



NSW Bureau of Crime
Statistics and Research

The Youth Koori Court and Youth Justice Outcomes

Winter seminar series 2022

Background

Evaluation aim

To investigate the impact of the Youth Koori Court (YKC) on youth justice outcomes.

The YKC was initially established at Parramatta Children's Court (CC) in February 2015 and later expanded to Surry Hills CC in February 2019.



The Youth Koori Court

The aims of the YKC are:

- Increase Aboriginal and Torres Strait Islander community and young peoples' confidence in the criminal justice system;
- Reduce the risk factors related to the re-offending of Aboriginal and Torres Strait Islander young people;
- Reduce the rate of non-appearances by young Aboriginal and Torres Strait Islander offenders in the court process;
- Reduce the rate of breach of bail by Aboriginal and Torres Strait Islander young people, and;
- Increase compliance with court orders by Aboriginal and Torres Strait Islander young people.

The Youth Koori Court

For an Aboriginal or Torres Strait Islander young person to be eligible, they must satisfy the following:

1. Bail for the offence has been **granted or dispensed** with;
2. The young person has indicated that they will be **plead guilty** or had the **offence proven**;
3. Be charged with an offence within the **jurisdiction of the CC** that is to be determined **summarily**;
4. At a minimum, be highly likely to be sentenced to **Juvenile Justice supervision**;
5. Be **10 to 17 years of age** at the time of the offence(s) and **under 19 years** of age when court proceedings commenced, and;
6. Be willing to participate.

Evaluation outcomes

Sentencing at index court finalisation

Probability of being sentenced to a juvenile control order (JCO) at finalisation

Recidivism within 12 months of finalisation among those not sentenced to a JCO

1. 'Re-conviction': Probability of committing a new and proven offence.
2. 'Imprisonment for a new offence': Probability of being sentenced to a JCO for committing a new and proven offence.

Evaluation outcomes

Additional qualitative research and a cost-benefit analysis (to be released) have been conducted to assess whether the YKC is achieving objectives beyond sentencing and recidivism.

Who participates in the YKC?

74.2%

Of the YKC group are male

246

Days between first appearance and finalisation

17.9%

Bail refused at finalisation

11

Average number of proven concurrent charges

68.9%

At least one violent offence

76.2%

At least one property offence

0.78

Average number of prior juvenile control orders in the past 2 years

4.37

Average number of prior finalised CC appearances in the past 2 years

1.93

Average number of prior police cautions in the past 2 years

Research
design

Research design

Compare outcomes for YKC young people with a comparison group of 'similar' young people who had their matter finalised in a specialist CC.



YKC group

What % were sentenced to a JCO?



Comparison group

What % were sentenced to a JCO?



Impact of YKC

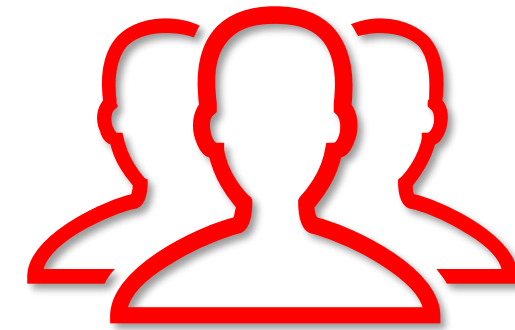
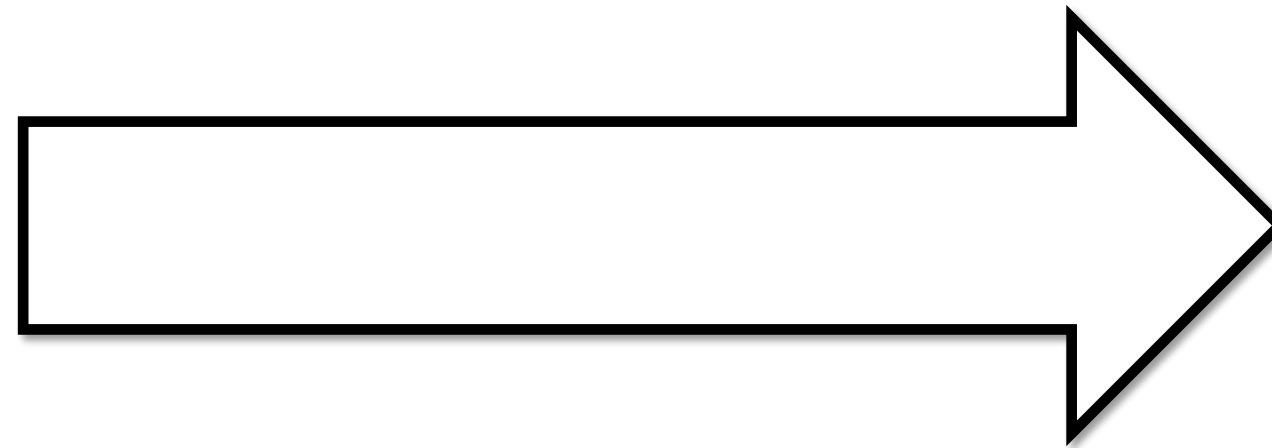
Difference in sentencing outcome

