

Police cautioning in Queensland: the impact on juvenile offending pathways

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As well as being of major concern to the broader community, youth crime is often a precursor to a criminal career extending well into adult years. The use of police cautions is one measure which may assist in reducing the incidence of juvenile re-offending, both by serving as a warning to first time offenders and allowing them to avoid the stigma of a court appearance. This study shows that police cautioning may be a viable cost saving strategy when young offenders are involved. The study of all persons born in Queensland in 1984 found that the majority of young offenders who are cautioned for their first offence are less likely to have re-contact with the juvenile justice system before the age of 17 years than those who are brought before a court. The caveat to this finding is that the current research did not track children beyond 17 years of age. Importantly children who have been maltreated and cautioned are more likely to re-offend than those who have not been maltreated highlighting the importance of programs that target risk factors associated with maltreatment early in a child's life. This is particularly the case for young Indigenous children.

Toni Makkai
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Overview

This study builds on a previous project, *Pathways from child maltreatment to juvenile offending* (Stewart, Dennison & Waterson 2002). That project examined the link between child maltreatment and juvenile offending. It followed all children born in 1983 in Queensland through any contact they had with the child protection system, and/or any juvenile justice matter that required the child to appear in court or be held in custody. The current study involved the addition of the 1984 birth cohort and formal police cautioning histories to the dataset. This report will describe the key findings in relation to cautioning. The aim of this part of the research was to examine the relationship between cautioning and subsequent contact with the juvenile justice system. A detailed description of the outcomes of the maltreatment research is contained in the full report submitted to the Criminology Research Council (Stewart, Dennison & Hurren 2005).

Introduction

Diversion occurs in all jurisdictions in Australia (O'Connor & Cameron 2002; Polk et al. 2003; Wundersitz 1997). In Queensland diversion is a primary official response to juvenile offending and is outlined in the *Juvenile Justice Act 1992*. Within the Queensland juvenile justice system, young people between the ages of 10 and 16 years are deemed children and are entitled to standard due process rights, as well as some special consideration relating to their age (O'Connor & Cameron 2002). Children who are 17 are dealt with by the adult system. Diversion includes being informally cautioned or warned, or formally cautioned by police, or referred to a family conference. As conferences were used infrequently during the relevant period for these

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birth cohorts, police cautioning is the only form of diversion examined in this study. Formal cautions typically result in an internal police record of the offence by the young person, as well as a record of the administration of the caution (Wundersitz 1997). Therefore formal, rather than informal cautions, form the basis of this study. According to the *Juvenile Justice Act 1992*, a caution is typically administered in cases of offending that are non-serious, though a caution can be administered in a case of serious offending at the discretion of the police officer.

While labelling theory was originally one of the key justifications for juvenile diversion, this theory has encountered varying levels of popularity, and empirical findings have often been inconsistent (Bernburg & Krohn 2003). In the Australian context, some additional anticipated benefits of diversion were that the processing of juveniles would be less expensive and more expedient, and the process would become much simpler (Wundersitz 1997). As intervention with the young person occurred much earlier, it was also expected that recidivism could be significantly reduced (Wundersitz 1997). Finally, as the majority of cases would not result in a court appearance, court resources could be more efficiently applied to the remaining more serious offenders requiring more intensive and considered state intervention (Wundersitz 1997).

Very little research is available showing the effectiveness of juvenile diversion in meeting any of its initial aims. It appears that only one Australian study has examined the effectiveness of police cautioning. Challinger (1981) compared two matched groups of juvenile offenders. One group received court processing, while the other group received a police caution. While the differences were not significant, the data showed slightly more recidivism amongst the court processed juveniles than those who received a caution. Based on the results, Challinger (1981) argued that while cautioning was not

necessarily more effective than court processing in decreasing recidivism, cautioning was certainly more expedient and less expensive.

The current study addressed four specific research questions. What proportion of young people who are cautioned have re-contact for an offence as a juvenile? For young people who are cautioned, are sex, age of caution, and maltreatment contact risk factors for re-contact with the juvenile justice system for an offence? Are young people who are cautioned for their first offence more likely to have re-contact with the juvenile justice system than young people who go to court for their first offence? Do multi-agency contacts impact on the seriousness of a young person's offending?

