

# 1 Introduction

## 1.1 Background to the Juvenile Justice National Minimum Data Set

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. The Juvenile Justice National Minimum Data Set (NMDS) fills this information gap by providing data on community-based supervision and detention as well as the number and characteristics of young people under each type of supervision and their movement through juvenile justice supervision throughout the year.

This is the fourth report of the Juvenile Justice NMDS and covers the period 2006–07. The first report, with data from 2000–01 to 2003–04, was published in February 2006, the second report, with data for 2004–05, was published in March 2007 and the third report, with data for 2005–06, was published in August 2007.

### 1.1.1 Purpose of the Juvenile Justice National Minimum Data Set

The Juvenile Justice NMDS is designed to provide nationally comparable information to inform policy makers, researchers and the community about the involvement of young people with juvenile justice supervision in Australia and to contribute to national monitoring of juvenile justice policies and programs. The potential benefits include:

- providing a national picture of juvenile justice supervision in Australia
- determining the profile of young people with juvenile justice involvement
- examining national and state/territory trends over time
- informing the community about juvenile detention and community-based supervision
- building capacity for research.

There are two related components of the Juvenile Justice NMDS: a young person collection and an *episode* collection. Together, these components provide information about young people who are under juvenile justice supervision in Australia.

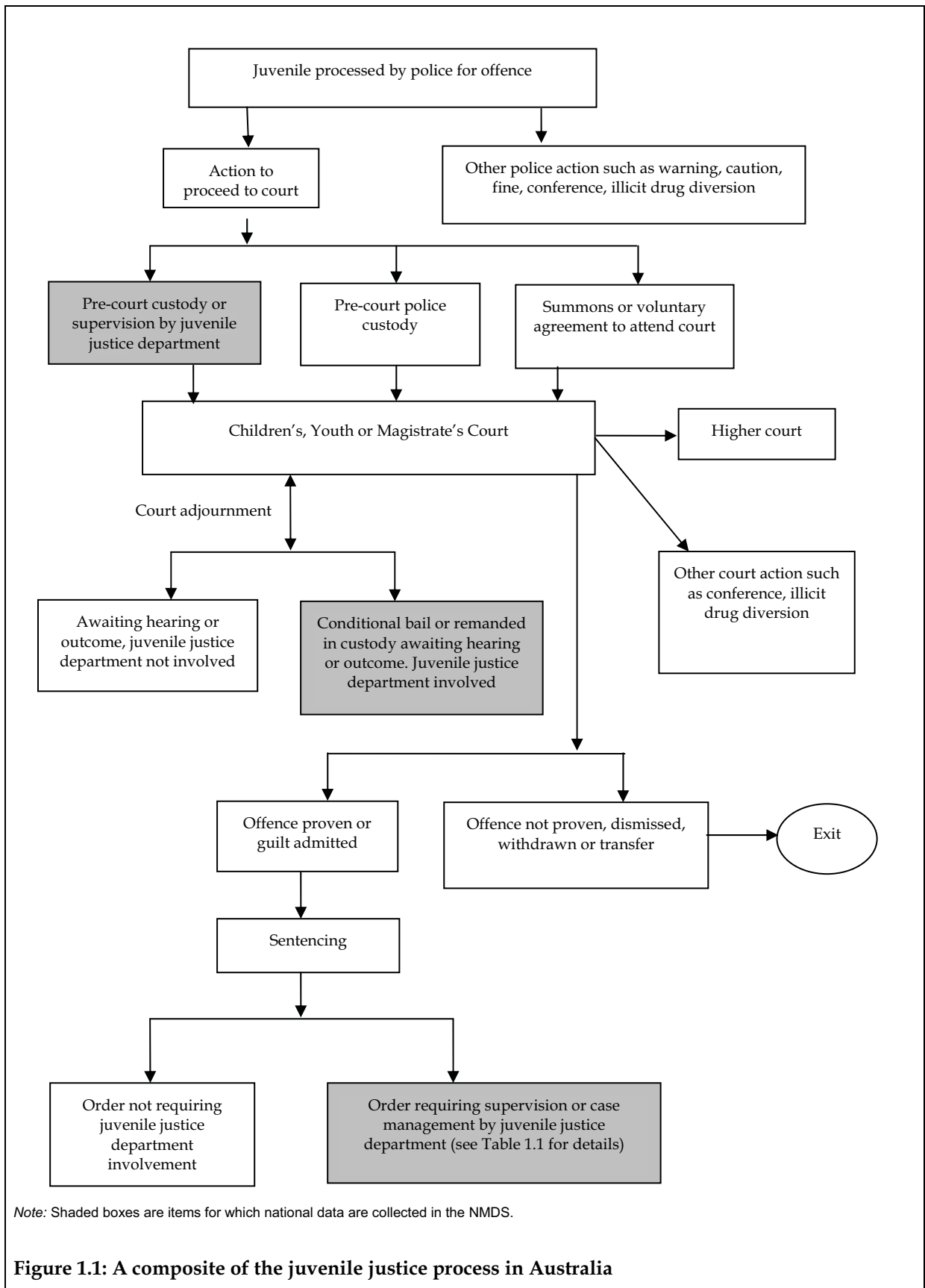
Juvenile justice supervision may include the supervision of a young person while awaiting a court appearance (pre-court supervision), during a trial or while awaiting sentencing (pre-sentence supervision) or while serving an order following finalisation of the case (sentenced supervision). This supervision may occur either in the community or in a custodial facility. A description of the NMDS and its components can be found in Chapter 2.

