

# The use and impact of Police diversion for reducing Indigenous over-representation

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## Introduction & Literature Review

This report presents the findings of a project that explored whether there was disparity in the use of police diversion based on Indigenous status and whether the impact of police diversion varied based on Indigenous status. While police cautioning and police referred conferencing are widely used throughout Australia, few studies have explored whether there is disparity in the use or impact of these diversionary processes. Limited evidence suggests that Indigenous young people are less likely to be diverted than non-Indigenous young people and that Indigenous young people are more likely to have recontact than non-Indigenous young people, regardless of the juvenile justice system response. Given that Indigenous over-representation is a perennial problem in the justice system, the current project addressed three research questions:

- RQ1:** What is the extent of Indigenous over-representation in the Queensland juvenile justice system?
- RQ2:** Are Indigenous young people less likely to be diverted by police to a caution or conference than non-Indigenous young people?
- RQ3:** How effective is police diversion at reducing recontact with the juvenile justice system?

Addressing these research questions will provide an understanding about whether an increased proportion of Indigenous people could be diverted and whether police diversionary practices could be used to reduce Indigenous over-representation and begin to 'close the gap' on Indigenous over-representation in the justice system.

This chapter will highlight the extent of Indigenous over-representation, which remains a source of considerable concern in all Australian jurisdictions. An overview of diversion will be provided, including examination of police cautioning and conferencing, justifications for diversion, and the Queensland legislative framework for diversion which is central given the jurisdictional focus of the current project. The findings from research focused on the diversion of Indigenous young people will then be examined, including findings from research that has explored whether there is disparity in the use of diversion or whether its effectiveness varies based on Indigenous status.

### **1.1 Indigenous Over-Representation**

Indigenous over-representation in the justice system is recognised as an important social policy issue and addressing this problem is a key priority in the justice sector, as promoted in Aboriginal and Torres Strait Islander justice agreements and plans throughout Australia (i.e.: NSW Aboriginal Justice Advisory Council, 2003; Queensland Government, 2001; WA Department of Justice, 2004). Evidence suggests that this over-representation increases with each successive discretionary stage in the system, resulting in higher levels of over-representation in the more serious processes and outcomes (Gale, Bailey-Harris, & Wundersitz, 1990; Luke & Cunneen, 1995).

While Indigenous juveniles aged 10 to 17 years comprised approximately 4% of all Australian juveniles in 2006, a disproportionate number of Indigenous juveniles have contact with the juvenile justice system compared to non-Indigenous juveniles. This over-representation is best illustrated by detention rates. Estimates indicate that Indigenous people aged 10 to 17 years are

21 times more likely to be in detention compared to non-Indigenous juveniles across all Australian jurisdictions (Taylor, 2007). However, rates of over-representation vary across jurisdictions. Indigenous juveniles are 32 times more likely to be detained per population in Western Australia and 5 times more likely to be detained in Tasmania (Taylor, 2007). In Queensland on the 30 June 2006, 52% of persons aged 10 to 17 years in juvenile detention were Indigenous (Taylor, 2007). Across all Australian jurisdictions, Indigenous juveniles accounted for 51% of all juvenile detainees aged 10 to 17 years (Taylor, 2007).

## **1.2 Police Diversion**

Diversion involves any process that diverts or channels out individuals from entering or continuing in the formal justice system, thereby reducing the volume of individuals that come into contact with the system (Chapin & Griffin, 2005; Hayes & Daly, 2004; Hedderman & Hough, 2006). There are four different types of diversionary practices, including:

- (i) *True diversion*, where law enforcement agencies handle youth informally;
- (ii) *Referral service and follow-up*, where youth are referred prior to adjudication to treatment sources outside of the justice system;
- (iii) *Minimisation of penetration*, where contact with the justice system is minimised; and
- (iv) *Channelling to non-court institutions*, where individuals are involved in interventions without passing through court processes (Whitehead & Lab, 2001).

Within the juvenile justice system, a range of diversionary programs have been implemented that may occur at any stage, although such programs are typically implemented as pre-court processes (Cunneen & White, 1995; Wundersitz, 1997). Diversion practices may include police cautioning, juvenile conferencing or mediation, bail programs, probation, and other forms of case management or supervision in the community (AIC, 2002; Polk, Adler, Muller, & Rechtman, 2003). Two of the most frequently used diversionary processes for young people are formal police cautioning and conferencing (Polk et al., 2003).

### **1.2.1 Cautioning and Conferencing**

Police cautioning and conferencing programs act as a diversion from formal court processing in the juvenile justice system. Police cautioning involves the use of interview sessions comprising police officers, the offender, and parents, guardians, or other representatives of the offender (Polk et al., 2003; Wundersitz, 1997). Conferencing is a restorative justice program that aims to repair the harm resulting from offending and may occur at earlier points of the justice process (i.e.: police referred) or as individual's progress further into the system (i.e.: court referred). Conferencing involves the young offender, supporters of the offender, the victim and their supporters, a police officer and a conference convenor coming together to discuss the offence and its impact on the victim, the supporters involved and the wider community (Daly, 2001). While there is variation in terminology and practice between jurisdictions, these two diversionary practices are typically available for first time and non-serious offenders, require sufficient evidence to establish that an offence occurred, an admission of guilt by the young person, and consent of the young person to engage in cautioning or conferencing (Hedderman & Hough, 2006; Polk et al., 2003).

### **1.2.2 Justifications for Diversion**

There are a number of justifications for diverting young people from the formal justice system. Perhaps most importantly is the potential of diversionary programs to reduce the criminogenic effects of the justice system on subsequent criminal behaviour. Prior involvement with the criminal justice system is a potent predictor of recidivism (Carcach & Leverett, 1999; Chen, Matruglio, Weatherburn, & Hua, 2005; Hua, Baker, & Poynton, 2006; Latimer, 2001). It is argued that diversion avoids unnecessary negative labelling and stigmatisation. Interaction with the formal justice system may restrict access to educational and employment opportunities thereby restricting access to conventional 'life chances' or affect association with peer networks thereby increasing the likelihood of recidivism (Bernburg & Krohn, 2003; Dodge, Lansford, Burks et al., 2003; Leve & Chamberlain, 2005; Paternoster & Iovanni, 1989; Sampson & Laub, 1997; Zhang, 1994).

Furthermore, it is proposed that young offenders should be diverted because juvenile offending is transitory with most young people who have contact not having additional contact with the juvenile system (Harrison, 1992; Potas, Vining, & Wilson, 1990; Rutherford, 2002). It is argued that non-serious offenders should be diverted as it is economically efficient to target resources towards the relatively small proportion of offenders who commit a large proportion of offences (Wundersitz, 1997). Additionally, it is suggested that diversionary processes are better than formal court processing because diversion is swift, reducing the delay between apprehension and finalisation of the disposition, and involves less formal processes (Wundersitz, 1997). These characteristics may result in the process being more relevant for the young person and increase their understanding and participation in the process, thereby improving the likelihood of the process having a positive impact.

An additional justification for conferencing stems from the restorative ideals of such processes. Australian research examining conferencing has tended to focus on the processes that are involved, such as how conferences are administered and facilitated, how participants feel about conferences, how offenders make amends, and how victims are healed and recover (Daly, 2001; Hayes, Prenzler, & Wortley, 1998; Palk, Hayes, & Prenzler, 1998; Strang, Barnes, Braithwaite, & Sherman, 1999). This research indicates that offenders and victims are satisfied with the conference process (90% and 73-79% respectively), view conferences as fair for offenders (85-98% and 97-98% respectively), and are satisfied with outcomes (99% and 80-97% respectively).

### **1.2.3 Queensland Legislative Framework**

The legislative framework for the diversion of young people in Queensland is provided in the *Juvenile Justice Act 1992*, which encourages the use of diversionary measures to respond to juvenile offending. According to the Act, "if a child commits an offence, the child should be treated in a way that diverts the child from the courts' criminal justice system, unless the nature of the offence and the child's criminal history indicate that a proceeding for the offence should be started". The Act specifies that before starting a proceeding against a child, by means of arrest (with or without a warrant), a police officer must first consider alternatives to formal processing. Under section 11 of the *Juvenile Justice Act 1992* "a police officer, before starting a proceeding

against a child for an offence other than a serious offence, must first consider whether in all the circumstances it would be more appropriate to do 1 of the following –

- (a) to take no action;
- (b) to administer a caution to the child;
- (c) to refer the offence to a conference;
- (d) if the offence is a minor drugs offence within the meaning of the *Police Powers and Responsibilities Act 2000* and the child may be offered an opportunity to attend a drug diversion assessment program under section 379 of that Act – to offer the child that opportunity in accordance with that section.”

In considering alternatives to formal processing, the Act states that police officers should take into account certain circumstances. Such considerations include “the circumstances of the alleged offence; and the child’s criminal history, any previous cautions administered to the child for an offence and, if the child has been in any other way dealt with for an offence under any Act, the other dealings” (*Juvenile Justice Act 1992*, s. 11(2)).

According to the Act, police officers may consider these alternatives to formal processing in the event of non-serious offences. Serious offences are those considered “a life offence; or, an offence of a type that, if committed by an adult, would make the adult liable to imprisonment for 14 years or more” (*Juvenile Justice Act 1992*, s. 8(1)). While these alternatives to formal processing are to be considered by a police officer in the event of non-serious offending by a juvenile, the Act also allows juvenile offenders to be dealt with by means of alternatives to formal processing in the case of serious offending. Therefore, police officers have discretion in determining which juvenile offenders are formally processed, and which are diverted from the formal processes of the juvenile justice system.

While police officers are allowed discretion in determining the type of disposition handed to a juvenile offender, they are encouraged to use alternative measures such as formal police cautions and community conferences rather than to arrest or issue a notice to attend, which results in a subsequent court appearance.

### **1.3 Diversion of Indigenous Young People**

Recently, it has been suggested that there is disparity in the proportion of Indigenous and non-Indigenous young people who are diverted from formal court processing and that diversion processes could be used to reduce Indigenous over-representation in the juvenile justice system (Cunneen, Collings & Ralph, 2005; Gale et al., 1990; Luke & Cunneen, 1995). Whether there is disparity and whether diversionary processes are effective at reducing reoffending by Indigenous young people remains open to debate.

#### **1.3.1 Disparity in Diversionary Practices**

Emerging evidence suggests that Indigenous juvenile offenders are less likely to be diverted than non-Indigenous juvenile offenders (Loh & Ferrante, 2003; Snowball, 2008a; Wundersitz & Hunter, 2005). In a comparative analysis of Indigenous and non-Indigenous rates of diversion in the Australian jurisdictions of New South Wales (NSW), South Australia (SA) and Western Australia

(WA), Snowball (2008a, 2008b) found that Indigenous offenders were less likely to be diverted compared to non-Indigenous offenders with similar characteristics in all jurisdictions. Results further indicated that males and older offenders, offenders with a greater number of prior contacts and those receiving a prior custodial sentence were less likely to be diverted. The effects of offence type on the likelihood of diversion were found to differ across jurisdictions. In all jurisdictions, offences against the person and traffic offences were associated with a reduced likelihood of diversion. Offence types that increased the likelihood of diversion included drug offences in WA, public order offences in SA, and property and drug offences in NSW. Examination of the characteristics of Indigenous offenders indicated that as a group they were more likely to have a larger number of prior contacts with the criminal justice system and have a prior custodial sentence compared to non-Indigenous offenders.

The discrepancy in rates of juvenile diversion for Indigenous and non-Indigenous offenders is likely the result of a number of factors. One of the more prominent hypotheses in the Australian criminological literature is the possibility of racial bias in the operation of criminal justice processes. Institutional bias in the criminal justice system may be reflected in a number of processes, including the willingness of police to use alternatives to arrest, limited community-based alternatives to prison in rural communities, poor funding for Aboriginal legal aid, and excessively punitive sentences (Snowball & Weatherburn, 2007). Cunneen (2006) argues that racial bias is manifested in the criminal justice system at early stages of processing, where Indigenous juveniles are more likely to be arrested by police as a result of more extensive criminal histories. More extensive criminal records have the effect of increasing the risk of the young person receiving more serious penalties, including detention or imprisonment.

There are several competing explanations for the disparity in the proportion of Indigenous and non-Indigenous young people who are diverted. Most notably, it is possible that Indigenous offenders are less likely to be diverted because of legal factors, including that they do not meet the legal standards for diversion (Snowball, 2008a). Rather than being a result of racial bias, it is possible that legal factors that justice professionals must consider when exercising discretion may account for differences in Indigenous and non-Indigenous rates of diversion, including offence seriousness, number of prior offences, and prior incarceration. Snowball and Weatherburn (2007) argued that for the discrepancy in rates of diversion to be the result of racial bias, differences in the treatment of Indigenous and non-Indigenous offenders should persist after taking legal factors into account. Current evidence regarding the role of racial bias and legal factors in the over-representation of Indigenous offenders indicates that they are both viable explanations.

Accessibility to diversion programs for Indigenous juvenile offenders may be restricted due to a number of additional factors. Many barriers to accessing diversion programs relate to the characteristics of Indigenous juveniles offenders, including:

- They are less likely to make an admission of guilt
- More likely to have multiple charges
- More likely to have previous convictions, especially for violent offences against persons
- More likely to have drug misuse problems
- More likely to have a co-existing mental illness

(Joudo, 2008, p. 78)

These characteristics often operate as exclusionary criteria for diversion programs, which is unfortunate given that these characteristics are markers for an increased risk of reoffending. Accessibility to diversion programs may further be limited by geographical isolation (particularly in remote Indigenous communities), the lack of involvement of guardians in justice processes, and limited cultural relevance and sensitivity of programs (Joudo, 2008; Wilczynski, Wallace, Nicholson & Rintoul, 2004).