Only a randomised controlled study could accurately assess whether cautioning is effective in reducing subsequent offending. However, for ethical reasons such a study could not be conducted and a control group did not exist in this research. Therefore an attempt was made with the diversion data to identify a comparison group for the children who were cautioned, using those who appeared to be eligible for cautioning but instead appeared in court for their first recorded offence. Consequently, the analysis for question three excludes young people who appeared in court for their first contact and received a supervised order (indicative of a serious offence), young people who had committed a motor vehicle or traffic offence (since this is covered under another Act), and the young people who were found not guilty (see the full report for more detail on this procedure). As no data were available on whether the child made a guilty plea once in court, such children could not be omitted from the analysis. As there may be other key variables that distinguish these two groups from each other and that impact on the effectiveness of cautioning versus court contact, conclusions cannot be drawn as to whether diversion is effective. Therefore, while this study provides

one of the few empirical examinations of police cautioning and its relationship with repeat contact for offending, care needs to be exercised in interpreting results and assessing relevant policy.

Additional limitations associated with this study include a reliance on official records. The terms maltreatment, offending and re-offending will be avoided in this report, acknowledging that not all maltreatment and offending experiences have been captured and that there exist time differences between maltreatment or offending and officially recorded contact with the relevant systems. Therefore, *maltreatment contact* will be used to describe a child's official contact with the child protection system for a substantiated maltreatment notification. Similarly, *offending contact* and *re-contact* will be used to describe a young person's first appearance and subsequent finalised appearances with the juvenile justice system.

Method

Research data

This project uses three Queensland Government administrative datasets. Data were collected on contacts by children born in 1983 and 1984. Information on juvenile offending contacts was obtained from two sources, the Queensland Police Service (QPS) and Department of Families (DoF). In 2004 the protection of maltreated children came under the jurisdiction of the Department of Child Safety, while the Department of Communities became responsible for the juvenile justice system, but as all dealings throughout the research were with, and all data was obtained from, DoF, for the purpose of clarity the key department referred to throughout this report is DoF. Data from DoF included all recorded cases of juvenile offending which resulted in the young person appearing in court or being held in custody. The QPS data included all recorded police cautions for juvenile offending. History of child maltreatment was identified by examining DoF data

for any child maltreatment notifications recorded before a child turned 17 years of age.

Research sample

There were 14,730 children in the two birth cohorts who were cautioned between the ages of 10 and 16. These children received 19,299 cautions and 30,133 charges. The mean number of cautions given to one child was 1.31 (sd = 0.69) and the maximum number of cautions given to one child was 13. Most cautioned children received one or two cautions. Over two-thirds of those cautioned were male (68%). Boys were more likely than girls to be cautioned ($t(10,632.7) = -8.12, p < .001$). On the basis of population statistics, 20 percent of boys compared with 10 percent of girls were cautioned. There were significant differences between boys and girls in their age at first caution ($t(10,632.7) = -8.12, p < .001$). Boys ($m = 14.45, sd = 1.66$) were younger than girls ($m = 14.67, sd = 1.40$) when they received their first caution. When these data were matched with the court data it was found that 158 young people had a finalised court appearance for an offence prior to receiving the police caution. As the focus of this study was examining the relationship between police cautioning and subsequent offending contacts, these young people were removed from the analyses. The resulting 14,572 young people were included in the analyses.

Results

What proportion of young people who are cautioned have re-contact for an offence as a juvenile?

Of the 14,572 young people who initially received a police caution, the majority (69%) did not have offending re-contact. Thirty-one percent (4566) had offending re-contact, resulting in either a further caution or a finalised court appearance. Of children who did have re-contact, 49 percent received a further caution.

For young people who are cautioned, are sex, age of caution, and maltreatment contact risk factors for re-contact with the juvenile justice system for an offence?

To examine this question a logistic regression was performed. The dependent variable was whether the young person had re-contact with the system for an offence (yes/no) and the predictor variables were sex (male/female), age of first caution, and maltreatment status (maltreatment contact/no maltreatment contact). A test of the model was found to be statistically significant (Pearson $\chi^2 = 1597.12, df = 3, p < .001$).

Cautioned males were almost twice as likely as females to have re-contact, with 36 percent of cautioned boys having re-contact compared with only 22 percent of girls. Additionally, cautioned young people who had re-contact were significantly younger ($m = 13.99, sd = 1.55$) at their first caution than cautioned young people who did not have re-contact ($m = 14.79, sd = 1.52$).