## 1.2 The juvenile justice process in Australia

When a young person in Australia reaches the age of 10 years, they are deemed in all states and territories to have criminal responsibility. This means that 10 years is the youngest age at which a young person may enter the formal criminal justice system for having committed or allegedly committed an offence.

In all states and territories except Queensland, young people are treated as juveniles until they reach the age of 18 years. In Queensland, the relevant juvenile justice legislation applies to young people until they reach the age of 17 years. Victoria's juvenile justice legislation was similar to Queensland's, but from July 2005 Victoria's legislation also applies to young people aged 10–17 years. This has led to increased numbers in both detention and community-based supervision in Victoria. Victoria also has a sentencing option for adult courts that allows 18–20 year olds to be sentenced to detention in juvenile justice facilities where appropriate. Young people in all states and territories may remain under juvenile justice supervision for some time while they are 18 years or older (or 17 years or older in Queensland) as the legislative age refers to the age at which the offence occurred rather than the age while under the supervision of the juvenile justice department.

In Australia, the juvenile justice process involves the police, courts, juvenile justice departments, young people and their families, legal advocates and non-government organisations, among others. Figure 1.1 illustrates the flow of the juvenile justice process. A feature of the juvenile justice system in Australia is the diversion of young people away from the formal criminal justice system. Depending on the state or territory, this diversion may occur through the police, the courts or the juvenile justice department. As shown in Figure 1.1, not all young people who come into contact with the criminal justice authorities will end up under juvenile justice supervision, or they may have shortened contact with the formal juvenile justice system.



Young people who are not diverted from the juvenile justice system are either unsupervised or supervised during the various stages of the justice process. In this report, these stages are referred to as:

- pre-court stage (awaiting initial court appearance for an alleged offence)
- pre-sentence stage (awaiting court hearing or outcome)
- sentenced stage (completing an order following the finalisation of the case).

Note that the pre-sentence stage refers to the period that begins with the initial court appearance and ends either with the sentencing of the young person or with the offence being not proven, dismissed or withdrawn. The 'pre-sentence stage' does not refer solely to the period in which a young person has been found guilty of an offence but has not yet been sentenced for that offence.

During each of these stages, the young person can be supervised in either the community or in a custodial facility, and the supervision may be conducted by juvenile justice agencies or by other agencies, such as the police. Examples of the different types of supervision at each of the three stages are provided in Figure 1.2. Shaded objects show orders that are supervised by juvenile justice agencies and that are captured in the Juvenile Justice NMDS (see also Table 1.2).

