

TRANSCRIPT

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into youth justice centres in Victoria

Melbourne — 14 June 2017

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Witness

Ms Fiona Dowsley, Chief Statistician, Crime Statistics Agency, Department of Justice and Regulation.

The CHAIR — Welcome to everybody who is present, both in the audience and also Ms Dowsley. Thank you very much for coming along this afternoon. Welcome to this public hearing of the legal and social issues committee. All evidence being taken at this hearing is protected by parliamentary privilege; therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege. The evidence today is being recorded.

What we have been asking people to do is to make some brief opening remarks. Optimistically we have asked people to keep these to 5 minutes. I will not make any judgement about how successful people have been on this front, but if you would like to make some opening comments, I would invite you to do so, otherwise we might just throw it open to questions. So we are in your hands.

Ms DOWSLEY — Thank you very much. I will take the opportunity to make a few points if I could. Good afternoon and thank you to the inquiry for the invitation to come and address you today. I would like to recognise the traditional owners of the land upon which we meet and pay my respects to their elders past and present.

I am the chief statistician of the Crime Statistics Agency, which is a business unit within the Department of Justice and Regulation. I have two legislated functions under the Crime Statistics Act 2014, one of which is to publish and release statistical information linked to crime in Victoria and the second of which is to undertake research and analysis into crime and criminal justice issues and trends.

My role sits under the responsibility of the Minister for Police. The CSA commenced public operations from 1 January 2015, and in that time we have published a research agenda and a number of research reports and we have released quarterly statistics. Whilst the primary focus of the CSA is police-recorded crime statistics, we do conduct research which looks at broader themes across the justice system — for example, we have recently released the family violence database, which collates information from across the service sector.

I have prepared a summary of some work the CSA has published over the last 18 months relating to youth offending as well as some emerging issues in our more recent statistics that may be of interest. Nationally there has been a drop in youth crime observed for several years. According to the ABS, the national youth offender rate for those aged 10 to 17 years decreased from 3187 per 100 000 to 2390 between 2008–09 and 2015–16. According to the most recent 2015–16 data, which enables some comparison between states, Victoria has the second lowest youth offender rate in the country. Similar declines in youth offending have been observed internationally across Canada, the US and New Zealand and similar other high-income countries, where crime, and in particular youth crime, has been decreasing.

Locally in Victoria, from 2007 to 2016 there has been a drop of 48 per cent in the number of 10 to 14-year-old offenders and a 34 per cent drop in 15 to 18-year-olds. In 2007 there were 4435 offenders recorded aged 10 to 14, and 11 214 offenders reported aged 15 to 18. By 2016 this had dropped 2300 and 7277. Increases have been observed in the older age groups, however. There were 12 614 offenders recorded that were 19 to 24 years in 2007, and this rose to a peak in 2013 of 18 500 roughly, decreasing in 2016 back to 15 651. The largest increases were for those aged 25 years and over, however, which rose 75 per cent in the same period. Similar trends are visible when looking at offender rates, which also allow for changes in the demographic population over time.

While we have fewer recorded youth offenders overall, there is evidence that these offenders are recording more alleged crime per person than they used to. In a study examining changes in youth crime in Victoria for the last 10 years, the CSA researchers found that the proportion of offenders with one or two incidents recorded in 2015–16 decreased slightly compared with the previous 2011–12 and 2007–08 periods, whilst the proportion recorded for three or more incidents increased. In particular, the proportion of offenders with 11 or more incidents recorded has increased to just over 5 per cent of all youth offenders aged under 18 in 2015–16. This latter group of 1685 offenders were responsible for 32 592 offender incidents or 30 per cent of all younger offender incidents recorded.

There has also been an increase in the number of offences per incident for younger offenders. In a study comparing offenders aged 10 to 14 in 2006–10 compared with those aged 10 to 14 in 2011–15 — so across their first five years of potential offending — we found that the average number of offences recorded per offender had risen from 3.8 in the earlier period to 5.4.

In summary, our research has shown that fewer children have been reported by Victoria Police for committing crimes in recent years and that younger people are committing a smaller proportion of all crime in Victoria. However, those who do are recorded for more incidents and more offences per incident than they had been in the recent past, so this begs the question of whether our current cohort of youth offenders are different to other cohorts or to our expectations of youth offending based on the literature.

