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**ADULT OFFENDERS PREVIOUSLY DEALT WITH
IN JUVENILE COURTS**

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Introduction

A high proportion of offenders who appear before the courts, in connection with current criminal offences are recidivist or chronic offenders. Some have criminal careers which stretch back to childhood.

A number of criminologists (e.g. West and Farrington 1977) have asserted the damaging effects which accrue from a finding of guilt in a juvenile court. They argue that the conviction*, and the attendant labelling impact on the juvenile offender, may act as a predisposing factor to later criminal activity. This predisposition, it is alleged, may be additionally heightened by incarceration with other offenders in a juvenile corrective institution.

However, it is not the aim of this Information Bulletin to examine the above hypothesis, but, rather, to quantify the extent to which adult offenders in New South Wales have, in fact, previous juvenile and adult convictions.** Such an exercise would seem especially appropriate at the present time, when the Child Welfare legislation of this State is currently under review.

* The term 'conviction' is not used when referring to matters dealt with in juvenile courts, but rather 'a finding of guilt' is recorded. The Bureau is aware of this distinction but as a short hand will refer throughout this statistical Bulletin to 'convictions'.

** Further discussion of the implications of prior juvenile and adult convictions can be found in Research Report No.5 published by this Bureau in July, 1979.

The Present Study

Table 1 below, shows the proportion of offenders appearing before Courts of Petty Sessions and the Higher Criminal Courts between 1974 and 1977 who had any type of previous conviction - adult or juvenile.

TABLE 1. PROPORTION OF ADULT OFFENDERS WITH ANY TYPE OF PREVIOUS CONVICTION-COURTS OF PETTY SESSIONS & HIGHER CRIMINAL COURTS 1974/1977

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
	%	%	%	%
Petty Sessions appearances	48.3	44.2	44.2	49.8
Higher Court appearances	74.6	74.2	73.8	73.0

Sources: N.S.W. Bureau of Crime Statistics and Research: Court Statistics, 1974-1977.

Australian Bureau of Statistics: New South Wales Statistics of Higher Criminal Courts, 1977.

The pre-conviction rate is shown to be fairly consistent over time, and those appearing before the Higher Criminal Courts are demonstrated to be much more likely to have previous convictions than those presenting before Courts of Petty Sessions.

Courts of Petty Sessions

Courts of Petty Sessions in New South Wales furnish returns to this Bureau in respect of all cases heard in that jurisdiction and the Bureau publishes annual reports of these statistics. The data for 1977 were re-analysed to establish the proportion of offenders with prior juvenile convictions. The data analyses are based on an approximate 15 per cent random sample of total appearances.

Around 50 per cent of those who appeared before these courts in 1977 had no previous convictions of any kind. Thirty-eight per cent had a previous conviction in an adult court, whilst, 12 per cent had a prior conviction in a juvenile court, either alone, or in addition to an adult conviction.*

The nature of previous conviction was classified by type of offence for which the person appeared before these courts in 1977. Table 2 shows that there is not a great deal of variation between offences with respect to the proportion of previous juvenile convictions. The highest percentages of prior juvenile convictions for which there is any statistical reliability relate to injury to property, driving and offensive behaviour charges.

* There is a small sampling error in these figures which approaches a maximum the nearer the percentage is to 50. The true percentage of persons without a previous conviction in Courts of Petty Sessions has a 95% chance of lying between 49% and 51%.

TABLE 2 - PERCENTAGE WITH PREVIOUS OR NO CONVICTION BY TYPE OF OFFENCE FOR WHICH THEY APPEARED IN COURTS OF PETTY SESSIONS IN 1977

	Total % against person	Sex offences	Prost- itution	Fraud	Larceny:Break enter steal unlawful possession property	Injury to property	Driving	Offensive behaviour and related offences	Vagrancy	Betting and gaming	Unlawful possession of weapon	Environmental offences	Other	
No previous convictions	50.2	54.6	37.5	23.0	45.2	56.0	36.3	43.6	49.7	29.8	63.4	53.1	70.6	50.8
Childrens Court conviction (alone or with adult conviction)	12.3	11.5	10.0	10.3	12.7	11.8	15.9	15.1	12.7	15.8	5.2	11.9	0	13.6
Adult conviction	37.5	35.9	52.5	66.7	42.1	32.2	47.8	41.3	37.6	54.4	31.4	35.0	29.4	35.6
Total in sample	6586	883	40	261	290	2052	278	237	1268	114	194	160	17	492

NOTE: Care should be used in interpreting table 2. For instance the sampling error in the case of percentages which relate to very small numbers, such as in the vagrancy column, may be very high. The sample figure of 29.8% of persons with no previous convictions for vagrancy, represents a population figure which lies between 16 and 42% at the 95% confidence level.

Higher Criminal Courts

A similar system of reporting to that pertaining to the Courts of Petty Sessions exists with the Higher Criminal Courts in New South Wales. However, they report their cases to the Australian Bureau of Statistics, and not to this Bureau. Likewise, the Australian Bureau publishes annual reports of the statistics. Details of previous convictions were obtained from a re-analysis of the data for 1977.*

Results

Of the 3425 cases dealt with by the Higher Criminal Courts in 1977, 41.0 per cent had juvenile court convictions.

Of the 1404 persons with juvenile convictions, 16.0 per cent had, when juvenile offenders, received non-custodial sentences (bonds etc.). The remainder, (84.0 per cent) had been sentenced to a term in a juvenile corrective institution. It is interesting to note that in 1977 only 11.3 per cent of matters dealt with by juvenile courts resulted in a custodial direction being made.**

Offence Type by likelihood of previous juvenile conviction

Higher Criminal Court convictions in 1977 were divided up according to the categories of principal offence, and the likelihood that a person convicted for a particular type of offence would have a previous juvenile conviction for each category of offence was calculated. The results are shown in Table 3 in order of likelihood of having a previous conviction.

* Australian Bureau of Statistics, New South Wales Statistics of Higher Criminal Courts 1977.

** N.S.W. Bureau of Crime Statistics and Research. Court Statistics 1977. p.57.

TABLE 3 - PREVIOUS JUVENILE CONVICTIONS OF HIGHER CRIMINAL COURT OFFENDERS

<u>Offence category</u>	<u>Percentage with previous convictions</u>
Break enter and steal	62
Robbery	53
Larceny	49
Heterosexual	39
Assault	36
Drugs	22
Driving	19
Fraud	13

It is clear that persons convicted for stealing type offences in the Higher Criminal Courts are more likely to have had a juvenile conviction.

CONCLUSION

The most striking difference between the Higher Criminal Courts and Courts of Petty Sessions statistics is the difference in the likelihood of defendants having previous juvenile convictions.

Only 12 per cent of Petty Sessions appearances involved persons with a previous juvenile conviction compared with 41 per cent of Higher Criminal Court appearances.

One must conclude that many long term criminal careers are initiated with a juvenile conviction and early institutional experience.