Recent research on juvenile justice

by the NSW Bureau of Crime Statistics and Research

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Introduction

- The Young Offenders Act (YOA) is based on the principles of restorative justice (meeting the victim, discussing the offence, apologising, making amends)
- The Bureau has conducted 5 studies in past 12 mths to assist in reform of the YOA. The studies were concerned with:
  1. Whether the sanction hierarchy of the YOA is being adhered to
  2. Whether Youth Justice Conferences (YJCs) take longer to finalise cases than courts
  3. What commitments offenders make in YJCs and whether they fulfil them
  4. Whether YJCs are effective in reducing re-offending
  5. Whether the public supports the principles of restorative justice
- I'm going to summarize this work and then Jenny is going to discuss its implications for the YOA

But first; four key questions

1. What proportion of young people are reconvicted of a further offence?
2. Among those who do re-offend, how frequently do they reoffend?
3. What offences do those who reoffend commit?
4. What proportion end up with a custodial sentence (whether as juveniles or adults)?

To answer these questions:

- We selected all (8,813) young offenders who had their first known caution, conference or proven court appearance in 1999; and
- followed them up for 10 years, measuring
  - Risk of reoffending
  - Time to next offence
  - Frequency of reoffending
  - Seriousness of reoffending

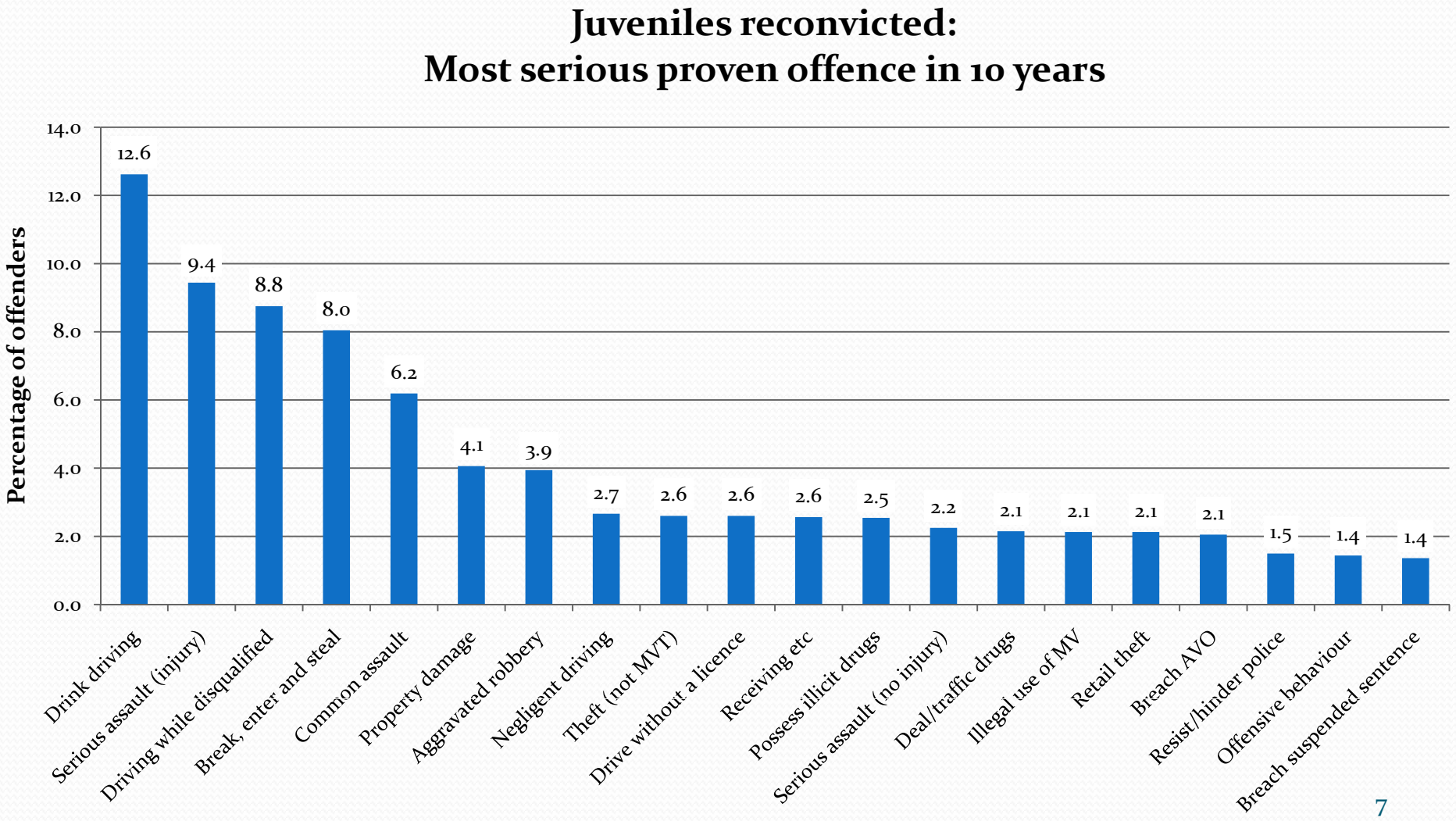
Results…

- Across the sample as a whole:
  - 57.6% = were reconvicted in 10 years
  - 3.91 = was the average frequency of reconviction
  - 11.0% = ended up with a custodial penalty
- For Indigenous offenders, the corresponding figures were:
  - 84.3% reconvicted
  - 6.02 proven court appearances in 10 years (on average)
  - 32.6% given a custodial sentence

The pattern was similar for each disposition

Disposition	Percentage reconvicted in 10 years	Average freq. of reconviction in 10 years	% receiving a custodial sentence in 10 years
Caution	53.1%	3.60	8.5%
Conference	60.9%	4.50	12.5%
Court appearance	68.5%	4.40	17.2%

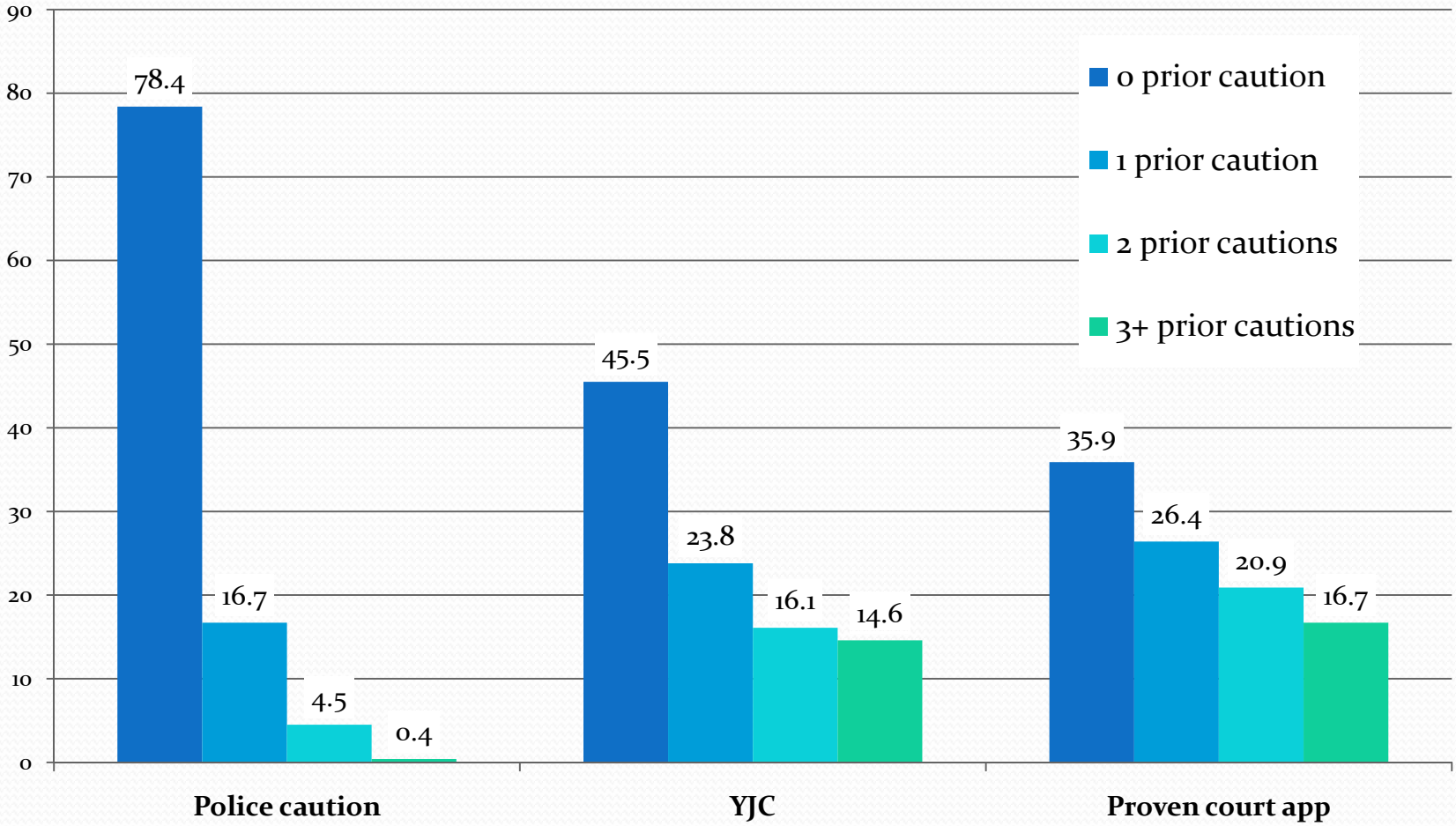
And what offences do they commit?



