

**RECIDIVISM OF JUVENILE OFFENDERS
IN NEW SOUTH WALES**

By

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1996

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The views expressed in this paper are purely the views of the author. They do not necessarily represent any official views of the Department of Juvenile Justice, nor are they necessarily shared by members of the staff of the Department of Juvenile Justice.

Cautionary Note on the Use of Statistics

The statistics in this report provide a quantitative description of the variables and factors under analysis. While statistical analyses of this kind are important, the complexity of the sentencing process should be recognised. Sentencing decisions are the result of a careful consideration of relevant factors relating to the offence and the offender. Therefore, caution should be exercised in drawing firm conclusions from statistical findings which relate to the sentencing process.

The results of this study are based on a statistical examination of a number of quantifiable variables. However, particular findings may be explained by factors outside the scope of this study.

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Summary of Major Findings

This study examined a total of 52,935 juvenile offenders who appeared before the NSW Children's Court in the nine year period from January 1986 to December 1994. In brief, the major findings of this study of juvenile recidivism are:

1. Juvenile recidivism is not a problem of epidemic proportions. Seven out of every 10 juvenile offenders did not re-appear before the Court on a second proven criminal matter. That is, the majority of juvenile offenders apparently desisted from criminal activity after their first proven criminal appearance.
2. Of the 30% of juvenile offenders who did re-offend, around half returned to Court only once.
3. Very few juveniles become persistent or chronic offenders. However, a small number of persistent offenders are responsible for a disproportionately large number of proven criminal appearances. For example, 9% of juvenile offenders were responsible for 31% of all proven appearances.
4. Persistence in juvenile crime is marked by progressively shorter periods to the next offence. The median interval between first and second criminal appearance was seven months: by the fifth criminal appearance the median interval was only four months.
5. Forty percent of juvenile recidivists were in the juvenile justice system for less than one year before either desisting from further offending or ageing out of the system.
6. The majority (86%) of offences for which juveniles appear before the NSW Children's Court are *non violent* crimes, such as break & enter offences, motor vehicle thefts, stealing, and offences against public order.
7. Escalation to more serious and violent crimes is *not* typical of juvenile recidivism. Only 10% of juveniles who did re-offend, graduated from a non violent offence to an offence against the person. In most cases, the offence related to a less rather than a more serious form of assault (eg common assault).
8. Juvenile recidivists tend to continue with theft or property offences, or gravitate to such offences from an initial violent offence.
9. The penalty a juvenile receives at first court appearance is associated with future recidivism and, therefore, is most useful as a factor for predicting juvenile re-offending. Higher order penalties, such as custodial orders, Community Service Orders and supervised recognizance and probation orders, are associated with higher levels of juvenile re-offending, as are fines.
10. Despite "tougher" penalties being associated with higher levels of re-offending, this relationship should *not* be seen as evidence that custody and other structured orders *cause* juveniles to re-offend or, for that matter, that they contribute to the risk of juvenile offenders re-offending. Nonetheless, one cannot totally discount the possibility that such orders further criminalize juvenile first offenders, say, by contamination through their association with other known offenders.

11. The penalty a juvenile offender first receives certainly reflects the seriousness of the initial offence committed. It may be argued, however, that penalty is also a proxy for others, unidentified correlates of recidivism. The Court is likely to hand down a more severe penalty, including ordering supervision, to a first offender who, for a variety of reasons, is considered at increased risk of returning to crime, or is seen as having features indicative of a high criminal propensity. The value of the court disposition for predicting further juvenile offending is not lessened because the “real” causes of recidivism remain largely unknown.
12. Aside from the penalty first received by a juvenile offender, a number of other factors are statistically associated with juvenile recidivism. The offender’s gender, age at first appearance and place of residence, the initial offence committed and the type of Court determining the criminal matter, are all factors which have predictive utility for identifying which juvenile first offenders are likely to re-offend and which are not.
13. In combination these factors form a model for estimating recidivism risk. This model may be used by juvenile justice authorities to target for specialist intervention those juvenile offenders who at first court appearance are identified as being at increased risk of re-offending. Programs and valuable resources can then be geared to juveniles considered as being most at risk of re-offending.
14. The further value of a model that predicts which juveniles are at greatest risk of re-offending is that it also identifies the majority of juvenile first offenders who are unlikely to re-offend. The preferred strategy for these juveniles, as suggested by the findings of this study, may well be to “do nothing”. That is, for the Courts to caution and dismiss such juveniles or, at very most, give them an unsupervised community based order. The more structured (and costly) interventions may thus be more profitable directed to the known recidivist offender and those juveniles identified at greater risk re-offending.
15. Preventing “high risk” juvenile offenders from further offending or, at very least, reducing the level, rate or seriousness of their re-offending will have immense social and economic benefits for the people and communities of NSW.

EXECUTIVE SUMMARY

Given the prominence of public and political interest in juvenile crime, it is surprising that more research into juvenile recidivism has not been undertaken in New South Wales. The most recent detailed analysis of juvenile offending and re-offending is the NSW Bureau of Crime Statistics and Research's report entitled "*Juvenile Offending: Predicting Persistence and Determining the Cost-Effectiveness of Intervention*" (Coumarelos 1994). The principal focus of the Bureau's study was the frequency of juvenile recidivism and the cost effectiveness of interventions designed to reduce the likelihood of re-offending.

The present report has as its focus the identification of factors which affect the likelihood and level of re-offending among juvenile offenders. It does this by examining patterns of re-offending for 52,935 juveniles who appeared before the Children's Court between January 1986 and December 1994. Desistence and persistence in *juvenile* crime are examined in the context of a number of explanatory variables, including sex, age at first appearance, place of residence, offence, court type and court-ordered outcome.

The database used in this study, which is based on court appearance records, unfortunately did not contain certain factors which previous studies have identified as being pertinent to an understanding of juvenile offending. For example, the literature on the social ecology of crime demonstrates that there are links between criminal activity and the personal and environmental characteristics of offenders. These factors include socio-economic status, Aboriginality, family background, parents' marital status, education level, the presence of learning disabilities and behaviour disorders, employment status and employability, and alcohol and other drug use. Such factors are not recorded by the Court and thus were not available for analysis in this study. The available data also did not permit the tracking of juvenile offenders into the adult criminal justice system.

Despite these limitations, this study presents a number of findings that clarify an understanding of juvenile offending and juvenile recidivism. Firstly, the present study confirms the Bureau's finding that seven out of every ten juvenile offenders make one, and only one, appearance in the courts before apparently desisting from further offending. This finding is somewhat at odds with media portrayals and public perceptions of juvenile crime as being characterised by widespread and rampant recidivism.

What is clear is that a relatively small number of juvenile offenders are responsible for a large number of offences. For example, 5.8% of juvenile offenders in this study were responsible for 23.5% of proven Children's Court criminal appearances in the nine-year period from 1986 to 1994. Clearly, intervention strategies aimed at reducing re-offending would benefit from the early identification of this group of persistent, repeat offenders.

The majority (56%) of juvenile recidivists have "criminal careers" which span no more than 18 months. However, 15% of juvenile offenders have criminal careers which last longer than three years. An extended juvenile criminal career marks an early entry into the system. It also gives indication of the extent to which juveniles who offend early in their teenage years are likely to continue to trouble the juvenile justice system.

The younger an individual is at first proven appearance, the greater the likelihood of re-offending as a juvenile. The probability of an offender who is younger than 15 years at first appearance re-offending is greater than 50%. Consequently, the initial court appearance of an offender below the age of 15 years should immediately alert authorities to marshal resources and strategies geared toward the diversion of such young people from further involvement in the system. Such interventions, if they are to be effective, should without

doubt address the broader social environment of the juvenile, including his or her family, school and peer life.

This report presents numerous other findings. These include:

- males are more likely to re-offend than females;
- juveniles who initially engage in motor vehicle theft, break & enter, non-grievous assault or robbery are relatively more likely to re-offend; and,
- juveniles first convicted of a sexual or drug offence are *not* likely to reappear before the Children's Court.

With little doubt, one of the more interesting finding is the identified link between re-offending and the initial penalty received by a juvenile offender. Despite its importance in criminological theory, the type of penalty *first* received by a juvenile offender has rarely been investigated as a factor affecting the likelihood of further offending. Proponents of deterrence theory, for example, would argue that the punitive experience of incarceration deters offenders from further offending. But do tougher penalties actually affect desistence from offending again?

This study shows that a strong relationship exists between sterner punishments and higher levels of re-offending. For each step up the sentencing ladder, there is a corresponding jump in the level of re-offending of juvenile offenders given such orders. Notably, this relationship exists *even* when differences in the nature of the offence committed and other factors associated with recidivism are accounted for, either statistically, or by comparing matched groups of juvenile offenders.

Numerous reasons may be posited for the link between higher penalties and increased levels of juvenile re-offending. Firstly, sanction type may be a proxy for certain offender characteristics which are independently associated with juvenile recidivism. Choice of a harsher penalty may reflect *early* recognition by judicial officer of factors or characteristics which place certain juvenile first offenders at increased risk of re-offending.

Other explanations implicate the workings of psychosocial processes which act to increase the social deviance that such punishments are meant to eliminate. Labelling, stigmatisation, contamination, procriminal role modelling and criminal networking may be the unintended consequences of a custodial sentence or other structured penalty. Tougher penalties increase the likelihood of exposing young and impressionable juveniles to more serious and entrenched offenders. In effect, this exposure may be amplifying the very deviance that such orders are meant to correct.

Fortunately, there is clear evidence to suggest that judicial officers impose custodial orders and CSO's selectively, that is, such orders are reserved for the more serious juvenile offender. This is particularly true for *first* offenders. Only 1.3% of first offenders before the Children's Court received custodial sentences, and only 1.6% of first offenders received Community Services Orders. Given the potential criminalizing effects of these higher order penalties, such discretion is laudable.

Almost eight percent (79.3%) of first offenders given a custodial sentence were found to have re-offended as a juvenile. This may be not totally unexpected given that custodial sentences are only handed down to the most serious of offenders. Similarly, as Community Services are normally reserved for offenders whose crimes only just fall short of attracting a custodial sentence, the characteristics and circumstances of the group of offenders selected

for community service work may also be detrimental to the prospects of a low rate of re-offending being achieved.

There is a pattern to the timing of subsequent offences for juvenile offenders. As a rule, as offending recurs, the average interval between offences becomes progressively shorter. Between the first and the second proven criminal appearance, for instance, the median interval is just seven months; by the fifth proven offence, it is only four months. One may predict that if a first offender is going to re-offend, the second offence will occur within six months of the initial court appearance. In fact, re-offending “peaks” at around three months after the initial appearance; indicating a critical period for juvenile justice workers to attempt diversion from further involvement in the criminal justice system.

It would appear that participation in structured, supervised programs appears to have little effect in delaying further offending. For juveniles first placed on custodial orders, CSO's, and supervised orders, re-offending typically occurred within the first four months of the order being made, that is, generally, while the order was still being served. It should be recognised, however, that orders which expose juveniles to the surveillance, supervision and scrutiny of juvenile justice authorities may be subjecting these individuals to more vigorous justice processing. This may inadvertently contribute to the accumulation of more extensive criminal records. In most instances, however, it is not possible to separate what may be the effects of increased detection of offending resulting from structured supervision from any potentially criminalizing effects of corrective or rehabilitative programs.

Recidivism does not mean an automatic escalation in offence seriousness. The initial crimes of the majority (87.7%) of juvenile offenders are non-violent offences, that is, property or good order offences. Furthermore, fewer than 40% of juvenile recidivists had a subsequent offence more serious than their first proven offence. This is contrary to the popular view of juvenile repeat offenders as becoming progressively more serious and violent in their offending.

Juvenile recidivists tend to either “specialize” in theft crimes during their juvenile criminal careers, or step down to such offences from an initial person offence. In some respects, theft and property offences may be considered “normal” or “typical” crimes for juvenile offenders. These are also the offences to which juvenile recidivists progressively shift. More could be said of the opportunistic and non-confrontational nature of these crimes. It would also suggest that more could be done in terms of reducing the physical opportunity for juveniles to engage in such activities, say, by further improvements in home protection, car and shop security, and by removing the resale opportunities associated with the disposal of stolen goods.

Even those juvenile offenders who did escalate to more “serious” crimes, generally, moved from good order offences and minor theft offences to break and enters and motor vehicle thefts. Only ten percent of all juvenile offenders who did escalate in their offending moved to an offence against the person. Of these, just one in four moved to a serious person offence, such as an armed robbery or grievous assault.

Finally, the study sought to develop a model for predicting juvenile recidivism. The model included sex, age at first appearance, place of residence, offence, outcome and type of court as predictive variables, and was able to correctly classify 72% of juvenile first offenders in terms of whether or not they subsequently re-offend. The model was particularly accurate (over 90%) in predicting which juvenile first offenders would *not* re-offend.

The predictive model allows one to estimate the likelihood of re-offending for a first time juvenile offender given limited demographic and justice information. There is predictive utility in a model which identifies that a 14 year old boy from Sydney's western suburbs who

is given a custodial sentence for a first time assault has a 65% probability of re-offending; or that a girl from the south coast of NSW given an unsupervised recognizance for a first time drug offence has only a 19% chance of offending again.

As Dr Weatherburn of the NSW Bureau of Crime Statistics and Research commented in editing an earlier version of this report:

the value of (the) model is that it takes a group of measurable factors and shows how they may be combined to predict who will and who will not be reconvicted. It could therefore be used to great effect in determining who should be the target of a program designed to reduce recidivism ... (it demonstrates) how one can identify at the first court appearance who is likely to become a recidivist offender.

(Personal correspondence, 11 April 1996)

The main issue with this, as with all, predictive models is the danger of misclassification. For example, identifying a juvenile first offender as a likely recidivist when, because of other (unknown) factors, he/she is actually low risk. Given the possible dangers of labelling and stigmatisation highlighted earlier, the application of the predictive model outlined in this report for the purposed of targeting "at risk" juveniles for early intervention or rehabilitative programming must be approached with caution and sensitivity.

Nonetheless, selectively targeting "high risk" juvenile first offenders for intensive intervention may be a means for better utilising the limited juvenile justice resources available. It may also be the means for reducing juvenile crime and, in particular, decreasing the level of juvenile re-offending.

1. INTRODUCTION

1.1 Background

Young people are constantly portrayed as being in conflict with society – with its values, its morals, and its laws. In many ways, the term “youth sub-culture’ is just a euphemism for the youth “problems” of lawlessness and delinquency. Furthermore, one rarely hears of a decrease in juvenile crime. Apparently, each generation of youth becomes increasingly more criminal than the last – although the reality of this impression is not borne by official statistics (see NSW Department of Juvenile Justice, *Information Package, 1994/95*). Certainly, it is rare for a day to pass without some article, if not a major feature, on juvenile crime appearing in the press. The following two headline banners are indicative of the sensationalism common to media portrayals of juvenile crime:

“Criminal life a magnet to Asian youth”

(*Daily Telegraph Mirror*, July 12, 1995, p.7)

“Town in fear of youth thugs”

(*Daily Telegraph Mirror*, July 20, 1995, p.9)

The image of juvenile crime painted by the media has a profound effect on public perceptions and fears. The threat of violence, vandalism and property theft committed by drug-crazed youth hangs who roam the streets ready to pounce on innocent members of the community sounds unreasonable only to those able to discount the media hyperbole. The toughening of “law and order” policies, including police clamp-downs on “street crime” which regularly target young people show that the above image of young people as predatory offenders is all too real to many members of the community and to their local members of parliament.

From the early 1980s the pendulum of change has swung from a welfare model of juvenile justice based on the “needs” of the young *person* to a justice model based on the “deeds” of the young *offender*. The main emphasis of the strict justice model is on due process and punishment, with accompanying notions of deterrence and retribution, rather than rehabilitation, being the principal foci. In supplanting the welfare model, the justice model has brought with it a sentencing regime that treats children as harshly as adults.

As evidence of this new, more harsher regime, two examples of recent policy and legislative initiatives highlights this attitudinal change towards tougher and more adult-like treatment of juvenile offenders.

Firstly, the *NSW Sentencing Act* removed the generous remissions juvenile offenders enjoyed prior to September 1989. Introduced under the banner of “truth in sentencing”, the net effect of the *Sentencing Act* was a one-third increase in the time that juvenile offenders actually spent in custody. This arose because the *Sentencing Act* not only abolished all remissions but legislated that custodial sentences totalling six months or less could *not* contain a parole period. Cain and Luke (1990) found, that as over 80% of incarcerated juvenile offender received custodial terms of six months or less, most juveniles were ineligible for post-release supervision under the *Sentencing Act*. Clearly, the Act was developed without sufficient regard for juvenile offenders. It also contributed substantially both to the longer terms served by juvenile detainees and the consistently high numbers of juveniles serving time in custody.

Secondly, the *NSW White Paper on Juvenile Justice*, launched in November 1994, announced several reforms to the juvenile justice system under the guise of progressive diversionary measures. The White Paper was endorsed by both the State Government and Opposition of the day. It has continued to receive support from the current NSW Labour Government after a change of Government in March 1995. In a mixed message, the White Paper announced that:

Punishments must fit the crime, but we also must help young people make a new start. Reparation is central to the sentencing policy. Every effort is made to guarantee young offenders make a real contribution to the community.

“Getting tough” on juvenile offenders is a political response to media and public perceptions of a rampant, widespread and increasingly serious nature of juvenile crime. It is also a response to the perceived failing of the juvenile justice system and its rehabilitative programs. That the population of juvenile offenders is *not* homogeneous and that no single rehabilitative program should be expected to work for *all* offenders (Sechrest, White and Brown, 1979) are two issues that largely have been ignored by government and policy makers.

The recent findings of a NSW Bureau of Crime Statistics and Research report (Coumarelos, 1994) have also been ignored. This report identified, inter alia, that “the vast majority of young offenders brought to court have only one ‘brush’ with the law before apparently desisting from further offending (page iii)”. It also found that few juveniles tended to specialize in offences against the person (the so-called “violent offences”) and that chronic offending is restricted to a relatively very small percentage of individuals.

There has been surprisingly little other research into juvenile recidivism in NSW. This report attempts to redress this deficiency by examining the characteristics and offending patterns of the majority of juvenile offenders who appeared before the NSW Children’s Court over a nine-year period from 1986 to 1994. This report also forwards a model for predicting juvenile recidivism after first proven court appearance. The utility of this model is that it permits valuable and limited resources to be targeted to those juvenile offenders identified as being at greater risk of re-offending.

1.1 Organisation of the Report

This report is presented in two parts. Part I provides information on the characteristics of juveniles who were found guilty of criminal offences in the Children’s Court during the nine year period from January 1986 to December 1994. Information is presented on the sample of juvenile offenders, including their age at first court appearance, sex, number of proven criminal appearances, duration of juvenile criminal career, type of offence at each proven appearance, and associated court outcomes.

In order to facilitate comparisons, the information in Part I is presented in a form which parallels the results section of the NSW Bureau of Crime Statistics and Research (BOCSAR) study “*Juvenile Offending: Predicting Persistence and Determining the Cost-Effectiveness of Intervention*” (Coumarelos 1994). Certainly, this study deals with similar issues and with a comparable sample. However, in considering a more recent time period, the present study also permits a treatment of identified differences between the two samples, differences which may suggest changes in the nature or frequency of juvenile offending over time.

Part II examines the general features of juvenile recidivism. In particular, the demographic characteristics and criminal histories of juvenile re-offenders are examined and comparisons are made with the non-recidivist group. Part II also provides information on the pattern and

latency of re-offending, the nature of subsequent offences, persistence and graduation in juvenile crime, and the effect that community supervision, incarceration and other sanctions have on re-offending levels. Finally, the findings made in Part II are used to develop a model for predicting juvenile recidivism. This model can be used to estimate the likelihood that a juvenile first offender will offend again. Consequently, it allows juvenile justice administrators to selectively direct valuable resources to those individuals identified as being at greater risk of returning to crime.

2. METHODOLOGY

2.1 The Nature of the Data

The data used in this report were extracted from the Department of Juvenile Justice's Children's Court Information System (CCIS). The CCIS is a computer based criminal record system which records details of each finalised appearance in the New South Wales Children's Court since 1982. This information is obtained from forms completed by clerical staff in most specialist Children's Courts and by the Clerk of the Court elsewhere.

In this report, the basic unit of study is the finalised criminal appearance. This defined as any appearance at which one or more criminal matters are finalised by the Children's Court. For example, a juvenile pleads guilty to a charge of one count of break and enter and not guilty to a charge of resist arrest. If the first matter is dealt with immediately, and the second matter is stood over to another date, then the juvenile will appear twice in the data. The offences recorded on the CCIS and extracted for the purpose of this study are the most serious offence for each finalised appearance. Likewise, outcomes recorded on the CCIS are the most serious penalty handed down at each finalised appearance.

A criminal appearance in the Children's Court is considered finalised when:

- (i) there is a determination of innocence resulting in the accused being acquitted and the matter dismissed;
- (ii) there is a determination of guilt and a sentence is handed down in relation to any proven criminal matter;
- (iii) the nature or seriousness of the offence warrants a penalty which the Children's Court cannot impose because of its limited jurisdiction. In such cases, the matter is finalised by way of a committal hearing to a higher court.

The data presented in this report are criminal appearances finalised in the Children's Court during the period from 1 January 1986 to 31 December 1994. Each record contains the following information:

- the juvenile's unique identifying code;
- the juvenile's sex;
- the juvenile's place of residence (and postcode and local government area);
- the juvenile's date of birth;
- the date of arrest;
- the final appearance date;
- the sentencing court;
- the principal offence for the finalised appearance (defined as the offence which received the most serious penalty or, if the same penalty, the lower draft Australian National Classification of Offence code);
- the outcome/penalty for the offence;

- the severity of the outcome, specified in terms of months duration for custodial sentences and probation/recognition orders, hours for community service orders and dollars for fines;
- the juvenile's bail status;
 - following arrest;
 - immediately prior to finalisation of the matter;
- The juvenile's prior criminal history detailing;
 - number of previous "proven" appearances (welfare and criminal)
 - number of previous community service orders
 - most serious prior proven offence
 - most serious prior outcome

The above details allows the creation of a number of additional variables:

- The juvenile's age at time of each finalised appearance
- The juvenile's age at the time of their last finalised appearance during the study period
- The juvenile's age at the end of the study period
- Number of proven criminal appearances;
- Time between each pair of proven criminal appearances.

2.2 Description of the Sample

The study examines those records for juvenile offenders who met the following conditions:

- (i) They were *first* convicted of a criminal offence in the Children's Court on or after 1 January 1986; and,
- (ii) They had reached the age of 18 year by the end of 1994.

Expressed another way, the study captures all juvenile offenders who had commenced *and* effectively ended their *juvenile* criminal careers within the study period.

These selection processes resulted in a final sample of 91,230 records relating to the proven appearances of 52,935 individual juveniles, of whom 43,331 (81.9%) were male and 9,604 (18.1%) were female. It should be noted that these data are far larger, more detailed, more representative, and more timely than is usual in criminal justice research.

