

In the shadows

The silent and silenced family in juvenile justice research

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The construction of silence

Concerns about juvenile crime and juvenile justice have attracted the most intense public interest in Australia over recent years. This has come about largely as a result of a deep sense of public concern over a 'law and order crisis' generated by 'rising juvenile crime', 'crime waves', 'youth gangs' and so forth, as well as from more general worries associated with the social problems of homelessness, teenage suicide and youth unemployment (Polk 1993, Presdee 1990, Cunneen & White 1995).

Moreover, recent media reports, political pronouncements and non-government reports have pointed to a growing sense of marginalisation and disaffection experienced by many of Australia's young - particularly among those in the so-called 'underclass' (see, for example: Australian Catholic Bishops Conference 1993, Daniel & Cornwall 1994). A consequence of such public outpourings has been an evangelical (and politically charged) search for 'solutions' to the 'youth problem' (White & Wilson 1991). Indeed, there has been no shortage of debate on possible curative remedies. Particular attention has been given to the efficacy of crime control measures in the 'war' against juvenile crime, and to the ways in which discriminatory and unfair practice can be stamped out of the judicial process (see, for example: Gale, Bailey-Harris & Wundersitz 1990, O'Connor 1992). Policy makers have also attempted to draw lessons from (seemingly) progressive and innovative judicial practices in other countries - most notably Family Group Conferences in New Zealand (see Alder & Wundersitz 1994)

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Much of the current juvenile justice discourse in Australia tends to reflect the administrative and reformatory concerns of academics and others in this field. Particular attention is devoted to issues of philosophy and practice in law enforcement and judicial process (see, for example: Australian Institute of Criminology 1992, Gale, Naffine & Wundersitz 1993). We thus find a proliferation of published material dealing with juvenile crime statistics, court processes, 'differential practice', diversionary programs, prevention measures and, above all, police/youth relations. Particular 'client groups' have attracted the attentions of researchers, most notably, Aboriginal and Torres Strait Islander youth, young women, homeless and marginalised youth.

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Yet despite the spiralling growth of juvenile justice research in Australia over recent years, the resulting literature is remarkable for its lack of attention to the views and experiences of those actually caught up in the criminal justice system. We continue to know little about the lived experiences of those involved in processes of criminal justice or about the ways in which these experiences relate to

everyday life in communities and neighbourhoods. It is as if the literature has cocooned juvenile offenders in an institutionalised vacuum, away from the influences of other family members and the wider community.

Even where studies detailing the 'perceptions' of young people do occur, the responses of subjects are presented in highly fragmented and selective ways (see, for example: Alder, O'Connor, Warner & White 1992). Indeed, the experiential accounts of young people are often reduced to truncated sentences or statistical representations. This, however, is not to suggest that such research is worthless - far from it. However, in offering partial accounts of young people's perceptions, such studies lack the depth and richness of discursive material. Further, in focussing on the perceptions of young offenders per se they also inadvertently support the erroneous assumption that offending behaviour is largely an individualistic enterprise in which other family members, or indeed the wider community, has little influence or involvement.

In one of the few-Australian studies to focus comprehensively on the views and experiences of those caught up in care and control systems - in this case, the juvenile court - O'Connor and Sweetapple (1988: 5) note that it is 'impertinent' of researchers to assume that the subjects of research are unwilling or unable to articulate their own views of the justice system. Indeed, the accounts of the 63 children in the study who passed through the court system demonstrate the capacity of children to speak honestly and frankly about their experiences. What is more, the resulting narrative illustrates the complexities of children's experiences and challenges some of the popular and simplistic assumptions about them. In a similar way, Roger Graef's (1992) in-depth inter-

views with a small group of serious juvenile offenders in an English residential home indicate that young people are able to talk about their experiences with considerable clarity and insight

Yet even in these far-reaching studies, the experiences of young offenders tend to be abstracted from the influence of family or community networks. To be sure, recognition is given to the dominance of adult social institutions and to the powerless position of young people in society. However, no sustained attempt is made to understand how, for example, the families of young offenders experience the consequences of offending behaviour. We are, in fact, left with the independent accounts of young people. Valuable though these might be in understanding young people's perceptions of the criminal justice system, they fall short in appreciating the way young people, as members of families and communities, experience the judicial process