### **1.3.2 Effectiveness of Diversionary Practices at Reducing Recontact**

At present, there is limited available evidence from which to determine the impact of diversionary processes on recontact for juvenile offenders, particularly for Indigenous young people (Appendix 1). Studies examining the impact of diversionary processes on recontact with the juvenile justice system have typically compared the proportion of individuals that were cautioned, conferenced or appeared in court and had additional contact. Studies have compared the impact of different programs on recontact with the system in several jurisdictions, including:

- Cautioning and court in Queensland (Dennison, Stewart & Hurren, 2006; Stewart, Allard, Gray & Ogilvie, 2007);
- Conferencing and court in Canberra (Sherman, Strang & Woods, 2000) and New South Wales (Luke & Lind, 2002);
- Cautioning and conferencing in New South Wales (Vignaendra & Fitzgerald, 2006);
- Cautioning, conferencing and court in the Northern Territory (Cunningham, 2007; Wilczynski et al., 2004)

Only some of these comparative studies explored recontact based on Indigenous status, primarily because an Indigenous status identifier was not recorded in administrative databases (Cunningham, 2007; Dennison et al., 2006; Luke & Lind, 2002; Wilczynski et al., 2004). Another study that focused on the recontact status of young people who were conferenced in South Australia also explored recontact based on Indigenous status (Hayes & Daley, 2003).

While sample selection bias is problematic and studies have used different follow-up timeframes, evidence indicates that cautioning and conferencing of low risk first time offenders can reduce recontact with the juvenile justice system. Young people who appear in court (39-63%) are more likely to have additional contact with the system than young people who are diverted through cautioning (19-52%) or conferencing (21-58%) (Attachment A; Cunningham, 2007; Dennison et al., 2006; Hayes & Daley, 2004; Stewart et al., 2007; Vignaendra & Fitzgerald, 2006). However, it is acknowledged that young people who appear in court may have engaged in more serious offending (Cunningham, 2007; Dennison et al., 2006; Wilczynski et al., 2004). Evidence also suggests that Indigenous young people are more likely than non-Indigenous young people to have additional contact with the system, whether they were cautioned, conferenced, or appeared in court (Dennison et al., 2006; Hayes & Daley, 2003; Luke & Lind, 2002).

#### **1.4 Conclusions and Purpose of Project**

Indigenous over-representation is a perennial problem in the justice system. The increased use of diversion for Indigenous young people has been suggested as one strategy that could be used to begin to 'close the gap'. While few studies have explored the use or impact of diversion based on Indigenous status, available evidence suggests that Indigenous young people are less likely to be diverted from formal court processing and that Indigenous young people are more likely to re-appear when diverted than non-Indigenous (Chan, Doran, Malony, & Petkoska, 2004; Dennison et al., 2006; Loh & Ferrante, 2003; Snowball, 2008a; Wilczynski et al., 2004). Given the importance of understanding the use and impact of police diversion as a response to offending by Indigenous young people, the current project addressed three research questions:

- RQ1:** What is the extent of Indigenous over-representation in the Queensland juvenile justice system?
- RQ2:** Are Indigenous young people less likely to be diverted by police to a caution or conference than non-Indigenous young people?
- RQ3:** How effective is police diversion at reducing recontact with the juvenile justice system?

## **1.5 Chapter Outline**

Chapter Two will provide an overview of the method used in the project to address the research questions, including an overview of the research sample, data linkage and cleaning processes, and missing data. The three separate systems that formed the basis of the project will be described and descriptive statistics relating to the contact that the 1990 cohort had with each system presented.

Chapter Three will present the results of analyses performed to address the three research questions. The extent of Indigenous over-representation will be highlighted by examining the proportion of the population who had contact and the extent of contact. How the court comparison group was established will then be outlined and differences between the police cautioning, police conferencing and court comparison group examined. Findings from analyses undertaken to explore whether there was disparity in the use of police diversion will be presented. The findings from analyses performed to explore the effectiveness of police diversion will be presented, including whether police diversion is more effective than court in terms of reducing recontact, time-to-recontact, and frequency of recontact.

Chapter Four will present a summary of the research findings and directions for future research. Policy implications of the findings will be presented, including the need to develop and implement policies and programs that reduce the level of contact and recontact that Indigenous young people have with the justice system. The chapter will conclude by outlining the limitations of the current project.

## Chapter 2

### Method

This chapter will provide an overview of the research sample, data linkage and cleaning processes that were used, missing data, as well as a description of and descriptive statistics relating to the three separate systems that formed the basis of the project: police cautioning, police referred conferencing and juvenile court. For each system, descriptive statistics will be presented for all contacts that young people in the cohort had as well as relating to distinct individuals who had contact.

### 2.1 Research Sample

Data pertaining to 8,296 distinct individuals were collected and analysed throughout the project. Table 0-1 describes the contact that individuals had across the three systems. Of the 8,296 individuals, 7,169 were cautioned by police at least once, 861 were referred by police to at least one youth justice conference, and 2,499 had a finalised juvenile court appearance. Details about the demographic characteristics of these individuals are described in section 0.

**Table 0-1:** Distinct young people attending a caution, referred to a police YJC, and/or finalised juvenile court appearance<sup>a</sup>

		Police cautioned (n=7,169)		Police YJC (n=861)		Juvenile court appearance (n=2,499) <sup>b</sup>		
		N	%	N	%	N	%	
Yes	7,169	86.42	Yes	639	7.70	Yes	352	4.24
						No	287	3.46
						Yes	1,186	14.30
						No	5,344	64.42
No	1,127	13.58	Yes	222	2.68	Yes	56	0.68
						No	166	2.00
						No	905	10.01
Total	8,296	100.00						

<sup>a</sup> Note that 60 of these individuals have their only contact with the system as a police ordered YJC that was never held, or a not guilty court appearance.

<sup>b</sup> Includes Indefinite Court Referrals and Pre-Sentence Court Referral Conferences

To enable estimates to be established regarding the proportion of young people in Queensland that had contact with the justice system, additional data concerning the

characteristics of the overall 1990 Queensland birth cohort was obtained from the Australian Bureau of Statistics (Table 0-2). While it is acknowledged that the population statistics do not truly reflect the original birth cohort due to factors such as migration, they are taken as providing an estimate of the gender and Indigenous status of the original birth cohort.

**Table 0-2:** Population statistics of the birth cohorts

		<i>N</i>
<b>No of children born in 1990<sup>a</sup></b>		
	Boys	23,082
	Girls	21,786
	<b>Total</b>	<b>44,868</b>
<b>Number of 10 year olds in 2000</b>		
Indigenous	Boys	1,474
	Girls	1,546
	<b>Total</b>	<b>3,020</b>
Non-Indigenous	Boys	25,299
	Girls	23,772
	<b>Total</b>	<b>49,071</b>
<b>Total 10 Year Olds<sup>b</sup></b>		<b>52,091</b>
<b>Number of 16 year olds in 2006</b>		
Indigenous	Male	1,491
	Female	1,543
	<b>Total</b>	<b>3,034</b>
Non-Indigenous	Male	28,320
	Female	26,600
	<b>Total</b>	<b>54,920</b>
<b>Total 16 Year Olds<sup>b</sup></b>		<b>57,954</b>

<sup>a</sup> Australian Bureau of Statistics 2000, *Births*, Cat. No. 3301.0, Australian Bureau of Statistics, Canberra.

<sup>b</sup> Australian Bureau of Statistics 2008, *Population by Age and Sex, Australian States and Territories*, Cat. No. 3301.0, Australian Bureau of Statistics, Canberra.

## **2.2 Data Linkage, Verification and De-Identification**

Approval to conduct research was obtained from the *Griffith University Human Research Ethics Committee* and appropriate approvals obtained from relevant government agencies. Data released from Queensland Government for research purposes required all identifying information to be stripped from the files in accordance with the *Commonwealth Privacy Act 1988*. To comply with this requirement all data linking and deidentification was carried out within the Office of Economic and Statistical Research (OESR), Queensland Treasury. Officers working within this government department are governed by the *Statistical Returns Act 1896*. Data were released from Department of Communities (DoC), Queensland Police Service (QPS) and Justice and Attorney General (JAG) to OESR governed by a series of Memorandums of Understanding (MOU's) between OESR and each individual government department. These MOU's also controlled the release of data to Griffith University.

The data analyses for this project required each individual to have a unique numeric identifier linked across all three data bases. Although the QPS and DoC Juvenile Court data had unique numeric identifiers within each system, they were not the same across systems and the DoC YJC data did not have a unique identifier. Consequently, the data were required to be linked on the basis of identifying name and date of birth. Data were linked using 'The Link King' which is an open source record linkage and consolidation software tool that enables linkage of records across datasets, in the absence of a unique identifier. The tool works with SAS, and provides a number of advanced features when linking on fields such as name and date of birth, incorporating a number of probabilistic and deterministic record linkage protocols. In particular, it allows for phonetic and approximate text string matching and spelling distance algorithms, to allow for subtle misspellings/typographical errors of names and dates. It also has a user interface that allows for simple manual review of the linking process. Three steps were required to ensure accurate linking of the data sources, validation of the data linking processes and de-identification of the data.

### **2.2.1 Step 1: Linking within and identifying unique individuals within each of the three data sets**

The three datasets were examined separately using linking tools based on name and date of birth to remove within dataset duplication. For each dataset, all pairs of possible duplicates were manually explored using the Link King review interface. There were 176 pairs (2.4% duplications) identified in the QPS cautioning dataset, 472 duplicates (23%) in the YJC dataset, and 7 duplicates (0.3%) in the DoC Juvenile Court data. After removing duplicates from the datasets, all distinct individuals were assigned a unique numeric identifier, prefixed by a dataset identifier (QPS, YJC and Court).

### **2.2.2 Step 2: Linking across each of the three datasets**

Data linkage was then undertaken to create a single unique identifier for each individual, regardless of which dataset they were in. One large dataset was created, that contained all three dataset identifiers, the respective dataset identifier and identifying particulars. Linking

tools were used to identify possible between system duplication and all records that were identified and did not have an extremely high probability match were manually expected. A unique numeric identifier (JMAG ID) was assigned to the resulting dataset, which was applied to each individual within each of the three separate datasets.

### **2.2.3 Step 3: De-identification of the datasets**

The third and final stage of the process was de-identification. All identifying information (names and aliases) were removed from each of the three individual datasets, and only the unique JMAG ID was allocated. The three de-identified datasets were then released from OESR to Griffith University for analyses.

## **2.3 Data Cleaning and Propagation of Missing Values**

Data cleaning was performed within and between the datasets to ensure that individuals were consistently assigned the same three demographic characteristics: age (based on Date of Birth), sex, and Indigenous status. While the linking used Date of Birth as one of the variables to combine records, records could be grouped even when there were discrepancies, such as when the date and month were transposed. Within the QPS data, 0.5% of individuals had a discrepancy in their date of birth, while 1.8% of individuals had this discrepancy in the YJC data and 1.6% of individuals had this discrepancy in the Courts data. In addition, when comparing across systems there were 64 (0.8%) individuals where the date of birth varied across one or more systems. A globally defined date of birth was determined for each individual. Where there was a discrepancy, the most common date of birth was assigned and when they were equally distributed the earliest date was used, provided it was not 01/01/1990.

The second important demographic indicator considered was sex. The two issues that arose included missing values and inconsistent recording. There were 87 individuals (all appearing in the QPS data) that had an unknown sex assigned. However, after linking across systems it was possible to assign sex in 25 (28.7%) of these cases. There were an additional nine individuals that only appeared in the QPS system and 22 individuals that appeared across multiple systems, whose recorded sex was inconsistent either within or between systems. For each individual with an inconsistent sex recorded, a global sex was assigned based on the balance of probabilities.

With respect to Indigenous status, it was necessary to determine a consistent indicator as this demographic was documented differently across each system. The indicator coded young people as Indigenous, Non-Indigenous, or Unknown. The most common inconsistency involved young people having their Indigenous status known for some matters and unknown for others. In the QPS system, this occurred for 14.5% of individuals while in the YJC data this occurred in 5.1% of cases, although it was not an issue for the Court data. For these cases, the Indigenous status of the person was globally updated from unknown to the known state of Indigenous status. There were 1,657 young people (20.1%) whose Indigenous status identifier was propagated based on further contact they had with the justice system. One third (33%) of Indigenous young people and one fifth (22%) of non-Indigenous young people had their Indigenous status identifier propagated from additional contact, and Indigenous

individuals who were propagated tended to be younger than non-Indigenous individuals (Table 0-3).

**Table 0-3:** Young people whose Indigenous status indicator was propagated by age at first contact

Age at first contact	Indigenous		Non-Indigenous	
	Count	%	Count	%
10	72	15.8	74	6.2
11	94	20.6	111	9.2
12	78	17.1	177	14.7
13	70	15.4	203	16.9
14	68	14.9	246	20.5
15	50	11.0	232	19.3
16	23	5.0	148	12.3
17	1	0.2	10	0.8
Total	456	100.0	1201	100.0

Other matters involved inconsistencies between Indigenous and non-Indigenous or vice versa. There were 1.1% of individuals in the QPS system, 1.9% in the YJC system, and 0.3% in the Court system for who this occurred. These individuals were flagged and resolved by exploring across system differences. The first process used involved setting a persons Indigenous status to the known value if they had an unknown Indigenous status in one system and a known Indigenous status in another. Of greater concern were the 206 individuals (2.5%) whose recorded Indigenous status varied, either within or across systems, between Indigenous and non-Indigenous. All individuals who had conflicting information recorded about the Indigenous status were considered Indigenous.

One final consideration in relation to Indigenous status was the high level of unknown values. To reduce the level of unknowns, all individuals with unknown Indigenous status were explored in relation to their SLA, and 42 individuals were identified that lived in remote Indigenous communities. Their global Indigenous status was therefore updated from unknown to Indigenous.

