



# Identifying chronic offenders

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Exploring differences between Indigenous and non-Indigenous youth

*Presentation at SA OCSAR-AIC Conference  
Understanding and responding to chronic youth offending  
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# Introductory bits...

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## Definition of 'chronic'

High-rate and serious offending

## Why label offenders as 'chronic'?

Grouping reduces complexities of human behaviour

Research tasks:

*Any distinguishing characteristics? Is there a group 'profile'?*  
*What (risk) factors are associated with membership of the group?*  
*What factors or conditions or causal processes that produce these distinct groupings?*

Policy-makers/practitioners:

*Can we then develop group-based interventions using factors/mechanisms identified above to affect change?*

## Presentation structure

Recidivism of juvenile offenders (Entry/Re-entry study)

Group-based trajectory analysis

Differences between Indigenous & non-Indigenous juveniles



# Entry/Re-entry study

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## Background/Aims

- Commissioned by WA Dept of Justice...to inform their new Juvenile Justice Strategy
- Describe extent of juvenile contact with the JJS
- Explore how juvenile enter and re-enter the system

## WA JJS

- Young Offenders Act in 1995
- 3 major components – formal police **cautioning** of juveniles, **referrals** to juvenile justice teams (family conferencing) and **Children's Court of WA**

## Data:

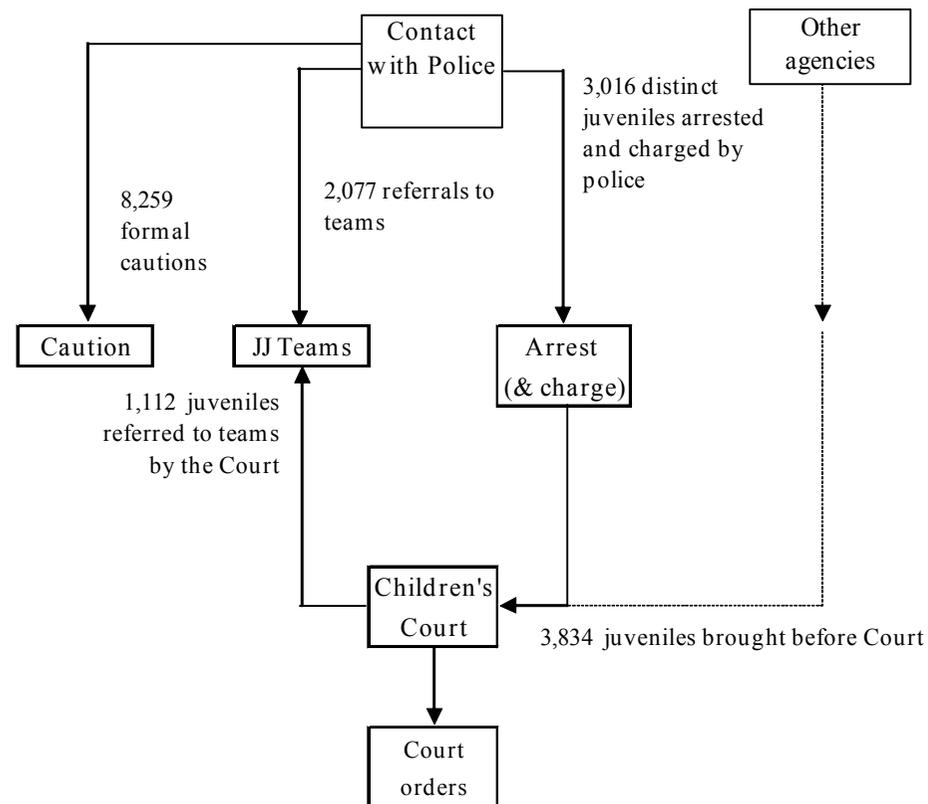
- Cautions + Referrals + final appearances in Children's Court of Western Australia
- Adult offending
- Linked data – via INOIS system

Study period: 1995-2002

60,534 juveniles identified as having contact with system – 8,874 Indigenous; 49,051 Non-Indigenous.