Within the final sample, 36,723 records pertain to juveniles who had one and only one proven appearance; that is that number of non-recidivist juvenile offenders. The remaining 54,507 records refer to the first and subsequent proven appearances of 16,212 recidivist offenders.

The terms "desisters" and "persisters" are used interchangeably throughout this report for the non-recidivist and recidivist groups, respectively.

PART 1 – CHARACTERISTICS OF THE 1986-1994 SAMPLE

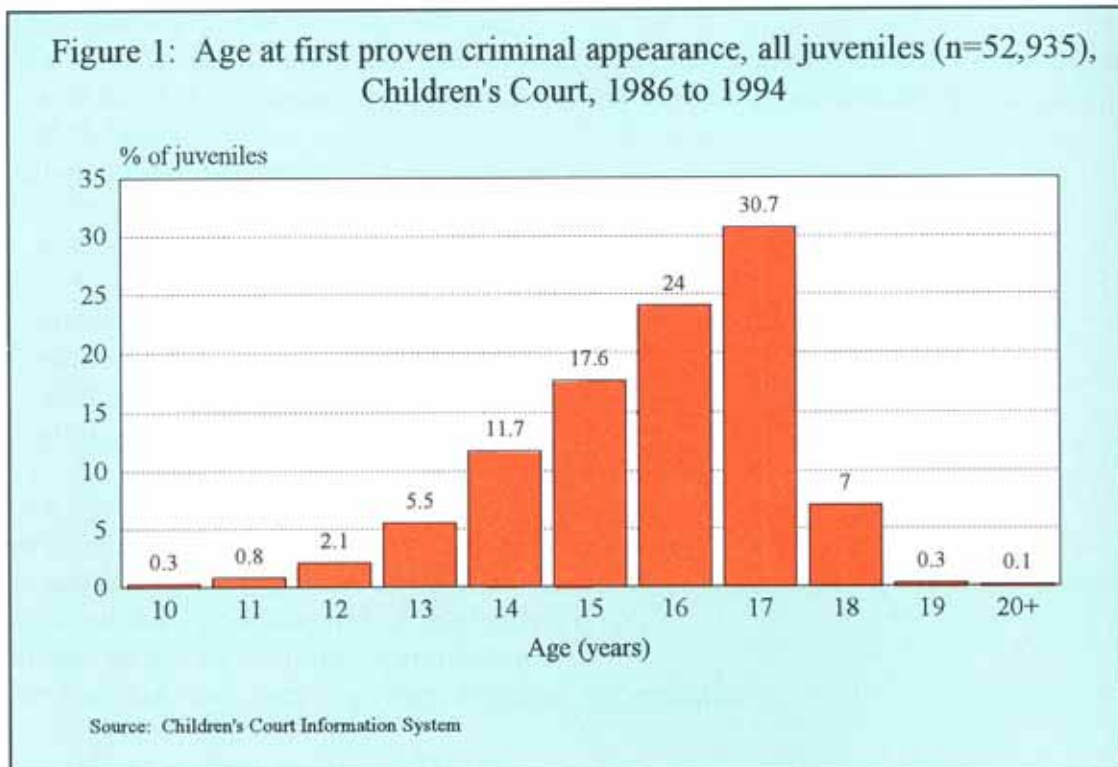
This part of the report provides information on the characteristics of all juvenile offenders whose first proven criminal appearance was between 1 January 1986 and 31 December 1994. Identified similarities and differences between this sample of juvenile offenders and BOCSAR’s study which sampled all juveniles whose first proven appearance occurred between January 1982 and December 1986.

3. RESULTS

3.1 Age at first proven criminal appearance

Figure 1 presents the ages of juveniles in this sample at the time of their first proven criminal appearance. The mean age of juveniles at the time of their first proven criminal appearance is 16.25 years (sd = 1.5 years). This is 0.25 years or 3 months higher than the mean age of juvenile offenders in BOCSAR’s sample. The difference in average age between the two samples appears largely to reflect two substantial changes over time in the age profile of juvenile offenders:

- (i) An increase of around four percent (from 68.4% to 72.3%) in the proportion of juvenile offenders aged between 15 and 18 years at the time of their first proven appearance; and,
- (ii) A decrease of around five percent (from 25.5% to 20.4%) in the proportion of juvenile offenders under 15 years of age at time of first proven appearance.



3.2 Number of proven criminal appearances

In this study, 69.4% (or 36,723) of the 52,935 juvenile offenders were found to have only one proven criminal appearance (CA). Similarly, BOCSAR's study identified that 69.7% of juvenile offenders "had a single 'brush' with the Children's Court in that they had only one proven criminal appearance and no subsequent appearances (proven or unproven)" (Coumarelos 1994, p.6).

Together the two studies have captured the majority of juvenile offenders who appeared in the Children's Court in the thirteen-year period from 1982 to 1994 (see **table one**).¹ In total, 86,835 juveniles (BOCSAR: 23,614; DJJ: 36,723) were *not* convicted of a subsequent offence up to their eighteen birthday. Although subsequent adult offending is not explored, this finding suggests that the majority of juveniles stop offending after their first proven criminal appearance. This is contrary to the popular public perceptions and media representations of an endemic and persistent nature to juvenile crime.

	Desisters	Persisters	All offenders
BOCSAR study (1st Court Appearance: 1982 to 1986)	23614 (69.7%)	10286 (30.3%)	33900 (100.0%)
Present (DJJ) study (1st Court Appearance: 1986 to 1994)	36723 (69.4%)	16212 (30.6%)	52935 (100.0%)
Total (1982 to 1994)	60337 (69.5%)	26498 (30.5%)	86835 (100.0%)

Juveniles who reappear in the Children's Court on a proven criminal matter, are a minority. Only 30.5% of juvenile offender in the thirteen-year period examined were identified as having re-appeared. Furthermore, the proportion of *proven* recidivists is certain to be slightly over-estimated given that BOCSAR's study considered all reappearances, proven or otherwise, and thus a proportion of "persisters" would have been acquitted in relation to the alleged offences for which they had re-appeared.

Table two presents the number of *proven* criminal appearances for juveniles before the Children's Court from January 1986 to December 1994. There are strong similarities between the present data and those presented in BOCSAR's study (Coumarelos 1994: 7).²

¹ The two studies (Coumarelos 1994 and Cain 1996) both examined juveniles who first appeared before the Children's Court in 1986. The number of individuals that may have been counted twice in this table is 5,806 of which there were 4,090 desisters (70.4%) and 1,716 persisters (29.6%). The true number of juvenile offenders surveyed by combining both studies is estimated at 81,029, which is made up of 56,247 desisters (69.4%) and 24,782 persisters (30.6%).

² Data contained in this table differ in two ways from the data presented in table 1 of BOCSAR's report (Coumarelos 1994). First, BOCSAR's study examined all first proven appearances and subsequent appearances, whether proven or not. This study considered only *proven* criminal appearances. Secondly, BOCSAR's study included a relatively small number of appearances (0.25%), which had welfare outcomes listed for criminal matters. Such cases have been removed from this study.

Table 2: Number of proven criminal appearances (CAs) per juvenile offender, Children's Court, 1986 to 1994

No. of proven CAs	No. of juveniles	% of juveniles	Cum. no. of juveniles	Cum. % of juveniles	% juveniles remaining	Cum. no. of CAs	Cum. % of CAs	% CAs remaining
1	36723	69.4	36723	69.4	30.6	36723	40.2	59.8
2	8025	15.2	44748	84.5	15.5	52773	57.8	42.2
3	3356	6.3	48104	90.9	9.1	62841	68.9	31.1
4	1743	3.3	49847	94.2	5.8	69813	76.5	23.5
5	1081	2.0	50928	96.2	3.8	75218	82.4	17.6
6	723	1.4	51651	97.6	2.4	79556	87.2	12.8
7	431	0.8	52082	98.4	1.6	82573	90.5	9.5
8	276	0.5	52358	98.9	1.1	84781	92.9	7.1
9	188	0.4	52546	99.3	0.7	86473	94.8	5.2
10	130	0.2	52676	99.5	0.5	87773	96.2	3.8
11	85	0.2	52761	99.7	0.3	88708	97.2	2.8
12	45	0.1	52806	99.8	0.2	89248	97.8	2.2
13	35	0.1	52841	99.8	0.2	89703	98.3	1.7
14	33	0.1	52874	99.9	0.1	90165	98.8	1.2
15-19	53	0.1	52927	100.0	0.0	91048	99.8	0.2
20-24	6	0.0	52933	100.0	0.0	91177	99.9	0.1
25-28	2	0.0	52935	100.0	0.0	91230	100.0	0.0

The majority of juvenile offenders (69.4%) in the 1986-1994 sample did not have a subsequent proven appearance recorded after their first proven criminal appearance in the Children's Court. A further 15.2% of juvenile offenders had two proven criminal appearances, and 6.3% of juvenile offenders had three proven criminal appearances. In total, 90.9% of juvenile offenders had fewer than four proven criminal appearances. There was an average of 1.7 proven criminal appearances per juvenile in this sample.

As identified by Coumarelos (1994) and reported in other studies of recidivism (e.g. Nagin and Paternoster, 1991; Broadhurst and Loh, 1992), a disproportionately large percentage of criminal appearances are accounted for by a small number of individuals. For *proven* criminal appearances in the Children's Court, this finding also holds true. In the nine-year period from January 1986 to December 1994, the level of recidivism of a small group of juvenile offenders is most notable. For instance, table two shows that:

- 9.1% of juvenile offenders were responsible for 31.1% of all proven criminal appearances;
- 5.8% of juvenile offenders were responsible for 23.5% of all proven appearances;
- 1.6% of juvenile offenders were responsible for almost ten percent (9.5%) of proven appearances.

To indicate the extent to which this small number of recidivist individuals substantially drain court and justice resources in relation to the third statistic listed above, 853 recidivist juveniles were responsible for 8,657 *proven* criminal appearances in the nine year period from 1986 to the end of 1994.

3.3 Children's Court career duration

Generally speaking, the criminal careers of the juvenile offenders sampled, as measured by their recorded court appearances, appears to be very short. Almost seventy percent of proven juvenile offenders, by their eighteenth birthday, had never returned to the Children's Court or, if they returned, had not been found guilty of a further criminal matter. It is possible to assume, then, that for many individuals who do offend, their juvenile criminal career effectively ends with the finalisation of their first and only proven Children's Court appearance. The reality of such an assumption, however, is questionable given that an unknown percentage of juvenile offences remain undetected and, thus, not recorded in official statistics.

The mean duration between first and last proven criminal appearance for all juvenile offenders is approximately six months (mean=0.49 years, sd=1.0 years).

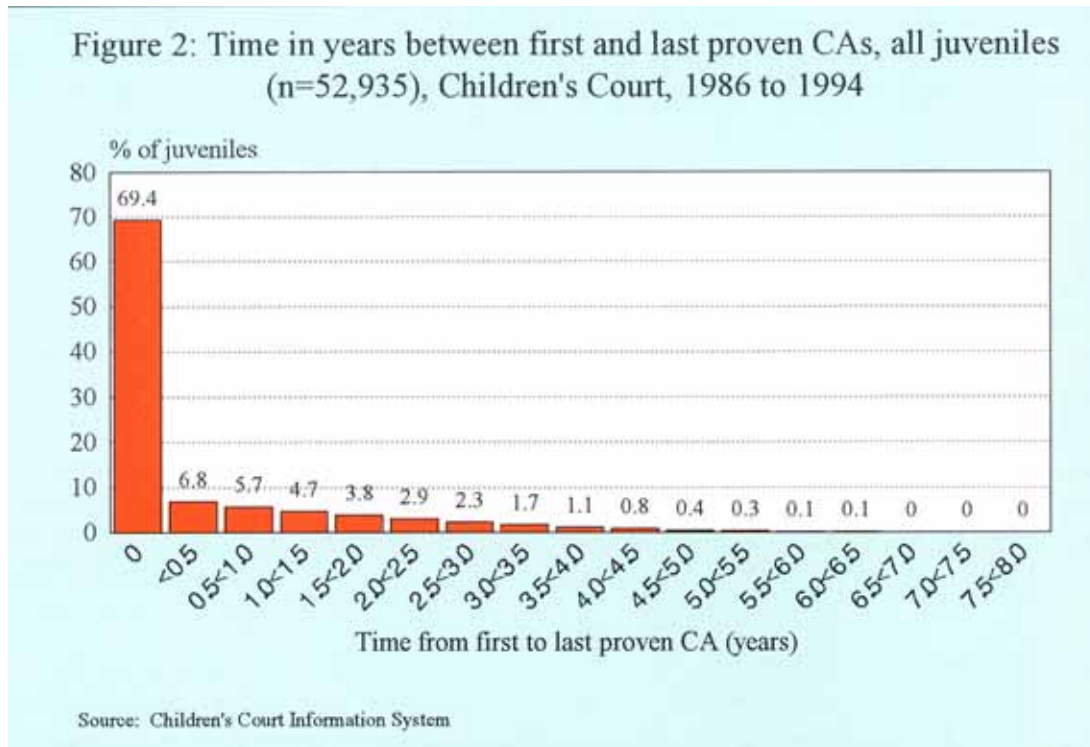
Considering only those juveniles who were actually found guilty in relation to a subsequent criminal matter, the mean criminal career lasts approximately 19 months (mean=1.6 years, sd=1.3 years). That is juvenile recidivists have a criminal career in the Children's Court which, on average, lasts a little over one and a half years.

Figure two presents the time in years between the first proven criminal appearance and the last proven criminal appearance. The majority of juvenile offenders in this sample had criminal careers of less than 12 months duration, which is consistent with the finding reported by BOCSAR.

Four out of every five (81.9%) juvenile offenders had their last proven appearance in the Children's Court within 12 months of their first proven appearance. It should be noted, however, that this figure includes those juveniles who has just a single proven criminal

appearance. (Section four contains a frequency distribution of the criminal career durations of the 16,212 recidivist juvenile offenders only).

Less than ten percent (9.7%) of the present sample of juvenile offenders had criminal careers of two or more years. Less than five percent (4.5%) had a criminal career lasting three years or longer. It should be noted however, that over 30% of juvenile offender first appeared at 17 year of age (or older).



3.4 Type of offence at each proven criminal appearance

As each criminal appearance may deal with one or more counts of one or more offences, information presented on the nature of the offence relates solely to the “most serious” offence dealt with and proven at each criminal appearance. In simple terms, the “most serious” offence is regarded as the proven offence for which the juvenile received the most serious outcome.³

Table three shows the most serious offence recorded at each of the 91,230 proven criminal appearances. Offences are presented in this table in terms of offences against the person first, followed by non-violent and property offences.

Violent offences make up only a small proportion of proven offences committed by juveniles. In total, only 13.9% of proven appearances by juveniles involved a most serious offence involving violence against another person. In fact, half of all violent offences recorded as the most serious offence for juveniles involved the less serious forms of assault, which are normally referred to as “common assaults”. Homicides and sexual offences together made up less than one percent of most serious offences at all proven criminal appearances, while robberies made up only 1.5% of proven appearances.

³ For a more detailed explanation of the terms, “most serious offence” and “most serious outcome” see Coumarelos (1994: 36, footnote 11). As this study dealt solely with proven criminal appearances, unproven offences are not included in Table three of this report. The corresponding table in BOCSAR’s report (table two) did include the “most serious offence” recorded for some unproven appearances. These are, in fact, unproven or dismissed charges.

The most serious offence for the majority (86.1%) of proven criminal appearances was a non-violent, property or good order offence. In fact, there were only a small number of offence types that each represented more than ten percent of the total number of proven appearances. These were stealing/theft (18.5%), break and enter (15.7%), motor vehicle theft (11.0%), and offences against good order (14.5%). Within the categories of stealing/theft and good order offences, shoplifting and offensive language/behaviour figure prominently, representing 6.1% and 5.4% of all proven appearances, respectively.

Overall, theft offences, including receiving and possessing stolen goods, were recorded as the most serious proven offence in half (49.8%) of all proven criminal appearances. Drug offences were the most serious in less than five percent (4.6%) of all proven appearances in the Children's Court.

The pattern of proven juvenile offending identified in this report is consistent with other research on the nature of juvenile crime. The prominence of theft and property offences for juvenile offenders is well documented (Mukherjee, 1986; Broadhurst and Ferrante, 1993; Coumarelos, 1994; Zibert and Cain, 1993 & 1994; Salmelianen, 1995). In NSW, the proclivity of juveniles towards committing theft offences has been identified for different groups of juvenile offenders, including Anglo-Australians (Cain, 1994 & 1995), Aborigines (Cunneen and Luke, 1994; Cain 1994 & 1995) and young women (Cain, 1994 & 1995).

3.5 Children's Court outcomes for proven criminal appearances

At each finalised criminal appearance, the Children's Court makes a determination of the appropriate outcome for each proven matter. The information presented in this section refers to the outcome handed down by the Court for the "most serious" proven offence at each criminal appearance (refer to 3.1.6).

Division 4 of the *Children (Criminal Proceedings) Act 1987* lists the penalties which the Children's Court has jurisdiction to impose should it find a person guilty of an offence. Section 33 (1) provides a sentencing ladder or hierarchy of penalties. In short, in ascending order of severity, the penalties available to the Children's Court are:

- (a) A dismissal, with or without caution;
- (b) A recognizance, with or without supervision, not exceeding two years;
- (c) A fine up to \$500;
- (d) A recognizance *and* a fine;
- (e) A probation, with or without supervision, not exceeding two years;
- (f) A community service order, up to 100 hours;
- (g) A committal (control order), not exceeding two years.

Section 33(2) states that the Children's Court shall not make a control order (1) (g) unless it is satisfied that it is wholly inappropriate to deal with the person by way of any of the lesser penalties available. The Children's Court also cannot sentence a juvenile to imprisonment (section 33(4)). It may, however, in addition to the above valid penalties, impose a licence disqualification, order forfeiture of property related to the commission of the offence, or make an order for restitution of property (section 33(5)).

Table 3: "Most serious" proven offence at all proven criminal appearances (CAs), all juveniles (n=91230), Children's Court, 1986 to 1994

Offence (most serious)	No. of CAs	% of CAs
Homicide	95	0.1%
Serious assault	3822	4.2%
Other assault	6378	7.0%
Sexual offence	616	0.7%
Other offence against the person ^a	278	0.3%
Robbery/extortion	1492	1.5%
<i>Sub-total (violent offences)</i>	<i>12681</i>	<i>13.9%</i>
Fraud/misappropriation	2416	2.6%
Break and enter ^b	14312	15.7%
Motor vehicle theft	10037	11.0%
Stealing/theft ^c	16851	18.5%
Receive/possession	4215	4.6%
Property damage ^d	6594	7.2%
Justice offence	2427	2.7%
Offence against good order ^e	13230	14.5%
Drug offence	4241	4.7%
Driving/traffic offence	1617	1.8%
Driving under the influence ^f	2500	2.7%
Any other offence	109	0.1%
<i>Sub-total (non-violent offences)</i>	<i>78549</i>	<i>86.1%</i>
Total (all offences)	91230	100%

^a Includes driving causing harm.

^b Includes unlawful entry.

^c Includes steal from person

^d Includes pollution and environmental offences

^e Includes offensive behaviour/language, alarm and affront, fare evasion, liquor/carriage offences, possess break-in implements.

^f Includes driving under the influence of drugs, proscribed concentration of alcohol offences, and refuse breath test.

Table four presents the principal penalty handed down by the Children’s Court in relation to the most serious offence recorded at each of the 91,230 proven criminal appearances. During the period, penalties which required the supervision of a juvenile justice agency⁴ (i.e. supervised probation orders, supervised recognizance orders, community services orders and custodial sentences) made up 28.5% of outcomes for proven offences.

Unsupervised probations and recognisances represented the most common order (26.7%), just ahead of dismissals and other nominal penalties (26.0%), and fines (18.7%). Custodial (control) orders, the penalty of last resort made up 6.3% of all proven outcomes. Community Services Orders (CSO’s), which are sanctioned as a direct alternative to detention, made up 5.0% of penalties.⁵

3.6 Outcome for first proven criminal appearance and recidivism

The pattern of outcomes presented in Table 4 demonstrates that the Children’s Court imposes custodial sentences and community service orders selectively as penalties for juvenile offenders. This discretion is even more evident in relation to the *first* proven criminal appearances of juveniles.

Custodial sentences and CSO’s made up only 1.3% and 1.6%, respectively, of penalties for first offenders. Nominal penalties (37.2%) were the most common outcome for the initial proven offence of juvenile offenders, followed by unsupervised orders (31.5%) and fines (15.2%). Supervised probations and supervised recognisances together made up the remaining 13.2% of orders handed down to juveniles at first proven appearance.

Outcome	No. of CAs	% of CAs	1st CAs	% 1st CAs
Custodial (control) orders	5788	6.3%	686	1.3%
Community service orders (CSOs)	4522	5.0%	834	1.6%
Supervised probations and recognizances ^a	15675	17.2%	6987	13.2%
Unsupervised probations and recognizances ^b	24393	26.7%	16678	31.5%
Fines ^c	17089	18.7%	8056	15.2%
Nominal penalties ^d	23763	26.0%	19694	37.2%
Total	91230	100.0%	52935	100.0%

^{a,b} Includes orders made under s556A and s558 of the Crimes Act. ^c Includes five cases of fined plus s33(1)(d) recognizance. ^d Includes proved no penalty, proved and dismissed, dismissed and cautioned, admonished and discharged, committed to higher court, remitted to local court, committed to the Rise of the Court, compensation orders, disqualified from driving, undertaking by child, and other unspecified nominal penalties.