## 2.4 Missing Data

After data cleaning and using existing information to propagate missing demographic values, sex was missing for 38 (0.5%) out of the 8,236 distinct young people that had contact with the juvenile justice system. All missing data for sex related to contacts that young people had with cautioning. Indigenous status was missing for 1,413 (17.2%) young people who had

contact with the system. Most individuals who did not have an Indigenous status indicator had contact with cautioning (Table 0-4). While QPS did not begin recording Indigenous status until 2003 when people born in 1990 were aged 10 to 13, the number of people with missing Indigenous status information was consistent over time.

**Table 0-4:** Individuals with missing Indigenous status indicator by system and age at first contact

Age at first contact	Caution		Police Conference		Court		All Systems	
	Unknown	% of Missing	Unknown	% of Missing	Unknown	% of Missing	Unknown	% of Missing
10	108	7.6	0	0.0	0	0.0	108	7.6
11	185	13.1	2	0.1	0	0.0	187	13.2
12	209	14.8	9	0.6	0	0.0	218	15.4
13	139	9.8	3	0.2	0	0.0	142	10.0
14	200	14.2	9	0.6	1	0.1	210	14.9
15	221	15.6	9	0.6	3	0.2	233	16.5
16	262	18.5	3	0.2	9	0.6	274	19.4
17	33	2.3	2	0.1	6	0.4	41	2.9
18	0	0.0	0	0.0	0	0.0	0	0.0
Total	1357	96.0	37	2.6	19	1.3	1413	100.0

## 2.5 Overview of the Individual Databases

This section will provide a description of the three datasets and an overview of contact that the 1990 cohort had with the three separate systems: police cautioning, police referred conferencing, and juvenile court. For each system, descriptive statistics will be presented outlining the number of events that young people in the 1990 cohort were involved with and the number of distinct young people who had contact with each system.

### 2.5.1 Police Cautioning

The QPS database included information concerning formal police cautions issued to those born in 1990. Information that was recorded included the young person's name, date of birth, sex, Indigenous status and the cautioning details including offence type(s) cautioned, date(s) of offences, date of caution, place of caution, and who was present during the caution. Additionally, the QPS database contained a unique person identifier that had been retrospectively assigned when the service upgraded its information system to QPRIME.

#### Cautioning Events Involving the Cohort

Young people in the 1990 cohort had 14,766 offences cautioned which were classified according to most serious offence based on the National Offence Index (NOI) and related to 9,535 cautioning events. The most serious offence for the majority of cautioning events related to property offences such as theft and related offences, property damage and environmental pollution, or unlawful entry with intent/burglary, break and enter (Table 0-5).

There were between 1 and 40 offences per cautioning event ( $M=1.55$ ,  $SD=1.42$ ).

Cautioning events were more likely to involve males than females ( $\chi^2(1)=1261.23$ ,  $p<0.001$ ) and non-Indigenous than Indigenous ( $\chi^2(1)=2287.18$ ,  $p<.001$ ) young people. About one-third (31.6%) of cautioning events involved females and one fifth involved Indigenous young people (19.9%; Table 0-6). The average age of young people at cautioning events was 14.12 years ( $SD=1.68$ ).

**Table 0-5:** Most serious offence (NOI) per cautioning event

Offence Type	N	%
Theft and related offences	3,745	39.3
Property damage and environmental pollution	1,161	12.2
Unlawful entry with intent/burglary, break and enter	1,159	12.2
Public order offences	1,103	11.6
Acts intended to cause injury	715	7.5
Illicit drug offences	682	7.2
Deception and related offences	265	2.8
Weapons and explosives offences	221	2.3

Sexual assault and related offences	184	1.9
Dangerous or negligent acts endangering persons	107	1.1
Offences against justice procedures, government security and government operations	84	0.9
Miscellaneous offences	59	0.6
Robbery, extortion and related offences	26	0.3
Road traffic and motor vehicle regulatory offences	22	0.2
Abduction and related offences	2	0.0
Homicide and Related Offences	0	0.0
<b>Total</b>	<b>9,535</b>	<b>100.0</b>

<sup>a</sup>Total includes all cases

**Table 0-6:** Cautioning events by Indigenous status and sex

Indigenous status	Male		Female		Unknown		Total	
	N	% of total	N	% of total	N	% of total	N	%
Indigenous	1,366	14.3	530	5.6	3	0.0	1,899	19.9
Non-Indigenous	4,211	44.2	1,965	20.6	28	0.3	6,204	65.1
Unknown	899	9.4	521	5.5	12	0.1	1,432	15.0
<b>Total</b>	<b>6,476</b>	<b>67.9</b>	<b>3,016</b>	<b>31.6</b>	<b>43</b>	<b>0.5</b>	<b>9,535</b>	<b>100.0</b>

### **Frequency of Cautions**

The 9,535 cautioning events involved 7,169 distinct young people, who each had between one and 15 ( $M=1.33$ ,  $SD=0.73$ ) cautioning events. The average number of cautioning events was larger for males than females and for Indigenous than non-Indigenous young people ( $F(3) = 113.54$ ,  $p<.001$ ; Table 0-7). The majority of young people only had one cautioning event, although a greater proportion of Indigenous people with contact had three or more cautions (Table 0-8).

**Table 0-7:** Average number of caution events per distinct young person

Sex	Indigenous Status	N	M	SD
Male	Indigenous	757	1.81	1.15
	Non-Indigenous	3,074	1.37	0.69
	Total Males <sup>a</sup>	4,678	1.38	0.77

Female	Indigenous	331	1.60	1.22
	Non-Indigenous	1,624	1.21	0.50
	Total Females <sup>a</sup>	2,453	1.23	0.64
Total <sup>a</sup>		7,169	1.33	0.73

<sup>a</sup>Total includes all cases

### ***Distinct Individuals Cautioned***

Given that differences were found in the frequency of cautioning events between the demographic groups, a different profile would emerge for distinct individuals cautioned than was found for cautioning events involving the cohort. While 19.9% of cautioning events involved an Indigenous young person, 15.2% of individuals cautioned were Indigenous (Table 0-6 and Table 0-9). This difference is because Indigenous people were more likely than non-Indigenous people to have repeat cautions. Juvenile offenders were aged between 10 and 17 when they had their first caution ( $M=14.02$ ,  $SD=1.71$ ). There was a significant difference in age at first caution based on sex and Indigenous status ( $F(3) = 97.375$ ,  $p<.001$ ), with Indigenous people being younger than non-Indigenous people when they had their first contact (Table 0-9 and Table 0-10).

**Table 0-8:** Number of caution events received by distinct children

Number of Caution Events	Male						Female						Total Number of Young People <sup>a</sup>	% of Young People Cautioned	Total Number of Caution Events <sup>a</sup>	% of Caution Events
	Indigenous		Non-Indigenous		Total Male <sup>a</sup>		Indigenous		Non-Indigenous		Total Female <sup>a</sup>					
	N	%	N	%	N	%	N	%	N	%	N	%				
1	408	53.9	2,222	72.3	3,427	73.3	217	65.6	1,342	82.6	2,037	83.0	5,498	76.7	5,498	57.7
2	197	26.0	638	20.8	883	18.9	68	20.5	231	14.2	317	12.9	1,203	16.8	2,406	25.2
3	84	11.1	159	5.2	245	5.2	28	8.5	43	2.6	72	2.9	318	4.4	954	10.0
4	46	6.1	45	1.5	91	1.9	11	3.3	8	0.5	20	0.8	111	1.6	444	4.7
5	11	1.5	5	0.2	16	0.3	4	1.2	0	0.0	4	0.2	20	0.3	100	1.1
6+	11	1.5	5	0.2	16	0.3	3	0.9	0	0.0	3	0.1	19	0.3	133	1.4
<b>Total</b>	<b>757</b>	<b>100.0</b>	<b>3,074</b>	<b>100.0</b>	<b>4,678</b>	<b>100.0</b>	<b>331</b>	<b>100.0</b>	<b>1,624</b>	<b>100.0</b>	<b>2,453</b>	<b>100.0</b>	<b>7,169</b>	<b>100.0</b>	<b>9,535</b>	<b>100.0</b>

<sup>a</sup>Total includes all cases

**Table 0-9:** Average age at first caution by sex and Indigenous status

Sex	Indigenous Status	N	% of Total	Age at first Caution	
				<i>M</i>	<i>SD</i>
Male	Indigenous	757	10.6	13.33	1.82
	Non-Indigenous	3,074	42.9	14.32	1.57
	Missing	847	11.8		
	Total Males <sup>a</sup>	4,678	65.3	14.00	1.77
Female	Indigenous	331	4.6	13.68	1.63
	Non-Indigenous	1,624	22.7	14.31	1.39
	Missing	498	6.9		
	Total Females <sup>a</sup>	2,453	34.2	14.07	1.59
Total <sup>a</sup>		7,169	100.0	14.02	1.71

<sup>a</sup>Total includes all cases

### 2.5.2 Police Referred Conferencing

The Youth Justice Conferencing (YJC) dataset was extracted from a relational database maintained by the Department of Communities (DoC), which included administrative information for all conference referrals for individuals, whether referred by police or court. The database recorded specific information relating to the *individual* offender, including the child's name, date of birth, birth place, sex, Indigenous status, ethnicity, as well as the suburb and postcode at the time of the referral. The database also included *referral* details, including a referral number for each separate referral and specific information such as source of referral, type of referral, date of the referral (or date on inquiry form), and offences referred to conference. *Conference* details included whether a conference was held, conference date, duration, location (region) of the conference, and the number of offenders, victims and supporters' attending conference. Additional information included whether an agreement was reached, and if so, whether the agreement was completed. As the project was focused on police diversion, the level of measurement adopted was police referred conferences that were held (n=840) and distinct individuals conferenced (n=762).

**Table 0-10:** Age at first caution by sex and Indigenous status

Age	Male						Female						Total <sup>a</sup>	
	Indigenous		Non-Indigenous		Total Male <sup>a</sup>		Indigenous		Non-Indigenous		Total Female <sup>a</sup>			
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
10	64	8.5	62	2.0	202	4.3	12	3.6	9	0.6	53	2.2	256	3.6
11	79	10.4	86	2.8	290	6.2	19	5.7	23	1.4	100	4.1	392	5.5
12	100	13.2	251	8.2	472	10.1	49	14.8	136	8.4	271	11.1	746	10.4
13	145	19.2	529	17.2	754	16.1	65	19.6	302	18.6	424	17.3	1,190	16.6
14	149	19.7	586	19.1	856	18.3	79	23.9	394	24.3	550	22.4	1,418	19.8
15	120	15.9	677	22.0	937	20.0	56	16.9	375	23.1	509	20.8	1,452	20.3
16	90	11.9	803	26.1	1,052	22.5	46	13.9	352	21.7	500	20.4	1,554	21.7
17	10	1.3	80	2.6	115	2.5	5	1.5	33	2.0	46	1.9	161	2.3
Total	757	100.0	3,074	100.0	4,678	100.0	331	100.0	1,624	100.0	2,453	100.0	7,169	100.0

<sup>a</sup>Total includes all cases

**Police Referred Conferences Involving the Cohort**

Young people born in 1990 had 2,907 offences conferenced through 840 police referred conferences ( $M=3.46$ ,  $SD=15.23$ ). The most serious offence per police referred conference was determined using the NOI. The most serious offences conferenced typically were property offences including theft and related offences, unlawful entry with intent/burglary, break and enter, as well as property damage and environmental pollution (Table 0-11).

**Table 0-11:** Most serious offence (NOI) for police referred conferences

Offence Type	Police Conferences	
	N	%
Theft and related offences	259	30.8
Unlawful entry with intent/burglary, break and enter	159	18.9
Property damage and environmental pollution	140	16.7
Acts intended to cause injury	101	12.0
Deception and related offences	46	5.5
Public order offences	41	4.9
Miscellaneous offences	14	1.7
Robbery, extortion and related offences	15	1.8
Sexual assault and related offences	12	1.4
Illicit drug offences	14	1.7
Weapons and explosives offences	15	1.8
Dangerous or negligent acts endangering persons	11	1.3
Road traffic and motor vehicle regulatory offences	9	1.1
Offences against justice procedures, government security and government operations	4	0.5
Abduction and related offences	0	0.0
Homicide and Related Offences	0	0.0
<b>Total</b>	<b>840</b>	<b>100.0</b>

<sup>a</sup>Total includes all cases

Police referred conferences were more likely to involve males than females ( $\chi^2(1)=208.65, p<0.001$ ) and non-Indigenous than Indigenous ( $\chi^2(1)=216.04, p<0.001$ ) young people. About one quarter of police referred conferences involved females (24.6%) and Indigenous (22.9%) young people (Table 0-12). The average age of people at police referred conferences was 14.9 years ( $SD=1.29$ ).

**Table 0-12:** Police referred conferences by Indigenous status and sex

Indigenous status	Male		Female		Total	
	N	% of total	N	% of total	N	%
Indigenous	140	16.7	52	6.2	192	22.9
Non-Indigenous	461	54.9	137	16.3	598	71.2
Unknown	32	3.8	18	2.1	50	6.0
Total	633	75.4	207	24.6	840	100.0

### **Frequency of Police Referred Conferences**

The 840 conferences involved 762 distinct young people, who had between one and three police referred conferences held ( $M=1.10, SD=0.33$ ). Males had a larger number of police referred conferences than females, although there was no difference in the number of police referred conferences based on Indigenous status ( $t=2.558, p<.05, df=433.76$ ; Table 0-13). Most young people only had one police referred conference held, with few receiving two or more (Table 0-14).