In addition to such drawbacks, the Australian literature that does focus on families tends to be preoccupied with the pathological 'causes' of offending - a pursuit described by one commentator as a 'red herring' (Pitts 1990: 37). This focus on individualistic or familial characteristics reflects a long-standing tradition of inquiry in both the United States and England. Indeed, in many respects, empirical studies of juvenile crime and families in Australia resemble an Antipodean mirror-image of research conducted in post-war Britain under the auspices of such august bodies as the Cambridge Institute of Criminology and the Institute for the Study and Treatment of Delinquency (Cohen 1974: 6-21). Much of the current research on the aetiology of juvenile offending in Australia is based on work carried out by such research organisations (see, for example: Potas, Vining & Wilson 1990).

The family in juvenile justice research

Along with the school and the community, the home life of families has become a central focus for policy makers and researchers seeking to establish ways of combating juvenile crime (Cohen 1985: 76-77). Particular attention has been given to the ways in which changing patterns of family life may have resulted in increased



crime and delinquency (Hil 1994). Thus, 'family breakdown', single parent households and 'dysfunctional' families have all come in for close scrutiny (Simpson 1991).

In attempting to explain the particular features of the family that lead some young people to offend, researchers have focused mainly upon psycho-social developmental processes and family dynamics. For example, in a American study of 197 'intact' families, Quinn, Stephen and Gale (1994: 12) examined family functioning in terms of adaptability, partnership, growth, affection, and resolve. The absence or presence of these factors was seen as critical to the behavioural outcomes of children. Crime and delinquency were considered to result if family functioning was inadequate.

In reviewing the mainly American empirical literature on delinquency, Loeber & Stouthamer-Loeber (1987: 370) concluded that:

Particularly strong predictors were poor supervision and the parents' rejection of the child, while other child-rearing variables such as lack of discipline and lack of involvement were slightly less powerful. In addition, parental criminality and aggressiveness, and marital discord were moderately strong predictors. Parent absence, parent health and socioeconomic status were weaker predictors of later delinquency. The strongest predictors were multiple family handicaps.

Indeed, multiple handicaps are considered to account for early conduct problems such as aggression, stealing, truancy, lying and later violent behaviour and drug use.

According to these studies, it is the inherited aspects of family dysfunction that lead some young people to engage in criminal behaviour

Research on the functioning of 'intact' families and delinquency in the United States has been more than matched by studies of 'broken' families (defined as the absence of at least one biological parent through death, divorce or separation) (Rankin 1983, Wells & Rankin 1991). While the correlation between delinquency and broken homes has been described as 'weak' (Regoli & Hewitt 1991: 206), or as secondary to the quality of parenting (Utting, Bright & Henricson 1994: 18), this has not prevented the proliferation of such studies in the United States

Research in England has also tended to focus on the individualistic and pathological antecedents of juvenile crime and delinquency. Longitudinal studies of vast samples of working class juvenile offenders have typically focussed on such variables as family size, low income, school performance, intellectual functioning, level of IQ, behavioural problems, parental supervision, attitude and discipline, family relations, separation and divorce (see, for example: Farrington 1994, West 1982). Neighbourhood and environmental factors are regarded as constants and therefore often excluded from, or regarded as marginal to the overall analysis. On the other hand, factors such as weight, body type and psychomotor functioning are seen as important explanatory factors (Cohen 1974: 20)

Although both American and British longitudinal studies are able to identify a range of 'predictors' of juvenile offending, critics (including the researchers themselves) acknowledge the inherent unreliability of such statistical measures (Farrington 1994: 14-15, Utting 1994, West 1982: 58). Not only are these predictors likely to misidentify young people who never offend, they are equally likely to miss those who actually do (Utting 1994).

