

PROLIFIC LOW-GRADE OFFENDERS — PROFILE

2663. Hon Giz Watson to the Parliamentary Secretary representing the Attorney General

- (1) What is the typical profile of prolific low grade offenders aged 16 or older, including but not limited to —
 - (a) mental health status; and
 - (b) history of alcohol and/or substance use?
- (2) What statistics, evidence or research is the answer to (1) based upon?
- (3) Will the Minister please identify all statistics, evidence or research, of which he is aware regarding —
 - (a) the effectiveness of 'naming and shaming' in reducing crime by such offenders; and
 - (b) any other impacts of 'naming and shaming' on such offenders?

Hon MICHAEL MISCHIN replied:

- (1) (a)-(b) The Department of Corrective Services (DCS) does not profile young people; rather DCS manages a young person's offending behaviour, mental health and history of alcohol and/or substance use on a case by case basis.
- (2) As above
- (3) (a) The Minister's understanding of the phrase 'naming and shaming' is that it refers to a process of publishing the identities of offenders for the purposes of inducing shame or humiliation in offenders.

There is no present government policy which seeks to reduce crime by the mechanism of inducing shame or humiliation in offenders, and hence the Minister has not attempted to assemble a research base regarding the effectiveness of inducing shame or humiliation on such offenders as a means of reducing crime.

Policies sometimes described coarsely and inaccurately described as amounting to 'naming and shaming' are in fact more sophisticated schemes where publication of an order relates in some way to previous offending and is used as a mechanism to assist in preventing future offending. Such schemes may impact on crime through a number of mechanisms. The Minister is aware of a range of research which supports the propositions that:

- Offenders subject to a form of publication are generally apprehended more quickly.
- Perceived increased risk of apprehension, arrest and punishment occurring can be effective in deterring offending.
- Generally, custodial punishments are most effective at reducing crime when they are employed to incapacitate serial offenders.

Some publications which directly and indirectly support these propositions include:

Schram, D, Milloy, C. (1995) *Community Notification: A study of offender characteristics and recidivism* Washington Institute of Policy

Miles, T. (2005). "Estimating the Effect of 'America's Most Wanted': A Duration Analysis of Fugitives". *Journal of Law & Economics* 48.

Matsueda, R, Kreager, D, & Huizinga, D. (2006). Deterring delinquents: A rational choice model of theft and violence. *American Sociological Review*, 71

Johnsen, S, & Fitzpatrick, S. (2007) *The Impact of Enforcement on Street Users in England*; Bristol: Policy Press

Wright B. R. E, Caspi, A, Moffitt, T, and Paternoster, R. (2004) *Does the Perceived Risk of Punishment Deter Criminally Prone Individuals? Rational Choice, Self-Control and Crime*, *Journal of Research in Crime and Delinquency* 41:2

Levitt, S. (1998). "Juvenile Crime and Punishment". *Journal of Political Economy* 106, 1156-1185.

Robinson, P, (2008) *Distributive Principles of Criminal Law: Who Should be Punished How Much?* Oxford University Press 2008

Weatherburn, D, Hua, J, Moffat, S (2006) How much crime does prison stop? The incapacitation effect of prison on burglary' *Contemporary Issues in Crime and Justice* No. 93

Piquero, A, Farrington, D, & Blumstein A. (2007) *Key Issues in Criminal Career Research New Analyses of the Cambridge Study in Delinquent Development* Cambridge University Press

Levitt, S, Miles, T, 'Empirical Study of Crime and Punishment' in *Handbook of Law and Economics Volume 1* North Holland 2007

- (b) Again, the Government's Bill does not seek to effect crime rates by inducing shame and humiliation. The Minister is not aware of research which addresses specific impacts of inducing shame and humiliation on prolific low grade juvenile offenders specifically. Chappell and Lincoln (2009) express the opinion that "stigmatising shaming" is likely to have negative rather than positive rehabilitating outcomes for juveniles. They briefly survey the literature on theories of labelling generally, and refer to a number of contemporary and historical sources which consider this issue tangentially, however, they conclude that "none of [those sources] provide direct evidence of the impacts, negative or otherwise, of the mass media naming of young people involved in criminal proceedings," and call for further research regarding such matters.