

Subjective reactions to a sentencing hearing in the NSW Children's Court

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Abstract

This paper reports the results of a quantitative study conducted in Sydney that investigated subjective reactions to an appearance before the NSW Children's Court. A total of 206 young people were interviewed following their sentencing hearing using a questionnaire that measured the extent to which they perceived their sentence to be a deterrent, the extent to which they felt stigmatised or reintegrated by the experience (Braithwaite, 1989), and finally, whether they felt they had been treated fairly. In general, the participants of this study did not perceive their sentence to be severe. They reported low levels of stigmatisation and moderate levels of reintegration. They also believed they had, on the whole, been treated fairly by the court.

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Reactions to an appearance before the NSW Children's Court

Introduction

This article reports the results of a quantitative study conducted in Sydney, Australia, that investigated subjective reactions to a sentencing hearing among a group of young people dealt with by the NSW Children's Court. Some historical background to the Court's current functioning will first be given, followed by an account of labelling theory, which holds an appearance before court stigmatises the offender and thus makes it more likely they will re-offend. The remainder of the paper will describe the study's methodology and results.

The NSW Children's Court

The New South Wales Children's Court was established in 1905 by the *Neglected Children and Juvenile Offenders Act*. It was the culmination of a series of reforms that aimed to remove children from the baneful effects of being tried alongside adults.

The Act required that children (defined as boys or girls over the age of five and under the age of 16) be tried in separate courts by a specialist magistrate. Although no specific qualifications were set down, it was intended the magistrates appointed would have special enthusiasm for the task of rehabilitating delinquent children (Seymour, 1988). There would be no jury trials in the new children's court, and as a general principle, probation would replace incarceration. It was also closed to the public, partly to avoid young offenders taking pride in their notoriety, and partly to reduce the stigma associated with an appearance before court.

The move to establish the Children's Court was also motivated by contemporary child saving rhetoric, which saw the court's role to provide intervention in the child's life, ensuring they later became good citizens (Seymour, 1988).

The law governing the Children's Court remained static until the 1970's, which saw a reappraisal of its role. This reappraisal took place against the background of a debate about whether children's courts should be thought of as part of the welfare or legal system. In particular, it was evident that the distinction between care and legal proceedings was not sufficiently clear (Australian Law Reform Commission, 1981; Carrington, 1993; NSW Department of Youth and Community Services, 1978; Seymour, 1988). The culmination of this reappraisal was the enactment of a number of bills in 1987 that govern the current functioning of the NSW Children's Court.

The four bills enacted in 1987 were the *Children's Court Act*, the *Children (Criminal Proceedings) Act*, the *Children (Community Service Orders) Act*, and the *Children (Detention Centres) Act*. This suite of legislation has been viewed as marking a transition from a welfare approach to juvenile justice towards one better described as a 'justice' model (Naffine, 1993). Children were given equal protection before the law as adults, and equal responsibility. The civil and criminal jurisdictions of the court were also separated, in response to critics of the welfare model who pointed out the injustices that prior practices of indeterminate sentences (aimed at reforming the young offender) had led to (Seymour, 1988).

The intention of the legislature appeared to be that the NSW Children's Court be a criminal court, rather than a welfare body. However, some traditional welfare concerns were addressed in the legislation including the requirement that the court should endeavour to allow for the continued education and employment of the child, and that the child remain at home where possible. This has led the NSW laws to be described as a partial justice model (Fox & Freiberg, 1988).

One matter largely overlooked were the views of the young offenders themselves. This is not to say that the reactions of young people to contact with the criminal justice system had not been a matter of interest to criminological researchers. Indeed, labelling theory, in particular, provided an influential articulation of the impact of subjective reactions to court.

