

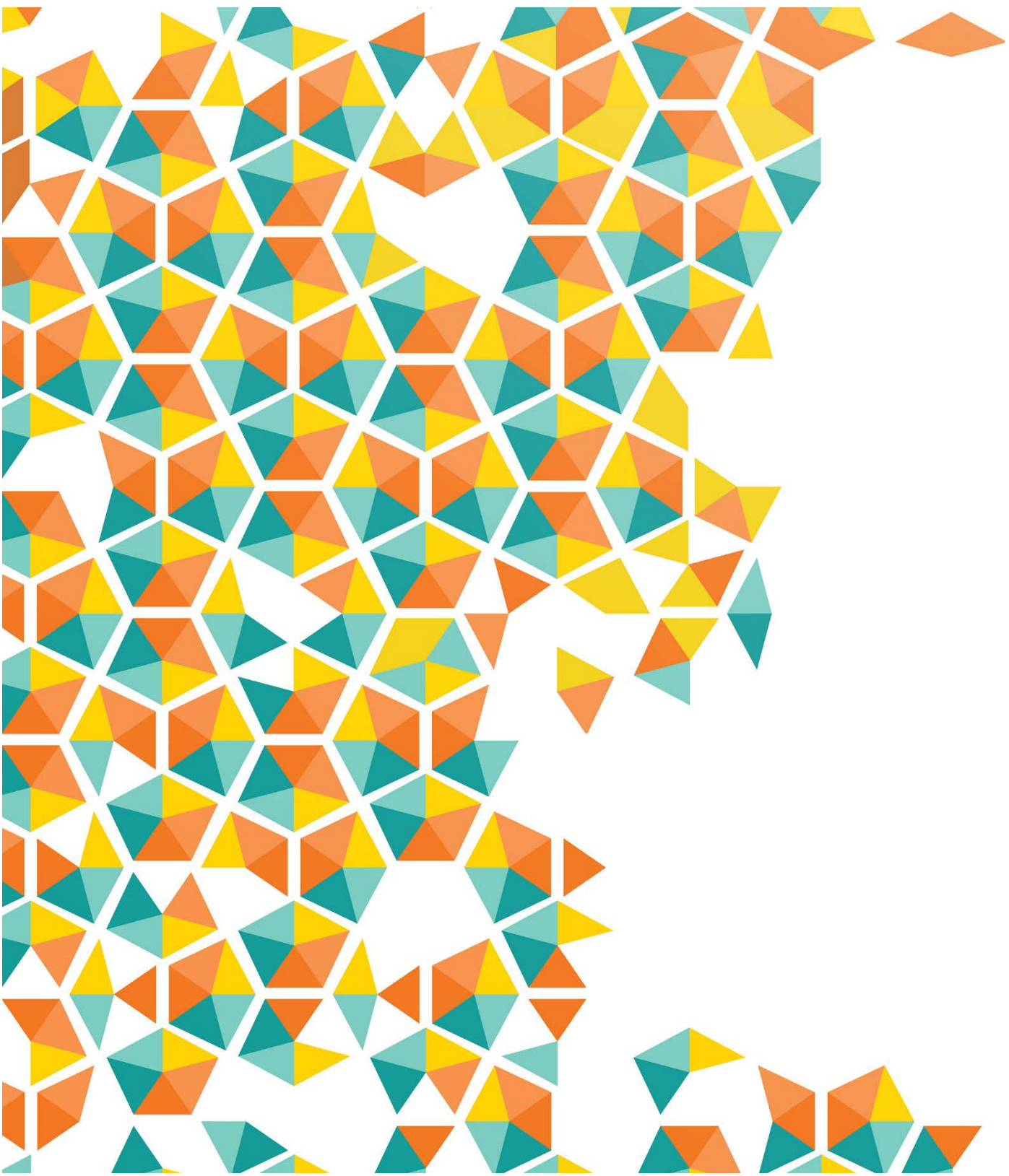


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# Intellectual Disability Behaviour Support Program

Economic Evaluation of Intellectual Disability  
Rights Service Criminal Justice Support Network



## **Report prepared for**

Intellectual Disability Rights Service

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# Executive Summary

## Background

The Criminal Justice Support Network (CJSN) is a disability advocacy service of the Intellectual Disability Rights Service (IDRS) which provides services for people with an intellectual disability who are in contact with the criminal justice system in NSW. The CJSN improves criminal justice outcomes for people with an intellectual disability by helping them to understand and navigate the police and court systems and to access diversionary options.

## Method

This study provides a cost-benefit analysis of CJSN support services in terms of criminal justice costs to the NSW State Government. It compares finalised court outcomes over a two-year period for CJSN clients who were supported in relation their court appearances compared to finalised court outcomes for a matched group of people with an intellectual disability who were not supported by CJSN. It also examines differences in finalised AVOs, with respect to the proportion of breaches and related court outcomes. The costs of these differences are compared to the costs of providing CJSN support to estimate the net benefit of the service.