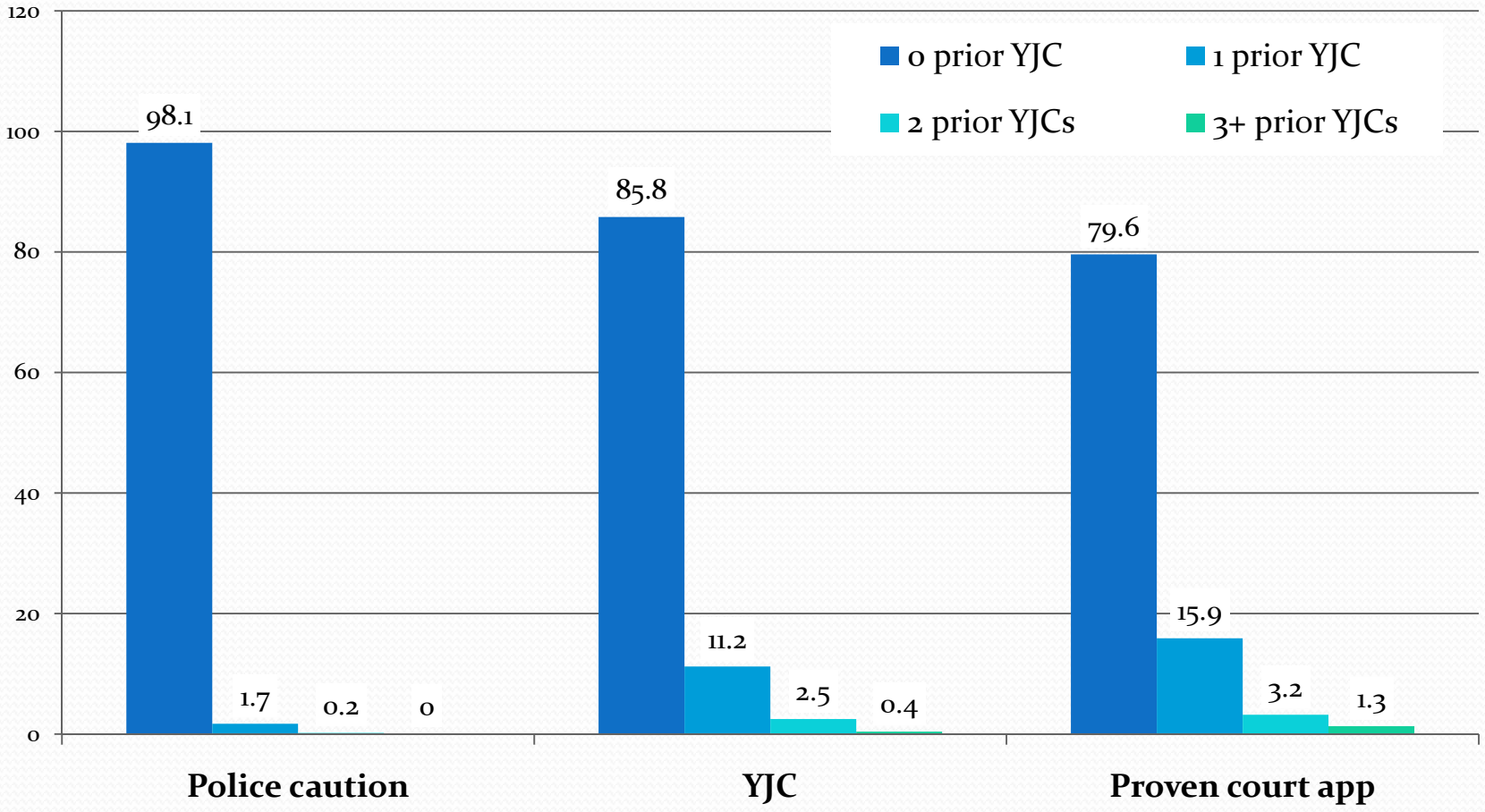
Is the sanction hierarchy of the YOA being adhered to?