The influence of labelling theory

Labelling theory holds that the stigmatising effect of contact with the criminal justice system has the counter-productive effect of increasing future offending. Tannenbaum, one of the first labelling theorists, argued that the operation of the criminal justice system was misguided in that it publicly identified the young person as a delinquent (Braithwaite, 1989; Tannenbaum, 1951). A well-known distinction has been made between 'primary' (the offence bringing the offender before the court) and 'secondary' (offending resulting from being brought before court) deviance (Lemert, 1972). While the so-called 'self fulfilling prophecy' formulation has been described as simplistic (Paternoster & Iovanni, 1989), there remains a fundamental prediction that contact with the criminal justice system will lead to *increased* offending—what has been termed the “deviance amplification effect” (Smith & Paternoster, 1990, p. 1110).

The labelling paradigm sees the court hearing as a 'degradation ceremony' that changes the total identity of the person being denounced, by portraying them as the *type* of person who would commit this *type* of offence, while at the same time isolating them from their everyday existence and identity (Garfinkel, 1956).

The view that the traditional court process both stigmatises and degrades the offender has had wide policy influence. It has inspired movements to divert offenders from court (Klein, 1979; Lemert, 1971). But the extent to which it is supported by the evidence remains unclear. Research testing this proposition will now be considered.

Previous research on reactions to court

Some support for the views discussed above was obtained in one of the first large scale studies of the operation of the juvenile court conducted in America (Emerson, 1969). Emerson observed a number of hearings in the juvenile court, and, in addition, interviewed court and probation staff (but not the juveniles themselves). The study aimed to discover the extent to which the court's decisions were influenced by the external context of the case, as well as internal court-room dynamics. Emerson concluded that the court ceremony was structured to intimidate the delinquent and emphasise the court's authority, by imposing the role of wrong-doer on the young person, while systematically denying them the power to avoid this role. Emerson noted the “threatening tones and moralistic lecturing” (p. 173) that characterised the

way the judges treated the young offenders meant there was a grave danger of the court ceremony becoming “degrading and humiliating” (p. 213).

Emerson’s failure to interview the delinquents themselves detracts from the force of this conclusion. Giordano (1976) remedied this deficiency by interviewing 119 juvenile offenders and a comparison group of school children about their perceptions of police, probation workers and juvenile court judges. Surprisingly, she found few differences between the groups. Among the delinquent group, experienced offenders appeared to have relatively positive attitudes to probation officers and judges, but not police. Three quarters agreed with the decision that had been made by the judge in their most recent case, and most did not feel the judges targeted individuals—in fact they ascribed the sentence they received to factors such as the nature of the offence and their prior criminal record.

In Australia, O’Connor and Sweetapple’s qualitative study of the Queensland Children’s Court was the first effort to determine the reactions of young people to a court appearance in this country (O’Connor & Sweetapple, 1988). The authors interviewed 63 young offenders after they had been sentenced. They concluded, like Emerson, that the young person before the court is a powerless and uncomprehending agent:

...and so to court where the child’s misbehaviour is ritualistically examined and dealt with by an impressive magistrate. The child’s ability to participate...is in practice strictly circumscribed. The child’s understanding of the court and sentencing is frequently not congruent with that of the other...parties. In the final analysis, however, it is not participation in court or an understanding of the formal processes and outcome of the court appearance which is the goal of the exercise...the object of the court is to ensure compliance by the child...(O’Connor & Sweetapple, 1988, p. 122).

A similar conclusion was reached in a Canadian study, which found poor knowledge of due process rights and misconceptions about the role of the defence lawyer in a sample of 50 delinquent adolescents (Peterson-Badali, Abramovitch, Koegl, & Ruck, 1999).

A recent variant of labelling theory has been provided by Braithwaite’s theory of reintegrative shaming (Braithwaite, 1989). Braithwaite’s theory departs from the labelling perspective in its assertion that public labelling, if done in a respectful, or ‘reintegrative’ manner, can have a beneficial effect. This theory was tested in a large scale quantitative study conducted in Canberra, Australia (Sherman et al., 1997; Sherman, Strang, & Woods, 2000). Participants’ cases were randomly allocated to either a traditional court hearing or a youth justice conference, a type of restorative justice option that has become popular in recent years (Hayes & Daly, 2003; Latimer, Dowden, & Muise, 2005; Morris & Maxwell, 1997; Wilcox, Young, & Hoyle, 2004).