Just over seven percent (1041) of young people cautioned had a maltreatment contact. These children were almost four times more likely to have offending re-contact than children who had no maltreatment contact. Of young people who were cautioned and also had a maltreatment contact, just over 60 percent had offending re-contact compared with only 29 percent of young people with no maltreatment contact.

Unfortunately the impact of Indigenous status on a young person's experience of cautioning could not be examined as QPS did not record this at the time of data collection. However, if a young person had maltreatment contact there was information available regarding their Indigenous status. Young people who had both maltreatment contact and received a police caution were examined for subsequent offending re-contact. This analysis revealed

significant differences among the groups, ($\chi^2(1, n = 619) = 5.42, p < .05$). The majority (82%) of Indigenous males who had maltreatment contact and were cautioned had offending re-contact, compared with 66 percent of non-Indigenous males. Similar findings were apparent for Indigenous females with 74 percent of Indigenous girls with maltreatment contact having offending re-contact after receiving a police caution, compared with 47 percent of non-Indigenous females.

It is apparent from these figures that while the majority of young people who are cautioned do not have offending re-contact before the age of 17 years, children who have been maltreated and then come into contact with the police for a caution are more likely to have offending re-contact than no further contact with the juvenile justice system. This is particularly apparent for Indigenous children regardless of sex.

Are young people who are cautioned for their first offence more likely to have re-contact with the juvenile justice system than young people who go to court for their first offence?

Overall, 1634 young people appeared in court at their first contact who could have been cautioned and 14,573 young people were cautioned at their first contact. Of the young people who were cautioned, 31 percent had re-contact. When compared with young people who were cautioned on their first contact, significantly more young people (42%) whose first contact resulted in a finalised court appearance had re-contact ($\chi^2(1, n = 16,206) = 78.68, p < .001$).

It is not possible to examine this result fully by sex and Indigenous status as Indigenous status was not available for young people who had been cautioned and never had re-contact. Young women who were cautioned were less likely to have re-contact (22%) than young women who went to court (36%). However, Indigenous young women

who went to court were more likely to have re-contact (53%) than non-Indigenous young women who went to court (28%). Similar patterns were evidenced for young males. Over one third of young males who were cautioned had re-contact (36%), while 45 percent of young males who went to court had re-contact. Of young Indigenous males who went to court on their first contact, 64 percent had re-contact compared with 39 percent of young non-Indigenous males who went to court.

The time that young people take to have re-contact was also examined in relation to cautioning versus finalised court appearances for first contact. The Cox regression survival analysis allows for modelling of the time to failure beyond the age of 17 and for the examination of covariates. This analysis was performed to test for differences in time between contact and re-contact, comparing young people who were cautioned for

their first offending contact with young people who appeared in court for their first offending contact but may have been eligible for cautioning. Age of first contact and sex were included in the analysis as covariates. There was a reliable effect for cautioning after adjusting for the sex and age of first appearance ($G^2 = 606.86$, $df = 3$, $p < .001$). All three covariates (outcome of first contact, sex, and age of first contact) reliably predicted survival time.

As Figure 1 illustrates, less than 50 percent of cautioned young people would have re-contact by the time 300 weeks had passed. However, almost 80 percent of young offenders who appeared in court for their first contact would have re-contact in the same time period. Furthermore, the young offenders who appeared in court have re-contact earlier, with 50 percent compared with only 20 percent of cautioned offenders.

