



Generation Y and Crime: A longitudinal study of contact with NSW criminal courts before the age of 21

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This bulletin reports the results of a study designed to estimate what proportion of all persons born in New South Wales in 1984 (the cohort) appeared in a NSW criminal court before the age of 21. The results show that 9.9 per cent of the cohort (15.7% of males and 3.8% of females) had at least one court appearance. Most (71.3%) of those who appeared in court before the age of 21 appeared after the age of 18. About a third of the first appearances in court were for driving-related offences but appearances for theft offences, acts intended to cause injury and public order offences were also quite common. The nine per cent of those who appeared in court five times or more, accounted for 36 per cent of the cohort's court appearances. The 2.3 per cent who appeared in court 10 times or more accounted for 15 per cent of the cohort's court appearances.

INTRODUCTION

Traditionally, in criminology research there has been a tendency to focus on aggregate level crime rates, that is the level of crime in a given population over a certain time period. Since the 1970s, however, more attention has been given to individual criminal careers and individual-level factors that may be associated with offending. Seminal work by Blumstein and his colleagues (1986) conducted in the early 1980s reviewed the state of knowledge in this area and identified four salient dimensions of individual criminal careers; prevalence (the proportion of the population who offend), frequency (the average rate at which active offenders commit crimes), career length (the average duration over which offenders commit crime) and the 'seriousness' of the offences committed.

There are two important reasons for partitioning crime in this way. Firstly, it is possible that the dimensions identified by Blumstein et al. (1986) are subject to different influences. For example, familial factors such as poor parental discipline might be closely related to participation in crime but other social factors such as the influence of peer groups may be strongly associated with the frequency of offending once engaged in a criminal career. The second reason for considering criminal career dimensions in offender research is that different authorities may have varying levels of responsibility for control of these crime components. Health and education for example may be able to influence participation in crime through the provision of services such as mental health treatment programs or after-school care for young families. The criminal justice system, on the other hand, may exert more control over the

rate of criminal activity through punitive measures such as incapacitation (Blumstein et al. 1986). The criminal career paradigm can thus both improve our understanding of criminal behaviour, and help to develop and further refine crime prevention strategies.

Subsequent to Blumstein et al.'s report, a myriad of studies examining criminal career dimensions appeared in the literature. In particular, a number of studies have attempted to calculate the prevalence of offending in a given population. Estimates from these studies vary depending on the data used to measure offending levels (self-report versus official statistics), the scope of the criminal acts included in the analysis and the length of the follow-up or observation period. Nevertheless, the research findings generally show a surprisingly high level of offending amongst the general population. For example, in their

groundbreaking 1972 study, Wolfgang, Figlio and Sellin reported that 35 per cent of a sample of Philadelphia males born in 1945 had at least one recorded police contact for a non-traffic offence before the age of 18. Blumstein, Cohen, Roth and Visher (1986) cite several other similar studies from the United States showing that between 25 and 47 per cent of urban males have been arrested for a non-traffic offence by the age of 18. Estimates of participation in crime decrease when examining just those persons who come into contact with the criminal courts but still remain relatively high. United States research shows that between 26 and 28 per cent of males have been convicted of an offence in a juvenile court by age 18 (Blumstein et al. 1986) and research from the Home Office in the United Kingdom suggests that about 25 per cent of males born in 1963 have been convicted of an offence by age 21 (Tarling 1993).

To date, few cohort studies like those described above have been conducted in Australia. Two significant studies undertaken by researchers in South Australia are the exceptions. The first of these examined the extent to which young people come into contact with the South Australian juvenile justice system. In this research Morgan and Gardner (1992) found that 21 per cent of those born in 1972 (and 18 per cent of those born in 1962) had at least one contact with the juvenile justice system before the age of 18. A more recent study, which examined arrest rates for young people, found that 25 per cent of males and eight per cent of females born in 1984 had been apprehended by the South Australian police before the age of 18 (Skrzypiec & Wundersitz 2005).

Importantly, all of these cohort studies have shown strong associations between participation in crime and the demographic factors of age and gender. While most focused on males (given that males represent the vast proportion of all offenders who come into contact with criminal justice authorities), studies that have estimated prevalence rates for females show fewer have ever been

involved in crime. Research based on official records estimates a ratio of about one female offender to every five male offenders (Blumstein et al. 1986; Prime et al. 2001; Tarling 1993). With regard to age-specific participation rates, cohort studies suggest that onset of offending increases steeply during the teenage years (up to age 18) and drops off rapidly thereafter. The Home Office study, for example, found that 17 per cent of males had been convicted of an indictable offence before the age of 18, with this percentage rising to just 25 per cent by age 21. A similar pattern was apparent for females though fewer were involved in crime at all ages (Tarling 1993).