# WA juvenile justice system - simplified



[Figures obtained from cross-sectional data from 2002 (Fernandez et al. (2003))]



# Major findings of study (Entry)

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- Indigenous children enter the system at a greater rate than non-Indigenous children - by a factor of 3
- Indigenous girls enter the system at a greater rate than non-Indigenous girls – by a factor of 4.2
- Very young (10-12 yrs) Indigenous children enter the system at a greater rate than non-Indigenous children – by a factor of 10.5
- Entry 'split' – caution:referrals:court = 77:13:10  
(77% of first-timers are cautioned, 13% go to Teams, 10% dealt by court)
- Entry 'split' same for Indigenous children as for non-Indigenous children



# Re-entry into the WA juvenile justice system

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- Recidivism estimates using survival analysis techniques
- A range of Kaplan-Meier estimates (KMEs)\* of the probability of re-offending after 2 years from initial contact were calculated for each of the four sex-race groups and by type of initial contact
- Recidivism estimates comprised:
  - i) estimates of the probability of *any* further contact with the justice system
  - ii) estimates of the probability of *more serious* ('worse') contact with the justice system (referred to as progression estimates), and
  - iii) estimates of the probability of *progressing to detention*.

\* Kaplan-Meier (KME) is a non-parametric estimate of the cumulative distribution function of time to failure.



# Probability of *any* further contact with system (within 2 yrs)

...*p* estimates, by sex, Indigenous status & initial contact type

	Caution	Referral to JJT		Court			
		Police	Court	Dismissed	Fine	CBO	Dtn
Male, Non-Indig	0.39	0.46	0.48	0.51	0.44	0.52	0.55
Male, Indig	0.61	0.75	0.69	0.7	0.68	0.78	0.75
Female, Non-Indig	0.22	0.27	0.35	0.36	0.22	0.36	*
Female, Indig	0.49	0.65	0.66	0.69	0.56	0.59	*

- Indigenous recidivism estimates much greater than non-Indigenous estimates, irrespective of type of initial contact
- Generally, for each sex-race group, the more serious the initial contact, the higher the likelihood that they have further contact with the system (within 2 yrs)



## Probability of *worse* contact with system (within 2 yrs)

	Caution	Referral to JJT	
		Police	Court
Male, Non-Indig	0.17	0.12	0.24
<i>age: 10-14</i>	0.17	0.13	0.31
15-17	0.17	0.12	0.25
Male, Indig	0.36	0.31	0.46
<i>age: 10-14</i>	0.38	0.37	0.49
15-17	0.27	0.22	0.46

- Indigenous estimates of ‘*worse*’ contact with the system still much higher than non-Indigenous estimates
- However, these are lower estimates than for ‘*any*’ contact with the system
  
- Estimates of worse contact are highest for Indigenous children in the youngest age group. (...accords with literature....an early age of onset foreshadows a longer, more serious & high rate criminal career)



# 'Markers' for chronic offenders from recidivism analysis

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## *Predictors of high-rate offending?*

- Male
- Indigenous
- Earlier age of onset
- More serious offending at outset

## Recidivism analysis limited

- only 2 year follow-up
- only from 1st event to another
- no concept of how offending may change over time, either for each group or for *individuals* in each group.