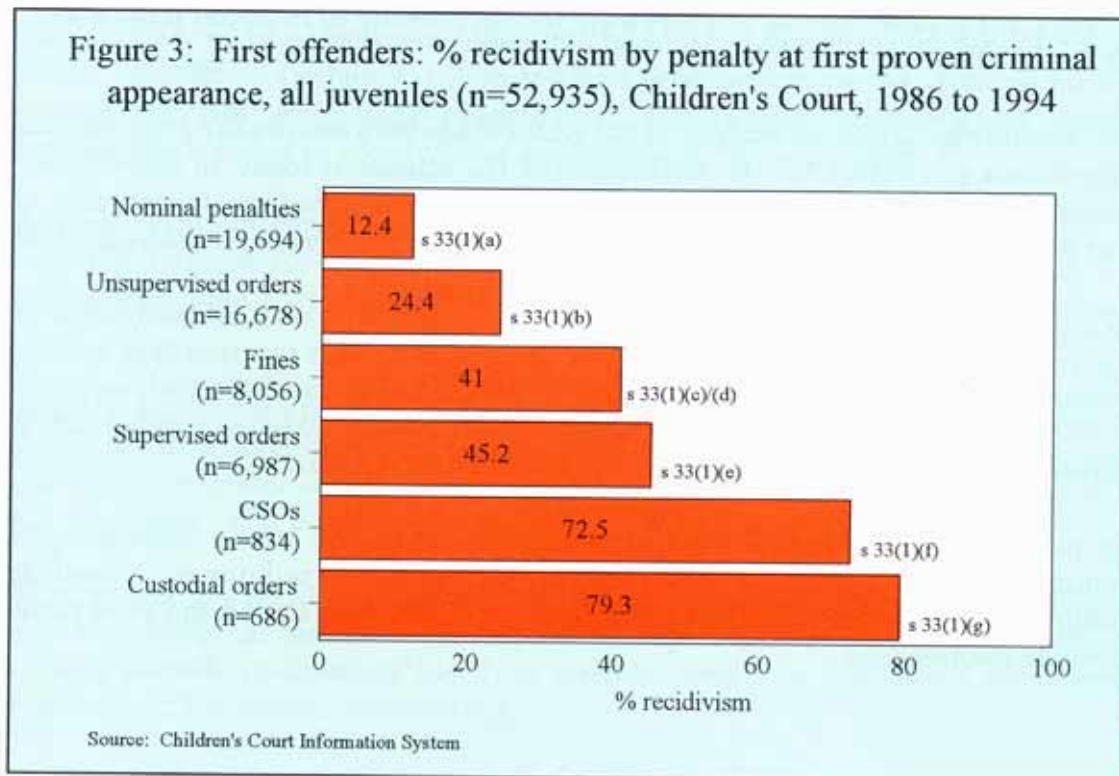
⁴ The Office of Juvenile Justice was established in November 1991 as a separate government agency to provide and manage juvenile justice services in New South Wales. In September 1993, it became the Department of Juvenile Justice. Prior to November 1991, the Department of Community Services (previously known as the Department of Family and Community Services and the Department of Youth and Community Services) managed juvenile justice services in NSW.

⁵ The number of CSO’s ordered by the Children’s Court has increased since the introduction of this additional sentencing option in 1987. In the 1986/87 financial year, only 179 orders for community service work were handed down by the courts, representing just 1.2% of all outcomes. By 1991/92, the number of CSO’s increased to 878 or 6.4% of all outcomes for children’s criminal matters. The following two years witnessed small drops in the number of CSO’s ordered (1992/93: 726 or 5.8%; and 1993/94: 766 or 5.5%).

What is the effectiveness of these various types of sanctions, as penalties for first offences, in discouraging further offending? Are nominal penalties and other orders not requiring post-sentencing supervision, the so-called “soft” options, ineffective in discouraging juvenile offenders from continuing with criminal activity? Is the “short, sharp slap” of a term in detention the most effective for a first time offender?

Recall that 69.3% of first time juvenile offenders do not re-appear in the Children’s Court on a subsequent proven matter. This, in many respects, establishes a baseline measure of success for sanctions in terms of preventing recidivism. Figure three shows that first offenders who receive fines, supervised orders, CSO’s and custodial sentences have levels of re-offending that are higher than this baseline (or average level) of juvenile recidivism.

In fact, in relation to outcomes for first offences, for each step up the sentencing ladder, from the least severe sanction (i.e. dismissed) to the most severe sanction (i.e. incarceration), there is a corresponding increase in the observed level of re-offending of juvenile first offenders.



Just two out of every ten (20.7%) juvenile offenders who first received a custodial order did not re-offend again. The level of desistance from further offending for juveniles first given a CSO’s was marginally higher at 27.5%. Almost one in every two (45.2%) juveniles initially placed on a supervised probation/recognizance subsequently offended, while for first offenders who were initially fined 41.0% went on to re-offend.

Only nominal penalties and unsupervised orders are associated with levels of desistance from offending better than the average of 30.7%. Of the first offenders who received a nominal penalty, 87.6% desisted from further offending. The level of desistance was also high (75.6%) when the juvenile first received an unsupervised order. Almost six in ten (59.1%) offenders who received a fine at first appearance did not record a subsequent proven offence as a juvenile.

Can we assume that the most effective penalties in limiting recidivism are the lower order unsupervised orders, fines and penalties of a nominal nature? Not really, because the type and severity of the penalty handed down by the Children's Court certainly reflects the criminality of the offender and, as we are concerned with juveniles at first proven appearance, "criminality of the offender" reduces to the seriousness of the first offence, there being no other criminal antecedents.⁶

From the "just deserts" principle, it may be expected that the more serious crimes attract the more severe penalties. Furthermore, it may be argued that the serious offenders are more likely to re-offend because of their willingness to engage in more socially unacceptable behaviours (Cohen 1955). There is also evidence to suggest that the more serious the initial offence, the greater the risk or propensity for the juvenile to re-offend (Hindelang, Hirichi & Weiss 1981).

As Wooldredge argues an analysis of the relationship between penalty type and recidivism which fails to control for the seriousness of the offence is likely to lead to the invalid conclusion that "more punitive sentences coincide with higher recidivism rates, when in fact the more serious offenders are receiving these "harsher" sentences (Wooldredge 1988: 267).

While there is the possibility that the more severe penalties may increase future criminal activity in juvenile offenders, there is also the possibility that sanction type is a proxy for offender characteristics which the Court identifies as being associated with recidivism risk. Juveniles who received a harsher penalty and who subsequently re-offend may have re-offended regardless of what penalty was ordered by the Court.

In many respects, the processes operating to produce the strong association between punitive penalties and higher recidivism may remain largely unknown. Nonetheless, the finding does serve notice of the value of first penalty type as a good and valid predictor of juvenile re-offending.

⁶ Data were not available to allow this study to take into account a juvenile's prior criminal record in terms of formal police cautions recorded and/or pre-court diversionary schemes (eg Family Group Conferences, Community Aid Panels) attended. Record of such prior involvement would certainly influence the court's determination of an appropriate penalty for a juvenile's "first" proven offence.

Similarly, whether or not a juvenile offender was bail refused prior to finalisation of the criminal matter may influence the sentencing decision of the Court. An examination of bail status prior to finalisation indicates that juveniles who desisted from further offending were significantly less likely to be bail refused by the Court ($\chi^2=52.0$, $df=1$, $p<0.001$) than persisters. Bail status was not recorded, however, in 50.8% of cases.

PART II – JUVENILE RECIDIVISM

It is possible to say, with some confidence, two things about juvenile crime. Firstly, that the majority of juvenile offenders will not re-appear as juveniles and, secondly, that a small proportion of offenders will account for a large percentage of offences. Such “high risk” or persistent offenders, unfortunately, are identified retrospectively from the accumulated offending records that class them as “high risk”.

It is possible, however, to prospectively identify “high risk” offenders from the cohort of juvenile first offenders? Certainly, concentrating the attentions of the criminal justice system on the “high risk” group might be particularly worthwhile in producing cost savings and other tangible benefits to society from a reduction in juvenile crime:

If the small group of chronic offenders could be identified early in their criminal careers and targeted for some form of successful intervention to reduce their offending this could have a significant impact on crime.

(Tarling, 1993, quoted in Hagell & Newburn, 1994:23)

4. CHARACTERISTICS OF JUVENILE RECIDIVISTS

4.1 Age of first proven criminal appearance

Juvenile recidivists, or persisters, are on average 1.1 years younger than desisters at time of first proven appearance. The mean age of desisters at first proven appearance is 16.1 years (sd=1.4 years) compared to a mean age of 15.0 years (sd=1.5 years) for persisters.⁷

Figure four presents the age of juvenile persisters and desisters at the time of their first proven criminal appearance, and reveals a marked difference in the age distributions of these two groups.

Table five shows that the younger a juvenile is at time of first proven criminal appearance, the greater the likelihood that she or he would be found guilty of a subsequent proven offence as a juvenile. This is a direct function of the longer exposure period available to younger offenders to re-offend as a juvenile (Coumarelos, 1994), and a simple regression shows the relationship between age at first appearance and probability of re-offending as a juvenile to be strongly linear.⁸

The relationship, nonetheless, does have utility for predicting which juvenile first offenders will continue to offend in their juvenile years. For example, 65% of 10 year olds at time of first proven appearance went on to commit subsequent proven offence(s) compared with 32% of juveniles who were sixteen years of age at first proven appearance.

The younger a person is at first proven appearance, the longer the subsequent period as a juvenile and, thus, the greater the opportunity for re-offending as a juvenile. Intellectual and affective maturity are developmental attributes highly correlated with age, and as such must be considered in discussing the association between age at first offence and risk of subsequent offending. Early entry into the juvenile justice system may also be a defacto indicator of such contingencies as lack of parental control, family discord, and/or difficulties at school.

⁷ A t-test shows the mean difference in the age of desisters and persisters at time of first proven appearance to be statistically significant ($t=80.06$, $df=52933$, $p<0.01$).

⁸ $R^2=0.92$ ($B=-0.1$, $SE=.001$, $t < 0.001$)

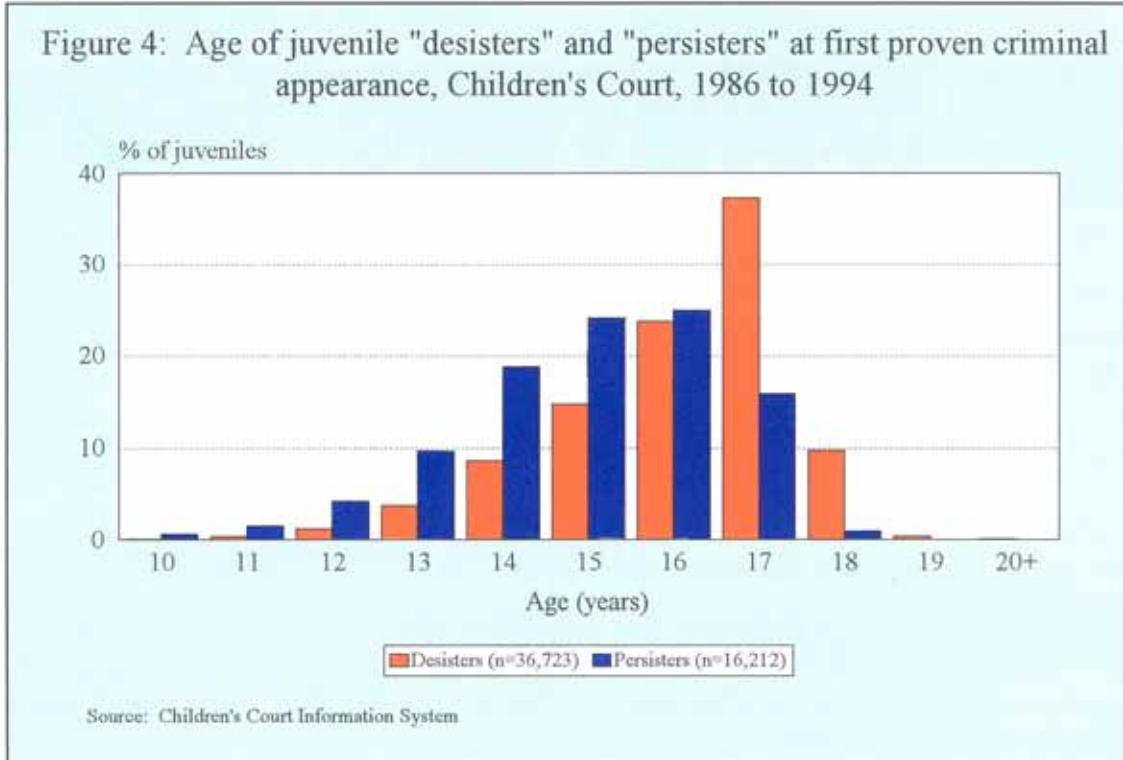


Table 5: Percentage of juveniles re-offending by age at time of first proven criminal appearance (CA), all juveniles (n=52,935), Children's Court, 1986 to 1994

Age at 1st proven CA	No. of juveniles	% of juveniles	% proven re-offending
10	135	0.3	65%
11	401	0.8	61%
12	1102	2.1	61%
13	2899	5.5	54%
14	6170	11.7	49%
15	9339	17.6	42%
16	12728	24.0	32%
17	16262	30.7	16%
18	3707	7.0	4%
19	158	0.3	n/a
20+	34	0.1	n/a
Total	52395	100.0	%_(mean) = 31%

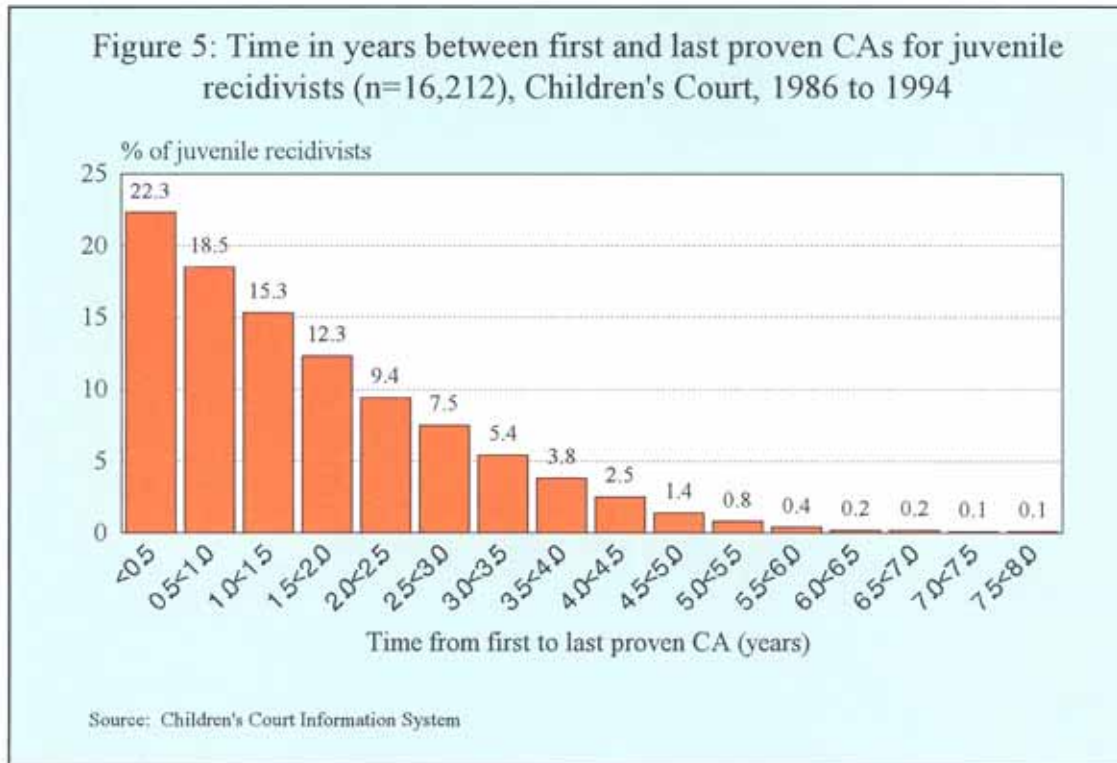
4.2 Sex of juvenile recidivists

Females made up only 18.1% of juvenile offenders in the total sample. However, of those juveniles who proceeded to commit other proven offences, only 12.8% were female. In contrast, of those juveniles who desisted, 20.5% were female.⁹

4.3 Criminal career durations of juvenile recidivists

Juvenile recidivists have a criminal career in the Children's Court which, on average, lasts a little over one and a half years (mean=1.6 years, sd=1.3 years). Figure five provides a frequency distribution of the time in years between the first and last proven appearances of the 16,212 juvenile recidivists in the sample.

The distribution shows that a large proportion (40.8%) of juvenile repeat offenders were in the juvenile justice system for less than one year before either desisting in crime or ageing out of the system. In fact, 68.4% of juvenile recidivists had completed their juvenile criminal careers within the space of two years. However, 14.9% of recidivists re-offended as a juvenile more than three and up to eight years after their initial proven matter.



Two trends are evident. Firstly, a small number of juveniles are responsible for a disproportionately large number of proven criminal matters. Secondly, a small number of juveniles will have extended criminal careers. The longer a juvenile's criminal career, the greater the likelihood of amassing large numbers of proven appearances.¹⁰

⁹ A chi-square test shows that there is a statistically significant difference in the sex of desisters and persisters ($\chi^2=449.3$, $df=1$, $p<.001$). Males are significantly more likely to re-offend.

¹⁰ A simple regression shows that number of proven appearances and time between first and last proven appearance to be significantly correlated ($R^2=0.36$, $B=128.4$, $t<0.001$).

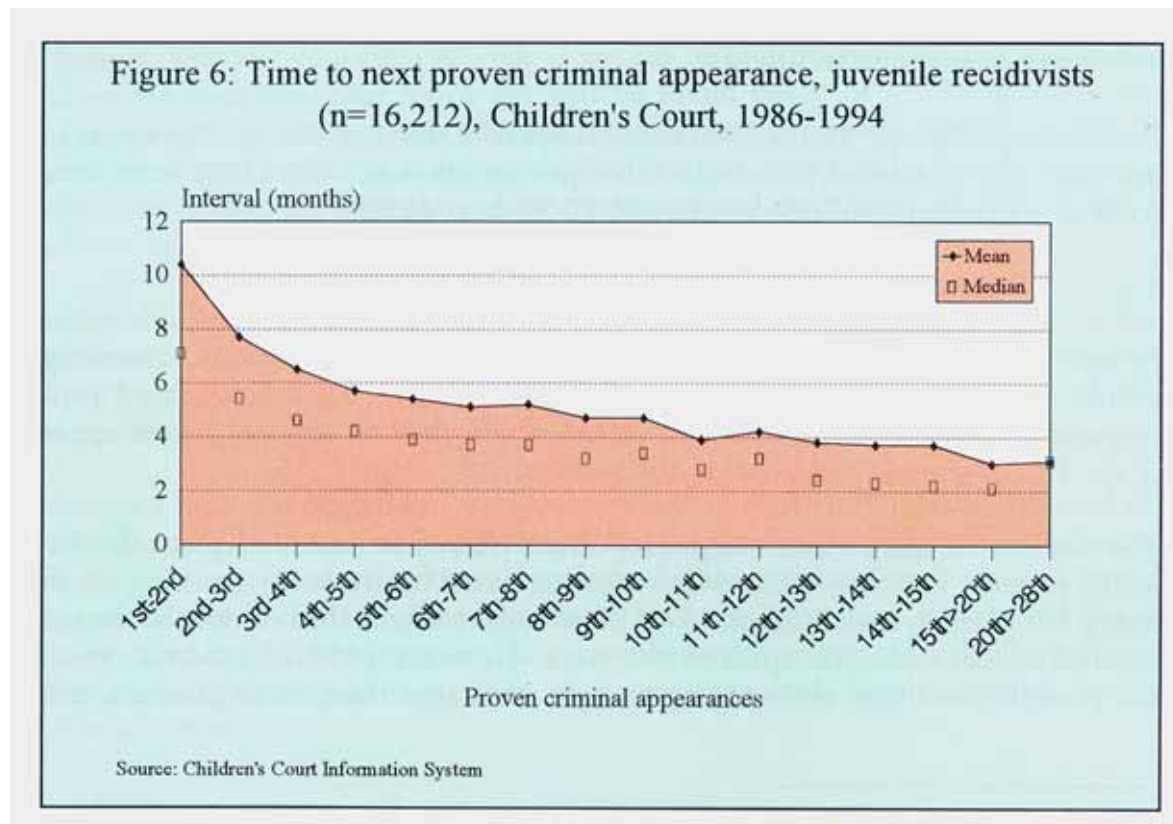
Criminal justice administrators, especially those interested in targeting groups of individuals for selective incapacitation and/or specialist intervention, may profit from directing resources to deal with juveniles who accumulate large numbers of proven matters in their early teenage years and/or in relatively short periods of time.

4.4 Time between proven criminal appearances

Figure six shows that as juveniles continue to offend there is a distinct trend for the time between their proven criminal appearances to decrease. This is the case whether the measure used is mean time or median time (i.e. the middle value, below and above which 50% of value falls).¹¹

The time interval between proven offences falls markedly from first re-appearance to second re-appearance and then flattens gradually following the third re-appearance. The mean interval drops again at around the tenth proven re-appearance, at which point the distribution levels out to an average inter-appearance interval of four months or less.

Between the first and second proven appearances the mean time interval is 10.4 months (median: 7.1 months). The mean interval between the second and third proven appearances is 7.7 months (median: 5.4 months), and drops to 6.5 months between the third and fourth proven appearances (median: 4.6 months). By the fifth proven appearance, the mean time to the preceding proven appearance is less than six months (median: 4.2 months). By the tenth proven appearance, the mean interval of 4.7 months (median: 3.4 months) is less than half the mean interval between the first and second proven criminal appearances.¹²



¹¹ The measure of time between offences is not adjusted for "time at large". Time in custody, which obviously restricts the opportunity for further offending, is not considered at this point in the analysis.

¹² The median difference in inter-offence intervals is significant at the 0.001 level (Kruskal-Wallis test, $\chi^2=2501$, $df=18$).

4.5 First and subsequent proven offences for juvenile recidivists

Table six shows that 12.3% of all proven first offences by juveniles who did not re-appear in the Children’s Court were of a violent nature. In comparison, juvenile recidivists were convicted of proportionally more violent offences than those juveniles who appeared only once in the system.¹³ This is the case, whether one considers all proven offences (15.0%) or only the first proven offence (13.0%) of recidivist juveniles.

Table 6: "Most serious" proven offence at first and subsequent proven criminal appearances (CA) for juvenile recidivists (n = 16,212), Children’s Court, 1986 to 1994

Offence (most serious)	First proven CA		Recidivists Other proven CAs		All proven CAs		Desisters
	No. of CAs	% of CAs	No. of CAs	% of CAs	No. of CAs	% of CAs	% of CAs
Homicide	8	0.1%	30	0.0%	38	0.1%	0.2%
Serious assault	593	3.7%	1801	4.1%	2394	4.4%	2.7%
Assault, other	1032	6.4%	3174	7.4%	4206	7.7%	5.9%
Sexual offence	140	0.9%	167	0.6%	307	0.6%	0.8%
Other person	64	0.4%	117	0.4%	181	0.3%	0.3%
Robbery/extortion	263	1.6%	785	1.8%	1048	1.9%	1.2%
<i>Sub-total (violent offences)</i>	<i>2100</i>	<i>13.0%</i>	<i>6074</i>	<i>15.9%</i>	<i>8174</i>	<i>15.0%</i>	<i>12.3%</i>
Fraud	305	1.9%	759	2.0%	1064	2.0%	3.7%
Break & enter	3449	21.3%	6418	16.8%	9867	18.1%	12.1%
Motor vehicle theft	2076	12.8%	4382	11.4%	6458	11.8%	9.7%
Stealing/theft	3433	21.2%	6725	17.6%	10158	18.6%	18.2%
Receive/possession	711	4.4%	1958	5.1%	2669	4.9%	4.2%
Property damage	1296	8.0%	2778	7.3%	4074	7.5%	6.9%
Justice offence	196	1.2%	1755	4.6%	1951	3.6%	1.3%
Against good order	1606	9.9%	4920	12.9%	6526	12.0%	18.3%
Drug offence	545	3.4%	1571	4.1%	2116	3.9%	5.8%
Driving/traffic	220	1.4%	391	1.0%	611	1.1%	2.7%
Drink-driving	260	1.6%	532	1.4%	792	1.4%	4.7%
Any other offence	15	0.1%	32	0.1%	47	0.1%	0.2%
<i>Sub-total (non-violent offences)</i>	<i>14112</i>	<i>87.0%</i>	<i>32783</i>	<i>84.1%</i>	<i>46333</i>	<i>85.0%</i>	<i>87.7%</i>
Total	16212	100%	38295	100%	54507	100%	100%

¹³ A chi-square test shows the higher incidence of “violent” first offences amongst recidivist juvenile offenders to be statistically significant beyond the 0.001 level ($\chi^2=165.2$, $df=1$)

Considering only the *first* proven offences, there are significant differences in the nature of the offences for which these two groups of juveniles first appeared.¹⁴ Serious assaults, together with “other, person offences”, which include kidnapping and arson (person therein), are more likely to appear in the offence profiles of desisters. Juvenile recidivists, on the other hand, have common assaults and robberies appearing at a higher level at first proven appearance than their non-recidivist peers. However, recidivists are no more (or less) likely than desisters to have committed a homicide or sexual offence.