- Study author: Elizabeth Moore (Bureau Brief 73)
- Method
  - Selected all 13,980 young people who admitted an offence in 2010 and were dealt with by way of a caution, conference or appearance in court
  - Analysed the effect of prior cautions, conferences and court appearances on the likelihood of getting a caution or conference in the future

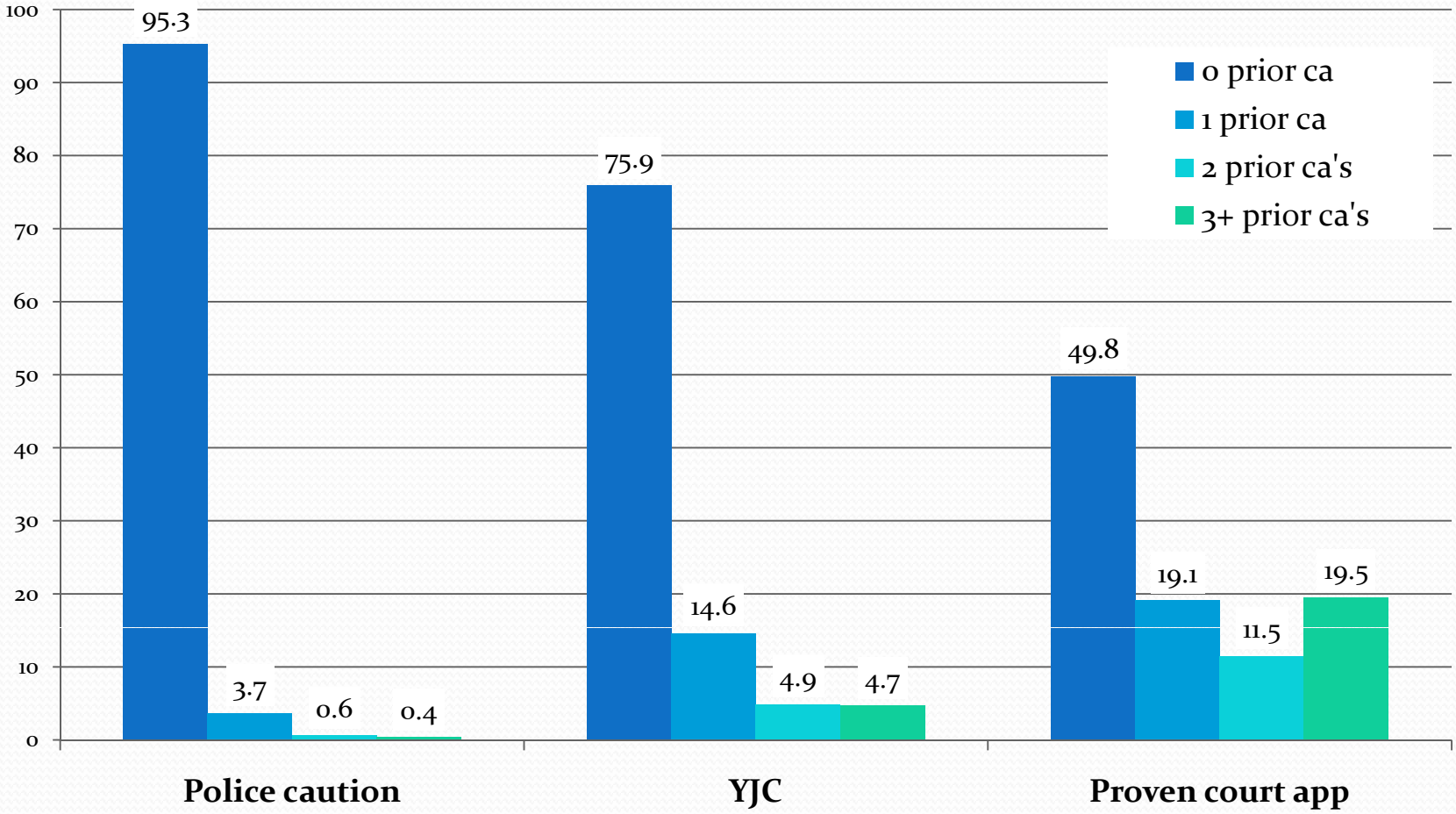
Percentage dealt with by caution, conference or court by number of prior cautions



Percentage dealt with by a caution, conference or court by number of prior conferences



Percentage dealt with by a caution, conference or court appearance by number of prior proven court appearances



