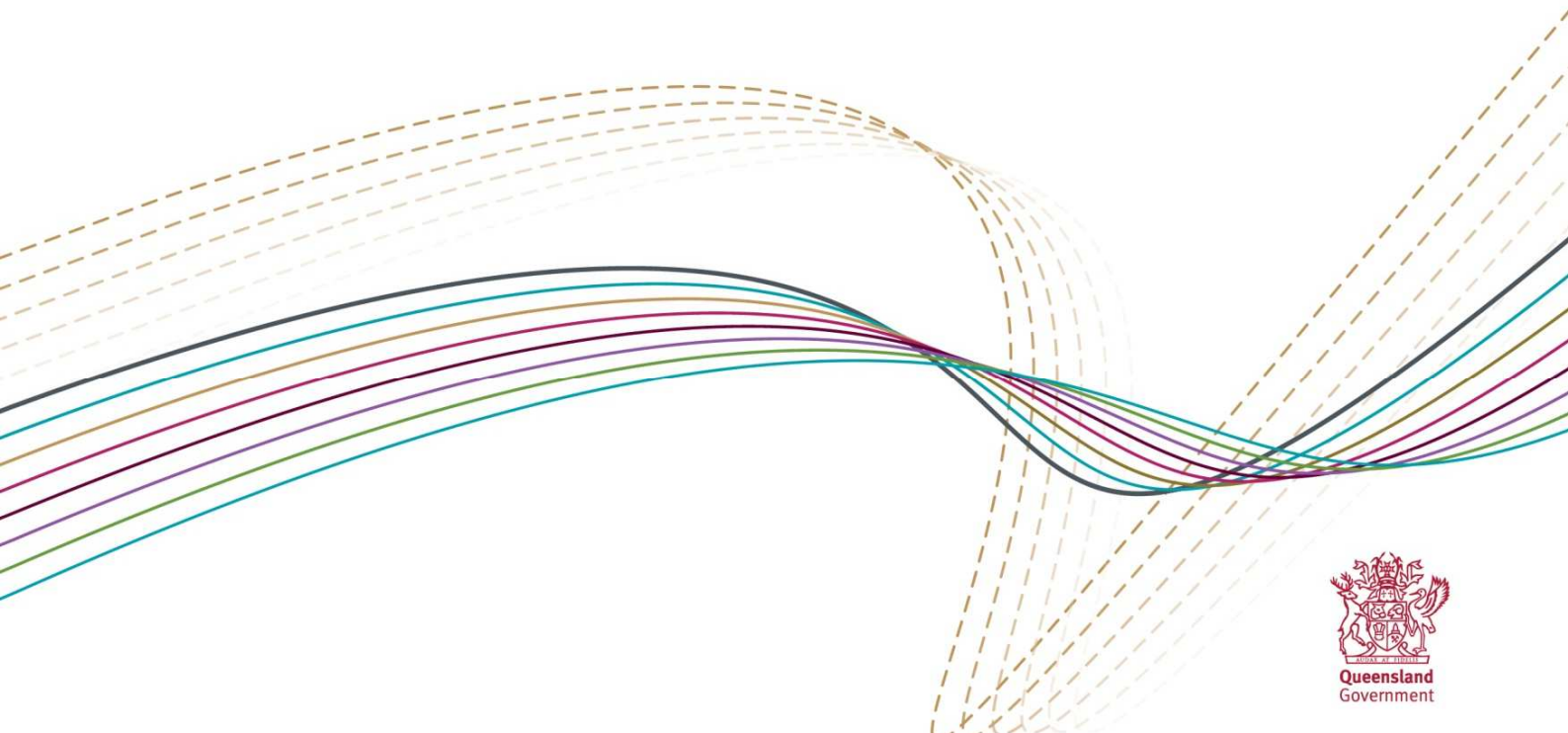


QUEENSLAND TREASURY

Youth offending

Research brief

April 2021



Queensland Government Statistician's Office

Queensland Treasury

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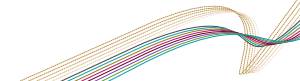
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1.0 Introduction

There are substantial costs associated with crime in the community. These include the tangible costs associated with administering justice (such as the costs associated with operating police, courts and corrective services) and intangible costs (such as the costs of harm experienced by victims of crime). The Queensland Government has implemented a range of strategies and initiatives to reduce crime in the community. For example, the Department of Child Safety, Youth and Women has released the *Working Together Changing the Story: Youth Justice Strategy 2019–2023* (Queensland Government 2018) which outlines a framework to enhance the prevention, intervention, restoration and rehabilitation responses to youth crime in Queensland. The *Keep communities safe* priority included in the *Our Future State: Advancing Queensland's Priorities* identifies reducing the rate of crime victims and youth reoffending as key government objectives (Queensland Government 2018).

The purpose of this research brief is to provide insight into youth offenders to support the development of effective responses to youth crime and outline some of the reasons why young people are treated differently to adults by the criminal justice system. The information included in this paper is not intended to minimise the harm caused by crime.

The brief begins by showing some of the differences between youth and adult offending patterns using Queensland Police Service (QPS) data, before describing some of the biological and social factors that can contribute to offending behaviour among youths.¹ Information on evidence-based responses to youth offending is then provided.²

2.0 Youth offending patterns

There are some differences in offending patterns between young people and adults – in terms of the types of offences that they commit, the rate at which they commit them, and the volume of offending that they are responsible for. In this section, QPS data are presented to show the relationship between age and crime, as well as variations in youth and adult offending patterns. Information on offending trajectories research is also provided. The term 'offender' is used in this brief to describe the alleged offender information available in QPS administrative data.^{3,4}

2.1. Age and crime

One of the most consistently observed findings in research examining the relationship between age and crime is that of the age–crime curve. The age–crime curve shows the proportion of people who offend at specific ages and demonstrates that offending behaviour increases in adolescence, peaks in the teenage years and

¹ The information presented in this report may vary from data published elsewhere by QGSO and others, due to differences in the dates data were extracted and frequency of revision, or in counting rules or statistical standards applied. Readers are therefore urged to exercise caution when making comparison between publications. The statistics presented in this report should also be read in conjunction with the Glossary and explanatory notes at the end of the report, where counting methodologies and other supporting information are provided to aid in the interpretation of rates and numbers presented.

² Unless otherwise defined, the terms 'children' and 'youth' are used interchangeably in this brief to describe children aged 10–16 years. The *Criminal Code Act 1988* (Qld) currently defines the minimum age of criminal responsibility as 10 years, while an adult is defined as a person aged 18 years or above. Data used in this brief relate to a period of time before the passing of the *Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act 2016*, to amend the age that a person can be charged as an adult from 17 to 18 years of age. The 2016–17 data used in this brief represent the most recent financial year before the transition.

³ The QPS data represents alleged offenders who have yet to enter a plea in court.