Information on the supervision of young people by juvenile justice departments in both the community and custodial facilities is presented in this report. However, information on the supervision of young people by agencies other than juvenile justice departments is not included in this report, and neither is information on young people in the juvenile justice system who are unsupervised.

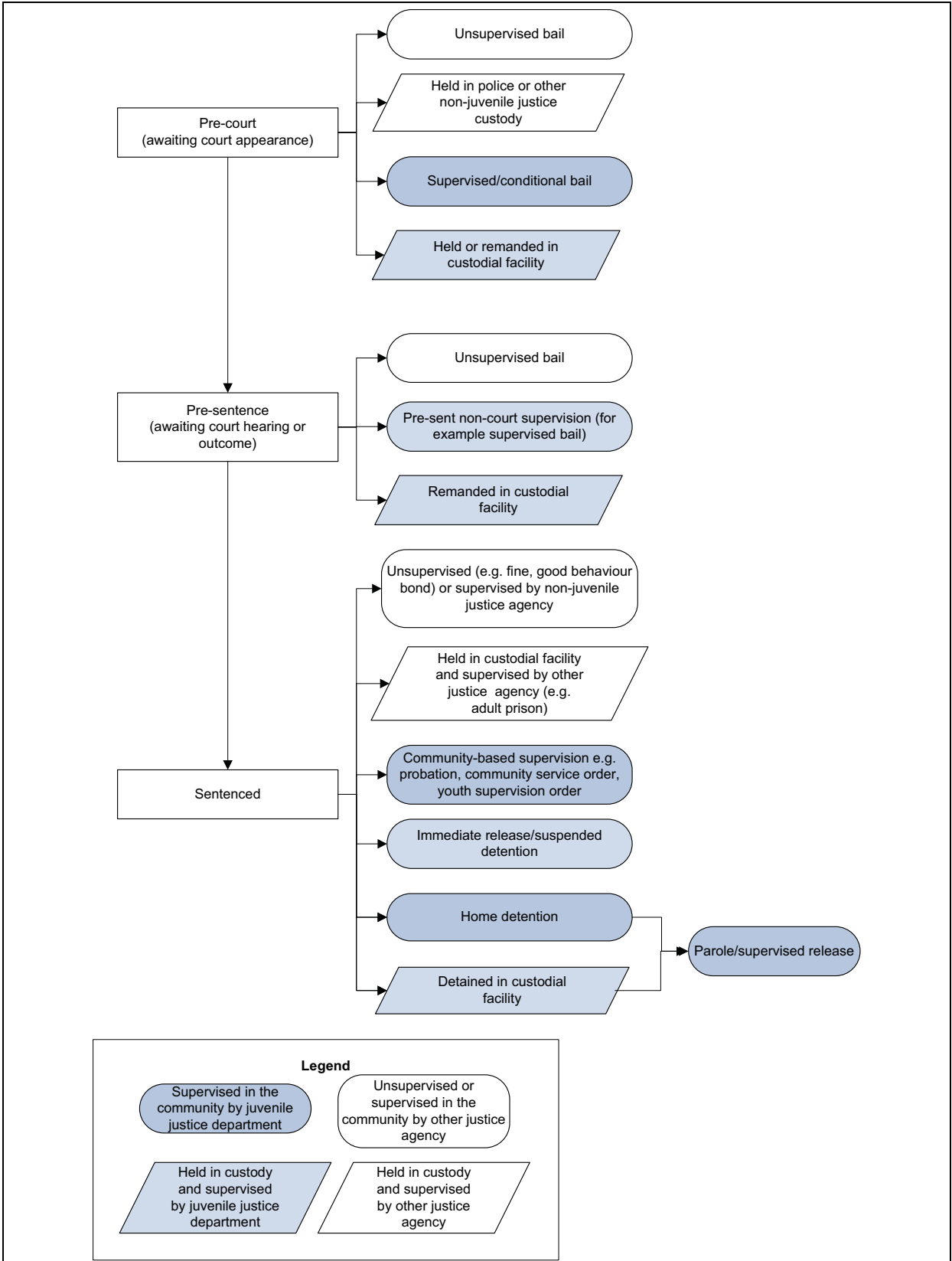


Figure 1.2: Examples of unsupervised and supervised orders at different stages of the juvenile justice process