A de-identified case study of a CJSN client's history and pathway to their current charge was compiled and compared with an individual with intellectual disability and a similar history who was not an IDRS/CJSN client. Two possible pathways are detailed – the 'unsupported pathway' of the comparison person and the 'supported pathway' of the CJSN client.

## Findings

The findings from the cost benefit analysis show that the **CJSN generates a net benefit of at least \$1.2 million per annum**. That represents a return of \$2.5 for every \$1 invested in the service. This is likely to be an underestimate as the available data do not enable a full analysis of the long-term impact of CJSN on reduced contact with the criminal justice system.

In addition to cost savings through reduced custodial outcomes and supervised orders, the data show that CJSN clients are three times as likely as people who did not receive CJSN support to be diverted under Section 32 of *the Mental Health (Forensic Provisions) Act, 1990 (NSW)*.

The case study of 'Byron' demonstrates that CJSN clients diverted under Section 32 outcomes are better supported and connected with appropriate services. Specialist support at a crucial point in criminal justice proceedings can greatly improve outcomes for people with intellectual disability, and provide significant cost savings to government.

## Conclusions

The CJSN produces significant economic and social benefits by providing appropriate support for people with intellectual disability in the criminal justice system. Ongoing resourcing of the CJSN will enable them to continue to improve the life pathways of people with an intellectual disability, and result in significant future cost savings to government.

# 1. Background

## 1.1 Context

The Criminal Justice Support Network (CJSN) is a disability advocacy service of the Intellectual Disability Rights Service (IDRS) which provides services for people with an intellectual disability who are in contact with the criminal justice system in NSW. This includes people with an intellectual disability who are witnesses or victims; however, the majority of CJSN clients are defendants. CJSN assists people with an intellectual disability who have been arrested, by attending the police station and helping the client to understand and exercise their legal rights. CJSN also provide support persons to help people with an intellectual disability at court and in court related processes and provide clients with referrals to other services as required.

As a result of these services, CJSN can improve criminal justice outcomes for people with an intellectual disability, by helping them to understand and navigate the police and court systems and to access diversionary options. The benefits of CJSN services are gained by the client, criminal justice and legal systems and society generally, by providing appropriate support and referrals and in the longer term addressing offending behaviour and recidivism. CJSN operations are currently funded via the NSW Department of Family and Community Services, Ageing, Disability and Home Care (FaCS ADHC). However, funding of this valuable service is under threat due to the transfer of the NSW disability budget to the NDIS.

## 1.2 Project aims

This project aims to estimate the economic benefits of services provided to CJSN clients by answering the following questions:

- Do court outcomes differ for people with an intellectual disability compared to the general NSW population?
- Do court outcomes differ for CJSN clients compared to people with an intellectual disability who are not supported by CJSN services?
- Is the CJSN cost effective?
- What do pathways through the justice system look like for people with an intellectual disability, with and without CJSN support services?

## 1.3 Project scope

The project focusses on CJSN clients who are defendants with finalised court outcomes over a two-year period. These are compared to finalised court outcomes for the NSW general population and a comparison group of people with an intellectual disability who are not supported by CJSN.

The cost-benefit analysis is from the NSW State Government perspective.

## 1.4 Ethics approval

This project has ethics approval from the HREAC executive at UNSW (approval number HC17521, 3rd July 2017).

## 2. Methods

### 2.1 CJSN client finalised court outcomes

De-identified unit record data were provided by CJSN for a sample of 189 finalised court outcomes for their clients across NSW over the last two years. The dataset includes basic demographic information to enable data matching (age-group, gender, Indigenous status, prior custodial episodes (if known)); AVO applications and outcomes; and court data for non-AVO outcomes including offence type (ANZSOC category), court type, and court outcomes. The CJSN data includes 166 court finalisations with non-AVO outcomes (excludes 7 cases where the outcome was unknown) and 60 final AVO orders (including information on breaches).<sup>1</sup>

### 2.2 Comparison data

#### 1. General population finalised court outcomes

Finalised court outcomes for the NSW general population in 2015 were compiled by the research team from NSW criminal court outcomes data, available from the Bureau of Crime Statistics and Research (BOCSAR).<sup>2</sup> To enable comparisons, outcomes in the general population data were grouped into the same categories as the court outcomes provided by CJSN.

#### 2. Finalised court outcomes for unsupported defendants with an intellectual disability

Associate Professor Dowse and colleagues, under funding from a previous ARC Linkage project,<sup>3</sup> have assembled a unique linked dataset drawn from NSW criminal justice and human service agency extant data – the Mental Health Disorders and Cognitive Disability (MHD/CD) dataset. It contains linked administrative data on a cohort of 2,731 individuals whose mental health and cognitive disability diagnoses are known and who have been in the corrections system.