Research design

What is the comparison group of 'similar' young people?



YKC group



Comparison group

1. Young people who satisfy the observable eligibility criteria.
2. Had their matter finalised in a NSW specialist CC under 'standard' proceedings.

Regression model and results

Regression model

The first analysis is a regression model:

- Measures outcomes between the comparison groups after removing differences in other characteristics between the two groups.

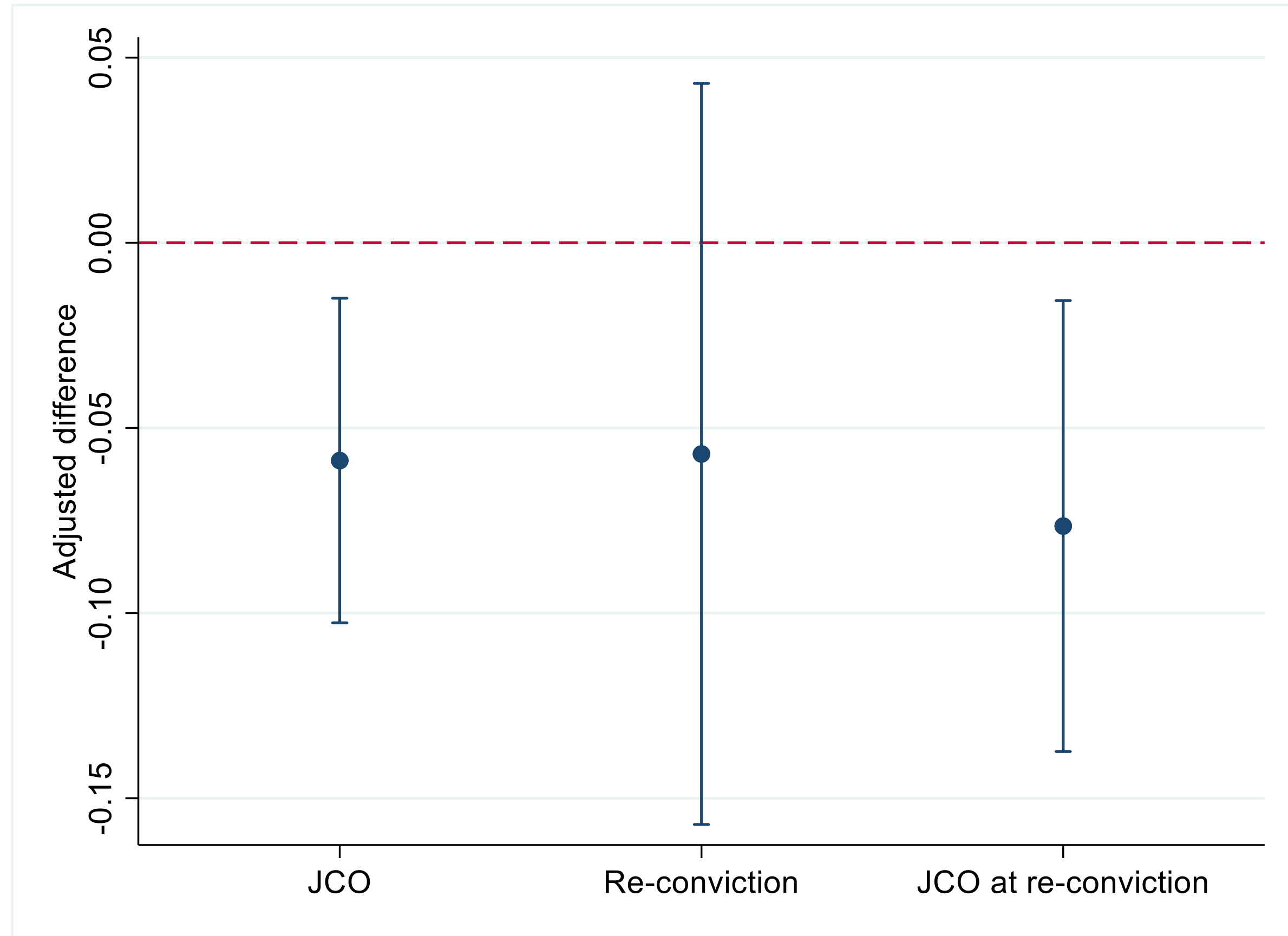
To enhance the similarity of the comparison group, the regression model also accounts for:

- Demographics (age, area of residence, and gender).
- Case characteristics at index finalisation (bail status, number of proven concurrent charges and offences).
- Prior offending history.

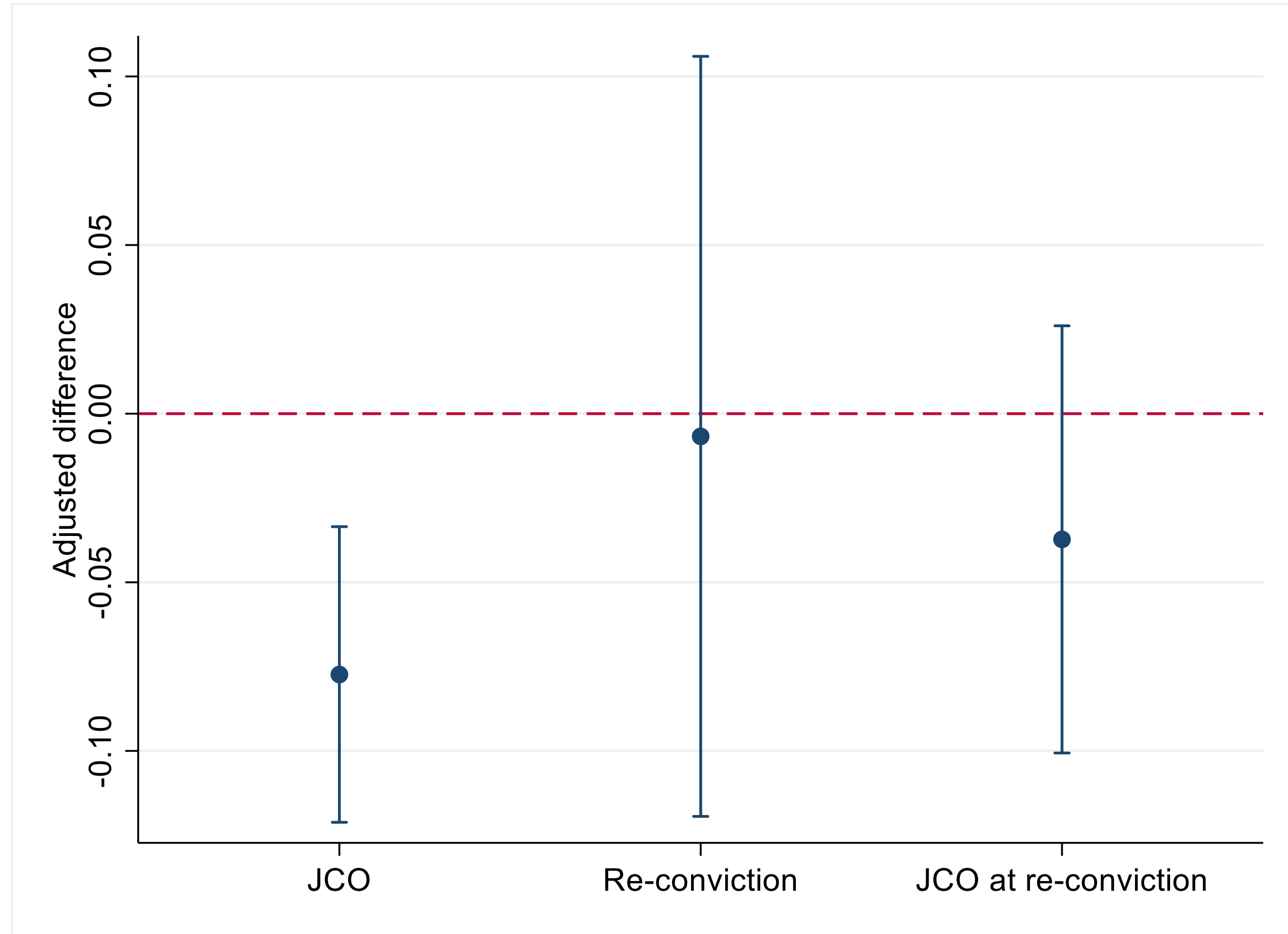
Regression results

No difference
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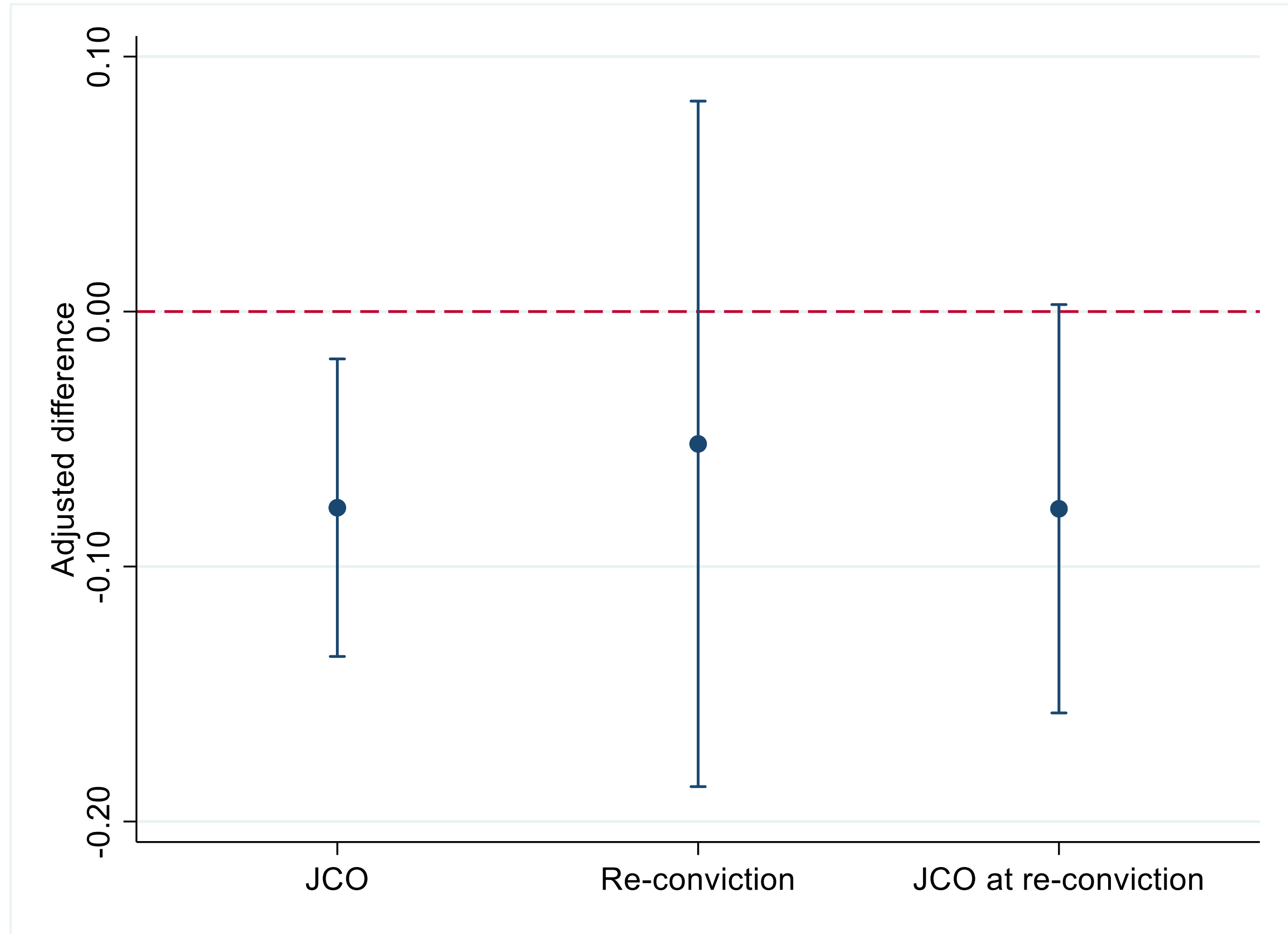