The participants were interviewed about the extent to which the court hearing and conference were both stigmatising and reintegrative. Typical measures of stigmatisation included ‘were you treated in the court case/conference as though you were likely to commit another offence?’ and ‘during the court case/conference were you treated as though you were a bad person?’. Typical measures of reintegration included ‘during the court case/conference did people talk about aspects of yourself

which they like?’ and ‘did others at the court case/conference say that you had learnt your lesson and now deserve a second chance?’

Similar levels of stigmatisation were observed in the court and conference groups (court $m = 2.04$; conference $m = 1.96$, where 1 = ‘not at all’ and 4 = ‘a lot’). On average participants in this study found both court and conference ‘a bit’ stigmatising (Harris, 2001). Viewed in the light of both labelling and Braithwaite’s theory, this was an unexpected finding, especially considering the findings of previous research conducted in Australia (O’Connor & Sweetapple, 1988). By contrast, participants in the conference condition did feel reasonably reintegrated by the experience, as Braithwaite’s theory would predict ($m = 2.93$), whereas participants in the court condition were less likely to react in this manner ($m = 2.13$) (Harris, 2001)².

More recently, Travers (2007) observed a number of hearings in the Tasmanian Children’s Court, and analysed a number of transcripts from the hearings. He found that the sentencing hearings did not involve the type of moral denunciation found in adult court (and reported by O’Connor and Sweetapple 20 years earlier). Detention was seen as a last resort and sentencing was, in general, a collaborative process.

These two recent studies provide evidence to suggest that the assumptions made by labelling theory no longer provide an accurate characterisation of juveniles’ reactions to being dealt with in a criminal court. The current study will seek to test this by replicating the Canberra reintegrative shaming experiment in a sample of juvenile offenders dealt with in the NSW Children’s Court. Using the same questionnaire administered in the Canberra study, subjective reactions to the court hearing will be measured to determine the extent to which young people appearing in the court feel either stigmatised or reintegrated. Both labelling theory and the theory of reintegrative shaming predict that contact with the traditional legal system will lead to feelings of stigmatisation. Braithwaite, in addition to this, predicts that this contact will lead to reduced feelings of reintegration. Both of these predictions will be tested here.

Can court be a deterrent?

Although labelling theory has provided an influential account of reactions to contact with the criminal justice system, and has even influenced its administration, the major purpose of the criminal court is to prevent further offending, by acting as a deterrent. Considerable effort has been expended, in the United States in particular, in investigating the merits of the deterrence doctrine, and the widely held position is that the operation of the justice system does indeed appear to restrict criminal activity (Blumstein, Cohen, & Nagin, 1978; Cook, 1980; Nagin, 1998). Although there have been a number of studies conducted examining the deterrence process in convicted offenders (Carmichael & Piquero, 2006; Horney & Marshall, 1992; Piliavin, Thornton, Gartner, & Matsueda, 1986; Piquero & Rengert, 1999; Pogarsky, 2007), little is known about the extent to which juveniles perceive their sentence to be a deterrent. The current study will therefore measure the extent to which young people appearing before the Children’s Court perceived the sentence they received to be a deterrent, and in particular, how severe they perceived the sentence they received to be.

² It should be noted that Harris’ data comes from the drink driving experiment only ($n = 755$).