Non-violent offences – break and enter, motor vehicle theft, stealing/theft, receiving/possessing stolen goods and property offences (eg arson, vandalism) – appear with greater frequency in the first offence profiles of juvenile recidivists. Desisters, on the other hand, were more likely to have their first conviction recorded in relation to a drug offence, drink-driving matter, motor/traffic offence, offence against good order or fraud.

Justice offences, which include resist arrest, hinder police, fail to appear, and harbour/maintain felon, did not occur at a higher level in the first offence profiles of either desisters or persisters.

4.6 First and subsequent outcomes for juvenile recidivists

The principal penalties which juvenile recidivists received at their first and subsequent proven appearance(s) are markedly different to the outcomes handed down to juveniles who desisted from further offending (see table seven).

Comparing the *first* proven appearances of juveniles who re-offended with the first (and only) proven appearances of juveniles who did not re-offend, one can see that a slightly higher proportion of control orders (1.7% vs. 1.1%) and CSO's (1.9% vs. 1.4%) were handed down by the courts to offenders who re-offended as juveniles.

The proportion of supervised probation and recognizance orders received by juveniles who persisted in offending is very large in comparison to the proportion of supervised orders received by juveniles who desisted (19.4% vs. 10.4%). Juvenile recidivists also received a higher proportion of unsupervised orders at first appearance (35.1% vs. 29.9%).

On the other hand, comparatively fewer nominal penalties (32.2% vs. 39.4%) and, in particular, fewer fines (9.6% vs. 17.7%) were received at first proven appearance by juveniles who subsequently offended.¹⁵ In general, juvenile recidivists received a high proportion of orders requiring supervision by a juvenile justice agency at time of first proven appearance than juveniles who did not proceed to re-offend (23.0% vs. 12.9%).

¹⁴ The following offences were represented at a statistically higher level as the first proven appearances of juvenile recidivists: common assault ($\chi^2=4.0$, $df=1$, $p<0.05$) robbery ($\chi^2=14.3$, $df=1$, $p<0.001$), break and enter ($\chi^2=745.4$, $df=1$, $p<0.001$).

The offences represented at a statistically higher level as the first proven appearances of juvenile desisters were: homicide ($\chi^2=10.3$, $df=1$, $p<0.001$); other person offences ($\chi^2=6.3$, $df=1$, $p<0.01$); fraud ($\chi^2=120.2$, $df=1$, $p<0.001$); good order offences ($\chi^2=592.4$, $df=1$, $p<0.001$); drug offences ($\chi^2=138.1$, $df=1$, $p<0.001$); drink driving (DUI/PCA) offences ($\chi^2=291.8$, $df=1$, $p<0.001$); motor & traffic offences ($\chi^2=95.0$, $df=1$, $p<0.001$); and “any other offence(s)” ($\chi^2=95.0$, $df=1$, $p<0.001$).

¹⁵ All identified differences in the outcomes received at first appearance by juvenile desisters and persisters are statistically significant beyond the 0.001 level.

Table 7: Principal penalty at first and subsequent proven criminal appearances (CA) for juvenile recidivists (n = 16,212), Children's Court, 1986 to 1994

Outcome	Recidivists						Desisters
	First proven CA		Other proven CAs		All proven CAs		
	No. of CAs	% of CAs	No. of CAs	% of CAs	No. of CAs	% of CAs	
Control orders	281	1.7%	5102	13.3%	5383	9.9%	1.1%
CSOs	315	1.9%	3688	9.6%	4003	7.3%	1.4%
Supervised orders	3151	19.4%	8688	22.7%	11839	21.7%	10.4%
Unsupervised orders	5684	35.1%	7715	20.1%	13399	24.6%	29.9%
Fines	1555	9.6%	9033	23.6%	10588	19.4%	17.7%
Nominal penalties	5226	32.2%	4069	10.6%	9295	17.0%	39.4%
Total	16212	100%	38295	100%	54507	100%	100%

4.7 Matched Samples: Offence Specific Differences in Penalties

It could be claimed that the trend for juvenile recidivists to receive more severe penalties, particularly at first proven appearance, simply reflects, as has been previously identified, the fact that such juveniles had been convicted of more serious first offences (see section 4.1.4). In order to further explore the relationship between the severity of the penalty and the nature of the offence, the data were categorised by type of offence committed before proceeding to an analysis of trends in penalty patterns. By maintaining control of the type of offence, a more specific analysis of differences between juvenile recidivists and non-recidivists regarding the initial penalties they received is able to be presented.¹⁶ Section 4.8 provides a statistical treatment of the principal and independent effect of explanatory variables such as age, sex, offence and penalty, on juvenile recidivism.

The analysis of penalties handed down by the Children's Court so far has not attempted to control for differences that may exist between the samples. Such a controlled analysis is particularly important given that differences have been shown between the recidivist and desisters groups in age, gender and first proven offence. In recognition of the categorical nature of much of the data and the large number of complex interactions that may exist, it was decided not to attempt statistical control or adjust for the observed sample differences but rather to compare groups that were matched on first proven offence, sex and age.

As the majority of juveniles appearing before the Court on criminal matters are young men in their late teens, it was decided to examine the first offences and associated penalties of 16 and 17 year old males. The cases in these matched samples numbered 23,769, which is

¹⁶ It is recognised that within some of the offence categories (e.g. drug offences, fraud, robbery) the actual offences can vary widely in seriousness. Harsher penalties observed within offence groupings may reflect the Court's judgement of the greater criminality (or criminal propensity) of certain individuals. This may make any suggested association between penalty type and persistence in juvenile crime an artefact of a covert association between penalty type and criminal propensity. This is an unfortunate limitation of the present study.

45% if the total number of first proven appearances in this study. Desisters made up 75.6% of the juveniles in the matched sample, and persisters 24.4%.

A statistical test of the initial penalties received by desisters and persisters in these matched groups indicated that there was a significant inter-group difference.¹⁷ Desisters tended to receive substantially fewer control orders, community service orders, supervised orders and unsupervised orders. Persisters tended to receive comparatively fewer fines and nominal penalties.

A chi-square test was applied to each offence type for the matched samples, and valid statistics¹⁸ were calculated for the following offences (see table eight): serious assaults (n=922); common assaults (n=1,277); robberies (n=291); drug offences (n=1,657); frauds (n=668); break and enters (n=2,739); motor vehicle theft (n=2713); stealing/theft (n=3,456); receive/possess stolen goods (n=1041); and property offences (n=1,603).

Significant differences (beyond the 0.05 level) in initial penalties were noted between the matched desister and persister groups for the majority of offences. Significant differences between the matches desister and persister groups in initial penalties were *not* observed in relation to robberies, receive/possess stolen goods, and property offences.

Table eight presents information on which penalties contributed most to the observed difference between the groups for each offence. The shaded cells in table eight indicate, for a given first offence, that the persister group received a significantly higher proportion than then matched desister group of the type of penalty.

The most notable feature of table eight is that the persister groups were more likely to have received a more severe sanction, that is one involving some form of structured intervention, than the matched desister groups after the type of offence was controlled for. This is evidenced by the predominance of shaded cells to the left of the dotted line, which separates the “tough” sanctions from the “soft” sanctions.

There was certainly a disproportionate number of CSOs and supervised probation/recognition orders handed out at first appearance to juveniles who later went on to re-offend. There were also more control orders handed out to first time drug offenders and first time car thieves who subsequently re-offended. On the other hand, desisters were more likely at first appearance to receive unsupervised orders, fines or nominal penalties for their offences.

¹⁷ Chi-square ($\chi^2 = 449.3$, $df = 1$, $p < 0.0001$)

¹⁸ No valid statistic was computed for certain offences given that one or more cells in the chi-square table for such offences had expected counts of fewer than five. No valid statistic was available for: homicide (n=28), sexual offences (n=166), other person offences (n=73), justice offences (n=291), good order offences (n=4446), drink driving (DUI/PCA) offences (n=1502), motor & traffic offences (n=819), and “any other offence” (n=37).

Table 8: Differences in penalties received by juvenile "desisters" and "persisters" at first proven appearance, 16-17 year old males (n=23,769), Children's Court, 1986 to 1994

Offences*	Significant difference (Chi-square test)	Difference between desister and persister groups in numbers of orders received						
		Control orders	CSOs	Supervised orders	Unsupervised orders	Fines	Nominal penalties	
Serious assaults (n=922)	Yes (p > 0.014)	Desisters > Persisters	Persisters > Desisters	Persisters > Desisters	Desisters > Persisters			
Assaults (n=1277)	Yes (p > 0.006)	Persisters > Desisters	Persisters > Desisters	Persisters > Desisters		Desisters > Persisters	Desisters > Persisters	
Robberies ^b (n=291)	No							
Drug offences (n=1657)	Yes (p > 0.001)	Persisters > Desisters	Persisters > Desisters	Persisters > Desisters	Desisters > Persisters	Persisters > Desisters	Desisters > Persisters	
Fraud (n=668)	Yes (p > 0.014)			Persisters > Desisters	Desisters > Persisters		Desisters > Persisters	
Break & enter (n=2739)	Yes (p > 0.006)	Desisters > Persisters	Persisters > Desisters	Persisters > Desisters	Desisters > Persisters		Desisters > Persisters	
Steal M/V (n=2713)	Yes (p > 0.001)	Persisters > Desisters	Persisters > Desisters	Persisters > Desisters	Persisters > Desisters	Desisters > Persisters	Desisters > Persisters	
Stealing/theft (n=3456)	Yes (p > 0.005)	Persisters > Desisters	Persisters > Desisters	Persisters > Desisters	Persisters > Desisters	Desisters > Persisters	Desisters > Persisters	
Receive (n=1041)	No							
Property offences ^c (n=1603)	No							

Shaded cells indicate that, for that first offence, juveniles who went on to re-offend received a significantly higher proportion of that type of penalty.
 * The following offences are not tabled as no valid statistic was computed (given that one or more cells in the chi-square tables for such offences had expected counts of less than five): homicide (n=28), sexual offences (n=166), other person offences (n=73), justice offences (n=291), good order offences (n=4446), DUI/PCA (n=1302), traffic/driving (n=819), other offences (n=37).
^b Excludes environmental offences (n=20).
^c Excludes environmental offences (n=20).
 ← "Tough" sanctions "Soft" → sanctions

4.7.1 Penalties for serious assaults

For matched juveniles convicted of a serious assault at first appearance, significantly more community service orders, and probation/recognizance orders with supervision were received by those individuals who later committed other proven offences (see figure 7a). These penalties made up 24.4% of initial dispositions for persisters but only 17.2% of initial dispositions for desisters.

First offenders convicted of a serious assault, who did not re-appear, received a higher number of unsupervised orders and nominal penalties as their first outcome compared to the persister group. "Serious Assault" was one of only two first offences (the other being break & enter) for which desisters received proportionately more control orders than persisters (2.4% vs. 0.0%).

4.7.2 Penalties for common assaults

Figure 7b shows that matched persisters receive comparatively more higher order penalties than desisters for a first proven common assault. Together, control orders, CSOs and supervised orders made up 16.7% of first penalties received by persisters but only 12.6% of initial penalties received by desisters.

Desisters, first convicted of a common assault, received many more fines and nominal penalties as their initial outcome compared to the matched group of persisters. Only 13.6% of persisters at first proven appearance were fined for their assault offence compared to only 15.5% of juvenile desisters. Nominal penalties made up 33.1% of initial penalties for persisters first convicted of assault but 36.0% of outcomes for desisters.

4.7.3 Penalties for drug offences

At first appearance for a proven drug offence, proportionally more matched persisters (17.0%) than desisters (6.1%) received the more severe dispositions of control orders, CSOs and supervised orders (see Figure 7c). More fines were also received by drug offending persisters (40.2% vs. 35.2%).

Figure 7a: Serious Assaults

Figure 7b: Common Assaults

Figure 7c: Drug Offences

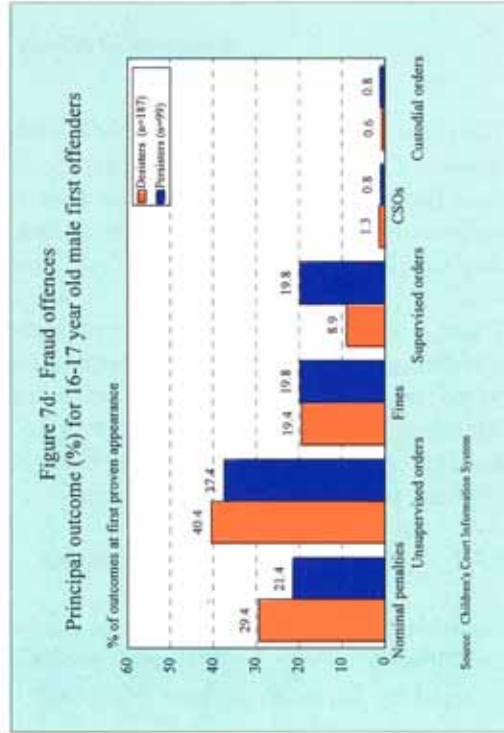
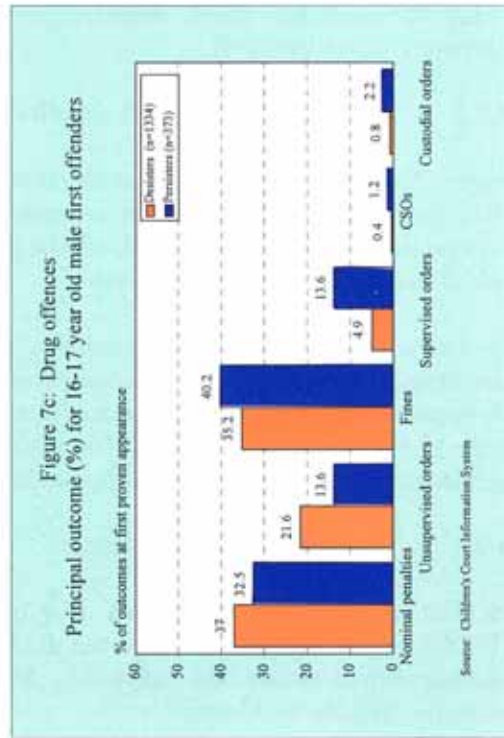
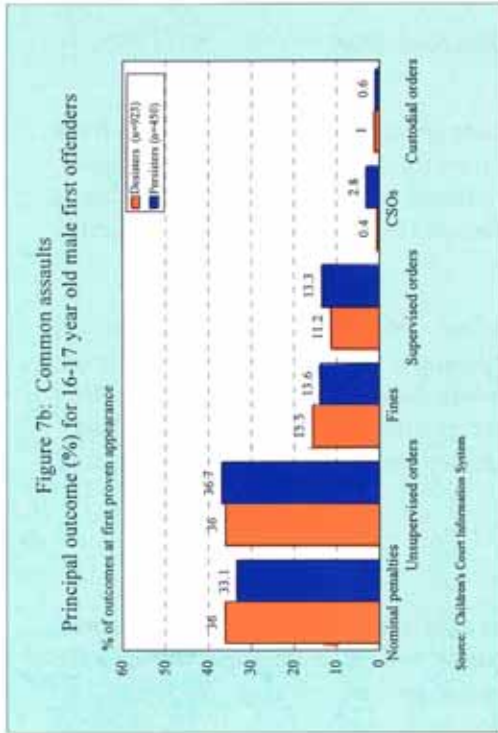
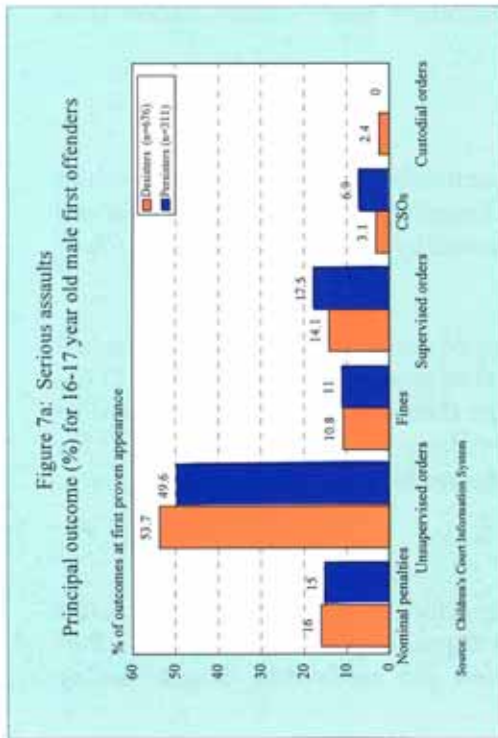
Figure 7d: Fraud Offences

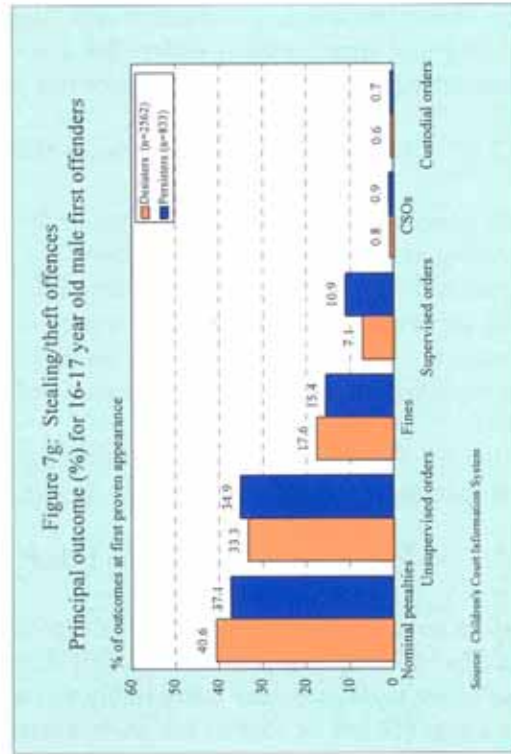
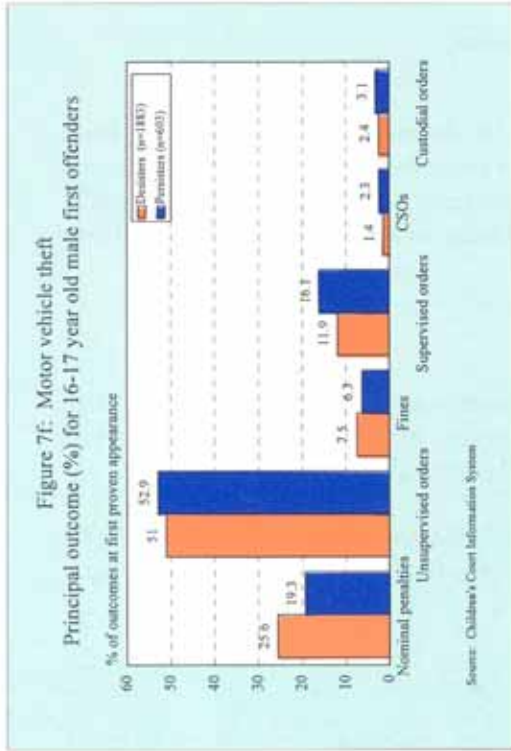
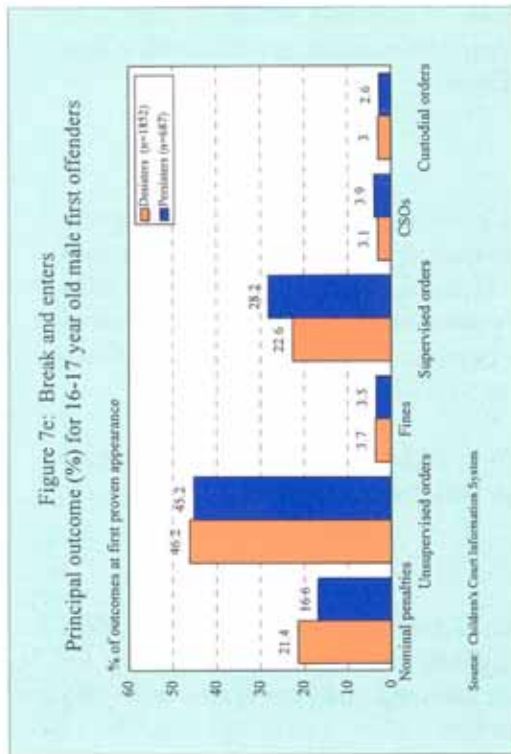
Figure 7e: Break & Enters

Figure 7f: Motor Vehicle Theft

Figure 7g: Stealing/Theft offences

Nominal penalties were the most common outcome for desisters at first appearance for a drug offence (37.0%). Such penalties made up 32.5% of outcomes for the comparable group of persisters. Unsupervised probation and recognizance orders were also unequally distributed for juvenile drug offenders with fewer being received by juvenile persisters (21.6% vs. 13.4%).





4.7.4 Penalties for fraud offences

While there was no difference between the matched desister and persister groups in receipt of control orders and CSOs for first time fraud offences, substantially more supervised orders (19.8% vs. 8.9%) were given to juveniles who later re-offended (see figure 7d).

Proportionally more unsupervised orders (40.4% vs. 37.4%) and nominal penalties (29.4% vs. 21.4%) were handed down to juveniles convicted of a first offence of fraud who later desisted from engaging in further juvenile crime.

4.7.5 Penalties for break and enters

The proportion of control orders and CSOs given at first appearance in relation to break and enter offences appear equally distributed amongst the matched desister and recidivist groups (see figure 7e). Those who eventually committed other proven offences, however, received more supervised orders for their initial proven break and enter offence (7.1% vs. 10.9%).

