



Australian Government

Australian Institute of  
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# Juvenile justice: A new national collection

# bulletin 19

## Introduction

Tracking the involvement of juveniles in the criminal justice system is a matter of keen interest to many stakeholders. Governments, policy-makers, community groups and researchers alike seek information about this group of young people—particularly about the extent of and reasons for their involvement with the criminal justice system, and their experiences within it. However, with responsibility for juvenile justice resting at the state and territory level in Australia, nationally comparable data has been scarce. The Australian Institute of Criminology has, for a number of years, produced snapshot data on the numbers of juveniles in detention centres around Australia. All data regarding community-based sanctions and the possibilities of providing information to track young people’s involvement with the systems have remained at jurisdictional level. The Juvenile Justice National Minimum Data Set (NMDS), successfully piloted and now undergoing implementation by the Australian Institute of Health and Welfare (AIHW) on behalf of Australian jurisdictions, addresses this information gap. The Australasian Juvenile Justice Administrators provide valuable direction and resources for this project. This important new national collection will provide information on the broad characteristics of juvenile justice clients and the way in which they move through the juvenile justice system. This bulletin reports on the history of the development of the Juvenile Justice NMDS, and provides an overview of its content.

## CONTENTS

Introduction	1
Potential benefits of Juvenile Justice NMDS	2
History of the Juvenile Justice NMDS	2
Field and pilot testing the draft Juvenile Justice NMDS v1.0	4
Major changes to data items as a result of field and pilot testing	5
Issues for future inclusion in the Juvenile Justice NMDS	9
Implementation of the Juvenile Justice NMDS	9
References	11
Acknowledgments	11



# Juvenile justice: A new national collection

## **Potential benefits of Juvenile Justice National Minimum Data Set**

- A national picture of the juvenile justice system in Australia
- A profile of juvenile justice clients
- The measurement of relative performance against agreed indicators
- The monitoring of national service standards in the juvenile justice area
- The examination of national trends over time
- The monitoring and evaluation of juvenile justice policies and programs
- Accountability
- The identification of 'good practices'
- Informing the community about the level and extent of juvenile incarceration and community-based sentences
- Capacity for research
- Exploration of possible links with other social and health-related data
- A source of data for the Productivity Commission's Report on Government Services (ROGS)
- The ability to identify the movement of juvenile justice clients between jurisdictions

## **History of the Juvenile Justice National Minimum Data Set project**

The decision to attempt the creation of a Juvenile Justice National Minimum Data Set (NMDS) was made in April 1999 when what is now the Community Services Ministers' Advisory Council (CSMAC) agreed to fund the National Community Services Information Management Group (NCSIMG) for its establishment. The process from then to the draft NMDS ready for piloting, is detailed in Report on the Development of a Juvenile Justice National Minimum Data Set (AIHW: Broadbent 2001).

Briefly, in January 2000 the Australian Institute of Health and Welfare (AIHW) proposal for the development of the NMDS was accepted by the Australasian Juvenile Justice Administrators (AJJA) and the NCSIMG. By June 2000 the draft NMDS Data Dictionary v1.0 was released for comment and a workshop was held in July 2000. Outcomes from the workshop included:

- clear differentiation between nationally significant information requirements and the information needs of the states and territories and other interested parties;
- clearly stated national purpose for including each specific data item;
- staged approach agreed for developing the NMDS, beginning with core essential data items only;
- incorporation of other data items to be undertaken in a planned way, and only if considered to be essential to meet national information needs.

During the process of developing data items for an NMDS, key priority areas for juvenile justice agencies nationally were identified. These included:

- measures of recidivism (such as repeat contacts with the juvenile justice department and repeat periods of detention)
- alternatives to detention (including cautioning, conferencing)
- juvenile justice clients and their characteristics
- offences—trends in the types and numbers of offences committed by juveniles
- sentences—trends and variations in the types of sentences served
- outcomes of juveniles in the system
- juvenile justice institutions—size, location, programs offered, escapes etc.

The NMDS has been designed to incorporate as many of these areas as practicable. General principles which the AIHW has applied have been:

- national and international standards used wherever relevant
- collector burden minimised
- privacy of individuals respected
- data are appropriate to its purpose
- data definitions are clear, concise and comprehensive.

