



Ms Christine McDonald  
Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Ms McDonald

The Australian Institute of Health and Welfare (AIHW) welcomes the opportunity to make a submission to the Legal and Constitutional Affairs References Committee's Inquiry into the value of the justice reinvestment approach to criminal justice in Australia.

The AIHW is a major national agency set up by the Australian Government under the Australian Institute of Health and Welfare Act to provide reliable, regular and relevant information and statistics on Australia's health and welfare. We are an independent statutory authority established in 1987, governed by a Management Board, and accountable to the Australian Parliament through the Health and Ageing portfolio.

Our aim is to improve the health and wellbeing of Australians through better health and welfare information and statistics. We collect and report information on a wide range of topics and issues, ranging from health and welfare expenditure, hospitals, disease and injury, and mental health, to ageing, homelessness, disability, child protection, youth justice and prisoner health.

### **Youth justice in Australia**

Youth justice (also known as juvenile justice) is a substantial and important part of the criminal justice system in Australia, and is of central importance to the consideration of a justice reinvestment approach. Research has shown that involvement in crime tends to be highest in adolescence and early adulthood and diminishes with age (Fagan & Western 2005; Farrington 1986). In Australia, rates of offending during 2010–11 were highest among those aged 15–19 (ABS 2012b). While some youth offending is relatively minor, many young people progress to the more serious processes and outcomes in the youth justice system. Each year, around 14,500 young people are supervised by youth justice agencies, and around 6,000 of those young people spend time in detention (AIHW 2012c).

For some young people, offending behaviour continues into adulthood. It is commonly accepted that a small proportion of chronic offenders are responsible for a disproportionately large amount of crime (Moffitt 1993; Piquero 2000). Early onset of first offence is a strong predictor of chronic, long-term offending, which highlights the importance of intervention among this age group. Many studies have found that young people convicted at earlier ages have a higher risk of reoffending and tend to commit large numbers of offences, at high rates and often over long periods of time (e.g. Cottle et al. 2001; Farrington 2001; Piquero 2000; Simpson et al. 2008; Watt et al. 2004).

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

The AIHW administers the Juvenile Justice National Minimum Data Set, and has developed the required technical infrastructure, staff expertise and processes for data development and standards to report annually on these data.

The JJ NMDS contains person-level information on children and young people in Australia who were supervised by state and territory youth justice agencies because they committed or allegedly committed an offence (data availability varies among the states and territories). Data for most states and territories are available from 2000–01. Young people may be supervised when they are unsentenced – that is, when awaiting the outcome of their court matter or sentencing – or they may be sentenced to a period of supervision by a court.

The JJ NMDS contains information on all the supervised legal arrangements and orders that youth justice agencies administer (both community-based and detention orders) and all periods of detention in youth justice detention centres. It also contains information about each young person's date of birth, sex, Indigenous status. Geographical information collected includes the postcode, suburb/locality and state of the person's last known address for each order and detention period.

Each year, state and territory government departments responsible for youth justice supply data for the JJ NMDS to the AIHW under a memorandum of understanding between the Australasian Juvenile Justice Administrators (AJJA) and the AIHW. It should be noted that both Western Australia and the Northern Territory have not contributed to the NMDS since 2007–08, which requires AIHW to estimate national totals based on previous data supplied from those jurisdictions. This places some limitations on the analytical power of the data at a national level.

The AIHW publishes the report *Youth justice in Australia* each year (previously *Juvenile justice in Australia*), which provides a comprehensive overview of both youth justice community-based supervision and detention. In addition, the annual report *Youth detention population* (previously *Juvenile detention population*) gives an in-depth analysis of recent trends in detention. Occasional thematic bulletins such as *Indigenous young people in the juvenile justice system 2010–11* focus on specific topics in youth justice supervision.

### **Aboriginal and Torres Strait Islander young people under youth justice supervision**

The JJ NMDS provides accurate and up-to-date information about the level of over-representation of Indigenous young people under youth justice supervision. Although only around 5% of young Australians are Indigenous, data from the JJ NMDS shows that almost 2 in 5 (39%) of those under youth justice supervision on an average day in 2010–11 were Indigenous (AIHW 2012b). There were 2,820 Indigenous young people under supervision on an average day and 5,195 at some time during the year.

This over-representation was highest in detention. On an average day in 2010–11, Indigenous young people aged 10–17 were 14 times as likely as non-Indigenous young people to be under community-based supervision on an average day (rates of 19 per 1,000 compared with 1.4 per 1,000) (AIHW 2012c). However, they were almost 24 times as likely to be in detention (4 per 1,000 compared with less than 0.2 per 1,000).

Levels of Indigenous over-representation are higher in youth justice supervision than in adult corrective services. In 2010–11, almost half (48%) of young people in detention on an average day were Indigenous, compared with around one-quarter (26%) of adults in full-time custody in the June quarter 2011; similarly, 37% of young people supervised in the



community were Indigenous compared with 19% of adults in community corrections (ABS 2011; AIHW 2012c).

The JJ NMDS also provides information on the different supervision experiences of Indigenous and non-Indigenous young people. In part, Indigenous over-representation in detention is driven by the fact that Indigenous young people tend to enter detention at younger ages than non-Indigenous young people, have longer supervision histories, and spend more time in detention overall (AIHW 2012c).