CSA researchers have conducted analysis to see if the youth cohort in Victoria behaved in line with these expectations using a cohort of alleged offenders born between April 1996 and March 1998 — so they were about 18 by the time we did the study. The analysis found four separate groups within this cohort with different offending trajectories. There was a low-frequency offending group, an adolescent-limited group, a late-developing group and a high-offending group. The vast majority — so 89 per cent of all those offenders — fell into the low-frequency offending group who, as the name suggests, offended at a very low rate. They had an average of 0.4 incidents per person per year, so they have a few incidents and then they cease to reappear in the data.

The adolescent-limited group offended primarily in their mid-teens, as the name suggests again, peaking at 3.1 incidents at 15 years or so of age, and they represented 6.4 per cent of offenders in the cohort. The late-developing group offended rarely before the age of 15 before rapidly increasing the frequency of their offending, reaching 7.5 incidents per offender by the by the age of 17. The high-frequency offending group commenced offending much earlier than the other groups. They had recorded just under one incident per offender by the age of 10, peaking at 11.6 incidents per offender at age 15 and declining to 7.3 incidents at the end of the study when they were aged 17. It is possible that this tail-off was also due to incarceration, given the very high level of offending that these people had shown and their history to that date. So the tail-off may not be because they suddenly reformed and stopped offending.

Risk factors for inclusion in one of the three higher offending frequency trajectory groups included being male, identifying as Aboriginal and Torres Strait Islander and living in one of the most socio-economically disadvantaged areas of Victoria at the commencement of their offending, and 23 per cent of the late-developing group's first offence was a crime against the person, which was higher than other groups. The high-frequency offending groups were also more likely to have their offence be a property offence. The low-offending group were most likely to receive a caution or warning for their first offence, and a caution or warning was least likely to be given to the late-developing group. So overall the groups fit well with current studies, and they showed that the group is not homogenous. There are definite sections within our youth offending community.

The figures I have just quoted have come from specific research projects that we have completed over the last 12 months; therefore some of the data is getting a little old. In our more recent statistics, up to the end of December 2016, there has been a small increase in alleged offenders in 2016 for our youth cohorts. There were 7481 10 to 17-year-old unique alleged offenders in 2016, which was slightly higher than the 2015 figure of 7386. There were 2243 unique alleged offenders aged 10 to 14 years in 2015 and 2300 in 2016, so there is a small difference. The proportion of all offenders who were 10 to 17 was still lower in 2016, however, and 9.1 per cent of offenders were aged 10 to 17 in 2016 compared with 9.4 per cent in 2015 and 12 per cent in 2012.

So overall our recorded crime data suggests there have not any significant increases in youth offenders in Victoria. On the contrary, the long-term trend has been for a reduction in youth offending, and the most recent figures show slight differences but nothing to seriously disrupt the trend at this point. That is all I have for my opening statement, so I am happy to field any questions if I can help.

Mr MULINO — On figure 3, it is quite an interesting contrast post-2010 in what is happening with under-25s and over-25s. So for under-25s the number of offenders is declining pretty constantly, and for over-25s it is increasing. If you were to characterise the overarching crime issue in this state, it is not a young offender problem.

Ms DOWSLEY — That is correct. Certainly in terms of volume, it is coming from the older age groups, part of which is linked to the increased recording of family violence, so we are acknowledging a certain level of crime that just has not been recorded before and addressed before. But we are seeing it across the board in other offences as well, so I am not sure that is entirely the driver.

Mr MULINO — Just one other question. If you look at table 3, so looking at the offences by this high-offence group, it is 182 people, 1.6 per cent, but they are pretty big absolute numbers. You have indicated that in that high-offence group a high proportion of their first offences are against the person compared to other groups. This table indicates that a majority of the offences committed by this high group are property crimes — 67 per cent — but do you have a sense over the last, say, six years or 10 years about the severity of crime being committed by this small cohort?

Ms DOWSLEY — I do not have that with me. We have actually got a research piece at the moment that is looking at whether youth offenders' first offences are becoming more serious over time. It is in the validation stage so I do not have it with me to share today, but it will be released in the next month or so. That will be able to get to that question. It is something we have been looking at.

Mr MULINO — When you say first offence, is that breaking it down into these four categories as well?