The current study

The current study therefore aims to determine the subjective reactions of a group of young people dealt with by the NSW Children's Court. Interviews with convicted offenders will be conducted immediately following the conclusion of their sentencing hearings. The questions will focus on the extent to which the participants perceived the hearing to be a deterrent, the extent to which they perceived it to be stigmatising, and the extent to which they perceived it to be reintegrative. Given the paucity of previous research examining whether juvenile offenders perceive court to be a deterrent, no firm prediction can be made in this regard. Similarly, although criminological theory, and some previous research, might lead to a prediction that the participants in this study will perceive the court hearing to be stigmatising, other, more recent research, indicates that making this prediction is not so straightforward. Nevertheless, it is anticipated that participants of this study will perceive the court hearing to be stigmatising. It is also anticipated that the participants will not perceive the court hearing to be reintegrative. Finally, the participants will also be questioned regarding their perceptions of the fairness of the hearing they had just experienced. A tentative prediction, made in the light of previous research, is that the court hearing will be perceived to be unfair.

Methods

Participants were interviewed at Bidura, Lidcombe, Campbelltown and Cobham Children's Courts between September 2004 and December 2005. The recruitment procedure was as follows: Legal Aid solicitors introduced potential participants to the researcher, who then briefly explained the purpose of the study, and the interview procedure. If the young person agreed to take part, they were interviewed immediately after their sentencing hearing had concluded, often while their court papers were being prepared. The interviews took between 10 and 20 minutes to complete. The response rate was 65%, which was considered adequate.

The questionnaire used contained a total of 95 items measuring the extent to which the hearing was perceived to be a deterrent, the extent to which it was felt to be stigmatising or reintegrative, and the extent to which it was perceived as fair. Participants were also questioned about their family background, their performance at school, the type of peers they associated with, and their licit and illicit drug use. The questions in most cases were derived from previously conducted studies. Full details regarding the various sources for the items in the questionnaire may be obtained from the author.³

Descriptive statistics (frequencies, means, standard deviations) were calculated for the following groups of variables: socio-demographic, court experience, deterrence, reintegration, stigmatisation and fairness, and will be reported here.

³ Please contact the author if you wish to obtain a copy of the questionnaire used in this study.

Results

Sample characteristics

A total of 206 interviews were conducted. Eighty per cent of the sample were male ($n = 165$), and 11% were from an Indigenous background. These figures broadly correspond to the demographic make-up of defendants appearing before the NSW Children's and Local Courts (NSW Bureau of Crime Statistics and Research, 2006)⁴. The mean age at interview was 16 years of age, with a range from 13 to 20. Table 1 has full details in this regard.

Table 1: Socio-demographic characteristics of the sample

Variable							N
Sex							206
	Female	20%					41
	Male	80%					165
Indigenous status							206
	Non-indigenous	89%					183
	Indigenous	11%					23
		Mean	Std Dev	Minimum	Maximum	Higher score	
Age at interview		16.66	1.25	13.31	20.07	Older	206
Mother's age		41.20	5.68	27.00	55.00	Older	206
Father's age		45.00	6.60	29.00	64.00	Older	206

Court variables

Data for this group of variables were obtained from the NSW Bureau of Crime Statistics and Research re-offending database. Not all participants could be identified in this database, so as a result the data reported in this subsection are based on a sample size of $n = 193$.

The majority of participants were appearing before the court charged with either a violent (39%) or property offence (33%). A small minority were appearing in relation to a drug offence (6%). The remainder of the sample had been charged with a variety of offences classified as 'other', which included public transport and traffic offences.

Sentences ranged from cautions to suspended control orders. No interviews were conducted with young people who had received a control order. Table 2 has full details.

Table 2: Offence and sentence variables—descriptive statistics

Variable							N
Type of offence							193
	Violent	39%					75
	Property	33%					63
	Drug	6%					12
	Other	22%					43
Principal sentence							193
	Dismiss and/or caution	9%					17
	Bond without supervision	16%					31

⁴ No data are available regarding the proportion of Indigenous defendants in the Children's Court

Bond with supervision	15%					29
Fine	12%					24
Dismiss after completion of YJC	12%					23
Probation—without supervision	5%					9
Probation—with supervision	20%					38
Community service order	8%					15
Suspended control order	4%					7
Variable	Mean	Std Dev	Minimum	Maximum	Higher score	N
Number of concurrent offences	2.01	1.58	0.00	12.00	More offences	193
Prior convictions	0.61	1.06	0.00	5.00	More convictions	193
None	66%					129
1	16%					31
2	9%					18
3	6%					11
4	2%					1
5	1%					3

On average, the participants had two concurrent offences, with a range from none to 12. Two thirds of the sample were appearing before court for first time. Previous convictions ranged from none to five.