Cohort studies have also found differential involvement of males and females in different types of crime. In the United Kingdom study, for example, Tarling (1993) found an extremely high ratio of males to females involved in sexual offences (105:1), but high ratios were also evident for burglary, robbery, other indictable offences, criminal damage, violence against the person and drug offences. The lowest male to female ratios were for non-violent property offences, particularly shoplifting (1.7:1). Similar findings were evident from the work conducted in South Australia. In this analysis, female offenders were more likely than males to have been apprehended for a *minor* offence and less likely to be apprehended for a *moderately serious* offence. However, there was little difference between males and females in terms of the number of young people charged with a *serious* offence at the time of their first apprehension (Skrzypiec & Wundersitz 2005).

Many studies that have examined the criminal career profiles of different populations have also considered the frequency of offending and offender career length amongst those who do participate in crime. These data suggest that for most offenders their criminal career is relatively short, with official data revealing that the majority of offenders only come into contact with the criminal justice system on one or very few occasions. On the other hand, there

appears to be a small group of offenders who have very extensive criminal careers and would therefore account for a disproportionate amount of crime (Blumstein et al. 1986; Prime et al. 2001; Tarling 1993; Skrzypiec & Wundersitz 2005).

The current study

Building on previous criminal career research, this bulletin presents the results of a study of a cohort of 81,784 individuals born in New South Wales (NSW) in 1984 and followed up until the age of 21 (i.e. 2005; the latest year for which court data was available). This is the first such birth cohort study to be undertaken in NSW and aims to answer five main research questions -

1. How many individuals who were born in 1984 appeared in court for a criminal offence before the age of 21?
2. At what age did they first appear in court?
3. How frequently do they appear in court?
4. What was their first offence?
5. How many received a prison sentence?

In using court data to examine the extent of young people's contact with the criminal justice system it needs to be remembered that court contact is not an accurate measure of actual levels of offending for two main reasons. Firstly not all offences committed by young people are detected by or reported to police and, where they are detected/ reported, police are not always able to successfully identify and locate offenders. Secondly, those offenders that do come to the attention of police can be dealt with other than through a formal court appearance. In NSW, additional methods of proceeding against suspected offenders include:

1. A warning, caution or referral to a youth conference under the *NSW Young Offenders Act 1997*. This Act came into effect in NSW in April 1998 and aimed to 'provide an alternative

process to court proceedings for dealing with children'. Essentially this legislation created a graded system of criminal justice interventions for juvenile offenders, commencing with a police warning, followed by a formal caution, youth justice conferencing and finally Children's Court.

2. A caution under the NSW Cannabis Cautioning Scheme. This scheme commenced in April 2000 and gives police the discretion to formally caution an adult for minor cannabis offences rather than formally charging them.
3. Infringement notices issued by police or other authorised officers for minor offences, such as certain traffic violations and public order offences.

Probably the most important of these informal methods of proceedings for the current analysis is the court diversion options available under the *NSW Young Offenders Act 1997*. Unpublished police recorded crime data held by the Bureau of Crime Statistics and Research show that prior to the enactment of the *Young Offenders Act 1997* about half of all persons aged 10 to 17, who came into contact with police for an offence, were proceeded against to court. Between 15 and 17 per cent of these young people were legally proceeded against in some other way. After enactment of the young offender legislation, the proportion of young people which police referred to court reduced to 46 per cent in 1998, 37 per cent in 1999, 29 per cent in 2000 and 20 per cent in 2001 (when our cohort was aged 14, 15, 16 and 17, respectively). This would suggest that a significant proportion of young people in our cohort would have been diverted from court early on in their offending career. While the impact of this legislation on our cohort analysis is lessened by the fact that the proportion being referred to court at age 14 and 15 was still relatively high, our estimates of age of offending initiation would nevertheless

be conservative. It is also worth noting that even though many offences do not end up in court, there is likely to be a reasonably strong relationship between rates and patterns of offending and rates and patterns of appearances in court.¹

As such, the current bulletin should not be seen as an attempt to measure actual levels of offending amongst the 1984 cohort. Instead this analysis aims to assess the extent to which individuals included in this cohort come into contact with NSW criminal courts and the factors associated with court contact. Quantifying the proportion of this population who appear before the courts has important policy implications for estimates of future court workload. Furthermore, in the absence of arrest data from which distinct persons can be accurately identified, court contact can be used as an approximate measure of young people's contact with the criminal justice system.