Ms DOWSLEY — Not strictly, but it does look at violent offences and the more serious violent offences, so we are making that distinction — not specifically by different trajectory groups, no.

Ms SYMES — Thanks for your presentation. I just wanted to clarify something. When the police came and gave evidence, they were suggesting that it is virtually impossible to steal a modern car these days without the keys, which is one of the reasons that we might be seeing home invasions as well. In terms of an incident such as a home invasion when they go on to steal a car, is that recorded as two separate offences in terms of theft of a motor vehicle and a home invasion for your statistical work?

Ms DOWSLEY — It would be, yes, and we have also got the added complexity of the new offence of home invasion that came on at the end of last year. Depending on when you are looking at the statistics from, it could appear in different ways, but yes, the elements would all be counted separately in terms of the offences.

Ms SYMES — And do you have a view as to the investment in more police and the family violence investment and what that will show in your statistics?

Ms DOWSLEY — It is frankly very hard to predict. When looking at the literature around the effect of more police on crime, you can basically find any type of finding that you want. It has been very divergent. A lot of those studies were also done internationally, so it is difficult to really generalise from the findings, say, of a very urbanised street corner, hotspot policing strategy in Pittsburgh or somewhere in the US to what it is going to mean in Melbourne. I do not have a firm view about what the likely effect of that may be, based on the evidence. What we do tend to see overall is that if you have more police, more crime will be recorded, but it is very difficult to say whether that is a chicken and egg thing of: are more police being ordered because there is more crime or is more crime being recorded because there are more police to record it? It becomes very hard to actually empirically separate all of these forces that occur at the same time.

In terms of family violence offending, we have been absolutely seeing an increase in the recording of that in recent years. A lot of that has been to do with practice change. The big increase around increased family violence came post-2012, which is when the most recent Victoria Police code of practice was introduced, and that is when we saw a lot more recording of family violence. So I think policy as much as resourcing is very impactful when you are looking at changes in the statistics.

Ms SPRINGLE — I am not sure whether you are going to be able to answer my question given what you have just said, but you mention in figure 3 that the increase in over-25-year-olds was partly to do with the increase in family violence reporting. Is that broken down somehow so we could have a look and perhaps could take that out of the equation to see what is left?

Ms DOWSLEY — Yes. I would have to take that on notice, but we can do that.

Ms SPRINGLE — Is that possible?

Ms DOWSLEY — Yes.

Ms SPRINGLE — That would be really useful. Thank you.

Ms PATTEN — When we have been speaking about some of the first serious offenders, so first-time serious offenders that are offending later, in the older age groups, there has been consideration around social media and the way that people are connecting. Are we seeing any of that in this data. Are we seeing the high or late-developing offenders doing it with other longer term offenders that they are connecting with at a later date?

Ms DOWSLEY — That is something I cannot answer off the top of my head. We would have to look into that. It would be complex but it may be possible to look at.

Ms PATTEN — Thank you, Fiona, if that is possible. I might have misheard when you were answering Mr Mulino, but you talked about the trajectory in figure 3 of the over-25 offenders but not the decline in the under-25s. Is there any reasoning as to why we are seeing a decline in youth offending?

Ms DOWSLEY — There are a lot of theories abounding; proving them is another matter. But certainly in terms of the criminological literature around the drop in youth crime and the drop in crime generally, a number of things are going forth as possible answers. One of the theories put forward is that there is a change in the group going through because there are a number of different social measures where they are improving, so increased school retention, decreases in teen pregnancy, decreases in drug and alcohol across the whole of people within that age group. There is a suggestion that what we are actually losing is some of the lower grade delinquency that maybe we had in the past.

There is also the activity of what was referred to earlier, which is called the security hypothesis, which is that we have made it harder to do a lot of the things that young kids often end up doing. It is harder to shoplift because we have put security on everything, it is harder to steal cars and go joyriding because we have made it really hard to steal cars. So there are a number of things that are now built into our physical environment that make it more difficult for some of those, for want of a better term, traditional youth delinquency crimes to occur without real effort. That may have produced a bit of a disincentive for perhaps our younger people who were not quite as committed to what they wanted to do.

Ms PATTEN — That is more opportunistic.

