



## Crime in context: criminal victimisation, offending, multiple disadvantage and the experience of civil legal problems

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**Abstract:** *Disadvantaged groups have been found to be particularly vulnerable to civil legal problems. Disadvantage has also been linked with crime victimisation and offending. However, while it has been observed that both crime victims and offenders report particularly high levels of civil legal problem prevalence, the relationship between civil legal problems and crime has received little attention. Findings from new analyses of LAW Survey data demonstrate that an important aspect of links between civil legal problems and disadvantage is the coincidence of civil legal and crime problems.*

### Introduction

Crime victimisation has been linked to a range of socio-economic factors, with some disadvantaged groups – such as single parents, the unemployed and those in rented accommodation – more likely to be victims, particularly multiple victims, of crime (e.g. Johnson 2005<sup>i</sup>, Mukherjee & Carach 1998, Tseloni 2006, Tseloni & Pease 2004). For example, Tseloni (2006, p.277) found that property crime victimisation was associated with single parenthood and renting social housing, “via social vulnerability” and, in the latter case, “proximity to potential offenders.”

Criminal offending is also associated with disadvantage (e.g. Weatherburn 2001). At the more persistent/serious end, as Grunseit et al. (2008, p.110) have described, those who end up in custody have often led “chaotic” lives that have been “spiralling out of control.” These chaotic lives come to be characterised by problems concerning, for example, debt, employment, family and housing; problems often compounded by custody and which impact on the ability of offenders to cease offending (Grunseit et al. 2008, Social Exclusion Unit 2002). 46% of adult prisoners receive a further correctional sanction within 2 years of release, with the corresponding figure being 25% for those receiving community corrections (Steering Committee for the Review of Government Service Provision 2012). The figures are higher for juveniles (Day et al. 2004).

The common association between criminal victimisation and offending and disadvantage entails a degree of overlap of experience. While, overall, 1.7% of all respondents to the Legal Australia-Wide (LAW) Survey had been alleged to have recently committed a crime (Coumarelos et al. 2012), the figure was 5.2% for victims of crime (below). Conversely, while 13.3% of all respondents reported crime victimisation (Coumarelos et al. 2012), the figure was 41.1% for alleged offenders (below). Over the life course the overlap may be much greater still, with victimisation associated with negative offending outcomes (Mazerolle et al. 2007).

This paper presents **preliminary findings from new analyses** of the Legal Australia-Wide (LAW) Survey undertaken by the Law and Justice Foundation of New South Wales. The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. With 20,716 respondents across Australia, including over 2000 in each state/territory, the LAW Survey covered 129 different types of civil, criminal and family law problems. It examined the nature of legal problems, the pathways to their resolution and the demographic groups that struggle with the weight of their legal problems. The first major findings for the whole of Australia were published as *Legal Australia-Wide Survey: Legal need in Australia* (2012) and authored by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey. Reports on each state/territory were published in the same year. To download the reports visit [www.lawfoundation.net.au/publications](http://www.lawfoundation.net.au/publications)

Many of the problems of disadvantage have a civil legal dimension. Hence, disadvantaged groups have been found to be particularly vulnerable to civil legal problems (Coumarelos et al. 2012). However, while it has been observed that both crime victims and offenders report particularly high levels of civil legal problem prevalence (Kemp et al. 2008, Pleasence 2011), the relationship between civil legal problems and crime has received little attention (Kemp et al. 2008).

As a feature of multiple disadvantage, the relationship between civil legal problems and crime victimisation is of relevance to the design of integrated human services. Moreover, problems concerning debt, employment, family and housing (which frequently have a civil legal dimension) make up four of the “nine key factors” identified by the UK Social Exclusion Unit to “influence re-offending” (Social Exclusion Unit 2002, p.6) – albeit not Andrews and Bonta’s (2010) “Big Four” factors of the General Personality and Cognitive Social Learning (GPCSL) model of criminal conduct) – suggest a role for civil legal services in reducing crime and mitigating its cost. To put this in context, the annual cost of administering the criminal justice system (namely the cost of police services, the criminal courts and corrective services) currently stands at \$12.5 billion (Steering Committee for the Review of Government Service Provision 2012), with the total cost of crime (including property and financial loss, medical costs, lost output and intangible costs, such as reductions in quality of life) estimated at \$35.8 billion (Rollings 2008).

## New findings from the LAW Survey

In this short paper we explore the relationship between crime victimisation, offending, multiple disadvantage and the experience of civil legal problems through new analyses of LAW Survey data.

