



DEPARTMENT OF JUSTICE

Lives of Trouble: Criminal Offending and the Problems of Everyday Life

International Legal Aid Group
Wellington, New Zealand

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BACKGROUND

Linking Crime and Social Exclusion

“social exclusion is a shorthand for what can happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime, bad health and family breakdown” (Social Exclusion Unit, 2001)



BACKGROUND

Link between crime and social exclusion widely assumed

“To understand the circumstances which have brought the case to court it is necessary to understand how the processes of social exclusion operate” (Equal Justice Bench Book, U.K., 2004)





BACKGROUND

Assumptions underlying holistic criminal defence

Interconnection between crime, justiciable problems and other social problems

“most people cycle through the criminal justice system as a result of deep and interrelated social problems [and] the ensuing arrest, criminal charge or conviction can result in significant practical difficulties that only exacerbate the problem” (Smythe, 2004)



Data Source

Third national survey conducted January and February 2008; n = 7002; telephone interviews; 3-year period

“During the past three years have you (or your partner) experienced a problem or dispute involving any of the following with respect to [problem type] that was serious and difficult to resolve.”

83 specific problems carefully worded to have a legal aspect



Offender Sub-Sample

In connection with the question on problems related to police action, asked about criminal charges

2.1% of the sample arrested or charged

About one half the percentage of the adults charged according to official crime statistics

Represents one segment of the criminal population



Offenders Charged With Minor Offences

▪ Assault	23.1%
▪ Impaired Driving	21.2%
▪ Traffic	11.2%
▪ Drugs	9.0%
▪ Other	37.5%



Demographic Characteristics

Demographic profile of sample offenders to similar to official statistics

- **Primarily young and male**
- **Lower Income**
- **Lower Education**
- **Mostly Single**



Demographic Characteristics

Somewhat similar in terms of employment

	<u>Offenders</u>	<u>Sample</u>
▪ Working full time	44.2%	44.7%
▪ Self-employed	11.6%	9.9%
▪ Unemployed	12.9%	4.7%
▪ Disability pension	3.4%	1.3%



