

2 National juvenile justice data: scope, definitions and interpretational issues

2.1 The Juvenile Justice National Minimum Data Set (NMDS)

The focus of the Juvenile Justice NMDS is the experience of the young person under juvenile justice supervision. This makes the NMDS somewhat different to other criminal justice collections that focus on legal orders. The Juvenile Justice NMDS provides information about young people who are being supervised by juvenile justice departments in Australia. Pre-sentence and sentenced supervision both 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 Juvenile Justice NMDS consists of two related information components: young person-based (see Section 2.1.1) and *episode*-based (see Section 2.1.2). The young person and *episode*-based collections are unit record data and are linked both in content and analysis. Unit record data provide detailed information at the level of, for example, individual *episodes*. The sophistication of unit record data allows for flexible and in-depth analysis.

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 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 (formerly Department of Justice)
- 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 person collection

The NMDS is designed to capture information on all young people involved under 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 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 young person collection includes information on young people who have been subject to juvenile justice supervision throughout Australia. The collection includes a statistical linkage key (see below), which provides the capacity to link the records of young people across jurisdictions. These linkage possibilities are not explored in this report.

The *date of first contact* data item reports on the date at which the young person would have begun their first NMDS *episode*, even where this is prior to the beginning of the collection period. The data items in the young person collection are shown in Table 2.1.

Table 2.1: Data items in Juvenile Justice NMDS young person collection

Young person 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 contact

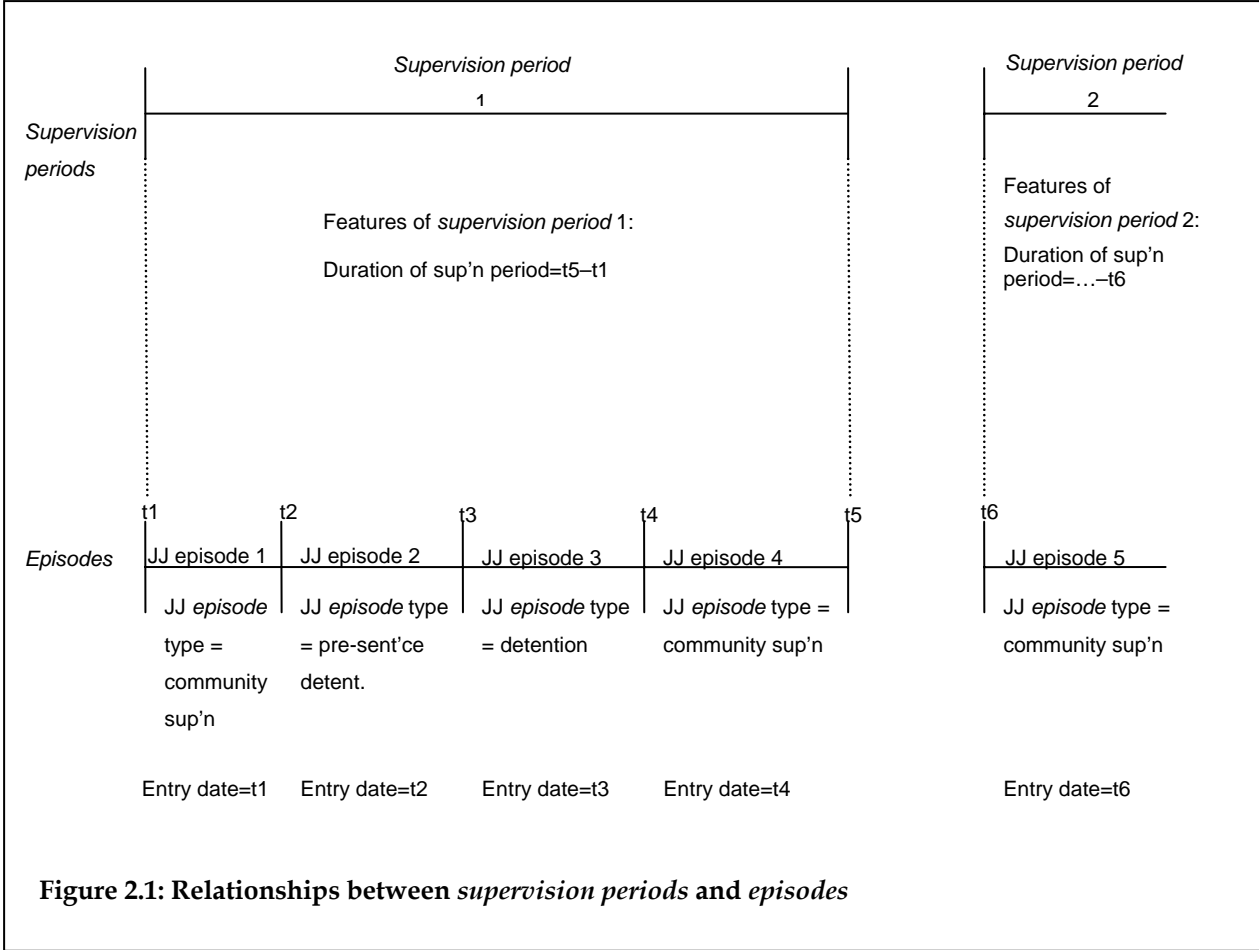
Once the statistical linkage key is derived and encrypted, the *letters of name* data item is deleted to ensure that no identifying information is retained.

