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Youth Justice: Criminal Trajectories

Dr Mark Lynch, Julianne Buckman, Leigh Krenske

Introduction

This paper presents the key findings of the 'Youth Justice: Criminal Trajectories Research Project', a project that focused on recidivism among young offenders.

Data from the Queensland Department of Families, the Queensland Police Service, and the Queensland Department of Corrective Services have been used to determine the extent to which juveniles on supervised orders in 1994–95 progressed to the adult corrections system.

The rate of progression of members within the youth cohort to adult corrections was used as a measure of recidivism. We defined 'recidivism' as at least one admission to adult custody or participation in an adult supervised community corrections order in Queensland.

The results of the project confirm that multiple factors amplify the risk of recidivism and highlight the importance of coordinated whole-of-government responses to youth offending.

Background statistics

The following information should be kept in mind when considering the results reported in this paper:

- ▶ Approximately 1 per cent of all young people in Queensland aged 10 to 16 years are charged with offences and appear in court each year.
- ▶ In 1994–95, less than half of the finalised court appearances (41 per cent), resulted in the young person being sentenced to a supervised juvenile justice order. This means that less than half of 1 per cent of young people aged 10 to 16 years in 1994–95 were sentenced to supervised juvenile justice orders in that year.
- ▶ The young people who were sentenced to supervised orders in 1994–95 were generally the serious and/or repeat

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offenders. Those who committed few or minor offences would have been diverted from entering too deeply into the system through cautioning and/or unsupervised orders such as reprimands and good behaviour orders.

- ▶ Young people sentenced to supervised juvenile justice orders are characterised by high levels of instability in their lives. They also, generally, have low literacy levels and poor prospects of employment.
- ▶ From 1998–99 to 2001–02, the number of finalised court appearances decreased from 7504 to 7352 — a 3 per cent decrease. This included a decrease in finalised higher court appearances from 878 to 589 — a 33 per cent decrease.
- ▶ The decrease in higher court appearances indicates that the most substantial reduction has been in terms of young people being sentenced for the most serious types of offences.
- ▶ As a result of the decrease in finalised court appearances, the number of young people on supervised juvenile justice orders has decreased overall from 2112 as at 30 June 1998 to 1679 as at 30 June 2002 — a decrease of about 20 per cent.
- ▶ The number of young people in detention centres has decreased from an average daily occupancy of 139 in 1998–99 to 97 in 2001–02 — a decrease of about 30 per cent.

Source: Department of Families.

KEY FINDINGS

- ▶ **By September 2002, 79 per cent of those juveniles on supervised orders in 1994–95 had progressed to the adult corrections system and 49 per cent had been subject to at least one term of imprisonment.**
- ▶ **By September 2002, 89 per cent of the male Indigenous juveniles on supervised orders in 1994–95 had progressed to the adult corrections system, with 71 per cent having served at least one prison term.**
- ▶ **By September 2002, 91 per cent of the juveniles who had been subject to a care and protection order, as well as a supervised justice order, had progressed to the adult corrections system with 67 per cent having served at least one term of imprisonment.**
- ▶ **Over time, the probability of those juveniles on supervised orders in 1994–95 who are subject to multiple risks factors (e.g. male, Indigenous, care and protection order) progressing to the adult corrections system will closely approach 100 per cent.**

Setting the scene

Longitudinal studies examining criminal recidivism (and associated risk factors) are widely recognised as useful for informing criminal justice policy initiatives. Despite their acknowledged importance, a brief review of the literature reveals that surprisingly few cohort studies examining recidivism by juvenile offenders have been undertaken in Australia. Furthermore, the under-researched nature of juvenile-to-adult offending trajectories has meant that the findings of such studies are somewhat inconsistent.

One of the main findings that has emerged from previous research into the offending trajectories of juvenile offenders is that assignment of severe punishments for early criminal behaviour can result in greater recidivism.

