to a question that from years of experience of human relationships he had to admit the influence of heredity whereas the greater inclination had been to blame environment.

#### **Peer group pressures**

The acceptance of peer group values and activities by young people was admitted without question.

#### **Religious influence both organisational and personal**

There was no objection to the view put forward

that religion proved to be non-contributory but could reinforce early influences, however the strong reactions against authoritarian indoctrination tended to negate the use of all religious influence.

#### **Education and schools**

The importance of a much wider perspective for educationists was discussed. They should go beyond subject teaching to include socialisation and human relationships, specifically sex education. Appreciation for female and male responses and initial understanding was strongly stated.

Mr D. Biles, the Institute's Assistant Director (Research), in introducing his paper 'Current Trends in Delinquency Research', emphasised that the paper represented a statement of research completed and being undertaken in Australia rather than a statement of policy in this area.

In the last five years systematic research has significantly developed to the extent that it is more advanced than any other area of criminological enquiry, he said.

While much of the work is descriptive there is some experimental assessment of the effectiveness of types of treatment or penalties being undertaken.

Attention was drawn to the work of Dr J. Kraus the Institute's visiting scholar for the seminar and noted as a major contribution. Attention to his extensive work is drawn both in Mr Biles' acknowledgements and the Institute's bibliography.

Mr Biles recounted the slender historical material available from as recently as 1956 through to the current research being conducted with the assistance of the Criminology Research Council.

Two pieces of research by Mr D. Challinger in 1971 and Mr A. Jamrozik in 1973 examined the background of offenders and the location of juveniles apprehended. This research contributes significantly in planning, especially for crime prevention, covering community service and recreational facilities.

Since the Criminology Research Council began awarding grants for research in 1973-74 a number of specific and comparative projects have been completed. Some of the factors which have emerged from these studies may be summarised: the affluence of large families; socio-economic factors; mobility; poor school achievement; and truancy. The spatial risk (middle children were significantly more at risk than first or last children in large families), has been confirmed in a report prepared by Mr Biles in 1971.

Having described the work sponsored by the

Criminology Research Council Mr Biles drew attention to three main areas of delinquency research in America: prediction, diversion and primary prevention. Of these the important evidence is that diversion, with the use of alternate non-custodial treatment of offenders, has proved the most effective.

Mr Biles stressed throughout his paper the importance of making delinquency control more scientific and professional.

Dr J. Kraus, a Senior Research Officer with the Department of Youth and Community Services, NSW who participated in the seminar as a visiting scholar, spoke on 'Developments in Juvenile Delinquency'.

Reviewing overseas experiences with psychological tests, Dr Kraus emphasised the importance of objective statistical analysis as against subjective hypothesis. Development of the role of statistical analysis and the importance of a knowledge of long-term trends as contrasted with short-term fluctuations, must be acknowledged before attempting to offer explanations, plan prevention and correction or deal constructively with the problem of crime.

On the basis of research conducted over a period of 15 years to 1970, the rates of six major types of non-capital offences committed by juveniles have not increased relative to rates of older age groups. The findings showed that the rates of assault and malicious damage alone had a statistically significant upward trend. The rates for breaking entering and stealing, for taking and using motor vehicles and for sex offences showed decreasing trends, the latter a significant decrease. Contrary to observations from many countries that show juvenile delinquency is reaching the lowest age groups, the findings from the NSW studies do not show the same trend, Dr Kraus said.

In relation to individual age groups, studies showed a significant increase in stealing, assaults and malicious damage offences among the 16 to 17 year olds. There was a significant decrease in taking and using motor vehicles among the 14 to 17 year olds and breaking, entering and stealing among the 9 to 14 year old age group. The conclusion reached was that while there was no general increase in the crimes examined, violence against the person and property showed a significant statistical increase.

An analysis of sentencing trends for juveniles indicates a trend away from punitive judgment and towards individual treatment. This has been represented by a decreasing use of probation excepting for break and enter, assault and malicious damage. Similarly there has been a decrease in the use of committal to institutions excepting for similar charges. The increase in

admonishments and fines reflect the influence of changing social attitudes rather than deliberate sentencing policies, he said.

The statement 'Juvenile Offenders in Queensland', which is the basis of police intervention and relevant sections of State Acts was circulated to all participants and is included in these proceedings.

Sergeant K.J. Hoggett of the Queensland Police Department, spoke about the statement and amplified many aspects of it. Attention was drawn to the definition of age, so that a person under the age of 10 years is held not to be criminally responsible, a person under the age of 15 years is not criminally responsible unless proved to have deliberate intent. The age limit of a child is 17 years.

The policy of the Queensland Police Department is that children who are alleged to have committed offences ought to be charged with the actual offences and not made the subject of applications for care and protection or care and control, Sergeant Hoggett said.

Provision is made for one caution but second offenders must be charged. Participation by victims and parents in police proceedings should help to reinforce the view that there is a mutual responsibility to prevent crime. There is a police direction to investigate offences, apprehend offenders and bring those offenders before the court. This is a basic philosophy of police action and there ought not be any special differences between the handling of those offenders simply because of age.

The differences that ought to occur should occur once the offender is placed into the judicial system. It is not for police officers to determine or usurp the function of magistrates by deciding what the result of court appearances would be. It is wrong for police to decide to indulge in counselling of an offender for any lengthy period of time. It may well be that the court would not decide on that course of action anyway, he said.

The police role is to refer people to those sections of the criminal justice system which ought to be specifically geared to handle diverse problems concerning youthful offenders. If the criminal justice system is not properly geared to handle all of these situations it is wrong for police officers to prop up the present system by not putting everyone into the system who has met the criteria laid down by the criminal law as being an appropriate subject to be so referred to the judiciary. The greatest service that police officers can provide for the community is that of swift and certain apprehension.

Of course the level of on-street cautions by police that occur from time to time is readily

acceptable by the public and juveniles at large. However it is true that police action strictly cannot be taken unless there has been a breach of the law and necessary evidential criteria can be met by the investigating police officer, Sergeant Hoggett said.

Police officers can assist greatly by the development of greater awareness within their ranks of the necessity to handle juveniles. There is a 'feeling' among police that, and this applies particularly to detectives, there is no point in pursuing inquiries if children are involved, simply because there will be no 'result'. However the basic police function is to detect and apprehend offenders irrespective of age. The result of referral to court ought not be a real consideration for the police officer on the street. The fact that the complainant, the victim, and neighbours and friends who were aware of the offence having been committed, have been made aware that the police have performed their function of finding the offender, be he child or adult, ought to fulfil the police officer's purpose. The police officer needs to be able to prove his case as a result of his investigations but the result of the court action is not really his concern for further action by him.

He said that there is the additional factor that if children are taken to court the parents, or at least one of them, ought to attend at court and therefore share in the embarrassment of the situation. This will be a most helpful prevention to ensure that the young offender does not transgress the law again.

Another way in which the judiciary can really help the police is to ensure that there is no necessity for full evidence, that is, full police evidence plus complainant's evidence, etc., in a children's court. Rather it should only be necessary to hear brief evidence from the police officer where the child does wish to plead guilty to the offence as charged, Sergeant Hoggett said.

Dr J. Kraus then presented his second paper 'How Effective are Court Imposed Measures?'.

An examination of court statistics concerning juveniles over a period of 12 to 13 years showed that the activities of the court and how the court dealt with juveniles has had no impact on juvenile crime. Evidence of inconsistency in the pattern of sentencing indicated that the jurisdiction did not have any real knowledge of the effects of judgments or determinations, Dr Kraus said.

The effectiveness of probation is seriously questioned when consideration is given to recidivism rates. To assess the reformative effect of probation while the juvenile is on probation is not answered simply by recidivism rates, many effects and benefits from supervision and coun-

selling cannot be measured. Comparative studies of juveniles placed on probation and those given a court caution showed that in terms of further court appearances the former had no effect on recidivism rates, he said.

At the same time studies have shown that committal to institutions does not promote general deterrence. Delinquents have not shown fear of the consequences. Evidence was provided that fines are preferable to detention and probation and have a salutary effect on parents.

The efficacy of diversion was illustrated by Dr Kraus in three ways. It was found that first offenders who were cautioned by police had a considerably lower recidivism rate than those who were put on probation. A second form of diversion concerning disturbed offenders referred to community health centres. This method has shown obvious advantages both to the juvenile and to the community. A third form of diversion involves the possible decriminalisation of some offences. In summary it is recommended that greater use be made of police cautions.

Mr W. Nicholl, S.M., Canberra, spoke on 'Juvenile Delinquency in the ACT'. He urged the formation of juvenile squads consisting of both male and female officers who had volunteered for the work, and who had undergone special training, including some academic studies especially child psychology. The age and experience of these officers would be important, the emphasis being on personal maturity. In respect of the scope of the squad he argued that there should be no limitation to the nature of the cases handled.

Apart from traditional police work in detection and apprehension, the need for greater community involvement was illustrated. Association with school out of hours activities, encouragement of community drop-in-centres and police being known and seen as part of the residential community could demonstrate the importance of personal communication between juveniles, police, and community.

Note was taken by Mr Nicholl of the damage caused to juveniles by the lack of consistency between work and act by police, courts and welfare agencies.

While recognising the need for discretion in the action which police may exercise, it is important that they should not become involved in the roles of welfare officers or child psychologists and should, in fact, limit the amount of counselling, Mr Nicholl said.

Some discussion followed concerning definitions in juvenile legislation so that terms like 'uncontrollable' and 'neglected' could be changed to 'in need of care'.

Although reports from State representatives indicated that juvenile squads existed in various forms in several States it was suggested that in other States where they existed informally it would be opportune for them to be formally constituted.

Superintendent S.N. Smith of the South Australian Police, spoke about the Juvenile Aid Panel system adopted in South Australia. The system provides an avenue where people in difficulty can meet skilled and sensitive help without the formalities of the traditional legal process.

In November 1971 a revised Juvenile Courts Act was passed, inspired by the proposition that a community must regard its youth as its greatest responsibility. Few things in life are more tragic than the spectacle of children and young men and women destroying their own characters and their opportunities of leading a good life. The work of salvage of this human material should have a top priority in any community whose values are sound, Superintendent Smith said.

In a dynamic and complex society, it is imperative that we be prepared to look at all new approaches and techniques so that a more flexible and effective system may be developed for the salvage of the lives of those young people whose future is in jeopardy. The emphasis of the Act, therefore, is on the welfare and rehabilitation of the young person but it does not overlook the right of the community to adequate protection from the law, he said.

### **Aims of Juvenile Aid Panels**

The major emphasis in the Juvenile Courts Act is on the welfare and rehabilitation of the young person. Greater flexibility in dealing with young offenders to avoid the stigma and procedural formality of a court appearance, and to deal with matters involving many children in a relatively informal setting and with a minimum delay is the aim. Panels are not intended to be a channel for retribution or punishment, but rather as an aid for young people and their families.

### **Description of panels**

Juvenile Aid Panels represent a system for the non-judicial treatment of most young offenders under the age of 16. Panels fulfil a positive role in conjunction with, and complementary to, the Juvenile Court. Recognition has been made of the fact that many children commit offences during their development and most of those who come to notice do not re-offend. An opport-

unity is provided for the family to discuss the alleged offence or any aspect of their family life.

### **Panels in operation**

Panels are constituted of one member nominated by the Director-General of Community Welfare and either a police officer or a Justice of the Peace. The panel always has two members, a welfare officer and a police officer.

A comprehensive statement of the powers and functions of the panel is given in Superintendent Smith's paper.

### **Evaluation**

Juvenile Aid Panels have been in operation since July 1972, but it is impossible to say just how successful panel operations have been in South Australia. After two years of operation, the Department for Community Welfare conducted a study into the progress and development of the Juvenile Aid Panel system, which indicated that 80 per cent of children appearing before a panel did not re-offend. It appears that panels are having approximately the same measure of success as courts in dealing with first offenders. The predominant offence for Juvenile Aid Panel appearances was 'shop stealing', followed by 'driving and traffic offences', 'break and enter' and 'wilful damage'.

### **Conclusion**

The panel system is a significant improvement in the treatment process over previous procedures relating to young offenders. A pleasing by-product with the introduction of panels has been the cooperation and exchange of ideas that have developed between police officers and social workers.

In answer to questions the following points emerged. The program is State-wide, with 14 regular centres in the metropolitan area and sittings as required in country areas. The panels must be held in the area of the juvenile's given address. The period between report and meeting with the panel is usually arranged within two to three weeks. It is acknowledged that some police officers do not agree with the concept and practice of the Juvenile Aid Panels. Two limitations were acknowledged: the lack of power to order restitution or compensation and the lack of capacity for follow-up.

### **Open forum**

Opportunity was given for Warrant Officer L.J. Bending, HMAS Lonsdale, Port Melbourne, Victoria to outline the role of naval police in juvenile delinquency. The Navy has a consider-

able number of trainees and ratings from 15 to 18 years of age.

Naval police have power of arrest and search within naval establishments (this covers both naval and civilian personnel). The force is responsible for security and policing. Their function is authorised by Regulation 101(1) of Naval Establishment Regulations. In the event of apprehension and interrogation, divisional officers act as counsellors and provide basic legal advice to those apprehended. When action is taken a legal panel (civilian reserve officers) is available for both defendant and prosecution.

Note was taken of the drastic differences between service and civilian fines and penalties. Personnel dealt with by service methods could expect much more severe penalties and deprivations.

Considerable discussion followed the emphasis on homosexuality and drug offences among naval personnel.

The chairman of the forum session, Inspector E.J. Johnstone, invited the participants to define the role of police in juvenile delinquency. This was given as prevention, detection and counselling. While no consensus was reached, there was a strong emphasis on prevention as a high priority in general community organisation and education through the schools. Counselling is regarded as an important aspect of the police role but should not be seen as an entrance to the social welfare area.

Dr J. Kraus was asked to introduce material from a paper to be published on crime prevention. Because this paper is being published, permission to summarise the contents and graphs could not be given.

#### **Panel Session — Questions and Discussion**

Panel: Mr D. Biles,  
Dr J. Kraus,  
Mr W. Nicholl, S.M.

The session was designed to allow questioning and discussion following comments by the panel members.

#### **Juvenile aid panels**

On the subject of juvenile aid panels, the retention of court options for first offenders was questioned in view of the fact of consideration of the offence prior to the court hearing. Mr Nicholl suggested that all options should be left to the court; punishment should be left as a last resort. There was more questioning as to membership of the juvenile aid panels, and general opinion was that police presence was

desirable and that a 'community' representative may be a dangerously vague category for membership.

#### **Community responsibility**

Much discussion centred on responsibilities of various sections of the community in regard to delinquency prevention and control. The concept of neighbourhood community action and of utilising school facilities, was mentioned with considerable approval. Mr Biles felt that educationists had a larger role to play, but also that the police should take the initiative in closing the communication gap between themselves and teachers, perhaps through coordination in training.

It was also suggested that police involvement in schools could extend to social studies in the police area. However the school should not be expected to be the sole agency responsible for civic development of children. The responsibility of the family could be emphasised in some cases by courts bonding the parents to take proper care and supervision of children; in some other cases this would not be possible due to limited parental capacity. Occasionally, the welfare worker's skill was able to restore family communications. Mr Biles suggested that probation was often seen as ineffective due to the emphasis on social work without due consideration of the control function to enhance the probation officer's role as an officer of the court.

While delinquency is a problem for the total community, leadership is required from the agencies closely tied to it — police, the courts, probation and welfare. The police have done much work already but the greater use of school facilities was seen as a starting point for community involvement. The chairman warned that while police had a role in education and community involvement they still had a larger statutory role to maintain, which needed to be observed before placing additional duties on police.