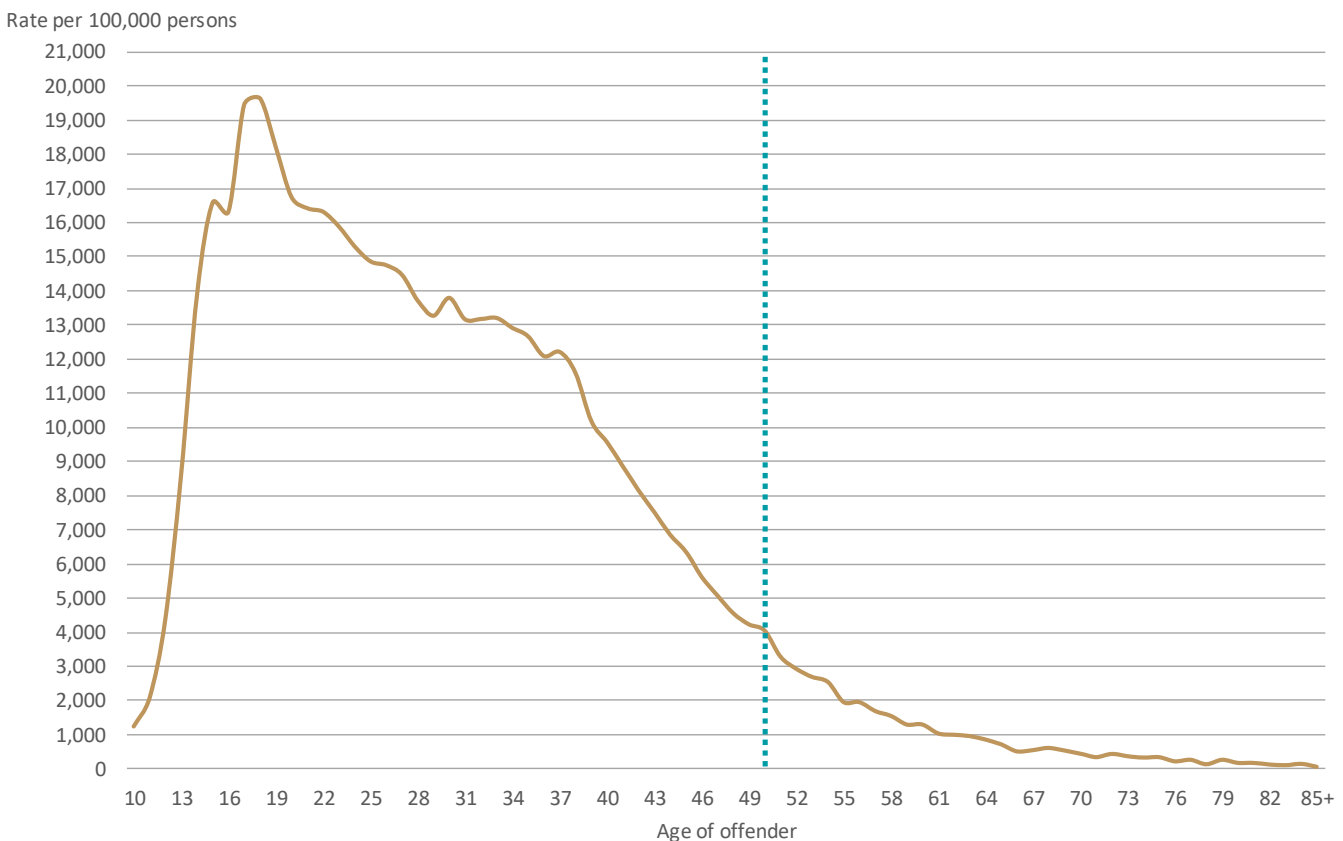
⁴ There are limitations associated with using police administrative data to describe crime trends. Not all criminal activities come to the attention of the police and some offences are more likely to be reported than others.

then declines from the late teens or early twenties (Farrington 1986; Hirschi and Gottfredson 1983; Piquero, Farrington and Blumstein 2007).

During the 2016–17 financial year, a total of 324,453 alleged offenders were proceeded against by police for an offence in Queensland.⁵ The age of the offender at the time that these offences were dealt with by police has been used to create an offender rate per 100,000 persons, illustrating the total prevalence of offending in a Queensland-based age–crime curve. As illustrated in Figure 1, the rate of offenders rises sharply from late childhood, peaking during the teenage years (at 18 years of age), and slowly declines until approximately 40 years of age, when the rate declines sharply into low rates of offending among the elderly. This figure displays the same pattern that has been consistently observed in age–crime curves in prior research. Very few people aged over 50 years commit crime, indicating that offending by this group has minimal impact on total offending rates for adults.

The term 'offender' used throughout this brief relates to the alleged offender information available in QPS administrative data.

Figure 1 Age-specific offender rate per 100,000 persons^(a), Queensland, 2016–17



(a) Age-specific rates of offending are calculated for each specific age by dividing the number of offenders by the respective (age) population, and then multiplying by 100,000.

Source: QGSO (analysis of unpublished QPS data) and ABS 3235.0, *Regional Population by Age and Sex, Australia, 2017*

⁵ In this brief, offender statistics follow counting rules established by QPS and do not represent a count of unique offenders (unless otherwise stated), nor do they equate to the number of offences cleared. An individual may be recorded as an offender multiple times, if they were proceeded against for multiple offence types within the same incident or multiple times within the reference period. For example, in a single event where one individual was charged with six assault offences and one drug offence they would be counted twice as an offender. The use of these counting rules means that the offender rates per 100,000 persons shown in Table 1 and Figure 1 are overstated with respect to unique offenders, since an individual can be counted more than once within the same event. Section 2.4 provides information on unique offenders.

2.2. Offence types

The age–crime curve indicates that involvement in crime tends to escalate and peak in adolescence and early adulthood and that most people ‘age out’ of crime. This section explores the types of offences committed by young people and adults.

The analysis of QPS data shows that, of the 324,453 offenders proceeded against during 2016–17, 38,521 offenders (11.9%) were young offenders aged 10–16 years, while the remaining 285,932 offenders (88.1%) were adults aged 17 years and over.⁶ The types of offences that these young and adult offenders committed are presented in Table 1, including the number, proportion and offender rate per 100,000 persons. In this table, comparisons are made between three groups: (i) young offenders (aged 10–16 years), (ii) adult offenders aged 17–49 years, and (iii) all adult offenders aged 17 years and over.⁷

Regardless of age, the more serious offences (including homicide offences, assault, sexual offences, robbery and other offences against the person) comprised the smallest proportion of total offending for each group of offenders. Across all offence types, 8.8% of all young offenders committed an offence against the person, compared with approximately 6% for each of the adult offender groups. While these data indicate that young people are as likely as adults to commit an offence against the person, other research suggests that the seriousness of these offences may be lesser for young people than for adults (Cunneen, White and Richards 2015; Richards 2011a, 2011b).

For young offenders, most offences committed were offences against property (58.9%), which includes offences such as unlawful entry, arson, other property damage, unlawful use of a motor vehicle, other theft, fraud and handling stolen goods. In contrast, offences against property comprised less than one-quarter of all offences for the adult offender groups. These data are consistent with other studies which have shown that young offenders are most likely to be involved in property-type offences (see Cunneen, White and Richards 2015; Richards 2011a, 2011b).

Almost one-third of all young offenders (32.3%) were responsible for offences under the broader category of “other offences”, such as drug offences, prostitution, breach of a domestic violence protection order, trespassing and vagrancy, traffic and related offences, and good order offences. In contrast, this category of offences comprised over two-thirds of all offences by both groups of adult offenders (70.6%).

Table 1 Count and rate of offenders by offence category, Queensland, 2016–17

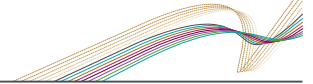
Offence category	Children and young offenders (10–16 years)			Adult offenders aged 17–49 years			All adult offenders (17 years and over)		
	Number	%	Rate per 100,000 persons ^(a)	Number	%	Rate per 100,000 persons ^(a)	Number	%	Rate per 100,000 persons ^(a)
Offences against the person	3,407	8.8	793.0	16,215	6.1	741.6	18,269	6.4	484.9
Offences against property	22,680	58.9	5,279.1	62,117	23.3	2,840.9	65,061	22.8	1,726.8
Other offences	12,434	32.3	2,894.2	187,714	70.6	8,585.2	202,602	70.9	5,377.4
Total offences	38,521	100.0	8,966.3	266,046	100.0	12,167.7	285,932	100.0	7,589.1

(a) The (non-unique) offender rate is calculated using the estimated resident population (ERP) in Queensland, by single year of age as at 30 June 2016.

