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Information Paper

National Criminal Justice Statistical Framework

Australia

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AUSTRALIAN BUREAU OF STATISTICS

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PREFACE

A *National Criminal Justice Statistical Framework* (cat no 4525.0) (the Framework) was developed by the Australian Bureau of Statistics (ABS) National Centre for Crime and Justice Statistics (NCCJS) in 2001. This Information Paper updates the framework, and provides additional information on sources of data relevant to the framework. The updated framework also includes new information on the policy context for crime and justice statistics, and explains the linkages between the conceptual elements of the framework and the statistical sources.

The Framework discusses the criminal justice system, including its policy and social context, and the complexities of measurement within it. It models the flows through the criminal justice system and discusses the various connections across its primary sectors, identifying some of the key counting units and data variables that characterise its main aspects. The Framework provides a structure for organising, collecting and reporting data about crime and the criminal justice system. In doing so the Framework aims to support integration of criminal justice data between the different, interconnecting sectors of the criminal justice system as well as across the states and territories of Australia. By using shared definitions and standards across service areas and jurisdictions, a common language can be created that facilitates a mutual understanding of the criminal justice system and the populations that flow through it.

This updated Framework represents the result of considerable input from a large range of Australian, and state and territory agencies. Their contribution is gratefully acknowledged.

Brian Pink
Australian Statistician

CHAPTER 1 INTRODUCTION

INTRODUCTION

A key strategic objective of the ABS is to promote and support good statistical and data management practices. This includes the development and use of standards within the statistical holdings of government agencies, in the interests of promoting a more unified body of national statistical information and avoiding duplication of effort in their administrative data collections.

The National Centre for Crime and Justice Statistics (NCCJS) has responsibility for leadership of national statistical activity relating to crime and justice. This includes a commitment to develop and promote a statistical framework for the collection of data about crime and justice in Australia. Since its first release in 2001, the statistical framework has helped inform the development of an integrated information base about the criminal justice system.

In line with its strategic commitments, the NCCJS has been responsible for the re-development of the National Criminal Justice Statistical Framework. The updated framework provides additional information on relevant ABS sources of data, as well as including new information on the policy context for crime and justice statistics, to complement the existing information on the context of the social and economic environment. It also explains the linkages between the conceptual elements of the framework and the statistical sources. By bringing together data from multiple sources, the NCCJS is in a better position to facilitate informed decision making.

The National Criminal Justice Statistical Framework (hereafter referred to as the Framework) provides a structure for organising, collecting and reporting data about crime and the criminal justice system. One aim of the Framework is to integrate the approach taken to data collection by the different interconnecting sectors of the criminal justice system, and across the states and territories of Australia and other geographical regions. While laws, penalties, and arrangements for administering justice differ across state/territory boundaries, each state criminal justice system is similar in character at a broad level.

The Framework models the flows through the criminal justice system and the specific points at which data can be collected throughout the criminal justice system. It is designed to be a tool to illustrate the key processes that are involved in the movement of people through the system, the main activities occurring at each of these stages and the key data that are available as a result of each of these processes.

WHAT IS A STATISTICAL FRAMEWORK?

A framework for a particular area of statistics is a tool that supports statistical measurement and data analysis in that area. It is a broad level conceptual 'map', which allows statistics to be organised and grouped into a logical structure and defines the boundaries and content of these statistics.

The elements included within a framework can vary widely in nature, depending on the topic of interest. In the area of criminal justice, a framework may identify and differentiate important ideas (e.g. community safety, levels of crime, fear of crime), important population groups (e.g. youth, Aboriginal and Torres Strait Islanders), key entities and agencies (e.g. offenders, victims, police, prisons), or other prominent influences such as environmental factors, individual factors or resources. Frameworks can show the key relationships, processes or flows that exist between elements. Frameworks also identify key counting units for a particular topic.

WHY USE A STATISTICAL FRAMEWORK?

A statistical framework is integral to the collection of accurate, relevant, reliable and comparable statistics. It provides a logical and comprehensive structure to a field of statistics, promotes the use of standards and classifications, and supports consistent data collection and analysis.

A statistical framework allows statistics to be compared in a meaningful way across a given subject area, across sectors, across data sources and across time. It also enables data comparability at the state, national and ultimately international levels.

USING THE FRAMEWORK

The Framework can be used to shape the way we think about information on criminal justice and there are a number of ways in which it might be useful to guide agencies in their statistical work. For example:

- to facilitate compatibility and integration of aggregated data on populations between the different interconnecting sectors of the criminal justice system, and across the states and territories
- to indicate the relationships and flows between criminal justice and broader social factors such as environmental, individual and resource factors
- the framework advocates the use of standard statistical classifications and definitions which should be used in administrative systems and statistical collections to maximise the comparability of criminal justice statistics from different data sources
- to identify the key counting units and data variables in the criminal justice system.

The Framework does not itself prescribe priorities for data collection, and its scope is therefore deliberately broad. However, other ABS initiatives and tools to support statistical development work will allow data users and policy developers to consider their information requirements, and the relative importance and quality of various types of information. Some examples of these are:

- the *National Information Development Plan for Crime and Justice Statistics* (cat. no. 4520.0)
- data dictionaries and practitioner manuals.

The ABS also offers a wide range of specialised consultancy services, and further information can be found on the ABS and National Statistical Service web sites (<www.abs.gov.au> <www.nss.gov.au>).

DEVELOPMENT OF THE FRAMEWORK

The Framework was first developed in 2001 in consultation with a group of key stakeholders and advisers in the criminal justice field. It was acknowledged that the first version of the Framework represented the initial phase of a staged approach to the development of a comprehensive statistical framework for criminal justice data.