On the subject of police juvenile squads, it was suggested that their success in small cities like Canberra and Adelaide would not necessarily follow in larger cities. On the role of these squads or bureaus, Mr Nicholl felt that prevention and detection of delinquency should remain the main emphasis; counselling could play a small part, but not as a continuing function in respect of individual juveniles.

Dr Kraus said that the results of his research into perceived precipitants of delinquency could not be disseminated immediately as it had been accepted for publication in the *International Journal of Offender Therapy*. However he

agreed that despite the subjective nature of the research, it corresponded with commonsense and objective perceptions.

#### **Juvenile courts**

The juvenile court, its problems, and sentencing options, were the subject of some discussion. Mr Nicholl suggested that a wide range of sentencing options should be available. Comment was made on Mr Nicholl's suggestion that police should not be involved as court prosecutors, indicating a feeling that police prosecution demonstrated both competence and support to arresting and junior officers. Mr Nicholl countered with the view that defendants may see the whole court process as a one-sided police-controlled proceeding, and that this public image was damaging; courts should be projected as independent.

Community work orders were discussed, and reference made to an evaluation of the Tasmanian scheme recently completed under the auspices of the Criminology Research Council. The scheme often instils civic or community interest in young offenders. Weekend detention was also seen as a valuable option.

Mr Nicholl's views were not acceptable to all members of the seminar. On the subject of leniency in court dealings, Mr Nicholl raised the problem of a restricted number of options, especially when young offenders have no independent income, and institutions are remote from the offender's family. Direct compensation to victims would be a powerful option. Some flexibility as to acceptance of evidence was desirable; however in general the formal rules of evidence should be applied.

#### **Small Group Workshops**

On the first day participants were asked to indicate points for discussion in the workshops.

A list of 75 topics was received and made available to the four groups. Following two workshop sessions an analysis of material considered was made as follows:

##### **1. Factors encouraging criminality or delinquency**

**Housing:** Are slums and inadequate housing a worse factor than social upheaval involved in moving to a new area, losing old contacts, adjustment to new environment?

**Family:** How can home environments be improved? Can inadequate parents be educated? Can home environment overcome other influences?

**Peer group activity:** Exploitation: are peer

groups a greater influence than advertising, ease of shop-stealing, copying of adult behaviour? How are teenagers exploited in terms of drugs, and sex? Are these methods of exploitation understood well enough for counter measures?

##### **2. Factors inhibiting criminality or delinquency**

**Deterrence:** Are deterrent penalties imposed? Is the legislated penalty too lax, or are the magistrates too lenient? Would greater publicity of penalties deter? Should there be more use of restitution?

**Education:** Do school teachers have a duty in crime prevention and notification? How far should counselling go? What kind of parent education would be both practicable and effective? What is the role of police school lecturing/counselling groups?

**Juvenile aid panels:** At what stage of the process should panels become involved? Who initiates action?

**Police warnings:** Are unofficial warnings effective? What is the range of discretion of the police officer? Are official warnings effective?

**Police/Community Action:** Is delinquency a reflection of community attitudes? Do police/citizens youth clubs help? How?

##### **3. The police role in relation to other agencies**

**Juvenile aid panels:** See questions under (2). Is special training needed? Recommend specific areas for training. Specify police attitudes to the worth of panels.

**Probation:** Is it effective? Can it be? What does it need?

**Schools:** Specify role of teachers and school counsellors in crime prevention, detection, reporting.

**Courts:** Is there a feedback system between courts, police, community? How should it work.

**Welfare:** Is communication efficient? Can it be improved?

**General:** Suggest communication improvements for improved relations with all associated agencies.

Because of the remarkable degree of unanimity the workshop reports were presented as a whole. The following items were discussed and received general approval.

1. Consideration of the relationship between environment and criminality pointed to the detrimental effects of slum or inadequate housing. Some groups pointed to the problems of families transferred to new urban areas. Children left alone while both parents are working and the consequent breakdown of family communication and boredom were emphasised.

Apart from police-school programs greater



attention should be given to home-community programs encouraging families to accept greater responsibility for childrens' behaviour and willingness to communicate to police evidence of crime. This program could be developed by regular television and radio sessions focused on the family.

2. Peer groups — greater influence is exerted by this means than commercial advertising. Conformity to the group, the 'dare' system and open shelf supermarkets, were seen to be related.

3. Schools — the role of the school involved truancy reporting and follow-up police-school lectures and education for socialisation. Education departments should use truancy officers and exercise more regular checks on attendance and reasons for absence. All States use police-education squads which should: give warnings on drug abuse; give basic information concerning the law; encourage the supply of useful information to the police; and explain the police role in the community.

4. Police and juvenile aid panels — in States and Territories which do not have formal panels or caution systems, these could be recommended for consideration and introduction. Where a panel exists, records should be maintained for use should the child subsequently re-offend. It is desirable that special attention be given to the selection of panel officers.

The police role is primarily that of prevention and detection. Long-term counselling should be left to those whose action follows apprehension.

Because of the use of cautionary systems, legislation should be provided to support the procedure. The evidence provided during the seminar suggests that restrictions on police officers in the use of cautions in some States should be reviewed.

When children are being interviewed it is desirable that an adult be present but not as a legal requirement.

5. Probation and welfare officers — there is a need for better communication between probation officers, social workers, welfare officers, counsellors and the police.

It is agreed that there is need for more trained probation officers and a reduced case load. This appears to have greater significance for some States.

Long-term counselling and the exercise of a proper authority is the function of these services rather than of the police.

6. Courts and police — proceedings before children's courts should be widely publicised. The names of offenders should not be published.

Some difference of opinion was recorded concerning the sentencing practices of the court but a strong view was expressed that some sentences appeared to be lenient. It was noted that delinquency is a reflection of community attitudes and sentencing practices are affected by legislation which concerns attitudes, available measures and institutions.

Fines, restitution or community service orders appear to be more effective than committal to institutions.

7. General — the term juvenile delinquent should not be used and should be replaced by young offenders.

Courses for educationists, probation officers, welfare workers, police and other relevant agencies to discuss matters related to police and young offenders should be promoted at state and national levels.

The evident increase by females in gang activities indicates the need for greater involvement by women police.

Every opportunity should be taken by educational activities in schools, media and the homes to emphasise the responsibilities of the public in areas which provide temptation.

These include, but are not restricted to, methods of display by supermarkets and insecure parked vehicles. It was argued that the two matters referred to can lead to the offences of shop lifting and of stealing and illegal use of vehicles.

Restrictions on police officers, for example, warnings in accordance with judge's rules, should be removed as it is important for the rehabilitation of young offenders that as much information as possible be made known to those authorities and persons endeavouring to assist.



# Opening Remarks

by the Honourable  
R.J. Ellicott, Q.C., M.P.

References to the growth of rates of crime in general in so many cultures today are so commonplace as to be in danger of losing impact. However, governments are constantly aware of threats posed to community safety and welfare by crime, and are vitally concerned with the actual wasteful costs to the nation that crime occasions.

Crime has very considerable economic and social costs to the community and involves a drain on the economy of proportions not generally appreciated. A publication that has just been released by the Australian Institute of Criminology *The Costs of Criminal Justice – An Analysis* by Anatole Kononewsky has estimated that the expenditure required during the financial year 1975-76 to support the Australian criminal justice systems – police, courts and correctional services and other components of the criminal justice systems – was \$569 million. The cost estimated for the next financial year is \$740 million.

These estimates do not take into account the losses suffered by the victims of crime and their dependents and by the offenders themselves and their families. They do not take into account expenditure in related areas, such as mental health and child care, arising out of criminal activity. They do not take into account the so-called 'ripple effect' in terms of loss of manpower or hours of work, costs of their replacements and their training, security costs, safety devices, replacement of damaged property, increased insurance and other costs. They do not take into account what has been described as 'opportunity costs' – the amount lost to a country because of the wastage of resources that could have been more profitably used, or the things people might have done profitably if they had not been preoccupied with crime. They do not take into account losses resulting from corporate crime and white-collar crime, con-

sumer exploitation, and organised crime. They do not take into account the damage and loss to the community of road traffic accidents.

If we add to these factors the widely held view that reported crime may be only 15 per cent of total crime, it becomes clear that the total cost of crime to the community is beyond anything so far appreciated by the public or by governments. The Institute's publication to which I have referred does not attempt to quantify the total costs of crime, but taking into account an earlier estimate made by the Rural Bank of New South Wales, the Institute's publication asserts that the 'immediate' costs of crime – that is to say money paid out in taxes to support the machinery of law enforcement and in insurance against burglary, and the transfers of money and property from law abiding individuals to criminals as a consequence of criminal acts – could well exceed \$1,200 million in 1977-78.

A feeling by many countries of a sense of urgency to deal with the problem of crime has led to the establishment of institutes of criminology to discover, generate and utilise all relevant resources in the community towards a united effort aimed at working out solutions in an orderly and systematic fashion.

Traditional methods of dealing with juvenile crime are being called into question. Have we, perhaps, erred by our efforts to preserve anonymity and informality, secrecy and a lack of stigmatisation in our juvenile courts? Do young people profit by protection from the real consequences of illegal behaviour? Are we losing sight of the concept of 'juvenile justice' through insufficient formal legal representation of the child or youthful offender in court? What new perspectives should be adopted by the police in their relationship with youthful offenders?

In the important exercise of balancing human rights and social defence, it is often the police

who are the most directly concerned and who come under criticism. This seminar will provide the opportunity for participants to examine further this highly difficult role of the police. Very often, expectations of the police tend to be unreal. Police are expected to have the characteristics of efficiency, integrity, tolerance, courtesy, intelligence as well as common sense. The police are usually the first who are appealed to and increasingly, they are required to perform a most important and critical social work service on the spot, requiring skills and insights that are in other fields held to follow only from years of concentrated tertiary education.

The pursuit of high levels of professional competence has been regarded by police authorities as one of its most urgent objectives. The police have needed to develop expertise not only in such areas as accountancy and computer science, but also in social issues, psychology, crisis intervention, and other aspects of social work. At the same time, police authorities are keenly aware that education and the pursuit of professional competence in technical spheres does not of itself lead to increased efficiency and to humanity in the performance of police functions. Clearly, other qualities are also important. It is essential for the police to preserve a balance. Increase in professionalism and in sophistication of techniques is essential, but it must not result in the police becoming out of touch with the community, and issues within the community involving youth and delinquent and mal-adjusted young persons.

It has been estimated that 80 per cent of police time is spent on social problems. Many persons ask whether the police should concentrate on crime control to the exclusion of social problems. A balance between the two extremes is required. There is, it is true, a need for the police to be able to concentrate on serious crime unimpeded by extraneous duties, but involvement with social services is widely thought to be an important part of the police public relations programs. It is important also to note that the police are, perhaps, the largest social service agency offering a 24 hour service. If this service were removed it would have to be replaced.

Other important issues are involved, particularly in relation to the police role in respect of juvenile delinquency. It is important that the police should have the opportunity of maintaining perspective of the broader social issues and injustices that are associated with criminal activity. It is necessary for the police to view their role, not in isolation but as part of a criminal justice system that involves many related disciplines and as part of services dealing with general community dysfunctions.

It is important that the public should not only be aware that a substantial amount of the policeman's time is devoted to service-oriented tasks, but also that crime and juvenile delinquency are community problems and that members of the public should be involved in efforts to solve them. Increased efforts are needed to mobilise public support for the police and public participation in the prevention of crime. Increased efforts are needed to promote a dialogue between the police and the public and between the police and youthful offenders. Youth itself should be mobilised more systematically in dealing with juvenile crime and assisting in the law enforcement process.

This seminar should also provide for the other professions and disciplines represented, that is, the magistracy, law, probation, education, and research, the opportunity to define the roles and avenues of cooperation and mobilisation of resources, to improve future hopes for effective impact on the anti-social activities of the young.

My Government looks to the Australian Institute of Criminology to conduct criminological research and to advise the Criminology Research Council with respect to the funding of research projects in universities and governmental institutions in Australia. Important research grants are being made by the Council in the field of juvenile delinquency. For instance, a grant has been made recently to Mr Dennis Challenger to conduct research into 'Young Offenders in Victoria'. A grant has been made to Mr R. Sanson-Fisher of Western Australia to conduct research into the 'Development and Evaluation of Assessment and Intervention Techniques for the Identification and Treatment of Delinquents in Home and Community Based Settings'.

The Australian Institute of Criminology has another very important function, that of conducting seminars and courses of training or instruction for persons engaged, or to be engaged in criminological research or in work related to the prevention or correction of criminal behaviour. Professor Leslie Wilkins, a world renowned expert visiting this Institute, Professor, School of Criminal Justice, State University of New York at Albany, has pointed out that this Institute is in a unique position to forge a specific image and reputation in both national and international criminology. The jurisdictions of the States of Australia provide a unique setting which could be linked to comparative research and training processes that could become distinctly Australian. The Institute has been formed as a governmental body to undertake research and other functions to assist governments in the formulation of policies to

deal with crime. In achieving this objective the Institute is in a position to promote collaboration between the academic world and those responsible for administration and the formulation of policy.

The subject matter of this seminar is concerned with behavioural problems that are experienced almost the whole world over, and what you say and do here this week may have relevance for many other countries. The Institute is forging international links and there are therefore opportunities for international contributions to be made in this field by the Institute and those participating in its programs.

There is an important relationship between training programs and research activity.

Research results should feed into a training program, training programs may well be expected to raise issues for research, and certain research methods may be used both for research and as training tools.

It is earnestly hoped that this latest exercise by the Institute will carry us all a significant step forward in the promotion of a greater understanding of juvenile delinquency and the role of the police in dealing with juvenile crime. Indeed, bearing in mind the cost of crime to the community, the present rate of population growth, particularly in the younger age categories, and the increased opportunities presented for crime by affluence and technological advance, a sense of urgency must colour all our efforts in dealing with this important problem.



# **A New Look at Police-Juvenile Relations**

**by R. A. Wilson**

Whether or not a young person becomes involved in the juvenile court system usually depends on his first encounter with the police, as the incident giving rise to the contact could be trivial, a serious crime, or he could merely be a suspect to an offence. The avenues open to police are varied, but whatever they are, the alternatives have ramifications with possible far-reaching effects on the youth's future, and his later attitude to law enforcement and the criminal justice system as a whole.

In Australia juveniles see the police only in a security role in respect to persons and property, but their responsibility in regard to young people must extend beyond that. Effective police-community relations must follow a positive program that diverts the youth from the juvenile court, or prevents him from coming in conflict with the law, but firstly develops a respect for social norms, and the rights of other individuals.

In many instances, even the formal referral to the juvenile court does not adequately meet the juvenile's problems. Courts have no magic cure as their effectiveness depends on the alternate facilities provided by other agencies and the community.

The traditional police approach to juvenile offenders cannot withstand a critical study by a society with an awareness of the complex problems that are the contributing causes of juvenile crime today. A year ago we formed a juvenile aid bureau in the ACT Police, and in a small way the bureau has had a marked influence on police-youth relations in our community.

The term 'delinquency' should cover not only those who have offended against the criminal law. It should also cover those about whom family, friends or members of the community are concerned regarding their likelihood of breaking the law.

Study shows that white-collar offenders, sex offenders, and drunks, do not have a record as juvenile delinquents, whereas today's drug offenders, prostitutes and hostile criminals do have.

That young people commit more crimes than their elders is a phenomenon we have grown to recognise in many countries. Police experience has shown that this is particularly applicable to certain types of motoring offences, breaking and entering and acts of wilful damage. We have become very much aware also that the involvement in drug-taking has involved children in high schools and some of them have barely entered their teens.