Source: QGSO (analysis of unpublished QPS data) and ABS 3235.0, *Regional Population by Age and Sex, Australia, 2017*

⁶ For the purpose of this paper, 17-year olds were categorised as adults in accordance with criminal justice legislative provisions operating in 2016–17. See footnote 2 for more information on this issue.

⁷ Due to the relatively low rate of offending among people aged 50 years and over, two adult groups are considered when comparing offending between young people and adults in this brief. That is, young people are compared with adults aged 17–49 years and all adults aged 17 years and over. This follows an approach used by the New South Wales Bureau of Crime Statistics and Research when comparing offending trends of different age groups (Weatherburn, Freeman and Holmes 2014).



2.3. Offender rates

While the types of offences committed by young offenders and adult offenders in Queensland illustrate some differences in offending patterns, the rate of offenders within the general population provides a standardised way to directly compare the prevalence of offending between different groups.⁸ Here, comparisons between young offenders and adult offenders aged 17–49 years are discussed.⁹

Overall, the offender rate in Queensland for young people aged 10–16 years (8,966 per 100,000 persons) is markedly lower than for adults aged 17–49 years (12,168). This means that police proceeded against a greater proportion of people aged 17–49 years during 2016–17, than they did against young people aged 10–16 years. However, examining the offender rate by category of offence highlights differences in offending patterns between young people and adults.

The rate of young offenders committing offences against the person (793 per 100,000 persons) is comparable to the rate of adult offenders aged 17–49 years (742 per 100,000 persons). While these findings suggest that young people are likely to commit offences against the person at a similar rate to adults, as noted above these data do not account for differences in offence seriousness.

When examining all offences against property, the offender rate for young people (5,279 per 100,000 persons) is almost double the rate for adult offenders (2,841). In contrast, when examining the category of 'other offences', the offender rate for adults (8,585) is three times the offender rate for young people (2,894 per 100,000 persons).¹⁰

The greater rate of offending among adults is apparent in the differences in the total proportion of offending committed by adults compared with young people during the 2016–17 financial year. Young people aged 10–16 years represented 10.2% of Queensland's population aged 10 years and over and were responsible for 11.9% of all reported offences.¹¹ By comparison, adults aged 17–49 years represented 52.1% of the population aged 10 years and over and were responsible for 82.0% of all reported offences.

2.4. Unique offenders

While there is frequent media reporting of youth crime and offending, the data show that most crime is not committed by children. In Queensland, during the 2016–17 financial year, 119,170 unique offenders were proceeded against by police.¹² Of these, 9,636 (8.1%) were young people aged 10–16 years, while 98,351 (82.5%) offenders were adults aged 17–49 years, while the remaining 11,183 (9.4%) offenders were adults aged 50 years and over (Figure 2).

Despite the large number of offenders proceeded against by police in 2016–17, most children and adults do not commit crime. These offender numbers represent a small proportion of the total population for each of these age groups¹³. These 9,636 young offenders account for 2.2% of the total population aged 10–16 years in Queensland, while the 98,351 adult offenders aged 17–49 years account for 4.5% of the population in Queensland aged 17–49 years, and the 11,183 offenders aged 50 years and over account for 0.7% of the relevant population in Queensland.

⁸ Age-specific rates of offending are calculated for each specific age by dividing the number of offenders by the respective (age) population, and then multiplying by 100,000. This enables the comparison of groups per 100,000 persons.

⁹ Information on total adult offenders is not discussed here given the low rates of age-specific offending by people aged 50 years and over identified in Figure 1. However, this information is available in Table 1.

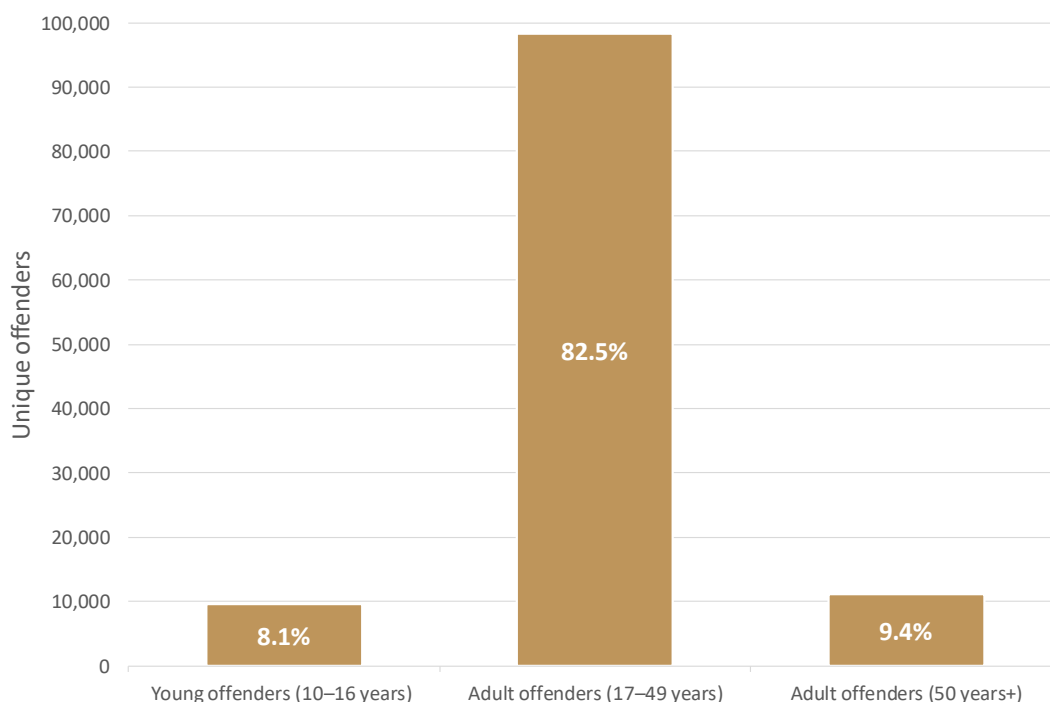
¹⁰ The category of 'other offences' includes crime that adults have more opportunity to commit, such as traffic offences. Therefore, the difference in rates between young people and adults may reflect the difference in offending opportunities that each group has.

¹¹ Based on Queensland's ERP as at 30 June, 2016.

¹² The analyses presented in this section use the same data sourced at Table 1. Unique offenders were calculated by counting individual offenders only once during the reference period, irrespective of the number of offences committed within the same incident or the number of times they were proceeded against by police.

¹³ Based on Queensland's ERP as at 30 June, 2016.

Figure 2 Number and proportion of unique young and adult offenders, 2016–17



Source: QGSO (analysis of unpublished QPS data)

Young offenders were slightly more likely than adult offenders to be proceeded against by police multiple times during the year. Of the 9,636 unique young offenders, 38.3% were proceeded against more than once during the financial year, compared with 34.7% of unique adult offenders aged 17–49 years.