From this dataset, a comparison group was constructed of finalised court outcomes for people with an intellectual disability who did not receive CJSN support services. People with an intellectual disability in the MHD/CD cohort are not a perfect comparison group, as everyone in the sample has been incarcerated at least once in their lifetime. However, to our knowledge it represents the best available data for people with an intellectual disability who have been through the NSW court system. The dataset includes court finalisations data for individuals prior to their incarceration. Consequently, it is possible to select a subsample of people from this cohort with similar characteristics to CJSN clients at the time of their court appearance.

To control for differences between the comparison data and the CJSN cohort, a suitable comparison group was selected using propensity score matching within each offence type by age-group, gender, Indigenous status, court type and whether the defendant had prior

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<sup>1</sup> Note that these sub-samples are not mutually exclusive.

<sup>2</sup> <http://www.bocsar.nsw.gov.au/Documents/CCS-Annual/New%20South%20Wales%20Criminal%20Courts%20Statistics%202015.xlsx>

<sup>3</sup> Australian Research Council (ARC) Linkage Grant (Project LP0669246) at UNSW 'People with mental health disorders and cognitive disability in the criminal justice system in NSW'. Chief Investigators: Eileen Baldry, Leanne Dowse, Ian Webster; Partner Investigators: Tony Butler, Simon Eyland and Jim Simpson. Partner Organisations: Corrective Services NSW, Housing NSW, Justice Health NSW, Juvenile Justice NSW, and the NSW Council on Intellectual Disability.

custodial episodes at the time of the hearing. The matched sample was restricted to people with intellectual disability who had not been supported by CJSN/IDRS (based on police notes and MIN comparisons). Matching was only possible where there was a sufficient sample (of 10 or more observations) for the same type of crime in the CJSN dataset, thereby reducing the sample size from 166 to 121.

The broader sample of people with intellectual disability in the MHDCD cohort (who did not receive CJSN support services) was also used to calculate an overall breach rate of Apprehended Violence Orders (AVOs), for comparison with the CJSN AVO breach rate.

## 2.3 Costs

To facilitate cost-benefit comparisons, the annual cost of providing CJSN support services and the number of clients (defendants) supported in court per annum were provided to the research team by CJSN. The Report on Government Services (RoGS; SCRGSP, 2017) was used to calculate costs to government used in the cost benefit analysis and case studies, as detailed below:

Item	<b>Custody</b>
Unit	Per day
Measure	The RoGS (2017) was used to identify recurrent expenditure per prisoner per day \$217.46 (Table 8A.18) plus payroll tax \$7.30; total payroll tax for prisons (\$32.789m see Table 8A.1) divided by 365.25 days per year divided by average daily number of prisoners (12,305 Table 8A.4). These were summed to calculate the cost per day per prisoner.
Cost	<b>\$224.76 per day (2015-16 AUD)</b>

Item	<b>Community Supervision</b>
Unit	Per day
Measure	The RoGS (2017) was used to identify recurrent expenditure per 'offender' per day \$24.46 (Table 8A.18) plus payroll tax \$0.99; total payroll tax for community corrections (\$6.316 m see Table 8A.1) divided by 365.25 days per year divided by the daily average community corrections offender population (17,450 Table 8A.8). These were summed to calculate the cost per day per person on a community order ('offender').
Cost	<b>\$25.45 per day (2015-16 AUD)</b>



Item	<b>Average cost to police</b>
Unit	Per criminal incident
Measure	From the 2015-16 NSW Police expenditure of \$ 3,763,368,400 (ROGS 2017 Table 6A.1: net recurrent expenditure + payroll tax + user cost of capital + capital expenditure) 20% was deducted to account for police work that does not relate directly to crime (Smith et.al.2014). The remaining budget (\$3,010,694,720) was then divided by the number of recorded criminal incidents in NSW (BOCSAR*) for July 2015 to June 2016 (1,425,996 incidents) to come up with a cost per incident of \$2,111.29.
Cost	<b>\$2,111.29 per criminal incident (2015-16 AUD)</b>

\*Incidents data including driving offences (not available via the online crime trends tool) provided by BOCSAR (Reference: jh17-15041)

Item	<b>Court costs</b>
Unit	Per case
Measure	Average costs per case by court type (including payroll tax) obtained from ROGS (2017, Table 7A.31)
Costs	<b>\$830 per case in the Children’s court (2015-16 AUD)</b> <b>\$603 per case in the Local (Magistrates’) courts (2015-16 AUD)</b> <b>\$6,139 per case in the District Court (2015-16 AUD)</b> <b>\$56,439 per case in the Supreme Court (2015-16 AUD)</b>

## 2.4 Case Study

A de-identified case study of a CJSN client’s history and pathway to their current charge was compiled. That case study was matched with an individual in the MHDCD Dataset with intellectual disability and a similar history who was not an IDRS client.<sup>4</sup>

Two possible pathways for the case study were detailed – the ‘unsupported pathway’ of the person in the MHDCD Dataset, and the ‘supported pathway’ of the client of the CJSN.