METHOD

To undertake this study, data were obtained from the NSW Registry of Births Deaths and Marriages. These data were current until May 2005 and contained records of 83,042 persons born in 1984 whose birth was registered in NSW. The data provided by the Registry included personal details such as the person's name, date of birth, mother's age, father's age and residential address.² Details of any deaths and name changes registered in NSW were also provided.³ Records of persons born outside of NSW ($n=734$) or who were deceased before the age of 21 ($n=170$), and records identified as duplicates ($n=355$) were excluded.⁴ This left a total of 81,784 records of distinct persons, which included 39,944 females (48.8%) and 41,840 males (51.2%).⁵

To estimate the level of contact (if any) that each member of the birth cohort had with the NSW criminal courts, the birth cohort data were matched with court appearance data. Only finalised court appearances were counted in this

analysis. A finalised court appearance refers to a group of one or more charges, against a single individual, which were finalised by the court on a single day. A finalised charge is one that has been fully determined by the court and for which no further court proceedings are required. If a single individual has a group of charges finalised in the Children's Court on the same day as charges finalised in the Local or Higher Courts, then two finalised court appearances are counted.⁶

Matches were sought for any finalised court appearance over the period 1994 (when they reached the age of criminal responsibility) to 2005 (when they reached the age of 21). Note that this matching process will not pick up court appearances by the birth cohort in other States. Court appearance data were obtained from the Bureau's Reoffending Database (ROD), which links court appearance records for the same individual. ROD covers criminal court appearances finalised in the NSW Supreme, District, Local and Children's Courts. Appearances for relatively minor offences, where the maximum penalty is less than \$550, are excluded from ROD. Thus offences such as not fixing a number plate, overloading a truck or leaving an animal unattended in a public place are excluded. ROD contained records of all court appearances up to December 2005 at the time of matching.

Birth registration and court appearance data were matched using the available personal identifying information, which was limited to first name, middle name, surname and date of birth. The matching criteria were essentially the same as those used to link court appearances in ROD. Thus records with identical names and dates of births were matched and records with almost identical names and dates of birth were also matched (subject to a strict set of rules) to allow for data entry errors, shortened names and other variations. Further details of the matching process are provided in Weatherburn, Lind and Hua (2003).

RESULTS

How many individuals who were born in 1984 appeared in court for a criminal offence before the age of 21?

Table 1 shows the number and the percentage of the cohort who appeared in a NSW criminal court at least once before the age of 21. As can be seen from this table, 8,105 members of the cohort (i.e. nearly one in ten) appeared in court before the age of 21. Males were about four times more likely than females to have appeared in court. Just over 15 per cent of males (or more than one in six males) born in NSW in 1984 appeared in court at least once before the age of 21, compared with less than four per cent of females (i.e. about one in 26).

Most people who appeared in a NSW criminal court before the age of 21 appeared in the adult court system on their first occasion. However a significant proportion (25.3%) first appeared before the Children’s Court. For 1,608 males and 440 females their first court appearance was in a Children’s Court. This represents 3.8 per cent of males born in NSW in 1984 and 1.1 per cent of females. The percentage of females appearing before a criminal court before age 21 who appeared at least once before the Children’s Court was slightly higher than the equivalent percentage of males (28.9% v. 24.4%).

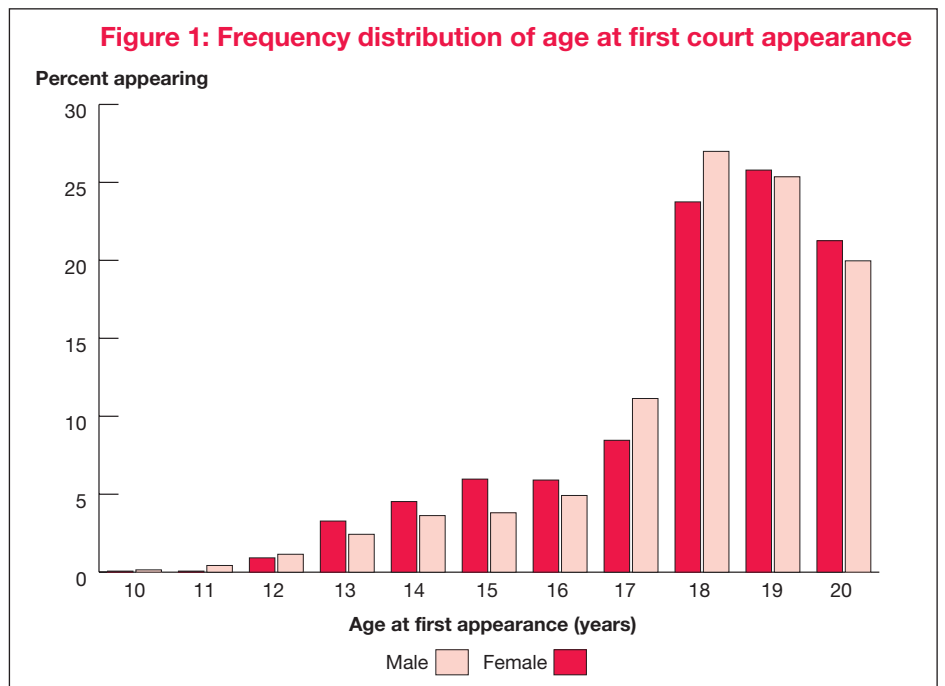
Nearly all (95%) of those who appeared in any NSW court before the age of 21 were convicted of at least one offence. Table 2 shows the number and percentage of the cohort who were convicted of at least one offence by a NSW court before the age of 21. It can be seen that 7,700 persons were convicted of at least one offence by a NSW court before age 21. This figure is only slightly lower than the total number who appeared in court during the observation period. Again this equates to nearly one in 10 of the cohort.

