

## **2 National juvenile justice data: scope, definitions and interpretation**

### **2.1 Juvenile Justice National Minimum Data Set**

The focus of the Juvenile Justice National Minimum Data Set (NMDS) is the experience of the young person under juvenile justice supervision rather than legal orders. The Juvenile Justice NMDS provides information about young people who are being supervised by juvenile justice departments in Australia. Pre-court, pre-sentence and sentenced supervision within the community and in detention fall within the scope of the NMDS, as shown in Figure 1.1, and are analysed in this report. Elements of the juvenile justice system that do not require juvenile justice department supervision (such as police and court actions) are not included in the scope of the NMDS.

The data in this report are extracted from the administrative systems of the state and territory departments responsible for juvenile justice in Australia according to definitions and counting rules agreed to by the departments and the Australian Institute of Health and Welfare (AIHW). The relevant departments are:

- Department of Juvenile Justice, New South Wales
- Department of Human Services, Victoria
- Department of Communities, Queensland
- Department of Corrective Services, Western Australia
- Department for Families and Communities, South Australia
- Department of Health and Human Services, Tasmania
- Office for Children, Youth and Family Support, Australian Capital Territory
- Department of Justice, Northern Territory.

#### **2.1.1 Young people under juvenile justice supervision**

The Juvenile Justice NMDS is designed to capture information on all young people subject to juvenile justice supervision throughout Australia. As outlined in Section 1.2, the ages of young people in the juvenile justice systems in Australia differ among jurisdictions. To allow for these variations, a young person for the purposes of inclusion in the NMDS is 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 when between the ages of 10 and 17 years, or
- having committed or allegedly committed an offence at an age greater than 17 years, and who is treated as a juvenile due to his or her vulnerability or immaturity.

This definition means that there will be young people over the age of 17 who are in the NMDS for one of two reasons. Firstly, because the definition is about the age at which the offence was committed or allegedly committed, the young person may be older when they are actually under juvenile justice supervision than at the time of the offence. Secondly, the

definition allows for some young people to be managed within the juvenile justice system when older than 17 at the time of the alleged offence.

The Juvenile Justice NMDS does not include the full names of the young people under supervision but instead contains identification codes and specific combinations of letters from the young people's names. These combination of letters, along with other data items, are used to create statistical linkage keys, which provide the capacity to link the records of young people across states and territories. These linkage possibilities are not explored in this report. The NMDS also includes the dates at which the young people would have begun their first NMDS *episodes*, even where these are before the start of the collection period. The data items collected for young people under supervision are shown in Table 2.1.

**Table 2.1: Data items for young people under supervision**

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Young person's ID (a jurisdictionally-based code)
Letters of name (specific combination of letters used for statistical linkage purposes)
Date of birth
Sex
Statistical linkage key (derived by AIHW from letters of name, sex and date of birth)
Indigenous status
Date of first supervision

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Once the statistical linkage key is derived and encrypted, the 'letters of name' data item is deleted to ensure that no identifying information is retained.

## 2.1.2 Juvenile justice *episodes*

*Episodes* provide information about the length and type of contact between young people and juvenile justice departments. The Juvenile Justice NMDS does not record information on concurrent *episodes*; instead, it records information on only one *episode* at a time. A pre-defined hierarchy of *episode* types (see 'Hierarchy of *episode* types' below) determines the record that is created for the NMDS *episodes*. *Episodes* do not equate directly to court orders.

### What is an *episode*?

An *episode* is defined as:

A period of time during which a juvenile justice young person 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.

*Episodes* provide information on the highest known category of supervision (as dictated by the hierarchy). The Juvenile Justice NMDS records a young person as being on one *episode* at a time. If a young person is subject to more than one type of supervision simultaneously (for example, while undergoing a community sentence a young person is placed on supervised bail for a new offence), the highest *episode* according to the hierarchy is recorded in the NMDS (see 'Hierarchy of *episode* types').

The data items reported on in the *episode* collection are shown in Table 2.2.