It can be true to say that since the early 1960s there has been an increase in juvenile irresponsibility. There has been a challenge by children to parental authority and this has followed through to the schools, the universities, and places of employment. It has been stated that the first time some aggressive, irresponsible juveniles have been challenged is by a police officer — this has been their first confrontation with established authority. This is most evident in the traffic law enforcement area.

Some young delinquents are continual offenders; others are less criminally aggressive but still show themselves resistant to rehabilitative efforts; while others, a third group, are responsive to special treatment. Some may be law-abiding, but still uncooperative in making use of education or employment opportunities, and probably have behaviour or learning problems in school, or in recreation groups. They then become excluded by groups of other young people and develop an anti-social attitude.

Dealing with delinquency requires training and experience; because delinquency is due to a number of factors, or a particular combination of them. It has been accepted by a sociologist

that statistics show that 170 distinct conditions are conducive to misconduct. Unsatisfactory family relationships are a major factor. Social environment such as housing, is a contributing factor. So we have the *environmental delinquent*, or the *emotionally mal-adjusted criminal* who is the constant law breaker. There is a difference between the social delinquent and the psychiatric delinquent. There are the factors of sub-cultures, ethnic groups, unfavourable neighbourhood associates, poor recreational facilities, or unsavoury entertainment centres that attract teenagers and generate irresponsible conduct. Delinquents are not a straight-forward homogeneous group. Their motives are varied and involve conscious acts, impulsive acts, and inexplicable conduct.

Studies have shown that in 70 per cent or more of crimes committed by juveniles, there have been two or more young persons participating and from this it can be assumed that individual chastisement may not be effective on its own. So the problem means looking at the juvenile section of the community as a whole.

It is obvious from the complexities of the above factors that those immediately engaged in law enforcement cannot, on their own, meet the challenge of juvenile delinquency. There must be active involvement by other government agencies and groups within the community.

The Vice President's Commission on Law Enforcement Report of 1967 entitled the 'Challenge of Crime in a Free Society' stated that:

Police-juvenile encounters are shaped by other, less tangible forces. One influence was the character of the police force as a whole. Education and training within a force reflected itself in the reactions and attitudes of individual officers and were influences when dealing with juveniles. It was so easy in the handling of juveniles in the street to create conflicts and it was important that at all times the juvenile receive treatment that was neither unfair nor degrading.

The Commission suggested the following:

1. Court referral by police should be a last resort and restricted to cases involving serious criminal conduct, or repeated misconduct of a serious nature.
2. That schools, parents, or police should have direct referral of a juvenile to a youth aid bureau if such action were considered in the best interests of the child.
3. The procedure should be limited to release and referral, and not include sanctions imposed.

I had the opportunity of visiting last year the 41st Precinct, New York Police Department, Youth Aid Unit. There, the police and the Juvenile Intake Probation Department work closely together in the city's juvenile very high-

risk area. The Department aims to reduce the number of children who would normally appear before a court for a crime. The key to the program is what they call the Diversion Program, in which the reporting police officer, the probation intake officer and the youth aid unit police officer work together.

Briefly, when a juvenile is apprehended his identity is confirmed, his parents advised and free bail granted. The intake probation officer takes over and he works from the police youth aid office. It is the probation officer who decides whether the matter should go before the Family Court. He can arrange the release of the child to the parent, or direct that he appear before the Probation Department later. At the same time an attempt is made for a community-child-saving agency to assist.

During a period of 18 months, 1,600 juveniles under 16 years of age were assisted in this way, but 231 were formally handled by the Court because of the seriousness of the offence, or at the wish of the parents.

An interesting proposal was that the personal and statistical record prepared at the time of the juvenile's apprehension should be destroyed when the youth moved out of the jurisdiction of the program because he was no longer under 16 years of age and had only been subject to the Diversion Program and never came before the formal court.

Interestingly, the report has provision for offences covering automobiles, currency, jewellery, furs, firearms, clothing and the use of narcotics by the juvenile.

Experience overseas has shown that to be effective, any programs directed towards juveniles must of necessity be planned and implemented by youth-oriented individuals to serve youth. What has been most evident in recent years is that most police have now become aware that they must receive specialised training in this particular field.

We have seen a bringing together of police, probation officers and social workers in conferences and in day-to-day work in an attempt to meet a common problem. We must look forward to developing a more positive youth/police contact in the community, and these should be on a more informal basis than we have had in past years. The difficulty however, has been for police to develop a program which could encourage voluntary participation from juveniles, and particularly delinquents. The obstacle is to overcome an inherent hostility to authority. On the other hand, police must take a fresh look at themselves in respect of any hardened attitudes that have developed in the past towards crime and punishment, because this is a problem that



is of equal concern to others in the criminal justice system.

Underlying these problems is the need for adequate communication based on mutual respect between youth and authority. Basically this, of course, starts in the home, then carries through the school and other organisations. At the police/juvenile level, most police forces have endeavoured to meet the problem by the provision of visiting police lecturers to schools and young people's organisations to talk with them on topics which appeal to youth today, but it is the face-to-face contact in the field that is the most important.

In a working paper prepared by the Secretariat of the United Nations for consideration at the 1975 Congress on the Prevention of Crime and the Treatment of Offenders, with special reference to the emerging roles of police and

other law enforcement agencies, it was recognised that in many regions crime rates, as far as could be determined in the light of inadequate statistics, were rising; and that the police were expected to compensate for society's weaknesses and deficiencies. There was a need for re-assessment of the police role in society, but it was obvious that a police function could not be entirely dissociated from an important social-welfare role.

We recognise today that a police force, as well as being law enforcement oriented, must direct its energies to crime prevention, and demonstrate a greater involvement in community affairs and be more directly concerned with what youth is doing and thinking. Police, the courts, and corrections are three sides of the criminal justice system, but the fourth dimension is the public and of this the most responsive and fruitful area is the community of youth.



# Socialisation – The Family

C.R. Bevan

In this day and age one would normally hesitate to further labour the point of the importance of sound family experience in the prevention of juvenile crime. This paper, nonetheless, stems from an experienced policeman's comment as part of his evaluation of the last year's Institute seminar on the Police Role in Juvenile Delinquency. He regretted more time had not been spent discussing the means by which children learn to become human beings.

That developing into a human being is a distinct learning process surprisingly still escapes a good deal of notice, and is insufficiently recognised. The process is such an unconscious affair that where it occurs the beneficiary is almost totally unaware of its happening – as unaware as is a fish of the water in which he swims. Yet, without water, a fish is not a fish.

Is it really ever seriously questioned today that a child is not born with human nature but merely to it – capable of attaining human nature as we know it if conditions, for him, are right? And are we sure that the state known to us in our culture as the development of human stature is the optimum or the ultimate? Do we really know what is the ideal state for man – or woman either? Have we yet discovered what is the ultimate happiness? Is it for the rich or the poor, the continent or the profligate, the sensual or the ascetic, the selfish or the unselfish, or merely the moderate? Is it true that only the mediocre find contentment?

We seem to meet with no such great problems in agreeing on what is bad. There would be few to argue that everyone should be free to walk the streets with safety, day or night, and that he should be free to enjoy his home and his possessions without fear of the depredations of others.

Many of the sessions of this seminar will obviously examine processes and practices to deal with juveniles once they have come under

notice as delinquents. This paper has, for me at least, the unenviable task of examining developmental ways and means of preventing young people from becoming serious lawbreakers in the first place. Acknowledging the importance of devising smooth, efficient, non-damaging court processes, penalties and modes of imposing them, of inventing means of diverting young people from criminal justice procedures altogether wherever desirable, I find myself daunted by the prospect of having to belabour the question of the family, its vital role still, its future, and its substitutes, should it fade in its ideal form from our culture.

At the risk of boring you to tears, could I please repeat that there are few delinquents who are not basically unhappy, insecure and suffering from damaged self-images resulting from many experiences of failure to earn strokings of approval. I make no comment on the value systems supplying the criteria upon which the approval is signified.

We are here to deal with delinquency as currently so designated in our culture, which is the reality for us right now. I will also have to ignore the basically unhappy, insecure, etc., thousands who are not delinquent, except to comment in passing, that, in many ways, and within other frames of reference, these are probably an even more serious problem.

No doubt the best known insurance against damage to children is a pair of parents genuinely fond of one another, mutually supportive, finding the children more of a joy than otherwise, and never having to feel that they are making sacrifices to maintain this state of affairs.

The second best insurance derives from parents who, although not enjoying the previously mentioned absence of almost all stress in their relationship, are sufficiently aware of, and committed to the importance of family to the

best development of children, and are both able and willing to sacrifice any personal alternatives for their sakes.

These are the ideal situations, but how frequently are they attained? For the rest, family is a chancy business — especially in the modern context, characterised by a number of doubtful tendencies.

Families now tend for many reasons to split off into small one-unit groups, often distant from grandmothers and grandfathers, uncles, aunts and cousins, etc., residing in one-owner homes, relatively insulated from neighbours, especially if particularly desired. Such a state of affairs may supply deep-seated satisfactions to every Englishman's need for his own castle, but it also considerably reduces the odds of all children finding within the home sound enough and satisfying enough relationships with significant adults in their lives to effect the optimum in emotional and social growth. If they should happen not to relate to the only choices available, namely Mum and/or Dad, to whom do they turn: television characters or personalities, teachers, elder brothers and sisters, — whom?

It is no doubt less than necessary to labour all the modern trends disrupting the traditional family affair. Parents are increasingly forced to spend more time and energy in financial coping, mothers are no longer expected to devote themselves exclusively to a home-duties career unless they so choose, family interaction and hospitality time is greatly invaded by the convenient provision of ready-made entertainment in the corner of the lounge-room. You doubtless know it all.

There are thus added newly evolving impediments to societally useful social conditioning to those that have always existed. Even under the best of family relationship conditions, the quality of the final product has always been heavily dependent on the permutations and combinations of such factors affecting a child's susceptibility to social conditioning as:

1. His hereditary temperamental endowment.
2. The disciplinary methods used by those entrusted with his social conditioning; and
3. The actual quality of the attitudes and values guiding the life-styles of those entrusted with the social conditioning.<sup>1</sup>

It would necessarily hold, nonetheless, that sound family experience lays a productive course for reasonable social functioning, and is able to combat all but the most baleful of negative contributors.

It could well be that the outlook for the

future is becoming rosier. We have been bombarded with dark omens for years. Sir Douglas Osmond<sup>2</sup>, Chief Constable of Hampshire, England, said in Adelaide in August of 1975 that juvenile crime in the United Kingdom had quadrupled in the previous 30 years, increasing by 30 per cent over the two previous years during 1973 and 1974. Dennis Challenger of Melbourne University's Criminology Department advised on the same occasion that, in the 12 years from 1960 to 1972, Children's Court appearances in Victoria had increased by 85.8 per cent, police warnings by 248.2 per cent, and the total number of cases receiving police attention by 107.6 per cent.

David Biles, on the other hand, made some more optimistic observations at the 1976 47th Anzaas Congress in Hobart. As part of a highly interesting examination of population movements and crime in Australia, he pointed out that the high-risk, crime-prone segment of any population, the 15 to 24 year old males, will continue to increase to 18 per cent of the total population in 1979, and then show signs of decreasing thereafter. This should mean some relief in crime rates within a decade.

There are other signs indicating at least a diminution of pressures upon people that have come to be recognised as criminogenic through their so frequently observed positive correlation with rates of crime. The *Sun Herald*, of 21 March 1976, reported a shrinking of urban growth in Australia's largest cities, a trend which should render those places progressively more pleasant and safe to live in.

Sydney, it was reported, had already decreased in population in 1972-73, and whole families were abandoning Sydney for smaller country centres in New South Wales, and smaller State capitals, at the rate of five hundred per week. Melbourne, while still increasing in population at that time, was falling off in its actual rate of increase. Sydney was down 24,000 people in 1972-73 and Melbourne's net gain of 14,000 in 1971-72 had fallen to 5,000 by the following year.

It could well happen that this trend will result in family life styles which will work in ways beneficial to the socialisation of children, by providing a slower pace, with more time for parents and children to partake of family activities as a group, creating opportunities for children to really experience their parents and their parents' value systems. No amount of precept affects as much as example. An adult's real attitudes and values are revealed at times

1. See G. Trasler, *The Explanation of Criminality* (London, Routledge and Kegan Paul)

2. Eighth National Conference of the Australian Crime Prevention Council, Adelaide, August 1975.

and occasions when they are least conscious of their behaviour. They most clearly reveal their real selves, and most surely influence their children's development, by their unconscious reflex gestures. It is impossible to maintain a pretence through all the myriads of interactions that occur when people spend a good deal of their time together.

Assuming that most parents are concerned for the healthy social development of their children, and also assuming that parents whose own personalities are so damaged that they are a destructive influence on their off-spring are in the minority, and again, that children are in any case decidedly resilient and successfully weather a great many baleful circumstances, any more should result in less delinquency that makes for a diminution in the size of large, crowded, dehumanising cities.

The advent of the contraceptive pill should theoretically have set the stage for more stable marriages on the one hand, and the birth of only wanted children on the other, both situations theoretically conducive to a family climate amenable to healthy upbringing of children. The pill did not immediately supply a remedy to the problems associated with marrying for very wrong reasons which characterised so many weddings in decades prior to the last one or two at the outside. It is no joke that young couples of my generation were either married or worried during the forties and fifties of this century. The pace of living began to liven up during that period and social controls began to disappear, but the pill was not yet on hand to prevent unwanted pregnancies. A great many of our current 15 to 24 year-olds were conceived before the pill had come to be confidently established in fairly general and wide use by the end of the first half of the 1960s, and it is too coincidental to be accidental that the peak percentage of the population of that age bracket will occur in 1979 and the down-turn commence from 1980.

There was one problem for healthy socialisation of children which the pill did not solve immediately, and may not have solved even yet. It might have been expected that the freedom from fear of unwanted pregnancies would have provided young couples with the opportunity to test the stability and compatibility of their relationships, under conditions of marriage, without having to risk the tying of knots. The momentum of religious, social and familial conditioning was far too powerful to be easily slowed. Even today, although slowly decreasing, large numbers of people in our culture frown on the experiment in human relationships that was commonplace in Scandinavian countries more

than seventy-five years ago. In our culture, one still has to be very rich, very poor, or very courageous to openly defy the conventions of marriage, a state of affairs which offers less than an optimal climate for the cosy, confident and secure family experience in which balanced personalities are nurtured and flourish.

It is likewise a little too early to say whether the easier availability of marriage dissolutions will result finally in happier and more stable marriages, better adjusted children and less juvenile crime. The new Family Courts throughout Australia have already granted 16,373 divorces in their first six months of operation — 70 per cent of the whole of last year's divorces in 50 per cent of the time. At 15 July this year there had been 32,000 applications for divorce received by the new Court since its inception on 5 January, 7,702 applications for ancillary relief such as maintenance, custody and property settlements, and 2,000 cases dealt with by its counsellors. Certainly, as has been stated by Australia's Attorney-General, 'The Family Court has demonstrated the need for a special tribunal to deal with the complex emotional problems that are present in this area of human relations'.<sup>3</sup>

It was the sensitivity of this area that was so grotesquely ignored in the days of divorce by default. Only those who have had much experience with school failures, disturbed children and delinquents, and criminals young and old, know the full extent of the unconscionable damage done to the potential of children brought up in the struggling, when in former times the dissolution of a marriage was widely a matter of shame.