On the other hand, a comparatively higher proportion of nominal penalties (21.4% vs. 16.6%) and unsupervised orders (46.2% vs. 45.2%) went the way of juveniles who first committed break and enter offences but did not re-offend.

4.7.6 Penalties for Motor Vehicle Thefts

An unequal distribution of higher order penalties is evident for offences involving the stealing of motor vehicles (see figure 7f). Almost one-quarter (21.5%) of initial penalties received by juvenile car thieves, recorded as having re-offended, were control orders, CSOs and supervised probation/recognizance orders. This contrasts with only 15.7% of initial penalties for juvenile desisters. The largest difference between the matched groups relates to supervised probation/recognizance orders (16.1% vs. 11.9%).

More fine (7.5% vs. 6.3%) and nominal penalties (25.6% vs. 19.3%) were ordered as penalties for juveniles whose first and only proven offence was a motor vehicle theft.

4.7.7 Penalties for stealing and theft offences

For a first proven offence of stealing/theft, persisters received more supervised orders (10.9% vs. 7.1%) and (34.9% vs. 33.3%) than matched desisters (see figure 7g). Desisters, on the other hand, were far more likely to have received a nominal penalty (40.6% vs. 37.1%) or a fine (17.6% vs. 15.4%) for their initial theft offence.

4.8 Logistic regression analysis – a model for predicting juvenile recidivism

There is evidence to suggest that juvenile recidivists received higher levels of more severe sanctions at first proven appearance than desisters matched on age, sex and offence type. This matched sample analysis, however, is limited and also does not answer the question of whether the relationship between first penalty and recidivism is independent of other factors, such as offence or age at first appearance, which show a significant association with, and thus, may partially account for juvenile re-offending.

Logistic regression is a statistical technique which enables the isolation of the impact of independent (i.e. explanatory) variables on a dichotomous dependent variable, in this case whether juvenile offenders re-offended or not. Logistic regression is applied to the data at hand in order to determine whether the impact of the court ordered sanction was related to

juvenile recidivism independently of other factors such as sex, age at first proven appearance, and the nature of the first proven offence.

Table nine indicates that when an account is taken of the sex of the offender, the age of the offender at first proven appearance and the nature of the first proven offence, there continues to be a significant difference in recidivism rates associated with the type of penalty handed down by the Children's Court at first proven appearance.

There is a statistically significant relationship (beyond the 0.001 level) between juvenile recidivism and the type of penalty initially handed down to a first time offender. This relationship is independent of the sex of the offender, the ages of the offender at first proven appearance, the nature of the first proven offence, the juvenile's region of residence, and the type of court (i.e. specialist or non-specialist Children's Court) determining the criminal matter.

Juvenile recidivism is significantly related to the type of penalty ordered at first proven appearance ($p < 0.001$). Compared with the average effect of all penalty types, control orders, CSOs and supervised community based orders are associated with increased likelihood of recidivism. On the other hand, unsupervised orders, fines, and nominal penalties, such as "dismissed and cautioned", are associated with reduced likelihood of re-offending.

A risk ratio estimate may be obtained from the different penalty types, independent of the effect of age, sex, offence, court type and place of residence. Offenders given a custodial order at first proven appearance are, on average, 33% more likely to re-offend in their juvenile years than first offenders receiving other penalties (Odds Ratio = 1.33, Confidence Interval = 1.11 to 1.60, $p < 0.001$).

Juveniles given a CSO, compared to other first offenders, are 22% more likely to re-offend (OR = 1.22, CI = 1.04 to 1.45, $P < 0.01$). Similarly, receiving a probation with supervision or a recognizance with supervision at first proven appearance increases the risk of re-offending by 25% (OR = 1.25, CI = 1.16 to 1.35, $p < 0.01$).

Juvenile offenders who receive a nominal penalty at first appearance are almost one-third less likely to subsequently offend than other first offenders (OR = 0.68, CI = 0.64, to 0.72, $p < 0.01$). Similarly, juvenile given an unsupervised order as a first penalty are 10% less likely to re-offend compared to first offenders receiving other penalties (OR = 0.90, CI = 0.85 to 0.96, $p < 0.01$). Juvenile first offenders who are fined are 20% less likely to re-offend (OR = 0.80, CI = 0.73 to 0.87, $p < 0.01$) than first offenders who receive other penalties.

Overall, the logistic regression model indicates that lower order penalties are associated with decreased likelihood of re-offending. On the other hand, custodial orders, the direct alternative to custody, the CSO, and orders involving supervision in the community, given as first penalties, are associated with increased likelihood of juvenile recidivism. This relationship is independent of offence and other control variables.

There are other effects worthy of noting. Firstly, compared with female offenders, male offenders are more likely to recidivate. In fact, males are 1.3 times more likely to re-offend following their first offence than females (OR = 1.33, CI = 1.28 to 1.38, $p < 0.01$).

Secondly, the younger an offender is at first proven appearance the greater the likelihood of further offending ($p < 0.0001$). Increased exposure time is a variable which confounds risk of re-offending (Coumarelos, 1994); that is, juvenile offenders "who first appear at a younger age have longer period within which to appear" ($p = 0.12$). However, age at first appearance is

recognised as a useful predictor, particularly “in identifying ‘chronic juvenile offenders’”. (p.16).

Thirdly, determinations made by specialist Children’s Courts are associated with a reduced likelihood of re-offending. By comparison, local courts dealing with juvenile criminal matters are 7% more likely to produce recidivist offenders than specialist Children’s Courts (OR =1.07, CI =1.03 to 1.10, $p<0.01$).

The offence first committed by an individual is a significant predictor of juvenile recidivism ($p<0.001$). The highest levels of re-offending are associated with the first offences of (common or non grievous) assault, break and enter, and motor vehicle theft. First offenders convicted of an assault are 19% more likely to re-offend than other juvenile first offenders (OR =1.19, CI =1.08 to 1.32, $p<0.01$). Likewise, juveniles first convicted of a break and enter offence are, on average 21 % more likely to re-offend (OR =1.21 CI =1.12 to 1.30, $p<0.01$). Juveniles first convicted of motor vehicle theft are 24% more likely than average to re-offend (OR =1.24, CI =1.20 to 1.28, $p<0.01$).

First proven sexual offences, drug offences and justice/good order offences were associated with decreased likelihood of juvenile recidivism in this sample. On average, juveniles first convicted of a sexual offence were 31% less likely to re-offend than other juvenile first offenders (OR =0.69, CI =0.61 to 0.78, $p<0.01$). Juveniles first convicted of drug offences were 18% less likely to re-offend (OR =0.82, CI 0.72 TO 0.93, $P<0.01$), and juveniles first convicted of a justice or good order offence were 11% less likely to re-offend compared with the average recidivism rate for all juvenile first offenders (OR =0.89, CI 0.83 to 0.96, $p<0.01$).

Serious person offences, robberies and theft offences were not significantly associated with subsequent offending when recorded as first proven offences ($p =0.4145$, $p=0.1453$ and $p =0.1816$, respectively). It should be noted however, that serious person offences and robberies are more likely to receive custodial sentences of considerable length. Such custodial terms effectively reduce the time available for juveniles to re-offend (the “exposure” time), which may contribute to the observed lack of effect.

There is observed a strong association between residing in particular areas of NSW¹⁹ and likelihood of re-offending following a first proven appearance. The strongest associations are observed for the Hunter area, Western Sydney and Western NSW. Juvenile offenders who resided in the Hunter area at time of first proven appearance were 12% more likely to re-offend than the average figure (OR =1.12, CI =1.04 to 1.20, $p<0.01$). Juvenile first offenders from Western Sydney were 15% more likely to re-offend (OR =1.15, CI =1.08 to 1.24, $p<0.01$), while juveniles from Western NSW were 18% more likely to re-offend after first proven court appearance (OR =1.18, CI 1.08 to 1.28, $p<0.01$). A marginal increased likelihood of re-offending was noted for juveniles residing in the Eastern Sydney area (OR =1.08, CI =1.03 to 1.14, $p<0.05$).

For juvenile first offenders from the Southern and Northern regions of NSW there was a non-significant trend to lower levels of re-offending ($p=0.2096$ and $p=0.0641$, respectively). Not surprisingly, juvenile first offenders from interstate were 39% less likely to reappear in NSW on criminal matters (OR =0.61, CI =0.55 to 0.68, $p<0.01$).

¹⁹ Areas referred to are regions described by Department of Juvenile Justice boundaries. See appendix A.

Table 9: Logistic regression analysis (main effects model^a) of the relationship between juvenile recidivism and sex, age at first proven CA, first offence, first penalty, place of residence and type of court, all juveniles (n = 52,935), Children's Court, 1986 to 1994

Juvenile recidivism (DV)^b

Independent variables (IVs) ^c	B	SE	Sig	Odds Ratio	99% CI
Age1st	-.4540	.0073	.0000		
Sex (Male)	.2828	.0144	.0000	1.33	1.28 - 1.38
First offence			.0000		
Serious person	-.0393	.0482	.4145	0.96	0.84 - 1.08
Robbery	.1113	.0765	.1453	1.12	0.92 - 1.36
Sexual	-.3719	.0982	.0002	0.69	0.61 - 0.78
Assault	.1777	.0395	.0000	1.19	1.08 - 1.32
Drug	-.2007	.0482	.0000	0.82	0.72 - 0.93
Break & enter	.1868	.0289	.0000	1.21	1.12 - 1.30
Steal motor vehicle	.2141	.0317	.0000	1.24	1.20 - 1.28
Theft	.0342	.0256	.1816	1.03	0.97 - 1.11
Justice & good order	-.1121	.0269	.0000	0.89	0.83 - 0.96
First penalty			.0000		
Custodial orders	.2872	.0713	.0001	1.33	1.11 - 1.60
CSOs	.2022	.0648	.0018	1.22	1.04 - 1.45
Supervised orders	.2258	.0297	.0000	1.25	1.16 - 1.35
Fines	-.2260	.0252	.0001	0.80	0.73 - 0.87
Unsupervised orders	-.1011	.0331	.0000	0.90	0.85 - 0.96
Nominal penalties	-.3881	.0255	.0000	0.68	0.64 - 0.72
NLGA - place of residence (Departmental region)			.0000		
Eastern Sydney	.0794	.0258	.0020	1.08	1.03 - 1.14
Western Sydney	.1429	.0271	.0000	1.15	1.08 - 1.24
Southern Sydney	.0452	.0244	.0641	1.05	0.98 - 1.11
Hunter	.1112	.0264	.0000	1.12	1.04 - 1.20
Northern NSW	-.0142	.0307	.6446	0.99	0.91 - 1.07
Western NSW	.1614	.0335	.0000	1.18	1.08 - 1.28
Southern NSW	-.0342	.0273	.2096	0.97	0.90 - 1.04
Interstate/unknown	-.4917	.0406	.0000	0.61	0.55 - 0.68
Court Type (Specialist Children's Court)			.0000		
	-.0636	.0126	.0000	0.94	0.91 - 0.97
Constant	6.1449	.1170	.0000		

CI = Confidence Interval.

^a The model does not contain an analysis of interaction terms because of limitations in computer processing capacity.

^b Juvenile recidivism is a dichotomous variable.

^c Age1st is a continuous variable. Sex, First offence, First penalty, NLGA, and Court type are categorical variables.

4.8.1 Goodness of fit

It is worth noting that all principal factors chosen for inclusion in the logistic regression model are significantly related to the recidivism of juvenile offenders captured in this study. The “goodness of fit” of this model may be gauged by comparing the model’s predictions with the levels of recidivism observed in the sample.

Table ten shows that the model was 71.8% accurate in classifying the 52,935 juvenile offenders who either desisted or persisted in juvenile crime. Of the 36,723 non-recidivist juvenile offenders, 91.1% were correctly predicted by the model as not re-offending. Similarly, of the 16,212 juvenile offenders who did re-offend, 28.2% were correctly predicted by the model as being recidivists.

A total of 14,636 juvenile offenders in this sample were misclassified –3,269 juveniles who were non recidivists and 11,637 juveniles who were, in fact, recidivist offenders. This is to be expected given that factors, such as Aboriginality, Ethnicity, socio-economic status, family background, education level, employment status, and alcohol and other drug use, which have been found to contribute significantly to the explanation and thus the prediction of juvenile recidivism, were not available to this study.

Observed	Predicted		Percent correct
	Non-recidivists	Recidivists	
Non-recidivists (n=36723)	33454	3269	91.1%
Recidivists (n=16212)	11637	4575	28.2%
		Overall	71.8%

4.8.2 Using the model to predict recidivism in first offenders

The logistic model allows the calculation of the probability that an individual will re-offend based on the logistic coefficients (i.e. B values in Table nine) of the independent variables contained in the model. The estimated probability of recidivism is expressed as:

$$\text{Estimated prob. (recidivism)} = 1/(1 + e^{-Z})$$

Where, $Z = B_{\text{constant}} + B_{\text{age1st}} + B_{\text{sex}} + B_{\text{goifr (1-9)}} + B_{\text{penalty (1-6)}} + B_{\text{nlga (1-7)}} + B_{\text{crrtype(1-7)}}$.

Two examples may indicate how the model can be used to predict risk or recidivism for juvenile first offenders.

Example 1: For a 14 year old boy from the Sydney West Metropolitan area given a custodial order by a Children's magistrate for a first offence of assault (note, this combination of factors is bordering on a worst case scenario), the predicted risk of re-offending may be estimated by including the appropriate logistic coefficients in the model:

$$\begin{aligned} \text{Estimated prob. (recidivism)} &= 1/(1 + e^{-(6.1449 + 14(-0.4540) + 0.2828 + 0.1777 + 0.2872 + 0.1429 + (-0.0636))}) \\ &= 0.649 \end{aligned}$$

That is, this juvenile's estimated risk of re-offending is around 65%.

Example 2: The predicted risk of re-offending for a 16-year-old female from the south coast of NSW given an unsupervised recognizance by a local court for an initial drug offence is 18.9%, which is calculated as:

$$\begin{aligned} \text{Estimated prob. (recidivism)} &= 1/(1 + e^{-(6.1449 + 16(-0.4540) + 0 + (-0.2007) + (-0.1011) + (-0.0342))}) \\ &= 0.189. \end{aligned}$$

(Note, the coefficient of the reference “female” value for the variable “Sex” is zero; as is the coefficient of the reference “ non-specialist court” value for the variable “Court Type”).

4.8.3 Predicting the effect of a change in penalty on re-offending risk

What is apparent from the model is that any change in the level of one or more explanatory variables is likely to result in a change in the predicted risk of re-offending. By varying the type of penalty in the model and holding all other variables constant, it is possible to estimate the independent effect of penalty type on the likelihood of recidivism for first offenders. Once more, however, it should be noted that the penalty handed down by the court may be a proxy for various unidentified correlates of recidivism (i.e. perceived criminal propensity).

We have already seen (Section 4.8.2, example 1), that the predicted risk of re-offending for a 14 year old male residing in Sydney’s west who receives a custodial sentence for a first proven offence of assault is around 65%. For the same fitted model, what is the estimated risk of re-offending had a non-custodial sanction been handed down by the court?

Table eleven shows that the estimated risk of re-offending (for such an offender) drops by a small margin should a CSO (63.0%) or supervised order (63.5%), and not a custodial sentence, be sanctioned. The estimated risk of re-offending is significantly smaller should an unsupervised order (55.7%) or fine (52.6%) be given.

However, it is when a nominal penalty rather than a custodial order be given to such a first offender that a greatly reduced likelihood of re-offending are observed. For such an offender, receiving a nominal penalty (eg “dismissed and cautioned”) reduces the estimated risk of re-offending to 48.5%.

In the case of our 14-year-old boy from Sydney’s Eastern Metropolitan area convicted of assault, the estimated likelihood of re-offending, before penalty is incorporated in the model, is approximately 58%. Interestingly, the making of a custodial order increases the likelihood of re-offending by around 7% (i.e. 64.9% -58.1% =6.8%). A CSO increases the likelihood of re-offending by a similar margin (5.4%).

The estimated risk of re-offending substantially falls should a fine (down by 5.5%), unsupervised order (down by 2.4%), or nominal penalty (down by 9.6%) be given. In general, sanctions not requiring custodial or community supervision increase the estimated risk of re-offending, whereas unsupervised orders, fines and nominal penalties decrease the risk of juvenile first offenders subsequently re-offending.

Table 11: Predicted risk of re-offending by outcome -- 14 year old boy from the Sydney West metropolitan area convicted by the Children's Court for a first offence of assault

Variable/level	B	Z - total	% estimated risk of re-offending
Constant	6.1449		
Age1st (14 years)	-6.3560		
Sex (male)	0.2828		
Offence (assault)	0.1777		
Court (specialist CC)	-0.0636		
NLGA (Sydney West)	0.1429		
<i>Sub total</i>		0.3287	58.1%
Outcome:			
Custodial order	0.2872	0.6159	64.9%
CSO	0.2022	0.5309	63.0%
Supervised order	0.2258	0.5545	63.5%
Fine	-0.2260	0.1027	52.6%
Unsupervised order	-0.1011	0.2276	55.7%
Nominal penalty	-0.3881	-0.0594	48.5%

4.9 The effect of community and custodial supervision on recidivism

The findings presented in sections 4.6 and 4.7 indicate that juveniles who persist in juvenile crime are more likely to have received a control order, CSO or community supervised order at first appearance than their non-recidivist counterparts. There are a number of possible explanations for this association.

One possibility is that supervision, whether in the community or in custody, suppresses rather than eradicates criminal activity. If this were true then there would be a tendency for criminal behaviour to re-emerge once a juvenile offender was no longer in custody or supervised by juvenile justice authorities. That is, the relapse into criminal activity may occur because social control of the juvenile offender, whether in detention or in the community, ends.

On the other hand, contamination theory suggests that there may be criminalizing effects in correctional and/or rehabilitative programs which involve the mixing of offenders with one another. In particular, it has been suggested that young and impressionable juvenile offenders are likely to learn from a procriminal peer group in structured intervention situations (Trotter, 1995)

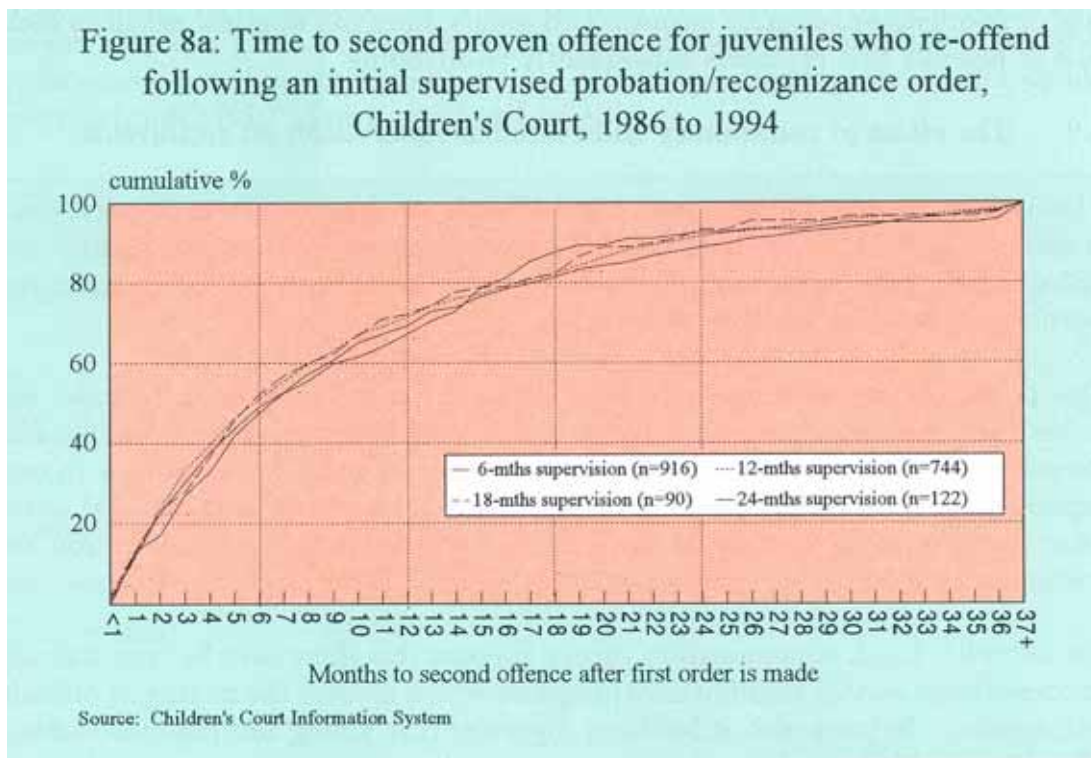
Sections 4.9.1 to 4.9.3 examine timing to the second proven offence in the context of the type of intervention and the duration of supervision ordered by the court. It should be noted

that these sections deal only with those juveniles whose second offence occurred after the first court order was handed down.²⁰

4.9.1 Recognizance/probation orders with supervision

Excluding those juveniles who re-offended prior to their first criminal matter being determined, there were 6,464 juveniles who first received a probation or recognizance with supervision. Of these, 2,628 individuals (40.7%) committed a second proven offence after the Court had placed them under supervision in the community.

Figure 8a shows that there is little difference between supervised orders of 6, 12, 18, or 24 month duration in terms of latency to second offence. Re-offending is more likely to occur in the early months after an initial supervised order is made. As many as one-third of all juveniles who re-offended did so within three months of the initial supervised order being made, and around 50% had re-offending within six months of the order being made. By 12 months, around 70% of recidivist had committed their second offence.



In fact, the majority (50.3%) of juvenile recidivists initially placed on a supervised probation or recognizance had re-offended prior to the expiration of the specified term of supervision. The proportion of Juvenile recidivists who re-offended before the end of the period of court ordered supervision was:

- 49.0% of juveniles placed on six-month supervised orders;
- 71.5% of juvenile placed on 12-month supervised orders;
- 86.6% of juveniles placed on 18-month supervised orders; and,
- 92.7% of juveniles placed on 24-month supervised orders.