Unit costs were applied to police incidents, court appearances, custodial episodes and legal services provided for both pathways for the two years from a court appearance at the age of 20. These were then compiled to calculate the economic costs for the respective pathways, and analysis undertaken of the findings.

<sup>4</sup> The case study and the matched comparator both have an intellectual disability and similar complex needs. Both had experienced neglect and trauma as a child and had been in out of home care, and in contact with the juvenile justice system. Up to the age of 20 they have very similar histories. This is the point at which the CJSN client began receiving CJSN support and the two individuals’ pathways diverge.

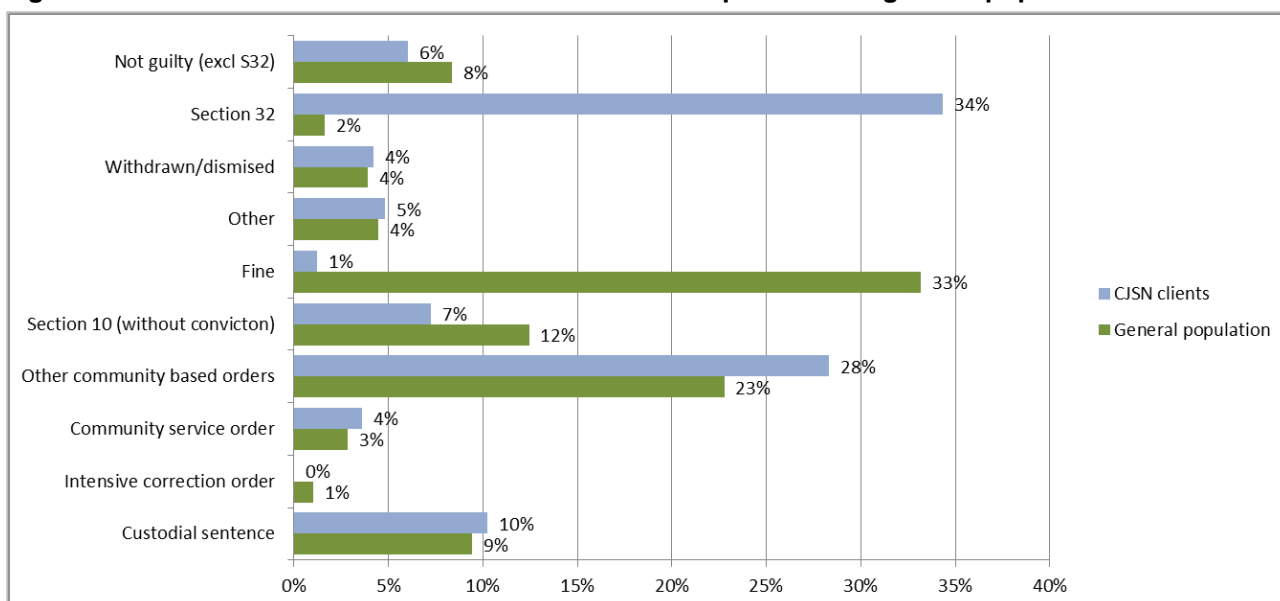
## 3. Results

The following section sets out the results of analysis reported by study aim.

### 3.1 Aim 1: Comparisons with the general population

Comparisons of CJSN court outcomes with the general population do not control for the type of crime as this level of disaggregation is only available for guilty outcomes in the general population data. However, the comparisons shown in Figure 1 give an overall indication of the degree of differences in court outcomes for people with an intellectual disability who receive CJSN support compared to the general population.

**Figure 1: Finalised court outcomes for CJSN clients compared to the general population**



Note: Where more than one matter was heard, outcomes are based on the principal offence

One third of all matters finalised for CJSN clients resulted in a Section 32 order,<sup>5</sup> diverting the client away from criminal proceedings and towards appropriate help and support. The most common court outcome for the general population was fines, at 33%, compared to only 1% of outcomes for CJSN clients. CJSN clients are less likely to receive a bond without conviction and more likely to receive other community based orders than the general population. However, as is shown in the next section, court outcomes for CJSN clients are substantially better than for defendants with an intellectual disability who do not receive CJSN support.

### 3.2 Aim 2: Comparisons with unsupported defendants with intellectual disability

#### 3.2.1 Finalised court outcomes

An initial sample of people with an intellectual disability who had never (to the best of our knowledge) received support from CJSN/IDRS was selected from the MHDCD cohort. This was determined by searching police notes and by excluding any individuals from the MHDCD dataset who had an MIN that was also in the CJSN dataset. From this initial sample, a matched

<sup>5</sup> *Mental Health (Forensic Provisions) Act, 1990 (NSW)* see <https://www.legislation.nsw.gov.au/inforce/c4711a47-c3f5-4632-ed64-980509bde7ca/1990-10.pdf>

comparison group was selected using propensity score matching (in Stata) which is a statistical method to select the closest comparator within the MHDCCD data.<sup>6</sup> The characteristics of the final matched sample are summarised in Table 1.