### Crime victimisation, multiple disadvantage and civil legal problems

49.7% of respondents to the Legal Australia-Wide (LAW) Survey reported having experienced one or more of 129 types of legal problem (including crime victimisation) over a one-year period, with the number reducing slightly, to 45.8%, for only civil (i.e. all non-crime) problems. Yet 13.3% of respondents had been victims of crime over the same period, evidencing a substantial coincidence of civil problems and crime

victimisation. So, while 41.7% of non-victims reported civil problems, 72.9% of victims did so.

At least in part, this reflects earlier findings that socially disadvantaged groups, associated with heightened vulnerability to legal problems (Coumarelos et al. 2012), are also more often victims of crime (e.g. Johnson 2005<sup>ii</sup>, Mukherjee & Carach 1998, Tseloni 2006, Tseloni & Pease 2004). While respondents suffering from multiple disadvantage<sup>iii</sup> reported a mean number of 2.9 civil legal problems and 0.5 victimisations, others reported a mean number of 1.8 civil legal problems and 0.3 victimisations.<sup>iv</sup> Looking at victims of crime who also suffered from multiple disadvantage, 78.8% reported civil legal problems (at a mean rate of 8.6 problems each).

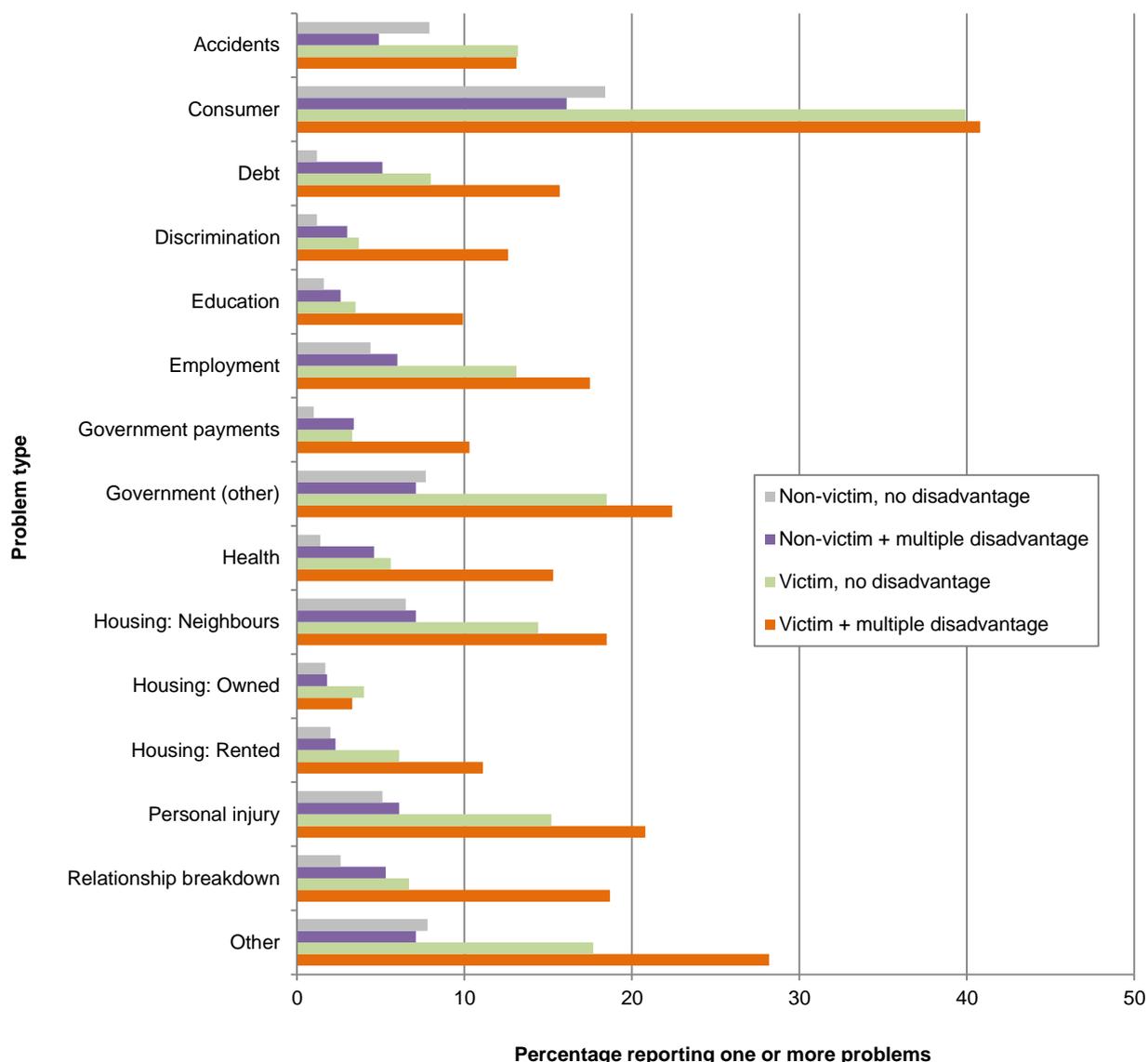
Figure 1 sets out the pattern of civil legal problem experience by crime victimisation and multiple disadvantage status. As can be seen, victims of crime reported all broad categories of civil legal problem more often than others, and in the case of victims of crime also suffering multiple disadvantage there were particularly large increases evident for a range of problems associated with general welfare. For example, victims of crime also suffering multiple disadvantage reported problems concerning discrimination, government payments and health<sup>v</sup> more than ten times as often as respondents who were neither victims of crime nor suffered multiple deprivation. They also reported problems concerning debt, education, rented housing and relationship breakdown more than five times as often.