By late 2001, an agreed set of core items for collection on a nationally comparable basis had been developed, along with nationally agreed standards and definitions for those data items. The client collection contained data on the characteristics of juvenile justice clients, and their reason for involvement with the juvenile justice system.

A second, centre-based collection was also proposed as a simple descriptive collection on juvenile justice remand/detention centres and their characteristics (e.g. capacity, utilisation rates, services provided). This will be collected only once per year, with aggregate-level data.

Alongside the two data collections, the development of performance indicators was also being considered. It became clear that while some indicators may be available from the NMDS items, a number would have to be collected in a separate process, in order to fulfil requirements both for the Productivity Commission's Report On Government Services, and for operational requirements within the jurisdictions.

The Juvenile Justice NMDS Data Dictionary v1.0 contained the data items and concepts shown in Box 1.

# Juvenile justice: A new national collection

## **Box 1: Juvenile Justice NMDS Data Dictionary Version 1.0**

### **Data items**

<b>Juvenile justice client</b>	<b>Juvenile justice episode</b>	<b>Juvenile justice institution</b>
Unique client ID	Entry date	Centre name
Letters of name	Reason for intervention	Centre postcode
Date of birth	Transferred from	Juvenile justice remand/detention centre capacity
Sex	Most serious offence type	Number of juvenile justice detainees
Indigenous status	Sentence severity: hours of community service	Escapes
Country of birth	Sentence severity: number of days of sentence	
Last known home suburb/locality/town name	Juvenile justice agency name	
Last known home postcode	Juvenile justice agency postcode	
Statistical linkage key	Exit date	
	Reason for exit	

### **Data concepts**

#### **A juvenile justice client was defined as:**

A person who has committed an offence or allegedly committed an offence whilst between the ages of at least 10 years and less than 18 years and who, as a consequence, is under the supervision of, or is case-managed by, a juvenile justice department.

#### **A juvenile justice episode was defined as:**

A period of time during which a client is under the supervision of, or is case managed by, a state or territory juvenile justice department, under a specific legal order or arrangement.

## **Field and pilot testing the draft Juvenile Justice National Minimum Data Set v1.0**

Prior to testing, decisions were required on how the client collection data would be collated and reported—would the collection be aggregate or unit record data, snapshot (single point in time) or episode based (flow data)?

The recommendation that the collection be episode-based unit record data was accepted by AJJA, the NCSIMG and CSMAC. Field and pilot testing began on the draft NMDS items during 2002 and 2003.

Field testing was conducted in early 2002, with the AIHW visiting each jurisdiction to assess the feasibility of collecting the draft NMDS data items. Several issues were highlighted during this process, and decisions made to alter or eliminate certain data items. The details of this are outlined below in the section on changes to data items.

Generally, it was recognised that most jurisdictions would need to change the way that they collect and record some client information in order to comply with the requirements of the Juvenile Justice NMDS. This would necessitate changes to data

management systems and training for personnel in data collection methods. It was also found that in many jurisdictions, the information required for the NMDS was not held in one data collection, but had to be extracted from a number of sources. Resource and time implications of these difficulties were noted.

## **Major changes to data items as a result of field and pilot testing**

### **Juvenile justice client**

The field testing highlighted the fact that in some jurisdictions, young people aged over 17 years may be subject to juvenile justice supervision. In other jurisdictions, young people who committed a crime when aged 17 years may be supervised in the adult system. It was decided that the aim should be to collect information on all persons in the juvenile justice system. The definition of a client for the purposes of inclusion in the Juvenile Justice NMDS was therefore amended to:

A person who is under the supervision or case management of the juvenile justice department as a result of:

- having committed or allegedly committed an offence between the ages of 10 years and 17 years; OR
- having committed or allegedly committed an offence at age greater than 17 years, and who is treated as a juvenile due to his or her vulnerability or immaturity.

### **Court variation to conditions**

Difficulties in coding the information required for this proposed data item were raised by a number of jurisdictions during pilot testing. It had been included in an attempt to provide additional information to help explain differences in episode length. It was decided, however, that this is a complex area, and that one data item could not sufficiently provide this information. This data item was therefore deleted from the NMDS.