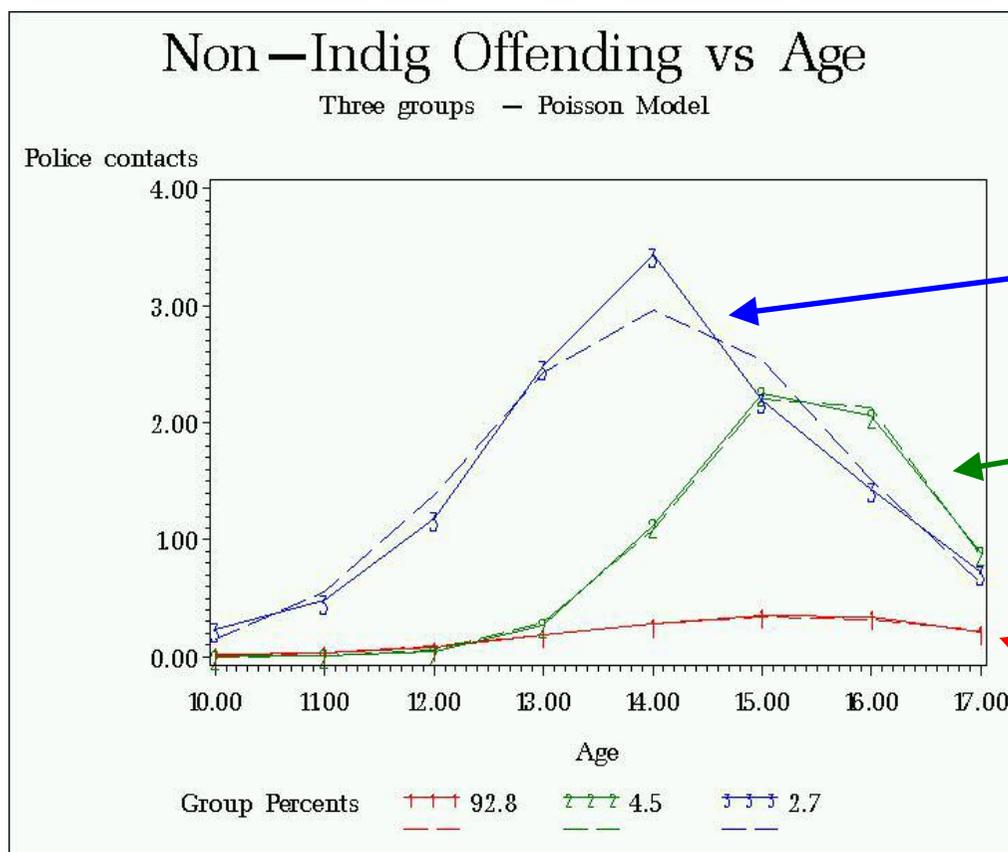
# Group-based trajectory analysis

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- Method
  - Nagin & Land, semi-parametric group-based modeling toolkit, mixed Poisson model
- Data
  - 1985 birth cohort of juvenile offenders; 6,540 juveniles – 5,526 non-Indigenous, 1,014 Indigenous
  - ‘Offending’ = contact with WA JJS (caution/referral/court appearance)
- Approach
  - Split population/analysis. Why?
    - Complete, accurate recording of Indigenous status
    - Statistically significant differences between groups
    - Avoids “difference blindness” (NH&MRC Values and Ethics, 2003)...acknowledges difference in the way Indigenous people experience the criminal justice system



# Non-Indigenous offending trajectories



1985 birth cohort, N=5,526

High rate, early onset (2.7%)

Moderate rate, late onset (4.5%)

Low rate (93%)