**Table 2.2: Data items relating to *episodes***

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Entry date
Juvenile justice <i>episode</i> type
Transferred from
Reason for exit (from <i>episode</i> )
Exit date

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### **Hierarchy of *episode* types**

A young person can be recorded as being on only one juvenile justice *episode* at any point in time (that is, they cannot have concurrent juvenile justice *episodes*). If a young person is subject to two or more types of supervision at a particular time in a jurisdiction, then the one that is highest in the NMDS hierarchy will be recorded in the Juvenile Justice NMDS. The hierarchy is presented below, with 1 being the highest possible *episode* type and 12 being the lowest possible *episode* type (see also Figure 1.2):

1. Sentenced – detention
2. Pre-sentence – remanded in juvenile justice facility
3. Pre-court – 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 (for example, work, attendance at a program)
8. Sentenced – community-based supervision without additional mandated requirements
9. Sentenced – other
10. Pre-sentence – other (for example, supervised bail)
11. Pre-court – other (for example, supervised bail)
12. Other.

As the highest possible *episode* type, all orders of sentenced detention will be recorded on the NMDS. Orders relating to *episode* types lower on the hierarchy, however, may not always be recorded in the NMDS. For example, if a young person is subject to pre-sentence community supervision at the same time as a community-based sentence, the pre-sentence supervision will be hidden and not recorded by the NMDS. Similarly, orders relating to *episode* types lower on the hierarchy may be broken up by the occurrence of higher-level *episodes*. For example, if a young person is on a community-based sentence *episode* but is then remanded on other matters, the community-based sentence *episode* will end and the young person will be shown only as being on a pre-sentence detention (remand) *episode*. Should the young person be released from remand while the original community-based sentence is still in force, the NMDS will show that the pre-sentence detention *episode* has ended and a second community-based sentence *episode* has begun.

This is in keeping with the focus of the NMDS being on the experience of the young person under juvenile justice supervision, rather than a count of court orders. The NMDS will therefore report on *supervision periods* and *episodes*, and these should not be interpreted as being equivalent to orders.

**What is a supervision period?**

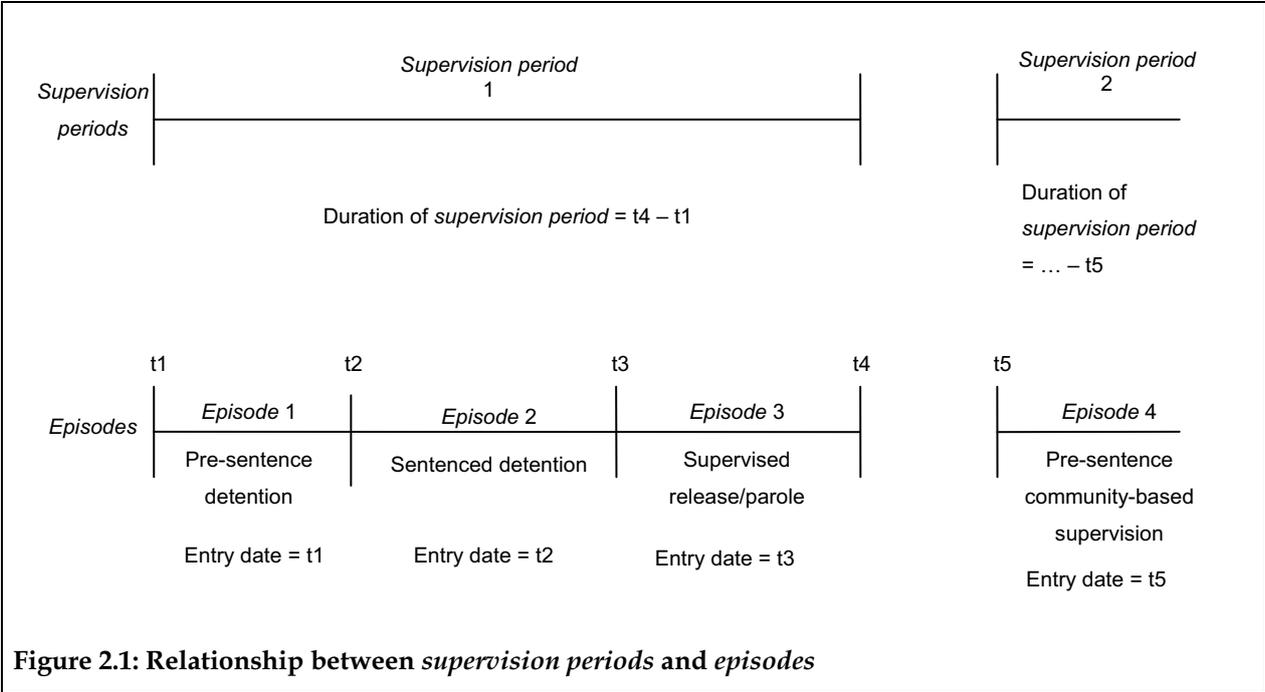
A *supervision period* provides broad-level information on contacts between young people and juvenile justice departments while *episodes* provide the detail on the length and type of that contact.