### **Cultural and linguistic diversity**

A number of data items were included in the initial NMDS draft. Jurisdictions noted that the collection of this information in accordance with Australian Bureau of Statistics (ABS) standards is problematic, since it requires a level of detail rarely captured in administrative data. This was recognised by the ABS as a problem encountered in a number of different sectors. It was decided to field test the following data items:

- Indigenous status
- Main language other than English spoken at home
- Country of birth
- Mother's country of birth



## Juvenile justice: A new national collection

Following the field testing, it was decided that Indigenous status and country of birth would be the cultural and linguistic diversity items to remain in the NMDS. Privacy concerns were raised in relation to mother's country of birth, as it is information about a person other than the client (and it was only routinely collected by one jurisdiction). Main language other than English spoken at home, was not collected by the majority of jurisdictions. These items may be included in future developments of the Juvenile Justice NMDS.

The detail required for Indigenous status was seen as problematic, especially given that Indigenous status is often recorded as a result of identification by others, rather than by the clients themselves. However, the importance of this information and the maintenance of national standards around it meant that Indigenous status will be retained in its current form, with jurisdictions making changes to their identification and recording systems as required in order to comply. It was agreed that until the quality of the data could be assured, the categories would be collapsed for reporting purposes to 'Indigenous origin', 'non-Indigenous origin' and 'Unknown'.

Similarly, country of birth is currently not recorded in a consistent way across jurisdictions. Some changes would be required to systems and data recording practices in order to collect this information in a nationally comparable format. The usefulness of this data was questioned, because the aim is to collect information on the ethnic group with which the young person identifies, rather than specifically their place of birth. It was decided to delete the country of birth data item, and draft a replacement—cultural and linguistic background. This data item was left blank for the pilot test, but will be defined for inclusion in the future.

### Juvenile justice episodes

The field testing highlighted difficulties in providing information on concurrent juvenile justice episodes, particularly for a national data collection. It was decided that the important concept in capturing this information is to describe what happened to the juvenile, rather than the actual orders handed down from courts. This is considered to be able to provide more meaningful and comparable national data, and to minimise confusion arising from inter-jurisdictional differences.

A number of changes were made following this decision. Firstly, the two data items in version 1.0 relating to sentence severity were deleted. The definition of an episode was changed, to remove reference to legal orders. The definition adopted in version 1.3 is:

A period of time during which a client is under the supervision of, or is case managed by, a state or territory juvenile justice department, as a result of having committed or allegedly committed, an offence, and where there is no change in the type of supervision provided or the specific juvenile justice agency responsible.

In order to facilitate the move away from recording concurrent episodes, a hierarchy of episode types was established, with detention as the highest or most serious. This hierarchy was changed just prior to pilot testing to ensure that periods of remand served while on a community sentence are recorded, since it was seen as important to capture

all periods of time spent in detention. Following some post pilot test amendments to the wording used to describe an episode type, the latest agreed hierarchy is (from most to least serious):

1. sentenced—detention
2. pre-sentence—court referred—remanded in juvenile justice facility
3. pre-sentence—police referred—held in juvenile justice facility
4. sentenced—home detention
5. sentenced—immediate release or suspended detention
6. sentenced—parole or supervised release
7. sentenced—other community based—supervision and other mandated requirements (e.g. work or attendance at a program)
8. sentenced—community based—supervision without additional mandated requirements
9. sentenced—other
10. pre-sentence—court referred—supervised bail
11. pre-sentence—police referred—other
12. other

### Reason for intervention—episode type

With the move away from describing legal orders to describing the experience of the young people in the system, the reason for intervention data item was refined. The name was changed to episode type, to more accurately reflect that it describes the types of episodes that a juvenile could be experiencing. Its definition was also changed, removing the reference to legal orders, since an episode is not the same as a legal order:

The legal arrangement that has resulted in the juvenile justice client being supervised or case managed by the juvenile justice department.