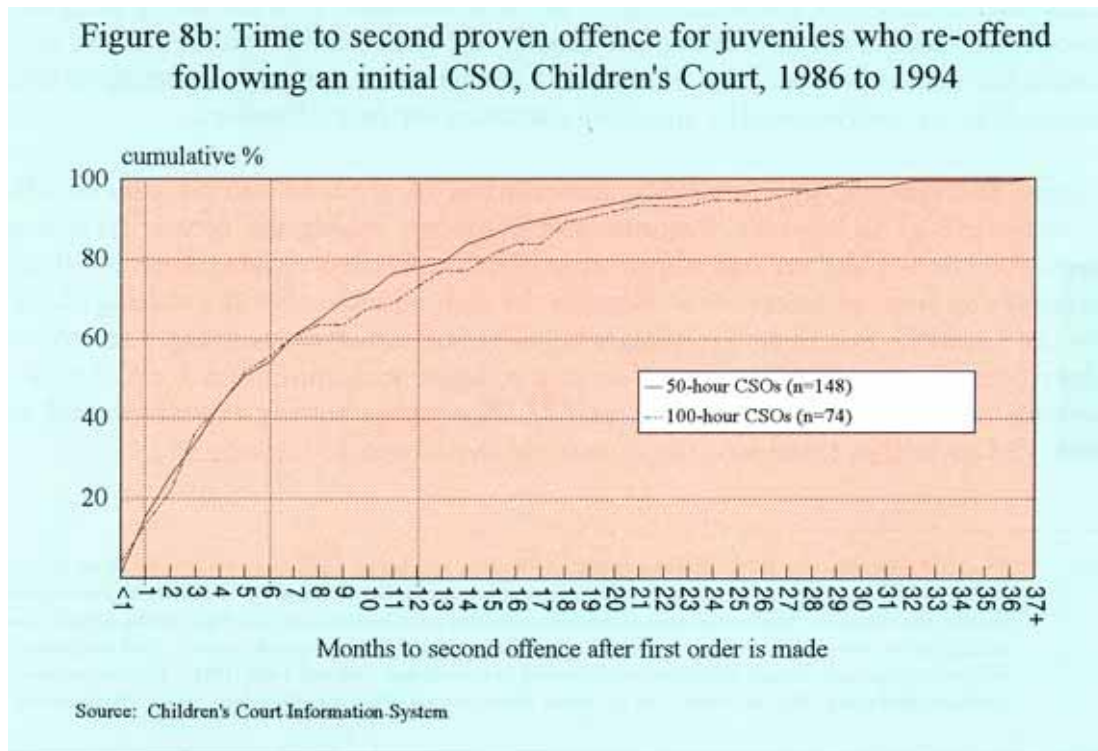
²⁰ The sample of 16,212 recidivist juvenile offenders included 2,869 individuals whose second offence preceded the finalisation date of the first proven matter. This group received the following outcomes for their first proven offence: 82 custodial orders (2.9%); 66 CSOs (2.3%); 523 supervised orders (18.2%); 504 fines (17.6); 879 unsupervised orders (30.6%) and 815 nominal penalties (28.4%). Given that the present treatment is concerned with the effectiveness of structured interventions on reducing re-offending, these individuals (some 17.7% of recidivists) were removed prior to analysis.

That as many as one in every three (30.7%) juvenile recidivist had re-offended within the first three months of a probation/recognizance order being made, regardless of the length of supervision specified, suggests that the early period under community supervision is potentially the most critical period for preventing relapse into criminal activity.

4.9.2 Community service orders (CSOs)

CSOs were handed down as a penalty to 768 first offenders (not including 66 juveniles who had re-offended before the first order was issued). Of these, 249 individuals (32.4%) had committed a second proven offence after the court had sentenced them by way of CSO. The most commonly ordered community service orders in such cases were for 50 hours (n=148) and 100 hours (n=74).

Figure 8b shows that the timing of re-offending for juveniles placed on 50 hour and 100 hour CSOs is almost identical. As for supervised community orders, most juvenile recidivists (around 77%) first sentenced to community work re-offend within twelve months of that order being made, with substantial proportions committing their second offence within six months (over 54%) or three months (over 34%).



Administratively, juveniles are permitted 12 months to complete 100 hours of community service work before they can be in breach for not obeying conditions or instructions of their supervising officer. This administrative formula extends to lesser hours of community service work with six months allowed to complete 50 hours of community service.

Keeping these time frames in mind figure 8b suggests that most juvenile recidivists first placed on a CSO are likely to commit their second offence before the completion of the order. Overall, 59.8% of juveniles who re-offended after first receiving a CSO did so before the end of the administratively allotted period.

For those who re-offended whilst serving 50 hour CSOs, 54.1% did so within the six months allowed to complete such orders. For those on CSOs of 100 hours, 77.0% of juveniles who re-offended did so within 12 months allowed to complete such work.

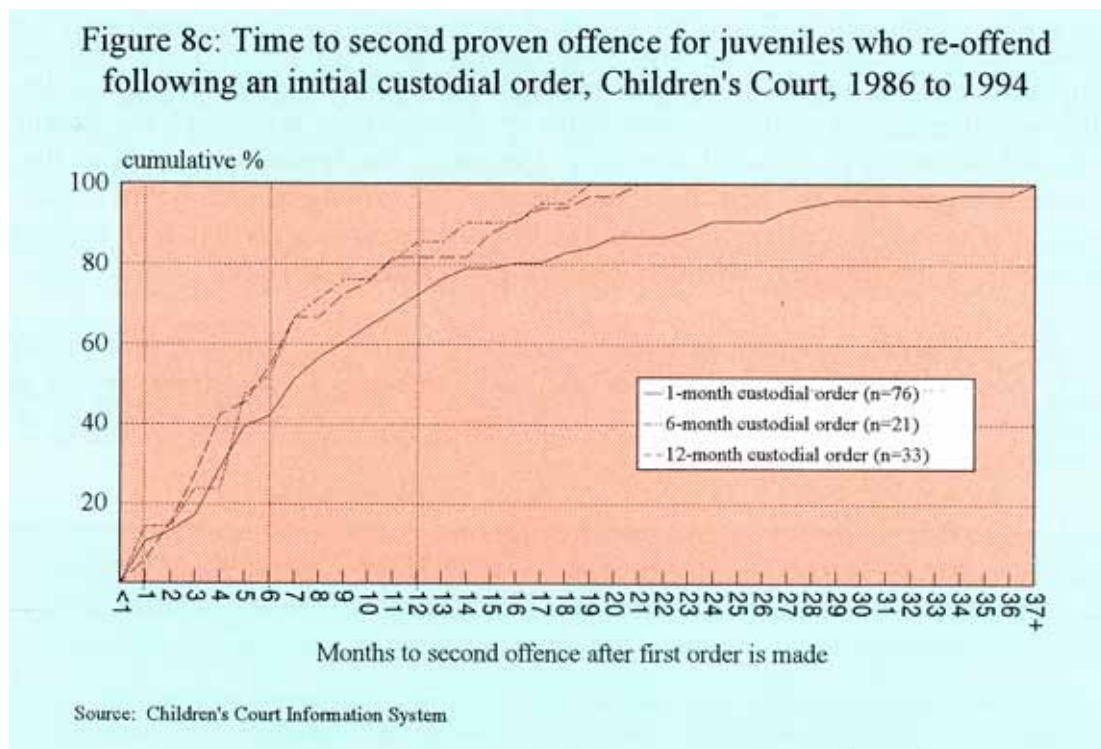
The steep initial gradients to the distributions contained in figure 8b once again suggest that the early months of a structured penalty, in particular the first three months, are when first offenders are most at risk of capitulating and re-offending again.

4.9.3 Custodial (control) orders

In NSW, the making of a control order provides for the custodial supervision of a juvenile offender for the length of the minimum term (i.e. non-parole period) of the sentence specified by the Court.²¹

Custodial orders were handed down to 604 first offenders (not including 82 juveniles who re-offended before the first order was made). Of these, 199 juveniles (32.9%) re-offended. Custodial sentences specifying minimum/ fixed terms or non-parole periods of one-month, six months or twelve months are more common for first offenders.

Figure 8c presents the cumulative distribution of time to second proven offence for juveniles placed on a 1-month, 6-month, and a 12-month "minimum" terms. As is seen to have been the case for the various community based serviced orders, there is a tendency for juveniles on control orders to re-offend in the early months after the making of such orders by the court.²² For those juveniles who did re-offend after receiving a control order for their first offence, 17.0% of those serving a one-month minimum term, 23.8% of those serving a six-month minimum term, and 27.3% of those serving a twelve-month minimum term did so within three months of starting their term in custody.



²¹ The NSW sentencing Act 1989, otherwise known as "truth in sentencing", legislation was introduced on 25 September 1989 and applied to adults and children equally. The main purpose of this legislation was to effectively abolish remissions. Under the Act, the court sets a minimum term of imprisonment that must be served in full. Prior to the introduction of the Act, administrative systems of automatic and earned remissions applied to the "non-parole period". Such remissions substantially reduced the time that juvenile offenders actually serve in custody (see Cain and Luke, 1991). For the purpose of simplicity, court specified non-probation periods and minimum terms are used to estimate time spent under juvenile justice supervision.

²² A similar "danger period" has been identified in relation to the re-admission of juvenile detainees into the high security Kariong Juvenile Justice Centre as "nearly 61% of transfer/discharge breakdowns occur within 4 months of leaving Kariong" (Department of Juvenile Justice, Memorandum to Executive Director, Centres, 11 July 1995).

The overall percentage of juveniles who re-offended before the completion of their initial term in custody was 39.7%. This is somewhat less than for CSOs and supervised orders, and may reflect the reduced opportunity for juveniles to offend whilst incarcerated.²³ In relation to longer “minimum” terms, re-offending before the expiration of such terms was more common: 52.4% of juveniles expected to serve six months in custody had re-offended within six months; and, 81.8% of juveniles who were to serve 12 months in custody had re-offended within a year.²⁴

4.10 Type of penalty and time to re-offending

The analysis so far has identified that supervision, whether in the community or in custody, does not appear to discourage juvenile offenders from further offending. Within the court designated period of supervision or incarceration, juveniles have alarmingly high rates of returning to criminal activities. Certainly, the findings reported in the previous sections suggest that the first three months after the making of a supervised order, CSO or custodial sentence is a critical period for juvenile recidivism in that it is marked by high numbers of juvenile first offenders to criminal activity.

Until the analysis, however, provides comparable figures for non-interventionist penalties, it is not possible to gauge whether the short intervals to re-offence reflect aspects of structured interventions or whether such trends are more a general feature of juvenile recidivism.

Table twelve presents the mean and median times to second proven offence for juvenile first offenders receiving the various sanctions. It should be noted that the average time to second offence for all juvenile recidivists is 9.5 months (sd= 9.7 months) with half of all juvenile recidivists re-offending in just over six months (median =6.2 months).

At fine, as a first penalty, is associated with the shortest average interval to second offence (mean=6.1 months, sd=6.3 months) with half of all recidivist first offenders who were fined committing their second offence within just over four months (median =4.1 months). The longest average interval from first outcome to second offence was noted for juvenile offenders who received nominal penalties, with a mean interval of 10.4 months (sd=10.3 months) and a median interval of 6.8 months.

There is little difference between supervised and unsupervised orders in the average (or median) time from first outcome to second offence. Both unsupervised and supervised

²³ An attempt was made to consider the effect of administrative remissions that were operating on custodial sentences prior to 25 September 1989. Cain and Luke (1991) identified that from February 1984 to September 1987 the system of automatic remissions effectively reduced time served in custody to two-ninths of the total sentence. From September 1987 to September 1989, a system of earned remissions reduced the non-probation periods set by the Court by up to 19 days per month served. Under this system, juveniles were also granted a further 14-day “terminal remission” at the end of their term in custody (page 7). Such deductions applied to all sentences greater than one month. In effect, the system of earned remissions meant that juveniles, on average, served less than 40% of their head (or total) sentence, and only 57% of the non-probation period set by the Court.

The effect of these remission schemes on time in custody must be considered, particularly in examining the effect of incarceration the time to next offence. For example, in this study, for juveniles given a non- probation period of six months under the system of earned remissions and who thus served less than four months in custody, only 15.4% of juvenile first offenders re-offended whilst in custody. For juveniles given a 12-month non-probation period, which translates to less than seven months served in custody, 61.9% were found to have re-appeared in court whilst in custody.

²⁴ Early release scheme have operated in the NSW juvenile justice system at least since 1974 when the community youth Centres Program was introduced. Before and after 1974 early release could be approved by the Minister or delegate (eg Departmental Head). This makes analysis of offending whilst in custody extremely difficult to verify. There is also the problem of accounting for “old” offences, that is offences which predate the first custodial order but which were finalised whilst the juvenile was in custody. Both early release into the community and warrants for outstanding criminal matters served upon a juvenile whilst in custody will artificially raise the percentage of juvenile detainees who appear to re-offend whilst in custody.

probation/recognition orders had mean and median intervals which approximated the mean and median values for all outcomes.

Outcome	Mean	Median
Custodial orders (n=199)	8.2 months	5.9 months
CSOs (n=244)	7.7 months	4.9 months
Supervised orders (n=2,596)	9.7 months	6.0 months
Unsupervised orders (n=4,777)	9.6 months	6.4 months
Fines (n=1,042)	6.1 months	4.1 months
Nominal penalties (n=4,395)	10.4 months	6.8 months
All outcomes (n=13,253)	9.5 months	6.2 months

Juvenile first offenders who either receive a custodial order or a CSO show relatively accelerated time from first outcome to second offence. Those first placed in custody re-offended some 1.3 months earlier than average (mean=8.2, sd=8.1 months), although the median value is shorter by only 0.3 months. Juvenile offenders first issued with a CSO had re-offended some 1.8 months earlier than average (mean=7.7 months, sd=7.7 months). The median value for CSOs is some 1.3 months lower than for all outcomes.

It would appear that juveniles first ordered into custody or given the direct alternative to custody, the CSO, are prone to re-offend quicker than juveniles given other initial penalties, with the exception of those who are fined. What is apparent from table thirteen, however is that high proportions of juvenile first offenders, who do go on to re-offend, commit their second offence within six months of their initial proven court appearance, and this is generally the case regardless of the type of penalty first issued by the Children's Court.

Overall, just under 30% of all second offences occurred within three months of the first determination, and almost half (49.1%) of all second offences had occurred within six months. Within twelve months of the initial outcome was handed down by the court, 71.0% of second offences had occurred.

Juveniles who were fined showed the most rapid level of re-offending. Four in ten (39.0%) juvenile recidivists who were fined committed their second offence within three months of the first finalised court appearance, and just under two-thirds (63.8%) had re-offended within six months of their first proven court appearance.

Juvenile recidivists who were first given a custodial order, a CSO, or a supervised community order also show accelerated re-offending. Over half of the juveniles in these groups (51.8%, 54.9% and 50.2%, respectively) re-offended within six months of the making of the initial order. Almost one-third (32.8%) of juvenile recidivists given an initial CSO had committed their second offence within three months of the original order.

The lowest levels of re-offending within the first six months after the first proven court appearance were noted for juveniles first receiving a nominal penalty or unsupervised order (45.8% and 47.8%, respectively). Within three months of the initial order being made, the lowest level of re-offending was noted for first offenders who received custodial sentences,

with 24.1% of juvenile recidivists committing their second offence within three months of the first period of incarceration.

Table 13: Juvenile recidivism: Cumulative % of time from first CA to second proven offence by first outcome (n=13,253), Children’s Court, 1986 to 1994

Outcome	Cumulative % of time to second proven offence					
	<i>up to 3 months</i>	<i>up to 6 months</i>	<i>up to 12 months</i>	<i>up to 18 months</i>	<i>up to 24 months</i>	<i>over 2 years</i>
Custodial orders (n=199)	24.1	51.8	78.4	90.0	95.5	100.0
CSOs (n=244)	32.8	54.9	77.5	90.6	95.9	100.0
Supervised orders (n=2,596)	30.7	50.2	70.6	82.2	90.3	100.0
Unsupervised orders (n=4,777)	29.8	47.8	70.7	83.1	90.6	100.0
Fines (n=1,042)	39.0	63.8	84.9	94.6	98.0	100.0
Nominal penalties (n=4,395)	27.1	45.8	67.6	80.9	89.4	100.0
All outcomes (n=13,253)	29.8	49.1	71.0	83.3	90.9	100.0

The picture painted by these statistics is that the more structured penalties, such as custody, community service work and, to a lesser extent, supervised community orders, are associated with more rapid re-offending. That is, the higher the level of supervision ordered, the shorter the interval between first and second offences is likely to be. This may reflect as much the characteristics of those juvenile first offenders punished by way of the “harsher” penalties as the effect of the structured interventions catering for such offenders.

The small proportion of juvenile offenders who are given a custodial order or CSO for a first offence may be intrinsically prone to higher levels of recidivism. The harsher penalties may reflect a higher intrinsic risk to re-offend, evidenced in one way by their more serious initial offence, and perhaps in the other ways by the Court’s perception of certain criminogenic aspects to their personal, family or social background requiring formal intervention.

Nevertheless, imposing supervision, particularly custodial supervision, on first offenders, exposes these juveniles to the risks of associating with more experienced and hardened offenders, including the possibility of acquiring further errant behaviours and attitudes from such associations. This is the much-publicised notion that custodial institutions are “universities of crime”.

Orders involving supervision also subject juvenile offenders to a greater level of surveillance and scrutiny. Consequently, it may be argued that misbehaviour committed whilst under community supervision is more likely to be detected and brought to the attention of the Court. The level of surveillance and scrutiny of juveniles sentenced into custody is far greater still, further increasing the odds of detecting, and thus reporting and formally dealing with subsequent illegal activities.

A further consideration is that outstanding warrants are far more likely to be detected, and criminal charges acted upon, when a juvenile is under community or custodial supervision. Such matters, when finalised during the period of supervision or incarceration, will be recorded by default as a subsequent proven offence whilst the first order is still current.

There is one further point to make. While 59.0% of juveniles who receive a fine for their first offence do not re-offend at all, fines are associated with the shortest intervals to second offence of all outcomes. The effectiveness of a fine in preventing a first offender from re-offending must seriously be questioned given that 50% of juveniles who re-offended committed their second offence within four months of being fined. One could speculate that many juvenile offenders who offend do so “ as alternative survival strategy...as a means of additional income” (White 1993: 20). If this were true then the suitability of monetary fines for such individuals is questionable. Worse still, fining juvenile offenders actually may exacerbate the social disadvantage that led to their criminal behaviour in the first place.

4.11 Persistence and graduation in juvenile offending

A further measure of recidivism is the extent to which juvenile offenders escalate in their criminal behaviour. Certainly it has been recognised in relation to adult crime that many offenders commence their criminal careers with less serious offences before progressing to the more serious type of offending. (Pertisilia 1980; Smith, Smith & Noma 1984). While there is evidence to suggest that juveniles tend to commit, and persist in the commission of, property/theft offences (Challinger, 1975; Coumarelos 1994), at least for the more recidivist offenders, there is also evidence to suggest a significant movement from property crimes to crimes involving violence against other persons, particularly in relation to the more recidivist juvenile offender.

Specifically, Cain (1993) reported on the level of graduation in offending for juvenile’s detainees by comparing their first proven offence with their latest proven offence, that is the offence for which they were committed at the time. Using the ANCO classification of offences, which provides a general scale of offence seriousness, it was identified that, 57.0% (of juvenile detainees) had ‘graduated’ to crimes of violence from property and other non-violent offences”. (page 30)

In order to consider the extent to which juvenile recidivists escalate in their offending, two sets of comparisons were made. First, the proven offence of juvenile recidivists was compared with the last proven offence committed within the study period. Secondly, comparison was made of the first proven offence of juvenile recidivists with their most serious proven offence committed within the study period.

Offences, which are first categorised by way of ANCOs, were structured according to an offence hierarchy which locates all offences against the person above all non-person offences in terms of offence seriousness. Within person offences, four sub-divisions in terms of offence seriousness are provided. Similarly, non-person offences are categorised by a four-way sub-division in terms of offence seriousness. Drug offences, in this model, are positioned midway between person and non-person offences, providing a convenient demarcation of person and non-person offences.

4.11.1 First versus last proven offence

Table fourteen presents the relationship between the first proven offence of juvenile recidivists and their last proven offence recorded within the study period. Of the 16,212 recidivist offenders, 40.0% had last appeared in the Children’s Court for a proven offence which was more serious than their first proven offence, 20.0% had re-offended at the “same”

level, and the remaining 40.0% had last offended in the period at a level “lower” in offence seriousness than their initial transgression.

Of the 6,441 juvenile recidivist who had escalated in their offending, 28.5% had moved from a non-violent first proven offence to a last proven offence of violence against other persons. Just over half of these juveniles had moved onto a final offence involving an assault of a relatively minor nature (eg Common assault). However, one in four had their final conviction in the Children’s Court for a more serious offence against the person (i.e. malicious wounding, assault occasioning grievous bodily harm, Kidnapping or homicide).

In the context of previous studies which identified that juveniles tend to “specialize in theft offences over their juvenile criminal careers” (Coumarelos 1994: 11), an examination of first and last proven offences over the study period provides a similar finding. Of the recidivist offenders, 9,973 juveniles (61.5%) first offended by way of either break and enter, motor vehicle theft, or other theft offence. At last proven offence, almost two-thirds (6,233 of 62.5%) of these initial theft offenders had re-offended by way of further theft offences. Nonetheless, one in eight (12.7%) initial theft offenders were found guilty of a person offence at their final appearance before the Children’s Court.

Of the 2,106 juvenile recidivists who first offended by way of violence against another person, only 326 (or 15.5%) had completed their juvenile criminal career by way of a further violent offence. The majority of “first up” violent offenders (1,222 or 58.0%) had re-offended at last appearance by way of less serious theft offences, with a further one in four (26.5%) last offending by way of various other non-person offences.

4.11.2 First versus most serious proven offence

The comparison of first and last proven offences will provide a reasonable reflection of the change in offending patterns for some 50% of the recidivist group, as 8,025 of the 16,212 juvenile recidivists only had two proven offences in their juvenile criminal careers. For the more recalcitrant juvenile repeat offender, a preferable measure of continued offending, particularly in terms of a tendency to escalate in offence seriousness, is likely to be gained by comparing the first proven offence with the most serious subsequent proven offence. Such an analysis is restricted to the 8,187 juveniles with three or more proven offences.

Table fifteen presents the relationship between the first proven offence of juvenile recidivists and their most serious subsequent proven offence recorded within the period.

Of the 8,187 recidivist offenders with three or more proven court appearances, 39.3% had an offence proven in the Children’s Court which was more serious than the proven offence for which they first appeared. A similar proportion, 38.7% had appeared in the Children’s Court on two or more occasions subsequent to the first proven offence without having committed an offence that was as, or more serious, than the first. For 22.0% their most serious subsequent proven offence was at the same general level of offence seriousness as their initial transgression.

Just over one-quarter (25.5%) of the 3,271 juvenile recidivists who had escalated in their offending, had transgressed from a first offence which was non-violent to a most serious subsequent offence involving violence. More often than not, such graduations to violent offending involved the more minor forms of assault (53.8%) but over one-quarter (26.3%) did proceed to the commission of the more serious violent offences, such as malicious wounding, assault occasioning actual or grievous bodily harm, kidnapping or homicide. The remaining 20.1% graduated to “other offences against the person” of a less serious kind such as “throw object at person”.