A *supervision period* is defined as:

A period of time during which a juvenile justice young person 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.

*Supervision periods* may consist of one continuous or multiple contiguous *episodes*. Figure 2.1 illustrates the relationship between *episodes* and *supervision periods*.

A *supervision period* ceases when for at least 1 day a young person is not subject to any juvenile justice department supervision.



In the example in Figure 2.1, a young person has completed one *supervision period* and is currently in a second *supervision period*. The first completed *supervision period* began at time 1 ( $t_1$ ) with an *episode* of pre-sentenced detention (*episode 1*). This was followed at  $t_2$  by an *episode* of sentenced detention and a further *episode* at  $t_3$  of supervised release or parole. When this supervised release was completed, there was no further authority requiring juvenile justice supervision and therefore the *supervision period* ended at  $t_4$ . Some time later, at  $t_5$ , a pre-sentence community-based supervision *episode* began, which signalled the start of a second *supervision period*.

The *supervision periods* tell us that there have been two periods of supervision with a juvenile justice department, and the *episodes* describe the type and length of that supervision.

*Supervision periods* are a conceptual unit of analysis only – they are derived from *episode* data, rather than being specifically collected data elements themselves. A *supervision period* may contain one or more *episodes*. Juvenile justice *supervision periods* allow the analysis of returns

to juvenile justice supervision. This is in contrast to juvenile justice *episodes*, which allow for the analysis of progression within juvenile justice *supervision periods*.

## 2.2 Interpretation of the data

Some contextual information about the population of young people in Australia should be kept in mind when reading the results in this report. The following provides some information about the demographic context of the Australian population, including significant differences among the states and territories.

### 2.2.1 Aboriginal and Torres Strait Islander population

The Aboriginal and Torres Strait Islander population of Australia is younger than the non-Indigenous population. In Australia, around 11% of the population is aged 10–17 years, but nearly 20% of the Aboriginal and Torres Strait Islander population is in this age group (Table 2.3). This is consistent throughout Australia, with little difference among the states and territories.