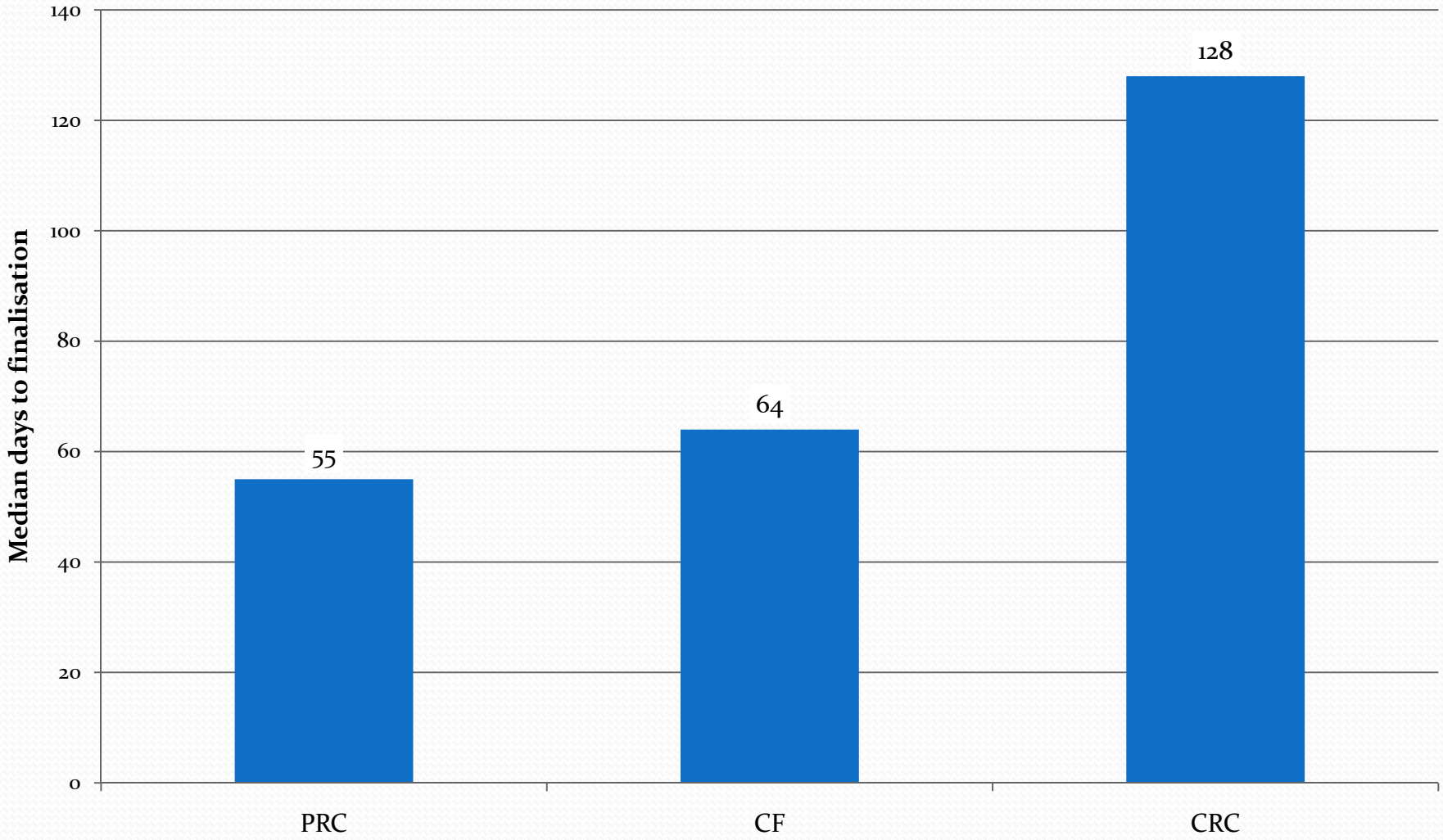
So in summary….

- The sanction hierarchy is being adhered to in that:
  - Most (78%) of those getting a caution haven't had one before Less than half of one per cent have had 3 or more
  - A slim majority (55%) of those getting a YJC have had a caution before
  - Most (64%) of those going to court have been cautioned before
- However….
  - Less than half (46%) of those going to a YJC have a previous caution
  - Most (80%) of those going to court have no previous YJC appearance

Do YJCs take longer to finalise matters than courts?

- Study author: Elizabeth Moore (Bureau Brief 74)
- Method
  - Examined the time to finalise three case cohorts: 734 police-referred conferences (PRCs), 951 court referred conferences (CRCs) & 1482 court finalisations (CFs)
  - YJC exclusion criteria applied to all offenders
  - Controlled for number of concurrent offences, index offence, JJ region, prior CJS contacts, age, gender and Indigenous status