### Offence data

The NMDS Data Dictionary v1.0 which was piloted included data items measuring the most serious offence type. The ABS Australian Standard Offence Classification (ASOC) system was to be used as the basis for the definitions of the offences. The ASOC codes however, were not designed to be used as a hierarchy of seriousness, which led to some debate over their appropriateness for the NMDS. Concerns were also raised that data on the most serious offence may be inappropriately linked with sentence length data and produce misleading conclusions. Most juvenile justice clients have multiple offences or groups of offences, which may not be directly linked to episode types.

It was decided to delete the most serious offence type data item and replace it with several offence type data items. Information on the broad offence types committed by



# Juvenile justice: A new national collection

juvenile justice clients was identified as an area of interest nationally. All offences associated with an episode would be recorded using broad ASOC codes. This would remove both the need to establish an agreed hierarchy of offence types, and the representation of a causal relationship between offence information and episode types.

During the pilot testing process, it was found that not all jurisdictions could comply with the ASOC codes for offence type. Concerns about the possibilities of misinterpretation of the data were also raised once again due to the complex relationship between episode type/length and offence data. It was felt that more accurate sources of data on offences and sentences were available elsewhere, such as court data.

A decision was made to delete all items relating to offence data from the Juvenile Justice NMDS pending further investigation. It is expected, however, that offence data in some form will be included in the NMDS at a future time.

## Sentence severity

In accordance with the concerns regarding offence data, along with the decision to record only the most serious current episode for each client, it was decided that the data items for sentence severity were no longer meaningful. The complexities involved in determining the sentence to be recorded, consistently across jurisdictions, meant that it would be extremely difficult to provide meaningful results. The NMDS does not allow for the recording of information such as backdating of sentences, remission, suspended detention sentences or parole complexities. Therefore two data items—sentence severity—number of days of sentence and sentence severity—hours of community service—were deleted from the data set.

## Supervision period

Following the pilot testing, a new concept of a supervision period was devised for analytical purposes. A supervision period is defined in version 1.3 as:

A period of time during which a juvenile justice client is under the supervision of, or is case managed by, a state or territory juvenile justice department, as a result of having committed or allegedly committed an offence.

A supervision period pertains to continuous contact with the juvenile justice system resulting from offences being committed or allegedly committed. One supervision period may contain several juvenile justice episodes as the client moves through the system, e.g. from remand to sentencing, and may contain more than one sentencing episode where continuous supervision is maintained. The supervision period begins on the entry date of the first juvenile justice episode for which the client is under juvenile justice supervision, and ends on the episode exit date when juvenile justice supervision ceases. A new supervision period begins when the client is next under juvenile justice department supervision. Thus there will be a gap in time between supervision periods, whilst the client is in the community and not subject to any juvenile justice department supervision.

Juvenile justice supervision periods allow the analysis of repeated contacts with the juvenile justice system. This is in contrast to juvenile justice episodes which allow for the analysis of progression through the juvenile justice system within juvenile justice supervision periods.

## Escapes

The data item in the centre collection relating to escapes (of at least 7 days in length) was expanded to differentiate between escapes from the actual detention centre and escapes from secure escorts. The options agreed to are:

- Escapes from within a secure perimeter of a juvenile justice remand/detention centre
- Escapes from other legal custody, whilst escorted and under juvenile justice supervision
- Escapes from a juvenile justice remand/detention centre that result in a charge of escape

## Issues for future inclusion in the Juvenile Justice NMDS

The NMDS in its current form represents a starting point for the collection of nationally relevant information on young people involved in juvenile justice systems in Australia. There are a number of remaining areas of interest which, for a variety of reasons, have yet to be included in the data set. Development of the data set and performance indicators will continue, and it is hoped that information such as the following will be available in the future:

- Juveniles held in police watch houses
- Juveniles held in adult detention facilities
- Offence data
- Diversion data, e.g. conferencing
- Pre-sentence reports
- Cultural and linguistic background—draft data item to be defined

As of August 2004, the *Juvenile Justice NMDS Data Dictionary v1.3* contains the data items shown in Box 2.

## Implementation of the Juvenile Justice NMDS

### Management of the national collection

In May 2004 the Australasian Juvenile Justice Administrators (AJJA) endorsed the creation of a permanent committee (Data Sub-committee (DSC)) with the delegation to implement the Juvenile Justice NMDS and manage the performance of the data custodian and all data issues that arise in the course of dealing with and reporting on the Juvenile Justice NMDS. A member of AJJA will chair this committee, and the secretariat will be the Australian Institute of Health and Welfare (AIHW).