This version of the Framework builds upon the original, and reflects views collected during additional consultation arising from the National Information Development Plan process.

Given the extensive consultation that contributed to the development of the Framework, the ABS is confident that it can be put forward as an appropriate way of viewing statistics in this area. As with other frameworks, this Framework should be seen as a dynamic and evolving document that will be developed over time.

SCOPE OF THE FRAMEWORK

The criminal justice system encompasses a diverse range of situations and activities. There are some activities that do not clearly fall into the scope of this Framework and the boundaries for these areas need to be articulated.

Scope inclusions

The scope of this Framework has been restricted to the characteristics of persons and incidents as they move through the criminal justice system.

Scope exclusions

This Framework excludes policing activity not concerned with the prevention, detection, investigation or control of crime (e.g. crowd control or rescue activities); revenue or expenditure associated with the provision of criminal justice services; and specific crime prevention strategies, programs and activities. Additionally, it excludes reference to the civil justice system.

STANDARDS

One of the main aims of the Framework is to promote the adoption of standardised methods of collecting, compiling and disseminating criminal justice statistics. Such standardisation will facilitate a progressive move toward consistent understanding and expression of data concepts, and will also allow for better communication among key users of criminal justice data.

The use of a comprehensive set of statistical and methodological standards allows an integrated and meaningful statistical picture to be provided. It makes it possible to draw all the data from different sources and at different times about a particular topic, variable, or population, together in a meaningful way. This allows comparisons and links to be made between and within datasets. The purposes of this integration are to improve the usefulness, reliability and comprehensiveness of the data and to reduce duplication of data collection.

Statistical standards apply to:

- data item definitions
- concepts
- statistical units
- classifications
- coding processes
- derivation procedures
- question modules.

Methodological standards apply to:

- sample design issues
- conceptual issues
- collection methodology issues
- processing issues
- data standards
- dissemination.

Standards for statistics assist in maximising the effectiveness of statistical outputs and the efficiency of the production process. That is, effectiveness in terms of support for comparability (over time, geography, industry, etc) and coherence (i.e. the capacity for integration) of the statistics. The use of statistical standards permits collection of statistics on a consistent basis over time.

STANDARDS *continued*

While comparability and coherence are important for any dataset, they are particularly important where data are obtained from multiple sources and have to be combined in some way, or where the outputs are used in a wide variety of contexts.

Agencies in the criminal justice field currently have at their disposal existing ABS national standards as well as local data standards. These standards are used either for reporting on a national level to agencies such as the ABS and the Productivity Commission (PC), or for reporting at the state or territory level. While work on the development of standards continues in many specific areas of criminal justice, there still remain data in the field that are collected and disseminated in the absence of clear standards and accepted definitions.

CLASSIFICATIONS

Classifications for statistics facilitate the accurate and systematic arrangement of data into categories according to common properties. The use of standard classifications result in statistics that are consistent and comparable over time and across different sources. Classifications aim to achieve economy of effort in developing quality information.

Comparison across different geographical regions is an important focus for many administrative datasets and statistical collections. The use of standard classifications assists in this process. Statistical classifications can also be used for aggregating and disaggregating data sets meaningfully for complex analysis.

The key classification used in the criminal justice sector is the Australian Standard Offence Classification (ASOC). Further detail on ASOC is contained in Appendix 1.

NATIONAL INFORMATION DEVELOPMENT PLAN FOR CRIME AND JUSTICE STATISTICS

The NCCJS, in collaboration with a large range of Australian, state and territory agencies, as well as various non-government bodies, has developed a National Information Development Plan for Crime and Justice Statistics. The Plan identifies national information needs, current data sources and describes key gaps, deficiencies and overlaps in data collection. It also sets out strategies to deliver the outcomes required by policy developers, researchers, administrators and the wider community.

SUMMARY OF CHAPTERS

The Framework is divided into a number of chapters. Chapter 2 presents the criminal justice contextual model and the policy context for crime, providing a means to understand the basic flows and processes of the criminal justice system and the data requirements that shape the Framework. Chapter 3 describes measurement in criminal justice and the types of data available within the sector. Chapter 4 presents the Statistical Framework for criminal justice; mapping the flow model of the main processes within the criminal justice system to specific points at which data can be collected. Finally Chapter 5 presents the main measures that are relevant at each point of the model and indicates which of these are currently available through ABS statistics.

CHAPTER 2 THE CRIMINAL JUSTICE PROCESS IN CONTEXT

INTRODUCTION

Crime is a multifaceted concept that can be defined in both legal and non-legal terms. In a legal sense, crime refers to breaches of the criminal laws governing a jurisdiction that are designed to protect the lives, property and rights of citizens of that jurisdiction. In a non-legal sense, crime could be considered an act that violates socially accepted rules of human ethical or moral behaviour. While acknowledging that crime has a broader context than simply formal responses to events, this chapter ultimately focuses more narrowly on criminal justice as it is dispensed through the police, criminal courts and corrective services systems, as being one of the main arenas where broader principles of justice are institutionalised.