Of the 2,748 victims of crime in the LAW Survey, 1,109 had been victimised on multiple occasions. As can be seen from Table 1, as victimisation increased, so too did civil legal problem prevalence. Thus, problem prevalence reached almost 90% for respondents who had been victimised four or more times. Moreover, this

Table 1: Civil legal problem prevalence by victimisation

Number of times victimised	Civil legal problem prevalence
0	41.7%
1	65.6%
2	78.3%
3	86.6%
4+	89.9%

Figure 1: Civil legal problem prevalence by crime victimisation and multiple disadvantage



group of respondents reported a mean of 14.0 problems (and a mean number of 1.7 indicators of disadvantage), including a mean of 2.0 consumer problems, 1.5 problems concerning neighbours, 1.4 problems concerning relationship breakdown and 1.2 problems concerning employment.

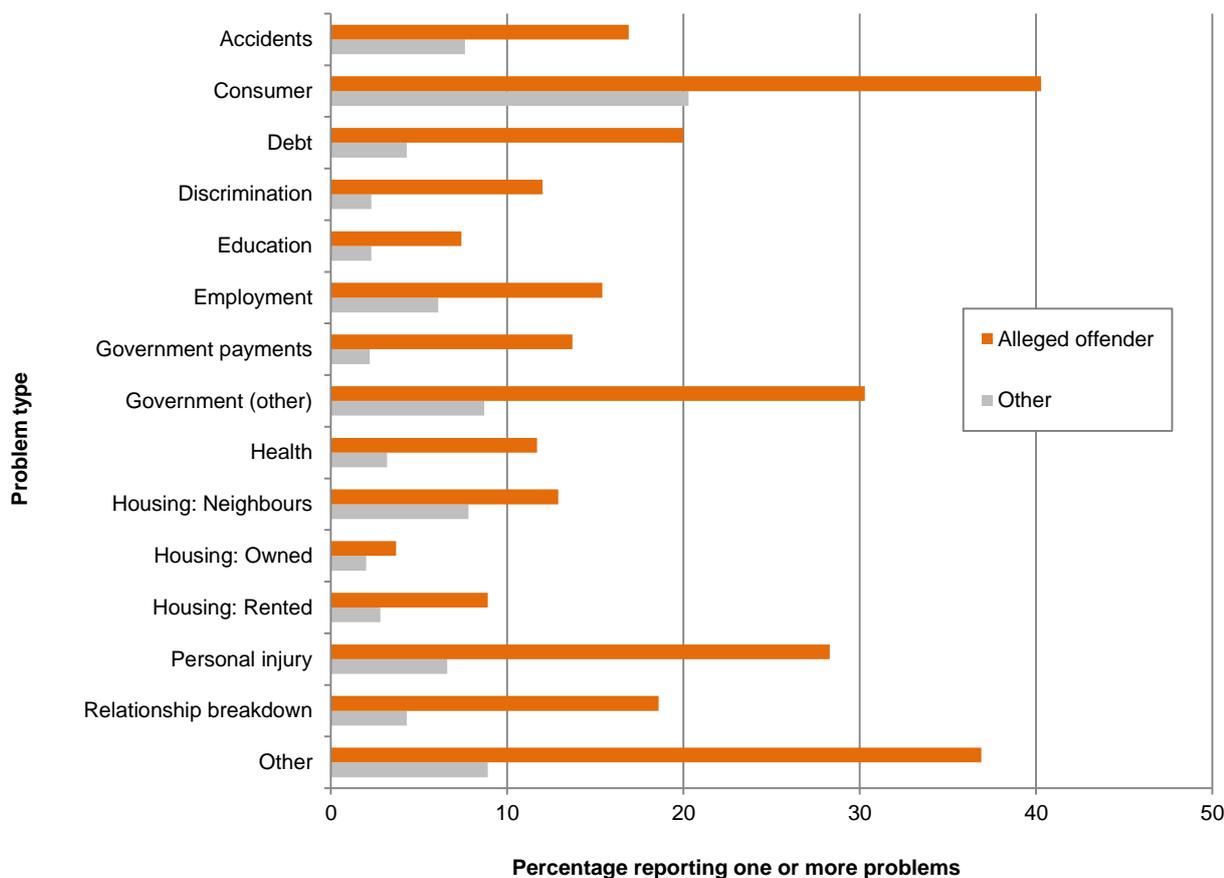
Looking at repeat victims of crime who also suffered from multiple disadvantage, 89.5% reported civil legal problems (at a mean rate of 12.6 problems each). Again, prevalence increased as the number of times respondents had been victimised increased.