**Table 0-13:** Average number of police referred conferences held per distinct young person

Sex	Indigenous Status	N	M	SD
Male	Indigenous	123	1.14	0.35
	Non-Indigenous	413	1.12	0.36
	Total Males <sup>a</sup>	566	1.12	0.35
Female	Indigenous	50	1.04	0.20
	Non-Indigenous	128	1.07	0.31
	Total Females <sup>a</sup>	196	1.06	0.27
Total <sup>a</sup>		762	1.10	0.33

<sup>a</sup>Total includes all cases

**Table 0-14:** Number of police referred conferences held by distinct children

Number of Conferences	Male						Female						Total Number of Young People <sup>a</sup>	% of Young People Conferenced	Total Number of Conferences Held <sup>a</sup>	% of Conferences Held
	Indigenous		Non-Indigenous		Total Male <sup>a</sup>		Indigenous		Non-Indigenous		Total Female <sup>a</sup>					
	N	%	N	%	N	%	N	%	N	%	N	%				
1	106	86.2	370	89.6	504	89.0	48	96.0	121	94.5	187	95.4	691	90.7	691	82.3
2	17	13.8	38	9.2	57	10.1	2	4.0	5	3.9	7	3.6	64	8.4	128	15.2
3	0	0.0	5	1.2	5	0.9	0	0.0	2	1.6	2	1.0	7	0.9	21	2.5
Total	123	100.0	413	100.0	566	100.0	50	100.0	128	100.0	196	100.0	762	100.0	840	100.0

<sup>a</sup>Total includes all cases

**Distinct Individuals who had a Police Referred Conference**

The 762 distinct young people were aged between 10 and 17 years old when they attended their first conference ( $M=14.89$ ,  $SD=1.31$ ). Given that few individuals had two or more police referred conferences, a similar demographic profile was found for distinct individuals who attended a police referred conference as was found for police referred conferences that were held involving the cohort. Individuals in the cohort who were conferenced were more likely to be male than female and non-Indigenous than Indigenous ( $\chi^2(3) = 432.12$ ,  $p<.001$ ; Table 0-15). A significant difference was also found in the age at first police conference based on sex and Indigenous status ( $F(3)=8.37$ ,  $p<.001$ ), with Indigenous young people younger when they had a police referred conference than non-Indigenous young people (Table 0-15 and Table 0-16).

**Table 0-15:** Average age at date of first police referred conference held by sex and Indigenous status

Sex	Indigenous Status	N	% of Total	Age at first	
				M	SD
Male	Indigenous	123	16.1	14.54	1.35
	Non-Indigenous	413	54.2	15.08	1.28
	Missing	30	3.9		
	Total Males <sup>a</sup>	566	74.3	14.91	1.33
Female	Indigenous	50	6.6	14.50	1.31
	Non-Indigenous	128	16.8	15.10	1.06
	Missing	18	2.4		
	Total Females <sup>a</sup>	196	25.7	14.83	1.25
Total <sup>a</sup>		762	100.0	14.89	1.31

<sup>a</sup>Total includes all cases

**Table 0-16: Age at date of first police conference held, by sex and Indigenous status**

Age	Male						Female						Total <sup>a</sup>	
	Indigenous		Non-Indigenous		Total Male <sup>a</sup>		Indigenous		Non-Indigenous		Total Female <sup>a</sup>			
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
10	0	0.0	1	0.2	1	0.2	1	2.0	0	0.0	1	0.5	2	0.3
11	4	3.3	2	0.5	7	1.2	0	0.0	0	0.0	1	0.5	8	1.0
12	3	2.4	9	2.2	16	2.8	0	0.0	1	0.8	6	3.1	22	2.9
13	19	15.4	37	9.0	59	10.4	9	18.0	10	7.8	19	9.7	78	10.2
14	30	24.4	79	19.1	118	20.8	16	32.0	22	17.2	43	21.9	161	21.1
15	37	30.1	105	25.4	150	26.5	13	26.0	44	34.4	62	31.6	212	27.8
16	23	18.7	136	32.9	163	28.8	8	16.0	44	34.4	53	27.0	216	28.3
17	7	5.7	44	10.7	52	9.2	3	6.0	7	5.5	11	5.6	63	8.3
Total	123	100.0	413	100.0	566	100.0	50	100.0	128	100.0	196	100.0	762	100.0

<sup>a</sup>Total includes all cases

### **2.5.3 Juvenile Court Appearances**

The juvenile court dataset included information from the Department of Communities (DoC) relating to any court proceedings filed against an individual. Each individual with a court appearance had a unique numeric identifier, the young person's date of birth, birthplace, sex, and Indigenous status. The dataset also included information about each separate court appearance and matter numbers enabled each particular matter to be followed across multiple appearances until it was finalised. Importantly, DoC provided flags on the data identifying when an offence matter was finalised, the most serious offence type finalised at the appearance and the most serious outcome at the finalisation. Only these data were included in analyses. The final outcome was noted, allowing categorisation into guilty and non guilty finalisations, and where guilty, whether the young person was diverted from a formal order, received a non-supervised order, community supervision, immediate release or detention. Matters were also recorded as being one of approximately 277 offence types which were recorded into the 16 broad ASOC categories.

#### ***Finalised Court Appearances Involving the Cohort***

Young people in the cohort had 29,227 offences finalised in juvenile court, of which 27,846 resulted in a guilty finding (Table 0-17). As the project was focused on offending, not guilty offences were removed from further analyses. The data were then aggregated using the National Offence Index (NOI) to determine the most serious guilty offence per finalised court appearance. There were 6,867 finalised appearances with at least one guilty outcome at that finalisation, made by 2,419 distinct young people in the 1990 cohort (Table 0-18). The most serious finalised offences at most finalisations involved theft and related offences, as well as unlawful entry with intent/burglary, break and enter.

**Table 0-17:** Offences finalised in the juvenile court by outcome (guilty/not guilty)

Offence Type	Not guilty	Guilty	% of Guilty Outcomes
Theft and related offences	380	8,152	29.3
Unlawful entry with intent/burglary, break and enter	242	6,077	21.8
Property damage and environmental pollution	174	2,742	9.9
Road traffic and motor vehicle regulatory offences	58	2,703	9.7
Offences against justice procedures, government security and government operations	111	1,872	6.7
Public order offences	64	1,707	6.1
Acts intended to cause injury	111	1,372	4.9
Miscellaneous offences	44	840	3.0
Illicit drug offences	28	768	2.8
Deception and related offences	13	609	2.2
Robbery, extortion and related offences	62	319	1.2
Dangerous or negligent acts endangering persons	11	307	1.1
Weapons and explosives offences	8	192	0.7
Sexual assault and related offences	59	161	0.6
Abduction and related offences	9	21	0.1
Homicide and related offences	7	4	0.0
Total	1,381	27,846	100.0

**Table 0-18:** Most serious guilty offence per finalised court appearance

Offence Type	N	% of most serious guilty outcomes
Theft and related offences	1,618	23.6
Unlawful entry with intent/burglary, break and enter	1,316	19.2
Acts intended to cause injury	743	10.8
Public order offences	604	8.8
Road traffic and motor vehicle regulatory offences	548	8.0
Property damage and environmental pollution	497	7.2
Offences against justice procedures, government security and government operations	418	6.1
Miscellaneous offences	268	3.9
Illicit drug offences	235	3.4
Deception and related offences	187	2.7
Robbery, extortion and related offences	134	2.0
Weapons and explosives offences	122	1.8
Dangerous or negligent acts endangering persons	101	1.5
Sexual assault and related offences	65	1.0
Abduction and related offences	8	0.1
Homicide and related offences	3	0.0
Total	6,867	100.0

Finalised court appearances were more likely to involve males than females ( $\chi^2(1)=2101.704, p<.001$ ) and non-Indigenous than Indigenous ( $\chi^2(1)=8.699, p<.01$ ) young people. About one quarter (22.3%) of finalised court appearances involved females and half (48.1%) involved Indigenous young people (Table 0-19). Young people were aged between 10 and 18 years old ( $M=15.06, SD=1.41$ ) at the finalisation of their court appearance.

**Table 0-19:** Finalised juvenile court appearances by Indigenous status and sex

Indigenous status	Male		Female		Unknown		Total	
	N	% of total	N	% of total	N	% of total	N	%
Indigenous	2,479	36.1	821	12.0	3,300	48.1	2,479	36.1
Non-Indigenous	2,836	41.3	708	10.3	3,544	51.6	2,836	41.3
Unknown	18	0.3	5	0.1	23	0.3	18	0.3
Total	5,333	77.7	1,534	22.3	6,867	100.0	5,333	77.7

### Frequency of Finalised Court Appearances

The 6,867 finalised court appearances involved 2,419 distinct young people, who had between one and 29 guilty finalised court appearances ( $M=2.84$ ,  $SD=3.30$ ). Males had more finalised guilty court appearances than females ( $t(1) = 2.44$ ,  $p<.05$ ), and Indigenous offenders also had more finalised guilty court appearances than non-Indigenous offenders ( $t(1) = 12.46$ ,  $p<.001$ ; Table 0-20). About half (51.3%) of young people with a finalised juvenile court appearance only had one finalisation. One-tenth (13.4%) of young people had six or more finalisations and accounted for nearly half (45.8%) of all finalisations (Table 0-21).

**Table 0-20:** Average number of guilty finalised court appearances per distinct young person

Sex	Indigenous Status	N	M	SD
Male	Indigenous	558	4.44	4.50
	Non-Indigenous	1,248	2.27	2.48
	Total Males <sup>a</sup>	1,822	2.93	3.38
Female	Indigenous	212	3.87	4.13
	Non-Indigenous	380	1.86	1.80
	Total Females <sup>a</sup>	597	2.57	3.01
Total <sup>a</sup>		2,419	2.84	3.30

<sup>a</sup>Total includes all cases

**Table 0-21:** Number of finalised court appearances received by distinct children

Number of Finalised Court Appearances	Male						Female						Total Number of Young People <sup>a</sup>	% of Young People with Finalised Court Appearance	Total Number of Finalised Court Appearance Events <sup>a</sup>	% of Finalised Court Appearance Events
	Indigenous		Non-Indigenous		Total Male <sup>a</sup>		Indigenous		Non-Indigenous		Total Female <sup>a</sup>					
	N	%	N	%	N	%	N	%	N	%	N	%				
1	179	32.1	716	57.4	909	49.9	79	37.3	249	65.5	333	55.8	1,242	51.3	1,242	18.1
2	86	15.4	228	18.3	316	17.3	33	15.6	67	17.6	100	16.8	416	17.2	832	12.1
3	57	10.2	102	8.2	159	8.7	22	10.4	22	5.8	44	7.4	203	8.4	609	8.9
4	50	9.0	65	5.2	115	6.3	18	8.5	13	3.4	31	5.2	146	6.0	584	8.5
5	35	6.3	33	2.6	68	3.7	16	7.5	6	1.6	22	3.7	90	3.7	450	6.6
6+	151	27.1	104	8.3	255	14.0	44	20.8	23	6.1	67	11.2	322	13.4	3,150	45.8
Total	558	100.0	1,248	100.0	1,822	100.0	212	100.0	380	100.0	597	100.0	2,419	100.0	6,867	100.0

<sup>a</sup>Total includes all cases

### Distinct Individuals who had a Finalised Juvenile Court Appearance

Given the differences found between the demographic groups in the number of finalised court appearances, the demographic characteristics of distinct young people who had a finalised court appearance were examined. While nearly half (48.1%) of finalised court appearances involved an Indigenous young person, one third (32.1%) of individuals with a finalised court appearance were Indigenous. This difference is because Indigenous young people were more likely than non-Indigenous young people to have repeat finalised court appearances.

A larger number of males than females and non-Indigenous than Indigenous young people had a finalised guilty juvenile court appearance ( $\chi^2(3) = 1035.21, p < .001$ ; Table 0-22, Table 0-23). Young people were aged 14.94 years ( $SD=1.51$ ) when they had their first finalised court appearance. The age at first finalised guilty court appearance was significantly younger for male and female Indigenous young people compared to male and female non-Indigenous offenders respectively ( $F(3) = 69.04, p < .001$ ).

**Table 0-22:** Average age at first finalised court appearance with at least one guilty finding, by sex and Indigenous status

Sex	Indigenous Status	N	Age at first Finalised Court Appearance	
			<i>M</i>	<i>SD</i>
Male	Indigenous	558	14.25	1.68
	Non-Indigenous	1,248	15.25	1.38
	Total Males <sup>a</sup>	1,822	14.95	1.55
Female	Indigenous	212	14.53	1.47
	Non-Indigenous	380	15.10	1.26
	Total Females <sup>a</sup>	597	14.90	1.36
Total <sup>a</sup>		2,419	14.94	1.51

<sup>a</sup>Total includes all cases

**Table 0-23:** Age at first finalised court appearance by sex and Indigenous status

Age	Male						Female						Total <sup>a</sup>	
	Indigenous		Non-Indigenous		Total Male <sup>a</sup>		Indigenous		Non-Indigenous		Total Female <sup>a</sup>			
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
10	11	2.0	5	0.4	16	0.9	0	0.0	0	0.0	0	0.0	16	0.7
11	32	5.7	18	1.4	50	2.7	5	2.4	2	0.5	7	1.2	57	2.4
12	48	8.6	34	2.7	82	4.5	19	9.0	10	2.6	29	4.9	111	4.6
13	82	14.7	100	8.0	182	10.0	28	13.2	26	6.8	54	9.1	236	9.8
14	111	19.9	137	11.0	248	13.6	44	20.8	77	20.3	122	20.4	370	15.3
15	118	21.2	278	22.3	399	21.9	48	22.6	105	27.6	154	25.8	553	22.9
16	130	23.3	509	40.8	648	35.6	59	27.8	115	30.3	175	29.3	823	34.0
17	26	4.7	162	13.0	192	10.5	9	4.3	44	11.6	55	9.2	247	10.2
18	0	0.0	5	0.4	5	0.3	0	0.0	1	0.3	1	0.2	6	0.3
Total	558	100.0	1,248	100.0	1,822	100.0	212	100.0	380	100.0	597	100.0	2,419	100.0

<sup>a</sup>Total includes all cases

## ***Juvenile Court Outcomes***

The most serious juvenile court outcomes received by young people were explored based on sex and Indigenous status. Findings indicated that the most common outcomes of juvenile court appearances across sex and Indigenous status were non-supervised orders and community supervised orders (Table 0-24). Diversions from formal court orders included 777 indefinite court referrals to youth justice conferencing for the most serious offence. Both Indigenous and male young people were more likely to receive more serious outcomes from juvenile court appearances, including community supervised orders and detention orders, when compared to non-Indigenous and female youth ( $\chi^2(12) = 197.96, p < .001$ ).