The court outcomes and services available in juvenile justice differ among states and territories. Those available in some form in most states and territories are shown in Table 1.1. Some court outcomes, such as a discharge without penalty or a fine, may not involve juvenile justice supervision of the young person, while others, such as community service, usually will. Juvenile justice departments may be responsible for the supervision of young people on bail, remand, community service orders or other community-based orders, or sentenced detention orders.

Most states and territories now include ‘victim-offender conferencing’ as part of juvenile justice. Conferences typically involve both the victim and the young person, together with representatives from government and non-government organisations. The aim is to develop a negotiated response to the crime with the young person taking responsibility for the offence, and the needs of both the victim and young person being heard and met. Conferences may be held at a number of stages of the juvenile justice process and are administered variously by the police, courts or juvenile justice departments.

**Table 1.1: Range of juvenile justice outcomes and services available by states and territories, May 2008**

Juvenile justice outcomes and services	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Pre-court/pre-sentence diversionary outcomes</b>								
Informal caution/warning	✓	✓	✓	✓	✓	✓	✓	✓
Formal caution	✓	✓	✓	✓	✓	✓	✓	✓
Conferencing	✓	✓	✓	✓	✓	✓	✓	✓
<b>Does not involve juvenile justice department</b>								
Discharge	✓	✓	✓	✓	✓	✓	✓	✓
Fine	✓	✓	✓	✓	✓	✓	✓	✓
Obligation without supervision	✓	✓	✓	✓	✓	✓	✓	✓
<b>May involve juvenile justice department</b>								
<i>Pre-court/pre-sentence stage</i>								
Bail/pre-sentence support and supervision	✓	✓	✓	✓	✓	—	✓	✓
Pre-sentence detention (remand)	✓	✓	✓	✓	✓	✓	✓	✓
<i>Sentenced stage</i>								
Good behaviour bond	✓	✓	✓	✓	—	✓	✓	✓
Community-based supervision (probation)	✓	✓	✓	✓	✓	✓	✓	✓
Community service	✓	✓	✓	✓	✓	✓	✓	✓
Suspended detention	✓	—	✓	✓	✓	✓	—	✓
Home detention	—	—	—	—	(a) ✓	—	—	✓
Detention	✓	✓	✓	✓	✓	✓	✓	✓
Supervised release from detention (parole)	✓	✓	✓	✓	✓	✓	—	(b) ✓
<i>Other</i>								
Conferencing	✓	—	✓	✓	—	✓	✓	✓

(a) Indicates items that are within NMDS scope but for which data are unavailable for the NMDS.

(b) In the Northern Territory, supervised release from detention includes probation and parole.

Note: Shaded cells indicate items that are within NMDS scope and for which data are collected in the NMDS. Other ticked cells indicate juvenile justice outcomes and services that the states and territories offer but that are outside the scope of the NMDS.

The legislation that each juvenile justice department is responsible for administering is listed in Appendix A. Details of key elements of the juvenile justice systems in each state and territory are in Appendix B.

## 1.3 Key policy directions

The juvenile justice field is constantly evolving, with new policy initiatives and programs being formulated to address the offending behaviour of young people. The emergence of victim-offender conferencing as an integral part of juvenile justice services over recent years is an example of this. Some of the key policy directions that the juvenile justice departments will be taking over the next couple of years are outlined in this section.