Table 1: Proportion of cohort appearing at least once in NSW criminal court by age 21

Gender	Number appearing in court	Total number in cohort	% of cohort appearing in court
Female	1,524	39,944	3.8
Male	6,581	41,840	15.7
Total	8,105	81,784	9.9

Table 2: Proportion convicted at least once by a NSW court by age 21

Gender	Number convicted	Total number in cohort	% of cohort convicted by a court
Female	1,431	39,944	3.6
Male	6,269	41,840	15.0
Total	7,700	81,784	9.4



At what age did members of the cohort first appear in court?

Figure 1 shows the frequency distribution of age at first court appearance by gender. It can be seen that most of those who appeared in court did so after they had turned 18 years. Only 28 per cent of those appearing in court did so before they turned 18. Figure 1 also shows that only a very small proportion of persons appearing in court on at least one occasion first appeared at 10 years of age. This proportion steadily increases up to age 17, increases sharply at age 18 and then declines slightly at 20 years of age.

The pattern for age at first appearance was slightly different for males and females. For males, the peak age of first appearance was 18, while the peak age of first appearance for females was 19. It is also worth noting that a slightly higher proportion of females had their first court appearance between the ages 13 and 16 compared with males of the same age. This latter result is consistent with the previous finding that a higher proportion of females had their first court appearance in a Children’s Court.

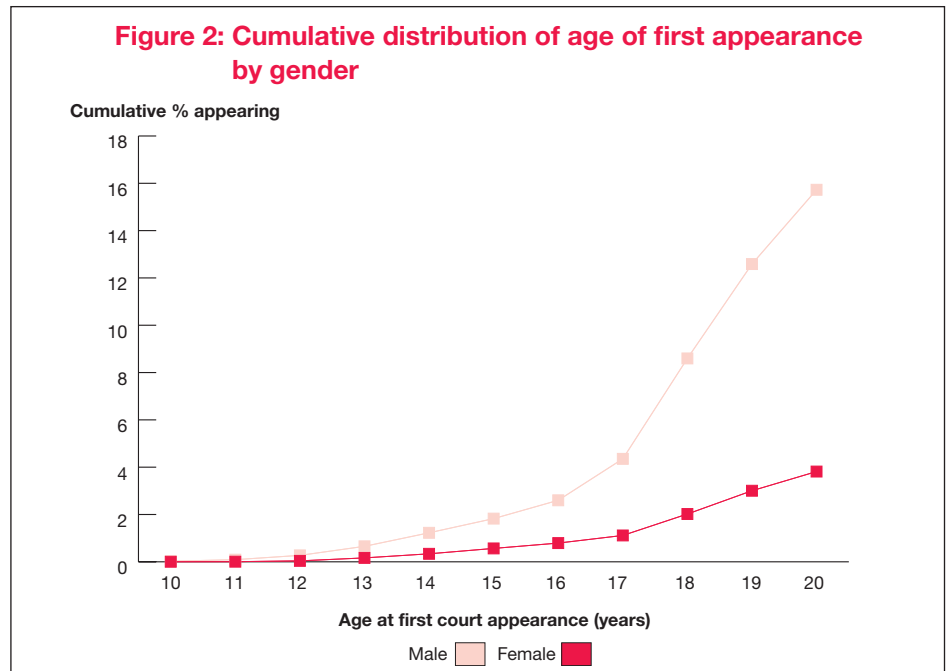
The previous figure showed the percentage of persons who appeared

in court by the age of first court appearance. Another way to examine this issue is to consider the cumulative proportion of the entire 1984 cohort who appeared in court by the age at first appearance. Figure 2 shows this cumulative distribution broken down by gender. Overall, only about three per cent of the cohort had appeared in court by 17 years of age. After 17 years of age, however there is a sharp jump in the percentage of the cohort who appeared in court. By 19 years of age, for example, about eight per cent of the cohort has appeared in court. It can be seen from Figure 2 that this change is much more pronounced for males than for females. By 17 years of age more than four per cent of the males but only about one per cent of females in the cohort have appeared in court. By age 21, almost 16 per cent of males have appeared in court but the corresponding percentage for females is less than four per cent.