**Table 1: Characteristics of matched sample for comparative analysis of court outcomes**

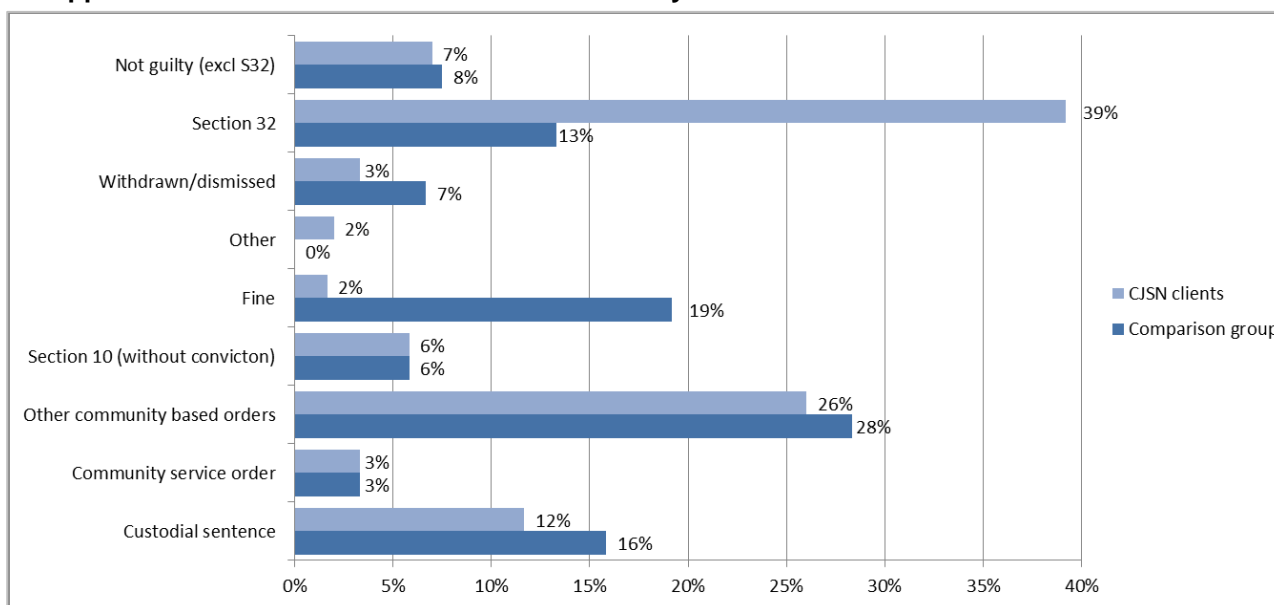
Characteristic	CJSN client sample	Matched comparisons
Age-group:		
Under 18	2%	2%
18-24	31%	22%
25-34	32%	42%
35-44	20%	19%
45+	15%	14%
Gender:		
Male	73%	69%
Female	25%	31%
Unknown	2%	-
Indigenous status:		
Indigenous	17%	21%
Non-Indigenous	76%	79%
Unknown	7%	-
Prior custodial episode(s):		
No	83%	83%
Yes	16%	17%
Unknown	1%	-
Jurisdiction matter finalised in:		
Children's court	2%	2%
Local court	87%	79%
District court	12%	19%
Offence type:		
Acts intended to cause injury	64%	64%
Offences against justice procedures	12%	12%
Property damage	10%	10%
Sexual assault and related offences	14%	14%

Note: Figures may not always add to 100% due to rounding

<sup>6</sup> To minimise bias, nearest neighbour matching with replacement was used (see <http://ftp.iza.org/dp1588.pdf>, p.9)

Figure 2 compares court outcomes for the matched sample of CJSN court finalisations and similar defendants with an intellectual disability who did not receive CJSN support.

**Figure 2: Matched comparison of finalised court outcomes for CJSN clients compared with unsupported defendants with an intellectual disability**



Note: Includes 121 CJSN clients with data matches in the MHDCD cohort

CJSN clients were three times as likely as the comparison group to receive a Section 32 outcome, diverting them away from criminal proceedings and towards appropriate help and support. This provides strong evidence that people with an intellectual disability who receive appropriate support in court are far more likely to have access to diversionary options. The case study presented in Section 3.4 explores in detail the alternative pathways through the court system for a CJSN client with a Section 32 court outcome compared to a case from the MHDCD data with a similar history who does not receive a Section 32 outcome, to illustrate both the social and economic benefits of CJSN support.

The results above also show that CJSN clients are 4 percentage points less likely to receive a custodial sentence than similar unsupported defendants. Based on 500 clients supported in court per year, this amounts to 20 custodial sentences avoided per annum. The average (known) length of custody for CJSN clients and the comparison group is approximately 12 months.<sup>7</sup> At a cost of \$224.76 per day for 365 days x 20 sentences avoided this amounts to cost savings of \$1,640,748 per annum. More than half of CJSN clients who received a custodial sentence were remanded in custody at the time of referral to CJSN. If these clients were referred to CJSN earlier they may have been more likely to avoid a custodial sentence.