### 1.3.1 New South Wales

For juvenile justice in New South Wales, key policy directions include:

- implementing the effective practice model and quality assurance framework for community services staff
- developing an intensive supervision program (ISP) for high-risk juvenile offenders that targets multiple factors linked to antisocial behaviour (this program will provide the tools and opportunities for offenders and their families to make changes to their lives to reduce the risks of re-offending)
- implementing the Aboriginal Strategic Policy Framework to support, provide direction and ensure consistent approaches to decision making in relation to the department's Aboriginal service delivery
- developing a tool and processes to assess and support young people and victims with complex needs participating in youth justice conferences
- implementing the Intensive Bail Supervision Program to maximise opportunities for young people to remain in their communities while on bail and address their risks of re-offending.

### 1.3.2 Victoria

Key policy directions for youth justice in Victoria are:

- expanding the Group Conferencing Program across the state in accordance with the legislative basis provided by the *Children, Youth and Families Act 2005*
- continuing the diversion of young people from entering or progressing through the justice system, including through the provision of court advice, group conferencing, and central after-hours assessment and bail placement service
- effectively managing young people to reduce offending through effective assessment processes (Victorian Offender Needs Indicator for Youth – VONIY), targeted and evidence-based interventions and case management systems through the implementation of the rehabilitation review, and transitional support and post-release services to reintegrate young people into the community

- continually developing approaches aimed at addressing the over-representation of young Indigenous people in the justice system, including the Children's Koori Court and the further development of the Koori Youth Justice Program (see Appendix B).

Note that the introduction of the *Children, Youth and Families Act 2005* in April 2007 resulted in the Victorian program's nomenclature change from Juvenile Justice to Youth Justice, with wide-ranging effects, including changes to the names of custodial centres, orders and job titles.

### 1.3.3 Queensland

Key policy directions for youth justice in Queensland include:

- exploring options for reducing offending, including more effective risk and needs assessments for young people (matched to the criminogenic needs of the young person), developing a quality audit framework and continuing to develop evidence-based programs such as post-detention programs to encourage reintegration into communities, which is vital for achieving long-term behavioural change
- reviewing service delivery, including assessing good practice models for case management, and developing a new needs-based assessment framework, which will provide a framework for the new Integrated Client Management System—a system that will facilitate a continuum of care for young people in the youth justice system with case plans that follow a young person through the system
- reviewing and developing youth justice conferencing, with a continued focus on the effectiveness of the enhanced service delivery model, including further development of procedural and practice guidelines that inform response to complex and serious matters brought to conference, and development and delivery of advanced or specialist convenor training programs to provide targeted professional development opportunities for staff who facilitate complex conferences
- reviewing the *Juvenile Justice Act 1992*
- developing an Aboriginal and Torres Strait Islander Youth Justice Strategy to guide the implementation of policy and programmatic responses to the over-representation of Aboriginal and Torres Strait Islander young people in the justice system and the proportionate under-representation of Aboriginal and Torres Strait Islander young people in youth justice conferencing.

These policy projects are aligned to the major funding commitment for the expansion of community-based youth justice service centres across the state, as well as responding to an increased demand for youth justice conferencing.

### 1.3.4 Western Australia

Key policy directions for juvenile justice in Western Australia include:

- reviewing juvenile justice services and structures with a view to implementing integrated service delivery practices and models between Juvenile Custodial Services and Community Justice Services
- implementing wider and more cost-effective local community-based options in Geraldton and Kalgoorlie, including early intervention, diversion, reparation and intensive case management models



- implementing the VONIY tool, which will enhance case management practices and improve through-care for young people in custodial and community juvenile justice
- developing an annual training program for all uniformed detention staff at the training academy and a promotional pathway program
- developing integrated and efficient data management, collection and extraction systems for use in managing clients in the community and in custody.

### 1.3.5 South Australia

Families SA policy directions for youth justice in South Australia include:

- developing a new manual of practice in preparation for adoption of the Victorian electronic case management system
- reconfiguring the metropolitan Adelaide youth justice resources to form stand-alone service units
- implementing across-government initiatives arising from the report *To break the cycle* (Cappo 2007).