There are few influences so damaging to social stability as culturally imposed and enforced prescriptions in the area of human relationships. They are the stuff that sexism, racism, oppression, inequity, prejudice and crime of all descriptions are made of. Compared with such social pressures, poverty appears a blessing.

There is some evidence that during long periods of severe economic depression, crime rates tend to fall, rather than rise, as may perhaps be expected. During 1925 and 1926, the forerunning years to the most ghastly economic depression in living memory, the total number of persons appearing in magistrates' courts in Australia continued a rising trend from 406.5 to 433.9 per 10,000 of the general population. From 1927, rates began to fall, until in 1930 the number appearing per 10,000 was down to 388.8. It was not until 1935, when the world was again coming up for air, that rates for such

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3. *Canberra Times*, 15 July 1976

appearances again reached the 1925 level.<sup>4</sup>

Similar phenomena are noted when rates of convictions for serious crime only at magistrates' courts and for convictions in superior courts during the worst years of the depression are subjected to examination.<sup>5</sup> During the 1930s the rate of convictions for serious crime in magistrates' courts had steadily decreased from 37.1 per 10,000 of the population to 33.6, but by 1957 had again attained the 1931 level and by 1960 had climbed to 61.1 per 10,000. Similarly total convictions at superior courts climbed steadily from 1926 to 1930 from 2.9 per 10,000 to 4.0, but then declined progressively during the next five years to 2.7. By 1960 the corresponding rates had risen to 6.7 and by 1970 to 7.1. Convictions in superior courts for serious offences, such as murder, manslaughter, rape and other offences against females and the person, declined from 0.68 per 10,000 in 1929, through 0.63 per 10,000 in 1930 to 0.57 by 1935.

Perhaps it is not the experience of actual deprivation during periods of general hardship that is criminogenic, but rather the feeling of comparative deprivation in relation to more fortunate others in easier, more affluent times. It appears likely that, for the sake of the success of the process of learning to be a cooperative, non-violent, non-aggressive, social being, it is preferable for young people to be emotionally rather than financially secure.

It is commonly claimed that we already know a great deal more about how to contain crime and delinquency than we are prepared to put into practice. We know, for instance, that crime rates are positively correlated with affluence, degrees of mobility of population, amounts of crowding in large cities, the growing freedom of women and fading job satisfactions in an expanding technology, to mention a few. Most of these we could do something about but will not, and in at least one case, the freedom of women, we should not. For the sake of peace, order and tranquility we have set up social, religious and other educational institutions such as monogamous marriage, Christian doctrine, curricula, teaching methods and schools. These could be held to be ideal arrangements that man can aspire to and give direction to his evolution, or convenient arrangements to which the majority are able to adjust and a minority not, or an attempt to force mankind into a mould into which he and she are constitutionally, emotionally and physically unable to accommodate themselves.

For the minority then we tend to set up penalties for their inability or unwillingness to effect this accommodation, and wonder why the imposition of the penalties is either ineffective or causes deterioration.

There is evidence of rejection by recent generations of the established institutions. Many young people are eschewing the 'steady job' ethic, the amassing of possessions, the 'saving for the future' bit, religious observation, respect for elders, and utilitarian education. They are searching for another star, and in the meantime are wandering in other directions, not necessarily lost, but certainly disenchanted with the established way, and, if not rejecting of, certainly unmoved by, the old social controls.

Thoreau said a long time ago that if a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step, Thoreau says, to the music that he hears. In our context we might say, 'Let him step to the beat that has meaning and significance for him', and our responsibility to him is to arrange our institutions for his socialisation and learning in such a way as to avoid as much damage and frustration as is practicable in a societal setting.

Should the family as we know it continue to decline as a socialising medium, it should not be impossible to arrange for other community means of applying all we already know about learning and growing and feeling to parent-substitute facilities. If we come to the conclusion that school curricula omit such important areas of preparation for living as legal information, the facts of drug-taking in all its forms (including alcohol and tobacco), insights into interpersonal, including sexual, relationships, and the handling of motor vehicles and hire purchase, to name a very few, it is surely not beyond us to fill the void. If we can be convinced that young people need all the available unfiltered information they can see the use of, and less direction as to its purpose, we obviously have the wit to supply it.

It will be highly interesting over the next decade to see if we can utilise, for the diminution of crime and delinquency, all the knowledge we really do have, research that has been and is being done, and the new directions of thought and opportunities provided by medical and other technological inventions for actually bringing them to reality.

In the meantime, this seminar is concerned with what can be done, particularly by the police, to encompass the problem of juvenile crime as we are faced with it in discomforting proportions right here and now. We know that police have addressed themselves to it with, in so

4. *Year Book Australia*, 1925-1935

5. *Year Book Australia*, 1925-1974

many instances, insight, concern, industry and sympathy. We await the findings of this meeting with interest.





# Current Trends in Delinquency Research

by D. Biles

As recently as ten, or even five years ago, very little systematic research had been undertaken into juvenile delinquency in Australia, but that situation has now significantly changed to the extent that delinquency research is more advanced than any other area of criminological enquiry. Much of the work currently being undertaken, or recently completed, is at a purely descriptive level, but some is evaluative or experimental in that it aims to assess the effectiveness of different types of treatments or penalties which have been ordered for young offenders.

One of the most experienced researchers in the field of delinquency in Australia is the distinguished visiting scholar at this seminar, Dr Johnathan Kraus, who has published his results in academic journals both in this country and overseas. I will not attempt to summarise any of his findings except to point out that, as far as I am aware, he is the only person in Australia who has calculated recidivism rates for different types of offenders subjected to different types of treatment. His report of this aspect of his work, published in the *British Journal of Criminology* in 1974<sup>1</sup> deserves very careful study, as do his many reports in various issues of the *Australian and New Zealand Journal of Criminology*.<sup>2</sup>

In the bulk of this paper, I will endeavour to review the main findings from delinquency research in this country and also briefly refer to some of the major research projects that have been conducted overseas. No attempt is being made, however, to provide a comprehensive review of all local and overseas research, my aim being merely to draw attention to some of the main work in the field.

As recently as 1970, very little published research on delinquency was available, and the interested observer was forced to seek information on the subject from such obscure sources as the annual reports of various child welfare and police departments and the occasional reports of committees of inquiry, such as that chaired by J.V. Barry in Victoria in 1956.<sup>3</sup> In the late 1960s, however, the Criminology Department of the University of Melbourne started collecting information from the Victorian Children's Courts with the initial aim of simply describing the nature and extent of known delinquency in that State. This rather primitive research resulted in articles appearing in two educational publications<sup>4</sup> which described the pattern of offences committed by juveniles, their family backgrounds and educational status.

This work showed, for example, that larceny, breaking and entering and motor vehicle theft accounted for over 55 per cent of all cases, and that care and protection applications accounted

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1. J. Kraus, 'A Comparison of Corrective Effects of Probation and Detention on Male Juvenile Offenders', *British Journal of Criminology*, 14 (1974), pp.49-62.

2. J. Kraus, 'Probation as "Learning" Experience in Seven Groups of Male Juvenile Delinquents', *Australian and New Zealand Journal of Criminology*, 3 (1970), pp.7-29.

J. Kraus, 'Some Factors Related to Orders Made by Children's Courts', *Australian and New Zealand Journal of Criminology*, 3 (1970), pp.76-82.

J. Kraus, 'Trends in the Rates of Non-Capital Offences among Male Juveniles in New South Wales, 1959-1969', *Australian and New Zealand Journal of Criminology*, 3 (1970), pp.196-213.

J. Kraus, 'Trends in the Rates of Murder, Manslaughter and Rape Among Male Juveniles (NSW 1956-69)', *Australian and New Zealand Journal of Criminology*, 5 (1972), pp.146-156.

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J. Kraus, 'The Response of Male Juvenile Offenders to Court Caution', *Australian and New Zealand Journal of Criminology*, 6 (1973), 75-82.

J. Kraus, 'The Deterrent Effect of Fines and Probation on Male Juvenile Offenders', *Australian and New Zealand Journal of Criminology*, 7 (1974), pp.231-240.

3. J.V. Barry, *Juvenile Delinquency in Victoria* (Victorian Government Printer, 1956).

4. D. Biles, 'Delinquency and the School', *The Educational Magazine*, 27 (1970), pp.345-349; and D. Biles, 'Schools for Delinquency', *Issues in Technical Education*, 2 (1971), pp.14-16.

for a further 21 per cent. Offences involving physical violence comprised only a small minority of cases. It was also demonstrated that educational under-achievement, the type of school attended, truancy and the age of leaving school were all highly correlated with delinquency. This research found, however, that broken homes were not especially relevant to the incidence of delinquency as the overwhelming majority of the children appearing before the courts were living at home with their two natural parents.

This early work conducted at Melbourne University was later extended and refined by Dennis Challinger, with particular reference to the geographical distribution of delinquency.<sup>5</sup> This work will be reviewed later, but the first major contribution to our understanding of delinquency appeared in the form of a monograph prepared by Adam Jamrozik of Flinders University, South Australia in 1973.<sup>6</sup> In this study, Jamrozik carried out a detailed analysis of delinquency rates over the period 1954 to 1971 and he found that, notwithstanding the probable unreliability of official statistics, over this 18 year period, the number of reported offences against property had increased 3.18 times, and even when adjusted for population increase the rise was 2.2 times. He also found that less serious offences had apparently increased at the higher rates, whereas very serious offences such as robbery had actually decreased over this time. Jamrozik, in his conclusions, offers five possible explanations for his results and these are quoted in full:

1. More juveniles now engaged in petty crimes and misdemeanours.
2. The community has become more aware, and less tolerant, of delinquent behaviour and people more frequently report minor offences which previously they tended to ignore.
3. The police now prosecutes minor offences more readily than it did previously.
4. Offenders are charged with more 'offences' arising out of one offensive act.
5. The method of recording offences, particularly those committed by groups (over 50 per cent of juvenile offences) inflate the number of offences actually committed.

This array of varying interpretations of apparently simple results illustrates the central problem of all research on the incidence of criminal or delinquent behaviour: the changes in figures can be the result of changes in the

behaviour of offenders, of changes in community attitudes, changes in police procedures or any combination of these. It seems likely that Jamrozik's five explanations are all at least partially true.

In his South Australian study Jamrozik found very similar patterns of offences to those revealed earlier in Melbourne, but he did not investigate the geographical distribution of delinquency as did Challinger.<sup>7</sup> In his research, Challinger set out to test the applicability to Australia of the findings of Shaw and McKay<sup>8</sup> in Chicago, and he found that the main delinquency problem occurred in the outer suburbs to the north and north-east of Melbourne, but the rates of Children's Court appearances per 1,000 of the juvenile population was still higher in the inner city suburbs. He found, for example, that Collingwood had a rate of 28.7 compared with an overall rate of 7.9 for the total metropolitan area. This type of research is, of course, an essential basis for the planning and siting of crime prevention agencies such as police, probation services and recreational facilities.

Research into juvenile delinquency in Australia was given a considerable boost by the passing of the *Criminology Research Act 1971* and the establishment of the Criminology Research Council which began operations in 1973. In the first year of its operations, the Council gave five grants to research projects which were specifically aimed at delinquency or juvenile crime. Three of these were intended as parallel studies to be conducted in Queensland, Victoria and South Australia, with a view to enabling comparisons to be made between these jurisdictions and also to provide a basis for the uniform collection of delinquency statistics on a national basis throughout Australia. These ambitious aims were not fulfilled due to differences in the recording systems used in the three States, but nevertheless three useful reports have been prepared.

The first of these was produced by the South Australian Department for Community Welfare in 1974<sup>9</sup> and it confirmed the well-known facts of the influence of lower socio-economic class, large families, mobility, poor school achievement and truancy. This study also found that broken homes were not a significant factor as more than two-thirds of the offenders lived with their two natural parents. The factors which correlated with delinquency were found to

5. D. Challinger, 'Distribution of Victorian Juvenile Offenders', *Australian and New Zealand Journal of Criminology*, 4 (1971), pp.27-34.

6. A. Jamrozik, *The Delinquent and the Law* (The Flinders University of South Australia, 1973).

7. Challinger, *op. cit.*

8. C.R. Shaw, and H.D. McKay, *Juvenile Delinquency in Urban Areas* (University of Chicago Press, 1969, revised edition).

9. K. Meschemberg, *Juvenile Offenders in South Australia 1972-1973* (Department for Community Welfare, 1974).

apply to repeated offenders with even more force than they applied to first offenders.

Very similar results were found in the Victorian study, which was again conducted by Challenger. His report, also published in 1974<sup>10</sup>, is probably as yet the most comprehensive survey of its type produced in Australia. The report contains a detailed analysis of all cases appearing before Victorian Children's Courts in 1972, and also includes comparisons with 1966 and 1969. Furthermore, Challenger included police warnings in his survey and found that the use of this method of dealing with juvenile offenders had increased dramatically over a 12 year period. From 1961 to 1972 the number of official police warnings had quadrupled from 582 to 2,283 whereas the number of Children's Court appearances had only increased from 4,352 to 7,982.

The Victorian survey further analysed the geographical distribution of the place of residence of juvenile offenders and found that the 'centre of gravity' of delinquency in the Melbourne metropolitan area was slowly moving northwards, a factor almost certainly associated with the development of large numbers of low cost housing units in this region. The study also found, as did the South Australian survey, that juvenile offenders generally came from families that were considerably larger than average. This finding confirmed an earlier report published in a psychological journal<sup>11</sup> which had shown that not only are juvenile offenders very highly likely to be members of very large families but that the middle children were significantly more at risk than were the first and last children in these families. There is ample room for speculation as to why this should be so, but it is certainly evidence which could be used by those advocating zero population growth. More than 80 per cent of juvenile offenders are members of families with three or more children.

The third research project funded by the Criminology Research Council, which was intended to parallel those in South Australia and Victoria, is being conducted by Andrew Eakin and Lin Reilly in Queensland and has to date resulted in the publication of a preliminary report.<sup>12</sup> This research is based on the intensive interviewing of juvenile offenders and their families and therefore aims to provide a detailed picture of a comparatively small sample of

juvenile offenders and has not attempted the large analyses of all cases, as was done in South Australia and Victoria. The preliminary report of the Queensland research is a summary of 100 interviews and, apart from a slightly higher level of family breakdown, tends to confirm many of the results of the other surveys. This project is of particular interest, however, as it looks behind and beyond the statistics to the reality of the children who are in trouble and how they and their families cope. Information on health, diet, level of communication and the emotional stability of the children and their families is included, and when the study is completed it is likely to contain a number of positive suggestions for delinquency prevention and correction which have not emerged from the other surveys.

A further ambitious research project funded by the Criminology Research Council in 1973, aimed to assess the influence of a police and citizens boys' club in a high delinquency area in the suburbs of Brisbane. The first stage of this project, which also involved interviewing a random sample of adolescents in the area, was completed in 1974, but regrettably it seems that the second stage will not now be completed due to factors beyond the control of the researchers. However, one of the persons engaged in the research, Greg Smith, has completed a Master's thesis on the project and this is soon to be published.<sup>13</sup>

The most sophisticated delinquency project funded by the Criminology Research Council was that undertaken by Robert Sanson-Fisher of the West Australian Department for Community Welfare. This research was conducted at Nyandi, a residential treatment centre for delinquent girls in the suburbs of Perth, and aimed to develop precise techniques to be used by the non-professional staff to foster the learning of interpersonal and practical skills by the inmates which would be conducive to non-delinquency. Using behaviourist principles, much effort was made in this project to measure exactly what behaviour needed to be changed. A comprehensive staff training manual was developed and videotaped material was extensively used. It is difficult to summarise the results of this wide-ranging project, but it has been claimed that the new approaches to the treatment of young offenders in institutional care developed at Nyandi have resulted in a significant lowering of the recidivism rate and also a significant reduction in the average length of detention. Many of the detailed findings of

10. D. Challenger, *The Juvenile Offender in Victoria* (Criminology Department, University of Melbourne, 1974).

11. D. Biles, 'Birth Order and Delinquency', *The Australian Psychologist*, 6 (1971), pp.191-195.

12. A.A. Eakin and E.L. Reilly, *Personal/Social Conditions of Delinquents* (Preliminary Report, Department of Children's Services, Queensland, 1975).