YKC group are less likely than the comparison group...
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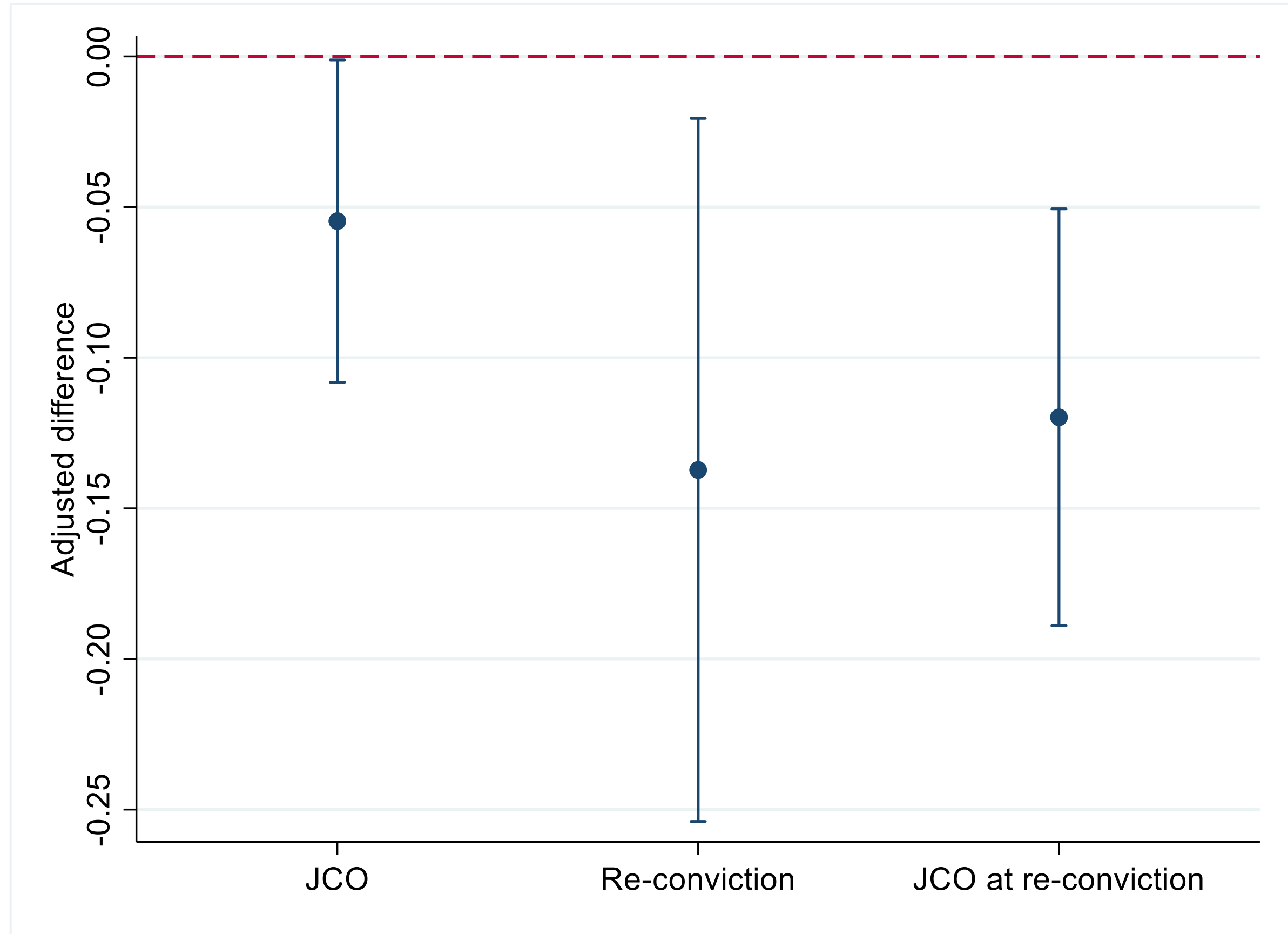
Regression results: No prior custodial episodes