The limited number of Australian studies of juvenile offenders and their families tend to display shortcomings similar to those of their American and British counterparts. One of the most systematic Australian inquiries into the relationship between 'family factors' and youth offending, has been conducted by researchers in

Justice Studies at the Queensland University of Technology. Commissioned by various organisations in Queensland, the team produced three major reports between 1992 and 1993. Although the studies tend to focus on different aspects of youth provision in areas such as Logan and Beenleigh near Brisbane, Mackay and the Pioneer Shire in central Queensland and Cairns in the far north, considerable attention is given to the influence of family factors on youth offending. Indeed, in developing an empirical framework for the survey, the researchers draw heavily from traditional British and American studies of families and crime (Thomas, Helm & Wotherspoon 1993: 5-6).

The study surveyed 758 young people, aged between 12 and 17 years, in Logan and Beenleigh. The main issues found to be facing them were high unemployment, low income, homelessness, educational difficulties and low self esteem. Juvenile offenders tended to leave school early and suffered from poor self image. They were often regarded by others as 'worthless, helpless and hapless'. The report also notes the disproportionate presence of single parent households and parents who were 'abrasive', disinterested' or 'second or third generation welfare families' (Thomas, Helm & Wotherspoon 1993: 11). The report concludes that:

The survey findings...are very much in line with previous research...juvenile offending arises out of the accumulation of social factors, high unemployment, poor employment prospects, limited education, poor family relationships and lack of social support. The picture is one of individual as well as social need.

(Thomas et al 1993: 69)

Although recognition is given to the impact of racial and socio-economic factors on young people and their families, the study focuses mainly on the pathological traits of the individual offender and her or his family. For a small but significant number of juveniles who engaged in criminal activity, the nature of family relations were considered to differ significantly from the law-abiding majority. (Interestingly, despite some evidence of petty offending, the youths in the study were regarded generally as law-abiding). Thus, drawing on the surveys conducted in Cairns, Logan and Mackay, Thomas and Helm (1993a: 2) conclude that

....the family relationships of young offenders are more argumentative, more violent and more likely to attract the attention of the police. Alcohol is also more likely to be a factor in this scenario. So it is likely that the authorities in the form of the police, the school and welfare organisations already know these families since they attract attention to themselves.

While there appeared to be a strong correlation between family discord and youth offending in Cairns and Logan, the picture in Mackay and the Pioneer Shire seemed a little more hazy. Thus, despite a significant juvenile crime rate in the area (and among those in the sample) the relationships between young people and parents in the study were described as 'excellent' (Thomas & Helm 1993b: 44). Indeed, despite of some minor skirmishes with siblings, and 'arguments' with parents, family life among for the vast majority of young people in Mackay and the Pioneer Shire seemed quite harmonious. This does not prevent the researchers from making some sweeping assertions about the connection between 'family dysfunctions' and offending.

The description of family relations in the Queensland study is aimed at providing official agencies with an empirical basis for intervention. To do this, the research had to distinguish clearly between the families of young offenders and those of young people in general. In this way, young offenders and their families are regarded as a discrete cohort outside the bounds of an otherwise law abiding community. They display 'more' of the typical characteristics of a 'dysfunctional family' - more violent, aggressive and drunk than the rest. Thus, in a paper summarising the results of the Queensland study, the researchers note that:

The descriptive statistics from a relatively large youth survey in three Australian communities shows that family conflict, across all areas, is a strong factor discriminating offenders from the youth group as a whole. The results show that ongoing arguments, conflict, physical violence and fighting at school and at home all flow from poor quality relationships between offenders and their parents. Parental support and supervision are also underrated by offending youths.

(Thomas, Helm & O'Connor 1993: 12)

Critique

At first sight, the results of the Queensland survey present a convincing picture of the conflict and disarray in criminogenic families - and, after all, the findings merely reflect what everyone already knows about crime and criminals (Beasant 1995). Having said this, it is of course possible to agree with the assertion that offending may indeed be related to the quality of family life. As Thomas, Helm and O'Connor remark (1993: 10):

The results show that the quality of the relationship between youth and their parents was constantly much poorer for offending youth compared to the sample as a whole. This was also reflected in the degree of support that young people felt they could draw on at home. Those who had offended felt much less support than youth generally.