Median days to finalisation by disposition

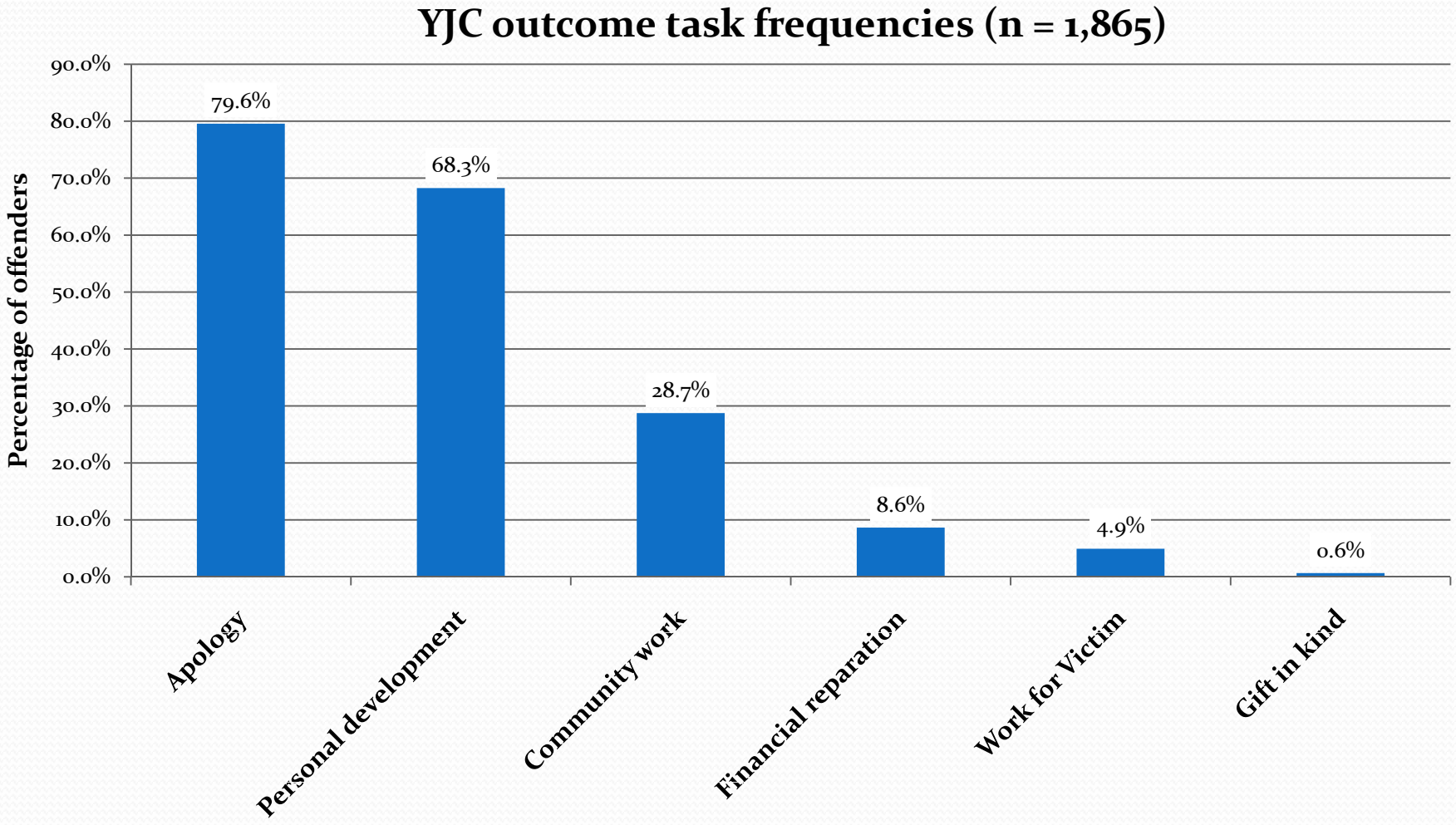


So in summary…

- It takes less time to finalise a juvenile case in a police referred conference than it takes to finalise a similar case in the Children's Court

What commitments do offenders make in YJCs?

- Study author: Isabel Taussig (Bureau Brief 75)
- Method
  - Descriptive analysis of DJJ & BOCSAR YJC data
  - Data for conferences drawn from the DJJ client management information system (CIMS) for the financial year 2009-2010


YJC outcome task frequencies (n = 1,865)
Percentage of offenders
90.0%
80.0%
70.0%
60.0%
50.0%
40.0%
30.0%
20.0%
10.0%
0.0%
79.6%
68.3%
28.7%
8.6%
4.9%
0.6%
Apology
Personal development
Community work
Financial reparation
Work for Victim
Gift in kind

Outcome task	Outcome plan status	
	Completed (n = 1,655)	
	n	(%)
Apology	**1,320**	**89.4**
Personal development	**1,121**	**88.1**
Community work	**464**	**87.2**
Work for victim	**80**	**87**
Financial reparation	**146**	**91.8**
Gift in kind	**11**	**91.7**

So in summary…

- Offenders nearly always apologise
- A large proportion engage in some measure which the conference participants hope will reduce the risk of further offending
  - e.g. attending an anger management course or seeing a psychologist)
- A large proportion (29%) undertake some community work

How effective are YJCs in reducing re-offending?