Perceptions of deterrence

The participants rated their risk of arrest in the event of future offending as being reasonably high ($m = 2.84$, where 2 = a bit and 3 = quite a bit). By contrast, they rated their likelihood of re-offending as being low ($m = 1.50$; 1 = ‘not at all’ and 2 = ‘a bit’). They rated the penalty as being neither soft nor hard, and perceived that relatively few problems would arise from the penalty. They reported the penalty would cause them few problems, on average, with their family and friends, and would not, on the whole, affect their academic or professional careers. Many reported that the penalty would stop them offending again ($m = 2.90$), and also thought they would be locked up the next time they were before the court. Most also believed that what they had done was wrong. Full details in this regard can be found in Table 3.

Table 3: Perceptions of deterrence—descriptive statistics

Variable	Mean	Std Dev	Minimum	Maximum	Higher score	N
Perceived certainty of arrest	2.84	0.98	1.00	4.00	More certain	206
Intention of re-offending	1.50	0.80	1.00	4.00	Higher intentions	206
How soft or hard was the penalty?	2.68	1.00	1.00	5.00	Harder	206
Problems from penalty	2.29	1.19	1.00	5.00	More problems	206
Family problems	1.58	0.94	1.00	4.00	More problems	206
Friend problems	1.22	0.60	1.00	4.00	More problems	206
Education problems	1.41	0.73	1.00	4.00	More problems	206
Job problems	1.81	0.99	1.00	4.00	More problems	206
Will the penalty stop you offending?	2.90	1.16	1.00	4.00	More agreement	206
Will you get locked up next time?	3.05	1.02	1.00	4.00	More agreement	206
Do you think what you did was wrong?	3.25	1.06	1.00	4.00	More agreement	206

Reintegration

The participants reported, on average, feeling moderate levels of reintegration as a result of their sentencing hearing ($m = 2.26$, where 2 = ‘a bit’). The highest score observed in this group of variables was in response to the question ‘did you learn that people cared about you during the court case?’ ($m = 3.03$, where 3 = ‘quite a bit’). By contrast, the participants reported that other people were unlikely to say that it was

unlike them to have done something wrong ($m = 1.74$, where 1 = ‘not at all’, and 2 = ‘a bit’). Full details in this regard can be seen in table 4.

Table 4: Perceptions of reintegration—descriptive statistics

Variable	Mean	Std Dev	Minimum	Maximum	Higher score	N
Unlike you to do something wrong	1.74	1.06	1.00	4.00	"A lot"	206
Felt forgiven	1.85	1.07	1.00	4.00	"A lot"	206
Treated as law abiding	2.05	1.13	1.00	4.00	"A lot"	206
Talked about good aspects	2.20	1.17	1.00	4.00	"A lot"	206
Learnt lesson	2.35	1.21	1.00	4.00	"A lot"	206
Put the whole thing behind you	2.40	1.24	1.00	4.00	"A lot"	206
Treated as trustworthy	2.47	1.13	1.00	4.00	"A lot"	206
Learnt people cared	3.03	1.11	1.00	4.00	"A lot"	206
Reintegration (total)	2.26	1.14	1.00	4.00	More reintegration	206

Stigmatisation

The participants of this study reported their sentencing hearing to be relatively unstigmatising, on average ($m = 1.66$, measured on the same scale as reintegration). Few felt as though they had been rejected by someone important to them, or that people had made negative judgments about them during the case. In fact, all but one of the scores was less than 2 (‘a bit’). The only question where a higher mean than two was observed was in response to the question ‘will others forget what you did?’. It appears that on average, the participants did not find their sentencing hearing to be a stigmatising experience. Full details in this regard can be seen in Table 5.