A notable study by Cain (1996) in New South Wales, for example, involved the tracking of 5000 children over a nine-year period. The research, which focused on juveniles who were processed by the Childrens Court during this period, found a strong relationship existed between 'sterner punishments and higher levels of re-offending' (1996: 4). Similarly, Kraus and Smith (1978) concluded that even a relatively short term in custody on remand was found to significantly increase subsequent offending (64.3 per cent) compared to being placed on remand at home (36.6 per cent). Trotter (1995) has also pointed out that more serious orders can influence the propensity to re-offend through a process of criminal socialisation, and that community service orders and other structured programs that bring offenders together can actually serve to magnify the very deviance that such responses to offending are intended to reduce.

Previous research has also highlighted the relationship between social and demographic factors and the probability of recidivism. Carcach and Leverett (1999) found that recidivism among juveniles is affected by a range of factors, including developmental and psychological issues, the socio-economic environment, the age of onset of delinquency, the length and intensity of delinquent careers and the responses of the juvenile justice system. However, in contrast to the research findings outlined earlier, Carcach and Leverett found some positive effects in the reduction of recidivism associated with the imposition of supervised orders by the courts.

Other studies have highlighted the importance of studying recidivism because of the negative social consequences that are often associated with persistent offending. For example, a study of Stockholm boys in the 1960s explored the association between high-risk behaviours, such as offending, and a range of negative health and socio-economic outcomes (Sarnecki 1989). This research showed that individuals who were criminally active in their teens had increased levels of self-reported drug abuse after the age of 20 and higher mortality rates between the ages of 33 and 40 years. The research also found that those individuals who had been criminally active as juveniles were also more likely to be criminally active as adults, have more alcohol problems, have lower income, poorer education, divorce more often, have more physical and mental health problems and were more likely to fall below the socio-economic status of their fathers. These findings suggest that very active juvenile offenders have elevated risks of incurring a range of serious negative social consequences in adulthood (Sarnecki 1989).

In considering the research literature, it does appear that progression of young offenders to more serious offending is not inevitable, and that we need to be cautious in using incarceration as a response to juvenile offending. Coumarelos and Weatherburn (1995) argued that in terms of levels of harm inflicted on the individual as a result of an intervention, the least harmful response by the State for the majority of first-time juvenile offenders is to 'do nothing'. However, it is also obvious that interventions of some sort must be directed towards serious recidivist offenders if the short- and long-term interests of both the offender and the broader community are to be respected.

Methods

Research of the type highlighted in this paper has never before been conducted in Queensland. The absence of trajectories research of this kind is largely due to the limited availability of appropriate data, data comparability across criminal justice system agencies and the substantial resources that are required to piece together the data that are available.¹

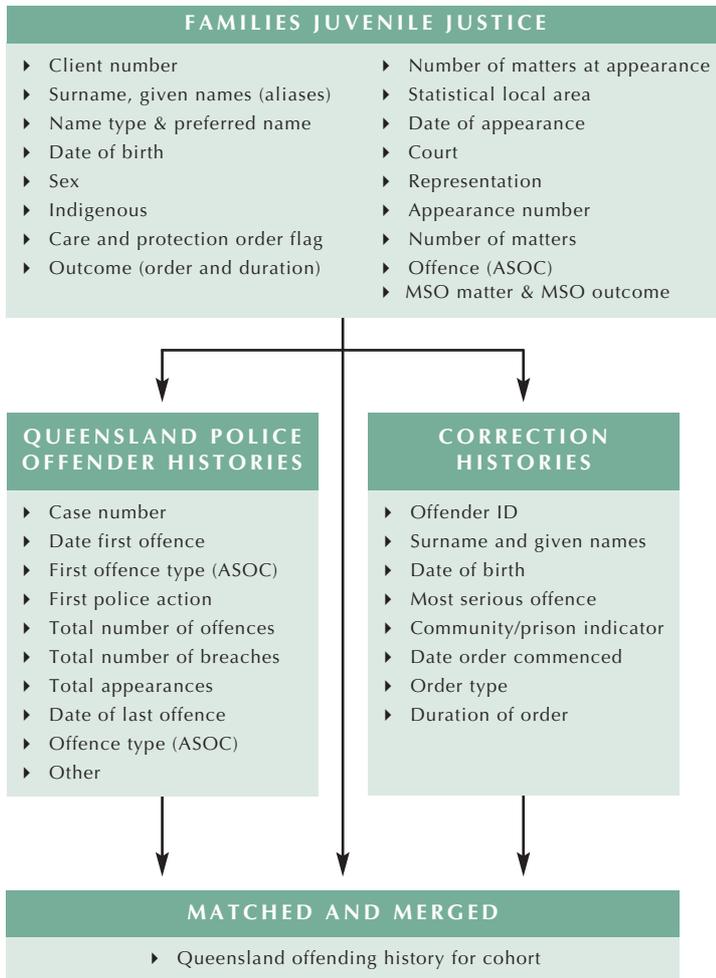
The 'Youth Justice: Criminal Trajectories Project' linked disparate data sets from the Department of Families, the Queensland Police Service and the Department of Corrective Services in order to develop a picture of the cohort's criminal trajectory. The final product of the matching and merging exercise provided a unique data set that measured recidivism by tracking young offenders from court appearances made from 1994–95 to adult custodial and non-custodial orders served up to September 2002 in Queensland (see Figure 1).