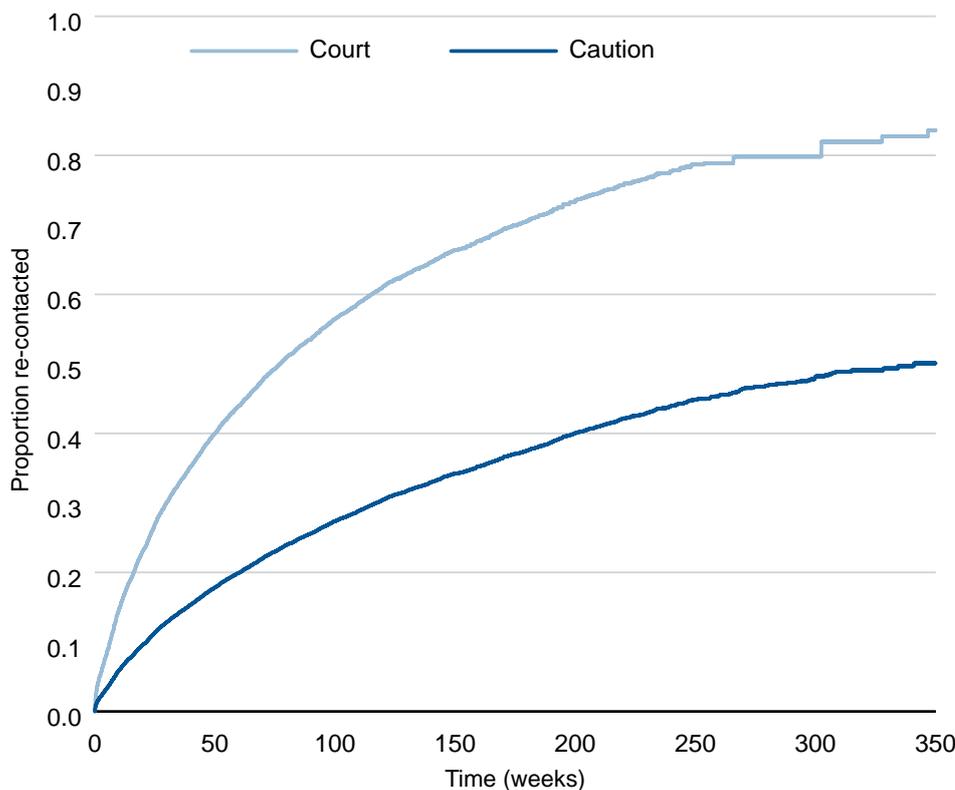
Do multi-agency contacts impact on the seriousness of a young person's offending?

A logistic regression was performed to examine if a young person's history of maltreatment contact and cautioning impacted on their seriousness of offending. All young people who had contact with the juvenile justice system were included in the analysis ($n = 27,066$, 2 cases missing sex were excluded). The dependent variable was seriousness of offending, measured according to whether the most serious disposition the young person received as a juvenile was a supervised or unsupervised order. The predictor variables were sex (male/female), child maltreatment contact (yes/no), and whether cautioned at first contact (yes/no). A test of the model was found to be statistically significant, (Pearson $\chi^2 = 2294.86$, $df = 3$, $p < .001$).

Of young people with offending contacts, those with maltreatment contacts are almost five times more likely to have received a supervised order than young people with no maltreatment contact (odds ratio 4.89). Males were more than twice as likely as females to receive a supervised order by the age of 17 (odds ratio 2.47). Young people with offending contacts who were not cautioned on their first contact but appeared in court were more than seven times more likely to receive a supervised outcome than young people who were cautioned on their first contact (odds ratio 7.53).

When the actual figures are examined (see Table 1), it is apparent that there is a differential impact of the experience of maltreatment contact and cautioning for the various demographic groups. While the majority of young people with offending contacts do not receive a supervised order (86% of males and 93% of females), most of these young people had no maltreatment contact and they received a caution on their first offending contact. For young people who had maltreatment contact, the likelihood of receiving a supervised order was substantially increased.

Figure 1: Survival distribution of time between first contact and re-contact by type of first contact with the justice system



Source: Police cautioning in Queensland [data file]

Table 1: Seriousness of offending by sex, maltreatment contact, outcome of first contact and Indigenous status

Sex	Child maltreatment contact	First offence contact	Indigenous status	Seriousness of offending		Total
				Supervised order %	Non-supervised order %	
Male	No	Caution	Not known	7	93	9313
		Court	Indigenous	59	41	309
			Non-Indigenous	34	66	1251
	Yes	Caution	Indigenous	60	40	107
			Non-Indigenous	30	70	486
		Court	Indigenous	76	24	100
		Non-Indigenous	57	44	230	
Female	No	Caution	Not known	2	98	4216
		Court	Indigenous	39	61	107
			Non-Indigenous	23	77	336
	Yes	Caution	Indigenous	42	58	85
			Non-Indigenous	13	87	315
		Court	Indigenous	55	46	55
		Non-Indigenous	34	66	108	

Source: Police cautioning in Queensland [data file]

While Indigenous status could not be included in the analysis, examination of the available data indicated that Indigenous young people were more likely to receive a supervised order across all conditions, compared with non-Indigenous young people (see Table 1). For young Indigenous men who had maltreatment contact and who had not received a caution on their first contact, over two-thirds received a supervised order. Almost 60 percent of Indigenous males with maltreatment contact who had been cautioned on their first offending contact received a supervised order. As with males, young non-Indigenous women with maltreatment contact who were cautioned were less likely to receive a supervised order than Indigenous young women with maltreatment contact.