Table 5: Perceptions of stigmatisation—descriptive statistics

Variable	Mean	Std Dev	Minimum	Maximum	Higher score	N
Rejected by someone important	1.20	0.60	1.00	4.00	"A lot"	206
Negative judgements about self	1.37	0.79	1.00	4.00	"A lot"	206
Treated as likely to re-offend	1.73	1.02	1.00	4.00	"A lot"	206
Treated as a bad person	1.77	0.95	1.00	4.00	"A lot"	206
Treated as a criminal	1.82	1.01	1.00	4.00	"A lot"	206
Others won't forget what I did	2.09	1.12	1.00	4.00	"A lot"	206
Stigmatisation (total)	1.66	0.92	1.00	4.00	More stigmatisation	206

Fairness

Most participants reported their case to have been relatively fair. Highest agreement was in response to the question ‘did you understand your rights?’ ($m = 3.24$, where 3 = ‘quite a bit’ and 4 = ‘a lot’), whereas lowest agreement was in response to the question ‘did you feel you had enough control over your case?’ ($m = 2.22$, where 2 = ‘a bit’, and 3 = ‘quite a bit’).

Table 6: Perceptions of fairness—descriptive statistics

Variable	Mean	Std Dev	Minimum	Maximum	Higher score	N
Had enough control over case	2.22	1.16	1.00	4.00	"A lot"	206
Could correct errors	2.44	1.32	1.00	4.00	"A lot"	206
Others treated same	2.44	1.18	1.00	4.00	"A lot"	206
Was court fair?	3.15	1.05	1.00	4.00	"A lot"	206
Understood rights	3.24	1.16	1.00	4.00	"A lot"	206
Fairness	2.70	1.17	1.00	4.00	Fairer	206

Discussion

The aim of the current research was to investigate the subjective reactions of young offenders to being sentenced in the NSW Children’s Court, and in particular, how severe the penalties were perceived to be; whether the young people being sentenced felt stigmatised by the experience; whether they perceived the hearing to be reintegrative; and whether they felt they had been fairly treated.

Deterrence

It is clear that the participants in this study did not believe they had been treated harshly by the court. Subjective judgments of sentence severity were measured in a number of ways. Firstly, the participants were asked whether the penalty they received was softer or harder than they expected. On average, they rated the sentence as neither soft nor hard. Secondly, the participants were asked to rate the personal cost of the sentence. This was done globally (‘how big a problem will this create in your life?’) and specifically (‘have your chances of having a good relationship with parents or friends, or having a good education or job been hurt by this sentence?’). Few problems were envisaged as a result of the sentence received.

By contrast, when deterrence was conceptualised as risk of arrest, a higher rate of agreement was observed. Many of the participants also reported that the sentence would prevent them re-offending. Whether this latter finding is related to the perceived severity of the sentence is unclear, especially given the overall low ratings observed for the other severity variables. It is also plausible that it is related to factors such as remorse or intentions to re-offend.

What these results indicate is that the court hearing appears to have limited deterrence value, if the proposition that more severe sentences will reduce subsequent criminality is accepted. Whether this justifies increasing penalties in the Children’s Court is unclear. While offenders appearing before the Court do not appear to find the sentences they received to be severe, much of the research investigating deterrence has failed to establish a connection between severe sentences and reduced criminal activity in the sanctioned offender (Doob & Webster, 2003; Nagin, 1998; Von Hirsch, Bottoms, Burney, & Wikstrom, 1999). By contrast, there is considerable evidence to suggest that perceived risk of arrest can deter subsequent criminal activity (Blumstein et al., 1978; Nagin, 1998; Wright, Caspi, Moffitt, & Paternoster, 2004). In this regard, the finding that participants rated their chance of arrest in the event of future offending as being relatively high is of considerable interest. As these judgments came soon after the sentencing hearing, it is reasonable to presume that the Magistrates’ comments had some effect on impact on the participants’ perceived risk of apprehension. If it is true that these perceptions can have an inhibiting effect on

subsequent criminality, this could be interpreted as evidence supporting the proposition that a court appearance can deter crime. This remains a tentative conclusion until re-offending patterns in the sample have been investigated.