2.1.2 Episode collection

The *episode* collection provides information about the length and type of contact between young people and juvenile justice departments. Data are recorded in *episodes*, and analysed in *supervision periods*. Neither of these equates directly to a court order. The NMDS does not record information on concurrent *episodes*; instead, it records information on only one *episode* at a time. The record that is created for the NMDS *episodes* is determined by a pre-defined hierarchy of *episode* types (see 'Hierarchy of *episode* types' below).

What is a *supervision period*?

A *supervision period* provides broad-level information on contacts between young people and juvenile justice departments, and *episodes* provide the detail regarding the length and type of that contact. *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 two days 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*, commenced at time 1 (t_1) with an *episode* of sentenced community-based supervision (JJ *episode* 1). This was followed at t_2 by JJ *episode* 2 of remand (pre-sentence detention). An *episode* of sentenced

detention at t3 followed this remand, and upon completion of the detention, the young person continued the community-based supervision in JJ *episode* 4. When this community-based supervision was completed, there was no further authority requiring juvenile justice supervision, and therefore the *supervision period* ended at t5. Sometime later at t6, a new 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.

In the Juvenile Justice NMDS data dictionary, there are formal definitions for both a *supervision period* and an *episode*.

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 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*.

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 a view of the highest known (as dictated by the hierarchy) category of supervision, including both pre-sentence and sentenced community-based and detention-based supervision.

As shown in Figure 2.1, the NMDS will only record 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 remand for a new offence), the highest *episode* according to the hierarchy is recorded by 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 reported on in Juvenile Justice NMDS *episode* collection

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

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:

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

As the highest possible *episode* type, all sentenced detention *episodes* will be recorded on the NMDS. *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, *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 whilst 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.

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 Demographic context

The Indigenous and non-Indigenous populations have different age distributions, and the proportion of the population who are Indigenous varies with state and territory.

Aboriginal and Torres Strait Islander young people in Australia

The Aboriginal and Torres Strait Islander population is younger than the rest of the Australian population. As Table 2.3 shows, the proportion of Indigenous Australians who are aged 10–17 years (19%) is almost twice that of the non-Indigenous population (11%). This is consistent throughout Australia, with little difference among the states and territories.

Table 2.3: Australian population aged 10–17 years, by Indigenous status, 2005

Population	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Indigenous									
Aged 10–17	30,331	6,467	28,307	14,091	5,505	3,847	878	10,922	100,381
Total (all ages)	157,046	33,469	146,344	74,753	28,710	18,644	4,856	60,896	524,959
% of total aged 10–17	19.3%	19.3%	19.3%	18.9%	19.2%	20.6%	18.1%	17.9%	19.1%
Non-Indigenous									
Aged 10–17	699,911	528,012	422,513	214,018	156,670	51,270	34,316	14,531	2,121,634
Total (all ages)	6,617,203	4,988,877	3,817,624	1,935,360	1,513,323	466,619	320,305	141,597	19,803,650
% of total aged 10–17	10.6%	10.6%	11.1%	11.1%	10.4%	11.0%	10.7%	10.3%	10.7%
Total									
Aged 10–17	730,242	534,479	450,820	228,109	162,175	55,117	35,194	25,453	2,222,015
Total (all ages)	6,774,249	5,022,346	3,963,968	2,010,113	1,542,033	485,263	325,161	202,493	20,328,609
% of total aged 10–17	10.8%	10.6%	11.4%	11.3%	10.5%	11.4%	10.8%	12.6%	10.9%