# Juvenile justice: A new national collection

## **Box 2: Juvenile Justice NMDS Data Dictionary Version 1.3**

### **Data items**

<b>Juvenile justice client</b>	<b>Juvenile justice episode</b>	<b>Juvenile justice remand/detention centre</b>
Unique client ID	Entry date	Centre name
Letters of name	Episode type	Centre postcode
Date of birth	Transferred from	Juvenile justice remand/detention centre capacity
Sex	Last known home suburb/locality/town name	Number of juvenile justice detainees
Indigenous status	Last known home postcode	Escapes— from secure perimeter
Cultural and linguistic background (to be defined)	Juvenile justice agency name	Escapes— from other legal custody
Statistical linkage key	Juvenile justice agency postcode	Escapes—resulting in charge of escape
	Reason for exit	
	Exit date	

### **Data concepts**

#### **A juvenile justice client is defined as:**

A person who is under the supervision or case management of the juvenile justice department as a result of:

- having committed or allegedly committed an offence between the ages of 10 years and 17 years; OR
- having committed or allegedly committed an offence at age greater than 17 years, and who is treated as a juvenile due to his or her vulnerability or immaturity.

#### **A juvenile justice episode is defined as:**

A period of time during which a client is under the supervision of, or is case managed by, a state or territory juvenile justice department, as a result of having committed or allegedly committed, an offence, and where there is no change in the type of supervision provided or the specific juvenile justice agency responsible.

#### **A supervision period is a continuous period of contact with the juvenile justice system, and may contain several episodes. It is defined as:**

A period of time during which a juvenile justice client is under the supervision of, or is case managed by, a state or territory juvenile justice department, as a result of having committed or allegedly committed an offence.

## **Data custodian**

At the November 2003 meeting of AJJA, the AIHW was appointed as data custodian for the Juvenile Justice NMDS. A memorandum of understanding between the AIHW and the AJJA has been agreed which lasts for a period of 3 years from 1 July 2004 with the option for renewal for a further 3 years.

## **Timing of full implementation**

The full implementation of the Juvenile Justice NMDS will proceed during 2004–05. The first report on the data is due to be released in November 2005, and will include data for the first 3 years of the ongoing collection—2001–03. Annual reports will be produced thereafter.

## Privacy of the Juvenile Justice NMDS data

Ensuring the privacy of information about juvenile justice clients is an essential criterion to be considered in the implementation of the Juvenile Justice NMDS. With the AIHW as data custodian, there are certain legislative protections in place to ensure privacy is protected.

The Privacy Act 1988 contains 11 Information Privacy Principles (IPPs) which govern the conduct of Australian and Australian Capital Territory government agencies in the collection, management, use and disclosure of records containing personal information. Juvenile justice departments in all other jurisdictions are bound by their jurisdiction's legislation. Each jurisdiction already collects information about their clients that enables them to meet service accountability, for the protection of the public, to monitor, and to analyse the diversion, rehabilitation and post release outcomes of the service interventions for young offenders, both individually and group according to their personal characteristics.

The AIHW, as data custodian, is bound by the strict provisions (which allow for imprisonment of offenders for breach) of Section 29 of the *Australian Institute of Health and Welfare Act 1987* to ensure confidentiality of its data holdings. The AIHW acts as data custodian for many collections for which privacy and confidentiality are imperative. All AIHW collections must be cleared by its Ethics Committee before commencement. The implementation of the Juvenile Justice NMDS has received ethics clearance from that committee.

These provisions combine to ensure that the data holdings will be protected from unauthorised access, alteration or loss and meet all accepted compliance standards.

## References

AIHW: Broadbent A 2001. Report on the development of a Juvenile Justice National Minimum Data Set. AIHW cat. no. CWS 14. Canberra: AIHW.

## Legislation

*Australian Institute of Health and Welfare Act 1987* (Cwlth) s29. Viewed 20 September 2004, <http://www.aihw.gov.au/aboutus/legislation.html>.

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