### **2.6 Summary**

This chapter provided an overview of the method used in the project to address the three research questions. The project involved the creation and analyses of a Queensland based offender cohort that included all contacts that people born in 1990 had with formal police cautioning, police conferencing and juvenile court. An overview of the research sample was provided and the method used for data linkage, validation and cleaning was described. A description of the cautioning, police conferencing and juvenile court databases was provided. Descriptive statistics relating to the number of events that young people in the cohort were involved with and the distinct number of young people who had contact with each system were presented. The next chapter will present the findings of analyses performed on the linked dataset to address the three research questions.

**Table 0-24:** Most serious outcome in juvenile court by sex and Indigenous status

Most Serious Court Outcome	Male						Female						Total <sup>a</sup>	
	Indigenous		Non-Indigenous		Total		Indigenous		Non-Indigenous		Total			
					Male <sup>a</sup>						Female <sup>a</sup>			
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Divert from formal order	358	14.4	539	19	903	16.9	108	13.2	128	18.1	237	15.4	1,140	16.6
Non supervised order	1,054	42.5	1,456	51.3	2,522	47.3	417	50.8	427	60.3	848	55.3	3,370	49.1
Community supervision	904	36.5	728	25.7	1,632	30.6	269	32.8	150	21.2	419	27.3	2,051	29.9
Immediate Release	91	3.7	72	2.5	163	3.1	19	2.3	0	0	19	1.2	182	2.7
Detention served	72	2.9	41	1.4	113	2.1	8	1	3	0.4	11	0.7	124	1.8
<b>Total</b>	<b>2,479</b>	<b>100</b>	<b>2,836</b>	<b>100</b>	<b>5,333</b>	<b>100</b>	<b>821</b>	<b>100</b>	<b>708</b>	<b>100</b>	<b>1,534</b>	<b>100</b>	<b>6,867</b>	<b>100</b>

## Chapter 3

### Results

This chapter will present the findings of analyses undertaken on the linked dataset that contained all contacts that young people in the 1990 cohort had with the juvenile justice system to address the three research questions. The first section examines the extent of Indigenous over-representation in the Queensland juvenile justice system by examining the proportion of young people who had contact and the extent of contact. Population statistics relating to the cohort were used to determine population estimates. The second section provides an overview of how the court comparison group was established to explore whether there was disparity in the use of police diversion and to assess effectiveness. Descriptive statistics performed to explore whether there were differences between the police diversion and court comparison groups will be presented. The third section presents the findings from analyses that were conducted to explore whether there was disparity in the use of police diversion based on Indigenous status. The fourth section presents the findings from analyses performed to explore the effectiveness of police diversion, including consideration of impact on recontact status, time-to-recontact, and frequency of recontact.

### **3.1 Indigenous Over-Representation**

This section reports the findings of analyses undertaken to address the first research question, What is the extent of Indigenous over-representation in the Queensland juvenile justice system? This question was addressed by exploring the proportion of young people who had contact and the extent of contact that young people had based on sex and Indigenous status. Proportions and rates were calculated based on population statistics from the Australian Bureau of Statistics (Table 0-2). As reported in Section 0, a significant proportion (17.2%) of young people who had contact did not have an Indigenous status indicator, which was missing primarily for young people who had contact with cautioning. As such, the reported proportion of the population that had contact based on sex and Indigenous status should be viewed as underestimating the level of contact.

#### **3.1.1 Proportion of Population with Contact**

After excluding the 60 young people who only had contact for a police referred conference that was not held or not guilty court appearances, there were 8,236 distinct young people who had contact with the juvenile justice system which represents 14.2% of the population (Table 0-1). Based on population estimates, Indigenous young people were 4.5 times more likely than non-Indigenous young people to have contact with the juvenile justice system. Two in three Indigenous males and one in four Indigenous females had contact with the justice system compared to one in ten non-Indigenous males and females. Indigenous young people were over-represented in more serious justice system responses, with Indigenous young people 4.2 times more likely than non-Indigenous young people to have been cautioned, 5.8 times more likely to have had a police referred conference, and 8.6 times more likely to have had a finalised juvenile court appearance.

#### **3.1.2 Extent of Contact**

To further explore Indigenous over-representation, the extent of contact that young people had with the juvenile justice system was examined based on sex and Indigenous status. There was a significant difference in the average number of contacts that young people had with the juvenile justice system based

on sex and Indigenous status ( $F(3)=264.97, p<.001. R^2=3.7\%$ ). Male and female Indigenous young people were found to have significantly more contact with the juvenile justice system than non-Indigenous males and females (Table 0-2).

Of young people who had contact with the juvenile justice system, non-Indigenous males (57.4%) and females (71.8%) appeared more likely than Indigenous males (34.3%) and females (44.8%) to only have one contact. Approximately one-fifth of male (24.9%) and female (16.6%) Indigenous young people with contact had six or more contacts while fewer non-Indigenous males (5.8%) and females (2.3%) with contact had six or more contacts (Table 0-3).

**Table 0-1:** Distinct Individual's Contact with Each System and the Juvenile Justice System

Sex	Indigenous status	Distinct Individual's Contact with Each System									Distinct Individual's Contact with Juvenile Justice System		
		Caution			Police YJC			Court			N	%	Pop %
		N	%	Pop %	N	%	Pop %	N	%	Pop %			
Male	Indigenous	757	10.6	50.8	123	16.1	16.2	558	23.1	37.4	934	11.3	62.6
	Non-Indigenous	3,074	42.9	10.9	413	54.2	13.4	1,248	51.6	4.4	3,611	43.8	12.8
	Total Males <sup>a</sup>	4,678	65.3	15.7	566	74.3	12.1	1,822	75.3	6.1	5,431	65.9	18.2
Female	Indigenous	331	4.6	21.5	50	6.6	15.1	212	8.8	13.7	429	5.2	27.8
	Non-Indigenous	1,624	22.7	6.1	128	16.8	7.9	380	15.7	1.4	1,823	22.1	6.9
	Total Females <sup>a</sup>	2,453	34.2	8.7	196	25.7	8.0	597	24.7	2.1	2,767	33.6	9.8
Total <sup>a</sup>		7,169	100.0	12.4	762	100.0	10.6	2,419	100.0	4.2	8,236	100.0	14.2

<sup>a</sup>Total includes all cases

**Table 0-2:** Average number of system contacts per distinct young person

Sex	Indigenous Status	N	M	SD
Male	Indigenous	934	4.27	4.51
	Non-Indigenous	3,611	2.08	2.14
	Total Males <sup>a</sup>	5,431	2.29	2.74
Female	Indigenous	429	3.27	3.83
	Non-Indigenous	1,823	1.54	1.29
	Total Females <sup>a</sup>	2,767	1.72	1.96
Total <sup>a</sup>		8,236	2.09	2.51

<sup>a</sup>Total includes all cases

### **3.2 Comparison Group to Explore Disparity and Impact of Police Diversion on Recontact**

This section will provide a description of how the court comparison group was established to address the second and third research questions. The findings of analyses undertaken to explore whether there were differences between the court comparison group and the cautioning and police conferencing group will be presented.

#### **3.2.1 Establishment of Comparison Group**

To explore the second and third research questions focused on whether there was disparity in the use of police diversion based on Indigenous status and whether police diversion reduced recontact, it was necessary to establish an appropriate comparison group. After excluding the 60 individuals who only had contact resulting in a non-guilty finalisation or police conference that was not held, there were 8,236 individuals who had contact.

**Table 0-3:** Distribution of young people by number of contacts

Number of Contacts	Male							Female							Total				
	Indigenous			Non-Indigenous			Total Male <sup>a</sup>	Indigenous			Non-Indigenous			Total Female <sup>a</sup>	Total Number of Young People <sup>a</sup>	% of Young People with Contact	% of population	Total Number of Contacts <sup>a</sup>	% of Contacts
	Indigenous	% of Indigenous with Contact	% of population	Non-Indigenous	% of Non-Indigenous with Contact	% of population		Indigenous	% of Indigenous with Contact	% of population	Non-Indigenous	% of Non-Indigenous with Contact	% of population						
1	320	34.3	21.4	2,073	57.4	7.3	3,220	192	44.8	12.4	1,309	71.8	4.9	1,990	5,244	63.7	9.0	5,244	30.4
2	152	16.3	10.2	747	20.7	2.6	954	74	17.2	4.8	315	17.3	1.2	413	1,370	16.6	2.4	2,740	15.9
3	95	10.2	6.4	337	9.3	1.2	436	47	11.0	3.0	105	5.8	0.4	153	590	7.2	1.0	1,770	10.3
4	66	7.1	4.4	148	4.1	0.5	214	26	6.1	1.7	37	2.0	0.1	64	278	3.4	0.5	1,112	6.5
5	69	7.4	4.6	95	2.6	0.3	164	19	4.4	1.2	16	0.9	0.1	35	199	2.4	0.3	995	5.8
6+	232	24.9	15.5	211	5.8	0.7	443	71	16.6	4.6	41	2.3	0	112	555	6.7	0.9	5381	31.2
Total	934	100.0	62.6	3,611	100.0	12.8	5,431	429	100.0	27.8	1,823	100.0	6.9	2,767	8,236	100.0	14.2	17,242	100.0

<sup>a</sup>Total includes all cases

To control for the number of prior contacts that young people had with the system, only the first contact that young people had with the system was examined (Table 0-4). First contact was determined using *event date* (ie. the date of the caution, the date of the actual conference, or the date of the finalisation).

**Table 0-4:** System response at first contact

System of First Contact	N	%
Caution	7,023	85.3
Police Conference	215	2.6
Court	998	12.1
Total	8,236	100.0

To make the court group more comparable with the cautioning and police conference groups, offence seriousness was controlled for by excluding all finalised court appearances that had a most serious outcome recorded as a supervised order (n=154). Most of the young people excluded because they had a court appearance resulting in a supervised order were non-Indigenous (n=105, 68.2%) rather than Indigenous (n=49, 31.8%). The remaining traffic related offences (n=178) which were primarily committed by non-Indigenous young people (85.1%) were then excluded because they did not appear eligible for diversion, but rather tended to proceed to court under the *Transport Operations (Road Use Management) Act 1995* (Table 0-5).

**Table 0-5: Most serious offence (NOI) by system of first contact**

Offence Type	Caution		Police Conference		Court		Total	
	N	%	N	%	N	%	N	%
Theft and related offences	2,993	42.6	46	21.4	171	17.1	3,210	39.0
Unlawful entry with intent/burglary, break and enter	791	11.3	36	16.7	119	11.9	946	11.5
Property damage and environmental pollution	836	11.9	33	15.3	56	5.6	925	11.2
Public order offences	725	10.3	8	3.7	129	12.9	862	10.5
Acts intended to cause injury	509	7.2	35	16.3	86	8.6	630	7.6
Illicit drug offences	467	6.6	4	1.9	27	2.7	498	6.0
Deception and related offences	199	2.8	22	10.2	24	2.4	245	3.0
Road traffic and motor vehicle regulatory offences	17	0.2	2	0.9	163	16.3	182	2.2
Weapons and explosives offences	164	2.3	4	1.9	9	0.9	177	2.1
Sexual assault and related offences	139	2.0	11	5.1	21	2.1	171	2.1
Offences against justice procedures, government security and government operations	53	0.8	1	0.5	80	8.0	134	1.6
Dangerous or negligent acts endangering persons	77	1.1	4	1.9	34	3.4	115	1.4
Miscellaneous offences	40	0.6	3	1.4	54	5.4	97	1.2
Robbery, extortion and related offences	13	0.2	6	2.8	22	2.2	41	0.5

Abduction and related offences	0	0.0	0	0.0	2	0.2	2	0.0
Homicide and related offences	0	0.0	0	0.0	1	0.1	1	0.0
Total	7,023	100.0	215	100.0	998	100.0	8,236	100.0

<sup>a</sup>Total includes all cases

### 3.2.2 Offending Profiles and Demographic Characteristics of Police Diversion and Court Comparison Groups

Having established the cautioning, conferencing and court comparison groups, several bivariate analyses were conducted to explore whether there were differences between the groups based on offending profiles or demographic characteristics. System response was found to differ based on most serious offence type ( $\chi^2(12)=552.34, p<.001$ ). Theft and related offences tended to be cautioned (45.6%), referred to conference by police (31.9%) and result in a finalised court appearance (26.4%; Table 0-6). Police conferencing also involved offences against the person (26.3%), break and enter, burglary (16.9%), and property damage (15.5%). The court comparison group included theft and related offences (26.4%) and public order offences (18.8%).

**Table 0-6:** Most serious offence type by system of first contact

Offence Type	Caution		Police Conference		Court*		Total	
	N	%	N	%	N	%	N	%
Theft and related offences	3,192	45.6	68	31.9	181	26.4	3,441	43.5
Property damage	836	11.9	33	15.5	42	6.1	911	11.5
Break and enter, burglary	791	11.3	36	16.9	85	12.4	912	11.5
Offences against the person	738	10.5	56	26.3	85	12.4	879	11.1
Public order offences	725	10.4	8	3.8	129	18.8	862	10.9
Drug offences	467	6.7	4	1.9	22	3.2	493	6.2
Other offences	257	3.7	8	3.8	141	20.6	406	5.1
Total	7,006	100.0	213	100.0	685	100.0	7,904	100.0

\* The court comparison group controlled for offence seriousness by excluding young people who had a finalised court appearance resulting in a supervised order.