The marked jump in the percentage of the cohort that appears in court by age 18 is probably due to two factors. Firstly, as we will see in the next section, many of those who end up appearing in court, do so for driving-related offences. The percentage of the cohort holding a driver's licence and the amount of driving they do probably jumps sharply from age 17 onwards. Secondly, as discussed in the introduction to this report, many younger offenders are kept out of the criminal justice system through the use of diversionary provisions established under the *NSW Young Offenders Act 1997*. The diversion of young offenders under this legislation would mean that our estimates for the 1984 cohort in terms of age of first contact with the criminal justice system would be conservative.

How frequently did members of the cohort appear in court?

Table 3 shows, for those members of the cohort who appeared in a NSW criminal court at least once before the age of 21, the frequency distribution of the number of appearances. Most (60.9%) of those who appeared in court did so only once. Nine per cent of those appearing in court



appeared five times or more. Only 1.2 per cent of the females and 2.6 per cent of the males appearing in court had 10 or more appearances. Males were more likely than females to have multiple court appearances (41.5% v. 28.9%).

The cohort was responsible for 17,315 court appearances in NSW courts between 1994 and 2005. This represents 1.2 per cent of all appearances in NSW criminal courts over this 12-year period.⁷ Those who appeared in court only once or twice accounted for 45 per cent of the cohort's total court appearances. The nine per cent who appeared in court five times or more accounted for 36 per cent of the total court appearances. The 2.3 per cent who appeared in court 10 times or more accounted for 15 per cent of the cohort's total court appearances.

The frequency distribution of the number of appearances was somewhat different for members of the cohort whose first court appearance was before the Children's Court. Less than one-third of these persons appeared in court only once, but the same proportion appeared in court on five or more occasions. Four per cent of the females and 10 per cent of the males who first appeared in the Children's Court had 10 or more appearances. Those who first appeared in the Children's Court accounted for almost half (48.0%) of the cohort's total court appearances.

One possible reason for this increased frequency of appearances for those first appearing as juveniles is the longer observation period for this offender group, which would mean that they

Table 3: Persons appearing at least once by number of finalised court appearances

Number of court appearances	Total number of young people	% of young people	Total number of court appearances	% of appearances
1	4,936	60.9	4,936	28.5
2	1,455	18.0	2,910	16.8
3	638	7.9	1,914	11.1
4	311	3.8	1,244	7.2
5	222	2.7	1,110	6.4
6+	543	6.7	5,201	30.0
Total	8,105	100.0	17,315	100.0

have a greater opportunity to offend. However, similar results are evident when we examine the frequency of court appearances within three years of first appearance broken down by age at first appearance. This additional analysis shows that just 32 per cent of those who appeared in court before 12 years of age had no subsequent court appearances within three years of their first appearance. This compares with 40 per cent of those who first appeared in court between the ages of 12 and 13, and 44 per cent of those who first appeared in court between the ages of 14 and 17.

The increased frequency of court contact amongst young offenders observed here is probably due to the diversion options that are available to criminal justice authorities under the current young offender legislation. The graded system of interventions for juvenile offenders created by the Young Offenders Act would mean that most young people who come into contact with police would be warned or cautioned by police rather than proceeded against to court. Those who are appearing in the Children's Court would therefore be young people who are committing more serious offences or those who are more entrenched in their criminal career.

For what offences did members of this cohort appear in court?

Table 4 shows the most serious offence for which members of the cohort **first** appeared in court by gender. The most serious offence is defined to be that offence charged which received the most serious penalty.⁸ Overall, one-third of those appearing for the first time had a *road traffic and motor vehicle regulatory offence* as their most serious offence. Most (64.5%) of these offences concerned drink-driving but a significant proportion (15.6%) involved driving while licence cancelled, suspended or disqualified. A further nine per cent appeared for *dangerous and negligent acts endangering persons*, most of which were driving related offences. After *road traffic and motor vehicle regulatory offences*, the next most common

offences for which members of the cohort first appeared were *theft and related offences* (13.0%), *acts intended to cause injury* (10.2%) and *public order offences* (9.3%). There were some differences across jurisdictions with regard to the types of offences for which people first appeared. Whereas *road traffic and motor vehicle regulatory offences* (43.0%) were by far the most common offence for which people first appeared in the adult court system, *theft and related offences* (22.9%) and *acts intended to cause injury* (14.6%) were the most common offences for which members of the cohort first appeared in the Children's Court.

There were also differences in the types of offences for which males and females first appeared in court. A higher proportion of females first appeared for *theft and related offences, deception and related offences* and *acts intended to cause injury* (most of which are assaults) than males. On the other hand, a higher proportion of males first appeared for driving related offences (including *dangerous and negligent acts*

endangering persons), *public order offences* and *property damage and environmental pollution offences*. While these gender differences are apparent from the percentage appearing before the court, it should be noted that because more males appeared in court for all offence types, the proportion of the male cohort appearing for *theft and related offences, deception and related offences* and *acts intended to cause injury* was still much higher than the female cohort. For example, 1.5 per cent of the male cohort first appeared before the courts for *acts intended to cause injury* compared with just 0.5 per cent of the female cohort. Thus males were three times more likely than females to appear for these violent offences. The male to female ratio of involvement in crime was highest for sexual and driving offences, and lowest for theft- and deception-related offences.