As the Framework aims to provide a way of conceptualising the flows and processes of the criminal justice system, it is important to understand the critical features of crime and the criminal justice system within which data are generated. This chapter outlines the key elements of the conceptual framework. These include a contextual model that describes the environmental, social and individual-level factors that influence the context in which the criminal justice system operates; a model of the relationship between the event, and the criminal incident; and a discussion of the typical flow of individuals through the criminal justice system. The Framework therefore provides a conceptual account of the real world functioning of the criminal justice system, based on models that describe elements about which information is required. The contextual model also provides other elements for consideration, such as broader contextual factors, and further impacts and outcomes for individuals that may arise as a result of crime, or as a consequence of involvement/non-involvement with the formal criminal justice system. Depending on the research questions to be asked, elements outside the criminal justice system may become crucial in properly understanding the efficiency and effectiveness of the system itself.

CRIMINAL JUSTICE IN CONTEXT

The criminal justice system does not exist in a vacuum; rather, it is situated within a complex social milieu that incorporates other social and economic factors. Crime can be considered a social phenomenon, to which the criminal justice system is a societal response. As such, it is vital to consider the interactions of broader contextual factors in relation to crime to understand its social elements. It is often these environmental factors that determine the levels and types of crimes committed, the response of the criminal justice system where applicable, and the impacts and outcomes for victims, offenders and communities. These factors can influence not only the individuals involved in the criminal act (such as a victim or an offender), but the operation of the criminal justice system itself. Environmental, social and individual contextual influences can also be factors contributing to whether victims identify certain experiences as criminal events, and the likelihood of them reporting incidents to police or other authorities. These factors can be categorised under two main headings:

- factors affecting offenders and victims (e.g. environmental and individual)
- factors affecting interventions (e.g. environmental and resource related).

While this conceptual model, and indeed the framework as a whole, is largely concerned with the criminal justice system, for some criminological questions there may be a need to incorporate indicators that represent some of these external factors in order to generate a comprehensive analysis. Examples of relationships that may be explored are

CRIMINAL JUSTICE IN CONTEXT *continued*

listed below, and can require the creative exploration of a range of different data sources in order to operationalise the contextual environment of crime and justice.

FACTORS AFFECTING OFFENDERS AND VICTIMS

Environmental factors

Environmental factors include the physical, social, family, community, economic, cultural and political environments in which people live. Less developed physical, social and family environments have long been considered determinants in the development of criminal behaviour. Living in what is perceived as relative financial deprivation, isolation from social support and being raised in a violent family are examples of environmental risk factors. A lack of community cohesion in one's neighbourhood, poor economic conditions in society, and conflict within cultural and political environments are also potential risk factors for crime, for both offenders and victims.

Individual factors

Individual risk factors include the mental and physical health status of offenders or victims, their demographic and socio-economic characteristics, attitudes and beliefs, and lifestyles and behaviour (for instance poor health may increase the risk of involvement in crime). Certain socio-demographic characteristics such as age and sex may be strong determinants of criminal behaviour, and are important factors in understanding patterns of victimisation. Offending has also been related to antisocial attitudes and beliefs, and to involvement with delinquent peers and the associated lifestyles and behaviours. The behaviour of victims may also determine how vulnerable they are to criminal incidents and increase the risk of victimisation (e.g. not taking personal safety measures in certain circumstances).

Drug and alcohol use crosses the boundary between the health care system and the criminal justice system, and a full understanding of these issues in society requires analysis of data from both sectors. Using data from a range of sectors such as health, education, welfare and crime and justice enables policy developers and researchers to consider the broad range of environmental and individual factors affecting offenders and victims of crime.

FACTORS AFFECTING CRIMINAL JUSTICE INTERVENTIONS

Environmental factors

Environmental factors also affect the structure, operation and success of criminal justice interventions. Environmental factors include those relating to the physical, social, community, cultural, economic or political environment in which the criminal justice system, or branches of the system, operates. Physical factors can include the geographic location of elements of the system, such as police stations. The criminal justice system is operationally grounded by a background of legal and moral rules, which control the range of acts considered criminal. These in turn determine the acceptable methods of sanctioning such behaviour, which ultimately reflect the society and elected government of a particular time and place. Community factors can therefore be particularly important in determining how the criminal justice system operates, and its effectiveness. For example, community attitudes to crime and the criminal justice system and the civic values held by the community have a strong influence on whether the community supports or hinders the operations of the criminal justice system. The cultural and political contexts in which the criminal justice system operates, fundamentally determine its approach to crime, sentencing and correction at a broad level. Additionally, attitudes to crime prevention, accountability and responsibility for individual and group actions

Environmental factors continued

will differ according to social mores, as will attitudes to victim support and offender rehabilitation and retribution.

Another important environmental element relates to geographical location. The profile of crime varies across geographical areas both at the macro level (among states and territories in Australia) and at the micro level (for example, between different suburbs or even different streets within a suburb). These differences in crime can be linked with regional differences in social, demographic and economic conditions. Understanding the nature of these links is important because it can shed light on how to manage and prevent crime. Knowledge about crime prevention strategies that have proven effective in a particular geographical area, together with information about the associated social, economic and other conditions that enabled them to succeed, can potentially be generalised to other similar geographical areas elsewhere in Australia.

Resources

Adequate resources are another essential factor enabling the criminal justice system to carry out its functions in regards to interventions. Resources include:

- financial
- human
- training and support for people who are part of the criminal justice system
- building and equipment resources
- adequate accommodation particularly for those areas requiring high levels of security, privacy or formality (e.g. prisons and custodial facilities, interview rooms, court rooms)
- administrative equipment
- specialised equipment (e.g. uniforms, firearms, and forensic equipment)
- research resources such as statistical information to allow effective monitoring and evaluation to occur.