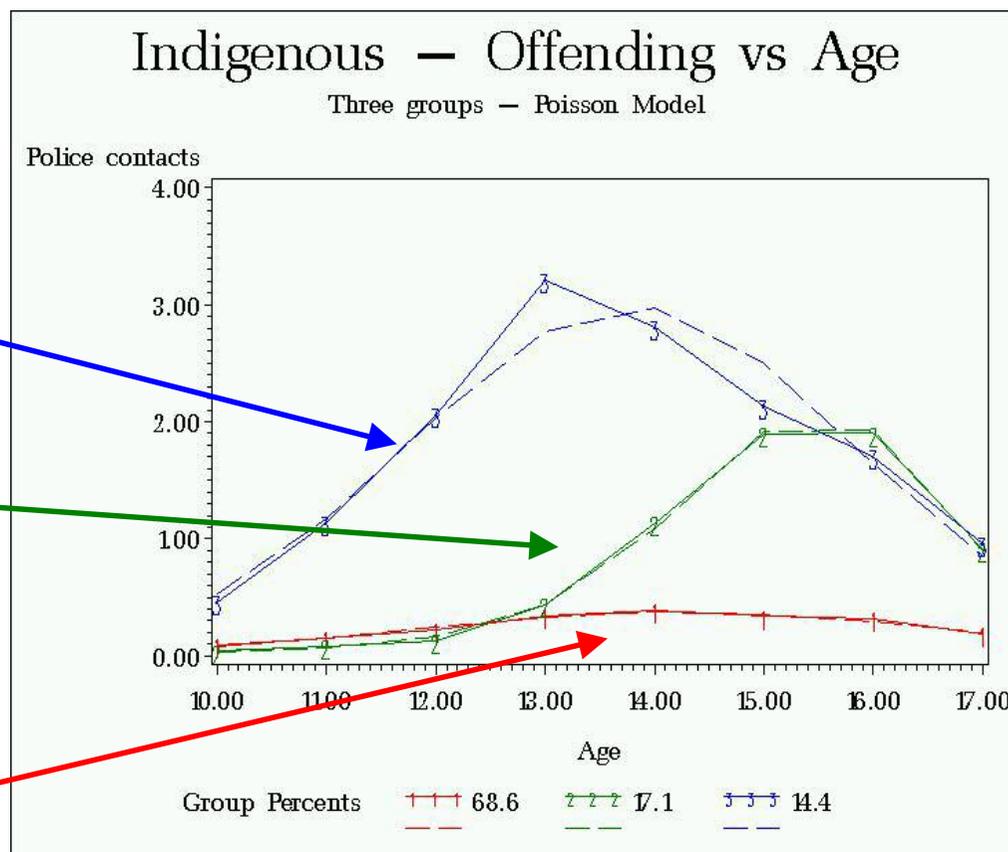
# Indigenous offending trajectories

1985 birth cohort, N=1,014

High rate, early onset (14%)

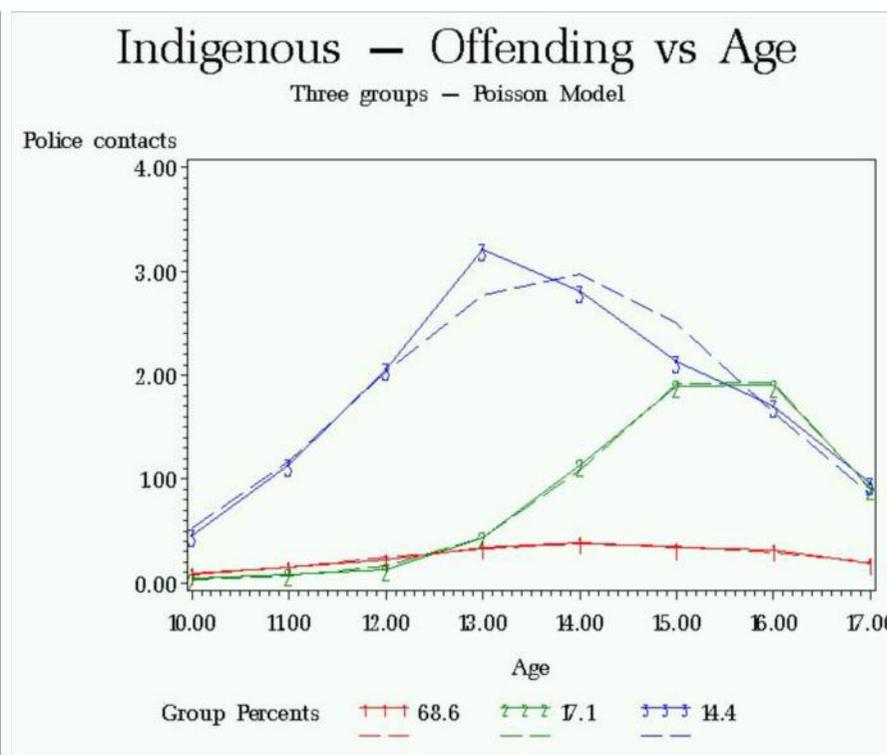
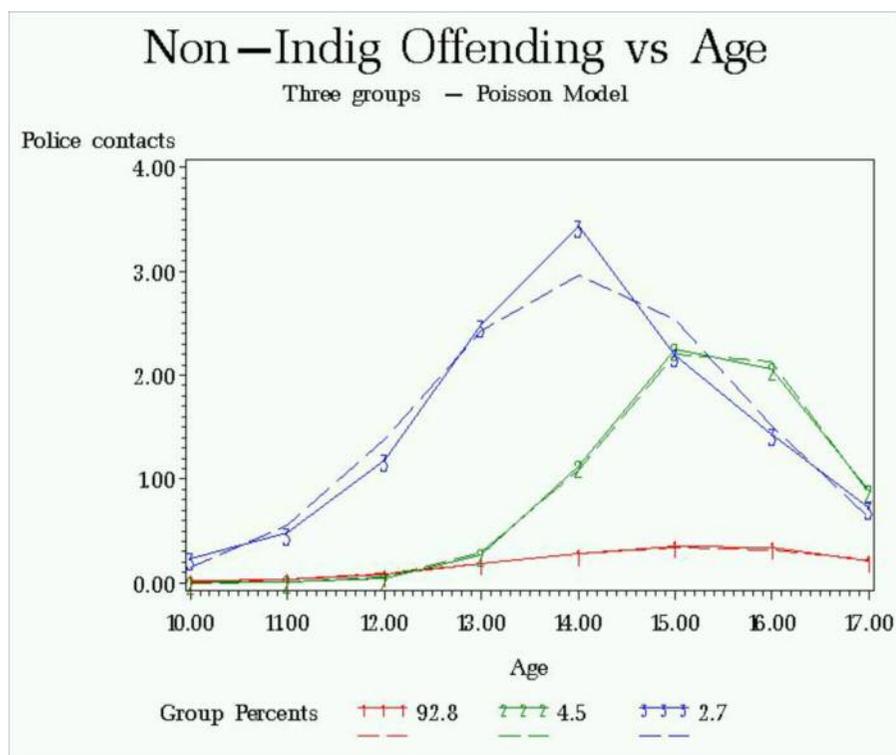
Moderate rate, late onset (17%)