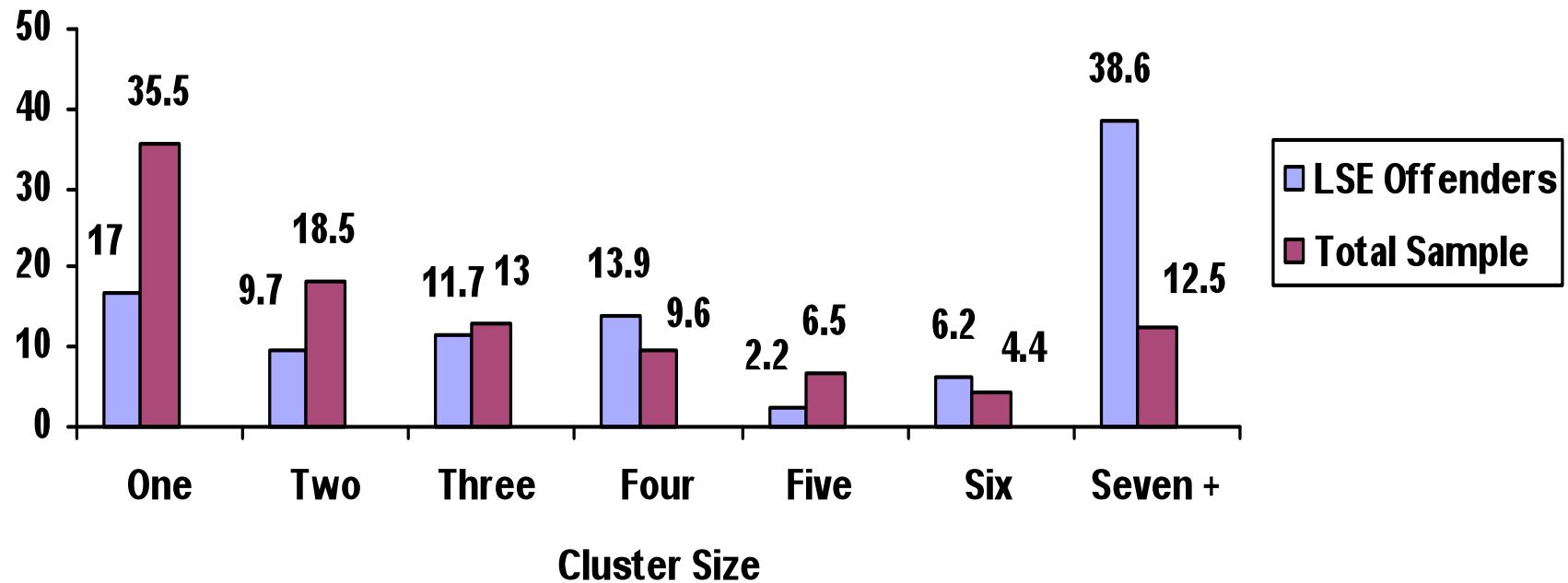
Demographic Characteristics

Aboriginal Peoples, Blacks, Latin American and East Asians Over-represented

	<u>Offenders</u>	<u>Sample</u>
▪ Blacks	11.5%	10.5%
▪ Latin American	3.5%	1.3%
▪ East Asian	3.8%	2.7%
▪ Aboriginal	19.2%	8.6%