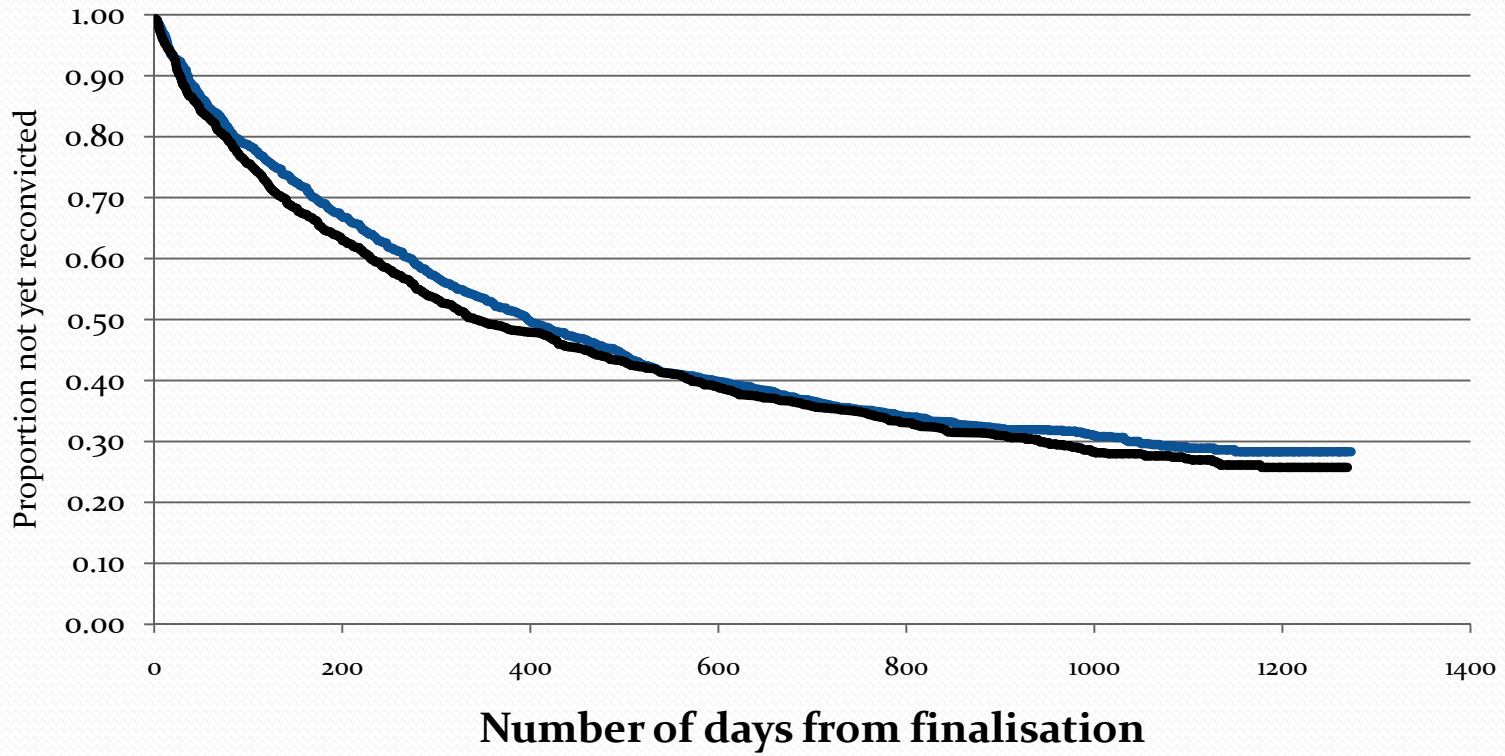
- Study authors: Nadine Smith & Don Weatherburn (CJB 160)
- Method
  - Propensity score matching (918 in each group)
  - YJC exclusion criteria applied to all offenders
  - Intention to treat (with and without justice procedure offences)
  - Outcomes: proportion re-convicted of a new offence within 24 months, time to first reconviction, seriousness of most serious offence (compared with index offence) and frequency of reconviction

Results

- Proportion re-convicted
- N times reconvicted
- Time to first reconviction
- Seriousness of reconviction

- No significant diff
- No significant diff
- No significant diff
- No significant diff

Time to first re-offence for the matched Youth Justice Conference and Children's Court cohorts



