

**FAXED**

Submission 75

*yfs*

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The Committee Secretary  
House of Representatives Standing Committee on  
Legal and Constitutional Affairs  
Parliament House  
CANBERRA ACT 2600

By facsimile: 02 6277 4773

12 August 2002

Dear Sir/Madam

**RE: Crime in the Community**

Thank you for the extension of time within which to make our submissions to you.

**Terms of reference to be addressed**

It is our intention to address the following terms of reference:

- a. Perpetrators of crime and motives;
- b. The impact of being a victim of crime and the fear of crime;
- c. Strategies to support victims and reduce crime;
- d. Effectiveness of sentencing;

**Logan Youth Legal Service**

Logan Youth Legal Service is a community legal centre specialising in the provision of advice and representation to young people, both offenders and victims. We provide community legal education forums and publications for students and youth workers. The Service is part of a wider community organisation, Youth and Family Service (Logan City) Inc. which organisation delivers free services to the community of Logan in such areas as employment and training, disability, accommodation, physical, sexual and mental health and counselling. Youth and Family Service also comprises an adult legal advice centre (Logan Legal Advice Centre) which provides legal advice and support to the wider community.

Our submissions will focus on young people in Queensland and will include current research, anecdotal evidence and recommendations based upon our experience as solicitors and youth workers for over 20 years.

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Logan Youth and Community Combined Action Program • Logan Employment and Training Service

### Preface of main points

1. Perceptions in the community and the media regarding a 'juvenile crime wave' are not borne out by statistics.
2. Young people are more likely to be the victims of crime (abuse and neglect) than any other age group.
3. Young victims who do not have their needs appropriately met risk entering into a cycle of offending. The provision of effective services and supports for young victims is an essential component of crime prevention.
4. Effective sentences are those which involve victims and which are intensive, targeted to individual risk factors and capable of building links and supports in the community.

### Perpetrators and crime and motives

In Queensland the rate of juvenile offending has remained relatively constant over recent years as has the profile of offenders by sex and age together with the type of offences committed.

During the 1998/99 year 4,754 distinct young people appeared in court for offences ( 8% more than in the 1997/98 year). The number of proven offences in the year was 3 % fewer than in 1997/98. Approximately 13 in every 1000 young people aged between 10 and 17 years of age appeared in a court. Of those 1.3% of the population, 65% will not appear again in any Court. The proportion of offenders over total population will then remain constant into adulthood. (Families Youth And Community Care Qld, Youth Justice in Queensland paper 1998/99 Youth Justice paper).

Males accounted for 81.5% of all defendants in 1999/2000. 61.4% of all offences were committed by 15 and 16 year olds. The most common type of offence remains theft and breaking and entering (including theft of motor vehicles).(Children's Court of Queensland Seventh Annual Report 1999/2000 CCQ Report).

Risk factors contributing to the likelihood of offending include failure in school, family problems, economic disadvantage and unemployment (The John Howard Society of Alberta 1995 "Crime Prevention through Social Development' quoted in Creating Perspective, a blueprint for Crime Prevention and Community Safety by the Community for the Community Whelan and Begg, February 1998 at page 18 The ACRO Report). Many commentators further attribute offending behaviour to an environment of 'moral poverty' deriving from childhood exposure to violence, abuse and institutionalisation (Rossum 1999 'Juvenile Justice Professionals: Opponents of Reform in Mc Dowell and Smith eds Juvenile Delinquency in the USA and the UK at page 64-5 Rossum).

In our experience the risk of offending increases in proportion to a young person's feeling of disconnectedness to the family, school and community. It can be noted that suspension and exclusion from the school community is often followed by involvement in the criminal justice system.

A small proportion of abused and neglected children accounts for a significant proportion of all youth violence. Thus, addressing child abuse/neglect could have a significant impact on juvenile violence (Jonson-Reid 1999 'Child Abuse and Youth Violence' in Youth Violence: current research and practice innovations at page 87 Johnson-Reid).