The pattern of recidivism observed in relation to the first and last proven offences of juvenile repeat offenders is not too dissimilar to the re-offending pattern between first and most

Table 14: Escalation in offending: relationship between first and last proven offence, juvenile recidivists (n = 16,212), Children's Court, 1986 to 1994

Last proven offence	First proven offence									
	Serious person	Robbery	Sexual	Assault	Drug	Break & enter	Steal m/v	Theft	Justice/good order	
Serious person	.05	.07	.04	.04	.03	.03	.04	.04	.04	.04
Robbery	.03	.03	.01	.02	.02	.02	.01	.02	.02	.01
Sexual	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01
Assault	.06	.06	.06	.09	.06	.06	.06	.07	.06	.06
Drug	.04	.03	.03	.04	.02	.03	.04	.03	.03	.03
Break & enter	.18	.18	.24	.20	.26	.23	.20	.22	.21	.21
Steal m/v	.14	.15	.19	.10	.10	.13	.15	.12	.12	.12
Theft	.28	.28	.26	.25	.27	.28	.26	.28	.27	.27
Justice/good order	.22	.20	.18	.25	.23	.21	.23	.21	.24	.24
Total		.40	re-offended "lower" level		.20	re-offended "same" level		.40	"escalated" in offending	

Note: Figures in table are percentages of column totals. For example, for the column "Serious person", 0.22 (or 22%) of juvenile recidivists whose first offence was a serious person offence committed, as their last juvenile offence, a "Justice/good order" offence.

Table 15: Escalation in offending: relationship between first and most serious subsequent proven offence, juvenile recidivists with three or more proven court appearances (n = 8,187), Children's Court, 1986 to 1994

Most serious proven offence	First proven offence									
	Serious person	Robbery	Sexual	Assault	Drug	Break & enter	Steal m/v	Theft	Justice/good order	
Serious person	.04	.05	.04	.04	.05	.02	.03	.04	.03	
Robbery	.01	.03	.02	.02	.02	.01	.02	.02	.02	
Sexual	.01	.01	.02	.01	.00	.01	.01	.01	.01	
Assault	.08	.08	.02	.09	.04	.07	.06	.06	.07	
Drug	.02	.01	.00	.03	.05	.02	.02	.02	.03	
Break & enter	.21	.23	.26	.20	.24	.26	.21	.24	.23	
Steal m/v	.13	.14	.15	.09	.12	.11	.20	.12	.13	
Theft	.31	.35	.34	.29	.30	.31	.27	.31	.25	
Justice/good order	.19	.11	.15	.23	.19	.19	.18	.18	.23	
Total		.39	re-offended "lower" level		.22	re-offended "same" level		.39	"escalated" in offending	

Note: Figures in table are percentages of column totals. For example, for the column "Serious person", 0.19 (or 19%) of juvenile recidivists whose first offence was a serious person offence committed, as their most serious proven juvenile offence, a "Justice/good order" offence.

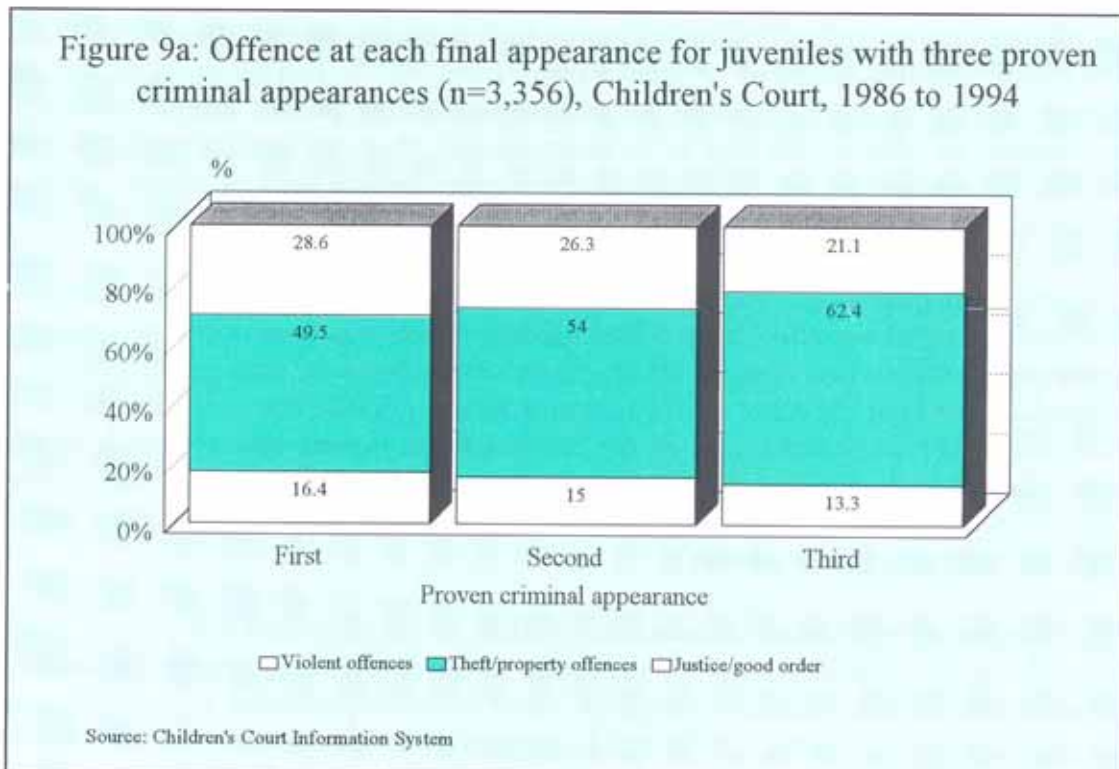
serious proven offences. Certainly, there is a clear proclivity for juvenile recidivists to persist in theft offences. Of the 4,558 juveniles with three or more proven offences who first offended by way of either a break and enter, motor vehicle theft, or other theft offence, more than two-thirds (6,233 or 67.7%) had a most serious re-offence of the same offence types. Escalation from initial theft offences to a most serious offence of violence against others was, however, the case for 12.0% for recidivist with three or more convictions.

Turning to the 1,347 juveniles with multiple offences who first offended with violence, only 15.1% had a subsequent violent offence recorded as their most serious offence. That is, rather than persisting in violent crimes, the majority of first time violent offenders decreased in offence seriousness, with their most serious subsequent proven offence being a theft offence (62.7%), an offence against justice or good order (17.2% including breaches), or a drug offence (5.0%).

4.11.3 Patterns of re-offending

What is the relationship between persistence in juvenile crime and offence seriousness? That is, is there a tendency for juveniles to commit more and more serious crimes the longer their criminal career?

Juveniles with three proven appearance represent 6.3% of juvenile offenders sampled. These 3,356 juveniles were responsible for 11.1% of all proven criminal appearances in the period. Figure 9a provides details of the offence for which these juveniles were found guilty at their first, second and third proven appearance.



It shows that these juveniles had a tendency to progressively move from violent offending to theft offences. At first appearance, violent offences made up 16.4% of their crimes, at second appearance, 15.0% and at third (and final) appearance, 13.3%. This reduction in violent offending was matched by a similar drop in justice and good order offences. From

first to third offence, the number of justice offences and offences against good order reduced progressively from 28.6% to 21.1%.

At first, making up half (49.5%) of all offences at first appearance, theft and property offences increased to comprise 54.0% of second appearances and 62.4% of third (and final) offences for these juveniles.

There are similar patterns in the progression of offences for juvenile recidivists with more than three proven appearances. That is, for these more 'chronic' repeat offenders, the relative movement, once more, is from violent and justice/good order offences to theft/property offences.

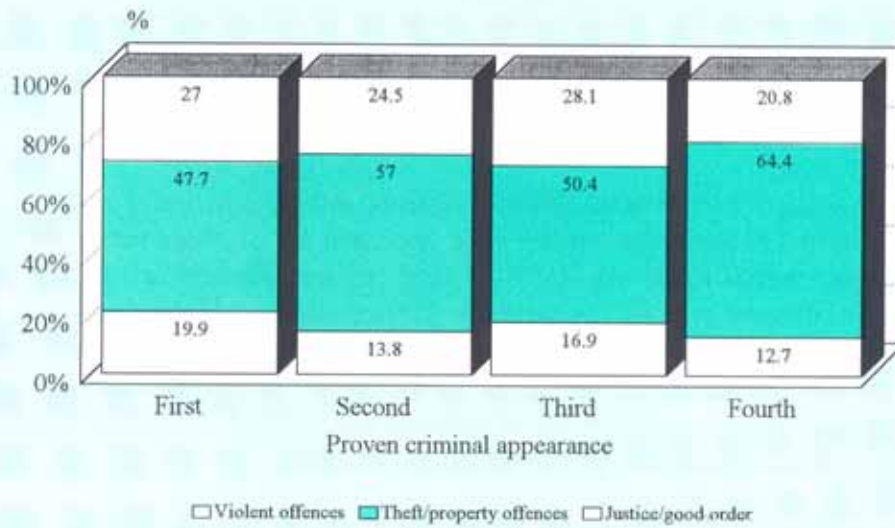
For juveniles with a maximum of four proven court appearances (1,743 individuals or 3.3% of the total sample; responsible for 7.6% of all proven criminal appearances), violent crimes dropped from 19.9% of first offenders to 12.7% of final offences; justice good/order offences dropped from 27.0% of first offences to 20.8% of final offences; and theft/property offences rose from 47.7% of offences at first incident to 64.4% of fourth (and final) offences (see figure 9b).

For juveniles with five proven criminal appearances in the Children's Court (1,081 or 2.0% of the total sample; responsible for 5.9% of all proven criminal appearances) the transition to theft/property offences from violent and justice/good order offences is present, if not as pronounced. At the fifth and final appearance, theft and larceny made up 66.2% of offences for these juveniles, whereas they made up 47.7 % of offences at first appearance. Conversely, violent offences from first to fifth appearance dropped from 17.0% to 13.6% of offences; and justice/good order offences dropped markedly from 31.2% of first offences to 18.5% of fifth (and final) offences (see figure 9c).

Offences involving violence and offences against justice and good order also decreased during the criminal careers of juveniles who appeared six or more times in the Children's Court. Violent crimes made up 20.1% of first proven offences for this group but only 15.3% of their offences at final appearance. Justice and good order offences also reduced over the course of their careers, dropping from 29.6% of initial offences to 25.2% of final juvenile crimes. Theft offences increased from first to last appearance for these chronic offenders, initially representing 46.9% of offences and rising to 57.6% of offences for which they had their final appearance in the Children's Court.

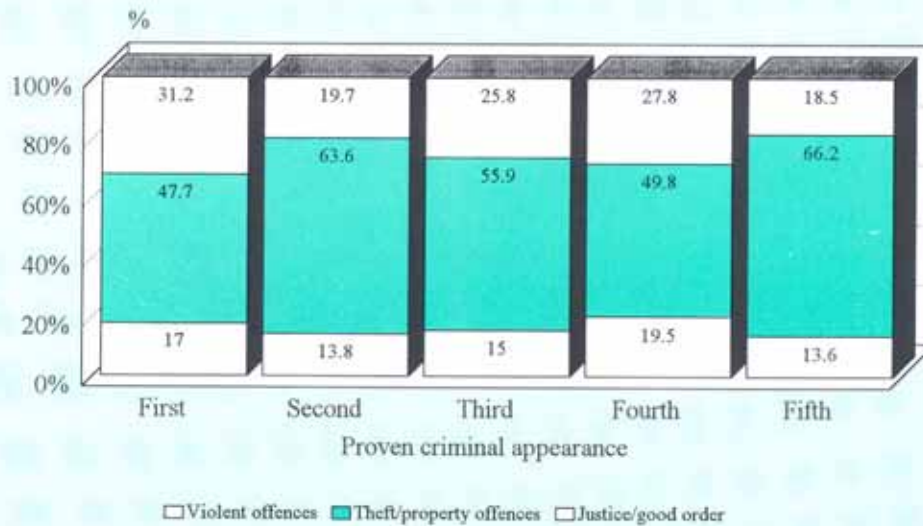
There is abundant evidence to suggest that stealing, break and enter offences, car theft and other offences involving the theft of property are the "norm" for juvenile offenders. Where escalation in offending is defined as a transition from non-violent crimes to violent crimes, the pattern of repeat offending depicted in figures 9a, 9b and 9c is not one of "graduation" to more serious offence types. For repeat offenders, there is a discernible movement from the "more serious" person offences to the "less serious" property and theft offences. However, there is also a movement to property and theft offences from the "less serious" justice and good order offences, and in such cases it may be construed that there has been an increase in offence seriousness. One may say that theft and property offences, such as break and enter, are the "norm" to which adolescent offenders progressively shift the longer such individuals are involved in juvenile crime.

Figure 9b: Offences at each final appearance for juveniles with four proven criminal appearances (n=1,743), Children's Court, 1986 to 1994



Source: Children's Court Information System

Figure 9c: Offences at each final appearance for juveniles with five proven criminal appearances (n=1,081), Children's Court, 1986 to 1994



Source: Children's Court Information System

5. DISCUSSION

In NSW at least, recidivism is not a characteristic of the majority of juvenile offenders. This study found that, in the nine periods from January 1986 to December 1994, nearly 70% of juvenile offenders did not re-offend after their first proven criminal matter.

Consider the larger picture. NSW had a youth population of approximately 670,000 individuals aged between 10 and 18 years.²⁵ Each year around 10,000 juveniles appear before the NSW Children's Court on criminal matters. Therefore, the number of young people brought before the court on criminal matters is fairly small, at under two percent (1.5%) of the NSW youth population. As only three out of every ten juvenile offenders re-appear before the Children's Court, it may be estimated that, in any year, the number of known recidivist offenders make up only 0.4% of the NSW youth population. Clearly, continued participation in criminal activity is restricted to a very small percentage of the NSW youth population.

A limitation of this study is that it examined recorded offences, and reliance on official statistics will under-estimate the true level of juvenile crime (Cuneen & White, 1995). This is a problem basic to all studies which rely on official records. There are two further limitations that should be mentioned. Firstly, the level of reported juvenile crime is under-estimated because police cautioning data have not been included. However, this study did have as its focus proven juvenile criminal matters. Secondly, it was not possible to track juvenile offenders into the adult system meaning that this study only measured recidivism during offenders' juvenile years. Despite these limitation, this study furnishes valuable information on the characteristics of juveniles who offended and re-offended.

Contrary to public belief, juvenile crime is not characterised by a high incidence of offences against the person. Property, theft and good order offences are more the norm for juvenile offenders, with non-person offences outnumbering violent crimes by seven to one. Non-person offences are also the offences more typically committed by recidivist juvenile offenders.

Juvenile recidivism is not marked by increasing offence seriousness. Juveniles who re-offend tend to gravitate to offences which do not involve violence against other persons. That is, escalation to more serious, violent crimes is not a common feature of juvenile recidivism.

Why are juvenile offenders inclined to engage in property crimes? According to Cohen and Felson (1979), crime is a routine activity based on opportunity. The opportunities afforded many juveniles to engage in property crime, particularly property theft, may be simply too good to resist. Motor vehicle theft, shoplifting, and break and enters are offences which, generally, present a safe target for opportunistic and adventurous crime by juveniles (and adults). That such crimes are non-confrontational is a point that should not be underestimated.

In terms of preventing juvenile property crime, improvements in car and home security and other "target hardening" measures which reduce ready and quick access to cars and properties, will lower the incidence of juvenile property crime. Removing the opportunities for monetary rewards from the sale of stolen property (EG hocking of stolen foods; "professional" disposal of car parts) must also be attended to either by changes in law for the disposal of second hand goods, increased surveillance, or both (Chan 1994; Weatherburn 1995).

²⁵ Australian Bureau of Statistics, 1991 Census figures

Relatively few juvenile offenders have extended criminal careers. Juveniles who accumulated three or more proven offences made up just nine percent (9.1%) of offenders in this study. However, these individuals were responsible for one-third of all proven Children's Court appearances surveyed. The finding is consistent with that of earlier research which identified that "habitual" or "chronic" offending is restricted to a small proportion of all offenders, with these individuals being responsible for a disproportionate number of offences (Wolfgang, Figlio and Sellin, 1972; Shannon, 1981; Nagin and Paternoster, 1991; Broadhurst and Loh, 1992; Coumarelos, 1994).

The majority of juvenile offenders, as previously discussed, were found to have desisted from further offending after their initial court appearance. In terms of general characteristics, juvenile recidivists do differ from juveniles who desisted from further offending. Juvenile recidivists were more likely to be male; they also tended to be younger at time of first court appearance than desisters. The first proven offence of recidivists were more likely to be a common assault, break & enter, or motor vehicle theft. Juvenile recidivists were also more likely to reside in one of four areas of NSW: the Hunter Region, Northern NSW, Western NSW, and the Metropolitan East area of Sydney.

When recidivism does occur, the second offence is more likely than not to take place within three to six months of the initial proven matter. This relationship exists irrespective of what penalty is handed down by the Court at first appearance. This indicates that the early period after an initial offence is critical for preventing relapse into criminal activity. Furthermore, persistent offending appears to generate shorter and shorter periods to the next offence. Between the fourth and fifth proven offences, the median interval was found to be just 4.2 months. This contrasts with a median interval of 7.1 months between first and second proven offences.

There exists a strong relationship between first penalty type and juvenile recidivism. The more severe Children's Court sanctions, that is those orders that direct formal intervention and supervision, were associated with higher levels of re-offending. A relatively high level of recidivism was also noted for juvenile offenders who received a fine as their first penalty. On the other hand, sanctions characterised by minimalist intervention (unsupervised orders and nominal penalties, such as dismissed with a caution) were associated with relatively low levels of re-offending. Significantly, the relationship between sterner penalties and higher juvenile recidivism exists even when the influence of other factors found to be associated with propensity for re-offending, such as the nature of the first offence, the age and sex of the offender, are factored out.

A number of research studies have found that the more severe sanctions, particularly custodial sentences, can have a direct bearing upon a juvenile offenders return to criminal activity (Wooldredge, 1988; Shannon, 1988). In addition, much is made in the literature of the potentially damaging effects of incarceration (for example, Jackson 1994) and other structured interventions (Trotter, 1994). Contamination and promotion of procriminal attitudes are perceived as dangers associated with ordering higher penalties for young and impressionable offenders. According to Kraus and Smith (1978), even a relatively short term in custody on remand is found to significantly increase subsequent offending.²⁶ Trotter (1994) similarly argued that Community Service Orders and other structured programs which mix offenders, can act to amplify the very deviance that such social punishments are meant to curb.

That the more severe sanctions are associated with higher recidivism of juvenile offenders however, should not be seen as evidence that these sanctions, as first penalties, cause or even contribute to further offending, although this possibility cannot be totally discounted.

²⁶ Kraus and Smith (1978) found that for comparable groups of alleged offenders, individuals remanded in custody were more likely to re-offend than those placed "on remand" at home (64.3% as compared to 36.6%, respectively).

The results of any justice intervention (eg recidivism) should not be considered as being dissociated from those offender characteristics, including perceived propensity for re-offending, which influenced the choice of disposition in the first place.

The penalty that the court gives has been viewed as a proxy for other unidentified correlates of recidivism. In particular, penalty type has been seen as a proxy for certain offender characteristics and socio-environmental factors that bear upon the future offending behaviour of the juvenile (Smith and Paternoster, 1990; Mulvey, Arthur & Repucci, 1993). Consequently, the observed association between juvenile court outcome and future criminal offending may be “capturing the influence of other variables not included in the analysis but nonetheless correlated” with both court sanction and criminal propensity (Smith and Paternoster, 1990: 1113).

Should it be the case that judicial officers have the ability to accurately differentiate “high” risk from “low” risk youth, then sentencing practice will be positively correlate with unmeasured variables that increase the risk of future offending. Background reports and other information supplied to the court by juvenile justice officers and youth workers may well provide the necessary “insight” into a juvenile’s risk or propensity for further criminal activity by identifying circumstances, such as family background and known associations with other criminals, which place the juvenile at increased risk of returning to crime. Under such conditions, the reasons behind the Court’s choice of a particular disposition and any subsequent offending are likely to be confounded with “unmeasured variables that are themselves causes of future criminal activity” (Smith and Paternoster 1990: 1128). In addition, the Court has acknowledged the “difficulties of deterring (from crime) young people who live in subcultures which are alienated from society. Indeed, there are difficulties in dealing with young people who are damaged in various ways by the inadequacy of their nurturing and rearing.”²⁷

Traditionally, it has been argued that harsher penalties have unintended consequences, one being to actually increase the likelihood of an offender’s further involvement in crime. This is seen as a particularly stronger danger for naïve and impressionable juvenile offenders. Labelling, stigmatisation, contamination, procriminal role modelling and criminal networking have been identified as the possible effects of the experiences of a juvenile offender penalised by way of custodial sentence or community based supervised order. “Treat someone like a criminal, and a criminal they become” sums up the social processes of labelling and stigmatisation by which the commission of a single deviant act may lead an individual to develop a criminal identity. Contamination theory, on the other hand, suggests that custodial environments are simply another social setting where friendships and associations are formed and where learning, including the acquisition of new criminal skills from more sophisticated offenders, may take place.

“Universities of crime” is a title regularly conferred upon custodial institutions to illustrate the suspected criminogenic effects of “being locked up” with other offenders. This is supported by recent research which indicates that “other than one’s prior deviant behaviour, the best single predictor of the onset, continuance or desistance of crime and delinquency is differential association with conforming or law violating peers” (Akers 1994, quoted in Trotter 1995: 164).

Community based programs which amass groups of young offenders may have the same potential for contamination as custodial programs. Trotter (1995) found criminalizing effects in community correctional programs which involved groups of offenders undertaking unpaid community service work. Furthermore, he identified that the effects to be strongest for

²⁷ R v S (No. 2) (*A child*) (1992) 7 WAR 452

younger offenders, who were “more likely to be influenced” by other participants and had “higher levels of re-offending” (page 164).

Custodial and community based programs, which gather offenders for the purpose of activity or counselling, should be monitored and evaluated for potentially criminalizing effects. Proposed community based interventions, such as the Attendance Centre Program, with its strong emphasis on intensive group work, musty also be questioned. Recent legislation, that is yet to be proclaimed, will extend community service work for juvenile offenders to a maximum of 250 hours. Such orders could take as long as 30 months to complete and, as much of the work is likely to involve environmental and restoration activities performed by juvenile offenders organised into work groups, the potential of such orders to increase the probability of further involvement in crime must be highlighted.

It could be argued that participation in community based programmed for first offenders and younger repeat offenders should be limited, whenever possible, to work placements or casework situations away from other offenders. In fact, casework and counselling centred upon “home” visits may be the best option for juvenile first offenders, should any intervention be considered at all. Of course, the suitability of the home environment as a venue for such interventions must be carefully considered. Community Service Orders that direct less serious juvenile offenders to work with prosocial peer groups may also be regarded as a more suitable alternative to traditional placements.

One further point needs to be raised in relation to custodial orders and supervised community based orders. These structured interventions appear to actually increase the risk of acquiring an extensive criminal record. Supervision may directly contribute to the accumulation of more extensive criminal records through more intense surveillance and the application of less forgiving law enforcement practices. Supervision increases the likelihood of subsequent offending behaviour being detected and formally dealt with. (i.e. charged). This places individuals penalised by way of the more severe sanctions at increased risk of acquiring extensive criminal records and therefore, at heightened risk of becoming entrenched in the criminal justice system (Nagin and Paternoster 1991).