CJSN clients are also 2 percentage points less likely to receive a community based order than the comparison group. As 35% of orders are supervised this represents a 0.7% reduction in the probability of a CJSN client receiving a supervised order which multiplied by 500 clients amounts to 3.5 supervised orders avoided per annum. The average length of supervised order for CJSN clients and the comparison group is approximately 16 months (487 days). At a cost of \$25.45 per

<sup>7</sup> This is a conservative estimate based on the average (non-parole) sentence duration where this information is known. The length of sentence is unknown for 4 of the CJSN clients and 2 of the matched comparisons. When unknown values are imputed based on known duration for the same offence type, the average custody duration (for each group) is 15 months.

day for 487 days x 3.5 supervised orders avoided this amounts to cost savings of \$43,380 per annum.

It is important to note that the above analysis is for differences in finalised court outcomes for CJSN clients compared to similar defendants with an intellectual disability. It does not, however, show the benefits of CJSN support in terms of reducing the likelihood of offending. Whilst sufficient data are not available to estimate overall offending rates for CJSN clients, it is possible to compare the likelihood of AVO breaches from the available data, and the costs of AVO breaches avoided. This is explored below.

### 3.2.2 Apprehended Violence Orders

Of the overall sample of 189 finalised court outcomes for CJSN clients, 60 of these (32%) had a final AVO order. Sixteen out of the 60 AVOs were breached, giving a breach rate of 27%. In contrast, for the overall MHDCD sample with an intellectual disability (excluding CJSN/IDRS clients), the breach rate was 59%.<sup>8</sup>

Based on 500 CJSN clients per year, if 32% of these have a final AVO order (as per the proportion in the sample) this amounts to 160 AVOs per annum. Without CJSN support we would expect 94 breaches of these AVOs (i.e. 59%). With CJSN support, 43 of these AVOs are likely to be breached. The difference between these estimates indicates that CJSN support leads to 51 AVO breaches avoided per annum.

Breaching of an AVO leads to a police incident and local court appearance and subsequent court outcome. Based on the CJSN finalised court outcomes data for breaches of violence orders, 8% result in a 6-month custodial sentence and 8% result in an 18-month supervised community based order.<sup>9</sup> The average cost of a police incident in NSW is \$2111.29 and the average cost of a local court appearance is \$603 (see Section 2.3 of this report). Therefore, for 51 AVO breaches avoided per year, the savings in police and court costs avoided amounts to \$138,429 (51 x (2111.29+603)). Add to this the cost of 6 months' imprisonment for 4 cases (i.e. 8% x 51) and the cost of 18 months' community supervision for 4 cases gives an additional cost savings of \$220,310.<sup>10</sup>

Summing together cost savings to police, local courts, and corrective services, the total cost savings in terms of AVO breaches avoided per annum due to CJSN support amounts to \$358,739.

### 3.3 Aim 3: Is the CJSN cost effective?

The 2016/17 year end accounts for CJSN show operating costs of approximately \$822,000.<sup>11</sup> This cost is compared to the cost savings identified in the previous section to provide an overall estimated net benefit of the service, detailed in Table 2 below.

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<sup>8</sup> Number of police charges of breach of AVO in the MHDCD sample divided by the number of AVO orders. Multiple charges relating to the same AVO on the same day are only counted once.

<sup>9</sup> Based on finalised court outcomes for 12 CJSN clients with a principal offence of a breach of violence order.

<sup>10</sup> 183 days in custody @ \$224.76 per day x 4 cases = \$164,524; 548 days' supervision @ \$25.45 per day x 4 cases = \$55,786

<sup>11</sup> Data provided to the research team by CJSN

**Table 2: Estimated net benefit of CJSN**

Item	\$ per annum
Finalised court outcomes – custodial sentences avoided	1,640,748
Finalised court outcomes – supervised community orders avoided	43,380
Reduced AVO breaches – police incidents avoided	107,676
Reduced AVO breaches – local court costs avoided	30,753
Reduced AVO breaches – custodial sentences avoided	164,524
Reduced AVO breaches – supervised community orders avoided	55,786
<b>Total cost savings per annum</b>	<b>2,042,867</b>
Less total operating costs	(822,000)
<b>Net benefit</b>	<b>1,220,867</b>

The estimated cost savings to the government due to CJSN support of defendants with an intellectual disability only capture part of the economic benefit of CJSN. For example, as discussed in the previous section, we are not able to estimate the extent to which CJSN support reduces contact with the criminal justice system and associated costs; this is only partly captured in the AVO outcomes above. Despite this limitation, the evidence indicates that CJSN generates cost savings of at least \$2 million per year, compared to operating costs of \$822,000. This amounts to a net benefit of \$1.2 million per annum.