Regression results: At least one violent offence



Regression results: At least one property offence



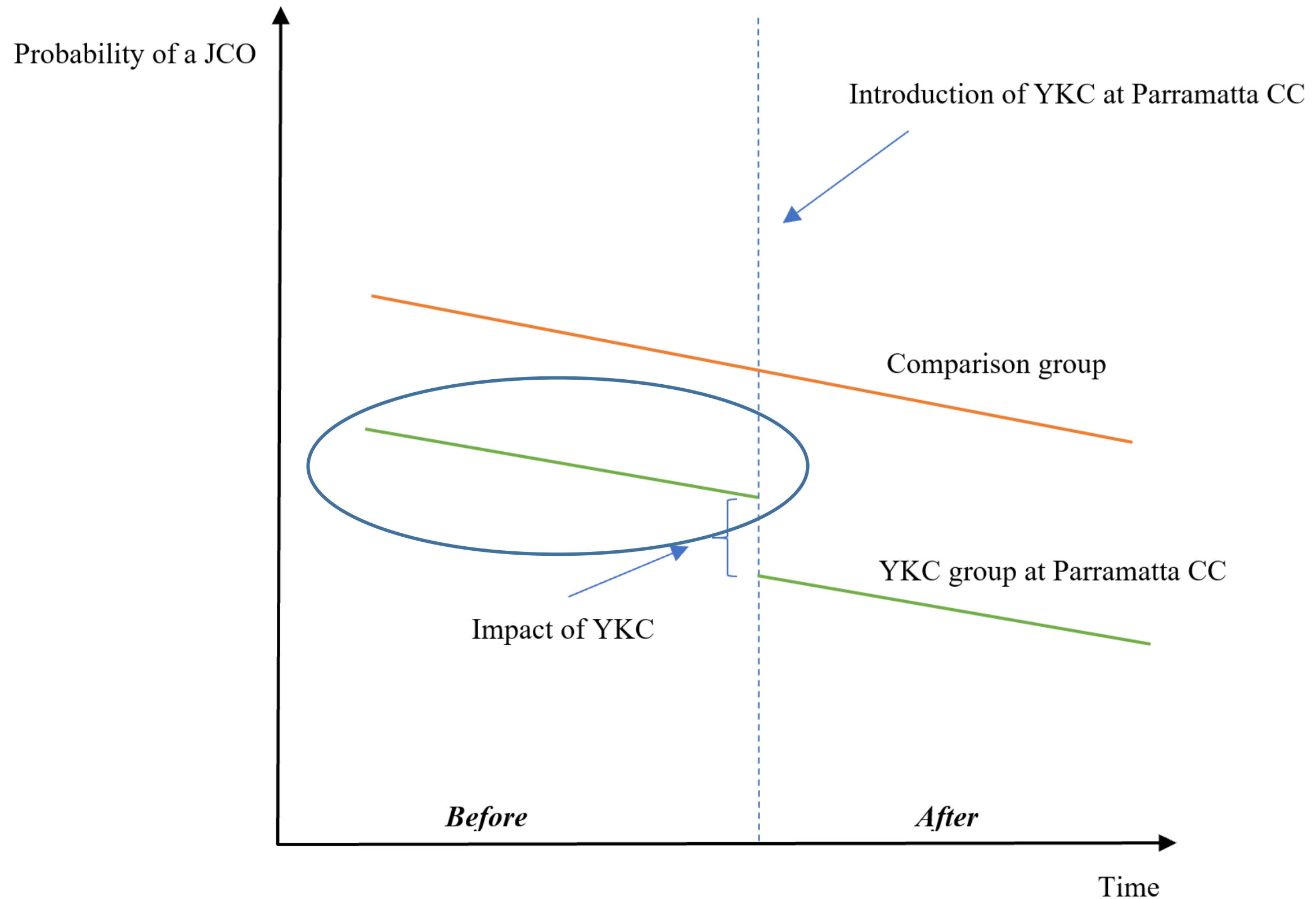
DiD model and results

DiD model

The second type of analysis is a Difference-in-Differences (DiD) model.

- This model estimates the change in outcomes before and after the establishment of the YKC at Parramatta CC.

DiD model



DiD results

	Full sample (1)	No prior custodial episodes (2)	At least one violent offence (3)	At least one property offence (4)
Probability of JCO	-8.1 p.p***	-11.8 p.p***	-8.5 p.p**	-8.9 p.p***
<i>N</i>	6,228	4,923	2,634	3,815

* p < 0.10, ** p < 0.05, *** p < 0.01

p.p = percentage points

Final
comments

Final comments

These results suggest that the YKC model of alternative case management for young people is promising, particularly in reducing incarceration.

There are several limitations of the study worth noting:

1. Small sample size (although, this is a common limitation of youth justice research in general).
2. It is possible unaccounted differences between groups remain.
3. Key outcomes such as impact on failure to appear and breach of bail outcomes could not be examined.

THANK YOU



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The full report is available online at the BOCSAR website.

NSW Bureau of Crime Statistics and Research This bulletin has been independently peer reviewed.

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The impact of the NSW Youth Koori Court on sentencing and re-offending outcomes

Evann J. Ooi and Sara Rahman

AIM To investigate the impact of the NSW Youth Koori Court (YKC) on youth justice outcomes, including the probability of being sentenced to a juvenile control order (JCO) and recidivism.