**Table 2.3: Australian population aged 10–17 years and all ages by Indigenous status, states and territories, 2007**

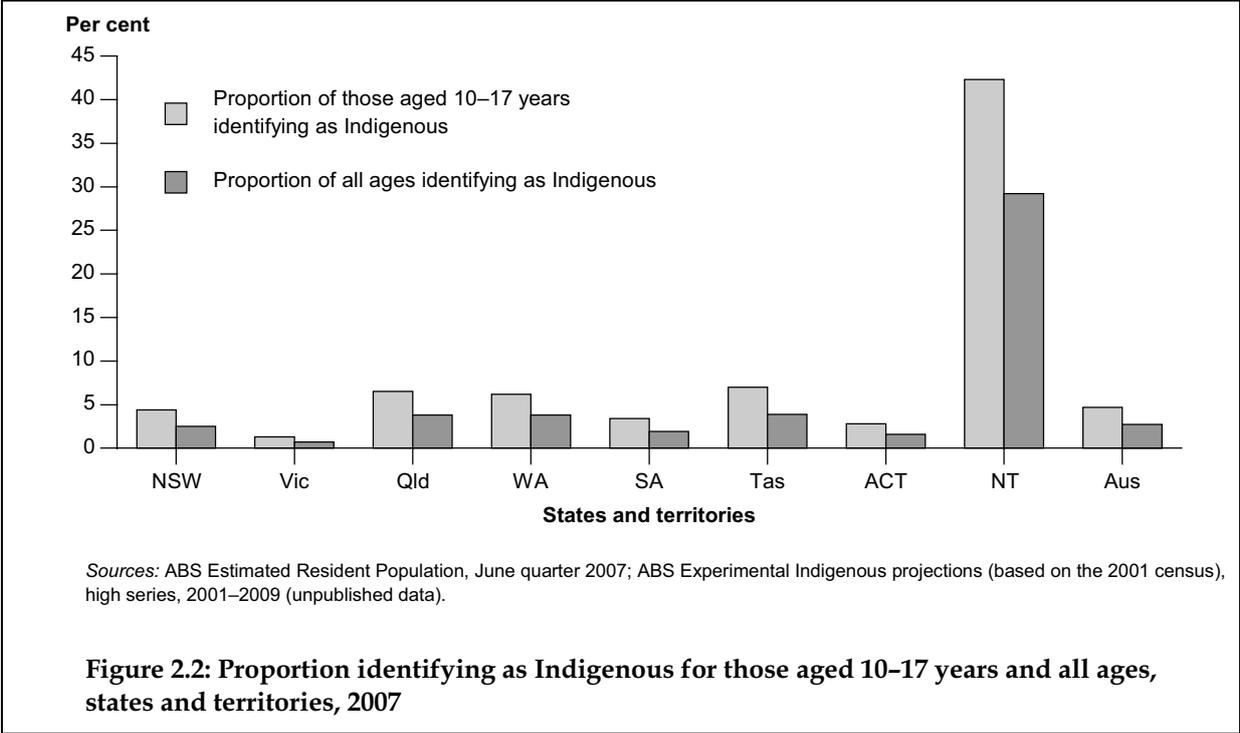
Population	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus <sup>(a)</sup>
<b>Indigenous</b>									
Aged 10–17	32,337	6,934	30,477	14,595	5,611	3,853	974	11,239	106,056
Total (all ages)	169,479	36,660	157,467	79,541	30,410	19,329	5,385	62,870	561,387
% of total aged 10–17	19.1%	18.9%	19.4%	18.3%	18.5%	19.9%	18.1%	17.9%	18.9%
<b>Other Australians</b>									
Aged 10–17	702,103	538,521	439,798	219,344	158,887	51,081	34,145	15,337	2,159,477
Total (all ages)	6,719,593	5,168,556	4,024,595	2,026,242	1,554,103	474,012	334,480	152,105	20,455,835
% of total aged 10–17	10.4%	10.4%	10.9%	10.8%	10.2%	10.8%	10.2%	10.1%	10.6%
<b>Total</b>									
Aged 10–17	734,440	545,455	470,275	233,939	164,498	54,934	35,119	26,576	2,265,533
Total (all ages)	6,889,072	5,205,216	4,182,062	2,105,783	1,584,513	493,341	339,865	214,975	21,017,222
% of total aged 10–17	10.7%	10.5%	11.2%	11.1%	10.4%	11.1%	10.3%	12.4%	10.8%

(a) Australian figures include people living in other territories not listed in the table.

Note: Indigenous population figures are based on the ABS high series estimate from the 2001 Census.

Sources: ABS Estimated Resident Population, June quarter 2007; ABS Experimental Indigenous projections (based on the 2001 census), high series, 2001–2009 (unpublished data).

However, while the Indigenous population is younger than the non-Indigenous population in all states and territories, the proportion of the population that is Aboriginal or Torres Strait Islander varies (Figure 2.2). In most states and territories, Aboriginal and Torres Strait Islander people represent a small proportion of both the total population and those aged 10–17 years, but in the Northern Territory, nearly a third of the population are Aboriginal or Torres Strait Islander and two out of every five young people aged 10–17 years are Indigenous. In Australia, 3% of the total population and 5% of those aged 10–17 years are Aboriginal and Torres Strait Islander young people.



These differences in the population distribution, particularly in the Northern Territory, should be kept in mind when interpreting the data. This is especially important for juvenile justice data – an area in which Indigenous young people are over-represented.

## 2.2.2 Data interpretation issues

### Indigenous status data

The methods of obtaining and recording information for the data item ‘Indigenous status’ differed among jurisdictions during the collection period. The aim of the Juvenile Justice NMDS is to report on Indigenous status according to the Australian Bureau of Statistics’ (ABS) standard, which differentiates among the following categories:

- Aboriginal but not Torres Strait Islander origin
- Torres Strait Islander but not Aboriginal origin
- both Aboriginal and Torres Strait Islander origin
- neither Aboriginal nor Torres Strait Islander origin.