### 1.3.6 Tasmania

Key policy directions in Tasmania are:

- providing diversionary strategies involving community conferencing and community service orders
- providing safe and secure custodial care at Ashley Youth Detention Centre
- providing pre- and post-custodial release support and relapse prevention programs
- providing community-based statutory supervision, court support and case management, including integrated collaborative case management for clients with multiple and complex needs
- developing community capacity to help the rehabilitation of young people who have socially offended in the community and the restoration of the harm they may have caused
- improving communication with internal and external stakeholders
- progressing the recommendations contained in the *Review of juvenile remandees in Tasmania* (Commissioner for Children Tasmania 2006)
- finalising the implementation of recommendations contained in the *Review of resident safety at Ashley Youth Detention Centre* (Tasmania Department of Health and Human Services 2005)
- developing and implementing standard operating procedures for the new service delivery model and quality assurance framework
- implementing the case management role within the Court Mandated Drug Diversion program
- improving education and vocational outcomes for young people.

### **1.3.7 Australian Capital Territory**

Key policy directions for 2006–07 included:

- increasing programs for clients under youth justice supervision
- promoting the benefits that restorative justice can bring to young people, as victims of crime or as young people who have been cautioned, charged or convicted of criminal offences
- implementing VONIY to identify risk offending behaviour to support case management and the reduction of recidivism
- implementing Changing Habits and Reaching Targets, which is an evidence-based cognitive and behavioural tool for use across community youth justice and centre-based case management
- providing enhanced education and training options for young people under youth justice supervision through the Student Pathways and Training Pathways Guarantee programs
- continuing to promote and consolidate a common case management approach across the youth sector
- reviewing the Narrabundah Indigenous Supported Accommodation service, which resulted in 20 recommendations, to support young Aboriginal and Torres Strait Islander males on bail, community-based orders and those released from custodial sentences
- strengthening the Turnaround Program's role of case coordination to increase the number of participants with high and complex needs
- establishing a new youth detention centre, which is due to be completed in late 2008, that will better support the case management and delivery of programs to children and young people.

### **1.3.8 Northern Territory**

A major theme of policy direction in the Northern Territory is diversion.

- A new Youth Justice Act came into force in August 2006, replacing the Juvenile Justice Act. The new Act includes provisions for diversion, including a presumption for diversion and the capacity for courts to refer matters back to Youth Diversion.
- The major purpose of the Youth Diversion Scheme (YDS) is to work with young offenders through formal assessment, restorative justice conferences and referral to a diversionary program. In remote communities, Community Youth Development Units (CYDUs) also work with large numbers of young people at risk. This risk abatement work is an essential aspect of the scheme.
- NT Police manage and administer the YDS. The Northern Territory Government funds non-government case management service providers in Darwin, Katherine, Tennant Creek and Alice Springs on a recurrent basis.
- CYDU program funding is currently available to the communities of Borroloola, Galiwin'ku, Tiwi Islands, Groote Eylandt, Docker River, Imanpa and Gunbalanya. Further funding is provided to Tangentyere Central Australian Youth Link Up Service (CAYLUS), which provides invaluable support to the Southern Region CYDUs and other youth programs in the region.

- Large-scale funding was previously used to establish a CYDU in Wadeye and would be reconsidered for future projects, should additional funding become available. One-off capital funding and other support was provided to the communities of Maningrida, Papunya, Mt Liebig, Kintore and Mutitjulu.
- The size and scope of current CYDU programs depends on community needs, governance structures and other partnership arrangements that have been negotiated with key stakeholders. Training for community services to community-employed staff was previously provided through the Institute of Indigenous Tertiary Education 'Communities Supporting Youth' training program. NT Police provides ongoing training for the YDS and restorative justice conference facilitation. Training continues to be a major priority for the program and negotiations about long-term support are continuing. The YDS also provides support for professional development.