System response was also found to differ based on the average number of offences for which the young person had contact ( $F(2)=98.423, p<.001$ ). The average number of offences per young person was lower for the cautioning and court groups than the police referred conference group (Table 0-7).

**Table 0-7:** Average number of offences by system of first contact

System of First Contact	N	M	SD
Caution	7006	1.51	1.28
Police Conference	213	5.16	22.06
Court*	685	2.11	1.81
Total	7904	1.66	3.89

\* The court comparison group controlled for offence seriousness by excluding young people who had a finalised court appearance resulting in a supervised order.

There were also differences in the demographic characteristics of young people who were processed through the two police diversion groups and the court comparison group for their first contact. People whose first was with cautioning were younger than people whose first contact was with police conferencing or the court comparison group ( $F(2)=120.152, p<.001$ ; Table 0-8).

**Table 0-8:** Average age at first contact by system

System of First Contact	Total		
	N	M	SD
Caution	7006	14.00	1.71
Police Conference	213	14.74	1.53
Court*	685	14.97	1.50
Total	7904	14.10	1.71

\* The court comparison group controlled for offence seriousness by excluding young people who had a finalised court appearance resulting in a supervised order.

System response also differed between the two diversion groups and court comparison group based on sex and Indigenous status ( $\chi^2(6)=96.86, p<.001$ ). Indigenous males and females were more likely to have a finalised court appearance for their first contact than their non-Indigenous counterparts (Table 0-9).

**Table 0-9: System of first contact by sex and Indigenous status**

System of First Contact	Male				Female				Total*	
	Indigenous		Non-Indigenous		Indigenous		Non-Indigenous		N	%
	N	%	N	%	N	%	N	%		
Caution	719	82.1	2,986	87.4	314	76.0	1,607	90.8	7,006	88.6
Police Conference	22	2.5	103	3.0	16	3.9	35	2.0	213	2.7
Court*	135	15.4	326	9.6	83	20.1	127	7.2	685	8.7
Total	876	100.0	3,415	100.0	413	100.0	1,769	100.0	7,904	100.0

\* The court comparison group controlled for offence seriousness by excluding young people who had a finalised court appearance resulting in a supervised order.

### 3.3 Disparity in the Use of Police Diversion

While the findings in the previous section suggest that there was disparity in the use of police diversion based on Indigenous status, the disparity may be due to a range of other factors. This section will explore the issue of whether there was disparity in more detail and present the findings of an analysis undertaken to address the second research question, *Are Indigenous young people less likely to be diverted by police to a caution or conference than non-Indigenous young people?*

A multinomial logistic regression analysis was performed exploring the impact of a range of factors on the likelihood that a young person would be diverted by police or appear in court. The court comparison group was established as outlined in Section 0. Independent variables in the model included Indigenous status, sex, most serious offence type, age at first contact, and total number of offences (capped at 8+). Unfortunately, it was not possible to include a wider range of other variables that may impact on the ability of police to divert such as whether the young person plead guilty because they were not recorded in the dataset. The dependent variable in the model was the system of first contact as a three level variable to enable comparisons between caution versus court, police conferencing versus court, and caution versus police conferencing.

The results of the regression model were significant and are presented in Table 0-10 ( $\chi^2(16) = 627.17, p<.001$ ). Based on the Deviance criteria, the model had adequate fit. The model accounted for 9% of the variance (Cox and Snell) and had a good prediction rate (Concordance = .87). Sex was the only variable that was not significant in the overall model. The odds ratio provides information about the effect of the predictor variables on the

dependent. After controlling for all the factors in the model, Indigenous young people were 2.9 times (1/0.34) less likely than non-Indigenous young people to be cautioned compared to going to court, 2 times less likely to be conferenced compared to going to court, and 1.5 times less likely to be cautioned compared to being conferenced by police.

### 3.4 Effectiveness of Police Diversion

This section will present the findings of analyses conducted to address the third research question, *How effective is police diversion at reducing recontact with the juvenile justice system?* This research question was addressed by comparing the impact of police diversion with the court comparison group in terms of recontact status, time-to-recontact, and frequency of recontact. Analyses were also conducted to determine whether there were differences based on sex and Indigenous status.

**Table 0-10:** Parameter estimates and significance of factors impacting on system response

	Odds Ratio	95% CI (Low)	95% CI (High)
<b>Caution vs. Court</b>			
Age at first contact	0.67***	0.63	0.72
Total Number of Offences	0.75***	0.71	0.79
Indigenous vs. Non-Indigenous	0.34***	0.28	0.41
Male vs. Female	1.04	0.87	1.25
Offences against the person vs. Other offences	1.55**	1.15	2.07
Drug offences vs. Other offences	3.67***	2.31	5.86
Property offences vs Other offences	2.66***	2.13	3.31
Public order offences vs. Other offences	1.09	0.84	1.41
<b>Police Conferencing vs. Court</b>			
Age at first contact	1.00	0.88	1.13
Total Number of Offences	1.06	0.98	1.15
Indigenous vs. Non-Indigenous	0.51***	0.34	0.77
Male vs. Female	1.27	0.87	1.84
Offences against the person vs. Other offences	3.07***	1.81	5.20
Drug offences vs. Other offences	0.50	0.11	2.24
Property offences vs Other offences	2.05**	1.30	3.24

Public order offences vs. Other offences	0.27**	0.11	0.67
<b>Caution vs. Police Conferencing</b>			
Age at first contact	0.67***	0.60	0.75
Total Number of Offences	0.71***	0.65	0.76
Indigenous vs. Non-Indigenous	0.66*	0.45	0.96
Male vs. Female	0.82	0.58	1.16
Offences against the person vs. Other offences	0.50**	0.31	0.81
Drug offences vs. Other offences	7.31**	1.74	30.70
Property offences vs Other offences	1.29	0.85	1.97
Public order offences vs. Other offences	3.99**	1.65	9.63

\* p<.05, \*\* p<.01, \*\*\* p<.001

As with the previous analysis, number of priors was controlled for by focusing only on the first contact that young people had with the juvenile justice system. Offence seriousness was controlled for by excluding young people who appeared in court and received a supervised order. Young people who had a traffic offence as their most serious offence were also excluded because in practice these young people were processed through court. The date of first contact was determined by selecting the earliest date, either the date of the caution event, conference event, or finalised court appearance event. The date of recontact was determined by selecting the earliest date for subsequent contact, either the date of a subsequent caution event, referral to police conference, or first date of court appearance.

### 3.4.1 Recontact Status

The recontact status of young people who were diverted to cautioning or conferencing by police and the court comparison group is presented in Table 0-11. Approximately one third (35.9%) of young people who had contact with the juvenile justice system had recontact. A significant difference was found in recontact status based on system of first contact ( $\chi^2(2)=24.994, p<.001$ ). Young people in the court comparison group were more likely to have recontact (43.8%) than young people who had a police referred conference (28.2%) or police caution (35.4%).

**Table 0-11:** Recontact status by system of first contact

System of First Contact	Recontact Status			
	No		Yes	
	N	%	N	%
Caution	4,529	64.6	2,477	35.4

Police Conference	153	71.8	60	28.2
Court*	385	56.2	300	43.8
Total	5,067	64.1	2,837	35.9

\* The court comparison group controlled for offence seriousness by excluding young people who had a finalised court appearance resulting in a supervised order.

To explore whether there was a need to control for the impact that demographic factors had on recontact, several bivariate analyses were performed. Recontact status was found to vary based on sex and Indigenous status ( $\chi^2(3)=373.18, p<.001$ ). Indigenous young people were more likely to have recontact than non-Indigenous young people (Table 0-12). Two thirds (65.6%) of Indigenous males and over half (55.0%) of Indigenous females had recontact. About one third of non-Indigenous males (42.6%) and females (27.9%) had recontact.

**Table 0-12:** Recontact status by sex and Indigenous status

Sex	Indigenous Status	Recontact Status			
		No		Yes	
		N	%	N	%
	Indigenous	301	34.4	575	65.6
Male	Non-Indigenous	1,959	57.4	1,456	42.6
	Total Males <sup>a</sup>	3,083	59.6	2,087	40.4
	Indigenous	186	45.0	227	55.0
Female	Non-Indigenous	1,276	72.1	493	27.9
	Total Females <sup>a</sup>	1,950	72.3	746	27.7
Total <sup>a</sup>		5,067	64.1	2,837	35.9

<sup>a</sup>Total includes all cases

Recontact status was also found to vary based on age at first contact ( $t(7902) = 26.64, p<.001$ ). People who had recontact were younger ( $M=13.45, SD=1.66$ ) than people who did not have recontact ( $M=14.47, SD=1.63$ ). Of course, these findings may be a function of the dataset being censored at age 17 when young people moved into the adult justice system rather than being an accurate reflection of the impact of age at first contact on recontact.

Given that recontact status was found to vary based on demographic characteristics, three binary logistic regression models were performed. The first model assessed the impact that system of first contact had on recontact, controlling for the impact of Indigenous status, sex, most serious offence type, age at first contact, and total number of offences. The overall model was significant ( $\chi^2(10)=1397.645, p<.001$ ). While the Hosmer and Lemeshow test

indicated that other factors could be added to the model to improve fit, it accounted for 19.4% of the variance (Cox and Snell) and the concordance measure (69.1%) indicated that the model had an adequate prediction rate.

After controlling for the factors in the model, there was no significant difference in recontact status based on whether a young person was cautioned or referred to a conference by police for their first contact (Table 0-13). Young people who were cautioned for their first contact were 1.54 times less likely to have recontact than young people who appeared in court for their first contact. Young people who had a police conference for their first contact were 1.72 times less likely to have recontact than young people who appeared in court. Indigenous people were 1.97 times more likely than non-Indigenous people to have recontact and males were 1.94 times more likely than females to have recontact.

Two binary logistic regression models were then performed to explore whether the impact that system of first contact had on recontact status differed for Indigenous and non-Indigenous young people. The same factors that were included in the previous model were entered into both models, with the exception of Indigenous status. Both the Indigenous ( $\chi^2(9)=1397.65, p<.001$ ) and non-Indigenous ( $\chi^2(10)=1397.645, p<.001$ ) models were significant. The Hosmer and Lemeshow tests indicated that the Indigenous model was an adequate fit but that the fit of the non-Indigenous model could have been improved through the addition of additional factors. The Indigenous model accounted for 23.5% of the variance (Cox and Snell) while the non-Indigenous model accounted for 14.7% of the variance.

**Table 0-13:** Parameter estimates and significance of factors impacting on recontact status

<b>Recontact vs. No recontact</b>	Odds Ratio	95% CI (Low)	95% CI (High)
Caution vs. Court	0.65***	0.54	0.78
Police Conference vs. Court	0.58**	0.39	0.85
Police Conference vs. Caution	0.89	0.63	1.27
Age at first contact	0.56***	0.53	0.58
Total Number of Offences	1.10***	1.05	1.15
Indigenous vs. Non-Indigenous	1.97***	1.71	2.27
Male vs. Female	1.94***	1.72	2.19
Offences against the person vs. Other offences	0.84	0.68	1.04
Drug offences vs. Other offences	0.90	0.70	1.15
Property offences vs Other offences	0.85*	0.73	0.99
Public order offences vs. Other offences	0.83	0.67	1.03

\* p<.05, \*\* p<.01, \*\*\* p<.001

After controlling for the effects of the factors entered into the models, all factors were significant except for caution versus conference and offence category (Table 0-14). It is interesting to note that the same factors were significant in both models. Both Indigenous and non-Indigenous young people were 1.5 times less likely to have recontact after being cautioned for their first offence compared to going to court. Indigenous young people were 2.5 times less likely to have recontact after having a police referred conference for their first offence compared to going to court. Non-Indigenous offenders were 1.5 times less likely to have recontact after a police conference compared to going to court. For both Indigenous and non-Indigenous young people, there was no significant difference in recontact status based on whether they were cautioned or conferenced by police for their first offence.