**Of the victims of crime the majority (66%) were under 20 years of age. Only 3% were aged 55 years or older.(CCQ Report)**

#### The impact of being a victim of crime and the fear of crime

Victims and perpetrators often share common characteristics. Those common predisposing factors which often apply to both groups include unemployment, low socioeconomic status, being a young male, low self esteem and very often boredom. Not surprisingly therefore the victim population contains many individuals who are or have been perpetrators themselves. (Young People as victims of violence, National Youth Affairs Research Scheme, Halstead 1992 at page 5 NYARS 1992).

Impacts of crime are far reaching for both individuals and the community as a whole. An offence can have a 'ripple' effect in that it impacts not only the immediate victim but his or her family, community, police, and on all participants in the legal system including services funded to supervise court orders.

Further impacts include the financial and economic costs of crime which have a wide impact on society as a whole. Costs can include not only property losses and/or medical costs incurred but also long term consequences such as security measures, the costs of preventative efforts funded to reduce the future incidence or severity of crimes and of course the cost of the criminal justice system which deals with offenders. (Australian Institute of Criminology, Trends and Issues in Crime and Criminal Justice paper No. 72 Estimates of the Costs of Crime in Australia in 1996 at page 1 AIC 72)

Three particular sectors of the community have traditionally exhibited heightened fear levels in most research: women, older community members and victims of crime (Department of Justice 1995 'Fear of Crime in Canada: Taking the Pulse of a Nation' reported at page 19 of The ACRO Report). Feelings of fear can result in social isolation, a moving away from gainful participation in society in general and even mental illness.

#### Strategies to support victims and reduce crime

Most research indicates that persons aged between 12 and 24 years and males in particular have the highest victimisation rates while persons aged 65 years and older have the lowest. Single unemployed young men are at the highest risk of victimisation. Females aged 10 to 19 years of age are at the most risk of being the victims of sex offences. Indigenous Australians are at a substantially greater risk of becoming victims of physical assault resulting in death or injury than non-indigenous Australians.

If, as the research and experience bears out, young victims are at the most risk of becoming perpetrators, exhibiting anti social behaviours, self harming and enduring repeat victimisation, early intervention and support are essential.

The Queensland Government Crime Prevention Strategy recognises the provision of support services for victims of crime and abuse as an essential component of crime prevention.

Effective strategies must cover the whole process of victimisation, from the point of development of individual vulnerability, during all stages of the criminal justice process through to the obtaining of a remedy and to full recovery from the experience.(NYARS 1992 at page at 19)

Specific strategies may include codes of ethics requiring accurate reporting of crime in the media which may reduce feelings of fear. Funding of comprehensive victims services as a crime prevention strategy is essential given our experience of the victim/ perpetrator relationship. This strategy has been identified by the Queensland Taskforce on Crime Prevention 2000 ( Old Taskforce).

In our experience victims would be greatly served by implementation of procedures within Police Services whereby complaints were efficiently and quickly investigated and reports were required to be made to victims at various stages of the criminal justice process. In this way victims would be kept informed and may feel more involved in matters directly impacting on their feelings of well being.

#### Effectiveness of sentencing

In our experience as borne out in the majority of the research, detention or imprisonment often serve to reinforce negative and antisocial behaviours and to integrate offenders further into an offending peer group with the real consequence of further victimisation of others.

Wherever possible we submit that the most effective sentences are those served in and supervised by the community.

Effective interventions or programmes are those which reinforce and model positive behaviour, which are targeted to the individuals' risk factors and personality and which have the ability to build links between the offender and the community as a whole (Corbett 1999 "Juvenile Probation on the Eve of the Next Millenium" in Mc Dowell and Smith eds Juvenile Delinquency in the USA and the UK at page 122-3 Corbett)

The American Journal of Preventative Medicine in an issue on Youth Violence Prevention described multiple levels of intervention as follows:

1. Individual - social skills, cognitive and behavioural development;
2. Interpersonal - parent education, family counselling, peer group'
3. Social - community building, school based intervention and education for workers;
4. Systemic- vocational training (Heide 1999 Young Killers: The Challenge of Juvenile Homicide at page 240 -1 Heide).