**Offending, crime victimisation, multiple disadvantage and civil legal problems**

350 respondents (1.7%) had been alleged to have committed a crime<sup>vi</sup> during the one year survey reference period. Of these respondents, 84.2% reported one or more civil legal problems (at a mean rate of 10.4 problems each).

Figure 2 sets out the pattern of civil legal problem experience for alleged offenders. Again, substantially higher prevalence of problems concerning aspects of general welfare are evident, with, for example, around one in five alleged offenders reporting problems relating to debt or relationship breakdown.

Figure 2: Civil legal problem prevalence by alleged criminal offender status



Of the respondents who had been alleged to have committed a crime, 144 (41.1%) also reported having been a victim of crime.<sup>vii</sup> Of this relatively disadvantaged group (with a mean of 2.0 indicators of disadvantage, compared to 1.2 for others), 92.4% reported one or more civil legal problems (at a mean rate of 17.2 problems each). Figure 3 sets out the pattern of civil legal problems for those respondents who were both alleged offenders and victims of crime. In this case, the prevalence of problems concerning aspects of general welfare is higher still. For example, more than one quarter of this group of respondents reported problems concerning debt or relationship breakdown.

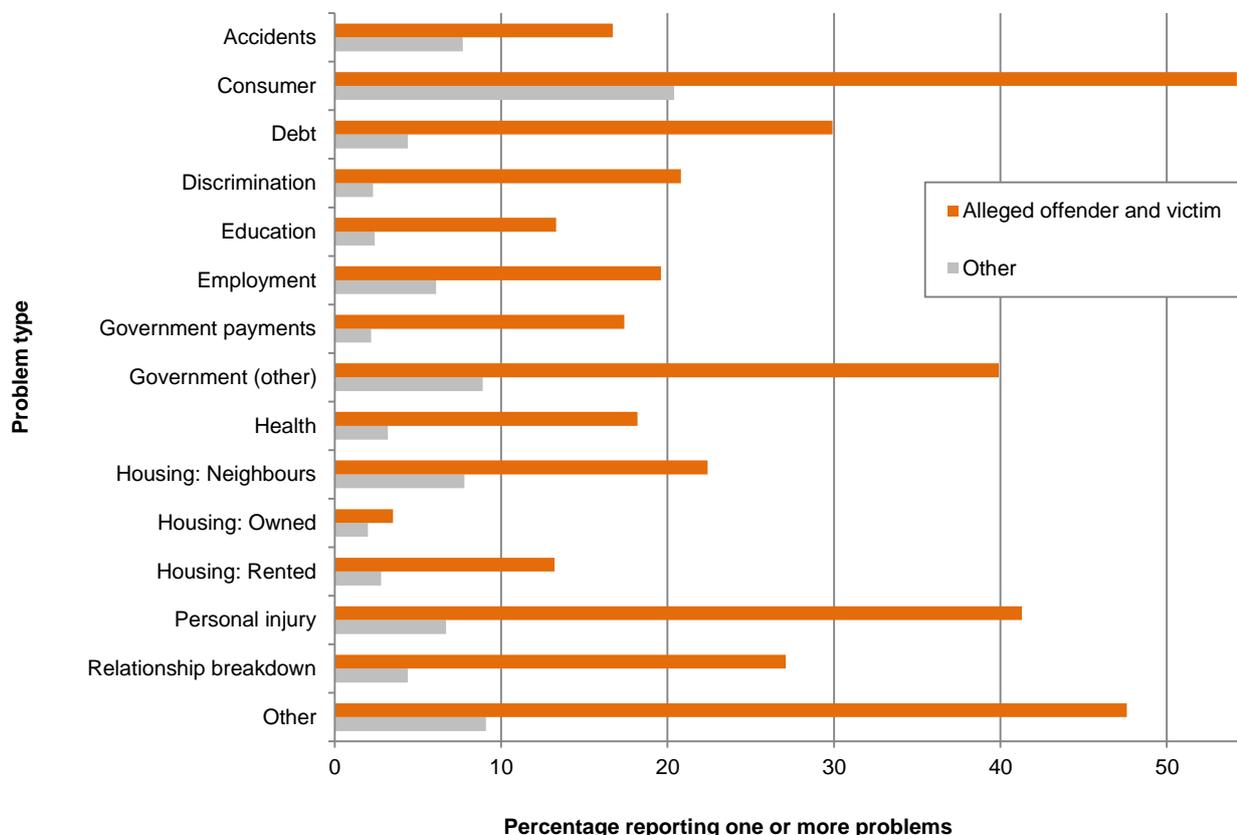
Of those alleged to have committed more than two offences (who averaged 2.4 indicators of disadvantage), 97.6% reported one or more civil legal problems (at a mean rate of 27.1 problems each), and all 27 of those who had also been victims of crime (who averaged 2.3 indicators of disadvantage and reported an average of 9.8 instances of victimisation) reported civil legal problems (at a mean rate of 37.2 problems each – including a mean of 6.2 problems concerning