POLICY CONTEXT

The levels and effects of criminal activity, as well as people's perceptions about the extent of such activity, are issues that impact directly or indirectly on the quality of people's lives. Criminal justice statistical information is one component of the wider social and economic information available. When integrated, this information is useful to decision making, research, policy development and implementation in criminal justice, as well as the community as a whole.

The Australian and state/territory governments undertake policy research and analysis in relation to criminal justice issues. The states and territories are primarily responsible for policy development and direct service provision, such as the planning of crime prevention programs and dealing with offenders via the criminal justice system. The federal criminal justice system administers offences against Australian government laws. The Australian government also has a national focus that facilitates linkages and information-sharing among states and territories.

There is an increasing emphasis on the development of integrated social indicators that support the measurement of societal wellbeing. Policy research and analysis are generally based on the view that crime is relational; that to understand crime, the link between changes in crime and changes in the social conditions that generate, maintain, decrease or increase its rate and shape and form must also be understood. For example,

POLICY CONTEXT *continued*

interactions with education, health and juvenile services are recognised as important contexts for examining criminal behaviour, and therefore, criminal justice administration.

Criminal justice is society's response to crime. While it often has the aim of balancing or redressing the negative effects of crime, in its full range of operations criminal justice also functions to prevent crime and promote personal and community safety.

Both the need to promote community safety and to underpin the administration of justice are policy imperatives for all Australian jurisdictions.

COMMUNITY SAFETY

Community safety refers not only to actual levels of safety but also to community perceptions of safety. Policy-makers have expressed a need to be able to demonstrate both the real risk of crime victimisation as well as the perceived risk of victimisation. Both actual and perceived risks of crime are social indicators of levels of community wellbeing and inform community safety policy development. Policy developers, researchers and service delivery administrators consider questions such as:

- How can community safety and wellbeing be improved?
- How much crime is unreported and why?
- What is the relationship between fear of crime and actual levels of crime?
- What are the causes of crime in Australia and how can they be addressed?
- How can incidents be prevented or reduced?
- How has the level of crime changed over time?
- How have perceptions of safety changed over time?

Policy developers need to assess and estimate the risk of victimisation for specific sub-groups of the population to enable appropriate initiatives to be developed and implemented. Data are also required to enable the assessment of factors that influence incidents of crime, such as characteristics of offenders and circumstances surrounding incidents to inform prevention strategies and program planning.

THE EFFECTIVE AND EFFICIENT ADMINISTRATION OF JUSTICE

The effective administration of justice refers to the need of planners and providers of services to understand successful ways of responding to crime (including crime prevention). The collection of comparable data across jurisdictions is a critical factor in such processes. This search for best practice is one way to ensure access and equity in the criminal justice system, which drives much of the policy regarding the administration of justice. It is also a way to provide accountability for appropriate expenditure of public funds to ensure best value for money. Governments seek answers to questions such as:

- Are levels of community safety increasing or decreasing?
- How can community safety and wellbeing be improved?
- What are the current and historical trends in crime?
- What are the characteristics of victims, offenders and offending behaviours?
- What is the risk of becoming a victim?
- What are the priorities for investment in interventions or prevention aimed at reducing crime?
- What is the flow-on effect of policy changes on the rest of the system?
- How do people end up back in the system? Who are they? Why do they return?
- How effective is the criminal justice system as a whole in reducing crime?

THE EFFECTIVE AND EFFICIENT ADMINISTRATION OF JUSTICE *continued*

- How satisfied is the public with the criminal justice system? Is there equality of access and equity of treatment in the system?
- How does crime impact on the measurable wellbeing of society?
- How can we utilise the supported development and testing of criminological theory?

The efficient administration of the criminal justice system refers to the operation of the criminal justice system. In particular, quality data are needed about the costs of the criminal justice system, the flows through the system, and public perceptions of the system. A criminal justice system that is perceived to be fair, timely, effective and non-discriminatory encourages people to be more trusting of this key social response.

Information about the operations and costs of the criminal justice system is directly related to ensuring accountability of government expenditure. Individual agencies measure operations and costs against objectives. Nationally comparable data are sought to make comparisons across jurisdictions and across sectors to analyse relative effectiveness and efficiencies of systems. Policy developers need to understand whether different responses are required for different population groups and have expressed a need to be able to model and benchmark the administration of justice across Australia in order to strive for best practice. Their need is for comparable data to determine the costs associated with operating respective components of the system.

DATA COMPARABILITY

Data comparability is an issue of concern for most agencies and is relevant to the development and evaluation of policy. It is directly relevant to the policy driver of effective and efficient administration of justice. In order to achieve this policy imperative, comparisons are made between organisational policies and programs to seek best practice in the prevention and reduction of crime and the administration of justice.

Policy developers require comparable information about expenditure, programs and outcomes to inform both local and national budget decisions and review processes. The allocation of funds both within a jurisdiction and across states and territories is tied to the ability to prove value for money and accountability for the expenditure of public monies. Comparable data are thus critical to the development of financially defensible policies and programs and to these budget and review processes.

Policy developers in crime and justice agencies also want to be able to compare and benchmark their agency against their counterparts in other jurisdictions in order to improve their own practices. This comparison is required on a program-by-program basis in order to facilitate the development of evidence-based policy as a means to achieve best practice.

The measurement of characteristics of persons (such as offenders, victims, family members) and events (criminal incidents) is the second key theme identified consistently on a national basis. Policy developers also need to understand issues of both general community safety as well as the safety of specific sub-groups of the population.