There was a significant difference between the number of offences per young offender during the year, compared with adult offenders. The average number of offences per unique young offender in 2016–17 was 4.18, while per unique adult offender aged 17–49 years the average number of offences was 2.87.¹⁴

2.5. Offending trajectories

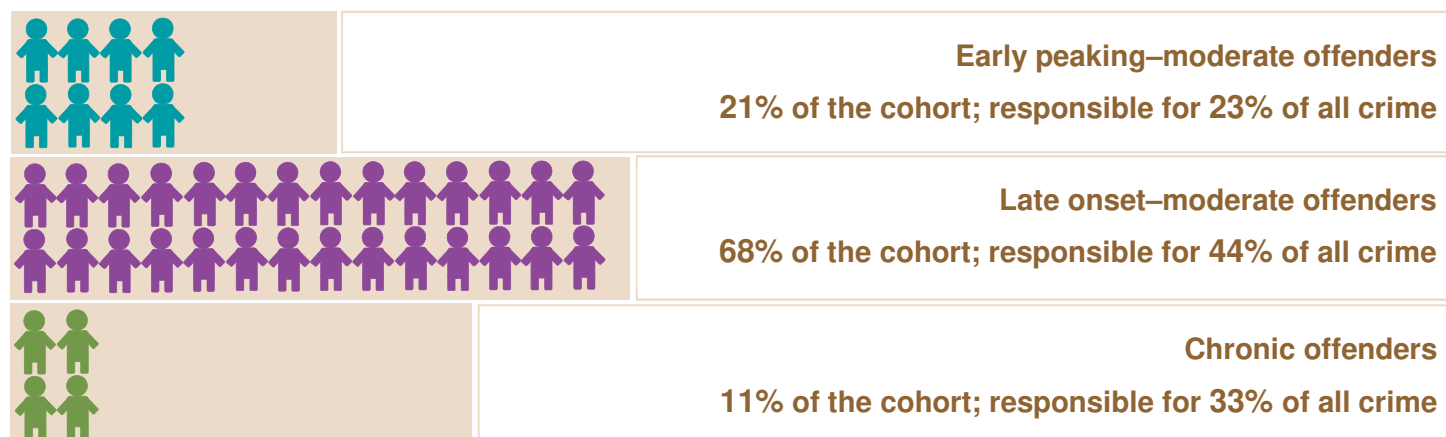
Research has identified different types of offenders, based on when they first commit an offence and the duration of their offending career (Allard, Chrzanowski and Stewart 2012; Livingston et al. 2008; Richards 2011b). Livingston et al. (2008) found three core groups of offending trajectories within a cohort of Queensland offenders born in 1983 or 1984, including how much crime each group was responsible for in the cohort until aged 19 or 20 years (Figure 3):

- About one-fifth were early peaking offenders, who continued to commit a moderate number of offences in their early years and up until they turned 14, but then desisted. They were responsible for almost one-quarter of all the crime by the cohort.
- About two-thirds were late onset offenders, who committed a moderate number of offences from about the age of 16 years onwards before they desisted. This group was responsible for more than two-fifths of crime by the cohort.

¹⁴ A *t*-test indicated that there was a statistically significant difference in the average number of offences committed during the year between young offenders aged 10–16 years and adult offenders ($t(10,384) = 17.53, p < .001, d = 0.22$). This analysis excluded young people who turned 17 years of age during the year and were also proceeded against by police both as a young offender and adult offender in 2016–17. This removed 460 young people, meaning that the analysis was based on 9,176 young and 98,351 adult offenders.

- A small number (about one-tenth) were referred to as chronic offenders who engaged in persistent offending behaviour throughout childhood, which continued into adulthood. They were responsible for one-third of all crimes recorded by the cohort. Most interventions are aimed at chronic offenders because of the long-term costs associated with their offending, combined with research which shows that other offenders are likely to 'grow out of' crime as they mature, and concerns that intervening unnecessarily for those who simply grow out of crime may increase the likelihood of their reoffending (Allard, Chrzanowski and Stewart 2012; Cohen, Piquero and Jennings 2010; Livingston et al. 2008; Monahan et al. 2013).

Figure 3 Three groups of youth offenders within a cohort^(a) and the proportion of crime they committed



(a) Cohort born in 1983 or 1984.

Source: Livingston et al. (2008).

Why are children more likely than adults to come to the attention of police?

Researchers have suggested that children have different offending patterns to adults, resulting in them being more visible and identifiable to police. This is because they:

- are less experienced and accomplished in committing crimes without getting caught
- commit crimes in groups and with other children, making them more noticeable in the community
- commit crimes near where they live, making them more likely to be identified (Cunneen, White and Richards 2015).

In summary, regardless of age, a small proportion of the Queensland population was proceeded against by police for allegedly committing an offence (less than 3% in 2016–17). Further examination of offending patterns identified three key differences between young people and adults in terms of the offences that they tend to be responsible for, the rate of offending, and the proportion of offending attributed to them:

1. Most crime committed by young offenders is against property, including theft offences, unlawful entry and property damage. In contrast, most offending by adults is in relation to drugs, good order and traffic-related offences. For both groups, less than 10% of their offending consists of an offence against the person.
2. Adults aged 17–49 years offend at higher rates than young offenders overall. Both adults and young people commit offences against the person at similar rates, while young people commit property offences at a higher rate, and adults commit other offences at a higher rate.
3. Regardless of their rates of offending, young people are responsible for 10.2% of all offending in Queensland, while adults aged 17–49 years are responsible for 82.0%. While these findings do not account for possible differences in offending severity, they are consistent with those produced by other studies with similar limitations.

A key to understanding the differences in offending patterns between young offenders and adult offenders might be found in broader differences between children and adults. Neuroscientific insights, such as the process of brain maturation, are helpful in better understanding criminal behaviour by young people.

3.0 Neuropsychological differences between children and adults

The brain and thinking pathways of children are different to those of adults. These differences can influence how children make decisions and behave. When compared with adults, children have less developed psychological, social and biological maturity and processes to help guide their decision making and behaviour.

3.1. The developing brain and decision making

Current research indicates that the human brain does not reach developmental maturity until a person reaches their mid-20s (Barendregt and van der Laan 2018; Prior et al. 2011). The last two parts of the brain to reach maturity are those responsible for decision making, impulse control, and emotional processing and control (Barendregt and van der Laan 2018; Prior et al. 2011; Scott, Duell and Steinberg 2018).¹⁵

Attitudes, beliefs and behaviour develop as people age and make socially responsible decisions about how to conduct themselves. Adults with matured brain development are better able to evaluate the risk and consequences of their decisions and react more appropriately to stressful situations than children with less matured brain development.

The age–crime curve shows an escalation in the likelihood of offending among children as they enter adolescence.¹⁶ Adolescents are more reward-driven and susceptible to fluctuating emotions than adults, which leads them to make more impulsive choices (Albert and Steinberg 2011; Barendregt and van der Laan 2018; Hoorn et al. 2014; Modecki, Uink and Barber 2018; Scott, Duell and Steinberg 2018). They are also more sensitive to peer pressure and prone to engaging in risky behaviours such as experimenting with drugs, alcohol, unprotected sex and reckless driving, than adults (Cauffman and Steinberg 2001; Galván 2013). While adolescents can make moral decisions, they lack psychosocial maturity and social experience to understand the depth of consequences for their behaviour (Prior et al. 2011; Scott, Duell and Steinberg 2018). For example, children may understand that theft is unlawful, but may steal if no one is around and they think they can get away with it. Adults are more likely to be aware that there are security methods in place to catch shoplifters, even after the act is committed.

3.2. Psychosocial development

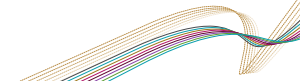
Psychosocial development refers to the development of a person's ability to emotionally, cognitively and intellectually function in their social environment. Most children are receptive and sensitive to environmental influences because they are using this information to help develop their brains (Scott, Duell and Steinberg 2018). As people age, their lived experiences help them to develop knowledge, values, attitudes and beliefs about their world to guide their future thinking and behaviour.

The successful transition into adulthood is defined by the attainment of three psychosocial components (Cauffman, Donley and Thomas 2017; Cauffman and Steinberg 2001; Prior et al. 2011). The first is *responsibility*, which is the ability to think and act autonomously and have a clear sense of one's own identity. The second is *temperance*, which is the ability to make decisions through consequential evaluation and having self-control over impulsive or emotional inclinations. The third is *perspective*, which is the ability to understand the wider social context, the ability to consider the views of others, and the ability to apply temporal thinking such as long-term consequences of one's actions (Cauffman and Steinberg 2001; Prior et al. 2011).

Maturity and interaction of these components are indicative of matured thinking. Having a positive self-identity (responsible thinking) can deter youth away from offending. This is because the desire to maintain a positive

¹⁵ The prefrontal cortex is responsible for decision making and impulse control, and the amygdala is responsible for emotional processing and control.