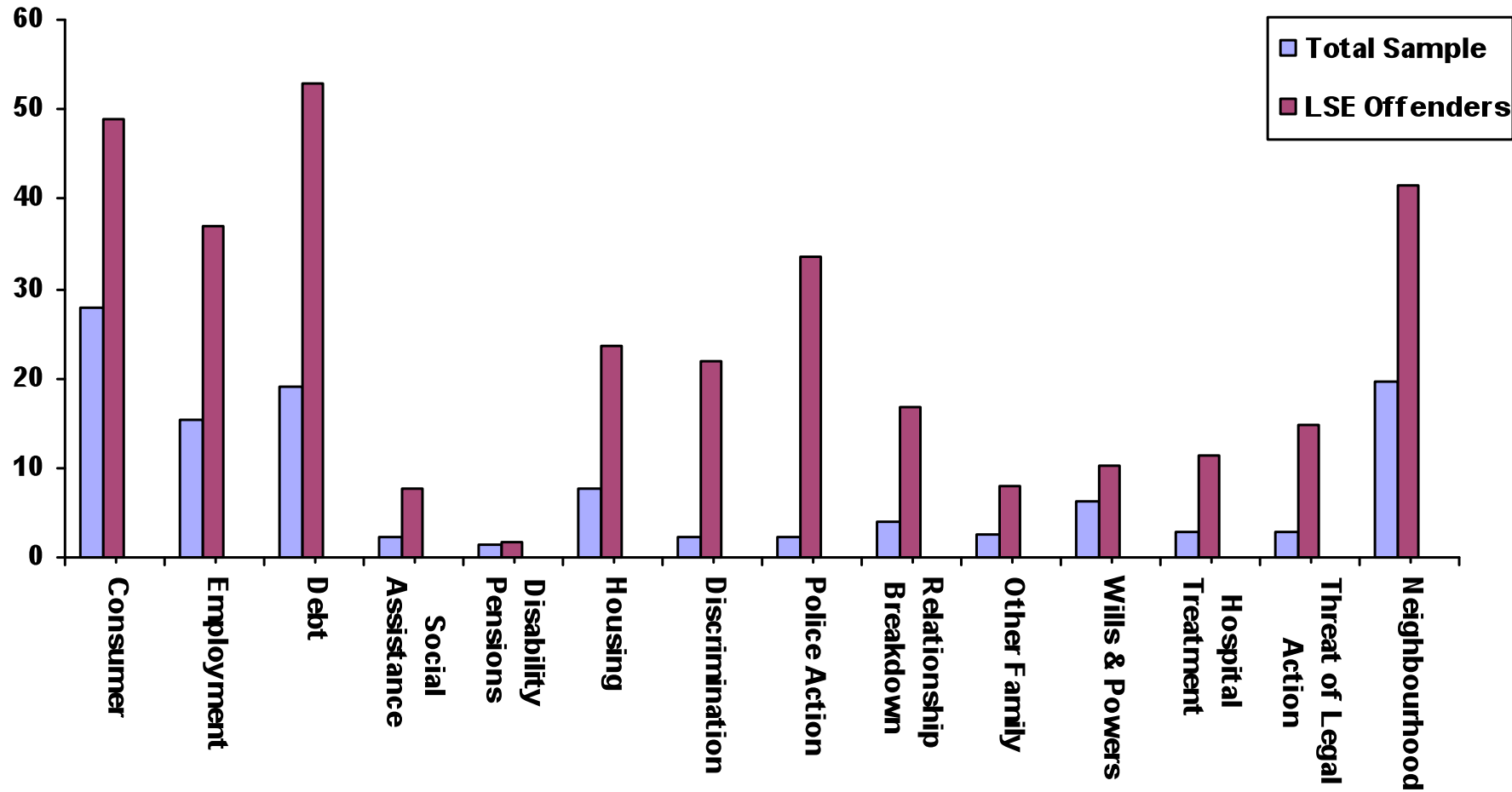


Offenders experience a large number of civil law problems



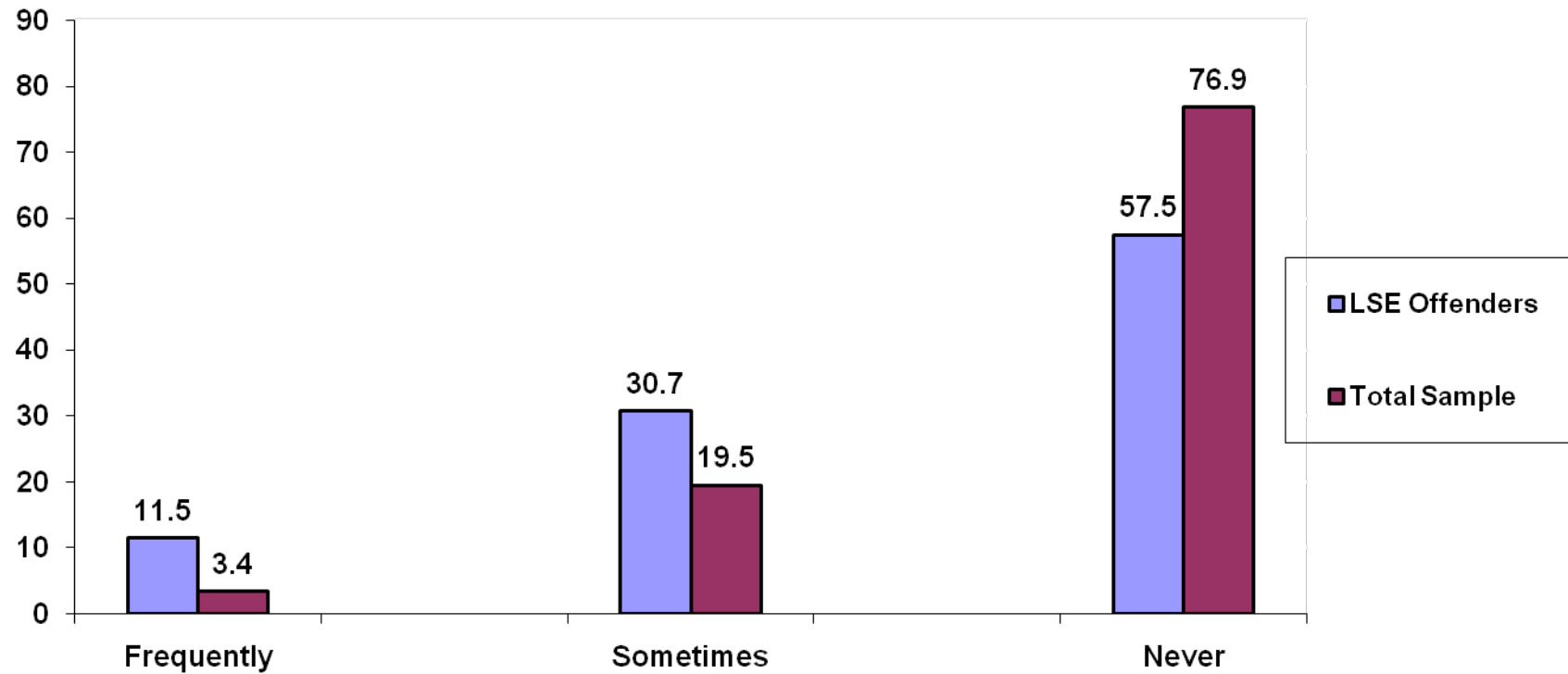


Offenders experience more problems of every type



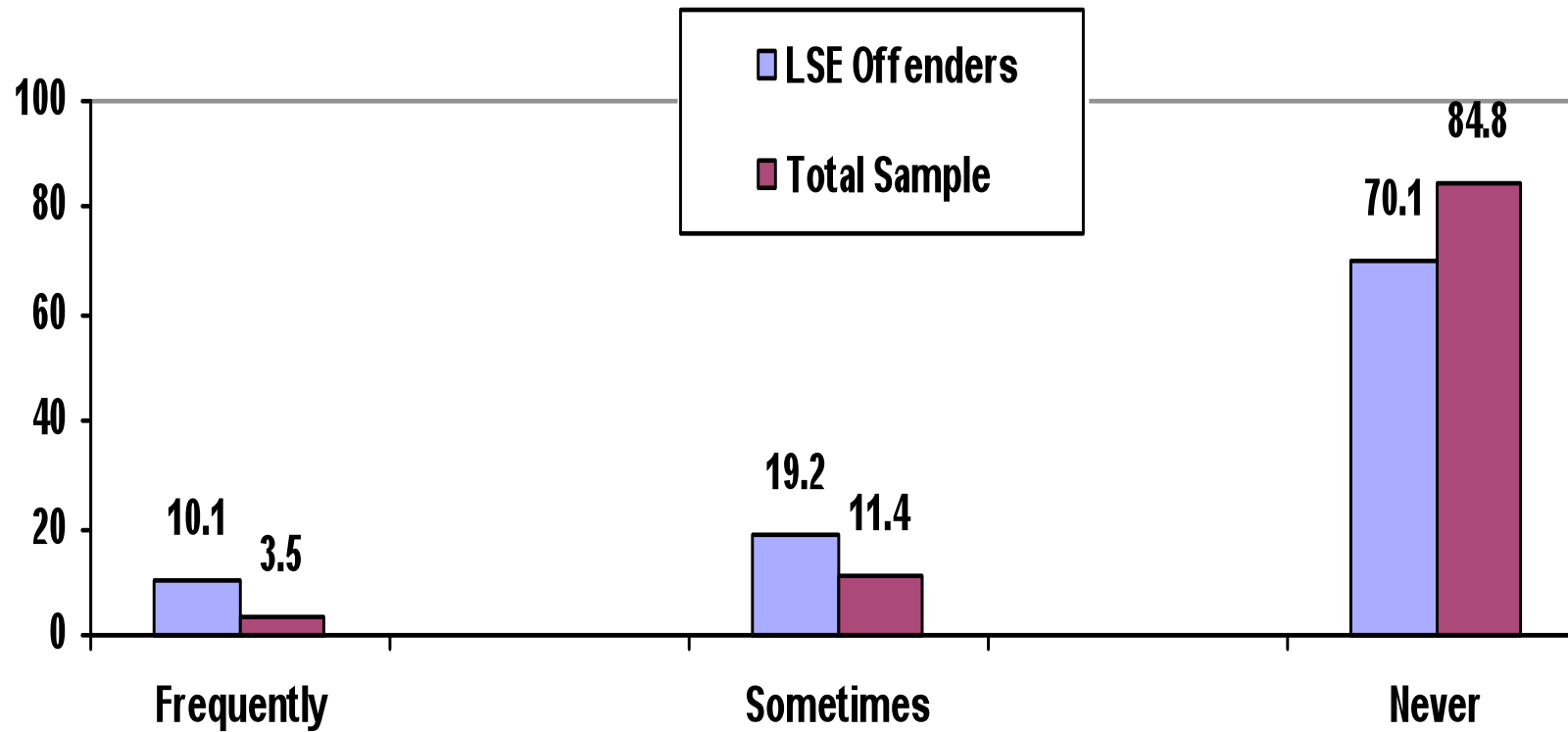


Offenders More Likely to have long term debt problems