Understanding the characteristics of persons and criminal incidents in the justice system is critical to the development of strategies to enhance community safety. Criminogenic factors need to be measured in order to understand the possible causes behind a person's criminal behaviour or victimisation. This requires an understanding of the

DATA COMPARABILITY
continued

environmental and individual risk factors to which the person has been exposed. It also entails understanding the relative risks of victimisation for different sub-groups in the population, and the perception of safety that is found amongst these groups. Such an understanding can assist not only in general crime prevention (such as early intervention), but in specific, individual offender rehabilitation and treatment (such as drug treatment programs).

Policy developers are also interested in specific sub-groups of the population in terms of the service provision requirements that they represent. Service provision relates to having a better understanding of the characteristics of the client, so that appropriate services may be provided. In this way, it is possible to ensure access and equity in the criminal justice system and to assess the effectiveness and efficiency of the administration of justice.

Service provision also encompasses risk assessment and the ability to case manage an individual in the most appropriate and effective fashion (for example, mental health assessments that are conducted upon entry to prison). Finally, service provision also entails an understanding of the geographic requirements of areas in terms of expenditure of capital (for example, where to allocate new police, or where to build new prisons). In order to understand these service provision requirements and to measure the performance of the criminal justice system in providing services, high quality data and quality frameworks are required.

A CONTEXTUAL MODEL

As outlined above, any contextual view of the criminal justice system must acknowledge the complex interplay of environmental, social and person-level factors, as well as the policies of particular governments. These contextual factors can come in to play in the lead-up to, commission of, and consequences of, a criminal event.

The criminal justice system itself can be represented as a complex series of stages, each comprising one or more particular processes that together make up the system as a whole. The way in which this system operates is both sequential and consequential. The sequential element refers to the fact that events occurring within the system generally take place in a particular chronological order. At its most general level, the criminal justice system comprises four main stages:

1. An event occurs resulting in a possible criminal incident.
2. The criminal justice system becomes aware of the incident (through a call for service or through its own investigation) and further investigates to determine whether a crime occurred and to apprehend an alleged offender.
3. The criminal justice system determines if criminal responsibility exists and applies some form of penalty or obligation as a result of a finding of liability or guilt.
4. The criminal justice system manages the penalty, obligation or rehabilitation.

The consequential element of the system refers to the fact that decisions or activities taking place in early stages of the sequence have important effects on subsequent stages. For example, police activities will affect the number of charges brought before the courts. Similarly, subsequent sentencing decisions made by magistrates and judges will influence situations within corrective service organisations (e.g. the availability of prison accommodation). It is interesting to note that while cases and offenders generally move