METHOD Youth justice outcomes for Aboriginal young people referred to YKC ($n = 151$) were compared with outcomes for Aboriginal young people who had their matter finalised in a specialist NSW Children's Court (CC) through the usual court process ($n = 2,883$). Two estimation strategies were used in this study to compare outcomes. The first was a regression model that included an extensive range of control variables, such as demographics, offence types and prior offending history. The second was a difference-in-differences (DiD) model that measured changes in youth justice outcomes at Parramatta CC after the establishment of the YKC in February 2015.

RESULTS Aboriginal young people referred to the YKC were substantially less likely to be sentenced to a JCO. The estimates from both the regression and DiD models were similar: the main regression specification indicated that YKC participants were 5.9 percentage points less likely to be sentenced to a JCO. This is equivalent to a 40% reduction in the probability of being sentenced to a JCO. The DiD estimate indicated an 8.1 percentage point reduction. Among those not sentenced to a JCO, YKC participants were 7.6 percentage points less likely to be sentenced to a JCO at re-conviction within 12 months of index court finalisation. Each of these reductions were statistically significant. Furthermore, there were statistically significant reductions in sentencing and recidivism outcomes among young people with no prior custodial episodes and those charged with at least one violent or property offence at index court finalisation.

CONCLUSION There is an association between the NSW YKC and the diversion of young Aboriginal people from custody, without any apparent adverse impact on recidivism. However, we cannot be confident that these estimates are causal.

KEYWORDS Evaluation Aboriginal Australians Young people Sentencing Recidivism/Re-offending

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