### 3.4 Aim 4: Pathways through the justice system for people with an intellectual disability with and without CJSN support services

#### 3.4.1 Case Study: ‘Byron’

Byron is a 20-year-old man who has been diagnosed with Neurodevelopmental Disorder, Autism Spectrum Disorder, Attention Deficit Hyperactivity Disorder, Tourette’s Syndrome and an attachment disorder who has experienced neglect, abuse, trauma and isolation. He has a history of out of home care, drug use and contact with the juvenile justice system. Byron finds it very difficult to manage emotions, in particular anger. When he gets frustrated, he can become aggressive.

Byron has been living in a disability group home in a regional NSW town with 24-hour support run by a non-government service provider, along with 3 other young men aged 18-21 who have had contact with the criminal justice system.

At 20, after an incident involving a fellow resident, Byron is charged with stalking or intimidation with intent to cause harm and an Apprehended Domestic Violence Order (ADVO) is taken out against him by police. Soon after, he assaults another resident of the group home and has a further ADVO taken out against him. As a result, Byron is no longer allowed to live at the group home.

Byron is then transferred by ADHC from a 24-hour model of care at the group home to a caravan park. Support workers only visit him twice a week. He is left to manage his own medication.

Byron becomes quite destructive. He smashes up the caravan he is living in and is charged with malicious damage. He overdoses on his medication. He has another AVO taken out against him relating to threatening to kill a young woman on social media. He is disruptive in public places and frequently comes to the attention of police.

### 3.4.2 Unsupported pathway

Based on the matched unsupported case in the MHDCD dataset, this section illustrates what Byron's pathway is likely to have been had he not received CJSN support.

In the two years after his first court appearance at age 20, Byron has 32 police incidents recorded where he is a person of interest. He faces 19 charges of offences relating to assault, theft, drug possession and breach of justice orders.

In one case, Byron is arrested trying to steal DVDs from a department store. He tells police he was planning to sell the DVDs to buy drugs. He is compliant through police questioning but refuses to sign paperwork at the police station, saying that he is illiterate. He is subsequently sentenced to a month's imprisonment for theft.

Byron has 5 court cases for 17 offences, resulting in 16 convictions and four custodial episodes during this time. He is represented by five different Legal Aid solicitors. His solicitors have very little time to spend with him before each court appearance.

Other than one reference in police notes that Byron is 'delayed', there is no mention of his intellectual disability.

Table 3 summarises the costs of Byron's pathway over the two years since his first court appearance at age 20, had he been unsupported during this period.<sup>12</sup>

**Table 3: Costs of unsupported pathway for Byron for 2 years**

Agency Contacts	Unit Cost	Frequency	Total Costs
Police	\$2,111.29	32 police incidents since first court appearance	67,561
Defense counsel (Legal Aid preparation and appearances) – Local Court	\$748 <sup>13</sup>	35 court appearances (5 finalised matters)	26,180
Local court cost	\$1,648.83 <sup>14</sup>	5 finalised local court matters	8,244
Corrective Services custody	\$224.75	4 custodial episodes of 35 days, 61 days, 183 days, 91 days (total 370 days)	83,158
<b>Total cost</b>			<b>\$185,143</b>

<sup>12</sup> Police, court and corrective services costs are as per Section 2.3 above. Legal aid costs were obtained from NSW Legal Aid website <http://www.legalaid.nsw.gov.au/for-lawyers/fee-scales/state-matters/criminal-matters-solicitors#1.LocalCourt>.

<sup>13</sup> NSW Legal Aid, Local court solicitors' fees (Preparation fee \$230 plus 3 hours per appearance @ \$450, plus GST) \$748. Assume 7 appearances per matter, based on Byron's average number of adjournments.

<sup>14</sup> Average costs of a case in the magistrates' court \$603, weighted by number of appearances relative to average (7 appearances for Byron divided by 2.56 state average for Magistrates' court cases – NSW adjournments data provided by BOCSAR reference 17-14929).  $603 \times 7 / 2.56 = 1,648.83$

### 3.4.3 Supported pathway

At the time the second ADVO is taken out against Byron, CJSN is contacted by the non-government service provider. Designated CJSN support staff and volunteers with whom Byron has developed a trusting relationship attend every subsequent court appearance with him. They contact Byron before each court date to remind him of his upcoming appearance, listen to his concerns, encourage him to attend and plan with him how he will get there on the day. They explain his situation to many different lawyers and gather reports from any services that have had any involvement with Byron.

CJSN staff demonstrate to Byron that they care for his wellbeing and are aiming to support him to understand what is happening, what his options are, and to get him the best outcome. CJSN support Byron 22 times during this period at the police station and in court. Over time, Byron sees that CJSN are acting in his best interests. He learns that CJSN are there to support him for the long-term, and are not judging or criticising him for his new charges.