The previous table showed the most serious offence for which members of the cohort first appeared. However, a person could appear before the court on more than one occasion and/or have

Table 4: Most serious offence for which members of the cohort first appeared in court by gender

Offence type	Female		Male		Total	
	Number	%	Number	%	Number	%
Homicide and related offences	3	0.2	13	0.2	16	0.2
Acts intended to cause injury	207	13.6	623	9.5	830	10.2
Sexual assault and related offences	1	0.1	57	0.9	58	0.7
Dangerous and negligent acts endangering persons	84	5.5	618	9.4	702	8.7
Abduction and related offences	1	0.1	4	0.1	5	0.1
Robbery, extortion and related offences	27	1.8	122	1.9	149	1.8
Unlawful entry with intent/burglary, break and enter	38	2.5	239	3.6	277	3.4
Theft and related offences	292	19.2	764	11.6	1,056	13.0
Deception and related offences	71	4.7	127	1.9	198	2.4
Illicit drug offences	68	4.5	335	5.1	403	5.0
Weapons and explosives offences	5	0.3	52	0.8	57	0.7
Property damage and environmental pollution	63	4.1	437	6.6	500	6.2
Public order offences	111	7.3	645	9.8	756	9.3
Road traffic and motor vehicle regulatory offences	483	31.7	2,267	34.5	2,750	33.9
Offences against justice procedures, government security and government operations	66	4.3	231	3.5	297	3.7
Miscellaneous offences	4	0.3	47	0.7	51	0.6
Total	1,524	100.0	6,581	100.0	8,105	100.0

more than one offence finalised in any single court appearance. Table 5 includes information on all the offences for which members of the cohort appeared in court before they turned 21 (summed across appearances and charges within appearances). It can be seen that 31,789 offences were finalised for this cohort and that almost one-quarter of these offences were *road traffic and motor vehicle regulatory offences*. The second largest category of offences finalised for this group were *theft and related offences*, followed by *acts intended to cause injury* and *public order offences*.

It is also worth noting that only a small proportion of the cohort was involved in serious violent crime. We found just nine of the cohort had appeared before NSW courts on at least one occasion for *murder*, 94 had appeared on at least one occasion for *aggravated sexual assault* and 331 had appeared on at least one occasion for aggravated robbery. Even smaller numbers of the cohort were actually convicted of these serious offences. Two members of the cohort were convicted at least once of *murder*, 62 were convicted at least once of *aggravated sexual assault* and 252 were convicted at least once of *aggravated robbery*. Taking these figures together, just 0.4 per cent of the cohort was convicted at least once for *murder*, *aggravated sexual assault* or *aggravated robbery*.

How many of the cohort received a prison sentence?

Table 6 shows the number and the percentage of the cohort who were sentenced to prison by a NSW court before the age of 21. This includes both persons sentenced to imprisonment in the Local and Higher Courts and persons sentenced to juvenile detention (or given a control order) in the Children’s Court. As can be seen from the table, among those who appeared in court at least once before the age of 21, only 429 (or 5.3%) received a prison sentence. This represents 0.5 per cent (i.e. about one in every 200) of the entire cohort. Males were more likely than females to have

Table 5: All offences for which members of the cohort appeared in court before the age of 21

Offence type	Female		Male		Total	
	Number	%	Number	%	Number	%
Homicide and related offences	7	0.2	40	0.2	47	0.1
Acts intended to cause injury	627	14.0	2,895	10.6	3,522	11.1
Sexual assault and related offences	1	0.0	177	0.7	178	0.6
Dangerous and negligent acts endangering persons	136	3.0	1,440	5.3	1,576	5.0
Abduction and related offences	2	0.0	27	0.1	29	0.1
Robbery, extortion and related offences	93	2.1	548	2.0	641	2.0
Unlawful entry with intent/burglary, break and enter	148	3.3	1,510	5.5	1,658	5.2
Theft and related offences	966	21.6	4,209	15.4	5,175	16.3
Deception and related offences	229	5.1	567	2.1	796	2.5
Illicit drug offences	208	4.6	1,300	4.8	1,508	4.7
Weapons and explosives offences	16	0.4	294	1.1	310	1.0
Property damage and environmental pollution	212	4.7	1,834	6.7	2,046	6.4
Public order offences	463	10.3	3,232	11.8	3,695	11.6
Road traffic and motor vehicle regulatory offences	909	20.3	6,855	25.1	7,764	24.4
Offences against justice procedures, government security and government operations	416	9.3	2,009	7.4	2,425	7.6
Miscellaneous offences	49	1.1	370	1.4	419	1.3
Total	4,482	100.0	27,307	100.0	31,789	100.0

Table 6: Proportion of those appearing in court by age 21 who were sentenced to prison

Gender	Number sentenced to prison	Total number in appearing in court	% sentenced to prison
Female	36	1,524	2.4
Male	393	6,581	6.0
Total	429	8,105	5.3

received a prison sentence. Six per cent of males appearing in court received a prison sentence, compared with 2.4 per cent of females. Only 60 (14%) of those who received a prison sentence had the sentence imposed on them at their first court appearance. About half of the people who were sentenced to imprisonment at least once before the age of 21 were sentenced to juvenile detention.