Defining the cohort

The cohort selected for the research consisted of young offenders who in 1994–95 had received a supervised juvenile justice order (detention, immediate release order, probation, community service).²

- 1 The difficulties associated with conducting research with a system-wide orientation to the criminal justice system have been well documented in Queensland since the mid-1980s (see for example CJC 2000).
- 2 The year 1994–95 was chosen for the cohort sample because it was the first complete year that the *Juvenile Justice Act 1993* had been in effect.

Figure 1. Youth Justice Criminal Trajectories Data Map



ASOC: Australian Standard Offence Classification
MSO: Most serious offence

In 1994–95, 3652 young people appeared before a Childrens Court in Queensland (representing 1 per cent of the total 10 to 17 year-old population in Queensland). Of these, 1503 (41 per cent) were ordered to serve at least one supervised juvenile justice order. In comparison, just 252 (7%) offenders received no order and 1897 (52%) received an unsupervised order. See Figure 2.

Describing the cohort

The cohort consisted of 1503 young offenders, aged between 10 and 17 years, who had been ordered to serve a supervised juvenile justice order from 1 July 1994 to 30 June 1995 in Queensland. The cohort consisted of 193 female offenders (123 or 63.7 per cent of whom were non-Indigenous and 69 or 35.8 per cent of whom were Indigenous) and 1,310 male offenders (823 or 62.8 per cent of whom were non-Indigenous, and 474 or 36.2 per cent of whom were Indigenous). See Figure 3.³

Socio-economic status

The paucity of information from administrative data sources on the socio-economic status of young offenders meant relying on the Socio-Economic Index for Areas (SEIFA) score (ABS 1996) as a proxy for socio-economic status. The SEIFA score uses the SLA of usual residence variable and was assigned to all young offenders who had SLA recorded. The SEIFA index generates a score that corresponds with the socio-economic index of disadvantage.

As can be seen in Figure 4, and as we would expect, cohort offenders are disproportionately over-represented within the highly disadvantaged category and disproportionately under-represented within the highly advantaged category. The study cohort, however, was characterised by marked differences between Indigenous and non-Indigenous status in terms of measures of advantage/disadvantage.