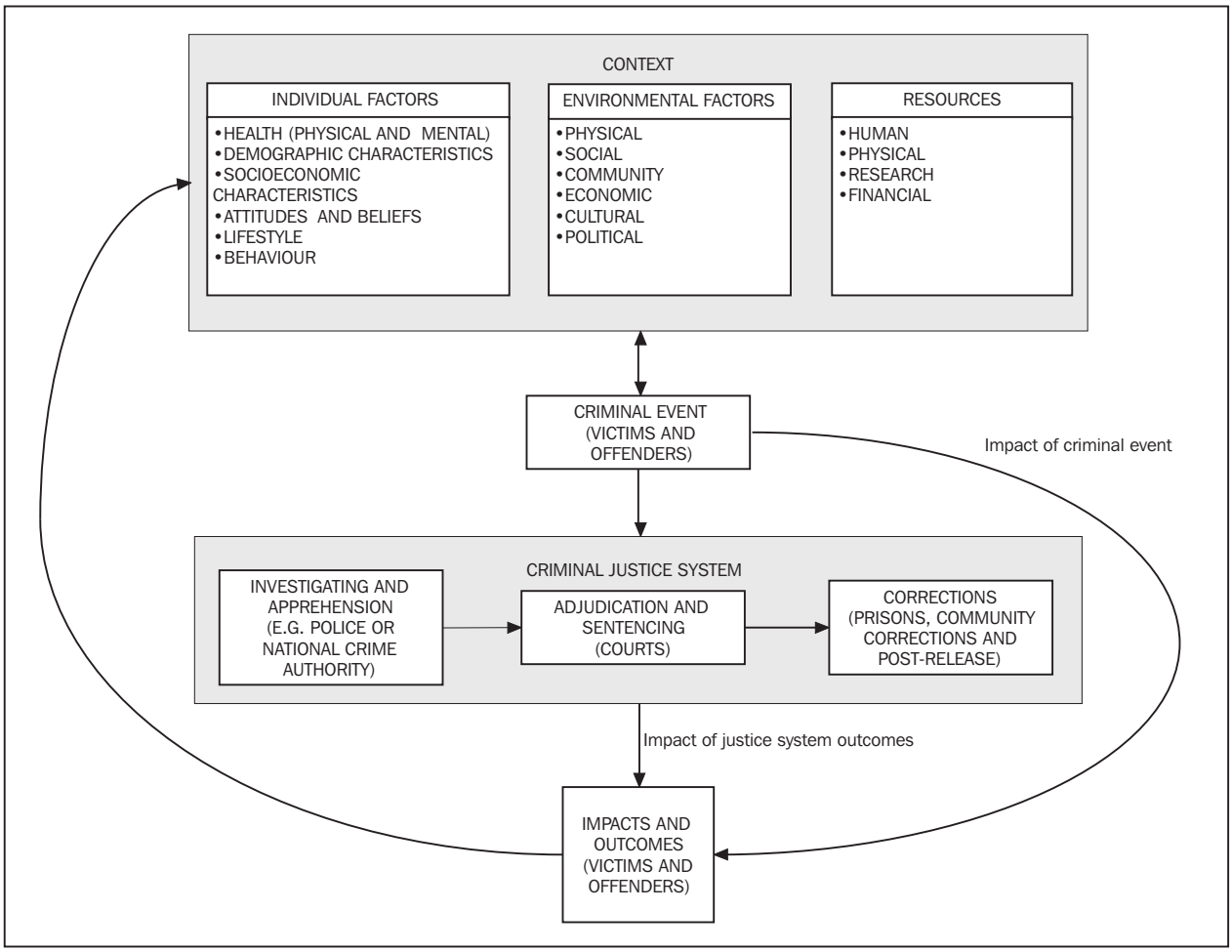
A CONTEXTUAL MODEL
continued

through the system in one direction, information may cycle back through the system. For example, information on courts results goes back to police to inform their activities. This interdependency between the sectors of the criminal justice system means that data about one component of the system can often usefully inform analysis within other components. For instance, the need for resources in particular areas may be anticipated, or processes adjusted, to increase efficiency across the system.

Ultimately, short and long-term impacts on victims and offenders need to be acknowledged as a result of crime, regardless of whether or not a crime comes to the attention of the criminal justice system. Depending on harm experienced, support received, interventions experienced and rehabilitation programs accessed, outcomes can be positive or negative.

A simplified contextual model of the criminal justice system (below) illustrates both the influence of these contextual factors, and also the processes of the criminal justice system.

Diagram 1: The Contextual Model of the Criminal Justice System



CONTEXTUAL FACTORS, IMPACTS AND OUTCOMES

Crime is a product of the surrounding social environment. As outlined, the conceptual model acknowledges the importance of considering environmental and other contextual factors when considering crime or the criminal justice system as a whole. These factors can represent a range of influences on individuals, and the relationships between these factors should be considered. For example, relationships could be explored between concepts of family poverty during key developmental periods or educational attendance and retention, and subsequent offending. Being a witness to family violence or experiencing family break-down and the involvements people have with the criminal justice system as victims and offenders in later life also provides an example, where data from outside the scope of the formal criminal justice system could be combined with other data to create a comprehensive analysis.

Contextual factors also need to be considered in terms of the direct impact they can have on the outcomes people experience as victims of crime or offenders (or both). The likelihood of a positive or negative outcome arising can be significantly impacted upon by the psycho-social and environmental factors that individuals bring to the experience of a criminal event. External or individual-level factors can influence the likelihood of persons to interact with the criminal justice system, seek help, rehabilitation and support, and ultimately, the potential for a positive long-term outcome.

The contextual model notes that a substantial amount of crime never comes to the attention of the formal justice system as elaborated further below. In these instances, the interplay of factors in determining long-term term impacts and outcomes may be quite different than for people who become involved with the justice system. Different sources of information will be required for these comparisons, which may involve synthesis or linkage of datasets generated by related fields, such as education, health, welfare, victimisation surveys or even the Population Census. Whilst these factors are important in understanding the impacts and outcomes of crime, the purpose of the framework is to develop measures of the system itself.

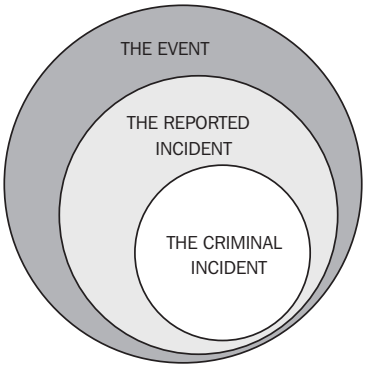
THE EVENT AND CRIMINAL INCIDENT

In this Framework an event is anything that occurs of note, which is considered potentially criminal or that breaches socially accepted norms.

The event may contain one or more criminal incidents. These incidents may come to the attention of criminal justice authorities so may be recorded, either as criminal incidents or as other incidents (e.g. an emergency). Only the incidents that both come to the attention of authorities and are recorded by them as criminal become the subject of further criminal justice processing. Diagram 2 illustrates the relationship between the event, the reported incident and the criminal incident.

THE EVENT AND CRIMINAL INCIDENT *continued*

Diagram 2. The relationship between the event, the reported incident and the criminal incident.



Data that describe the incident can include, for example, data about the number of people involved, the type of crime, the time of day it took place, and the location of the incident. Location information may be geographical or in terms of the type of location (e.g. whether in a public or private place).

As the incident moves through the criminal justice system, the way it is described and categorised often changes. For example, the initial incident may be categorised as a particular kind of crime or charge. As the incident is further investigated, more information may come to light, and the incident may be re-categorised to a different charge. The process of adjudicating the incident may further change the way it is categorised. Thus the final conviction may relate to a charge that is quite different from the charge initially recorded. Additionally, charges may be found to be 'no crimes' during investigation, requiring a recategorisation of the incident, or the charge may be withdrawn at the court stage of the process.

The naming convention used to signify the incident also changes as different stages of the system are encountered. When an incident first occurs, a *call for service* to an authority may be made. The authority contacted may record the call as a *reported incident*. If an initial investigation reveals that one or more offences have been committed, the reported incident may be labelled a *criminal incident* and enter the system of the investigating authority as a *recorded crime*. If a *charge* is then laid and passed on to the courts system, it becomes a *court case*. If guilt is determined, an adjudicated case will then be referred to as a conviction and may have a *penalty* applied.