13. G. Smith, *Leisure, Recreation and Delinquency*, (unpublished thesis, Department of Anthropology and Sociology, University of Queensland, 1976).

this project have been submitted for publication in professional and academic journals and may be expected to appear in the near future.<sup>14</sup>

One other relevant piece of completed research funded by the Criminology Research Council is a study of the actual operation of Children's Courts conducted in Melbourne by Challinger in 1975.<sup>15</sup> This was an observational study of the human interactions that took place in the emotionally charged atmosphere of the court itself. Careful attention was paid to the influence of the physical design of the court and the attitudes expressed by the magistrates. While critical of some unnecessary delays in dealing with cases, Challinger concluded that overall 'the Victorian Children's Court operates humanely and efficiently'.

One final piece of research funded by the Criminology Research Council must be mentioned, even though no results are available at this time. The West Australian Department for Community Welfare has recently received funds to undertake an evaluation of an innovative program that the Department is conducting, which aims to prevent the development of delinquent behaviour by community treatment. The treatment is known as the SOFTLY program, the word being derived from Social Options For Teenagers Like You, and consists of 10 week courses of discussion and activities arranged by the teenagers themselves with the aid of an adult facilitator. The program is an interesting departure from the traditional methods of treating juvenile delinquents, but it is essential to find out whether or not it is effective. In order to answer this question, the research has been designed so that matched groups of equally delinquent adolescents will be identified, with one set of groups participating in the program while the others do not. This research design is very difficult to arrange in practice, but it is a method which is more likely than any other to yield unequivocal answers. All persons interested in the control of delinquency in Australia will no doubt eagerly await the results of this particular investigation.

The research projects I have summarised so far seem to me to be the highlights of current

activity in this field, but the list is of course not complete. Many other research projects of a general criminological nature touch on delinquency or juvenile crime as part of the investigation and many government departments conduct surveys of young offenders, but these are rarely published. One major university-based study which is as yet unpublished is a longitudinal investigation of several hundred young men in Melbourne who have been studied for more than 20 years. This massive project has been conducted by Professor S.B. Hammond of the Psychology Department of the University of Melbourne and he has identified a small group of people in his sample who have records of juvenile and adult criminal behaviour. As the total group has been intensively studied since their primary school days, this investigation will undoubtedly give us, among other things, the most detailed description yet available of the social, psychological and educational factors which are associated with delinquency and crime.

Before drawing this paper to a close, it might be useful to sketch the main trends of delinquency research in the United States where, needless to say, very much more has been attempted than in this country. The millions of dollars spent on delinquency research in America have not necessarily produced more useful results than the few thousands of dollars spent here, and in some ways we are fortunate in not having tried to emulate the Americans as we have thus not been led to make the same mistakes.

Three areas of delinquency research in America stand out. These are concerned with prediction, primary prevention and diversion. Delinquency prediction has been the centre of a vast amount of research activity and controversy since the publication of *Unravelling Juvenile Delinquency* by Sheldon and Eleanor Glueck in 1950. This work promoted the use of statistical prediction tables to identify those young children of five or six years of age who were highly likely to become delinquent later in their lives. Quite extravagant claims were made for this technique with one newspaper claiming that 'now the future murderers, rapists and assaulters in our community can be identified in the cradle', but this technique has by now been almost totally discredited as unethical, dangerous and ineffective. It is fortunate that Australian researchers have never had either sufficient resources or enthusiasm to pursue prediction research in this country.

The second main thrust of American delinquency research I have labelled as 'primary prevention', and the classic project here is known as

14. Manual for Coding of Delinquent Behavior. Heather J. Inch, Robert W. Sanson-Fisher and Guy Hall.

Manual for use by Paraprofessionals in Corrective Institutions and Group Homes. Compiled by Nyandi Staff.

Behavior Monitoring Booklet. Steven A. Saunders, W.A. Montgomery and Robert W. Sanson-Fisher.

Pilot Study on the Relative Effectiveness of Treatment Settings. S.A. Saunders, Kim Stotter, Arthur Paton and R. Sanson-Fisher.

Increasing Therapeutic Opportunities: A Technique. Pauline Young and R. Sanson-Fisher.

15. D. Challinger, *The Children's Court Hearing* (Criminology Department, University of Melbourne, 1975).

the Cambridge-Somerville Study. In this research, two very similar towns were selected and one was given all the social workers, psychologists, psychiatrists and youth leaders that were thought to be necessary to lower the delinquency rate, while the other town was given none of these. It was a massive, highly expensive project and probably one of the most dramatic failures in the whole of criminological inquiry, as when all the results were in it was found that there was no difference whatsoever between the two towns as far as crime and delinquency were concerned. Again, it is just as well that we have not attempted similar research in this country.

The third area of American delinquency research, which I have labelled as 'diversion' is much more promising and deserves careful scrutiny. The classic project in this area was conducted in California and is known as the Special Intensive Treatment Project, and its aim was to assess the usefulness of non-custodial treatment of young offenders who would otherwise have been placed in reformatories. The term 'intensive community treatment' as used here refers to something similar to probation, with young offenders being assigned to caseloads of 10 or 12 per officer with a wide range of supporting services being available. The probation officers had psychiatrists, educationists and family counsellors to assist them and the total costs were significantly higher than normal probation supervision but were only 50 per cent of the costs of the institutional alternative.

The research that was conducted to evaluate the effectiveness of this treatment was based on

matched groups of young offenders, all of whom would otherwise have been sent to a reformatory, being randomly assigned to either intensive community treatment or to the normal reformatory. After a three year follow-up period it was found that the recidivism rate of offenders placed in institutions was 52 per cent, while the comparable figure for those who had received community treatment was only 28 per cent. This project thus gave clear and dramatic proof of the value in both human and economic terms of non-custodial treatment of offenders and has undoubtedly inspired the development of similar projects both in this country and elsewhere.

Australian delinquency researchers can claim no striking successes such as that just outlined, but, on the other hand, they have not had to face the embarrassment of the dramatic failures that have also occurred in America. We in Australia are at the stage of building up a solid and useful body of knowledge about the incidence of delinquent behaviour (where it occurs and who are the offenders) and also some valuable ideas about how best to deal with those who are caught by the authorities. We clearly have much more to learn but, in my view, sufficient information is now available to make delinquency control a more scientific and professional activity than it has been in the past. We are beyond the stage when simplistic myths and legends are adequate to explain the phenomenon of juvenile delinquency, and the people, above all others, who need to have the real facts are those most involved and those most responsible. I refer, of course, to the police.



# Trends in Juvenile Delinquency

by J. Kraus

It is a sad but incontestable truth that the knowledge of the general public about the developments of crime is moulded by the sensationalism of the press, emotionality of 'social reformers', expediency of political utterances, and intentional as well as unintentional use of statistical information in conformity with there being 'lies, damned lies and statistics'. That this is so, is at least in part due to the fact that studies of trends in adult crime are few and '... hard empirical research (is) sadly lacking in studies of juvenile delinquency in this country'.<sup>1</sup>

Yet, it is a criminological truism that one must have a knowledge of long-term crime trends, as contrasted with short-term fluctuations, before one can attempt to determine the temporal correlates of crime, offer explanations, plan prevention and correction, and generally deal constructively with the problem of crime. There is some consolation, however, in the fact that even in the United States of America, the country leading in criminological research, a committee of experts had to point out '... that research commands only a fraction of one per cent of the total expenditure for crime control' with the consequence that 'there is probably no subject of comparable concern to which the nation is devoting so many resources and so much effort with so little knowledge of what it is doing'.<sup>2</sup> The committee also pointed out that there is an urgent need for more and better information regarding juvenile delinquency.

Perusal of the relevant literature suggests that during the last decade in Australia only two studies concerned themselves with a formal analysis of long-term trends in juvenile delinquency, and even these are by now somewhat dated. The studies were also limited to male

juvenile delinquents in New South Wales, consequently it is not possible to say to what extent the findings are representative of the developments that have been taking place in other Australian States. They have, of course, the usual limitations of all studies based on 'official' delinquency, albeit mitigated by the fact that their meaning is not contingent upon the validity of official figures but on the more tenable assumption of a constancy of the proportion of official to unofficial figures. To what extent do these studies support the popular belief that there has been an accelerating increase in juvenile delinquency?

First, the findings<sup>3</sup> indicated that during the 11 year period under study (1959-1969) the rates of six major types of non-capital offences committed by younger age groups of juveniles had not increased relative to the rates of the older age groups. Local conditions do not conform therefore to the observation (made during the Second United Nations Congress on the Prevention of Crime and the Treatment of Delinquency) that in many countries juvenile delinquency is reaching the lowest juvenile age groups and some forms of even serious crime are more and more being committed by the younger children.

Second, the findings showed that of the six types of offence only the rates of 'assault or malicious damage' had a statistically significant upward trend. The rates of breaking, entering and stealing, of taking and using motor vehicle, and of sex offences showed decreasing trends, the last a highly significant one. The rates of stealing and of robbery showed no specific changes, and no changes occurred in the rates of offences generally (that is, all offences

1. D. Chappel and P. Wilson, *The Australian Criminal Justice System* (Sydney, Butterworths, 1972).

2. *The Challenge of Crime in a Free Society* (Washington, D.C., U.S. Government Printing Office, 1967), p.273.

3. J. Kraus, 'Trends in the Rates of Non-Capital Offences Among Male Juveniles in New South Wales, 1959-1969', *Australian and New Zealand Journal of Criminology*, 3, (1970), pp.196-213.

combined).

Finally, in relation to individual age groups, the findings showed a significant increase in stealing, assaults and malicious damage offences among the 16 and 17 year olds, and a decrease in sex offences in these and the 15 year old groups. There was also a significant decline of taking and using motor vehicles among the 14 to 17 year olds, and of breaking, entering and stealing for ages 9 to 14. Offences generally declined only in the 9 to 11 age group. The highest statistical significance was attached to the decline of taking and using vehicles and sex offences among the 17 and 16 year olds respectively, and the increase of violent offences not motivated by gain against both person and property in the 16 to 17 age group.

In so far as a comparison is at all possible, local trends do not parallel the rapid increase of juvenile delinquency generally which has taken place in countries with a high standard of living (for example, United States of America, Sweden United Kingdom). On the other hand, the upward trend in the rates of assaults and malicious damage is in line with a world-wide phenomenon of increasing violence in juvenile offences not motivated by gain.

With regard to capital offences (that is, offences punishable by imprisonment for life), the findings<sup>4</sup> indicated that during the 14 year period under study (1956-1969) there was no systematic change in the rates of murder and manslaughter committed by juveniles. There was, however, a statistically highly significant upward trend in the rates of rape. The mean rate for the first three years of the series was 2.2 per 100,000 males aged 14 to 17, the mean rate for the last three years was 19.2. While the juvenile rates of rape increased during that period by 773 per cent, adult rates (males aged 18 to 34) increased only by 192 per cent. When the juvenile rates were broken down into individual and 'pack' rapes, the rates of the latter were found to have increased two and a half times faster. The proportion of 'pack' rapes in the total number of charges of rape increased from 0 per cent in the first three years of the series to 61 per cent in the last three years.

In the analysis of ages of juvenile offenders charged with capital offences, no significant trends were found to show that systematic changes have occurred in the mean age of juveniles brought to trial for murder, manslaughter or rape.

The implication of the findings concerning

homicide is that it is not an extension of other violent offences, as could be assumed on commonsense grounds. This discontinuity between increasing rates of violent offences and stationary rates of homicide, particularly murder, could be due to the fact that the latter seems to be usually a reflection of the psychopathology of the juvenile offender<sup>5</sup> while other violent offences committed by juveniles are more likely to be a reflection of social pathology. It is of interest to note that similar discontinuity has been reported from the United Kingdom. One study reported<sup>6</sup> that during the 1955-65 period the incidence of malicious wounding in England and Wales rose by 260 per cent, but the incidence of murder and homicide, actual and attempted, rose only by 26 and 20 per cent respectively. Another study conducted by the Cambridge Institute of Criminology<sup>7</sup> indicated that for every violent offence in 1938 there were 10 thirty years later, but that the number of victims sustaining serious injury has not increased during this period.

Where reports were available from overseas they indicated that increasing numbers of juveniles were being charged with murder or manslaughter in the United States of America, Western Germany, Italy and India, and that this phenomenon is relatively new in Western Europe where it has been quite recently thought of as being peculiar to juvenile delinquency in the United States of America. Increasing incidence of individual and/or pack rapes by juveniles has been reported from the United States of America, Western Germany, Czechoslovakia, United Kingdom and Japan. It is worth noting that reports from New Zealand for that period showed no increase in the rates of juveniles charged with rape or homicide, in stark contrast with the dramatic increase in the local rates of rape. The only country reporting an actual decrease in the number of offences against life was Switzerland, and it may be assumed that this involved a proportional decrease in offences involving juveniles.

Because the Children's Court is the social institution entrusted with the implementation of the law in relation to juvenile delinquency, and thus purports to influence both the individual deterrence and the general deterrence aspects of criminal legislation, it seems appropriate to ask at this point if the sentencing policy of the court had any bearing on the local trends in delin-

4. J. Kraus, 'Trends in the Rates of Murder, Manslaughter and Rape Among Male Juveniles (N.S.W. 1956-69)', *Australian and New Zealand Journal of Criminology*, 5, (1972), pp.146-156.

5. D.H. Russell, 'Juvenile Murderers', *Journal of Offender Therapy*, 10, (1966), pp.50-55.

6. F.H. McClintock and N.H. Avison, *Crime in England and Wales* (London, Heineman, 1968).

7. J.A. Hoyles, 'Crimes of Violence', *Prison Service Journal*, 9, (1969), pp.37-39.



quency. It is a truism that magistrates sitting in Children's Courts have a much greater latitude in choice of disposition than their counterparts in adult courts, because Children's Courts lack the legal rules which limit the discretion of the magistrates and in part pre-determine their decisions in adult legislation.

Consequently, not being bound by statutory sentencing, Children's Court policy is more likely to reflect changes in the values of the community which the court is serving. For example, a number of authorities seem to agree that in the United States the policy of juvenile courts has been evolving away from a punitive approach towards greater liberalism, flexibility, leniency, and individualisation of treatment, without necessarily agreeing on the desirability of such change.

The findings of a local study<sup>8</sup> of trends in the Children's Court policy during the 1959-1970 period revealed an essentially similar picture. During that period, there had been a decreasing use of probation in respect of every offence except 'break, enter and steal' and 'assault or malicious damage'. There had also been a decrease in the use of committals to an institution and of suspended committals, except for stealing, assaults and malicious damage, and robbery with the former, and sex offences and robbery with the latter. The court order 'admonished and discharged' had been used increasingly in respect of all offences except robbery. The use of fines had also been increasing in respect of all offences except robbery and assault or malicious damage. Finally, the use of 'bound over' had shown a significant decrease in respect of sex offences. Overall, with offences being undifferentiated, there had been a statistically significant decrease in the use of committal to an institution, probation, and suspended committal, while the use of fines and admonishment and discharge showed a significant increase.