Low rate (69%)





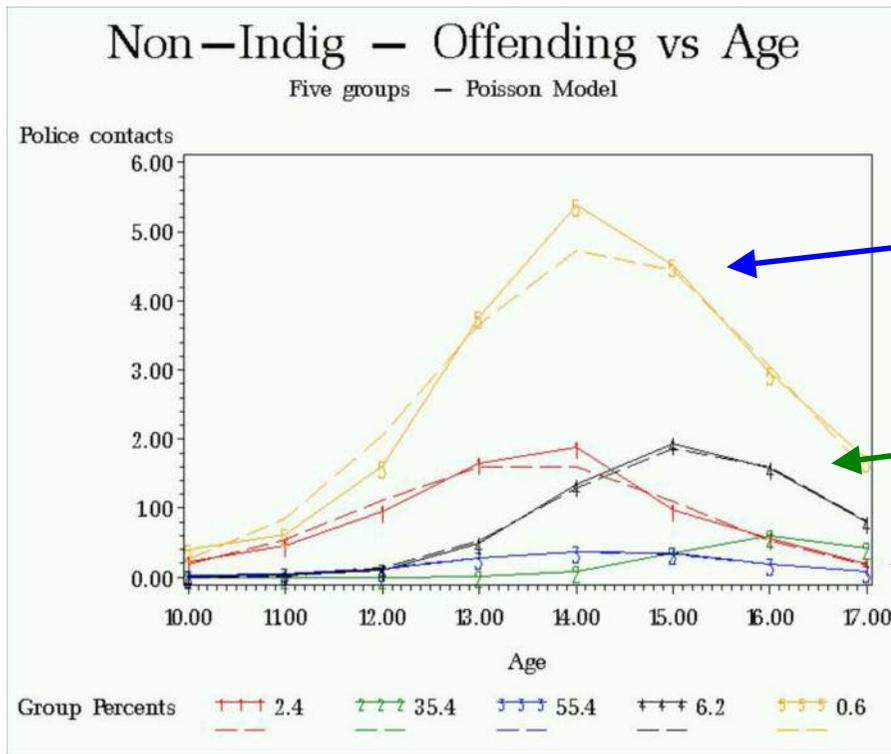
# Comparing offending trajectories



Similar trajectories but % of population in each group very different.