Early intervention in the dysfunctional family unit is likely to produce better results in terms of crime prevention.

In our experience sentences utilising internationally recognised principles of juvenile sentencing such as diversion from the criminal justice system can be very effective. In this State community conferencing, where available, allows victims and offenders to meaningfully participate in sentencing outcomes thus allowing for reparation to the community and by the community. Restorative justice approaches also have the desired outcome of reducing the ongoing fear of victims as they are able to understand the motives of the offender.

### Summary

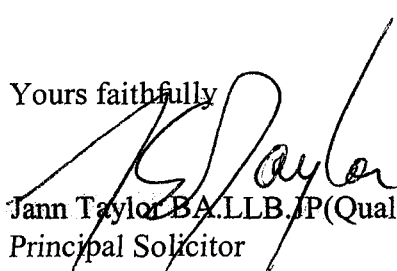
In summary we submit that offending by young people in Queensland (and elsewhere as noted in the research) cannot be characterised as increasing either in terms of frequency or seriousness.

The correlation between young offenders and young victims is clear. It is apparent that the provision of early intervention services to young people at risk of victimisation will have a flow on effect of reducing crime in the community.

Effective sentences for offenders are those which are community based and targeted to the individual. Inclusion of the community in sentencing processes serves not only to create effective reparation but also to reduce the fear of crime.

Thank you for taking the time to consider our submissions. Please feel free to contact the writer or Lawrie Moynihan on 07 3208 8199 if you wish to discuss any issues arising from our submission. In preparation of this submission we are indebted to Ms Jenni Glover, law student, for her able assistance, thoughts and research.

Yours faithfully



Jann Taylor BA.LLB.JP(Qual)  
Principal Solicitor  
Logan Youth Legal Service

RECEIVED

23 AUG 2002

BY: *J. Taylor*

Submission 75.1  
(supplementary)

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*youth & family service (logan city) inc.*

The Committee Secretary

ABN: 58 239 250 649

House of Representatives Standing Committee on

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21 August 2002

Dear Sir/Madam

**RE: Crime in the Community**

We refer to our submission dated 12 August 2002 in relation to the above issue.

The purpose of this letter is to provide some updated information to you based upon statistics recently forwarded to our Service from the Department of Families (Queensland).

Please note in relation to the term of reference named Perpetrators of crime and motives the following updated material:

1. 34,097 matters attributed to young people were dealt with by police during 2000/01, slightly more than in 1999/00 (33,659). Over three quarters of these matters were in relation to young males;
2. Young people were responsible for 17% of the matters cleared by police in 2000/01. This rate has been slowly falling over recent years;
3. In 2000/01, 69% of offences committed by young people were property type offences. This was the same proportion as in 1999/00;
4. Offences against the person accounted for 7% of matters attributed to young people, the same as last year;
5. In 2000/01, 4,512 distinct young people appeared in court in relation to offending, a decrease of 1.2% from 1999/00 and there were 7,388 finalised court appearances, slightly fewer than in 1999/00 (7,497);
6. Based on the preliminary estimated resident population of Qld at 30 June 2001, 12 per 1000 young people aged 10 to 16 years of age (1.2%) appeared in court in relation to offending. Males were approximately four times more likely to appear than females.

(Youth Justice information update Qld 2001 - Dept of Families, Volume 1 number 5 July 02)

We trust that the foregoing is of assistance to the Committee in its enquiry.

Yours faithfully

*J. Taylor*  
Jann Taylor BA.LLB.JP(Qual)  
Principal Solicitor  
Logan Youth Legal Service

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