Ms DOWSLEY — Exactly. That is a theory that is currently being researched. There are a number of different things that could be going on. I think it is a little bit from column A and column B: perhaps our young offenders are behaving better overall, but we have also then got the displacement by our older offenders, who are being reported for more crimes than they have been previously.

Mrs PEULICH — I am interested in your comments in relation to statistics being impacted on by policy, by resourcing, by changes in laws, and new offences being established but also some offences being removed.

Ms DOWSLEY — Fewer get removed that I note that make an impact. It is much more likely that we just often change things in terms of categories. Some entirely new categories come on board where some things are in an area where they have not particularly been criminalised before. Sometimes it is a matter of things being carved out in different ways, or the law is being reformed so it is structured in a different way. Often it is more an issue of where things sit in the data changing over time, which makes comparison a little bit difficult, as opposed to there being entirely new fields of crime being defined, if that makes sense.

Mrs PEULICH — I recall the changes that were made to handling first offenders in relation to marijuana. The practice that has come into being is that the first offence is not recorded. Of course if it is never recorded, every offence becomes a first offence. So in a sense that can fall off the radar as well. It sort of goes hand in hand with your comment that lower levels of delinquency perhaps are not recorded, and it is harder to get a conviction. Could that affect the stats as they apply to those who may have committed the lower levels of crime, as opposed to those where there may be a bundle of crimes but then the police or prosecutors may take time to prepare and have a higher chance of actually getting a conviction? Can that impact on the sorts of stats and the trajectory that you are painting?

Ms DOWSLEY — It would be difficult for me to know, essentially. What we have got coming through is everything that is recorded by Victoria Police. Now obviously if there is discretion being applied before things are recorded, I cannot tell. We simply have to take the figures at face value. So that would be a question for Victoria Police about their particular policies around charging and recording.

Ms CROZIER — I am just going to ask a couple of questions, and thank you for your presentation. You state in your submission that in 2013 there were changes to the bail laws from the Sentencing Advisory Council that have an impact, that there was a significant increase between 2013 and 2015, which confirms what you have said to us in relation to some of those numbers relating to young people; and then obviously there were changes from the Andrews government in 2016 to those bail laws. Can you just explain a little bit more about how that has impacted on these statistics, and I am particularly interested in the younger age groups?

Ms DOWSLEY — Okay. To clarify it, with the data that we get coming through in terms of bail, really all we can see is whether someone has breached bail, because that is an offence, so I can only really speak to those. Overall in terms of breach of bail there has been an increase since those changes, because that is an area where we do now have additional crime that we are recording. I do not think I actually have a breakdown with me of youth offenders for breach of bail, so I would have to get that and provide it to the committee on notice, if that is okay.

Ms CROZIER — Thank you very much, if you would not mind. I just had my table up here and it has disappeared, but I want to go to the point about the 11 or more incidents that have been committed. In 2015–16, from my observation from a table that was provided by the Crime Statistics Agency, could you outline how many offences those 11 or more incidents accumulated over the year for the cohort of 10 to 14 and then 15 to 18?

Ms DOWSLEY — I am just looking to see if I have that; I am not sure I have actually got that with me, I am afraid.

Ms CROZIER — I might go to something else and come back to it in a moment, but you said in your presentation that of those 11 or more incidents, 5 per cent were those that had been sentenced to youth justice facilities; is that correct?

Ms DOWSLEY — No, that is not correct.

Ms CROZIER — Could you clarify that for me? I might have misheard you.

Ms DOWSLEY — I certainly will. I will just grab the figure I was quoting, if you can bear with me just for a moment. This was a particular study that compared a couple of different time periods. None of these are people who necessarily end up in youth justice; these are people who police have recorded — so to clarify that point. The proportion of offenders with 11 or more incidents recorded that increased to 5 per cent of young offenders under age 25 in 2015–16, that was 687 offenders in the group. They were responsible for 14 624 offender incidents. So an offender incident is where you get recorded by Victoria Police for a crime, if you like, for a criminal event. So you could be recorded multiple times for that; hence the large proportionate number that they are contributing.

Ms CROZIER — Sure. The table that I was referring to, which I have just found, was from page 2 of the Crimes Statistics Agency document, and it talks about the number of incidents recorded per unique offender. There is one incident, two incidents, three to five, six to 10, or 11 or more incidents. In that table it says that there is a total number of 32 592, which would indicate that it is a total of 1685 offenders, which I think you referred to.