The Children’s Court, fortunately, has a history of limiting custodial sentences and community service orders to a small percentage of juvenile offenders. In the nine years from 1986 to 1994, committals and Community Service Orders comprised just three percent of first penalties ordered by the Children’s Court. Given that these dispositions are intended for the most serious of juvenile offenders, this perhaps makes a recidivism rate of 80% somewhat more acceptable.

On the issue of what constitutes an “acceptable” level of re-offending, it must be recognised that there is no baseline measure of “success” for recidivism. An “acceptable” level of re-offending will depend on what measure of recidivism is adopted (eg frequency of offending, duration of criminal career, time to next offence, change in offence seriousness, official versus self –reported criminal activity, etc). In may respects, this study has established baseline measures for juvenile recidivism in relation to each of the various court ordered sanctions. The success of future programs and initiatives and, indeed, the success of these customary programs in they operate in the future can be benchmarked against the levels of juvenile recidivism identified in this report.

As a group, it is widely recognised that juvenile offenders are socially and economically disadvantaged. They are seen as part of the large and growing “youth underclass”, which is a term often “applied to street kids and the homeless...(and includes) all those with severe income deprivation, unstable employment, low skills, persistent poverty, high incidence of health problems, crime and drug abuse” (White 1994:20). Fines are some of the more common penalties ordered by the NSW Children’s Court. Fifteen out of every one hundred

(15.2%) juvenile first offenders received a fine. However, its suitability for many juvenile offenders must be strongly questioned. Imposing a fine on disadvantaged juveniles may be tantamount to taking food from their mouths or making them unable to pay their rent. A fine may well be something that economically challenged juveniles cannot afford, forcing them to commit further crimes simply to subsist and survive. On this point, it should be noted that 41% of juvenile offenders who initially were fined subsequently re-offended. This recidivism level is only exceeded by the level of recidivism observed for the more structured penalties.

Summing up, juvenile crime is not a problem of epidemic proportions, and most juvenile offenders who appear before the NSW Children's Court are characterised by non-violent offending and desistance from criminal activity after their first court appearance. Only three out of every ten juvenile offenders will re-offend, and fewer still will become persistent or chronic offenders.

A number of factors are statistically associated with juvenile recidivism and while the actual reasons for recidivism remain unknown, these factors are clearly linked to re-offending risk and may be used as valid predictors of juvenile re-offending. The penalty a juvenile offender receives at first court appearance certainly reflects the seriousness of the offence and the criminality of the offender. Arguably, penalty is also a proxy for other unidentified correlates of juvenile recidivism. This does not, however, lessen the value of court disposition as a valuable predictor of future juvenile offending. Together with the offender's sex, age at first appearance, place of residence, and the initial offence, the initial penalty ordered has substantial predictive utility for identifying which juvenile first offenders are likely to re-offend.

Children's Court magistrates have an unenviable task. They must carefully weigh the intended punitive, deterrent, reparative and rehabilitative benefits of the various sanctions against the potentially damaging effects of these social punishments on the young people appearing before them on criminal matters. Research by Coumarelos (1994) and Coumarelos & Weatherburn (1995) indicates that the preferred strategy for the majority of juvenile first offenders may be to "do nothing", and that intervention may be more profitably directed to the recidivist offender:

If we do nothing to first-time young offenders but caution them, it's a fair bet that the vast majority will get into no further trouble with the law. If we send these same offenders to court or CAPS or FGCs, it's a fair bet that most of the money we spend will be wasted. On the other hand if we do nothing with recidivist offenders but send them to court and lock them up, it's a fair bet that most of them will return. On the face of it, of the two groups, recidivist offenders are the group crying out for our attention
(Coumarelos & Weatherburn 1995: 70).

This study suggests how juvenile justice authorities may go about the identification and targeting of first-time offenders who, for various reasons, are at increased risk of returning to crime. Programs and valuable resources can be geared to those juveniles identified to be most in need. Preventing these "high risk" individuals from further offending or, at very least, reducing the level, rate or seriousness of their offending will have immense social and economic benefits for the state, communities and people of NSW.

5.1 Policy Implications

1. All players in the juvenile justice system should continue to pursue a policy of bifurcation. The diversion of the more prevalent but less serious offender away from the court and from further formal involvement in the juvenile justice system can be balanced with stern penalties for the more serious and persistent offender. Such a balance should maintain public confidence with the courts and with the juvenile justice system.
2. Legislation and policies impacting on juvenile offenders should emanate from well-established research findings rather than from the political needs to placate public fears and perceptions.
3. The juvenile justice system should seek to rely less on structured programs which group juvenile offenders together. In particular, the first offender and younger, more impressionable repeat offender should be separated from the older, more serious and entrenched offender. One-on-one casework, counselling and supervision conducted in a setting away from other offenders, such as the young person's home (if suitable), and group work involving non-criminal peers must be considered as options to existing structured programs.
4. Congregating and mixing juvenile offenders, even outside custody, is a potentially dangerous practise because of the possibility of contamination. All existing and proposed community based programs should be evaluated in terms of their potential for exacerbating criminal attitudes and behaviours. The Attendance Centre Program is a proposed disposition which, on face value, has all the hallmarks of a program that is likely to lead to an increase, and not a decrease, in the re-offending of its participants.
5. While there will always need to be a need for secure, custodial facilities for the more violent and dangerous juvenile offender, alternatives to custody must continue to be used for the majority of juvenile offenders to minimise the risk of individuals being tainted by the experiences of a term in custody.
6. Juvenile justice administrators must consider the need for juvenile detention centre, or segregated units within the detention centres, which accommodate first offenders solely. This will prevent or at least minimise the possible contamination of young and impressionable juveniles by more hardened and persistent offenders.
7. Fines should be rationalised as a penalty for juvenile offenders. Many juveniles may not be in the financial position to afford paying a fine. Fining a juvenile offender could aggravate the conditions that led to such individuals offending in the first place.
8. To aid research and policy decisions, the Children's Court database should be extended or linked to a supplementary information base, to record critical information on the social characteristics of juvenile offenders and their families. At very least, such a collection should include the juvenile's family background, socio-economic status, level of educational attainment, school/employment status, alcohol and drug use, Aboriginality and ethnic background.
9. While it is recognised that very few offenders accumulate extensive juvenile records, it is not known with any degree of certainty the extent to which juvenile offenders continue their "criminal careers" as adults. It is impossible to comprehensively explore recidivism without an adequate longitudinal dataset that links juvenile and adult criminal records.

10. Until such time as (9) becomes a reality, the Departments of juvenile Justice and Corrective Services should undertake collaborative research into the graduation of juvenile offenders into the adult correctional system.
11. The value of the recidivism model contained in this study should be further investigated through application of the model in predicting which first juveniles who first appeared in 1995 and 1996 will go on to re-offend. If the model continues to prove to have high predictive utility, adopting the model to help guide the development of policies and programs should be seriously considered.
12. Last but not least, Governments and the community must recognise that juvenile crime is a social problem with social causes and social effects. They cannot continue to ignore the various criminogenic social conditions to juvenile crime. Socio-economic disadvantage, poor educational attainment, family breakdown, high unemployment, marginalisation in the community, and discriminatory treatment by criminal justice agencies all feature strongly in accounting for juvenile crime. Juvenile justice programs and, in particular, the introduction of new and tougher penalties for juvenile offenders, are likely to be largely ineffective in reducing the level of juvenile offending and juvenile re-offending unless the social conditions underlying juvenile crime are also addressed.

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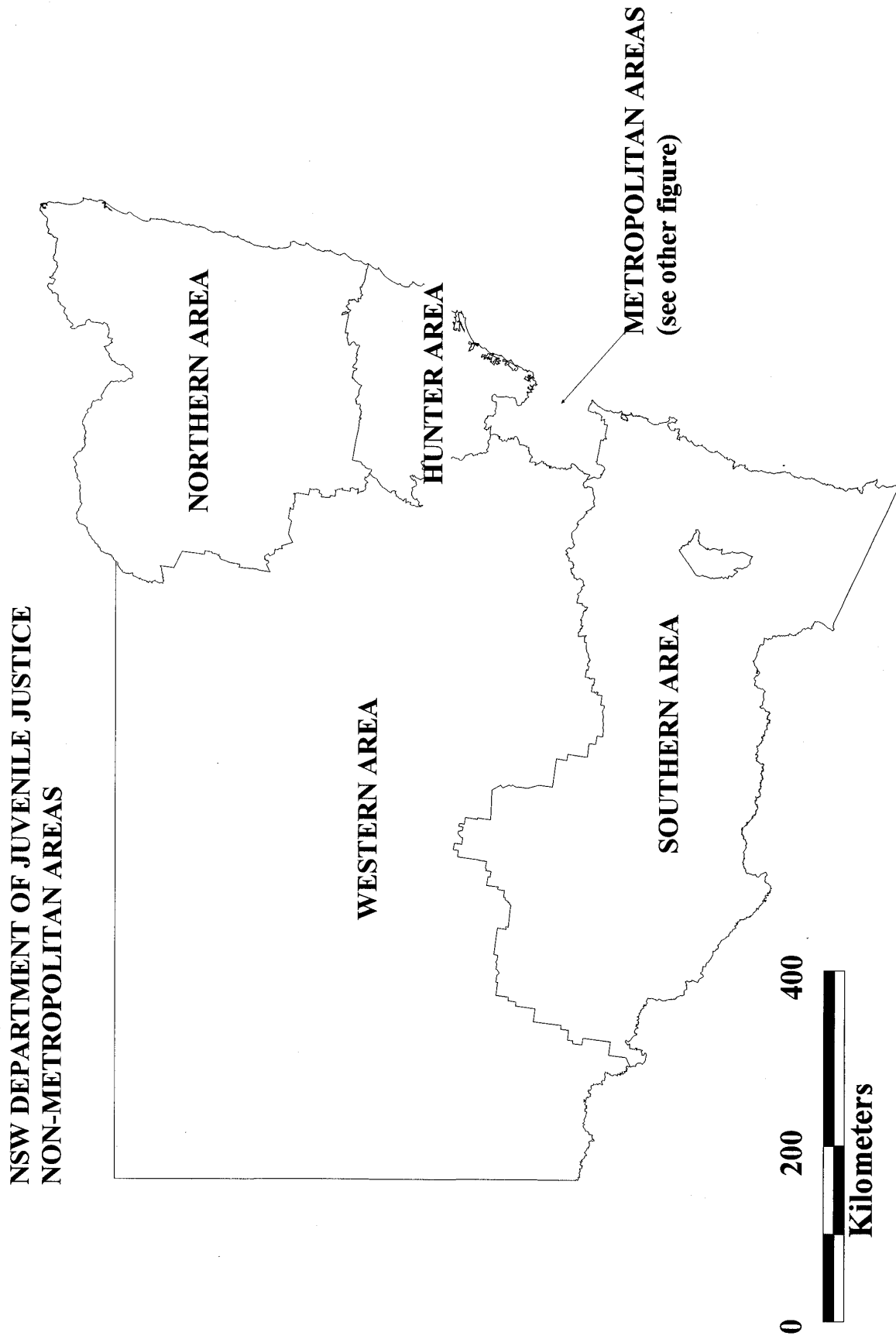
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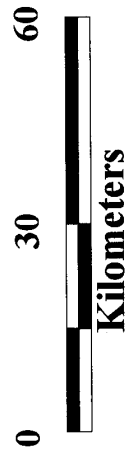
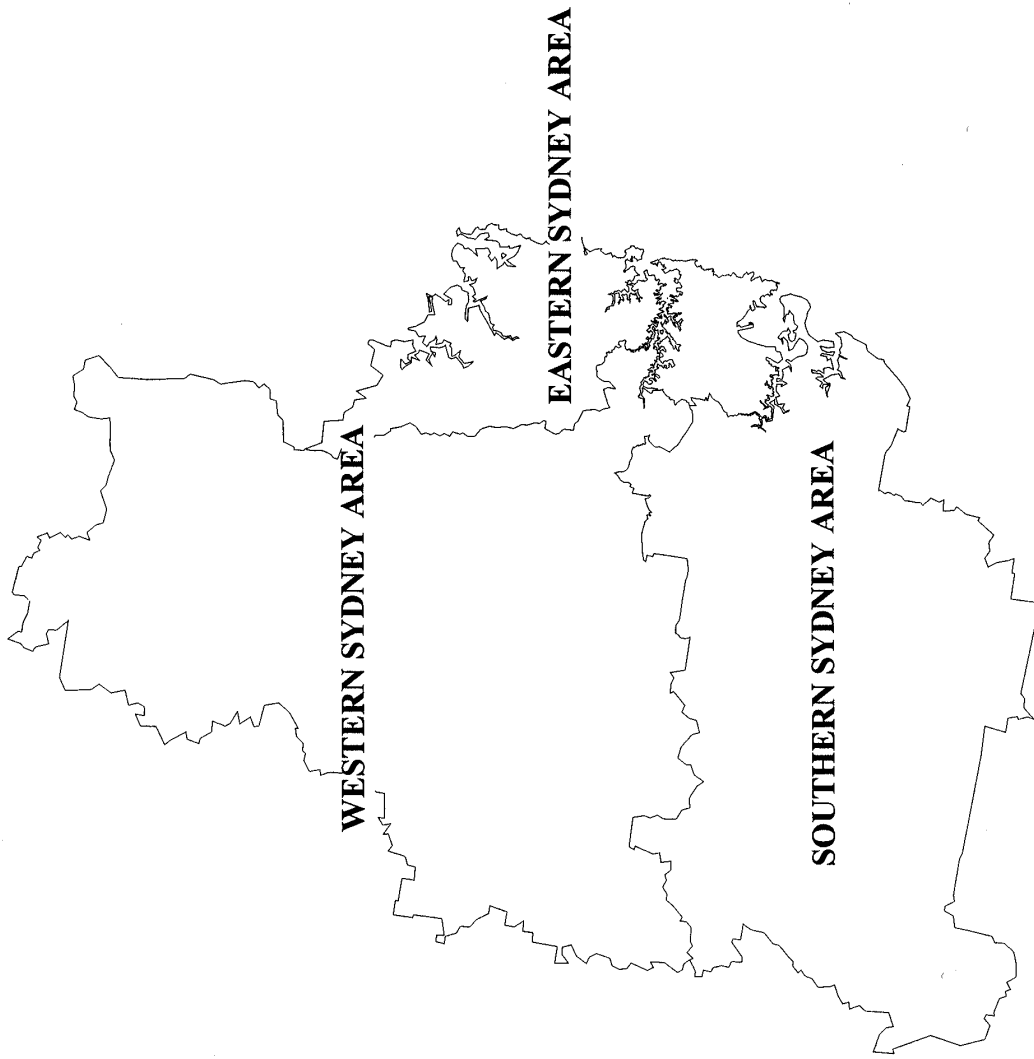
Appendix A:

Departmental areas

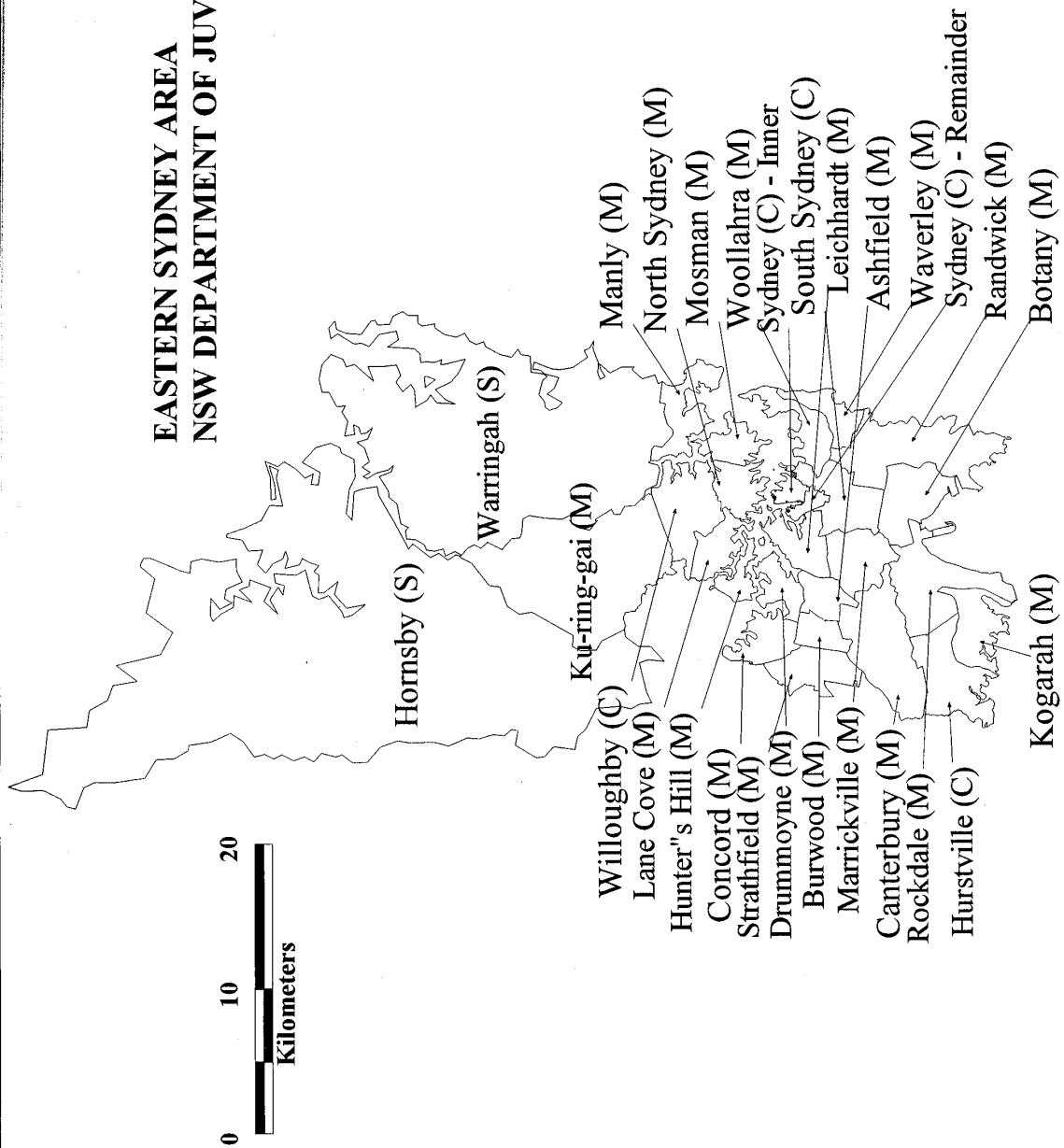
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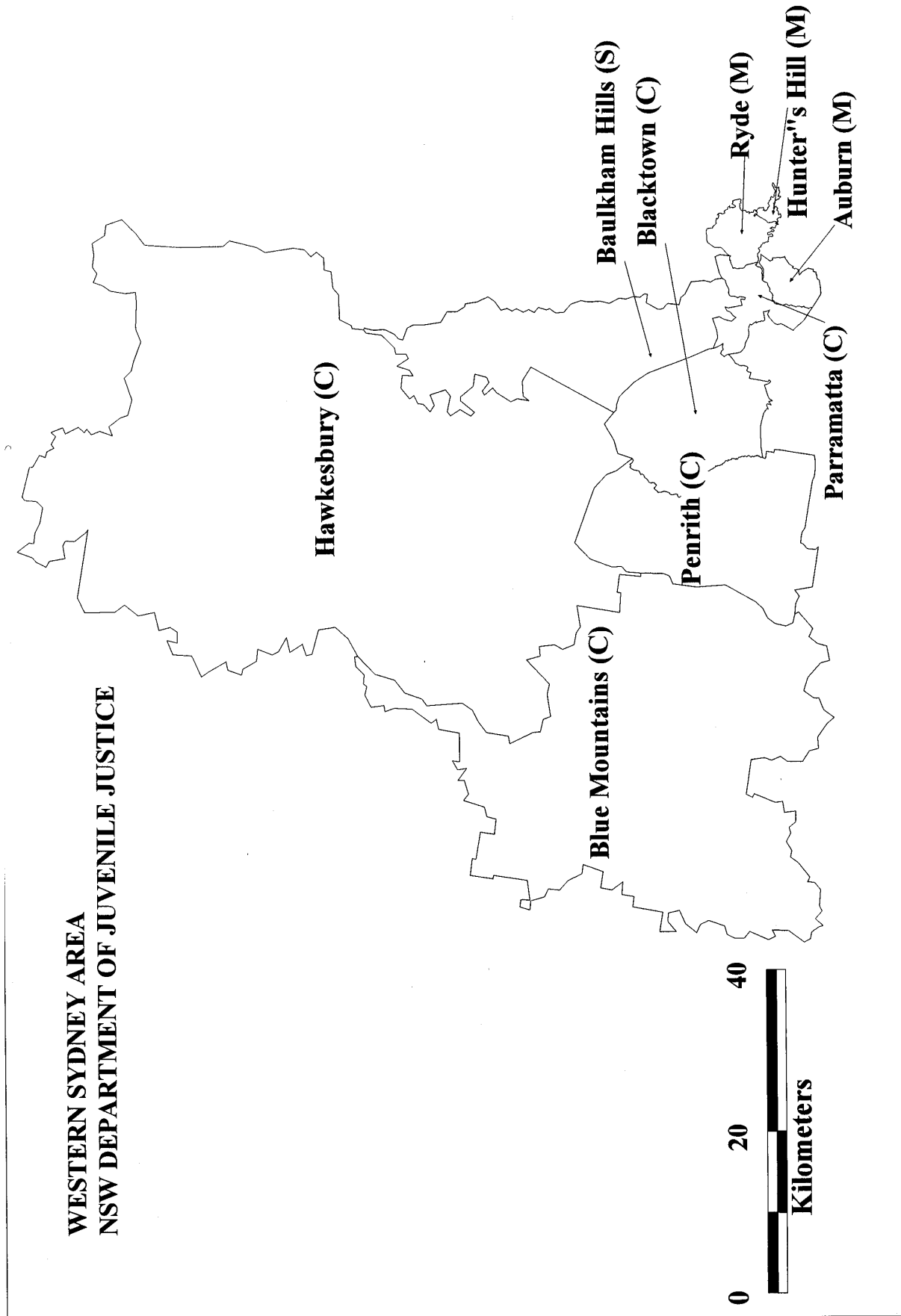


**NSW DEPARTMENT OF JUVENILE JUSTICE
METROPOLITAN AREAS**



**EASTERN SYDNEY AREA
NSW DEPARTMENT OF JUVENILE JUSTICE**





**SOUTHERN SYDNEY AREA
NSW DEPARTMENT OF JUVENILE JUSTICE**