Figure 2. Youth offenders dealt with by a Queensland Childrens Court, 1994–95

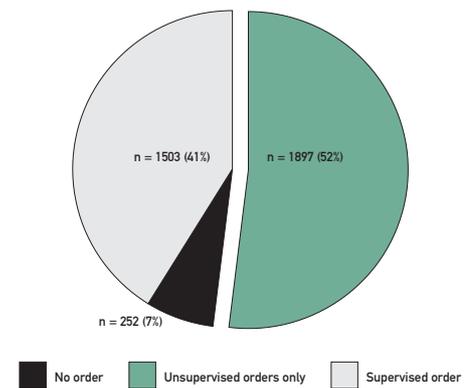


Figure 3. The cohort by Indigenous status and gender

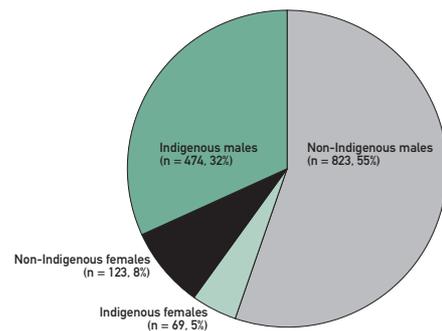
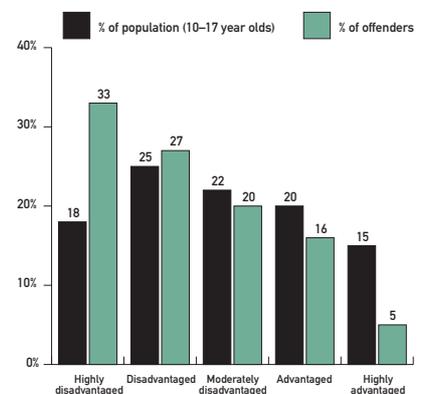


Figure 4. Offenders who served a supervised juvenile order in 1994–95, by level of disadvantage (SEIFA) and the proportion of the population falling within each SEIFA-defined category



For the non-Indigenous members, the collapsed advantaged and disadvantaged split is reasonably even at 52 per cent and 48 per cent respectively. In contrast, the split was much less even for the Indigenous members, with 72 per cent falling within the disadvantaged category and 28 per cent within the advantaged category.

³ In 14 instances it was not possible to tell if the young person was Indigenous or not.

Results

The results of the project show extremely high levels of recidivism within the cohort and highlight risk factors that increase a cohort member's likelihood of sustaining a criminal career into adulthood: gender, Indigenous status and the presence of a care and protection order.

Most of the young offenders included in the study re-entered the criminal justice system during their adult years. Seventy-nine per cent of the offender cohort progressed to the adult corrections system and served either a community corrections order or custodial order in Queensland, with nearly half of the cohort serving at least one prison term (see Figure 5).

Gender

The results show that gender is an important factor in youth criminal trajectories. Figure 6 shows that male members of the cohort were more likely than female members to enter the adult correctional system, and in particular receive a prison sentence. While 54 per cent of males entered the prison system, 'only' 22 per cent of the female cohort did so. The gender difference was less pronounced if 'any adult order' was considered, with 82 per cent of the males entering the adult system compared to 62 per cent of the females.

Indigenous status

As can be seen in Figure 7, Indigenous young people were most likely to progress from the juvenile to adult systems, with 86 per cent (compared to 75 per cent of non-Indigenous young people) entering the adult correction system and 65 per cent (compared to 41 per cent) serving a prison term.

Indigenous status and gender

The intersection of gender and Indigenous status intensifies the risk of maintaining a criminal trajectory from youth into adulthood. As can be seen in Figure 8, Indigenous males were most likely to enter the adult system, compared to non-Indigenous males and all females. Nearly 90 per cent of Indigenous males entered the adult system compared to 78 per cent of non-Indigenous males. Indigenous females, however, were more likely than non-Indigenous females to enter the adult system.

Figure 5. Proportion of cohort who entered the adult corrections system and the proportion of cohort who served at least one term of imprisonment

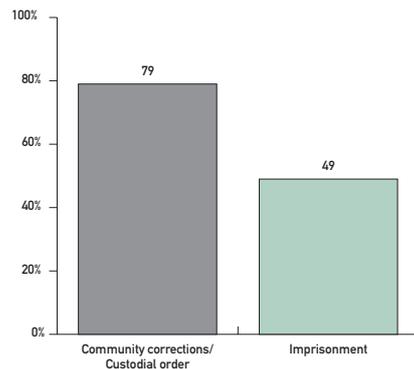


Figure 6. Offenders who served a supervised juvenile order in 1994–95, rate of progression to any adult order or adult imprisonment by gender