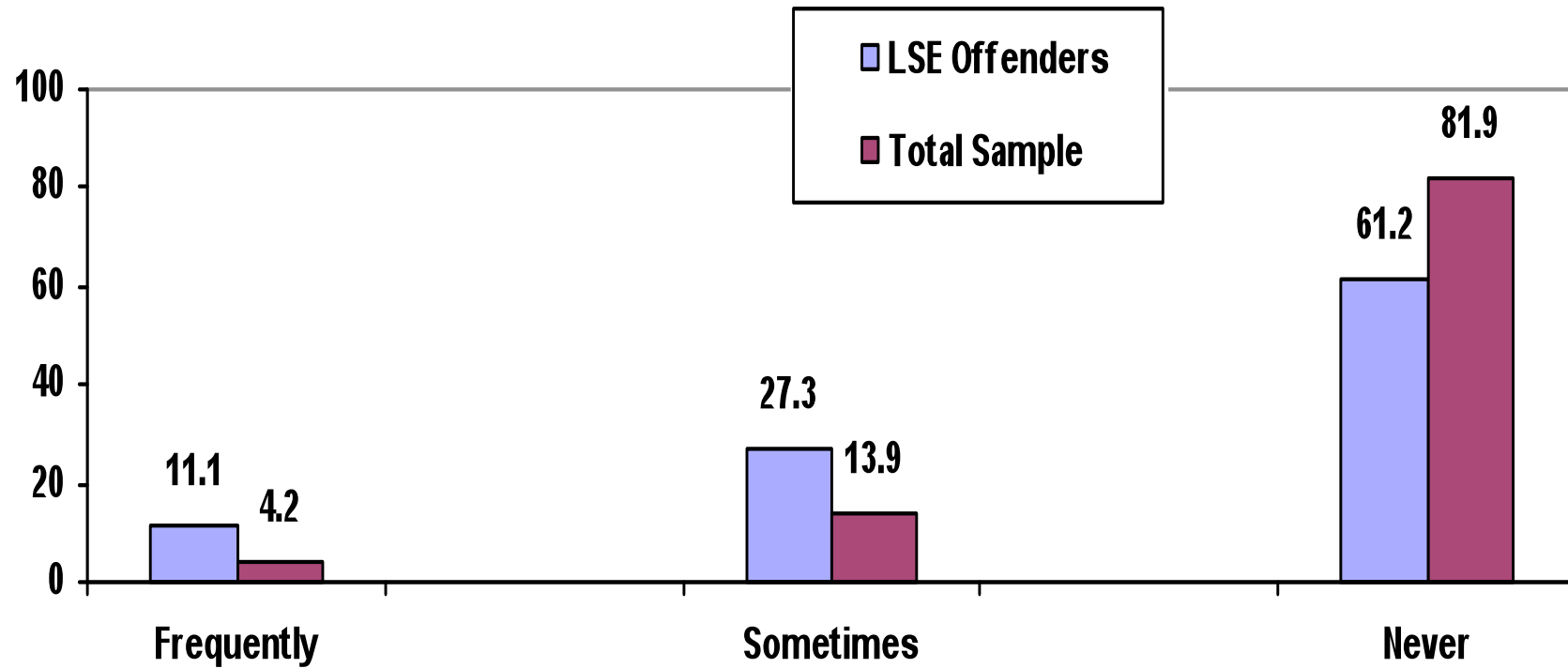


Offenders more likely to have long term housing problems



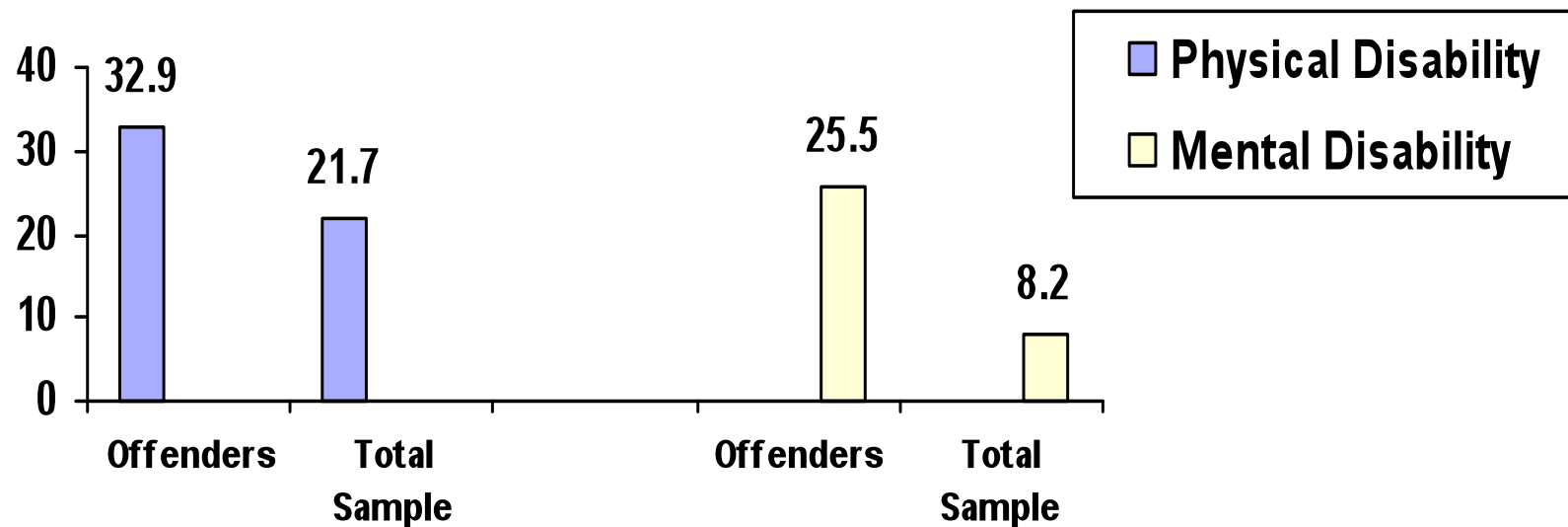


Offenders more likely to have long term employment problems



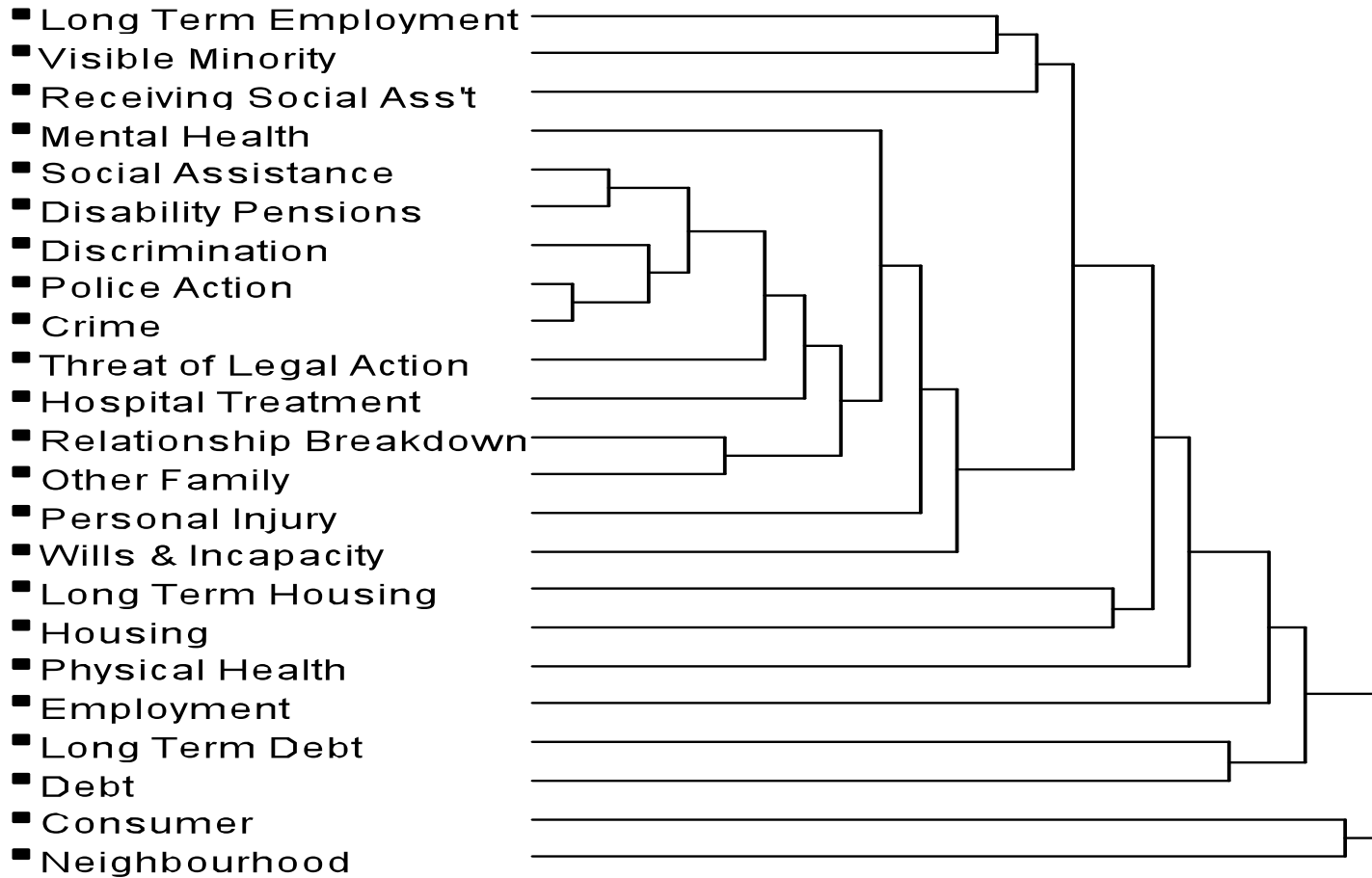


Offenders more likely to report physical or mental disability





Crime and Problem Clusters





Some Implications

Who are the criminal accused?

Among the various categories of offenders, people whose criminal offending is embedded in “lives of trouble”





Some Implications

Supports the rationale for holistic criminal defence

- **most people cycle through the criminal justice system as a result of deep and interrelated social problems [and] the ensuing arrest, criminal charge or conviction can result in significant practical difficulties that only exacerbate the problem**



Some Implications

Therapeutic justice, tackling crime and criminal legal aid

- **criminal legal aid is publicly funded criminal defence**
- **public funds as an investment in reducing crime**
- **holistic criminal defence**