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

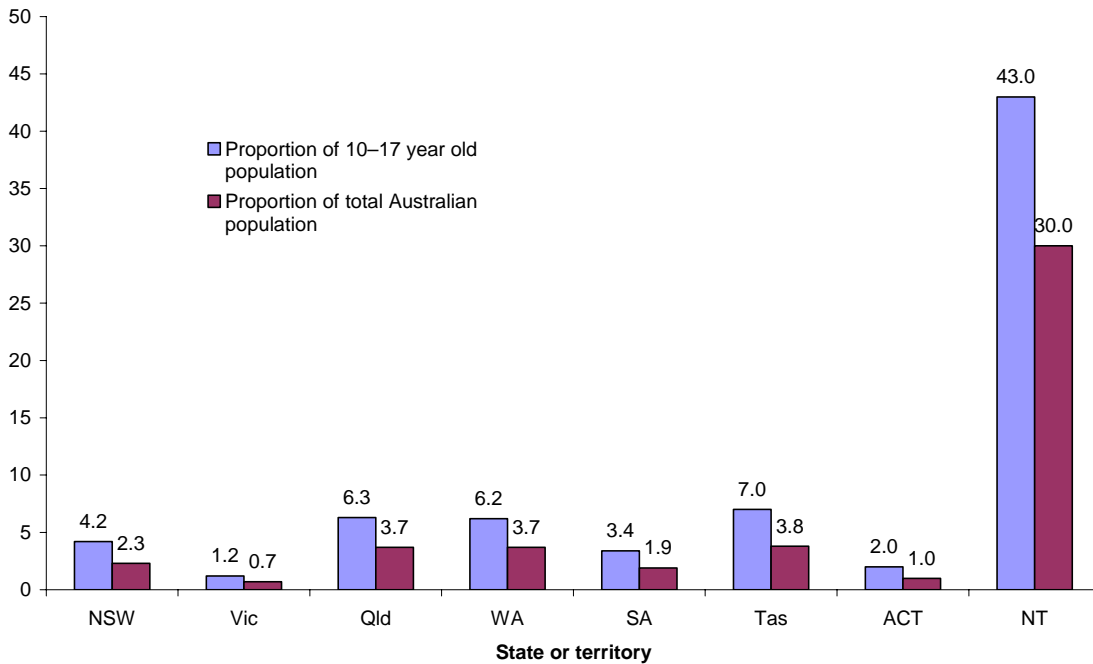
Source: ABS Estimated Resident Population, June quarter 2005 and Experimental Indigenous projections (based on the 2001 census), high series, 2001–2009 (unpublished data).

Age of the Aboriginal and Torres Strait Islander population

From the total Australian population in 2005, about 3% identified/were identified as being of Aboriginal or Torres Strait Islander origin. However, of the population aged 10–17 years, this proportion was 5%.

The Indigenous population in Australia is unevenly distributed throughout the country, with a particularly high proportion living in the Northern Territory. Of the population aged 10–17 years in the Northern Territory, 43% are Indigenous. Figure 2.2 shows that, except in the Northern Territory, Aboriginal and Torres Strait Islander people represent a small proportion of the population aged 10–17 years (1% in Victoria to 7% in Tasmania).

Per cent identifying as Indigenous



Source: ABS Estimated Resident Population, June quarter 2005 and Experimental Indigenous projections (based on the 2001 census), high series, 2001–2009 (unpublished data).

Figure 2.2: Australian population aged 10–17 years and total population, by Indigenous status and state and territory, 2005

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 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 not stated/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 for a clear distinction to be made between pre-court and pre-sentence *episode* types. For the purposes of this report, all 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 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 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 jurisdiction. The Juvenile Justice NMDS has been able to achieve detailed and comparable data that enhance the available national information in this important area. All jurisdictions were able to provide data for 2004–05, 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 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 therefore 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 (SLK). 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.

The entry of detention orders within Tasmania are required to be back-dated to the commencement date for any existing remand period. The result is that pre-sentence data including remand data are not available under the episode hierarchy.

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 offence data will be included in future developments.

Key performance indicators are also being developed to assist in the monitoring of systemic aspects of juvenile justice supervision.

2.3.3 Data quality

The Juvenile Justice NMDS provides data not reported elsewhere. The inclusion of community-based supervision and the collection of data on a unit record level each represent substantial departures from previous reporting on juvenile justice in Australia. The report contains valuable new policy-relevant data in this field.

The quality of data provided for the second report of this national collection was good and has improved since the first report. The coverage of data is very high, with missing data confined to pre-sentence data in Tasmania and data from 2000-01 to 2002-03 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.

Differences in data collection methods, data recording systems within jurisdictions and an unwillingness of some young people to respond to questions around Indigenous status all impact on the quality of Indigenous data. As in the whole of the community services sector, there is a commitment to improving Indigenous status data in juvenile justice. Over the last few years there has been a general decline in Indigenous status unknown data in most jurisdictions.

Tasmania reports some concerns with the reliability of detention and Indigenous data in the last report. These concerns are based on the quality of detention data input. The data quality will improve over the next two report periods as remedial action is taken. The data extraction tool is being reviewed and improvements may lead to a lower and more accurate rate figure being reported in subsequent years.

Despite the particular difficulties found by Western Australia in providing JJ NMDS data, given its two separate systems to record information about the management of juvenile offenders in the community and in detention, it has made progress through the establishment of a purpose-built JJ NMDS database and the introduction of a coordinated approach to data collection, involving data owners and database administrators from both systems.