When the relationship was analysed<sup>9</sup> of trends in sentencing to trends in delinquency, a positive association was found between the increasing use of the court order 'admonished and discharged' and the increasing rates of assaults and malicious damage. No other statistically significant relationships were found.

An analysis of trends in Children's Court policy in relation to the various age groups of

juvenile offenders<sup>10</sup> showed that the use of probation has not been changing in respect of any of these groups. The use of committal to an institution has been decreasing significantly in respect to the eight to nine year olds, and there has been a tendency for committals to be used less with the 12 to 15 year age group. The use of suspended committal has been decreasing with 16 to 17 year olds and there was a tendency to use it less with those aged 12 to 15. An increasing use has been made of the 'admonished and discharged' order in relation to the 14 to 15 group. There was a tendency for the 'bound over' order to be used less with the 16 to 17 year olds. The use of fines and other court orders showed no systematic change in so far as the age of the juvenile offenders is concerned. Further analysis<sup>11</sup> showed no significant relationships between the trends in sentencing of the given age groups and the trends in the rates of offences committed by these groups.

The above findings suggest that the sentencing policy of the Children's Court had no bearing on the incidence of juvenile delinquency in the community, and that the decreasing punitiveness of the court during the period under study has not resulted in either an increase or decrease of any type of offence (excepting assault or malicious damage) or of the overall offence rates in the various age groups of male juveniles.

The statistical relationship of increasing usage of admonishment and discharge to increasing rates of assaults and malicious damage can not, of course, be given a causal interpretation. Rather, the interpretation here is an extension of the working hypothesis that trends in sentencing reflect the evolution of community values in relation to juvenile crime, namely: that trends in juvenile crime are, in part, also a reflection of the evolution of the relevant community values and mores. The relationship is explained, therefore, by a common underlying factor and not in terms of causality. Overall, the findings lead to the inference that the legal concept of general deterrence might not be valid in respect of juvenile delinquency. It is worth noting that this inference is supported by studies which approached the issue of general deterrence from an entirely different angle, and have shown that delinquency is not inhibited by fear of apprehension and punishment, and knowledge of legal consequences of crime.<sup>12, 13</sup>

8. J. Kraus, 'Children's Court Policy in New South Wales: I. Spontaneous Change and Individual Deterrence', *op. cit.*

11. J. Kraus, 'Children's Court Policy in New South Wales: II. Trends in Sentencing and General Deterrence', *op. cit.*

12. J. Kraus, 'Juvenile Delinquency and the Psychology of General Deterrence', *International Journal of Social Psychiatry*, (in press).

13. D.M. Rafky and R.W. Sealey, 'The Adolescent and the

8. J. Kraus, 'Children's Court Policy in New South Wales: I. Spontaneous Change and Individual Deterrence', *Australian Law Journal*, 47, (1973), pp.197-199.

9. J. Kraus, 'Children's Court Policy in New South Wales: II. Trends in Sentencing and General Deterrence', *Australian Law Journal*, 47, (1973), pp.200-202.

The analysis of overall temporal trends of offences tends to create the misleading impression that these trends are homogeneous for the various geographical areas from which the relevant data has been collected. Unfortunately the desirable solution, to analyse the temporal trends in terms of pertinent geographical subdivisions, is usually impossible because the data are not available. An alternative, but only approximate, solution of the problem is to gain a cross-sectional view of the temporal trends (that is a point in time) and obtain a static rather than a dynamic picture of the spatial heterogeneity of juvenile delinquency.

This type of study is relatively common in the literature, with the analyses being centered mainly on rural-urban differences and on urban ecology. The existence of a positive association between urbanisation and crime is firmly established in criminological research, however, findings pertaining to patterns of offences characteristic of urban and rural crime do not show the same consistency. In fact, the independence of regional variations of patterns of crime from the extent of urbanisation is a well-recognised phenomenon. With regard to local patterns of juvenile delinquency, the findings<sup>14</sup> (1969-71) indicate that in the metropolitan area more juveniles have been charged with breaking, entering and stealing, common assault, robbery, and truancy, while in country areas more have been charged with stealing, receiving stolen property, offences against good order, malicious damage, and under the Child Welfare Act with having no fixed place of abode, being under improper guardianship, and other 'complaints'. Also, among those charged in the metropolitan area more were in the older age groups of 15 to 17, and in country areas more were in the younger 12 to 13 year olds groups.

Overall, therefore, urbanisation is associated with juvenile delinquency in which there is an increase in violent offences against person and the more serious property offences. The finding that the proportion of older offenders is greater in the metropolitan area seems consistent with the commonsense observation that in terms of environmental opportunities, anonymity, likelihood of apprehension, peer support, and other relevant factors, urban rather than rural ecology favours a sustained delinquency.

On the other hand, the possibility can not be excluded that country police might lay charges against juveniles whose young age would miti-

gate the action taken by metropolitan police under comparable circumstances. The fact that in country areas proportionately more are charged with 'complaints' under the Child Welfare Act, could be due to these areas lacking child care facilities, provided by charitable and voluntary organisations, usually accessible to a metropolitan welfare or police officer as alternatives to legal action.

Regarding the relationship of urban ecology to juvenile delinquency, the local study followed the analytical model which aims to elucidate the latent ecological factors rather than that which concerns itself with the spatial distribution of delinquency in relation to recognised urban characteristics.

The findings of the study (using principal component analysis)<sup>15</sup> indicated that in the metropolitan area of Sydney the bulk of delinquency (83 per cent) is associated with either of two such factors. The principal one, designated as 'individual-social-economic alienation', was defined by the clustering of adverse personal and social conditions: broken marriages, psychiatric illness, alcoholism, drug abuse, infant mortality, ethnic minorities, unemployment, females in the work force, low house ownership, low car ownership, and living in flats (rather than houses).

The second factor, designated as 'low socio-educational status', was defined by the clustering of adverse lower class characteristics: low education, crowding in dwellings, high birthrate, high proportion of children in the population, mental retardation, perinatal mortality, females not in the work force, unemployment, living in houses, and juvenile delinquency not coming under the Crimes Act (but under the Motor Traffic Act, the Railway Act, etc). Areas identified with this factor were remote from the city proper and had many Housing Commission developments.

It is of interest to note that conditions of adult crime and child neglect (child Welfare Act 'complaints') were present about equally in both factors. It was found that the ecology of a number of local government areas corresponded to only one or the other of the two factors, however, most represented a combination of both. In areas which had most of the characteristics of both factors the rates of delinquency were highest; in so far as it was reflected in these rates, the relationship of the two factors was additive rather than multiplicative (that is, non-interactive).

Geographically, areas which were identified only with the factor of 'individual-social-

Law: A Survey', *Crime and Delinquency*, 21, (1975), pp.131-138.

14. J. Kraus, 'Urbanisation and Patterns of Juvenile Delinquency in New South Wales', *Australian Journal of Social Issues*, 8, (1973), pp.227-233.

15. J. Kraus, 'Ecology of Juvenile Delinquency in Metropolitan Sydney', *Journal of Community Psychology*, (in press).

economic alienation' comprised older inner suburbs of a predominantly lower-middle and middle-class character. Areas identified only with the factor of 'low socio-educational status' comprised relatively new outer suburbs of a predominantly working-class character and with State Housing Commission developments. Because of the contrasting character of these areas it was hypothesised that they are likely to generate different types of juvenile delinquency: individualised, unsocialised, maladaptive; and culturally supported, socialised, adaptive, group delinquency respectively.

The hypothesis was tested in a subsequent study<sup>16</sup> which indicated that while the areas do not generate mutually exclusive types of delinquency there are distinct relative differences between groups of juvenile delinquents originating from these areas. The delinquent from an area characterised by 'individual-social-economic alienation' is more likely to offend alone, to be not motivated by material gain in his offences, to abscond from legal custody, and have a history of neuropsychiatric conditions. He is more likely to come from a broken home and a small family. He is less likely to reside with his parents even if they live together, and more likely to reside on his own rather than with a relative, sibling or one parent. On leaving school he is less likely to be in higher than form two. He is more likely to have at least two periods of probation before being committed to an institution.

The delinquent from an area characterised by 'low socio-educational status' is more likely to offend in company, be motivated by gain, be a non-absconder from legal custody, and not to have a history of neuropsychiatric conditions. He is more likely to come from an intact home and a large family. If his parents live together he is much more likely to reside with them than on his own. On leaving school he is more likely to have reached at least form three. He is more likely to have had only one or no periods of probation before being committed to an institution. It is of interest to note that the two descriptions match rather well the synthetic types which have been derived from sixteen

16. J. Kraus, 'Classification of Juvenile Offenders and Ecological Factors', *Journal of Child Psychology and Psychiatry*, (publication pending).

typologies of juvenile delinquency published in the literature<sup>17</sup>, namely the 'asocial, neurotic' and the 'conformist, subcultural identifier' respectively. They also tend to support the hypothesis tested in this study. There are obvious implications in these findings for the differential approach that could be taken to the prevention and treatment of delinquency in different ecological settings.

There appear to be no published studies done locally on trends in juvenile delinquency involving drugs. Such official statistics as are available<sup>18</sup>, on the numbers of appearances in Children's Court relating to offences involving drugs, do not support the alarmist views frequently expressed by certain sections of the community. Although between 1970 and 1974 the number of such court appearances increased by over 70 per cent, this increase is wholly accounted for by offences involving marihuana, the proportion of which in the total number of court appearances for drug offences increased from about 45 per cent in 1970-71 to 88 per cent in 1973-74. In fact, during that period appearances involving drugs other than marihuana (LSD, morphine, etc.) actually decreased by more than 63 per cent.

The latter trend is of course at variance with the popular opinion that there is a strong association between the use of marihuana and of other drugs, mainly those classified as 'hard'. It should be noted, however, that somewhat different findings were obtained in a study of self-reported use of drugs among senior high school students between 1971 and 1973.<sup>19</sup> While the proportion who reported that they are users of marihuana increased among the students in sixth form from 7 to 14 per cent, the proportion reporting themselves as users of opiates showed a very small increase from 1 to 1.2 per cent. On the other hand, the finding is limited to opiates and does not reflect the overall use of drugs other than marihuana.

17. M.Q. Warren, 'Classification of Offenders as an Aid to Efficient Management and Effective Treatment', *Journal of Criminal Law, Criminology and Police Science*, 62, (1971), pp.239-258.

18. Department of Youth, Ethnic and Community Affairs, New South Wales.

19. *Drug Offences 1974 & Community Comparisons*. Department of the Attorney General and of Justice, NSW Bureau of Crime Statistics and Research. Statistical Report 3, Series 2.



# Police Intervention in Juvenile Delinquency in Queensland

by K.J. Hoggett

The basis of police intervention in juvenile delinquency in Queensland is that our system of criminal justice, generally speaking, holds both juveniles and adults who violate the law responsible for their misconduct and imposes sanctions on them accordingly.

It is a role of the police to see that people of all ages obey the law. When individuals deviate they must be brought before the appropriate court to answer for their misconduct.

There appears, however, to be widespread acceptance that the procedures for handling juveniles in the law enforcement system should differ from those dealing with adults.

In Queensland, a person under the age of 10 years is held not to be criminally responsible for any act or omission. A person under 15 years of age is not criminally responsible for any act or omission unless it is proved that at the time of doing the act or making the omission he had the capacity to know that he ought not to do it.

By definition, in Queensland a young person is 'a child' up to the age of 17 years.

The Children's Services Act of Queensland provides for the establishment of 'Children's Courts' presided over by Children's Court Magistrates. In Brisbane, one magistrate is a specially appointed Children's Court Magistrate, a full-time post, while in other centres the role is fulfilled by the local Stipendiary Magistrate acting as Children's Court Magistrate. Jurisdiction of Children's Courts is covered by section 29 of the Children's Services Act.

A Children's Court has special powers conferred on it in respect of how it may deal with a child who has pleaded guilty or has been found guilty of a charge of an offence.

The Children's Services Act also provides for application to be made to a Children's Court in respect of:

- a. Children in need of care and protection.
- b. Children in need of care and control.

The policy of the Queensland Police Department is that children who are alleged to have committed offences ought to be charged with the actual offences and not be made the subject of applications for care and protection or care and control.

Police officers have been provided with guidelines for dealing with young offenders. Among other things, these state that:

Police officers should operate on the principle that there is a presumption that first offenders will be dealt with by caution, and that second offenders will be charged. A young person may be released on a police caution in lieu of a court charge if:

- (a) Adequate evidence is available to establish a case, beyond all reasonable doubt, *against the offender*, including any admissions of guilt; and
- (b) The victim voluntarily accepts that course of action as adequate and where applicable, satisfactory arrangements can be made for restitution; and
- (c) The parents or guardians of the child agree to this course of action; and
- (d) The reported behaviour is minor in its degree of social harm and the circumstances of the offence can be regarded as not revealing a general disrespect for the Rule of Law, either by the offender or by others in the community; and
- (e) This is the offender's first appearance in police investigations; and
- (f) An Inspector of Police believes that such a course of action is in the best interests of the young person.

The caution is to be administered, wherever possible, by a uniformed Inspector of Police at a District Headquarters in the presence of both parents and the victim. Mutually convenient times, perhaps outside normal office hours, should be chosen so as to enable the attendance of all parties concerned. The purpose of this interview is to impress upon the young offender the seriousness with which the community views his misconduct and to encourage a resolution not to repeat it.

Participation by victims and parents in police

proceedings should help to reinforce the view that the police and the public must work together in a community effort to prevent crime. To achieve this acceptance of responsibility by the public, we have to build a sense of common purpose and trust with them. Without public participation we are relatively ineffective in crime prevention, detection and apprehension.

The use of the local Inspector of Police as the administrator of the caution is based on the belief that a warning given by him in his local office is likely to have much more impact on the juvenile offender than his travelling to some distant point to see an officer who he is fairly sure he will never see again. Additionally, the District Inspector is able to make the necessary arrangements for the interview more quickly and interest is still concentrated in the local community. We agree with Dennis Challinger's point that the immediacy of justice is a powerful and useful enforcement implement.

However in 1963 a Juvenile Aid Bureau was established in Brisbane only. The function of this unit was basically one of voluntary counselling and supervision. The more difficult cases and the more serious offences as a general rule being charged and taken to the Children's Court. The Bureau was comprised of police officers. In 1972, the Bureau was transferred to the Children's Services Department and no longer functions as a unit of the Police Force.

In 1973, at the request of the State Education

Department, units were formed in Brisbane and elsewhere in the State with their principal target being offences against school property and the more serious type of offences committed by young offenders. The Education Department Liaison Unit has been successful in achieving its purpose.

At the present time, the only real policy governing police intervention in juvenile offences is that the law must be enforced by all police throughout the State.

Unfortunately, the Queensland Police Department is not able to outline a more definite policy on juveniles at this stage. The Queensland Government formed a Commission of Inquiry into the nature and extent of the problems concerning youth in Queensland in 1974. The deliberations and recommendations of that Commission of Inquiry were submitted to the Government late in 1975. Apart from a couple of specific areas such as the age of criminal responsibility, the recommendations of the Commission have not been adopted to date.

The Police Department plays an active role in the Police Citizens Youth Welfare Associations throughout Queensland. In fact, District Inspectors are required by the Commissioner to take an active interest in the functions of Police Youth Clubs.

In addition, the Crime Prevention Bureau and the Community Relations Unit conduct a constant program of school lecturing throughout the State.