# More complex trajectories (5 groups)



One high-rate group,  
very small % (0.6%)

Two moderate-rate groups  
(2.4% & 6.2%)

Two low-rate offenders  
(35% & 55%)

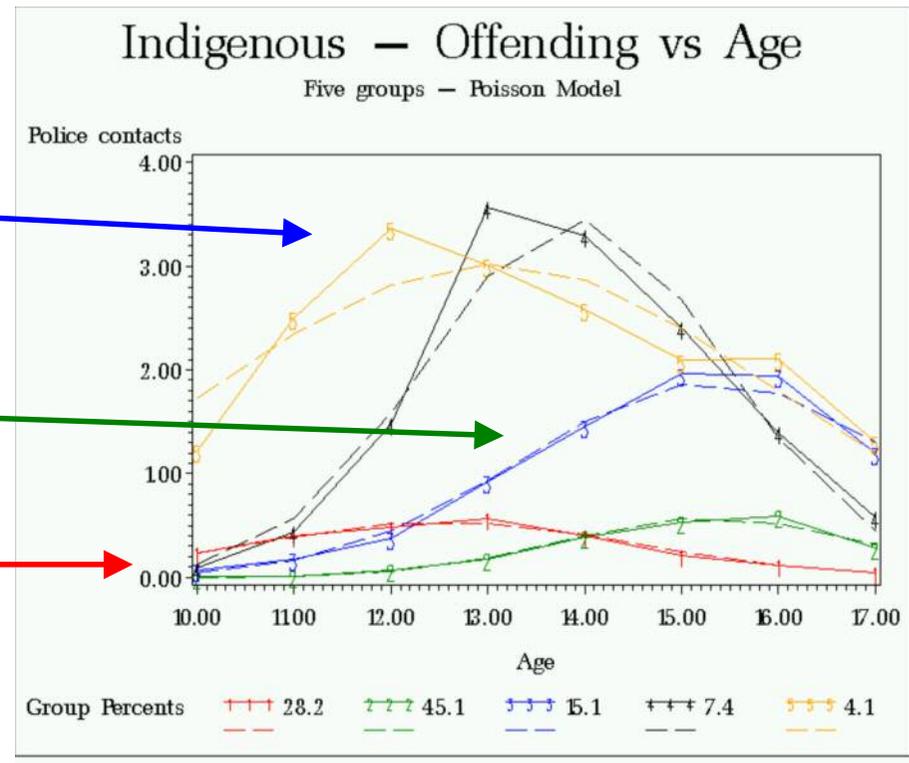


# More complex trajectories (5 groups)

Two very high-rate groups,  
(4% & 7%)