**Table 0-14:** Parameter estimates and significance of factors impacting on recontact status in Indigenous and non-Indigenous models

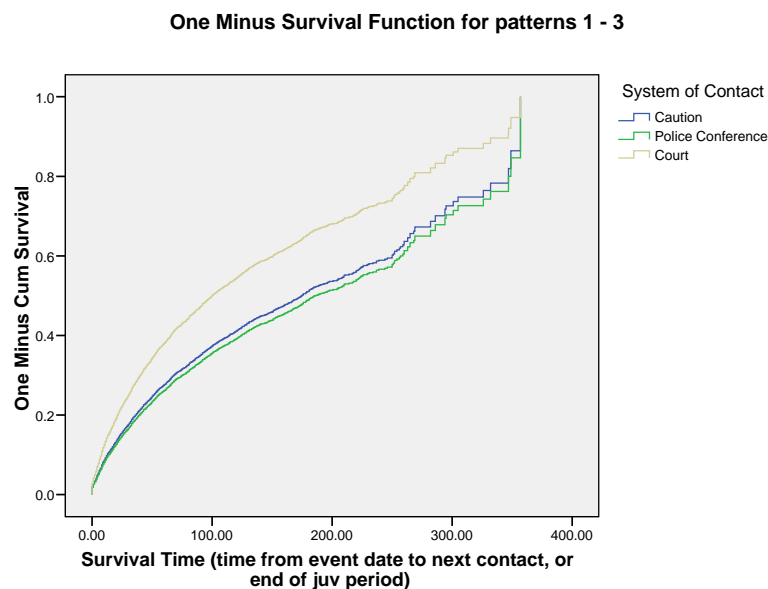
Recontact vs. No recontact	Indigenous			Non-Indigenous		
	Odds Ratio	95% CI (Low)	95% CI (High)	Odds Ratio	95% CI (Low)	95% CI (High)
Caution vs. Court	0.66*	0.46	0.94	0.64***	0.52	0.80
Police Conference vs. Court	0.40*	0.19	0.88	0.64*	0.41	0.99
Conference vs. Caution	0.61	0.30	1.28	0.99	0.66	1.48
Age at first contact	0.49***	0.45	0.54	0.57***	0.55	0.60
Total Number of Offences	1.23***	1.11	1.37	1.07**	1.02	1.13
Male vs. Female	1.40*	1.06	1.84	2.10***	1.83	2.41
Offences against the person vs. Other offences	0.67	0.41	1.09	0.88	0.69	1.12
Drug offences vs. Other offences	0.56	0.28	1.12	0.98	0.75	1.28
Property offences vs Other offences	0.70	0.48	1.02	0.90	0.76	1.08
Public order offences vs. Other offences	0.67	0.40	1.12	0.86	0.68	1.09

\* p<.05, \*\* p<.01, \*\*\* p<.001

### 3.4.2 Time-to-Recontact

While the different system responses may have an impact on whether a young person has recontact, they may also have an impact on time-to-recontact. The Cox regression survival analysis was performed to explore whether there were differences in time to second contact based on system of first response. This analysis is particularly useful because it removes data censoring which occurs when young people turn 17 and leave the juvenile justice system and allows for examination of covariates. Age at first contact, sex and Indigenous status were included in the analysis as covariates and the model was adjusted because age was found to be a time dependent covariate.

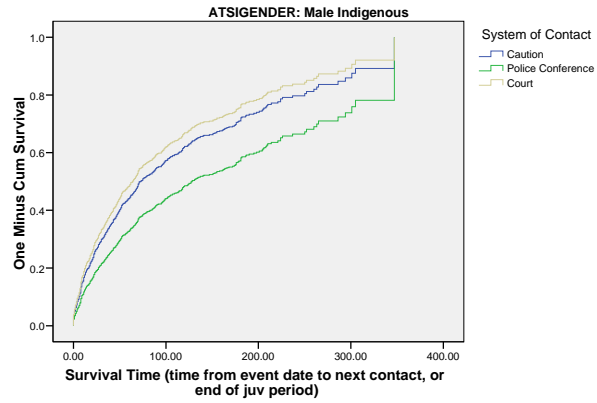
Findings indicated that there were significant differences in time-to-recontact for young people who were cautioned, police conferenced and appeared in court ( $\chi^2(5)=429.946, p<.001$ ). Young people who were cautioned took a longer period of time to have recontact ( $M=102.37$  weeks,  $SD=83.01$  weeks) than young people who had a police referred conference ( $M=83.28$  weeks,  $SD=72.13$  weeks) or finalised court appearance ( $M=52.29$  weeks,  $SD=54.18$  weeks; Figure 0-1).



**Figure 0-1:** Survival distribution of time between first and second contact by system of first contact controlling for age, sex and Indigenous status

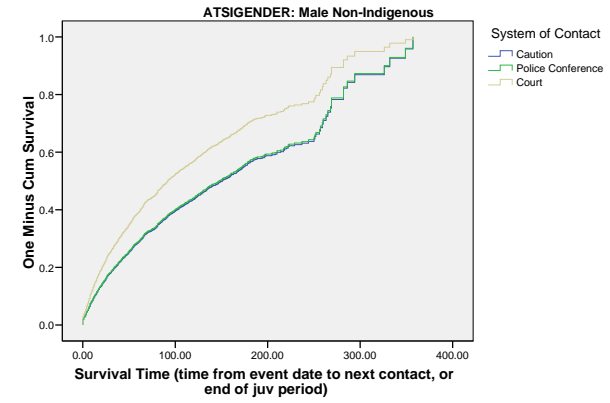
Separate survival analyses were then performed for four demographic groups based on sex and Indigenous status to explore whether there were differences in time-to-recontact for each group based on system of first contact. No significant difference was found in time-to-recontact based on system of first contact for male Indigenous young people (Figure 0-2; Table 0-15). For male non-Indigenous and female Indigenous young people, cautioning rather than appearance in court extended time-to-recontact by 37 weeks. For male non-Indigenous young people, cautioning rather than police conference extended the time-to-recontact by 20 weeks. For female Indigenous young people, cautioning rather than police conference reduced the time-to-recontact by 10 weeks. For female non-Indigenous young people, cautioning rather than court appearance extended the time-to-recontact by 40 weeks.

One Minus Survival Function for patterns 1 - 3



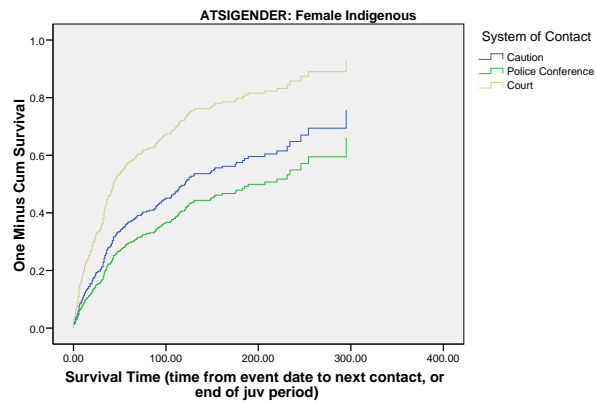
Male Indigenous

One Minus Survival Function for patterns 1 - 3



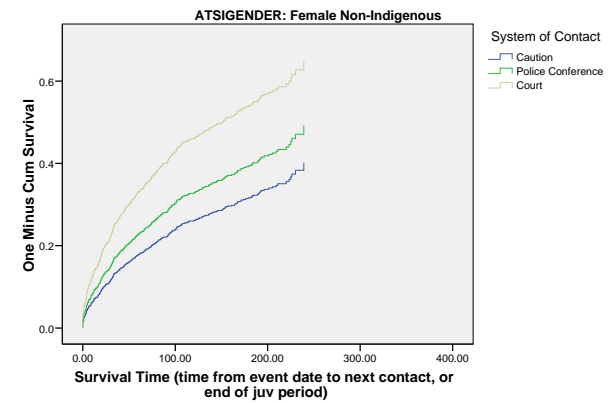
Male non-Indigenous

One Minus Survival Function for patterns 1 - 3



Female Indigenous

One Minus Survival Function for patterns 1 - 3



Female non-Indigenous

Figure 0-2: Survival distribution of time between first and second contact for demographic groups by system of first contact

**Table 0-15: Time-to-recontact or end of juvenile justice system based on sex and Indigenous status**

Demographic Group	Caution			Police Conference			Court			Total		
	N	M	SD	N	M	SD	N	M	SD	N	M	SD
Male Indigenous	719	78.38	72.33	22	81.55	63.63	135	62.11	64.68	876	75.95	71.18
Male Non-Indigenous	2,986	83.80	67.05	103	63.78	55.39	326	46.65	50.57	3,415	79.65	66.28
Total Male	4,549	97.75	83.43	150	79.45	66.45	471	50.82	55.13	5,170	92.94	81.94
Female Indigenous	314	84.72	71.30	16	93.25	88.67	83	48.64	52.84	413	77.80	70.15
Female Non-Indigenous	1,607	99.64	68.25	35	63.06	50.17	127	59.75	50.89	1,769	96.06	67.77
Total Female	2,419	110.22	81.56	63	92.38	84.03	214	55.55	52.02	2,696	105.47	81.03
Total	7,006	102.37	83.01	213	83.28	72.13	685	52.29	54.18	7,904	97.52	81.89

### 3.4.3 Frequency of Recontact

In addition to influencing whether or not a young person has recontact and time-to-recontact, the system of first contact may influence the frequency at which young people have additional contact with the system. There was a significant difference in the average number of recontacts based on system of first response ( $F(2)=7.53, p<.001$ ). Young people who appeared in court had a larger number of recontacts than young people who were cautioned or had a police referred conference (Table 0-16, Table 0-17).

**Table 0-16:** Average number of recontacts by system of first contact

System of First Contact	N	M	SD	Minimum	Maximum
Caution	2477	2.95	3.32	1	32
Police Conference	60	2.02	1.66	1	10
Court	300	3.61	4.16	1	25
Total	2837	3.00	3.40	1	32

\* The court comparison group controlled for offence seriousness by excluding young people who had a finalised court appearance resulting in a supervised order.

**Table 0-17:** Number of contacts based on system of first contact

Number of contacts with juvenile justice system	System of First Contact					
	Caution		Police Conference		Juvenile Court	
	N	%	N	%	N	%
2	1138	45.94	34	56.67	124	41.33
3	496	20.02	12	20.00	53	17.67
4	237	9.57	3	5.00	28	9.33
5	157	6.34	7	11.67	22	7.33
6+	449	18.13	4	6.67	73	24.33
Total	2477	100.00	60	100.00	300	100.00

\* The court comparison group controlled for offence seriousness by excluding young people who had a finalised court appearance resulting in a supervised order.

Given that the frequency of recontact may be affected by a range of other factors, a negative binomial regression analysis was conducted. Predictors in the model included system of first contact, sex, Indigenous status, age at first contact, and number of offences at first contact. Most serious offence at first contact was not included as it was not related to the dependent variable. The dependent variable was the number of contacts that young people had with the system (range = 1-33).

The overall model and each of the predictors were statistically significant (Table 0-18 and Table 0-19). Net of other modelled influences, cautioning rather than attending court for first contact decreased the average number of contacts by around 25%. Similarly, being referred to a police conference compared to going to court for first contact decreased the average number of contacts by around 30%. The average number of contacts was more than 50% greater for Indigenous young people compared to non-Indigenous young people.

**Table 0-18:** Parameter estimates (and 95% Confidence Intervals) for the model examining frequency of recontact

Comparison	Incident Rate Ratios <sup>a</sup>	95% CI (Low)	95% CI (High)
Caution vs. Court	0.77	0.70	0.83
Police Conference vs Court	0.68	0.59	0.78
Police Conference vs. Caution	1.31	1.20	1.42
Indigenous vs. Non-Indigenous	1.56	1.47	1.65
Male vs. Female	1.28	1.21	1.34
Age at first contact	0.77	0.76	0.78
Number of offences at first contact	1.04	1.02	1.06
Likelihood Ratio Chi-squared	4898.08 (df=5)		
	P<0.001		

<sup>a</sup> Incident rate ratio values reported indicate the multiplier for the average number of contacts a young person has with the juvenile justice system, based on a one unit change in this variable, net of all other modelled influences.

**Table 0-19:** Estimated marginal means based on the model examining frequency of recontact\*

Variable	Mean	95% Wald CI	
		Lower	Upper
Indigenous	2.78	2.60	2.96
Non-Indigenous	1.79	1.70	1.87

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Male	2.52	2.39	2.64
Female	1.97	1.85	2.09
Caution	2.13	2.06	2.19
Police Conference	1.88	1.66	2.09
Court	2.78	2.55	3.00

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\* Note: The covariates appearing in the model were fixed at the average values of age at first contact, and total offences [age of first contact=14.2322, and total offences = 1.62].

## **Chapter 4**

### **Discussion**

This chapter will present a summary of findings relating to the three research questions addressed by the current project and explore how these relate to the existing literature. Directions for future research will be examined, including the need to explore why there is disparity in the number of Indigenous and non-Indigenous young people who are diverted. Policy implications highlighted include the need to develop and implement early intervention programs to prevent Indigenous young people from offending, increase the number of Indigenous young people who are diverted, and implement intensive interventions to reduce recontact. The chapter will conclude by examining the limitations of the current project.

#### **4.1 Summary of Findings**

This project explored three research questions. The first research question was *What is the extent of Indigenous over-representation in the Queensland juvenile justice system?* This question was addressed by exploring the proportion of young people who had contact and the extent of contact and used population statistics to produce estimates. While previous findings had focused on overrepresentation of Indigenous people in detention, findings of the current study indicated that Indigenous young people were 4.5 times more likely than non-Indigenous young people to have contact with the juvenile justice system. Two in three Indigenous males and one in four Indigenous females had contact compared with one in ten non-Indigenous males and females. Consistent with previous findings, over-representation was found to increase with each successive discretionary stage in the system (Gale, Bailey-Harris, & Wundersitz, 1990; Luke & Cunneen, 1995). Indigenous young people were 4.2 times more likely than non-Indigenous young people to be cautioned, 5.8 times more likely to have had a police referred conference and 8.6 times more likely to have a finalised juvenile court appearance. Indigenous young people were also found to have a greater number of contacts. Approximately one in five Indigenous males and females with contact had six or more contacts compared with one in twenty non-Indigenous males and females.

The second research question addressed in the project was *Are Indigenous young people less likely to be diverted by police to a caution or conference than non-Indigenous young people?* This question was addressed by performing one multinomial logistic regression which compared the cautioning, police conferencing and court comparison groups. The analysis focused on first contacts to control for number of prior contacts and excluded finalised court appearances resulting in a supervised order from the court comparison group to control for offence seriousness. Consistent with previous findings, Indigenous young people were found to be less likely to be diverted (Loh & Ferrante, 2003; Snowball, 2008a, 2008b). After controlling for the impacts of age at first contact, number of offences, sex, and offence type, Indigenous young people were 2.9 times less likely than non-Indigenous young people to be cautioned at first contact compared to having a finalised court appearance; 2 times less likely to be conferenced compared to having a finalised court appearance; and 1.5 times less likely to be cautioned compared to conferenced by police.