However, closer scrutiny reveals a research approach that is theoretically and methodologically less than rigorous. At its centre, the Queensland study tends to slip easily into pathological explanations of the familial origins of offending behaviour and plays down the influences of external forces. Indeed, the Queensland investigation may be subject to criticism on the following grounds.

1. No detailed recognition is given to the differential nature of policing in disadvantaged communities, particularly in relation to Aboriginal and Torres Strait Islander people. Indeed, the policies and practices of crime control agencies in particular neighbourhoods and communities are given scant acknowledgment.

2. The self report data in the studies is taken at face value. No attempt is made to offer critical interpretation of such findings. This is a serious omission given the notoriously unreliable nature of self report data: for example, the tendency of respondents to exaggerate, distort and deny events (Heidensolm 1989). This is not to suggest that such data is worthless - that would be to under

mine the whole basis of qualitative research. However, self report data - particularly in relation to deviant action - should be treated with caution and placed in a critical interpretive context.

no attempt is made to develop a critical understanding of what 'fighting' or 'arguments' might mean in the context of everyday family life and working class stature

3. The terminology used by the Queensland study to describe the characteristics of family life is open to considerable interpretation. Thus, offending families are seen to indulge in more 'fights', 'arguments', 'conflict' as well as 'drunkenness' and 'aggressiveness' than non-offending families. Quite apart from the fact that the data in the study cannot sustain such sweeping, descriptions (given the methodological problems associated with self-report studies), no attempt is made to develop a critical understanding of what 'fighting' or 'arguments' might mean in the context of everyday family life and working class stature (see Donaldson 1991). Unless such terms are interpreted critically, and therefore used with considerable caution and cultural sensitivity, one is left with the uneasy

feeling that the 'findings' are, in fact, moral pronouncements on 'antisocial' behaviour.

4. Despite acknowledging the impact of socio-economic factors on offending, the studies ultimately slip into individualistic and pathological explanations of such behaviour. Thus, offending in 'dysfunctional families' is considered to result from:

...discordant family relations, poor management of the child's behaviour, criminality in the parent, large sibship, below average IQ, language delay, aggressive, oppositional, and destructive behaviour, hyperactivity, institutionalisation, including hospitalisation and foster care.

(Thomas & Helm 1993a: 2)

The overriding implications of this study are that juvenile crime is to be explained in terms of the pathological and criminogenic characteristics of the young person and her or his family. Thus, 'young offenders' and their criminogenic families are considered to differ in fundamental ways from other people in the community. They are, in short, the 'kinds of people' everyone knows and seeks to avoid (Roach-Anleu 1991: 10-21).

Wider fault lines

The shortcomings of the Queensland survey are not simply criticisms of that study alone. Rather, the study reflects many of the epistemological concerns and methodological problems of criminal justice research evident in our brief overview of the American and British literature. As such, we consider that many of the criticisms levelled against other reductionist empirical studies in the area of juvenile crime and families may also be directed to the Queensland survey. This critique may be grouped into five broad headings:

Scientism.

The use of so-called 'objective' empirical methods of investigation to search for causes of crime means attention is focussed on the individual or family factors (or predictors) that lead to offending behaviours. The techniques of investigation tend to take precedence over attempts to theorise the connection between structural forces and individual action (Cohen 1974: 9-10). Not surprisingly, issues of power, control and regulation are relegated to 'constant', or 'background' factors (Taylor, Walton & Young 1973: 29).

Individualistic pathology

Explanations of deviant behaviour in terms of individual weakness, wickedness or sickness, or in terms of criminogenic tendencies, ignore or play down the influence of social and economic forces

(Pitts 1990: 37). Thus, offenders are said to be either psychologically or biologically different from other people in the community. As Roach-Anleu (1991: 9) observes:

Individualistic theories seek to locate the causes of deviance within the individual; they pay little attention to the motivational and situational processes resulting in deviance or to the social, economic and ecological factors creating opportunities for deviant behaviour.