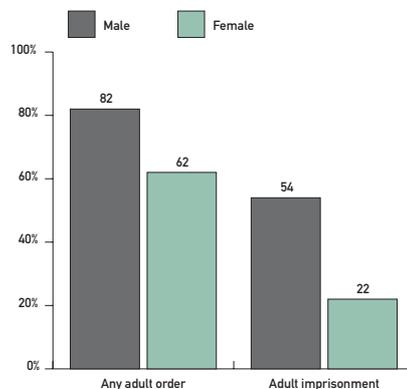


Figure 7. Offenders who served a supervised juvenile order in 1994–95, rate of progression to any adult order or adult imprisonment by Indigenous status

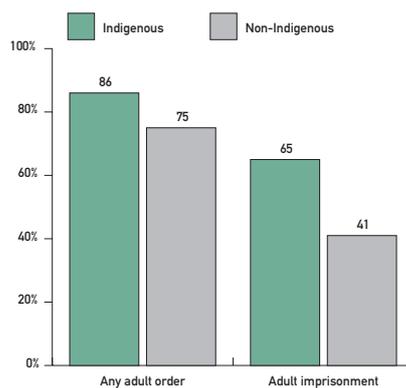


Figure 9, above, also shows that 71 per cent of the Indigenous males from the cohort later entered the adult prison system compared to 45 per cent of the non-Indigenous males. Although a smaller proportion of females received a prison sentence during adulthood compared to males, Indigenous females (28 per cent) were more likely to be incarcerated than non-Indigenous females (20 per cent).

Figure 8. Offenders who served a supervised juvenile order in 1994–95, rate of progression to any adult corrections by gender and Indigenous status

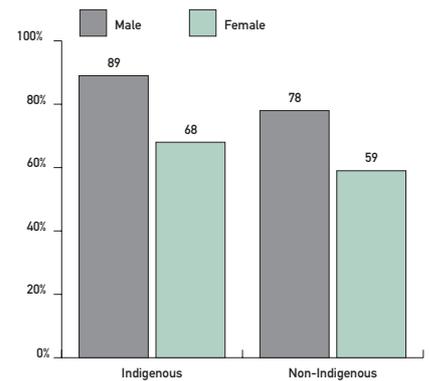


Figure 9. Offenders who served a supervised juvenile order in 1994–95, rate of progression to adult imprisonment by gender and Indigenous status

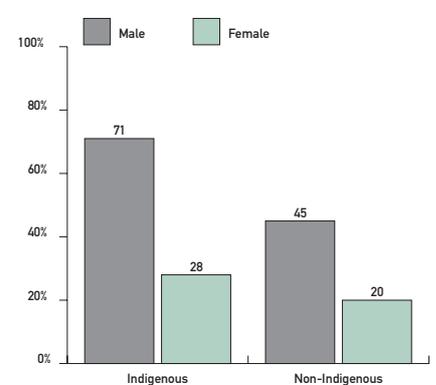
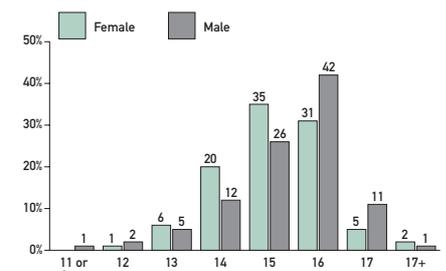


Figure 10. Offenders who served a supervised juvenile order in 1994–95, peak offending age by gender



Peak offending age

Involvement in criminal activity is age-graded. The peak offending age for 42 per cent of males in the cohort was 16 years, whereas 35 per cent of female offenders peaked at 15 years of age and 31 per cent peaked at 16 years of age (see Figure 10, above).

Care and protection orders

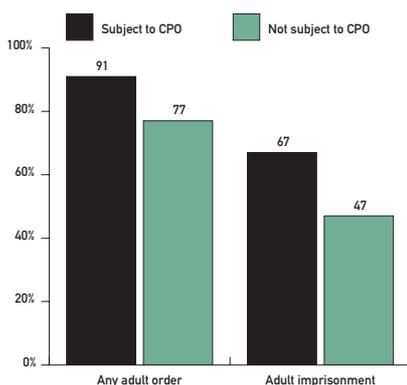
The presence of a care and protection order (CPO) represents an indicator of substantiated maltreatment for individuals within the cohort. This is not a measure of frequency or severity, however, and is therefore likely to be a conservative indicator of maltreatment.

