

Balanced Justice

Busting the myths – the facts about addressing youth offending – Part 2

What we know

10-16 year olds are the minority of offenders in contact with the criminal law. In 2011/12, only 4.25% of offenders who appeared before the courts were youth offenders.¹ Offending peaks at around 18 or 19 years of age.

Property offences are the most commonly committed offences by 10–17 year olds in Queensland. The rate of property offences committed by young people has been in decline, falling 21.6% over the past decade. Offences against the person remain considerably lower in prevalence than property offences and have remained relatively stable over the last decade.²

Offending behaviour in relation to young people must be considered in the context of child and youth development. Early adolescence through to early adulthood is a peak period for brain development and consequently a period of increased risk.³

Most young people who come into contact with the police before 18 will not go on to be “career criminals” – their contact will be shortly lived and relatively minor and they will “grow out” of offending from late adolescence.⁴ Many will never come to court, their offending being addressed by a police caution (12,238 cautions were administered in 2011-12). A significant proportion of those brought to court will appear once, maybe twice.⁵

While there is a concern that there is an increase in offences involving some level of violence, this remains a minority of the offences committed by young people. Offences against property was the most common offence type among young people aged 10 to 17 years, accounting for 60.1% of all offences in 2010-11.⁶

Young people themselves are victims of crime. Statistics show that young people under 18 are at least as likely to be the victims of a crime as a perpetrator. In 2011-12 in Queensland, the majority of victims of offences against the person committed by youth offenders were aged under 20 years of age (53.3% of those where age was recorded) and only 6.4% were aged 50 years or over.⁷

Prison/detention does not prevent offending. Research consistently shows that prisons are an ineffective in rehabilitating offenders and preventing re-offending.⁸ Imprisonment is therefore a poor use of public money, particularly as the building, maintaining and staffing of detention centres or prisons is very costly. It costs the taxpayer approximately \$237,980 per year to imprison one young person (in Australia)⁹ and studies have indicated that

youth detention is a pathway to adult offending as 30% of adult offenders were first incarcerated in the youth system.¹⁰

Addressing offending behaviour

For the community to be and feel safe, and to spend our money usefully, we need to address the causes of crime.

For the majority of those who come to the attention of the police or courts and who do not become persistent offenders, the current sentencing regime is clearly sufficient.

The President of the Queensland Children’s Court has noted: The statistics seem to demonstrate that there are a small number of persistent offenders who are charged with multiple offences.

The small group of repeat offenders tends to have low socioeconomic status, low educational attainment, significant physical and mental health needs, substance abuse and a history of childhood abuse and neglect.¹¹ Young people in detention in Queensland have reported experiencing multiple social and health problems during the previous year. Most often these problems related to school (69%), peers (62%), family (50%), and drugs or alcohol (43%).¹²

Do what has been shown to work

The Texas (USA) based group Right on Crime: puts forward The Conservative case for reform: Fighting Crime, Prioritizing Victims, and Protecting Taxpayers¹³:

Cost-effective interventions that leverage the strengths of families and communities to reform troubled youths are critical to a successful juvenile justice system. Youths who “slip through the cracks” may remain in the criminal justice system throughout their lives even though some could have been saved by effective policies during pivotal developmental stages. However, funds should only be spent on programs that are supported by evidence, and risk and needs assessment should be used to ensure that youths who would be most successful in non-residential programs are not placed in costly residential settings.

The “Conservative Solution” includes improved flexibility in funding, so funds currently used to keep young people in large state youth jails can be used for less costly community-based programs which are supported by research.

Begin early

Antisocial behaviour invariably begins during primary school years and tends to be associated with exclusion (from school itself, but also within the school) which means the young person is not exposed to positive social values and role

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models.¹⁴ The research indicates that children and young people who are not in school are at high risk of delinquency.¹⁵

Diagnose and support those with disabilities

Research has also identified that 17% of young people in detention in Australia had an IQ of less than 70 and that this is particularly an issue for Indigenous young people. Young people with intellectual disability are at a significantly higher risk of re-offending. A 2005 NSW study also found 88% of young people in custody reported symptoms consistent with mild, moderate or severe psychiatric disorders.¹⁶

Parents are important

Parents are important in the development of language skills, particularly in the early years. The amount the parent talks to the child and how they talk to them is important.¹⁷

Language skills are critical in being able to manage socially but also in being able to develop literacy skills and therefore are important for longer term success at school. Keeping young people at school can prevent and reduce criminal and anti-social behaviour.¹⁸

Early brain development and socio-emotional and cognitive development can be severely affected by inadequate or harmful parenting.¹⁹ Young people who have been abused or neglected often exhibit reduced social skills, poor school performance, impaired language ability, and mental health issues.²⁰

While the majority of abused and neglected children do not offend, a significant number of children who do offend have had abusive, neglectful or inadequate parenting.

Parental monitoring and limit setting have been linked to managing antisocial/offending behaviour, substance abuse and sexual risk taking by adolescents.²¹

The most effective approach ...

...would be to reduce the likelihood of a child or young person ever developing anti-social or offending behaviour patterns by:

- supporting families who are struggling
- providing parents with support and parenting programs from the early years into adolescence
- supporting the development of good oral language and social skills
- responding more appropriately where young people are the victims of abuse and neglect.

For those already in the system, providing therapeutic support, developing life skills and receiving an education will be most effective.

The least effective approach...

... is to put them into a youth detention centre:

Detention acts as a corrupting influence on these children, many of whom go on to re-offend. NSW Attorney General, Greg Smith: 28 Feb 2013

...or a military style boot camp as these have been clearly shown to have no long term effects on repeat offending:

The traditional boot camp for young offenders was arguably the least successful sentence in the Western world – it made them fitter, faster, but they were still burglars, just harder to catch. Judge Andrew Becroft, New Zealand, 2009.

References

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- ⁵ AIC (2011) *What makes juvenile offenders different from adult offenders* Trends and Issues in crime and criminal justice No 409 (AIC (2011))
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- ⁸ Solonec, T., and W., YOUNG. 2011. *Epidemic incarceration and justice reinvestment : it's time for change.* INDIGENOUS LAW BULLETIN; 7 (26): 15-21.
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- ¹¹ AIHW (2011)
- ¹² Commission for Children and Young People *Views of young people in detention 2011*
- ¹³ <http://www.rightoncrime.com/priority-issues/juvenile-justice/>
- ¹⁴ AIC (2012) *Youth (in)justice: oral language competence in early life and risk for engagement in anti-social behaviour in adolescence* Trends and Issues in crime and criminal justice No 435 (AIC 2012 No 435)
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- ¹⁶ AIC (2011)
- ¹⁷ AIC (2012) No 435
- ¹⁸ <http://www.griffith.edu.au/criminology-law/key-centre-ethics-law-justice-governance/research/prevention-developmental-pathways/the-pathways-to-prevention-project>
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- ²¹ Australian Institute of Family Studies (AIFS) (2011) *What works with Adolescents – family connections and involvement in interventions for adolescent problem behaviour* Family Matters No.88

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