Perceptions of stigmatisation, reintegration and fairness

It was expected that the young people who participated in this study would feel stigmatised as a result of the experience. Stigmatisation has been defined as follows:

Disintegrative shaming (stigmatisation)...divides the community by creating a class of outcasts...the defining characteristic of stigmatisation (is the) assignment of a deviant characteristic as a master status (Braithwaite, 1989, p. 55)

In this study stigmatisation was conceptualised as the extent to which the young person felt they had been personally condemned in the court hearing. They were asked if they felt like a bad person or a criminal during the case, whether they thought other people believed they would re-offend, and whether they felt other people were making negative judgments about them. The major finding of this study was that, on average, the participants did not react to the court hearing in this manner. Given the strong theoretical influence of labelling theory, and the results of some early research investigating reactions to an appearance before a juvenile court, this might appear to be a somewhat surprising finding. However these findings are more consistent with recent research on the Children's Court, which has challenged the view that an appearance before a tradition court is a stigmatising experience. One possible explanation for this inconsistency is that labelling theory, and more recently reintegrative shaming theory, has influenced the operation of the court system in this country. Magistrates are perhaps aware of the possibility of stigmatising young offenders, and have adjusted their manner in court accordingly. Another possibility is that treatment in court is contingent on the attitude of the offender. People appearing with an uncooperative attitude and lack of remorse might attract harsher treatment, whereas those appearing with more pro-social attitudes might receive more reintegrative treatment from the bench. Nevertheless, the strong finding of this study, is that, as in the Canberra Reintegrative Shaming Experiment (Harris, 2001; Sherman et al., 1997), relatively low levels of stigmatisation were reported by the participants. The assumptions of labelling theory, on this evidence, can no longer be sustained.

Reintegration differs from stigmatisation in that personal denunciation is avoided in favour of condemnation of the offence and "reacceptance into the community of law-abiding citizens" (Braithwaite, 1989, p. 55). It was expected that the participants would be unlikely to react in this way to their sentencing hearing, a prediction not supported given the moderate feelings of reintegration observed. This is not to say that the court cases resulted in strong feelings of reintegration, however it does appear that for some, at least, the hearing led to some positive feelings.

Participants were also asked about how fair they perceived the hearing to be. In line with previous research, it was predicted that most would report low levels of procedural fairness, but in contrast, it was found that most thought they had been dealt with fairly. This is a finding that should encourage Magistrates, law makers and defence lawyers.

Conclusion

The major finding of the current research is that in contrast to the predictions made by labelling theory many young people appearing before the NSW Children's Court do not perceive the experience to be negative. Few of the participants in the current study felt overwhelmingly stigmatised by the experience of being sentenced in a traditional court. Some felt reintegrated, and many felt they had been dealt with fairly. Compared to the findings of Emerson (1969) and O'Connor and Sweetapple (1988), the contemporary Children's Court hearing is fair and unstigmatising. It appears the Magistrates and solicitors are doing, in many respects, an admirable job under difficult circumstances.

The major drawback of this study is the lack of detailed information regarding the court-room dynamics that led to the subjective reactions reported here. To remedy this deficiency it is intended to qualitatively analyse transcripts of a number of the hearings the participants were interviewed in relation to. It is anticipated this will shed more light on the court-room factors associated with the reactions reported here.

The current results demonstrate that it is unwise to assume that a court appearance has an inevitably detrimental outcome. Nevertheless, it is also clear that there are wide variations in the way that young people react to court. Future research should focus on identifying the causes of these variations.

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