

## Busting the myths – the facts about addressing youth offending – Part 1

Young people's behaviour has concerned adults from very earliest times:

*Our youth now love luxury. They show disrespect for their elders...they contradict their parents, chatter before company, gobble up dainties at the table and tyrannise their teachers<sup>1</sup>.*

Fear of crime is a strong a motivator in the community. It is often a reaction to media reports which tend to focus on the worst of crimes- and particularly those involving young people - as being most "newsworthy". Sweeping generalisations are made about young people and offending – the regular reference to a "youth crime wave" – but without any supporting evidence.

*There is a public perception that children are responsible for a substantial proportion of crime committed in the community. This perception is often reported in the media and is frequently supported by police statement<sup>2</sup>.* It was found that **the statistics did not support** these perceptions.

Misinformation means that there is a lack of understanding of the true level, causes and impact of youth offending which in turn means that **public money is not used effectively and efficiently as it is diverted to the wrong activities or responses**. So, the stated object of reducing crime is undermined from the beginning.

### The facts - there is no crime wave.

#### *Crime generally is decreasing*

*Crime rates [in Queensland] over the last ten years or so have largely been on a downward trend. While politicians may make legitimate points about spikes in specific locations or particular types of offence, the chances of Queenslanders becoming victims of crime has been decreasing when population is taken into account<sup>3</sup>.*

#### *The number of youth offenders is decreasing*

Queensland's Youth Justice System covers young people aged 10-16 years alleged to have broken the law (for all other States and Territories it covers 10-17 year olds).

In the 2011-12 financial year:

- The Magistrates Court dealt with 5,840 young defendants and the higher courts 358
- There was an **overall decrease** of 6.9% in the number of young people whose cases were dealt with by the courts (following a **decrease** of 8.6% in the number of young people coming in 2010-11 compared with 2009-10)<sup>4</sup>.

#### *Most young people are not offending*

There are around 420,000 10-16 year olds in Queensland<sup>5</sup>. The number of 10-16 year olds in contact with the court system is small and is not increasing proportionate to the population – in 2011-12 only about 1.4% of the total population of 10-16 year old Queenslanders appeared in court.

#### *Young people are already dealt with seriously*

It is often said that young people only get a "slap on the wrist" yet children as young as 10 years of age can be (and are) held accountable for breaking the criminal law. In reality, the sentences for young offenders are very similar to those imposed on adults: it is generally the length of the term which is different.

| Child <sup>6</sup>   | Adult <sup>7</sup>                |
|--|-----------------------------------|
| Reprimand  | Absolute or Conditional Discharge |
| Good Behaviour Bond  | Recognisances                     |
| Fine   | Fine                              |
| Probation Order  | Probation Order                   |
| Community Service Order  | Community Service Order           |
| Conditional Release Order  | Suspended Sentence                |
| Intensive Supervision Order  | Intensive Correction              |
| Detention  | Imprisonment                      |
| Detention up to life – will most likely be transferred to adult jail | Imprisonment - indefinite         |

Generally, a Magistrate can sentence a child to up to 1 year in detention and a Judge up to 5 years<sup>8</sup>. For offences for which an adult can be imprisoned for 14 years or more, children can also be detained for significant periods of time, for example<sup>9</sup>:

|                                  | Child   | Adult    |
|----------------------------------|---|----------|
| Robbery in company with violence | 10 years or   | Life     |
| Arson                            | Life* if: there was violence against a person <i>and</i> Court considers particularly heinous |          |
| Grievous bodily harm             | 7 years   | 14 years |
| Receiving stolen goods           |   |          |

\*Life in Queensland means the whole of one's life

Once a person reaches 17 in Queensland, they are dealt with in an adult court and go to an adult prison<sup>10</sup> – even though they cannot vote or buy alcohol or cigarettes. Queensland is only place in Australia where this happens and is contrary to Australia's international commitment.

## References

- <sup>1</sup> Socrates, Greek Philosopher 470-399 BC
- <sup>2</sup> Criminal Justice Commission (1992).
- <sup>3</sup> Queensland Police Service data: Brisbane Times: 2 March 2012
- <sup>4</sup> Childrens Court of Queensland Annual Report for 2011-12
- <sup>5</sup> Queensland Government Statistician
- <sup>6</sup> Youth Justice Act 1992
- <sup>7</sup> Penalties and Sentences Act 1992
- <sup>8</sup> Youth Justice Act 1992
- <sup>9</sup> Youth Justice Act 1992 Penalties and Sentences Act 1992
- <sup>10</sup> Youth Justice Act 1992

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