The most common offences for which members of the cohort received a prison sentence were *theft and related offences* (24.9%), *unlawful entry with intent/burglary, break and enter* (15.0%),

acts intended to cause injury (14.1%) and *robbery, extortion and related offences* (6.2%).

SUMMARY AND CONCLUSION

Nearly one in 10 persons registered as born in NSW in 1984 appeared in a NSW court and were convicted of an offence by the age of 21. Most of those who appeared in court did so only once and not until after they had turned 18. Less than three per cent of the total cohort or less than 30 per cent of those who appeared in court, made their first appearance before the age of 18. Males

in the cohort were about four times more likely than females to appear in court. They were also more likely to have appeared at an earlier age, more likely to have appeared multiple times and more likely to have received a prison sentence.

Members of the cohort most commonly appeared for *road traffic and motor vehicle regulatory offences*, particularly drink-driving offences. *Theft and related offences*, *acts intended to cause injury*, and *public order offences* were the next most common offences for which members of the cohort appeared. Appearances for *murder*, *aggravated sexual assault* and *aggravated robbery* were comparatively rare, with 0.01 per cent appearing for *murder*, 0.1 per cent appearing for *aggravated sexual assault* and 0.4 per cent appearing for *aggravated robbery* before the age of 21. Convictions for these serious offences were even less common. Two members of the cohort were convicted of *murder*, 62 were convicted of *aggravated sexual assault* and 252 were convicted of *aggravated robbery*. Only 0.5 per cent of the entire cohort (i.e. about one in every 200) received a prison sentence before the age of 21.

The level of contact with the criminal justice system found in this study is not as high as that found in the United States, the United Kingdom or in Morgan and Gardner's (1992) South Australian research. The difference in the former case may be because our measure of 'contact' was a court appearance, whereas in many American studies the focus is on those who have been arrested (and not everyone arrested by police ends up in court). Several of these studies also have longer observation periods which would mean the cohort have a greater opportunity to offend. The higher rate of contact with the criminal justice system found in Morgan and Gardner's (1992) study may reflect the fact that their study included appearances before Children's Aid Panels as well as appearances in the Children's Court.⁹ It may also reflect the progressive shift over recent years toward the diversion of juvenile and minor offenders away from the courts.

However, the current study found very similar patterns of offending by age and gender to those reported by other researchers. The most recent Home Office cohort study for example found that the highest proportion of the population known to be involved in criminal activity is aged between 18 and 19 (Prime et al. 2001). Similarly our work suggests that the peak age at which offenders come into contact with the courts is 18 for males and 19 females. The male to female ratio of crime involvement found in our study was also very similar to previous work on criminal careers. In the current analysis it was found that for every female who comes into contact with a NSW criminal court there are four males. Estimates from the United Kingdom using court convictions place the ratio only slightly higher at one female offender to every five male offenders (Prime et al. 2001; Tarling 1993), while in the South Australian study, which relied on arrest data, the male to female ratio was slightly less than three to one (Skrzypiec & Wundersitz 2005). These results suggest that while court contact would perhaps be a conservative estimate, it can be used as a valid measure of the extent to which young people come into contact with the criminal justice system.

This research also indicates that a large proportion of the demand on court services (and, by extension, on the criminal justice system) comes from those who repeatedly re-appear. As we noted earlier, among those born in 1984 and who appeared in court at least once before the age of 21, the nine per cent who appeared in court five times or more accounted for 36 per cent of the all court appearances by the cohort. The 2.3 per cent who appeared in court 10 times or more accounted for 15 per cent of the cohort's court appearances. Efforts to reduce the level of demand on the criminal justice system may be best focussed on those who appear more than 10 times in court before the age of 21 or who appear for *road traffic and motor vehicle regulatory offences*.

The present results confirm those

of earlier Australian studies, based on self-reported rather than officially recorded offending (e.g. Baker 1998; Smart, Vassallo, Sanson & Dussuyer 2004), that offending behaviour is quite common among young people. Yet our research also shows that frequent and serious offending amongst those who are involved in crime is quite unusual. These findings run contrary to the popular belief held by some media commentators and community members that many young people engage in criminal behaviour, including serious violent offending, and as such should be dealt with harshly by the criminal justice system. Instead our research provides further support for equipping criminal justice authorities with alternative, less formal methods for dealing with young people who do become involved in crime.