INVESTIGATION AND APPREHENSION

The investigative and charging stage involves the police (including state, territory or federal police services) or other detecting and investigating agencies (such as the Australian Crime Commission). Police and agencies such as the Environmental Protection Authority, Customs, and the Department of Agriculture, Fisheries and Forestry are involved in detecting, investigating, recording and charging. Policing agencies are created for maintaining order, detecting and preventing crime, and enforcing laws. One of the principal functions of the police is to investigate criminal incidents and seek to identify the offender/s. The investigations may lead to a number of outcomes. In some cases alleged offences turn out to be unfounded, in others, they may be withdrawn. A search for an offender may continue without results for any length of

INVESTIGATION AND APPREHENSION *continued*

time. Where an offender is identified, they may be apprehended and proceeded against. This can be through the laying of charges in court, or can be accomplished via a number of available alternatives to court, including cautioning, counselling, or fining the offender. In some cases, evidence may exist to support a charge but police may be unable to effect an arrest or proceed against the offender (e.g. the offender has died, escaped overseas or has diplomatic immunity).

ADJUDICATION AND SENTENCING

The adjudicative and sentencing stage involves the criminal courts, who determine the guilt or innocence of defendants. Following the hearing of charges, a penalty or intervention may be imposed in cases where a finding of guilt is made. Fines and bonds are the most common penalties handed down by the courts.

Criminal courts

Criminal matters are brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions, but can also be the Attorney-General, the police, regulatory agencies, local councils and traffic camera branches. Different criminal court levels and types are referred to separately because they tend to have disconnected information systems, and varying case flow management practices.

Children's or Youth Courts are state courts set up by the state and territory governments to try a number of criminal matters where the offender is considered too young (up to the age of 17 or 18 years depending on the jurisdiction) to be in the adult criminal courts system.

Coroner's Courts (which generally operate under the auspices of state and territory Magistrates' Courts), inquire into the cause of sudden and unexpected deaths and suspicious fires; their findings can be the source of criminal prosecutions. In other instances, a coroner may wait to deliver their findings pending the outcome of a criminal investigation and process.

While there are some small variations among states and territories (often only a difference in name), the courts are structured along similar lines throughout Australia. Different levels at which the courts operate are described below.

Lower courts

The term lower courts refers collectively to local or Magistrates' Courts and Children's Courts. Proceedings in these courts are conducted by a magistrate. The majority of criminal matters are dealt with in these courts, the offences being mostly summary offences. A summary offence is a less serious criminal offence and does not require a trial by jury (e.g. traffic offences, offensive but not dangerous behaviour). The magistrate makes decisions on the relevant facts of law, determines whether or not a person is guilty as charged, and if appropriate imposes a penalty.

Lower courts also undertake preliminary hearings (called committal hearings) for indictable offences to be tried in a Higher Court. They may also deal with less serious indictable matters (known as summary-indictable offences) which usually require the consent of the accused person to be heard summarily. Examples are break, enter and steal, motor vehicle theft and malicious wounding.

Lower courts continued

Specialist courts have generally evolved as divisions of the lower courts, however may operate at higher court levels. They have been developed to manage and deal with specific offender populations where it is recognised that traditional court methods have not been effective, taking more case-management or holistic approaches to dealing with offender characteristics or factors recognised as contributing to a person's offending. Generally, more traditional penalties are either suspended to provide eligible offenders with opportunities to complete programs or make other changes in their lives, or mixed with other activities such as treatment or counselling. If persons are unsuccessful in meeting the requirements set by the specialist court, they are then often returned to the mainstream criminal justice system in order to complete the sanction that would have otherwise been imposed. Examples of the specialist courts currently in operation in Australia include drug courts, Koori or Indigenous courts, and family violence courts.

Higher Courts

The term higher courts refers collectively to District, Circuit and Supreme Courts. These are presided over by a judge and generally a jury, and deal with more serious criminal matters related to indictable offences. The District (and Circuit) Courts hear trials, sentencing matters and appeals against decisions made in the lower courts. They deal with the majority of indictable offences such as armed robbery, sexual assault, arson and drug trafficking. The Supreme Courts conduct trials for the most serious indictable offences, e.g. murder.

The range of offences that can be tried in the different levels of court may vary among states and territories, e.g. one state may try drug trafficking in the District Court while another may reserve these trials for the Supreme Court.

Courts of Appeal

Within the criminal courts hierarchy, there are avenues of appeal through which eligible cases may be reviewed in a higher judicial forum. While there are differences between jurisdictions (such as appeals from the lower courts in NSW being heard directly in the Court of Appeal in the NSW Supreme Court), the general flow of cases through the appellate system is as follows:

- Appeals from Magistrates' Courts are heard by District/County Courts
- Appeals from the County/District Courts are heard by Supreme Courts of Appeal
- Appeals from the Supreme Courts of Appeal are usually resolved by the High Court of Australia.

In addition to the state and territory criminal appeals system, a number of federal appellate jurisdictions exist. The Federal Court of Australia has appellate jurisdiction over single-judge decisions of the Supreme Court of Norfolk Island and the Federal Magistrates Court. The Federal Court hears certain decisions of state Supreme Courts exercising Federal jurisdiction, and decisions of the Administrative Appeals Tribunal where a judicial member is involved.

CORRECTIVE SERVICES

The corrections stage involves the prisons and other correctional organisations and services. Sentences are managed and administered by corrective services agencies and may include imprisonment, community work and some types of bonds, and other sanctions that can be applied to the offender. It is important to understand some of the different types of action that can be taken and the structures that exist in the corrective

CORRECTIVE SERVICES *continued*

services sector in order to understand the type of data available from the sector, and the various classifications used. There are two broad categories of correctional activity involving offenders.