In 1994–95, a total of 525 children were admitted to care and protection orders in Queensland,⁴ or 1.5 persons per 1000 aged 10 to 16 years in Queensland. In comparison, 13 per cent of the cohort had experienced at least one substantiated child maltreatment matter resulting in some form of a CPO in Queensland. It is, therefore, apparent that there is a marked (though not unexpected) over-representation of individuals within the cohort who have experienced some form of (substantiated) maltreatment.

A total of 200 offenders in the cohort (13 per cent) had been subject to at least one CPO. This number comprised 23 females (1.5 per cent of the cohort total and 12 per cent of the females in the cohort) and 177 males (12 per cent of the total cohort and 13.5 per cent of the males in the cohort). As a proportion, slightly more Indigenous young offenders had been subject to at least one CPO (79 or 14.5 per cent) than non-Indigenous offenders (120 or 12.7 per cent).⁵

As shown in Figure 11, an offender who had been subject to at least one CPO during their life, was more likely to progress to adult corrections (91 per cent) and adult imprisonment (67 per cent) than an offender who had not been subject to both a supervised juvenile justice order and a care and protection order (77 per cent adult corrections and 47 per cent imprisonment).

Figure 11. Offenders who served a supervised juvenile order in 1994–95, rate of progression to adult corrections or adult imprisonment by whether ever been subjected to a CPO



Implications: How can we make a difference?

The ‘Youth Justice: Criminal Trajectories Research Project’ represents an important contribution to whole-of-government research and policy development exercises. The matching and merging of administrative data sets maintained for operational rather than research purposes yields important findings that, to date, have been suspected but not empirically established in Queensland.

There are five main points that can be drawn from the preliminary analyses undertaken so far.

1. Adequacy of current responses

The very high rate of progression from juvenile supervised orders to the adult corrections system means it is reasonable to question the adequacy and appropriateness of our current responses to juvenile offending.

2. Paucity of evaluations

Despite the high overall level of progression from juvenile supervised orders to the adult corrections system, there is considerable variation between cohort subgroups in terms of the probability of progression. However, the paucity of rigorous evaluations of our current intervention strategies means that we are less informed than we should be about what interventions might be most effective in terms of reducing recidivism for particular subgroups.

3. Need for multidisciplinary inter-agency collaborations for intervention

Just as no single agency can be held responsible for the high rate of progression from juvenile supervised orders to the adult corrections system, no single agency can sensibly be made responsible for managing interventions designed to interrupt this progression.

If interventions are to be developed, implemented and evaluated to effectively address the precursors to juvenile offending, they will need to involve a very wide range of government departments, some of which may not immediately see their core business as incorporating a crime prevention dimension. Genuinely effective crime prevention strategies will need to involve arms of government as diverse as Housing, Education, Health, Police, Families, Treasury, Public Amenities (parks, roads swimming pools etc.), and Transport.

A coordinated whole-of-government approach to crime prevention would yield very substantial benefits over the long term, but would also produce significant benefits in the short term if properly developed and implemented.

Even with respect to the most difficult subgroup of the cohort, that is those subject to multiple risk factors, it is possible to ‘make a difference’ by giving effect to a broad rather than narrow understanding of what constitutes a crime prevention strategy. For example, a skate park or swimming pool located in a disadvantaged suburb and managed so that local young people regard the amenity as ‘theirs’ can constitute an effective and relatively cheap crime prevention strategy that provides an almost immediate ‘return’ (see Lynch & Ogilvie 1999). Over the longer term, however, it is the more innovative, early interventions that can be expected to return the greatest crime prevention dividend.