Having said this, our work also suggests increased frequency of offending amongst members of the cohort whose first court appearance was at a very young age (compared with those who initiated offending as adults). This result would need to be confirmed by future research given that the observation period for persons who first appeared in the adult system was significantly shorter than those who appeared in the juvenile system and that only a relatively small number of offenders fall within the younger age groups. Nevertheless it does provide preliminary evidence that a significant proportion of young people who appear in the Children's Court continue to offend and offend more frequently than those who initiate as adults. This would support the call for early interventions targeting individuals that come into contact with the juvenile justice system in order to curtail future criminal behaviour amongst this high-risk offender group. Interventions that have shown to be effective in reducing reoffending amongst young people include programs that address the individual's needs, such as rehabilitation programs that target known criminogenic risk factors (e.g. antisocial attitudes, poor impulse control) or those which offer cognitive behavioural therapy and

drug treatment (MacKenzie 2002), as well as programs which work to improve the familial environment of the young offender, such as Multisystemic Therapy (Farrington & Welsh 2002).

Before concluding, several limitations of the current analysis should be noted. Firstly as mentioned at the outset of this paper, only contact with the NSW criminal courts was measured here. Not all offences come to the attention of officials and those that do, can be dealt with by means other than a referral to the criminal courts. As such, court contact cannot be considered a valid measure of the actual level of offending amongst this cohort. Nevertheless, in the absence of arrest data that can accurately identify distinct people, court appearances can be used as a proxy measure of the extent to which a particular cohort comes into contact with the criminal justice system.

Secondly, our analysis of the factors associated with the prevalence and frequency of court contact was limited by the information contained in the records obtained from the NSW Registry of Births, Deaths and Marriages. One important factor that is worthy of further exploration is Indigenous participation in crime. The most recent South Australian cohort study found significant differences between Indigenous and Non-Indigenous juvenile offenders in prevalence of offending (44.4% v. 15.9%), age of first apprehension (14.1 v 15.2 years) and the seriousness of the first major charge (Skrzypiec & Wundersitz 2005). Indigenous data were not available for the current analysis. However verification of this offending pattern by future cohort studies would have important implications for the targeting of crime prevention resources in NSW.

Thirdly, the 1984 cohort was followed up in the current study only until the age of 21 (the most recent year for which court data was available). This precluded further analyses examining the career length of people that do participate in crime and factors associated with desistance in offending. As such the current analysis should be repeated, as

the 1984 cohort grows older, in order to explore further aspects of this cohort's criminal career profile.

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NOTES

1 If we assume each offence carries with it some risk of apprehension there will, for example, be a positive relationship between the number of offences a person commits and the number of appearances in court.

2 Note Australian Bureau of Statistics (ABS) data (Cat No. 3101.0) indicates that 77,994 births were registered in 1984 whose usual place of residence was NSW. The discrepancy between ABS data and data from the NSW Registry of Births Deaths and Marriages (BDM) is likely to be due to differences in the counting rules and definitions. ABS data is based on the state of usual residence, whereas BDM is based on the state of registration. ABS data includes births registered in 1984, not births that took place in 1984. BDM records show that 16 per cent of those born in 1984 were registered in a later year.

3 Note that the NSW Registry of Births Deaths and Marriages assumed administrative responsibility for name changes in April 1996. Any name changes prior to this time have not been captured in the data file. Name changes due to marriage have also not been captured in the data file, as there

is no requirement for married names to be officially registered. The number of name changes prior to 1996 or due to marriage is likely to be small among the cohort in our study as few would have married before the age of 21 or officially changed their name prior to the age of 12.

4 A number of records were identified as duplicates as a result of manual inspection or in the process of matching with court appearance data. Note that one person was born outside NSW and was deceased by age 21.

5 Note that no information was available from the NSW Registry of Births, Deaths and Marriages on the Indigenous status of persons born in NSW in 1984.

6 Arrest warrants and referrals to youth justice conferences are not included in this analysis.

7 In total, there were 1,485,935 appearances in NSW Criminal Courts recorded in ROD for the period 1994-2005. This was comprised of 1,326 Supreme Court appearances, 42,369 District Court appearances, 1,325,968 Local Court appearances and 116,272 Children's Court appearances.

8 For further explanation of the rules used by the Bureau to select the most serious (or principal) offence see the explanatory notes of the NSW Criminal Courts Statistics (NSW Bureau of Crime Statistics and Research 2005, p.124).

9 Children's Aid Panels are a less formal way of proceeding against young people and typically involve the young person appearing before a panel comprised of a senior police officer and a representative from the Department of Family and Community Services. These proceedings can result in a warning or counsel being given to the young person, or the young person and/or his/her parents providing written undertakings that specific directions or programs be followed.

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