# How Effective are Court Imposed Measures?

by J. Kraus

Over a number of years the Department of Youth and Community Services of New South Wales has been conducting studies aimed at the evaluation of the effectiveness of the major corrective measures used by the Children's Court with male juvenile offenders. The findings of these studies are generally in agreement with the findings of criminological research in other Western countries, in particular the United Kingdom and the United States of America. This consistency is very important, of course, because it confirms the validity of the findings. Although the Department has these findings under consideration it has not yet been possible to adopt and incorporate all of them into policy development.

The efficiency of the corrective measures was assessed in terms of recidivism rates during a five year period following their administration. For methodological reasons, which will become apparent later on in this paper, recidivism rates after probation were used as a baseline for the evaluation of other measures. It can be said in retrospect that, because of the use of this particular baseline, the studies evaluated not only the relative efficacy of the various measures but also came as close to the evaluation of their absolute efficacy as it is possible under conditions of a 'natural experiment' in the area of judicial correction.

The evaluation was also done in terms of operating costs: it is obvious that if two measures are equally effective from the point of view of correction the cheaper one should be the measure of choice. Such a hard-headed choice would ignore, of course, a number of correctively peripheral but socially central considerations (for example, public image, pressure groups, political expediency) which invariably influence the use of corrective measures independently of the cost/benefit factor. But even apart from the social considerations, which would never allow the introduction of radical

changes that would not be acceptable to the community at large, the principle of sound economy is rarely observed in correctional settings.

A good example of such economic wastefulness is the continuing popularisation of various forms of 'treatment' of offenders (for example, group therapy, individual psychotherapy, transactional analysis, Gestalt therapy, counselling), in spite of the fact that these 'treatments' have been shown to be as ineffective as they are expensive and nobody really knows (as was pointed out by Barbara Wootton and other eminent criminologists) what the condition is that is being 'treated'.

Another example is the continued development of the even more costly 'preventive' measures such as various psychological, psychiatric and social-work clinics, counselling centres, youth centres and clubs, sporting facilities, etc., etc., which, while most commendable in themselves and probably fulfilling many important roles in the community, have been shown to be quite ineffective in so far as the prevention of juvenile delinquency is concerned.

When the findings of the local studies are amplified by the results of research conducted in other Western countries, it is possible to draw some general conclusions and make recommendations regarding the usage of the existing court measures for dealing with adjudicated male juvenile delinquents.

With regard to probation, the findings indicated that an extended period of probationary supervision (24 to 36 months) is no more effective in preventing recidivism both during and after the probationary period than a short probation (12 months). Moreover, as recidivism after court caution (admonished and discharged) was found to be no higher than after probation, it appears that probation, per se, does not contribute to the lowering of recidivism rates. It

should be noted, however, that the finding concerning court caution was obtained on undifferentiated groups of offenders and might not be valid in relation to selected types of offenders, be it in terms of age, type of offence, or some other relevant characteristic.

Findings reported in the criminological literature generally agree that neither the quality nor the intensity of probationary supervision have any bearing on its corrective effects, which is in line with what was said above about the ineffectiveness of the various forms of 'treatments' of offenders.

What recommendations can be made regarding the present forms of probation? First, there is a general recognition in today's criminology that the 'risk' factor must be considered with the use of any corrective measure. It is recognised that, using predictor variables, offenders can be categorised into 'low', 'medium' and 'high risk' groups, and that the corrective efforts should centre on the medium-risk group because the low-risk group is not likely to reoffend in any case and the high-risk group will continue reoffending independently of what corrective measures are used.

It can be recommended, therefore, that juvenile probationers should be categorised in terms of the risk of recidivism they represent and probationary resources should be focused on the medium-risk group instead of being spread over the whole population of probationers. Second, many experts believe that the effectiveness of probation, or for that matter of any other corrective measure, can not be assessed solely in terms of recidivism, but must be viewed from a wider perspective of general adjustment of the offender. Most probation officers know, of course, from their own experience, numerous individuals who benefited from probationary supervision in a variety of ways but without the likelihood of their reoffending being necessarily affected. If the validity of the above proposition is accepted, then the logical recommendation would be an intensification of the counselling aspects of probation and a reduction of its purely supervisory aspects.

A study of a group of juvenile offenders committed to an institution and of a matched group given probation, indicated that institutionalisation is followed by greater recidivism and more frequent sentences to detention among both first offenders and recidivists. With offenders differentiated by type of offence, all groups excepting those dealt with under the Child Welfare Act and those charged with stealing of motor vehicles show less recidivism after probation than after committal to an institution. Offenders charged with car stealing are the only

group showing less recidivism after institutionalisation, — which is in line with findings of studies conducted in the United Kingdom.

Because car stealing was found in a local study to be the juvenile offence most consistently associated with recidivism, the better response of this group to committal could be due to their relative insusceptibility to the adverse effects of inmate culture, with the consequence that the punitive aspects of committal outweigh in their case these usually dominant effects. In fact this group appears to exert adverse influence rather than be affected by it.

This is suggested by the finding that post-institutional recidivism does not affect all types of offences, but mainly those which require the learning of criminal techniques and frequently involve an association with other delinquents, and among which car stealing is prominent. For example, among first offenders, increased recidivism after institutionalisation is confined to car stealing and breaking, entering and stealing. The influence of inmate culture (that is, learning from older more experienced inmates) is also reflected in their committing fewer sex offences (other than rape or carnal knowledge) but more carnal knowledge offences than they do after probation.

Apart from an increase in the above mentioned offences, the post-institutional pattern of criminal activity among recidivists involves also an increase of assaults, malicious damage, and general hooliganism (offences against good order, etc.).

In view of the evidence indicating that probation has no effect on recidivism, the obvious conclusion regarding the effects of committal to an institution is that for the majority of the offenders (that is, excepting those charged with car stealing) they are deleterious. It must be remembered, however, that the comparative evaluation has to take into account the costs to the community of offences that would have taken place if the juvenile offenders were not isolated in detention. Consequently, from the cost/benefit point of view a long committal to an institution of offenders who are highly destructive or violent, or have shown themselves to be persistent recidivists, might be more appropriate than probation.

While committal to an institution has deleterious effects, studies conducted in the United Kingdom have shown that recidivism of young offenders is unaffected by either the frequency or the duration of committals. Consequently, the common assumption underlying repeated orders for committal made by the magistrates against a given offender, that eventually he will



'learn his lesson', seems unwarranted and the expense of committal unjustified.

It is possible to make certain recommendations on the basis of the above findings. When the alternative of probation is available there is no cost/benefit justification for the corrective use of committal to an institution, excepting juveniles charged with car stealing. Repeated use of committals and use of long-term committals have also no cost/benefit justification. Protection of the community seems a rational justification for the use of long-term committals with offenders likely to engage in crime costly to the community. Being the most expensive and least effective corrective court measure, committal should be used sparingly.

A study of two matched groups of juvenile offenders, one given probation the other dealt with by the imposition of fines, indicated that the imposition of a fine is followed by lesser recidivism among first offenders, while those who have a previous court record show the same recidivism after fines as after probation. Here again, studies conducted in the United Kingdom reported similar results. When differentiated by type of offence, however, juveniles charged with stealing are being committed more often to an institution after having been fined. That could suggest more serious offences or a more serious view being taken of their offences by the magistrates (because as a group those charged with stealing are younger than other groups). It is possible that due to their younger age these juveniles are less likely to have an independent income and be directly affected by fines, and more likely to be affected by probationary supervision.

The main limitation of fines appears to be that they can be used meaningfully only with older offenders who have to pay them out of their own pocket, rather than have them paid by their parents. Although the effects of fining the parents have not been studied, some experts believe that such fines would be effective by making the parents improve the supervision of their offspring. From the cost/benefit point of view, the development of correctional policy which would place greater responsibility on the parents would certainly be worth trying. Fines are not only more effective than probation, but are also the only correctional measure that contributes to the revenue instead of imposing a financial burden on the community. It should be noted that the use of fines with juvenile offenders is considerably less locally than it is in any of the Western countries from which the relevant statistics are available.

The recommendation that could be made about fines is that with juvenile offenders they

should replace the use of other corrective measures which are generally less effective and more costly to implement. The imposition of fines on parents of younger offenders could be introduced on an experimental basis, with the results carefully monitored by research.

No differences were found between the recidivism of comparable groups of offenders after court caution (admonished and discharged) and after probation. This finding, however, was limited to undifferentiated groups of offenders. It is possible that a comparative analysis extended to type of offence, age and background of offenders and other relevant characteristics, would show a differential effect of these two court measures. In fact, studies conducted by the Home Office have shown that the effects of court caution are actually better than those of probation, at least with juvenile first offenders. From the cost/benefit point of view it seems clear that the use of court caution is preferable to that of probation, and the use of fines preferable to both of these.

It can be recommended, therefore, that when court caution is available as an alternative to probation, there is no cost/benefit justification for placing the juvenile offender under active probationary supervision. A nominal *de jure* supervision suffices if the offender has to be charged with a breach of probation conditions, if probation has to be used.

Although the effects of suspended committals have not been studied, certain inferences regarding their use can be drawn from research in related areas. For example, it was found that the legalistic expectation that a punitive experience will create in the offender a fear of punishment that will deter him from further offending is not borne out by the local institutions. In fact the opposite is true: fear of punishment is less after the experience of institutionalisation. The inference is that a likelihood of committal could provide more deterrence by fear than the actual institutionalisation. Because suspended committals maximise this likelihood in the eyes of the offenders, they could be expected to be more effective than institutionalisation, and cost/benefit considerations fully justify the desirability to use them more frequently.

Another inference is that the discipline in the training schools is not strong enough to increase fear of punishment and so deter from further offending. This inference, however, is negated by research evidence from overseas which indicates that the quality of institutional regimes affects the attitudes of inmates but has no long-term effects on their recidivism.

The logical recommendation in respect of

suspended committals is, therefore, that unless an offender is dangerous or re-offending is imminent, a suspension of committal to an institution should precede every committal order made by the Children's Court in relation to an offender who has not been previously institutionalised.

The Department of Youth and Community Services has collected some preliminary evidence indicating that there is less recidivism after police cautions than following court administered measures. This difference could be due to the manner in which juveniles are selected by the police for the administration of caution or to the caution being in fact an effective deterrent. From the cost/benefit point of view the reasons for the differential effects are not relevant, however, because in either case the same economic and social advantages accrue from the diversion of juvenile offenders from the courts and court related services.

It is obvious that a much greater use should be made of police cautions in New South Wales, as it is in some of the other states (for example, Queensland, South Australia). What seems to restrain a greater use of cautions in New South Wales is that they require considerably more clerical work on the part of the arresting officer than does the laying of charges. The Police Department could also encourage its officers to use cautions more frequently and bring down the decision making process concerning specific cases to a lower level, so as to avoid unnecessary delays and administrative complications.

In conclusion it seems appropriate to make some comments on the possibilities of diversion of juveniles from the criminal justice system as it exists at present, because diversion has been occupying a prominent place in criminological thinking in recent years. For example, an ecological study of metropolitan Sydney has shown that certain suburbs are more likely to produce psychologically disturbed delinquents while others are more likely to produce sub-cultural delinquents, and it is obvious that the means of dealing with the two groups, be it in terms of prevention or remediation, should be quite different. Consequently, arrangements could be made with community health centres in the relevant suburbs to accept the treatment of disturbed juvenile offenders on an extra-judicial basis, or if such offenders are given probation, or

another disposition that leaves them at liberty, to divert them into de facto care of the centres while administratively retaining their control within the judicial system.

From the cost/benefit point of view the advantages of such arrangements are obvious, and they would free the juvenile probation officers from tasks with which they are not equipped to cope (that is, treating disturbed juveniles) to perform more productive duties. It can be pointed out that the adult probation service already avails itself of the professional assistance of community health centres.

Another group which should be diverted to the health services is a relative minority residing in correctional institutions. Even in the light of a most conservative clinical assessment, many juveniles committed to institutions clearly qualify for psychological or psychiatric treatment by the very nature of their offences. These comprise sex offences (other than carnal knowledge and a proportion of rapes), making obscene telephone calls, stealing women's underwear, peeping, obscene exposure, using drugs, stealing drugs or money to obtain drugs, compulsive fire setting, persistent running away from home, etc. The institutions do not have the facilities to treat this type of offender, but increase his chances to become inveigled into a wider range of criminal activities after discharge.

It seems to be an inescapable conclusion, from both the economic and the social points of view, that this type of offender should be diverted into the care of health services, either on an outpatient basis to a community health centre or appropriate clinic, or on an inpatient basis to an appropriate psychiatric establishment. Because the length of committal of most of these offenders is determined administratively, there would be no legal difficulties in the implementation of such diversion.

Generally it seems that the police could play a much more prominent role in the diversion of juveniles from the criminal justice system by dealing with them informally, and directing them to the appropriate social and other agencies for remedial action. This would require, however, a closer cooperation between the police and such agencies and a better mutual understanding of their respective functions than is the case at present. Let us hope that this seminar will make a real contribution towards such cooperation and understanding.

# Juvenile Delinquency in the Australian Capital Territory

by W. Nicholl

I am aware of course that the role of police in juvenile delinquency has been the subject of debate elsewhere in years past. I very much doubt that I am going to offer you any suggestions which have not already been made. That does not mean we are wasting our time talking about some of these things. Sometimes I feel the greatest handicap any of us have in an area that we know well is a 'good idea'. Certainly it often seems like that to a specialist who has a clear view of what change is needed but which the system takes years to achieve.

So far as the police role in juvenile delinquency is concerned, all I can do is offer you some suggestions that seem to me to make sense. I have had the advantage of talking on this subject to my brother magistrate, John Dainer, who for some 12 years was a member of the New South Wales Police Force. He has similar views to the ones that I am going to express here.

It seems to me fundamental that when we come to consider the police role in juvenile delinquency there should be a special squad to handle juvenile cases. The squad should be voluntary, as far as possible, and should be made up of men and women with special training. This does not necessarily mean that they should all have university degrees in psychology, although if some of them had this it would be helpful; but they should certainly have some understanding of child psychology. I believe that a course could be developed to meet the particular needs of a juvenile squad.

It is important that people in a juvenile squad are volunteers. I do not believe that anybody who is not a volunteer is going to have the right attitude to the handling of the work which comes to him.

Also I think that the ages of police officers who are appointed to a juvenile squad must be considered. I would see some difficulty in very

young police officers — 18, 19 and 20 being appropriate in a juvenile aid squad. I am not saying this could not happen, but as a general rule they would seem to be too young to be on a juvenile squad, certainly when it came to dealing with young people of 16 and 17. Some might think that they would be better able to do the job, but I feel that the officers should be 22 or 23 before they were appointed to that particular squad.

I think that there ought to be standing instructions within the police force that where young people are involved, inquiries should be made by members of the squad. This means that if a general duties police officer comes across a situation that involves a juvenile, he ought to do no more than a holding exercise in much the same way as the general duties officer calls in the C.I.D. when it is appropriate to do so. There may be some case for not using juvenile squad members where the crime which is the subject of investigation is murder or some very serious charge. However even then there should be a place for a member of the juvenile squad.

A juvenile squad should be available on a 24-hour basis. It is important that we create a sense of neighbourhood community and I believe that members of the juvenile squad could assist to do that. I do not think that we as a community can place the whole of the responsibility for reducing juvenile delinquency upon the police in general and a juvenile squad in particular, but I do believe that police can make an important contribution to reducing juvenile delinquency.

One of the ways in which this can be done is to involve police in the community more widely than at present. Regrettably, I think, there tends to be in the community, especially in the bigger communities, a sort of 'them' and 'us' relationship between police and the community.