Discussion

The aim of this research was to examine the relationship between cautioning and subsequent offending contact. Four key findings emerged from the research. Firstly, while 15 percent of children from the birth cohorts were

cautioned, the majority of these young people did not have re-contact for an offence before 17 years of age. This is consistent with the findings of Coumarelos (1994), where the majority of young people who appeared in the Children's Court for a proven offence did not reappear in court as a juvenile. The results support Challenger's (1981) conclusion that police cautioning may be an effective cost saving strategy in relation to young offenders, compared with the costs associated with processing these children through the court system.

The second important finding was that for young people who were cautioned, sex, age of caution, and maltreatment contact were significant risk factors for offending re-contact. Males were almost twice as likely to have re-contact as females and those young people who had re-contact were younger at their first caution than children who did not have re-contact. While this finding is limited to contact that occurred prior to the age of 17, it does provide some support for Moffitt's (1997) and Makkai and Payne's (2003) contentions that an earlier age of onset of offending is

associated with persistent offending. Maltreatment contact was a significant risk factor for offending re-contact, with maltreatment contact children being almost four times as likely to have offending re-contact subsequent to a caution compared with children with no maltreatment contact. This finding does not mean that cautioning does not work with maltreated children. Rather, maltreatment contact may serve as an indicator that a child is exposed to a number of circumstances that place them at risk of offending re-contact (Stewart, Dennison & Waterson 2002).

The third key finding was that young people whose first offence contact resulted in a court appearance were more likely to have re-contact, and to do so sooner, than those who were cautioned at their first contact. Additional analyses revealed that of young people who had re-contact, those who were cautioned had re-contact less frequently than those whose first contact resulted in a court appearance. Finally, in terms of seriousness of offending, a history of maltreatment contact, being male, and appearing in court for first

contact, were factors that increased the likelihood of a young person eventually receiving a supervised order for an offending re-contact. However, across the maltreatment and sex categories, appearing in court for a first offence contact rather than being cautioned was a significant risk factor for the most serious offending outcome.

Despite the methodological limitations, including an absence of a control group and reliance on official records, some tentative conclusions can be drawn. The first is that the majority of children are being cautioned for their first offence contact, and that of these children, the majority do not have re-contact prior to the age of 17 years. Therefore, diverting children away from the court system is likely to be an efficient way of responding to young people on their first contact. However, recent research in New South Wales found that although 43 percent of young people who appeared in the Children's Court in 1995 reappeared by 2003, this figure rose to 68 percent when appearances in the adult criminal courts were included (Chen et al. 2005). Therefore the non-inclusion of data in the current research from age 17 is likely to result in an under-estimation of the incidence of re-contact in these birth cohorts.

The second conclusion is that when comparing children who were cautioned for a first contact with children who went to court for a first contact but appeared to be eligible for cautioning, children who were cautioned fared better in terms of likelihood of re-contact, frequency of re-contact and most serious sentencing outcomes. Although attempts were made to eliminate children from the comparison group

who had committed serious offending at first contact (determined by the presence of a supervision order), it is possible that children who went to court for their first offence contact engaged in more serious offending or were previously known to police. This may have led the police to direct the children to appear in court. Therefore we cannot conclude that cautioning reduces offending. However, we can suggest that cautioning does not appear to increase offending contacts relative to those young people whose first contact was a finalised court appearance.

Because of the limitations in the research design, policy implications are limited. We need to better understand why children are being cautioned versus appearing in court for their first contact. Furthermore, it is essential that follow-up research is conducted to examine the relationship between cautioning, court appearances and adult offending. Nevertheless, one clear policy implication is that formal police cautioning is not sufficient if it is used as a crime prevention strategy in the presence of other risk factors. Children who have contacts across multiple systems fare worse in terms of offending re-contact and eventual detention orders. If police cautioning is used for the majority of children, then the timing of the caution may be an opportunity to engage children and their families in targeted crime prevention programs. However, intensive or high-resource intervention programs should be limited to those children with multiple risk factors. A whole-of-government approach is required to address children's experiences across multiple systems.

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