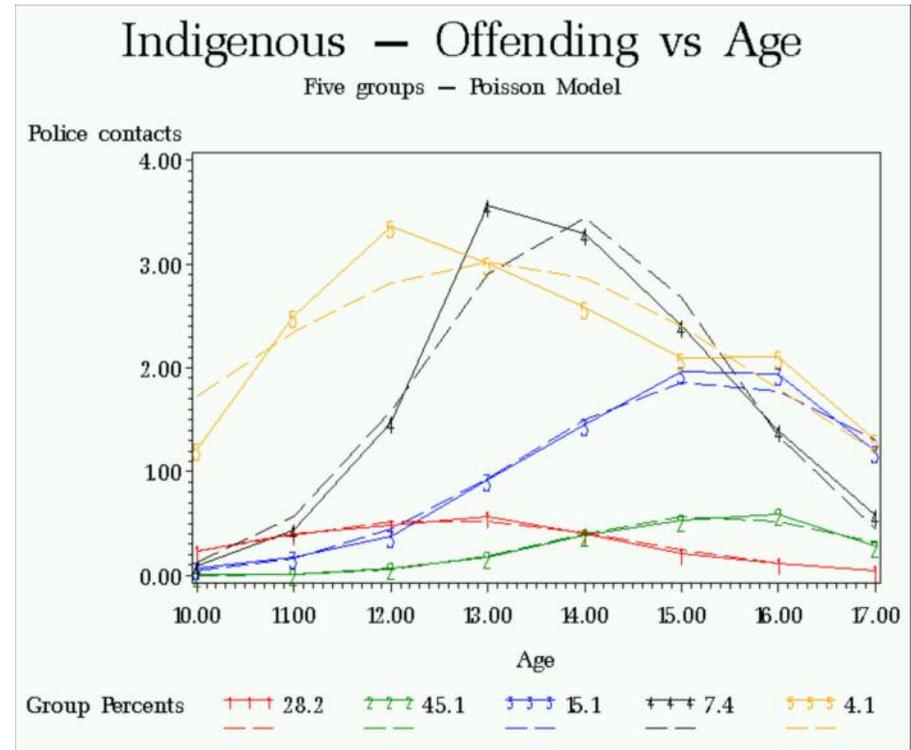
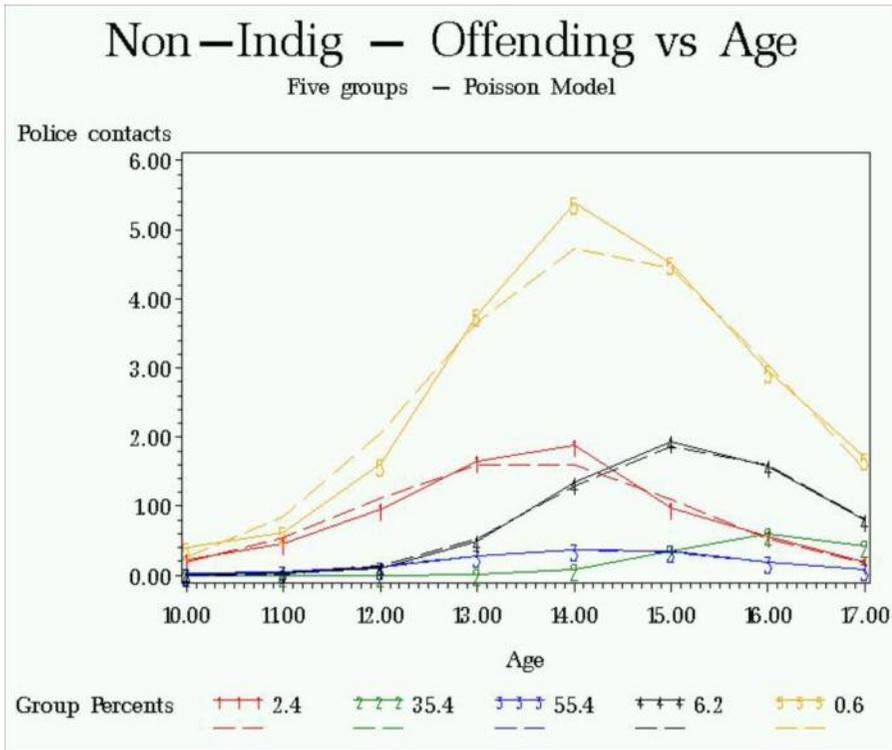
One moderate-rate group,  
(15%)

Two low-rate groups,  
(28% & 45%)





# Comparing 5-grp models





# Some cautionary notes

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- Are we over-stating the utility of taxonomies and the group-trajectory approach?
- Are 'chronic' offenders all that persistent?
- Limitations of using official data
- Explanations of high rates of Indigenous contact
  - More than higher rates of offending vs. systemic bias/racism
  - Complex interaction of history, structural conditions, colonisation, socio-economics, systemic racism, culture, offending patterns.



# Conclusion

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- Taxonomies are useful but let's not over do it!
- Desistance/declining rates in adolescence are evident.
- Model Indigenous data separately.
- Explanations of Indigenous over-rep'n need to be more complex. Socio-economic, cultural, systemic factors need to be included (in data, in statistical models & in explanations).