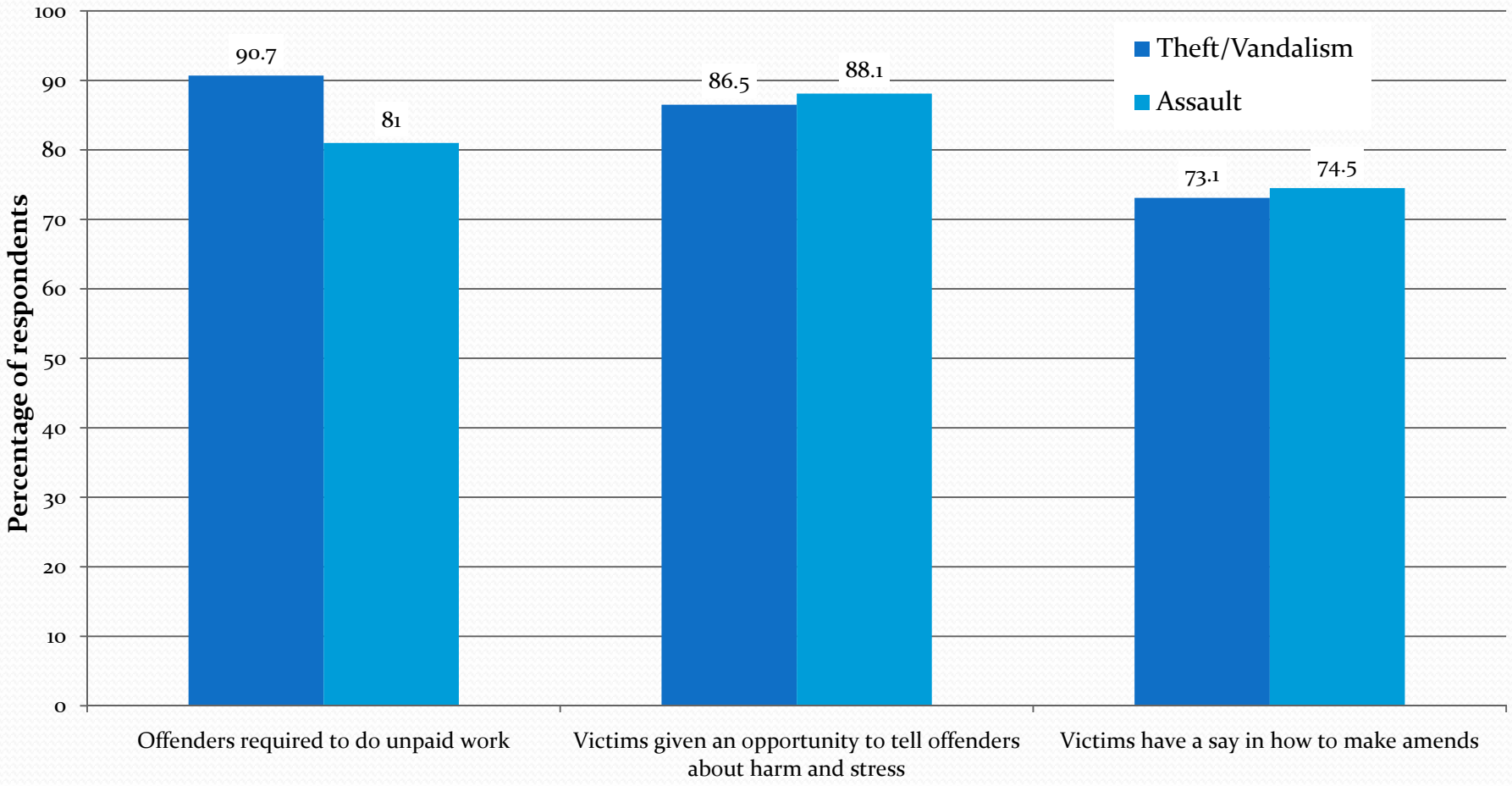
So in summary

- There is no evidence that Youth Justice Conferencing is any more or less effective than the Children's Court in reducing the risk or seriousness of further offending

Does the public support restorative justice?

- Study author: Elizabeth Moore (Bureau Brief 77)
- Method
  - Telephone survey of 2,530 NSW residents
  - Quota sampling with weights on age and gender
  - Questions:
    - Support for offenders doing unpaid work
    - Support for victims telling offenders about harm
    - Victim say in how offenders should make amends

Percentage of respondents who strongly or moderately agree with RJ principle



So in summary…

- The vast majority of the public support the principles of restorative justice
- Support for these principles is strongest among women, victims of crime, those who live in regional areas, those with lower educational achievements and those who think the courts are ‘too lenient’.

You can find more at www.bocsar.nsw.gov.au

Now over it's over to Jenny Bargen, who has written extensively on juvenile offending & for many years actually ran Youth Justice Conferencing in NSW……