¹⁶ Adolescents are generally defined as young people aged between 13 and 18 years. Smart et al. (2004) used a typology of early adolescence (13–14 years of age), mid adolescence (15–16 years of age) and late adolescence (17–18 years of age) in research from Victoria.



self-identity encourages a person to think about the long-term consequences of their behaviour (perspective thinking) (Walters 2018a). There is a direct relationship between maturity and age that can influence how a person makes decisions and acts. Cauffman and Steinberg (2001) found age differences in maturity level and anti-social decision making with younger people more likely to endorse anti-social decisions, even if it had negative consequences, than older people.

Why are children treated differently for their offending behaviour?

The criminal justice system treats children differently to adults because they are still developing and have less ability to recognise and remove themselves away from poor social influences and circumstances (Barendregt and van der Laan 2018; Prior et al. 2011; Scott, Duell and Steinberg 2018). Their relative immaturity can also make children more impulsive and prone to engaging in sensation-seeking experiences, than adults (Cauffman, Donley and Thomas 2017). They are also more amenable to rehabilitation (Cauffman, Donley and Thomas 2017).

Contact with police, the courts and prisons can have ongoing negative outcomes for children who offend as they may be negatively labelled as a 'criminal', and stigmatised as a result (Cunneen, White and Richards 2015). Cauffman, Donley and Thomas (2017) suggest that sentencing children to prison can hamper their growth by restricting positive interactions, limiting access to education and rehabilitation programs, and encouraging anti-social behaviour through interactions with anti-social peers. Time in custody can actually increase a child's likelihood of future offending by enabling them to learn better criminal strategies and skills from other offenders and expand anti-social peer networks (Richards 2011b).

This section highlighted how neuroscientific insights about the maturation of the brain and the impact that this might have on decision making are helpful to better understand the criminal behaviour of children and adolescents. In addition to the neuropsychological differences between young people and adults, there is a range of other factors that research has found to be related to involvement in problem and criminal behaviour.

4.0 Risk and protective factors for offending

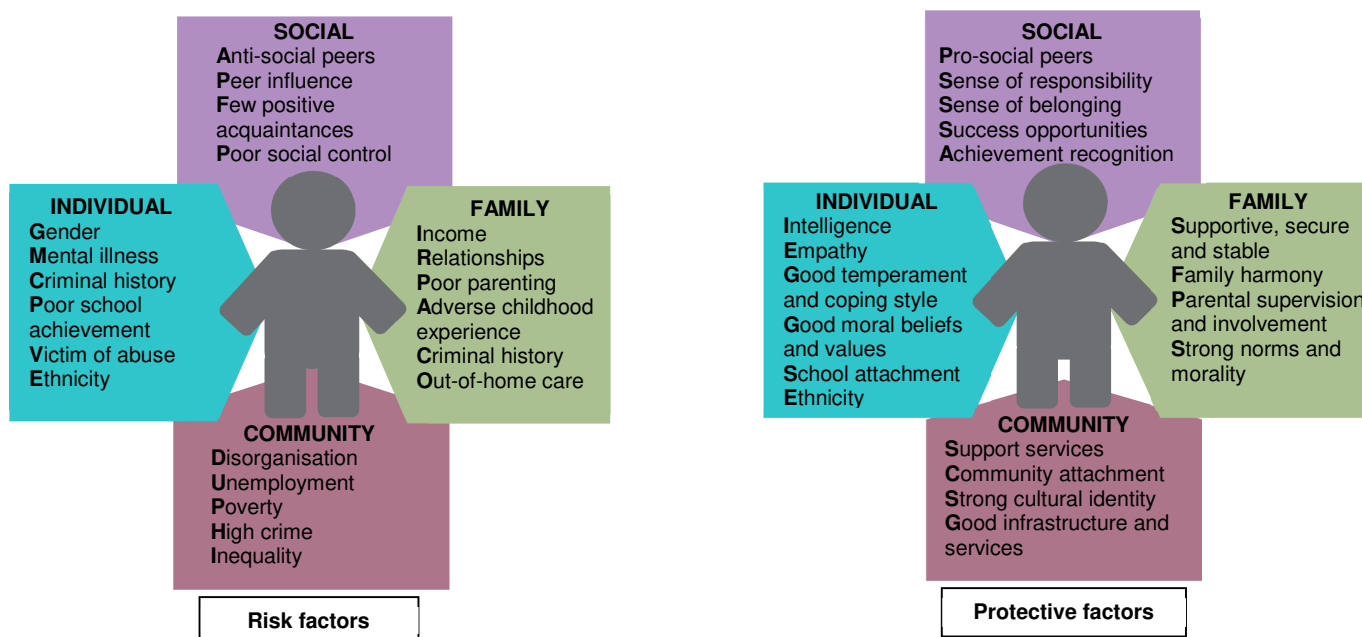
There are factors in a person's life that can increase or decrease their likelihood of engaging in unlawful behaviour. These are often referred to as risk and protective factors (Farrington, Ttofi and Piquero 2016; Heerde et al. 2018; Walters 2018b).

Risk factors are characteristics, conditions or events that, if present for an individual, can increase the likelihood of their offending.

Protective factors are factors that can reduce the likelihood of offending directly, or by moderating the effect of exposure to risk factors.

Children who offend have been found to experience more risk factors and are exposed to less protective factors, than children who do not offend (Kennedy et al. 2018; Lee et al. 2018). Risk and protective factors for anti-social or offending behaviour can be grouped into four key domains relating to the *individual*, their *social* environment, their *family* and their *community* (Assink et al. 2015; Farrington, Gaffney and Ttofi 2017; Farrington, Ttofi and Piquero 2016; Fortune 2018; Kennedy et al. 2018). These factors are described in more detail below, with examples provided in Figure 4.

Figure 4 Risk and protective factors associated with youth offending



Source: Developed from multiple references including Assink et al. (2015); Cattellino et al. (2014); Farrington, Gaffney and Ttofi (2017); Farrington, Ttofi and Piquero (2016); Herrenkohl et al. (2000); Kennedy et al. (2018); Lösel and Farrington (2012); Malvaso, Delfabbro and Day (2016); National Crime Prevention (1999).

4.1. Individual-level factors

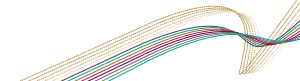
4.1.1. Individual-level risk factors

Individual-level risk factors can be related to a person's demographic characteristics; their neuropsychological systems (such as intelligence or impulsivity); their experiences of substance use or mental health issues; and their engagement in education or employment (Assink et al. 2015; Cunneen, White and Richards 2015; Heerde et al. 2018; Kennedy et al. 2018).

An additional risk factor for involvement in offending behaviour is being a victim of crime. Being a victim of crime and experiencing violence can cause psychological and emotional strain for a young person, leading them to cope by using violent or drug-related strategies (Cunneen, White and Richards 2015; Farrell and Zimmerman 2017). Current information suggests there is an overlap of children being both victims and perpetrators of crime because both groups experience similar risk factors in the community, making them more vulnerable (Farrell and Zimmerman 2017; Flexon, Meldrum and Piquero 2015; Jennings et al. 2010). For example, low parental supervision and associating with anti-social peers might encourage children to engage in offending behaviour and might also expose them to violence by other anti-social children. Farrell and Zimmerman (2017) found children exposed to violence were more likely to engage in later offending behaviour such as property crime, violent offending, and substance use.

4.1.2. Individual-level protective factors

Individual-level protective factors focus on the personal characteristics that affect risk and engagement in offending, violence, and other problem behaviours. Research has identified social competence, low irritability, low impulsivity, having a good coping style, an attachment to school, and an above-average intelligence as examples of individual-level protective factors (Farrington, Ttofi and Piquero 2016; National Crime Prevention 1999).