discrimination, 4.4 problems concerning personal injury, 4.1 problems concerning alleged unfair police treatment, 4.1 problems concerning employment, 3.0 problems concerning debt and 2.1 problems concerning relationship breakdown<sup>viii</sup>).

### Implications

The above findings demonstrate that an important aspect of links between civil legal problems and disadvantage is the coincidence of civil legal and crime problems. As Kemp et al. (2007, p.6) observed in a UK context, this extends thinking on the subject of repeat victimisation to the idea that “multiple victims are exposed not just to heightened levels of criminal injustice, but also to civil injustice.” Furthermore, this exposure occurs within a framework of broad social vulnerability, pointing towards the potential utility of greater integration of human services and the role of human services professionals in spotting and signposting the public towards appropriate support.

Figure 3: Civil legal problem prevalence by alleged criminal offender and victim status



In relation to criminal offending/re-offending, the above findings demonstrate the very high levels of civil legal problems faced by offenders; problems that make up four of the nine key factors identified as influencing re-offending by the UK Social Exclusion Unit (2002). The above findings also point to the potential utility of integrated civil legal and offender management services, mirroring findings of a recent study of the 50 highest users of legal aid services in New South Wales that highlighted “complex needs” that can be “difficult to meet ... through the traditional legal service delivery model where legal and non-legal services are not joined up” (van de Zandt & Webb 2013, p.4). As Day et al. (2004, p.3) have argued in a broader context, “For example, a young person who has an offending background, family problems and substance use, and who is disengaged from school, needs support in all areas, not just in desisting from offending. Narrow offender-targeted responses may, by themselves, be insufficient to meet this range of needs.”

This is even more so where multiple civil legal problems, extending to (say) debt, employment, family issues, government payments and housing are concerned. Always, though, in designing human services, targeted, risk based (in the broad as well as the correctional sense) and cost-efficient delivery is essential, with proper evaluation being central to this.

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## Endnotes

- i Though it is to be noted that some relatively advantaged groups, such as those on higher incomes, have also been found to be at elevated risk of crime victimisation (e.g. Johnson 2005).
- ii Though it is to be noted that some relatively advantaged groups, such as those on higher incomes, have also been found to be at elevated risk of crime victimisation (e.g. Johnson 2005).
- iii The indicators included were unemployment, low income, low educational attainment, single parenthood, disability, disadvantaged housing, Indigenous, remote/outer-regional, and non-English main language.
- iv Although in this instance the difference in problem prevalence rates was not significant (46.6% v 45.5%).
- v i.e. clinical negligence, problems concerning treatment for mental illness and problems concerning health services more generally.
- vi i.e. been charged, arrested or questioned by the police for allegedly committing a crime, or had allegations of domestic violence made against them.
- vii 5.2% of victims of crime had also been alleged to have committed a crime.
- viii The median number of problems reported was 28.3, while the median number of different types of substantial problem was 4. Four problem types were reported by the majority of the 27 respondents: consumer, discrimination, personal injury and debt.