Ms DOWSLEY — I found it, so now I know where we are referring to. Apologies; we were all looking at different things.

Ms CROZIER — That is it.

Ms DOWSLEY — So what you are referring to is a table that is from an *In Fact* we produced in July last year. Yes, that refers to our 11 or more incidents group: that they made up 3.8 per cent of the unique offenders in that group and they were responsible for 32 592 incidents.

Ms CROZIER — That is a bigger group than just a couple of hundred, is it not, in relation to those multiple offences that are being committed.

Ms DOWSLEY — Yes. These were two separate studies. So this is a group that is looking at all youth offenders aged 10 to 24 years, so a very big youth cohort, the widest you can possibly define, and it was looking

at them purely by the number of incidents they committed in 2015–16. So you get people from all different age groups within that group.

The other study I was talking about that looked at the trajectories, that took a birth cohort of two years. So we were following a very small group of people born within two years all the way through their first eight years of possible offending. That is where we found that there was quite a small group within that cohort that was in that really high frequency group. So they are two separate studies.

Ms CROZIER — Okay, but the table that I am referring to is actually what is recorded: 11 or more incidents by those aged between 10 to 24 is in actual fact 32 592 incidents —

Ms DOWSLEY — Correct.

Ms CROZIER — which is a rather high number, I would suggest.

Ms DOWSLEY — Well, it is, and this is rather the point — that of those aged 10 to 24, you have got less than 4 per cent of that group responsible for nearly 30 per cent of the incidents, and that is what we have been talking about. It is a consolidation, if you like, of a large impact of offending from a very small group of people, relatively speaking.

Ms CROZIER — So the 4 per cent is the couple of hundred that —

Ms DOWSLEY — No, the few — —

Ms CROZIER — What is that 4 per cent figure?

Ms DOWSLEY — In that table you are looking at, 11 or more incidents, 3.8 per cent — that is what those are. So of the 10 —

Ms CROZIER — 1685.

Ms DOWSLEY — Yes. So of all those 10 to 24, 3.8 per cent of them had 11 or more incidents. There are 1685 of them who have committed, as you say, 32 000 incidents. That is a totally separate study from the cohort before that we were talking about where there are a few hundred people in a particular high-frequency cohort.

Ms CROZIER — I was just wanting to ask you: they are still fairly high numbers in terms of offenders and incidents that are occurring across the Victorian community.

Ms PATTEN — That is over every person —

Ms DOWSLEY — That is everyone aged 10 to 24 in 2015–16, yes.

Ms CROZIER — Anyway, I will let others have a question. Thank you very much for that clarification.

The CHAIR — Are there any further questions?

Mr MULINO — Yes, just one quick one. Just on crimes against the person, the interesting thing in figure 5, I think, is the younger you go the more it is about property crimes. If you look at crimes against the person, it is actually the 40-plus group that is the biggest percentage and it is pretty stable up until then. So sometimes the coverage can give you a bit of a skewed perspective on that.

Ms DOWSLEY — I think that is fair to say, and, as we were saying earlier, when we have looked at the increase and where the real volume is coming in terms of our crime, it is coming from those older age groups, and it is getting older each year, just slightly. So we are seeing a bit of a drift in terms of the average age of our offender et cetera.

The CHAIR — Do you have one more question, Ms Crozier?

Ms CROZIER — Yes. If I could just follow on from Mr Mulino, in terms of that increasing age group, those numbers are getting bigger, so those people, did you say, are committing the more violent crimes?

Ms DOWSLEY — It is a mix. Some of it is property, some of it is crime against the person and some of it is family related and some of it is not. It is not one thing or the other, but we have undertaken to provide that breakdown, so we will provide that to the committee in detail.

Ms CROZIER — Terrific, thank you.

The CHAIR — Ms Dowsley, thank you very much for coming here today.

Ms DOWSLEY — Thank you.

The CHAIR — You will be provided with a transcript within a few weeks for review.

Ms PATTEN — Just out of interest, could we just get tabled the report, the snapshot — —

Ms DOWSLEY — I will send it through.

Ms PATTEN — Thank you.

Ms DOWSLEY — No problem.

Witness withdrew.