

Offending by young people with disability: A NSW linkage study

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SUMMARY

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BACKGROUND

This report presents findings from the NSW Justice Test Case that was part of the National Disability Data Asset (NDDA) pilot. The Test Case was led by the NSW Bureau of Crime Statistics and Research and the Commonwealth Department of Social Services, and used linked State and Commonwealth data collections to examine the intersection of disability and the criminal justice system in NSW. Results reported in this bulletin relate specifically to people born between 1st January 1997 and 31st December 2000 who were in contact with a set of core disability services, and/or those who experienced a police caution, youth justice conference, or court appearance in NSW before the age of 18. For young people with disability, we examine the following:

1. The proportion who offended, and factors associated with the risk of offending;
2. Differences in the types of offences committed compared to young people without disability;
3. Differences in the response of the criminal justice system to offending compared to people without disability, including diversion rates and penalties imposed.

KEYWORDS

Disability

Young offenders

Diversion

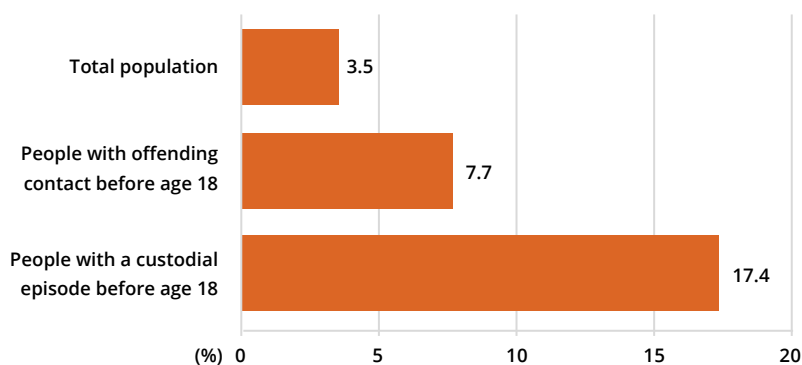
Mental health

Children and young people

Socioeconomic factors and crime

KEY FINDINGS

Relative proportion of NSW population groups identified as people with disability, birth cohort of people born between 1997 and 2000



Of all young people in NSW born between 1st January 1997 and 31st December 2000, 3.5% (n=13,302) were in contact with disability services or supports before the age of 18. Most young people with disability did not offend (87%) before the age of 18. However, young people identified with disability were overrepresented in the youth justice system, comprising 7.7% of all young people with an offence before the age of 18 and 17.4% of those with an episode in youth detention.

Factors such as a later age of initial engagement with disability-related services, greater remoteness of residence, and frequency of child protection contact were strongly associated with the likelihood of a young person with disability having criminal justice contact before the age of 18.

Young offenders with disability demonstrated a different offending profile compared with young offenders without disability, more often having contact for violent offences (including domestic violence offences); property offences; sexual assault and related offences; and offences against justice procedures, government security and government operations.

While the rate of court diversion through police cautioning or youth justice conferencing was similar for young offenders with and without disability, those with disability were more often ineligible to receive such a diversion due to the type of the offence committed. For eligible matters that proceeded to court, people with disability more often had their matter finalised by way of a section 32 or section 33 mental health dismissal, a not guilty verdict, or a withdrawal of charges.

CONCLUSION

People with disability have higher rates of contact with the youth justice system than people without disability and are significantly overrepresented in the youth custody population.