Self-efficacy, which is confidence in one's ability to exert control over one's own behaviour, can also serve as a protective factor by increasing the ability to manage healthy relationships and resist peer pressure (Cattellino et al. 2014). Children with high intelligence levels are able to effectively use information-processing and problem-solving skills, which can help them to contend with the challenges they may encounter (Vanderbilt-Adriance and Shaw 2008). Engagement with education has been associated with a reduction in offending behaviour (Beatton et al. 2018; Bennett et al. 2018; Malvaso, Delfabbro and Day 2016; Mazerolle et al. 2018), as well as reducing negative life outcomes such as substance abuse and unstable employment (Henry and Huizinga 2007; Lopes et al. 2012).

4.2. Family-level factors

4.2.1. Family-level risk factors

Another factor associated with a young person's offending, is having a history of trauma within the family, or what is referred to as an 'adverse childhood experience' (ACE). There is a range of experiences that constitute an ACE, including: emotional, physical, or sexual abuse; emotional or physical neglect; violence toward a child's mother; household substance abuse or mental health issues; parental separation or divorce; and incarceration of a household member (Felitti et al. 1998).

Children who experience family abuse or neglect are at greater risk of offending and being involved in the youth justice system. In Australia, children who were involved with child protection services were nine times more likely to be under youth justice supervision (Australian Institute of Health and Welfare 2018). The relationship between child maltreatment and offending behaviour can be complex, as maltreatment does not occur in isolation, but involves other related factors such as family conflict, poor parental involvement, and negative out-of-home care experiences (Hayden and Graves 2017; Heerde et al. 2018; Malvaso, Delfabbro and Day 2016).

Emerging research has indicated that ACEs are associated with youth offending and recidivism (Baglivio et al. 2015; Barrett et al. 2013; Kennedy et al. 2018; Wolff and Baglivio 2016), mental health issues (Afifi et al. 2006; Felitti et al. 1998; Perez, Jennings and Baglivio 2016), and other problem behaviours such as school difficulties, substance use and suicide (Afifi et al. 2006; Perez, Jennings and Baglivio 2016; Perez et al. 2016).

Research has also shown that poor parental supervision and parenting skills are associated with a young person's involvement in crime (Farrington, Ttofi and Piquero 2016; Sampson and Laub 1993) and that having a criminal parent and/or sibling is a predictor of a young male's involvement in crime (Farrington, Coid and Murray 2009).

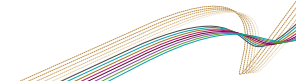
4.2.2. Family-level protective factors

Parent-child relationships and family context form a major component of protective factors (Assink et al. 2015; Chung and Steinberg 2006; Farrington, Ttofi and Piquero 2016; National Crime Prevention 1999). Protective factors in the family domain are typically related to the structure, size, stability and harmony of the family, such as intensive parental supervision, low physical punishment, supportive caring parents, having a small family size, having more than two years between siblings and involvement in family activities (National Crime Prevention 1999).

4.3. Social-level factors

4.3.1. Social-level risk factors

As explained previously, children seek social experiences for learning and development. Adolescence is a period of significant biological, social, physical and psychological growth (Scott, Duell and Steinberg 2018; Sweeten, Piquero and Steinberg 2013). Adolescents are particularly susceptible to peer influence because they have a greater tendency towards being reward-oriented (Albert and Steinberg 2011; Barendregt and van der Laan 2018; Gardner and Steinberg 2005; Richards 2011b; Scott, Duell and Steinberg 2018). Those who



associate with anti-social peers are more likely to engage in anti-social behaviours to conform to group norms and gain group acceptance than those who do not associate with offending peers (Hoorn et al. 2014; Kennedy et al. 2018). They are also more likely to engage in risk taking. Research indicates that risk taking and risky decision-making decrease as people age. A study found that children aged 13 to 16 years took more risks and made more risky decisions when they were around other children the same age than when they were alone, but this pattern was not observed in adults aged 24 years and over (Gardner and Steinberg 2005).

4.3.2. Social-level protective factors

Protective factors in the social domain focus heavily on an individual's peers, given that adolescence is a time when a person tends to spend more time away from their parents, and the influence of peers has a greater impact on behaviour (Albert and Steinberg 2011; Kennedy et al. 2018). Research has shown that the impact of peers on delinquency depends on many factors such as age, personality, and gender (Lösel and Farrington 2012). Having a close relationship with non-deviant and non-delinquent peers has a buffering, positive effect on the risk of engaging in offending and other problem behaviours, such as substance abuse (Hoorn et al. 2014; Lösel and Farrington 2012; National Crime Prevention 1999).

4.4. Community-level factors

4.4.1. Community-level risk factors

Disadvantaged and violent communities can be sources of risk for offending because they provide children with a negative social environment. Poor communities are characterised by neighbourhood disorganisation, high poverty and unemployment rates, poor resources and infrastructure, and high crime rates (Chung and Steinberg 2006; Heerde et al. 2018; Weatherburn 2001). Poor communities can normalise anti-social and criminal behaviour when they are characterised by poor parenting practices, anti-social peers, drug activity, and violence (Chung and Steinberg 2006). Children in poor communities are more vulnerable than adults because they lack the ability to remove themselves from these environments (Scott, Duell and Steinberg 2018).

4.4.2. Community-level protective factors

Protective factors within the community domain are generally related to the physical environment, the availability of economic and recreational opportunities, existing social supports, and other characteristics or structures that affect successful functioning of the community and community members. Research indicates that having strong community and cultural norms against violence, and a strong enforcement of laws against violence, form important protective factors against violence and offending (Herrenkohl et al. 2000; National Crime Prevention 1999).

4.5. The cumulative nature of risk and protective factors

While research has identified that children who offend experience one or more risk factors in their lives, it is important to note that risk factors are not the cause of criminal behaviour. Rather, the experience of risk factors can have a cumulative influence on offending behaviour (Farrington, Ttofi and Piquero 2016; Walters 2018b; Weatherburn 2001). That is, the more risk factors a young person experiences, the more likely they are to become involved in crime.

Young people with complex needs (or experiencing multiple risk factors) often have contact with multiple government systems. Recent Queensland research found that, of a cohort of young offenders, nearly half of all the children who appeared in court also had contact with either a) the child protection system, b) a hospital for a mental health issue, or c) all systems (Stewart 2018). The study showed that young people who averaged the most court appearances were also those who had contact with all three systems (courts, mental health and child protection), while those who only had contact with the courts averaged the fewest court appearances (Stewart 2018).

Research has also indicated that risk and protective factors are substantively different for different types of offenders. For example, Baglivio and colleagues (2014) found that young offenders who were serious, violent and chronic offenders evidenced more risk and fewer protective factors across domains related to offending, than the group of offenders who were not serious, violent and chronic offenders. Consequently, these results also highlight the importance of the criminal justice system tailoring responses to offending behaviour to the individual, with an understanding that some offenders may require more interventions than others.

The presence of protective factors can mitigate the impact of risk factors. For example, a study undertaken by Farrington, Ttofi and Piquero (2016) found that high intelligence, high school attainment and high parental interest in education protected against poor child rearing; good parental supervision protected against high dishonesty; and high family income protected against a convicted parent.

Children under youth justice supervision have complex needs

A recent census undertaken by Youth Justice provides some insight into the complex needs of youth offenders. Of the young people included in the census:

- 13.0% were also under a child protection order because of an investigation by Child Safety
- 23.0% were homeless or had unsuitable housing
- 39.9% were totally disengaged from education, vocational training and employment programs
- 75.5% were known to use at least one substance, with marijuana the most commonly used substance
- 38.3% had been diagnosed or were suspected to have at least one mental health disorder
- 34.6% had been diagnosed or were suspected to have at least one behavioural disorder
- 15.8% were assessed with or suspected of having at least one disability (cognitive/intellectual, sensory or physical)
- 5.6% were reported as being current or expecting parents.