CJSN staff and Byron work together to get his life back on track. CJSN advocate on Byron's behalf for better services than he had been receiving, arguing that the withdrawal of services and support, lack of stability and appropriate housing, and Byron being left to manage his own medication are all factors contributing to Byron's contact with the criminal justice system. CJSN staff arrange for a psychological assessment of Byron to inform his upcoming court hearings to take place in their office as a place where he feels comfortable and supported.

CJSN staff become concerned about the increased risks for Byron associated with the numerous adjournments due to change in solicitors and the case not being considered ready for hearing by the magistrate. They ask the IDRS legal team to get involved.

IDRS lawyers represent Byron on his initial charge of stalking or intimidation with intention to cause harm. They are successful in securing a Section 32 order on the condition that he comply with a treatment plan.

CJSN then work to get a specialist disability service provider involved in supporting Byron, who arrange for a one bedroom apartment for him in an appropriate location. The disability service have a team of people with specialist skills and knowledge and commitment to supporting Byron to live and thrive in the community. He has no contact with police in the following months.

Eight months later, Byron has his next court appearance for the AVO relating to threat to kill on social media. The magistrate records no conviction under Section 10 of the Crimes (Sentencing Procedure) Act 1999 with no condition attached on the basis that he is receiving appropriate support in the community.

Four months after that hearing, Byron again appears in court relating to the AVO for the assault of the other resident at his former group home. The magistrate in that case gives Byron a 12-month good behaviour bond under Section 9 of the Crimes (Sentencing Procedure) Act 1999.

Byron has no contact with the criminal justice system during that following 12 months.

Byron's life has changed significantly. If not for the involvement of CJSN and IDRS in this matter, Byron was at real risk of going to prison.



**Table 4: Costs of supported pathway for Byron for 2 years**

<b>18</b>	<b>Unit Cost</b>	<b>Frequency</b>	<b>Total Costs</b>
CJSN support	\$548 <sup>15</sup>	22 instances of support	12,056
Psychological assessment	\$715 <sup>16</sup>	1	715
Police	\$2111.29	1	2,111
Defense counsel (Legal Aid) – Local Court	\$748 <sup>17</sup>	15 court appearances (unfinalised) before IDRS involvement	11,220
IDRS defence counsel (Local Court)	\$748	6 court appearances (3 finalised matters)	4,488
Local court cost	\$1648.83 <sup>18</sup>	3 finalised court matters	4,946
<b>Total cost</b>			<b>\$35,536</b>

<sup>15</sup> CJSN 2016/17 annual expenditure \$ 822,000, divide by 1500 supports provided = \$548 per incident of support

<sup>16</sup> NSW Legal Aid, Psychiatrists assessment and report (local court matters) \$ 650 plus GST = \$715.

<sup>17</sup> NSW Legal Aid, Local court solicitors' fees (preparation \$230 plus 3 hour appearance fee \$450, plus 10% GST) \$748.

<sup>18</sup> Average costs of a case in the magistrates' court \$603, weighted by number of appearances relative to average (7 appearances for Byron divided by 2.56 state average for Magistrates' court cases – NSW adjournments data provided by BOCSAR reference 17-14929).  $603 \times 7 / 2.56 = 1,648.83$

## 4. Summary of Findings

The CJSN produces significant economic and social benefits by providing appropriate support for people with intellectual disability in the criminal justice system. The CJSN currently generates cost savings of at least \$2 million per year, compared to operating costs of \$822,000. This amounts to a net benefit of \$1.2 million per annum or a return of \$2.5 for every \$1 invested in the service. CJSN support can change the life course of a person with complex needs by providing pathways out of the justice system, and resulting in significant cost savings to government. In addition to cost savings through reduced custodial outcomes and supervised orders, the data show that CJSN clients are three times as likely as people who did not receive CJSN support to be diverted under Section 32 of the *Mental Health (Forensic Provisions) Act, 1990 (NSW)*.

Byron's case study demonstrates the economic and human benefits of the specialist support provided by CJSN and IDRS. The provision of timely, appropriate support with care and the building of trust over time all contributed to vastly improved outcomes for Byron, assisting him to live with dignity and support in the community. While this case study focuses specifically on the short-term criminal justice costs for a person with intellectual disability, there are likely to be broader and longer term economic and social costs associated with the unsupported pathway that could be offset by the specialist support provided by the CJSN and IDRS.

While this work is based in New South Wales, its analysis has national implications for the way the criminal justice system responds to people with cognitive disability. Without specialist disability support, people with cognitive disability may face indefinite detention but also serial detention and incarceration, where they cycle in and out of the criminal justice system on short sentences or remand – this has been found to be the case for Aboriginal and Torres Strait Islander people in particular. This analysis demonstrates that specialist support at a crucial point in criminal justice proceedings can greatly improve outcomes for people with intellectual disability, and also provide significant cost savings to government.

The CJSN produces significant economic and social benefits by providing appropriate support for people with intellectual disability in the criminal justice system. Ongoing resourcing of the CJSN will enable them to continue to improve the life pathways of people with an intellectual disability, and result in significant future cost savings to government.