In big cities we seem to have lost any geographical sense of neighbourhood. We have

communities: the police community; the law community; the tennis and various sporting communities; a school community; but they do not necessarily have a geographical basis. We ought to attempt to improve our chances of developing a neighbourhood community. One of the ways we can do this is to develop it through the schools: through the parents and friends groups, and by making greater use of school facilities.

It seems to me a great waste that we have many schools here in Canberra with wonderful sporting facilities, but they are not used to the full. They are used, in many cases, between 9 and 4. We have the problem of the latchkey children, whose parents work and are not there when the children get home. We have only one police boys' club in Canberra, which is right in the heart of Canberra, and does not serve the residents of the outer suburbs. It is doing a good job, and it is true that there are other organisations that provide similar opportunities, such as the YMCA and the YWCA, but they are not enough.

The facilities provided in schools should be utilised to a much greater degree. The community ought to arrange for at least some schools in every neighbourhood to be open after school for sport and instructive pastimes for boys and girls who might otherwise be at home on their own or wandering in the streets.

In time we should develop community centres where something in the nature of a 'drop-in' centre is available, where there are facilities for sitting down and having a cup of coffee and talking. The churches have endeavoured to do this but they are not a seven-day a week activity and I do not know how far they continue.

We as a community ought to be doing more to provide healthy opportunities for young people to entertain themselves. I do not think it is wise to endeavour to do everything for them. They should be taught to help themselves within the framework of their community. I do not think we ought to put the whole of the responsibility on the police, but think juvenile squad members could, if there were enough of them, play a useful part in helping to develop a sense of neighbourhood community.

I think it is important that we distribute our police a little more widely than they are now so that they have an opportunity of getting to know both individuals and the neighbourhoods. It is desirable to have police getting used to a particular neighbourhood and being seen as part of that neighbourhood. Police, of course, live in a neighbourhood, but often work out of it. Obviously it would not be possible to have every police officer working in his own neighbour-

hood, but individual police officers, particularly those associated with juvenile squads, should be given an opportunity of becoming part of a neighbourhood. Hopefully this may contribute towards the development of a sense of community.

There are studies which suggest that it is not big cities in themselves which cause crime, but that there are a lot of other factors. I think loneliness or isolation is one of the factors. I do not think we are equipped to identify it very readily, and when we do find it, it is not always possible to do something about it. We have all had experience of observing people who, notwithstanding that they are surrounded by people, live in isolation and have relatively little social contact with the people they work with. Even in families young people can be isolated.

It is not difficult to imagine a household where both mother and father work, or where the mother is involved in so many charitable activities that she is hardly ever home. The child, although being catered for in the material sense, is virtually unnoticed and does not have a really warm relationship with the rest of the family. He lives very much alone, resentment can build up and in some cases resentment can lead to offences being committed. Often pre-sentence reports indicate that this particular crime can be seen as a way of calling for help.

There are other roles that police can and do have. Let me make this point and I think you will all agree with it. The way in which an individual is spoken to, looked after, considered or not considered, by police, courts or other people such as welfare officers, is going to have an impact on that person for good or for evil, in terms of that person living in the community without committing crime. It is very important that the individual police officers who come into contact with young people, for that matter older people too, do not by their conduct do anything which is going to lead to a person feeling that the system is no good and that he has got to go on and commit crime to get back at it. I am not singling police out here, I think that court and welfare officers are in the same situation. The courts in the way that they consider or fail to consider people who come before them can contribute equally to further crime. The same thing can apply to welfare officers.

How do you handle a person (a young person) who has stolen from a shop? We know that not all of them come before the courts. Some of them get warnings, and I think this is a very proper way to approach crime by young people in a given situation. It has often been said, and I think there is a lot of truth in it, that sometimes all that is necessary is for a person to actually

come into contact with the police, to have been apprehended. That person will never come before a court, the court experience itself is unnecessary for that person to be able to live in the community without committing crime. Then some people of course are taken home, again not charged, and their parents are spoken to. Sometimes the police officers will become aware that there is a problem in that family.

Sometimes the decision is made to charge. In an American study done in one section of a State in the United States, a number of sheriffs were asked what they would do in given circumstances with young people. There were a high percentage of them who thought that for larcenies, in many instances, it was inappropriate to charge and to arrest, but that it became different if they were given cheek by the young person. A high percentage would arrest the young person if they were cheeky, whereas they would not have arrested them for the particular offence that brought them to the attention of the police officer. In some instances it might be proper for them to do that.

I think that a juvenile squad needs to work out a philosophy of approach, perhaps some guidelines. Obviously you have still got to leave a great deal of discretion to the individual police officer. Given that we have got a juvenile squad with some understanding of juvenile psychology, it seems to me that the squad ought to be careful not to get itself involved in the role of a welfare officer or a child and family guidance psychologist or a psychiatrist.

I think when police are involved in a situation where they see neglect, it is often on a purely materialistic basis — the state of the home and that sort of thing, whereas welfare officers have other considerations. I certainly think that in the area of people in need of care and help, police ought to work in association with welfare. So far as this sort of matter is concerned, legislation ought to require those involved, be they police, welfare officers and ultimately the court, to endeavour to find a consensus solution before resorting to court orders.

A juvenile squad and the probation and welfare officers should have an appreciation of the problems that each faces. There is too much room for misunderstanding at the moment and at times it does not help the children that are involved. There are lots of reasons for this sort of tension that occasionally exists, but I think that much of it could be removed by the people

involved getting to know each other, getting to understand what the other is trying to achieve.

The members of the juvenile squad ought to be conscious of when it is appropriate to move the child from them to another organisation such as the child and family counselling service or the welfare branch. I seek to make the point that even given a knowledge of child psychology, members of the juvenile squad should be careful to make sure that they do not start trying to use their new skills in cases that are too complex for them. Just as it is inappropriate for a court to play much of a counselling role, I would suggest that a juvenile squad ought not to be deeply involved in a counselling role. It would be more appropriate to involve one of the other specialised groups rather than get a member of the juvenile squad involved on a continuing basis in an effort to counsel a family.

I would like to see considerable cooperation between the juvenile squad and welfare branch in determining what cases, certainly in the non-criminal field, go forward to the court. Of course the ultimate responsibility of whether a charge is preferred or not must lie in the hands of the police, but in exercising that discretion they could, in many instances, seek the view of welfare officers, especially where welfare had already been involved with that particular family.

Sometimes the victim of juvenile crimes is also a juvenile. The proposition I make now is really of general application, but certainly comes to me from my involvement with people in the community and at various levels in the community. A person reports something to the police, it is investigated, maybe somebody is apprehended, and the victim of the crime hears about that. However, unless it happens to be reported in the paper, especially where the individual pleaded guilty and the owner of the property has not had to come along to the court, the victim never will never find out what happened to the person who pleaded guilty to stealing from their shop or to breaking and entering their home. It seems to me to be important, and this seems to be a proper public relations area for police, that they make sure that people know what happened to the individual who was apprehended in respect of the particular crime that involved them. In some instances they should endeavour to help the victim understand why the court chose the penalty which it did. That seems to me to be an important police public relations function.



# Juvenile Aid Panels in South Australia

by S.N. Smith

The Juvenile Aid Panel System adopted in South Australia provides an avenue where people in difficulty can meet skilled and sensitive help without the formalities of the traditional legal process.

## Historical background to panels

During 1968-69 the Social Welfare Advisory Council in South Australia re-appraised the work of Juvenile Courts and related measures dealing with juvenile offenders and other children in trouble. In May 1970, the Council produced a final report which recommended the establishment of a juvenile crime prevention scheme for young offenders.

In November, 1971, a revised Juvenile Courts Act was passed which made provision for the establishment of Juvenile Aid Panels throughout the State. The Attorney-General (now Mr Justice King), in moving the amendments to the Act said:

It seeks to give effect to the Government's policy regarding the treatment of juvenile offenders. Its provisions have their inspiration in the proposition that a community must regard its youth as its greatest responsibilities. Moreover, the future way of life of each young person in the community is of importance not only to that young person and his family but also to the wider community. Where a young person shows indication of behavioural difficulties which may, if uncorrected, impede his prospects of leading a full, useful and happy life, no effort should be spared to help that young person to solve his problems. Few things in life are more tragic than the spectacle of children and young men and women destroying their own characters and their opportunity of leading a good life. The work of salvage of this human material should have a top priority in any community whose values are sound.

During the course of his speech he also said:

Every person who fails to achieve a way of life which is satisfying to himself, and of benefit to the comm-

unity represents a failure of our society, and a consequent wastage of human and economic resources . . . No one has yet found satisfactory means of solving all of the problems of juvenile delinquency, but in a dynamic and complex society, it is imperative that we be prepared to look at all new approaches and techniques so that a more flexible and effective system may be developed for the salvage of the lives of those young people whose future is in jeopardy. At the same time, it would be wrong to allow our concern for the needs of individual persons to blind us to the right of society in general to expect a reasonable degree of protection for life and property against extremes of unlawful and anti-social behaviour. The emphasis in the Bill therefore is on the welfare and rehabilitation of the young person but they do not overlook the right of the community to adequate protection from the law.

## Aims of Juvenile Aid Panels

The major emphasis in the Juvenile Courts Act is on the welfare and rehabilitation of the young person. The Act states ' . . . a Juvenile Aid Panel shall treat the interests of the child . . . as the paramount consideration . . . (section 3).

The general accepted aims of panels are:

1. To provide an alternative to court proceedings in the case of certain children involved in allegations of offences, truancy or uncontrolled behaviour, making provisions for greater flexibility in dealing with young offenders and other children in trouble.
2. To offer support and assistance to the child within his family, to encourage, help and advise parents in the problems of child care, and to preserve the child's links with his local community.
3. By the use of formal undertakings and agreements, to provide a child with an opportunity for growth and development within his own family and community.
4. To avoid the stigma and procedural formality of a court appearance, and to deal with

matters involving many children in a relatively informal setting and with a minimum delay.

5. To achieve a degree of consistency and uniformity in handling the children in trouble, without sacrificing the flexibility to deal appropriately with individual cases.

6. To reduce the number of offences committed by juveniles.

Panels are not intended to be a channel for retribution or punishment, but rather as an aid for young people and their families.

### **Description of panels**

Juvenile Aid Panels represent a system for the non-judicial treatment of most young offenders under the age of 16. Basically they provide a service to children between the ages of 10 and 16 who would previously have been faced with an appearance in court and a subsequent court record. Juvenile Aid Panels do not apply in respect of:

- a. A child who is alleged to be a neglected child.
- b. A child who is alleged to have committed homicide.
- c. A child under an existing court order, such as bond, care and control, etc.
- d. A child who has been arrested.

Panels fulfil a positive role in conjunction with, and complementary to, the Juvenile Court. Recognition has been made of the fact that many children commit offences during their development and most of those who come into notice do not re-offend again. It is therefore very useful that in coming before notice for the first time, children are not exposed to the labelling and the stigma often associated with courts. Most first offenders are now being seen by Juvenile Aid Panels and this has relieved the courts for more intensive work with more serious cases.

An opportunity is provided for the family to discuss the alleged offence or any aspect of their family life with two skilled community members, and when required, referral can be made for additional support and counselling.

### **Panels in operation**

Juvenile Aid Panels are constituted of one member nominated by the Director-General of Community Welfare and either a police officer or a Justice of the Peace (See section 10). The panel is always of two members, and usually consists of one welfare officer and one police officer.

Panels are prohibited from sitting in any place commonly used as a court house or police office.

Briefly the panel acts in this way:

a. The Secretary of the panel, who is nominally the District Officer for the Department for Community Welfare in the area where the offender lives, receives a factual report from the police alleging that a child between 10 and 16 years has committed an offence. It is accompanied by a brief circumstance report in respect of the child.

b. A notice is sent to the child and a parent or guardian of the child requesting their attendance at a panel sitting. This is accompanied by an information sheet setting out briefly the composition and operation of the panel.

c. In the event of wilful failure to attend by either, the matter is referred to court (very few fail to attend).

d. The panel is required to inform the child and, when present, the parent or guardian that at any stage of the proceedings he has a right to request that the matter be heard and determined by a court (See section 12(3)).

e. At the sitting the facts are discussed. In the event of a major disagreement as to facts the probabilities are that the matter will be referred to court.

f. After the allegation has been admitted, matters discussed refer to such things as the offence, circumstances of the offence, precipitating factors, family dynamics, leisure activities, friends, schooling, employment, health and any other matters which may help the panel to gain a fairly complete understanding of the child and his family. Both child and family are encouraged to participate freely in the dialogue and each hearing can last from 20 minutes to an hour, but on an average last about 30 minutes.

The panel may request the Director-General to obtain further information or reports that may be necessary or desirable for the purpose of dealing with a child (section 13) for example, social background reports or assessment panel reports for the purpose of gaining a better insight into the problems of the family and the most appropriate course of action.

g. A panel has the following powers: (section 14)

- i) May warn or counsel the child and his parents or guardian.
- ii) May request the child to undertake, in writing, to comply with such direction as may be given by the panel as to any training or rehabilitation program to be undergone by the child.
- iii) May request a parent or guardian of the child to undertake in writing, to



comply with such directions as may be given by the panel to assist the child in any training or rehabilitation program.

- iv) The panel may refer the matter to the Juvenile Court if the child or parent or guardian of the child refuses to make an undertaking as requested by the panel, or if, in the opinion of the panel, it is otherwise expedient to do so for the purpose of the rehabilitation of the child.
- v) The undertakings must be observed for six months. In the event of failure, the panel may refer the matter to a Juvenile Court for hearing and determination.

Where a matter has been referred to a Juvenile Court for hearing and determination, evidence of the proceedings before a Juvenile Aid Panel in respect of the alleged offence shall not be admissible in the Juvenile Court. However, in proceedings in respect of a subsequent offence found proved against the child, a report of proceedings before a Juvenile Aid Panel in respect of an alleged offence shall be admissible.

## Evaluation

Juvenile Aid Panels have been in operation since July 1972, and it is impossible to say just how successful panel operations have been in South Australia. After two years of operation, the Department for Community Welfare conducted a study into the progress and development of the Juvenile Aid Panel system, which indicated that 80 per cent of children appearing before a panel did not re-offend. It also highlighted the strength and weaknesses of the system. As a result of the study it is hoped that on-going development of the diagnostic and helping skills of the panel members will further reduce the rate of re-offending. It appears that panels are having approximately the same mea-

sure of success as courts in dealing with first offenders.

Some figures available for 1974-75 show that:

a. The predominant offence for Juvenile Aid Panel appearances was 'shop stealing' followed by 'driving and traffic offences', 'break and enter' and 'wilful damage'.

b. Number of appearances:

	Male per cent	Female per cent
one	57.4	30.0
two	9.3	1.5
three	1.5	0.9

c. Age of child appearing:

10 years	4.7 per cent
11 years	7.8 per cent
12 years	13.3 per cent
13 years	23.0 per cent
14 years	27.7 per cent
15 years	23.5 per cent

d. Percentage of children appearing in court in 1974-75 having previously appeared before a panel was 9.26 per cent (1972-75 - 7,851 before panels and 1974-75 - 727 before courts). Mainly in the 14, 15 and 16 year age group.

It is anticipated that the figures for 1975-76 will show a similar trend.

## Conclusion

Certainly the panel system is a significant improvement in the treatment process over previous procedures relating to young offenders. Panels provided a flexible alternative to Juvenile Court proceedings and are capable of providing support and assistance to the child within his family and the community.

A pleasing by-product with the introduction of panels has been the cooperation and exchange of ideas that have developed between police officers and social workers.

The establishment of Juvenile Aid Panels in South Australia has been a pioneering effort in the field of service to young people, their families and the community.



# Appendix 1

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