Source: Department of Child Safety, Youth and Women (Youth Justice), unpublished data.

Notes:

1. The 2017 census includes information on 1,479 young people under supervision in the community or in detention on 27 March 2017. Most of these young people were male (76.3%) and aged 15–17 years (69.2%). Just over half (55.6%) identified as Aboriginal and/or Torres Strait Islander.

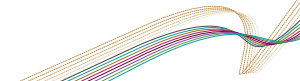
2. Caution is required in the interpretation of these results, as some information is based on qualitative, rather than clinical assessment.

5.0 Responding to youth offending

Criminal justice responses to youth offending generally acknowledge that children and young people are less culpable for offending behaviour due to their relative developmental immaturity and possible exposure to factors that are beyond their control. Because of these factors, youth are treated separately from adults in the criminal justice system. Early intervention, diversion away from formal responses, applying a strengths-based approach, and employing a coordinated, multi-agency response to children who offend are often cited as effective ways to reduce youth reoffending.

5.1. Intervening early

Prevention and intervention in early childhood can have positive outcomes for young children experiencing risk factors associated with involvement in crime. Intervening in childhood can have better rehabilitative results than intervening later in life, because younger brain and processing systems are more receptive to positive influences for learning (Scott, Duell and Steinberg 2018). Further, engagement in crime at a young age is related to more serious future offending behaviour (DeLisi and Piquero 2011; Loeber and Farrington 1998), and a longer engagement with criminal activity (Farrell, Laycock and Tilley 2015; Loeber and Farrington 2012).



Ross et al (2011) have identified a range of effective early interventions that target individuals, families, schools or communities. For example, child skills training targets individual risk factors and involves teaching children social, emotional and cognitive competence by supporting their ability to problem solve, manage anger and use emotion language skills. Effective family-based interventions include behavioural parent training, multisystemic therapy, family functional therapy and multi-dimensional treatment foster care. Among other program components, these programs teach parenting skills and assist families apply learnt skills in various contexts. Effective school-based programs promote the provision of supportive school environments, including the reorganisation of grades or classes, classroom or instruction management interventions, and school discipline and management strategies. Mentoring and after-school recreational programs have been shown to be promising interventions delivered at the community level.

A growing body of evidence indicates that intervening early can result in substantial long-term personal, social and economic benefits – especially given the high costs associated with imprisonment (Farrington and Welsh 2014; Welsh and Farrington 2011; Willis and Kapira 2018). Based on this evidence, Welsh and Farrington (2011, p. 132) argue for a 'much stronger focus on prevention in the early years to help ensure that there is a greater balance among prevention, treatment and punishment'. The importance of intervening early and providing targeted support services in known high-risk communities to reduce youth offending was highlighted in the *Report on Youth Justice* (Department of Child Safety, Youth and Women 2018).

5.2. Diversion

In Australia, youth justice systems recognise that there are fundamental differences between children and adults, and respond to youth offending through considered legislation, policies and programs (Cunneen, White and Richards 2015; Richards 2011a, 2011b; Scott, Duell and Steinberg 2018). A central component of this response is to actively channel young people away from the potentially criminogenic effects of formal contact with the criminal justice system.

Queensland's *Youth Justice Act 1992* has provisions to promote the diversion of children away from criminal justice systems, while still addressing their offending behaviour. In part, this is because the criminal justice system recognises that few children are chronic offenders (with multiple system contact) and diverting children who commit minor offences from the criminal courts system is an effective approach to addressing their offending behaviour. Two main diversionary approaches used in Queensland are formal police cautioning and youth justice conferencing. There is some evidence to indicate cautioning young offenders who have minor previous criminal history and have committed minor offences can lower the risk of them reoffending in future (Wang and Weatherburn 2018). The use of conferencing has also been associated with reductions in offending when compared with the use of court proceedings for youth offenders (Hayes and Daly 2004; Sherman et al. 2015). Diversion approaches can be more beneficial in addressing offending by children because these approaches recognise that children have immature systems. These approaches encourage children to understand their actions and responsibilities to the community and their family (Cunneen, White and Richards 2015).

Youth justice in Queensland

Children who enter the youth justice system are primarily subject to the Youth Justice Act which provides justice agencies with a framework for dealing with children who commit offences. The principles of youth justice underpinning this Act seek to:

- protect the community from (youth) offences
- make children accountable and responsible for their actions
- make considerations for the child's age, maturity and cultural background in determining what action should be taken against them
- diverting children from the criminal courts system, where possible
- use detention as a last resort
- uphold the rights of children to ensure their safety and wellbeing.

5.3. Strengths-based approaches

There is substantial evidence to indicate that interventions aimed at reducing offending should ideally address risk factors and promote protective factors early in a young person's life (Farrington, Ttofi and Piquero 2016; Heerde et al. 2018).¹⁷ However, some have argued for the use of strengths-based approaches to support youth offender rehabilitation (Case and Haines 2014; Fortune 2018). Rather than focus on an individual's deficits, these approaches emphasise the importance of promoting an individual's strengths. An example of such an approach is the Good Lives Model (GLM) developed by Ward and colleagues (for example, see Ward 2010; Ward and Brown 2004; Ward and Stewart 2003; Ward et al. 2006) which focuses on the identification of personally meaningful goals and developing ways to achieve these goals in a prosocial way (Fortune 2018). The GLM model posits that enhancing personal fulfillment (through the provision of skills and positive coping strategies) will innately lead to reductions in criminogenic needs, thereby supporting a reduction in criminal behaviour (Ward and Stewart 2003).

5.4. Holistic and coordinated responses

Research has shown that youth offending is not the result of a single factor. Rather, it is a complex social problem impacted by multiple and intersecting factors across a range of domains. Just as offending is not caused by a single factor, it is unlikely that a single agency may be able to prevent offending by young people. Rather, this complex issue requires a coordinated, multi-agency response to address the needs of young people at the individual, family, social and community levels. Indeed, Barnert et al. (2015) found that children in detention themselves believed that having safe homes, communities and schools could prevent their further imprisonment by providing them with a supportive environment for growth. Dennison (2011) has argued that effective responses to youth offending involve addressing poor parenting practices, weak school attainment, the influence of anti-social peer influence and various structural factors (such as poverty and community disadvantage) associated with poor school attainment and involvement in crime.

6.0 Conclusion

When comparing young and adult offenders, a number of key differences in offending patterns were apparent in administrative information captured by QPS. In terms of the types of offences that they are responsible for, young offenders commit offences against property at a higher rate than adults, adults commit other offences at a higher rate than young people, and both groups commit offences against the person at similar rates. The exact nature of these offences warrants further investigation to explore if young people in Queensland commit less serious offences against the person than adults.

When looking at the volume of offending, young people represent a small proportion of all offenders proceeded against by the police. Young offenders are more likely to be proceeded against by police multiple times during the year, and average more offences during the year, than their adult counterparts. Despite these offending patterns, adults aged 17–49 years are responsible for a disproportionate share of total offences committed.

These offending patterns may be explained, in part, by three things:

1. As demonstrated by the age–crime curve, the time of childhood and adolescence is a time when offending increases, and this pattern is consistently found in criminological research.

¹⁷ Offender rehabilitation and treatment have been guided by the three key principles of the risk-need-responsivity (RNR) model developed by Andrews, Bonta and Hoge (1990). The first principle, *risk*, requires the level of program intensity to match the offender risk level, with more intensive levels of treatment reserved for those offenders with the highest risk. The second principle, *need*, highlights that programs need to target the criminogenic needs of an offender, or those needs that are related to offending. The final principle, *responsivity*, ensures that the intervention is tailored to the learning style and ability of the offender. Thus, current responses to offenders (including young offenders) involve assessing their risk of reoffending, addressing the criminogenic factors influencing their offending behaviour, and providing them with tailored support and therapeutic rehabilitation.