Decontextualisation

The 'variables' chosen for analysis in reductionist studies tend to be highly selective, and invariably ignore not only structural forces but also the nature and extent of social control and regulation in particular problem populations (Christie 1990). In such studies, there is little room for theorising about the political or ideological influences upon family relations; or any analysis of the role of the state in crime control management, and little critical appreciation of the connection between structural inequality and crime. Rather, the methods of empirical inquiry in themselves become the means by which accounts of social action are validated and rendered meaningful.

While there are obviously exceptions to such approaches, particularly in the sociological literature (see, for example: Carrington 1993), it is evident that the Australian research on juvenile crime and families is dominated by individualistic and correctional concerns. From this perspective, the task facing the researcher is to identify, classify and catalogue the characteristics and predictive indicators of 'those kinds of people' - that is, those most prone (for one pathological reason or another) to offending behaviour (Roach-Anleu 1991: 9)

Silent Subjects.

Reductionist studies in the field of criminal justice are typically preoccupied with the identification and analysis of individual or familial characteristics and behavioural outcomes. Consequently, little or no value or attention is accorded to the thoughts, feelings and perceptions of those people labelled as 'young offenders', 'delinquents' and so forth. This silence is reinforced by the tendency of researchers to engage in elaborate speculations on the relationship between a range of 'factors' and 'variables'. The responses of subjects are regarded as meaningful only insofar as they relate to these indices. Indeed, the utterances of subjects are, if used at all, taken out of their discursive context, dismantled and reassembled into pre-determined categories or inventories ready for the researcher to extrapolate 'findings'.

More broadly, the presence of silence in the discourse of disciplines and discrete 'subject areas' tells us a great deal about

the nature of these domains (Foucault 1973). It is not simply that the voices of subjects have been ignored or marginalised - even though this is obviously the case in juvenile justice research. Rather the silence results from a number of influences. First, quantitative methods are not appreciative of the value and richness of qualitative material. Second, empirical research based on quantitative methods is usually guided by the expectations and practical demands of politicians and policy makers. The discursive views of subjects hold little sway in this regard. Third, the powerful accord more status to the voices of experts and professionals than to offenders, inmates, patients and other subject populations. (Foucault 1975) Perhaps unwittingly, research in the area of juvenile justice has contributed to the erroneous view that those subject to regulation and control are unable to articulate their views and experiences. This is not to suggest that the research has failed to bring about significant and far reaching changes to the criminal justice system. However, the marginalisation of the voices of young offenders and their families means that we continue to construct our understanding of the criminal justice system largely from the accounts of researchers, rather than from the subjects of inquiry.

Pragmatism

The types of studies cited above are pragmatic in at least two distinct senses. First, the studies are generally reluctant to draw on specific theoretical perspectives when interpreting their findings. Indeed, theorising about the connections between individual behaviour and structural forces is seen as an impediment to the main task of analysing hard data. Secondly, these studies are pragmatic (and atheoretical) in the sense that they are tailored to the specific organisational imperatives of the funding body. Such imperatives include the identification of predictive factors which may inform particular types of intervention used in the agency.

Conclusion

In this paper, we have presented a critical overview of juvenile justice research with a special emphasis on studies of juvenile crime and families. We have argued that much of the research in this area offers a highly fragmented and partial account of the experiences and perceptions of young offenders and their families. The denial of a voice to the subjects of research reinforces the reductionist position that the interpretations of lived experience must come, first and foremost, from accredited 'experts' rather than from the subjects of analysis. As Geoffrey Masson (1990) points out in connection with psychiatric patients, if we really want to

appreciate the lived experiences of people caught up in systems of care and control, we must turn from the professed wisdom of experts and commentators to the accounts of people themselves.

Our contention is that the children and families that have been labelled as dysfunctional, deviant or simply criminal must be allowed to speak about their experiences both in and out of the criminal justice system. This becomes even more important at a time when the family is so often blamed for the creation of crime (Simpson 1991). Indeed, research studies and media reports often tend to reinforce the view that the families of juvenile offenders are sites of dysfunction and criminality that lead inevitably to the production of deviants. It is time that more sustained emphasis be given to the accounts of the voices of those families on whom so much public and academic opprobrium has been placed.

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