## 1.4 Report structure

This report presents data on:

- the characteristics of young people under juvenile justice supervision
- the characteristics of the *episodes* and *supervision periods* of that juvenile justice supervision.

The focus is on data from the 2006–07 financial year.

### 1.4.1 Characteristics of young people under supervision

Chapter 3 contains data on the number and rate of young people under juvenile justice supervision in 2006–07. It presents information on the characteristics of these young people, including sex, age, Indigenous status and age at first supervision.

#### Number of young people under supervision during the financial year

This is a count of the number of young people who were under juvenile justice supervision at any time during the 2006–07 financial year (or in a previous financial year). It can be analysed by state and territory or the characteristics of the young person, such as sex, age and Indigenous status, as is done in Chapter 3. Chapter 3 also presents separate counts of young people who were in community supervision (c) and young people who were in detention (d) during the year. Since a young person may be in both community supervision and detention at different times of the year, the total number of people under supervision is less than the sum of c and d, with the difference being the number of people who experienced both detention and community supervision (b).

That is, where S is the total number of young people under supervision:

$$S = d + c - b$$

#### Population rates

The numbers of young people under juvenile justice supervision during the year can also be expressed as rates per 1,000 people in the general population of the same age group. Due to the differences among jurisdictions regarding the status of 18 year olds in the juvenile justice system (see Section 1.2), to ensure comparability among jurisdictions all population rates have been calculated for 10–17 year olds (see Chapter 3).

### 1.4.2 Average daily numbers

Chapter 4 provides data on the average daily number of young people in community-based supervision and detention.

#### Average daily number

The number of people under supervision during the financial year (as presented in Chapter 3) is not affected by the length of time spent by each person under supervision during the year. Thus a person who spends 1 day under supervision and a person who is under supervision for all of the year each add one to the total count. The average daily number of people under supervision takes account of (in fact, is weighted by) the length of time spent

under supervision. It is calculated by dividing the number of person days by 365.25 (the length of an 'average' year). Similar to the yearly numbers, average daily numbers can be analysed by jurisdiction and the characteristics of the young person (see Chapter 4). Because the average daily number accounts for length of time, it is possible for the two measures to show different patterns. Note that a supervision that begins and ends on the same day is given a count of 1 person day.

### **1.4.3 Juvenile justice supervision**

Chapter 5 provides details of the types of supervision provided, and differences based on the characteristics of the young person such as age, sex, Indigenous status and previous contact with juvenile justice supervision.

#### **Number and length of *supervision periods***

This section uses the concept of *supervision periods*, which provide information on the time a young person spends under supervision. A *supervision period* begins when a young person enters juvenile justice supervision and ends when a young person is not under supervision for 1 or more days (see Section 2.1.2). This section examines the number and characteristics of young people who completed *supervision periods* in 2006–07 and the length of these *supervision periods*.

#### **Types of supervision**

Information about the types of supervision that a young person completes is provided by details of *episodes*. *Episodes* occur within *supervision periods* and provide information on the highest known category of supervision a young person is subject to (as dictated by a ranking of types of orders). *Episodes* do not correspond to orders, and *episodes* do not provide information on types of supervision that occur simultaneously (see Section 2.1.2).

Within this section, the types of *episodes* within *supervision periods* are presented, along with their length, the proportion of time spent in different types of *episodes*, and the reasons for *episodes* ending.

To calculate the proportion of time spent by young people in different types of supervision, person days are used. This involves summing the total number of days spent by all young people under juvenile justice supervision during the financial year. The number of person days is also used to calculate average daily numbers (see above).

#### **Relationship between first supervision and subsequent supervision experience**

These sections examine the relationships between the age at which a young person first had juvenile justice supervision and the subsequent time spent under supervision, the proportion of time spent in sentenced detention and the impact of being detained in the first *supervision period*.

### **1.4.4 State and territory appendixes**

The state and territory appendixes for *Juvenile justice in Australia 2006–07* are available only at <<http://www.aihw.gov.au/publications/>>.