2. Children have less mature psychological and cognitive systems when compared with adults. They are more inclined to engage in reward-oriented behaviours, be less socially experienced, and be more reactive to emotional stressors. These factors can reduce their consequential thinking, leading them to engage in risky behaviours which are counter to the laws of society.
3. When compared with adults, children tend to present with more risk factors associated with offending and other problem behaviours than adults. These include risk factors related to individuals, their family environment, the social environment, and the community in which they live.

The criminal justice system takes the above factors into account in its response to youth offending. Research shows that the majority of young people tend to grow out of crime and indicates that their brain development makes them less culpable for their behaviour when compared with adults. Therefore, diverting young people away from formal court proceedings can be an effective response to youth crime given the research that shows that most young offenders will not offend again and intervening with offenders with a low risk of reoffending may actually increase their likelihood of future reoffending. Diverting low risk young people from the criminal justice system may also enable the ability to target limited resources towards responses addressing chronic offenders who are responsible for a disproportionate share of youth crime and more likely to transition into adult offending.

Research suggests that chronic offenders require intensive interventions that address criminogenic risks and support protective factors, or on providing a strength-based approach, focus on developing an individual's skills and opportunities to increase overall wellbeing. Responses to youth offending may benefit from a coordinated, multi-agency approach to appropriately and effectively address the complex, presenting needs of young offenders. It may also be important to involve the family of the young person to increase the efficacy of interventions (where possible and appropriate). Furthermore, intervening early may result in long-term personal, social and economic benefits.

7.0 Glossary and explanatory notes

Glossary

Adolescents: young people undergoing the transitional phase of growth and development between childhood and adulthood.

Age-crime curve: a graph showing the relationship between age and crime. It can show patterns of offending behaviour over the life-course.

Age-specific rate: a statistical method that calculates the rate for each specific age (or age group) by dividing the number of events by the respective population, and then multiplying the resulting number by 100,000.

Anti-social: according to Smart et al. (2004), anti-social behaviours are a range of offensive and socially unacceptable acts that can have a negative impact on the perceptions of personal and community safety. People who engage in anti-social behaviours risk isolating themselves from social supports and coming into contact with the criminal justice system.

Average: a measure of central tendency (often called the mean) calculated by adding all data points and then dividing by the total number of data points.

Caution: official cautions can be administered to a child under the provisions of the *Youth Justice Act 1992* for minor criminal offences in accordance with official QPS policy. The term does not apply to any informal process where a child is spoken to by an officer where the officer is exercising discretion in relation to the child's particular behaviour or actions.

Child: unless otherwise defined, the term 'child/ren', and 'youth' are used interchangeably in this brief to describe children aged 10 to 16 years. See footnote 2.

Complex needs: in this brief, this refers to children who present with multiple risk factors in their lives, each of which has been shown by research to increase the likelihood that a young person becomes involved in the youth justice system. See *risk factors*.

Criminal justice system: refers to the government agencies and institutions whose role is to address offending by people in the community and administer justice. In Queensland, the three components of the system are the police, courts and corrective services. The **youth justice system** refers to the set of processes and practices for managing offending by children.

Culpable: how responsible an offender is for an offence and the harm associated with the offence. This is often related to whether a person realised the wrongful nature of their actions and thus should take the blame. In sentencing, a judge or magistrate may consider factors related to the offence to determine culpability, including whether the person was in complete control of their actions, their motivations and whether the offender understood the likely consequences of their actions.

Detention: refers to a legal process whereby a young person is detained in a facility supervised and operated by a department responsible for youth justice, for committing or allegedly committing a crime. A person can be sentenced to a period of detention as sentenced by a court or held on remand (unsentenced detention) until their charge is dealt with in court.

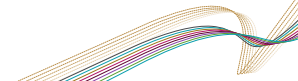
Estimated resident population (ERP): the official measure of the population of Australia based on where people usually live. Estimates by year of age for Queensland are produced by the Australian Bureau of Statistics (ABS 3235.0, Population by age and sex, regions of Australia).

Evidence-based response: refers to basing policy decisions on information obtained from the use of past research, evaluations and findings indicating 'what works'.

Neighbourhood disorganisation: refers to characteristics of a neighbourhood or location that are linked with the deterioration of community controls, increasing the likelihood of residents engaging in crime. This is more likely to occur in areas of poverty where people move in and out of the area frequently, and the traditional values of a community can be replaced with criminal values, resulting in disorganisation and an increase in crime, drug activity and poor parental supervision. This views the area, and not individuals, as breeding crime in these areas.

Neuropsychological: refers to the study of how the human brain's structure and function relates to the people's psychological processes and behaviours.

Neuroscientific: in this brief, refers to the study of the nervous system, which primarily relates to brain functions.



Offence: any act or omission by a person or persons for which a penalty could be imposed by the Australian legal system. Offences are often categorised into three broad types:

Offences against the person: offences that target an individual or result in a person being the victim. An individual can include a company or organisation.

Offences against property: offences that target property or result in property being damaged. Property can include but is not limited to cars, houses, buildings, and personal belongings.

Other offences: offences do not necessarily target an individual or property, and include offences such as drug offences, prostitution, traffic offences and good order offences.

Offender: a person aged 10 years or over who, through the clearance of an offence, is alleged to be responsible for committing that offence.

Offending trajectories: refers to the different groups that offenders can be classified into, depending on the age that they begin to engage in crime, the amount of crime that they commit, and the length of their criminal career.

Proceeded against by police: where some type of action has been taken by police against an offender (e.g., arrest, summons, warrant, caution, restorative justice conference or other action).

Protective factors: factors that can reduce the likelihood of offending directly, or by moderating the effect of exposure to risk factors.

Restorative justice conference: the referral of a child, under the provisions of the Youth Justice Act, to community conference by a police officer before the start of a proceeding for an offence, or by a court after a guilty plea by a child for the offence. The conference process brings together the offender, and their victim(s) and supporters in facilitated mediation. It is aimed at encouraging young people to take responsibility for their actions and addressing the offence and its impact while repairing the harm caused by the crime.

Reward-oriented: in this brief, describes the tendency for children and adolescents to behave in ways that will immediately benefit them and gain them rewards. They have less thought for the consequences of their behaviour.

Risk factors: characteristics, conditions or events that, if present for an individual, can increase the likelihood of their offending.

Self-efficacy: refers to a person's own belief that they have the ability to achieve their own goals.

Social competence: refers to the social, emotional and cognitive skills children develop to allow them to adapt and navigate their world.

t-test: is a type of statistical technique which is used to determine if there is a significant difference between the means of two groups which may be related in certain features.

Youth justice system: see *criminal justice system*.

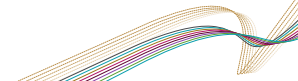
Notes

Rates are calculated to show the frequency of an event (e.g. crime) occurring for a population during a period. Rates are calculated per 100,000 persons, using the ERP of the specified region, published by the ABS, as at 30 June.

The **offender rate** is calculated as:

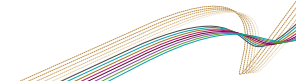
$$\frac{\text{number of offenders}}{\text{ERP}} * 100,000$$

An **age-specific offender rate** is calculated by taking the total number of offenders of a specific age (or age group), dividing that number by the ERP of the respective population for people of that specific age (or age group), and multiplying the resulting number by 100,000.

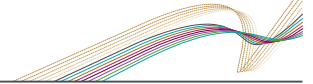


8.0 References

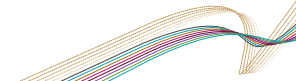
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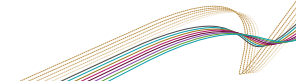
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