The third research question addressed was *How effective is police diversion at reducing recontact with the juvenile justice system?* This question involved comparing young people who were cautioned, had a police referred conference and had a finalised court appearance for their first contact. Once again, young people who had a finalised court appearance resulting in a supervised order were excluded to control for offence seriousness. Consistent with previous studies, findings indicated that young people who were cautioned or had a police referred conference for their first contact had lower levels of recontact with the juvenile justice system than young people who had a finalised court appearance (Cunningham, 2007; Dennison et al., 2006; Hayes & Daly, 2004; Stewart et al., 2007; Vignaendra & Fitzgerald, 2006).

In terms of recontact, the main binary logistic regression model indicated that young people who were cautioned for their first contact were 1.54 times less likely than young people who appeared in court to have recontact. Young people who had a police referred conference were 1.72 times less likely to have recontact than young people who appeared in court. No difference was found in the recontact status of young people who were cautioned compared to police referred conference. When separate logistic regression models were performed for Indigenous and non-Indigenous young people, findings from both models indicated that young people cautioned were 1.5 times less likely to have recontact than young people who had a court appearance. Findings from the models suggest that conferencing is more effective than court at reducing recontact for Indigenous young people than non-Indigenous young people. Results of the Indigenous model indicated that young people who attended a conference were 2.5 times less likely to have recontact than young people who had a finalised court appearance. Findings from the non-Indigenous model indicated that young people who attended a conference were 1.5 times less likely to have additional contact than young people who attended court.

In terms of time-to-recontact, there was a greater period of time between the first and second contact for young people who had a caution or police referred conference at first contact compared to the court comparison group. When separate survival analyses were performed for four demographic groups, no differences were found based on system of first contact in the length of time between first and second contact for Indigenous males. Cautioning rather than court appearance extended time-to-recontact by 37 weeks for both non-Indigenous males and Indigenous females. Cautioning rather than police conference extended the time-to-recontact by 20 weeks for male non-Indigenous young people but reduced time-to-recontact by 10 weeks for female Indigenous young people. Cautioning rather than court appearance extended time-to-recontact by 40 weeks for female non-Indigenous young people.

Differences were also found in the frequency of contact based on system of first contact. After controlling for the impacts of sex, Indigenous status, age at first contact, and number of offences at first contact, cautioning rather than court for first contact decreased the average number of contacts by 25%. Similarly, having a police referred conference rather than going to court decreased the average number of contacts by 30%.

#### **4.2 Directions for Future Research**

The findings of the current project indicate that after controlling for number of priors, sex, most serious offence, age at first contact, and number of offences, Indigenous young people were less likely than non-Indigenous young people to be cautioned or have a police referred conference

than a court appearance. Whether this disparity is the result of racial bias remains open to debate because there are a range of confounding legal and extra-legal factors that may explain this disparity. One confounding legal factor is that there may be differences between Indigenous and non-Indigenous young people in the proportion that plead guilty (whether or not based on legal advice) and who are therefore eligible for diversion. Additional confounding factors include that there may be differences between Indigenous and non-Indigenous young people in the proportion that have prior informal interactions with police or their attitude and demeanour. Further, the availability or attitude displayed by the young person's guardian and the circumstances as well as seriousness of the offence may result in the disparity. Given the importance of ensuring an equitable justice system, future research should explore whether this disparity is the result of racial bias or these confounding factors. Such research is pivotal and may help formulate policy aimed at increasing the use of diversion with Indigenous young people.

Future research should also consider exploring the use and impact of diversionary processes as a response to additional contacts that young people have with the juvenile justice system. The current project focused on first contact, but there may be differences in the use and impact of diversion on subsequent contacts. Additionally, future research could consider conferencing more generally and examine both pre-court and post-court conferencing. Within the Queensland context, a similar number of young people are referred to conferencing post-court as are referred by police, either indefinitely referred by court or referred for a conference pre-sentence.

#### **4.3 Policy Implications**

Indigenous over-representation is a significant issue in the juvenile justice system, both in terms of the proportion that have contact and the proportion that have a significant level of recontact. While Indigenous over-representation has been identified as a key priority for the justice sector in all jurisdictions, appropriate strategies aimed at reducing initiation of offending and reoffending by Indigenous people need to be developed, implemented and evaluated. The high proportion of the Indigenous population who have contact with the justice system highlights the need for early intervention programs to reduce the likelihood that Indigenous young people will have contact with the system. While no published studies have evaluated the effectiveness of early intervention programs at reducing offending by Indigenous young people, such programs have proven to be a cost effective method of preventing offending when targeted in the general population (Allard, Ogilvie & Stewart, 2007; Farrington & Walsh, 2003; Washington State Institute for Public Policy, 2001, 2004, 2006). Such programs include Multi-Systemic Therapy (MST), parental training programs, home visiting programs, day-care or preschool programs and home or community programs.

Consideration should be given to the implementation of policies that will enable a greater number of first time or low risk Indigenous young people to be diverted to cautioning and police referred conferencing. Involvement in the justice system itself is a major factor contributing to continued and persistent offending and subsequent recontact with formal justice processes (Chen et al., 2005; Hua et al., 2006; Weatherburn, Lind, & Hua, 2003). Cautioning and conferencing of low risk first time Indigenous offenders is an effective strategy for preventing recontact, increasing the length of time between first and second contact, and reducing the frequency of contact. Policy to facilitate increased use of police diversion should be based on an understanding of the factors that underlie the disparity in the use of diversion for Indigenous and non-

Indigenous young people. Such policies should also be appropriately evaluated to explore whether changing the characteristics of the Indigenous population who are diverted affects effectiveness.

In addition to the increased use of police diversion, intensive interventions targeting Indigenous young people aimed at preventing recontact should be implemented. While no published evaluations focused on the prevention of recontact by Indigenous young people could be identified, several frameworks exist that incorporate police referral to treatment interventions. These frameworks could be adopted to target interventions towards Indigenous young people at risk of chronic offending and include *Targeted Programming* which operates in New South Wales and the *Youth Assist Program* in Victoria. Other programs target more serious young offenders who are at risk of or who have previously served time in custody, such as the *Intensive Supervision Program* in Western Australia which is based on Multisystemic Therapy.

Early intervention programs, diversion programs and intensive interventions targeting Indigenous young people should incorporate several key principles into program design. Programs should be culturally appropriate, developmentally appropriate, and have meaningful involvement of Indigenous people, family and community (Siggins Miller Consultants and Catherine Spooner Consulting, 2003). Additionally, intervention programs targeting Indigenous young people should address multiple risk and protective factors and match the levels of risk, need and responsivity of individual young people (Andrews & Bonta, 2006). Integration of these principles into practice should incorporate a continued program of evaluation to establish an evidence base focused on the prevention of offending by Indigenous young people and facilitate the continued improvement of policy and practice.

#### **4.4 Limitations of the Current Project**

The findings of the current study should be interpreted in light of four main limitations. Firstly, disparity and the impact of police diversion were explored by comparing the diversion groups with the court comparison group. Number of priors was controlled for by limiting analysis to first contact and offence seriousness was controlled for by removing finalised court appearances that resulted in a supervised order. While the court comparison group reflects the less serious offenders who had a finalised court appearance, any differences in disparity or impact may be due to selection bias. That is differences may reflect the fact that young people who possess particular characteristics such as pleading guilty or being lower risk of reoffending may be more likely to be diverted from court. The true effects of diversionary interventions in reducing contact can only be examined through the use of randomised experimental research designs. However, such designs raise serious ethical issues because they withhold potentially beneficial treatment for the control group.

Secondly, the study was based on officially recorded contact that young people born in 1990 had with the juvenile justice system. As such, contact that young people had with the system was taken as a proxy for offending which is likely to underestimate the extent of offending (Brown, 1994; Widom, 1989). Thirdly, about one fifth ( $n=1,413$ , 17.2%) of young people did not have an Indigenous status indicator. Most young people who did not have an Indigenous status indicator were cautioned ( $n=1,357$ ) and therefore represent the less serious contacts that people had with the juvenile justice system. Finally, the current study was not able to explore differences in

cautioning or conferencing processes and whether this impacted on how effective the processes were at reducing recontact. The impact of cautioning or conferencing on recontact is likely to vary based on how the caution or conference was administered and the particular circumstances. For example, the impact of conferencing on recontact may vary depending on whether a victim or support people were present at the conference or indeed whether agreement was reached or the conference agreement was successfully completed.

#### **4.5 Conclusions**

Indigenous over-representation is a significant issue in the juvenile justice system and strategies must be implemented to 'close the gap' and reduce the level of contact and recontact that Indigenous young people have with the system. Indigenous young people are less likely to be diverted from court by police and it is important to understand the reasons for this disparity and to ensure the equitable treatment of young people. Nevertheless, police diversion does appear to reduce the level of contact that Indigenous and non-Indigenous young people have with the juvenile justice system. These findings highlight the need to develop policies that facilitate the diversion of a greater number of Indigenous young people and the design and implementation of early intervention programs and intensive interventions to reduce contact and recontact.

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**Appendix 1: Summary of Australian Research Examining Recidivism in Cautioning and Conferencing Programs**

Study	Intervention	Sample	Examined Indigenous Status	Follow-up Period	Method	Measure of Recidivism	Results	Indigenous Specific Results
Dennison et al (2006) Queensland cautioning offender cohort	Police cautioning	14,730 young people born in 1983 and 1984 who received a caution	Yes: only within young people who were a victim of maltreatment and received a police caution ( <i>N</i> = 192 Indigenous; <i>N</i> = 801 non-Indigenous)	10 to 16 years old	Reoffending of cautioned youth compared to reoffending of youth appearing in court	Subsequent officially recorded contact (caution or court)	31.3% of cautioned young people reoffended.  42.2% of young people appearing in court reoffended.	82.2% male- and 74.1% Indigenous-females who were maltreated had received a caution reoffended; compared to 66.0% male and 46.7% non-Indigenous females reoffended
Stewart et al (2007) Queensland cautioning offender cohort	Police cautioning	40,895 young people born in 1983 and 1984 who received a caution, or juvenile or adult court appearance	Yes: not examined in relation to reoffending after cautioning	10 to 22/23 years old	Reoffending of cautioned youth compared to reoffending of youth appearing in court	Subsequent officially recorded contact (caution or court)	29.4% males and 39.1% females had first contact through caution.  51.9% of cautioned young people reoffended.  63.0% of young people appearing in court reoffended.	N.a.

Sherman et al (2000) RISE, Canberra	Youth justice conferencing	121 youth violence; 900 drink drivers; 143 shoplifting; 249 property offenders	No	12 months after referral	Random assignment to conferencing or court and comparison of offending before and after intervention	Official criminal history after referral	38% decrease in reduction in offending for juvenile violent offenders.  No significant reductions in offending for shoplifting, drink driving and property offenders.	N.a.
Luke & Lind (2002) NSW	Youth justice conferencing	590 first time conference offenders; 3,830 first time court offenders during April 1998 to April 1999	Yes: Indigenous status not recorded for 16.3% of conferences and 73.4% of court appearances. 24% of conferences involved Indigenous youth	27 to 39 months after intervention	Reoffending of cautioned youth conferenced to reoffending of youth appearing in court before and after introduction of conferencing	Subsequent officially recorded contact (caution or court)	Conference youth reoffended at lower rate compared to youth appearing in court.  Rate of reappearances per year 15-20% lower among conference youth compared to court	For conferences: 25.7% non-Indigenous and 31.3% Indigenous youth reoffended at 1-year follow-up; 37.6% non-Indigenous and 52.4% Indigenous youth reoffended at 2-year follow-up. Not possible to compare reoffending for conferencing vs. court due to large unknown Indigenous status
Vignaendra & Fitzgerald (2006) NSW	Youth justice conferencing and police cautioning	5,981 first time cautioned offenders and 1,711 first time conferenced offenders in 1999	Not examined: Indigenous status not known for 62% of caution group	5 years after intervention	Reoffending of cautioned youth compared to reoffending of conference youth	Subsequent officially recorded contact (caution, conferencing or court)	42% cautioned youth reoffended.  58% conferenced youth reoffended.	N.a.

Wilczynski et al (2004) Northern Territory Agreement	Juvenile pre-court diversion scheme (police cautioning and victim-offender conferences)	4,159 youth apprehended by police ( N = 2,427 diversion offers accepted)	Yes: reoffending rates for Indigenous youth not reported separately	6 to 12 months after initial diversion or court appearance	Reoffending of diverted youth compared to reoffending of youth appearing in court	Subsequent officially recorded contact	78% of diverted youth did not reoffend.  Diversion youth: 14% reoffend within 6 months; 22% reoffend within 1 year  Court youth: 25% reoffend within 6 months; 34% reoffend within 1 year	Indigenous court appearances and convictions increased after the implementation of the diversion scheme
Cunningham (2007) Northern Territory pre-court diversion	Juvenile pre-court diversion scheme (police cautioning and victim-offender conferences)	3,597 youth apprehended by police from August 2000 to August 2005	Yes: Indigenous youth comprised 59% of the sample	12 months after initial diversion or court appearance	Reoffending of diverted youth compared to reoffending of youth appearing in court	Subsequent officially recorded contact	76% of diverted and court youth did not reoffend at 1-year follow-up.  21% of conference youth and 19% of cautioned youth reoffended  39% of court youth reoffended	69% Indigenous versus 85% non-Indigenous youth reoffended at 1-year follow-up
Hayes & Daly (2003) SAJJ project	Youth justice conferencing	89 primary offenders participating in conferencing	Yes: Indigenous youth accounted for 12% of the sample	8 to 12 months after conference	Non-comparative approach. Reoffending of conferenced youth	Subsequent official incident post-conference	64% Indigenous youth, 37% non-Indigenous youth, 72% residentially unstable youth, 28% residentially stable youth, 55% prior offence youth, 21% first offence youth reoffended	64% Indigenous versus 37% non-Indigenous youth reoffended. Indigenous youth approximately 2.5 times more likely to reoffend compared to non-Indigenous youth