4. Importance of developmental and early intervention

One of the not unexpected but less welcome implications of our findings is that by the time young people come to the attention of the juvenile justice system, it is difficult to modify a trajectory whose ‘direction’ has already been substantially determined by a very wide range of precursor factors that can no longer be effectively addressed by any single government agency.

What this fact points to is the crucial importance of targeted early interventions that address the precursors to juvenile offending before they give rise to attitudes and behaviours that will ultimately bring individuals into conflict with the criminal justice system. Such interventions will not always look like ‘traditional’ crime prevention strategies because they address the precursors to offending rather than offending itself. Examples of such interventions include preschool literacy enhancement programs, support for young parent programs, and appropriate public amenities development programs. Clearly, initiatives of these sorts cannot be the responsibility of any single agency.

4 Includes care and protection, protection supervision, child protection, court assessment and other protective orders.

5 These numbers exclude 14 offenders about whom care and protection order status was unknown.

- ▶ Since its establishment in July 2001 within Brisbane City Region, the **Youth and Family Support Service (YFSS)** has provided support to young people (10 to 17 years) and their families between the hours of 10 am and 12 midnight, seven days a week including public holidays. YFSS aims to:
 - provide best practice early intervention and diversion services by helping families and young people respond to conflict or crisis
 - ensuring at-risk young people receive the right response
 - diverting at-risk young people away from the statutory juvenile justice system.
- ▶ There are currently five specialised **Youth Justice Services**, located in Townsville, Ipswich, Logan City, Morayfield and Hervey Bay, providing programs and services for young people on supervised juvenile justice orders and conditional bail.
- ▶ The **Graffiti Reduction and Prevention Grant Information Paper and Program** were developed by a working group of representatives from the Local Government Association of Queensland, the Queensland Police Service, Queensland Rail, the Department of Families, and Crime Prevention Queensland. In the 2001–02 State Budget, \$0.3m over three years was provided to assist local community groups and local councils in their fight against graffiti.
- ▶ In 1996, amendments to the *Juvenile Justice Act 1992* provided for the establishment of community conferencing — now known as **youth justice conferencing** — as a way of diverting young offenders from formal court processes and providing judges and magistrates with an alternative to placing young offenders on supervised orders. The process allows the victim of an offence to participate in its resolution, to discuss the effects of the offence and to negotiate an outcome aimed at repairing the harm done. The department is currently expanding conferencing statewide.
- ▶ The **Brisbane Youth Detention Centre** and the **Cleveland Youth Detention Centre** now operate under the **Securing the Care** model of case management, which provides a framework for integrating the functions of residential care, security, casework, health services and program delivery. The model also ensures a multidisciplinary approach to case management.
- ▶ The **Griffith Adolescent Forensic Assessment and Treatment Centre**, launched in February 2001, provides:
 - clinical assessment of young people appearing in court and found guilty of sexual offences, and their families if required
 - evidence-based written court reports to facilitate court decisions and treatment planning
 - individual, group and family treatment modalities that can be matched to the particular needs of the young person.

5. Importance of post-delinquency intervention

While preventing individuals from beginning a criminal career is an essential part of crime reduction, it is also important and possible to encourage established offenders to desist from further offending.

Research undertaken in the United States has shown that a reduction in recidivism is achievable through effective intervention strategies (Lipsey, Wilson & Cothorn 2000). Such strategies are likely to be age-graded and culturally sensitive. They will also work to strengthen ties with family, school and positive peer groups, incorporate alcohol and substance abuse prevention, promote workplace skills and improve the self-confidence and health of those juveniles identified at risk.

Once again, effective initiatives will involve an inter-agency approach and work to address the specific requirements of individuals. Recent examples of multi-agency responses implemented by the Department of Families are presented in the box above.

The successful implementation of multi-agency intervention strategies will prove

to be extremely challenging and resource intensive. Making a difference will require identifying young people at risk and providing them with concerted and ongoing support within the different social contexts in which they are embedded.

Government interventions will need to address the risk factors associated with offending at both the micro and macro level. For whatever reason young people risk coming into contact with the juvenile justice system, there needs to be a broad range of initiatives available to help them avoid or cease offending.

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