### **The National Prisoner Health Data Collection (NPHDC)**

The NPHDC was carried out in 2009, 2010 and 2012. Results released from the first two collections found that, compared with the general Australian population, prison entrants reported higher rates of chronic health conditions, communicable diseases, head injury and mental health conditions. Further, this group was found to engage in risky health behaviours (including drinking alcohol at high-risk levels, smoking and illicit drug use) at a substantially higher rate than the general community (AIHW 2010; AIHW 2011). Given this profile of relative disadvantage across a range of areas, the prisoner population is a significant population to be considered under any justice reinvestment approach.

### **Linkage between disadvantaged groups**

Analysis of AIHW data collections has shown that young people from areas of low socioeconomic status or remote areas and young people who are homeless or in the child protection system are also over-represented in the youth justice supervision system.

Young people from geographically remote areas were the most likely to be in youth justice detention. Young people aged 10–17 from *Remote* areas were almost 5 times as likely to be in detention on an average day as those from *Major cities* (1.2 compared with 0.3 per 1,000), while those from *Very remote* areas were almost 6 times as likely (1.4 compared with 0.3 per 1,000). Young people aged 10–17 from the areas of lowest socioeconomic status were about 5 times as likely to be in detention on an average day in 2010–11 as those from the areas of lowest socioeconomic status (0.7 compared with just over 0.1 per 1,000).

The relationship between youth justice supervision and homelessness has been explored in a recent AIHW data linkage project. Data linkage is a powerful means for adding value to data. It refers to the bringing together of data from different sources in order to obtain a greater understanding of a situation or individual from the combined (or linked) data set.

In this project, it was found that young people involved in one of the homelessness, juvenile justice and child protection service systems were more likely than those in the general population to experience multiple-sector involvement. Almost 15% of those under juvenile justice supervision received homelessness support in the year before their most recent supervision and 8% received support in the year after (AIHW 2012a). In contrast, just 1–2% of the general population receive homelessness services in a year. There was also an overlap between the youth justice and child protection systems, with available data showing that almost 10% of those who had some youth justice supervision had at least one substantiated child protection notification. Although the findings should be interpreted with caution, since they are based on data for limited years, and only two states (Victoria and Tasmania) for child protection data, the results highlight the usefulness and possibilities for future data linkage work in these sectors.

A number of AIHW health and welfare collections contain sufficient information to enable data linkage including collections on people accessing mental health, homelessness and

disability services, children in the child protection system and young people under juvenile justice supervision. Linkage between corrections-based data collections (including the JJ NMDS and NPHDC) and other collections may be possible in the future in order to gain more holistic insights into the experience of these disadvantaged populations.

#### **The use of national data to support a justice reinvestment approach**

One of the key requirements of a justice reinvestment approach is the ability to identify the communities that produce a disproportionate number of offenders. As the JJ NMDS contains information on the young person's most recent home address, this data collection could be used to identify the communities that generate disproportionate numbers of young people under youth justice supervision.

The JJ NMDS is a person-level, longitudinal data set with high levels of quality and coverage. It therefore also has the ability to track the complete supervision history of chronic young offenders and to identify changes in supervision patterns over time, which may be useful for the purposes of justice reinvestment. The NPHDC, undertaken in 2009, 2010 and 2012, also provides a strong basis for further interrogation into justice reinvestment strategies, particularly in relation to the jurisdictions who were involved in all three collections.

There is also the potential for future data development in order to increase the usefulness of existing data sets to support a justice reinvestment approach. For example, the inclusion of more detailed geographical data items based on the person's last known address (from the newly-released Australian Bureau of Statistics Australian Statistical Geography Standard) would enable more fine-grained analyses (see ABS 2012a).

The AIHW is currently working with the states and territories to develop a data collection to measure juvenile recidivism. This data collection would allow for the effectiveness of approaches aimed at reducing offending, such as a justice reinvestment approach, to be monitored and evaluated.

The 2012 NPHDC for the first time collected data relating to prisoners preparing for discharge from prison, which will add a new dimension to the available information and allow an analysis of another relevant cohort within the corrections system. AIHW, in collaboration with all Australian jurisdictions and academic experts in the field, continues to work to develop new and expanded data in the prisoner health area. AIHW are commencing detailed discussions with jurisdictions in relation to changes and expansions for undertaking the next NPHDC, and it is likely that some of these will further enhance the usefulness of that information for undertaking analyses in relation to justice reinvestment strategies.

The AIHW is continuing to work to improve the evidence base on national data relating to both young people and adults in the corrections system, recognising these data are essential for the evaluation and improvement of existing policy and the development of new policy. Further, the AIHW would be particularly well placed to contribute to data and analysis for a justice reinvestment approach. The AIHW operates under a strict privacy regime which has its basis in section 29 of The Australian Institute of Health and Welfare Act 1987. Our record of protecting the security of data we hold on the health and welfare of Australians is exemplary. The AIHW Board closely monitors the Institute's performance regarding maintenance of the privacy of its data, and has commissioned and endorsed a range of policies and practices relating to data privacy, including an independent Ethics Committee.

To this end, AIHW will be very interested in any findings of this inquiry that relate to data and information needs in the implementation of a justice reinvestment approach, and would

welcome the opportunity to discuss these issues in further detail at the conclusion of your inquiry. Should the Committee have any queries about the information provided above, or would like to seek additional data from the AIHW, please contact Tim Beard, Head of the Child Welfare and Prisoner Health Unit, on

Yours sincerely

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Australian Institute of Health and Welfare

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