Because of different standards of data quality for this item, the categories have been collapsed for the purposes of reporting and will be referred to as Indigenous and non-Indigenous in this report. Records for which Indigenous status is unknown are excluded from the calculation of rates.

### **Pre-court and pre-sentence *episode* types**

In some of the states and territories, existing data recording systems and practices do not allow a clear distinction to be made between pre-court and pre-sentence *episode* types. For the purposes of this report, both of these *episode* types are therefore reported as pre-sentence *episodes*.

### **Community-based supervision (sentenced)**

In the data dictionary, an allowance is made to distinguish between community-based supervision with or without additional mandated requirements. Such requirements may include community work or program attendance. As with the pre-court and pre-sentence *episode* types, some states and territories are unable at this stage to clearly define whether or not additional mandated requirements exist on a sentenced community-based supervision *episode*. Therefore, these *episode* types have been collapsed and are reported as community-based supervision.

### **Calculation of rates**

The findings in this report include rates of 10–17 year olds under juvenile justice supervision. These have been calculated at per 1,000 of the relevant population rather than per 100,000. This calculation method was chosen to ensure comparability between smaller and larger jurisdictions.

## **2.3 Development and data quality**

A major challenge for any national data collection in Australia is to produce nationally comparable data, given a starting point of different legislation, counting rules, administrative data systems and recording practices in each state and territory. The Juvenile Justice NMDS has been able to achieve detailed and comparable data that enhance the available national information in this important area. All states and territories were able to provide data for 2006–07, contributing to a comprehensive picture of juvenile justice supervision in Australia. Data quality is an ongoing priority in the development of the NMDS, with continual improvements as each jurisdiction is able to alter or add to their own data practices to suit the NMDS requirements.

### **2.3.1 Data systems and recording practices**

There are a number of differences in the data systems and recording practices of juvenile justice data within Australia because of variation in the administration of juvenile justice. The juvenile justice data system may stand alone (such as in New South Wales), while in some jurisdictions the child protection and juvenile justice data are recorded on one system (Victoria is moving to this system), and, in others, juvenile justice is recorded within an integrated criminal justice recording system (such as in the Northern Territory). In most

cases, this does not adversely affect the ability of the jurisdictions to extract NMDS-compliant data, but there are some exceptions.

In Western Australia, information is recorded on separate database systems for community supervision and custodial supervision. These systems are not linked in any way and, in order to obtain the data for the *episode* collection in this report, the two data extractions were matched and merged based on the statistical linkage key. While this linkage is sufficiently accurate for statistical purposes it is important to note that it is not 100% accurate as would be required for a system linking person records for case management or legal purposes.

In New South Wales, the Kariiong Juvenile Justice Centre was transferred from the NSW Department of Juvenile Justice to the NSW Department of Corrective Services on 10 November 2004. It was renamed the Kariiong Juvenile Correctional Centre. Figures for young people in custody in Kariiong after 10 November 2004 will not be reported by the Department of Juvenile Justice and thus are not included in this report.

### **2.3.2 Data development**

The development and refinement of data items in the Juvenile Justice NMDS is an ongoing process. It is anticipated that data on offences will be included in future developments. Key performance indicators are also being developed to help monitor systemic aspects of juvenile justice supervision.

### **2.3.3 Data quality and coverage**

The coverage of data is complete for the period 2003–04 to 2006–07, with data for 2000–01 to 2002–03 missing only from the Australian Capital Territory. In all other instances, it is believed that 100% of young people within scope of the collection were included in the data.

The quality of data provided for this report was good and has improved since the first report. The amount of missing data is less than 0.1% for all variables except Aboriginal or Torres Strait Islander status. Of those who had supervision in 2006–07, around 5% have a status of 'Unknown', while about 9% of young people in the entire Juvenile Justice NMDS have this status. Differences in data collection methods and data recording systems within jurisdictions, and an unwillingness of some young people to respond to questions about Indigenous status, affect the quality of Indigenous data. In line with the entire community services sector, there is a commitment to improving the quality of data on Indigenous status in the juvenile justice sector. Over the last few years, there has been a general decline in the number of young people with an 'Unknown' Indigenous status in most jurisdictions.

In Tasmania before February 2006, custodial data entered in the central data repository used for this report was incomplete. The result is a reported higher level of custodial activity and longer periods of supervision. Remedial action is being taken to improve the quality of data in subsequent reports.