Custodial

Custodial corrections involves the incarceration of offenders serving a prison sentence and/or awaiting trial (remandees).

Non-custodial

Non-custodial corrections involves offenders serving correctional orders not involving incarceration (mostly probation and community service orders) and offenders serving post-prison orders, including parole and licence orders. The legislative basis for non-custodial orders differs among states, but all have the following three main types:

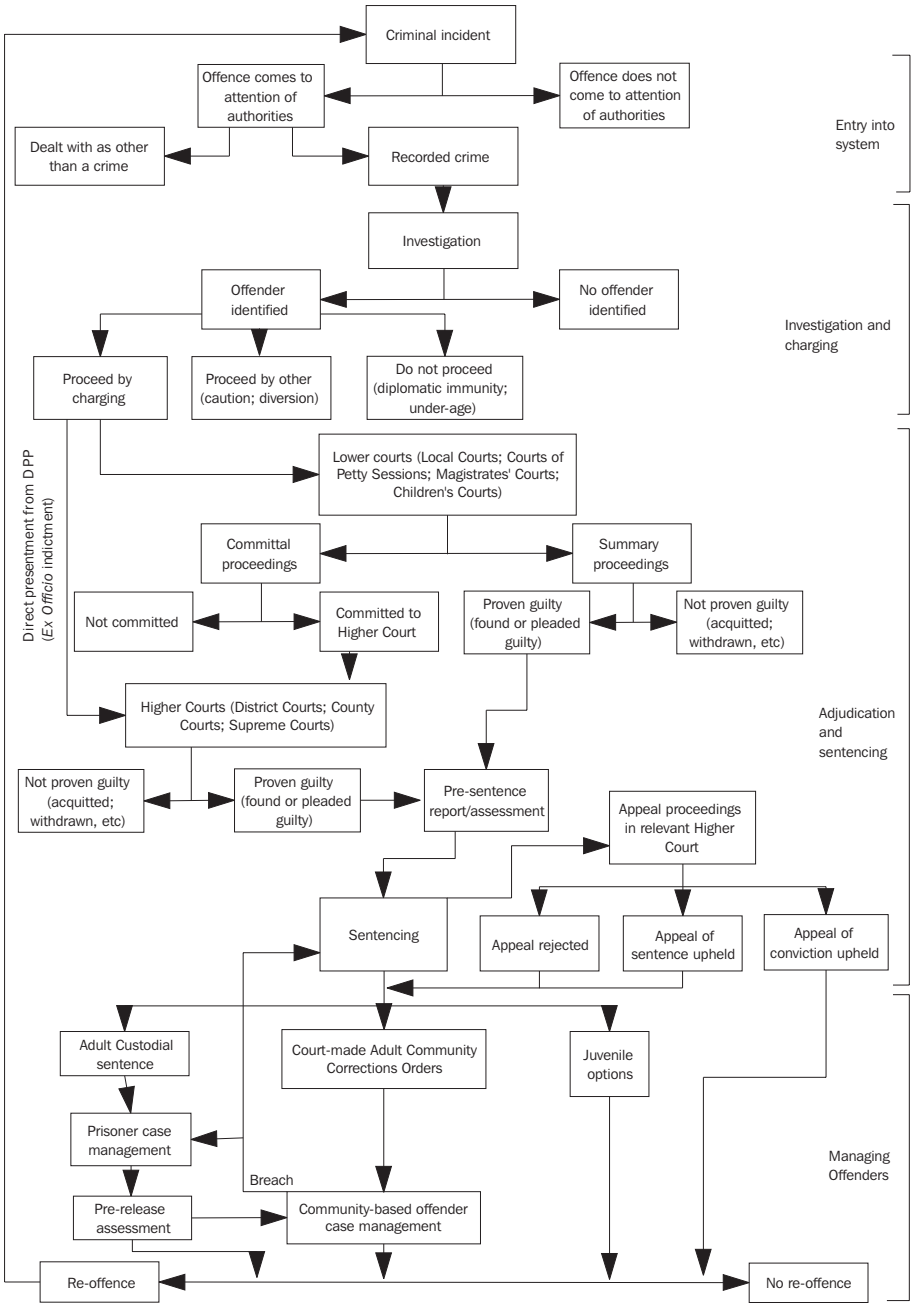
- Probation - When a person is convicted of an offence for which imprisonment may be imposed, the court can instead make a probation order. Adult offenders can be released on probation by courts for a fixed period, during which time they receive suspension from incarceration and a range of guidance, support and referral services.
- Parole - This allows a prisoner to be released from prison at the discretion of a Parole Board to serve the remainder of their prison sentence in the community. Prisoners on parole are still under order of the correctional service and have specific conditions placed on them, for example, they may have to report to a local police station regularly and have conditions placed on their movements.
- Community service - This provides a sentencing alternative to imprisonment whereby the courts can direct offenders to make restitution for their offences by undertaking a set number of hours of community work.

FLOWS THROUGH THE CRIMINAL JUSTICE SYSTEM

The following diagram provides a summary of the potential flows of an individual through the criminal justice system, as has been described in this chapter: from the event and criminal incident entering the system, through to investigation and apprehension, adjudication and sentencing, and finally the stage of managing offenders in the corrective services sector. The progression of an individual through the system can be complex and time-consuming.

FLOWS THROUGH THE CRIMINAL JUSTICE SYSTEM *continued*

Diagram 3: Flows through the criminal justice system



There are also alternatives to the relatively unbroken flow from one stage to the next that is represented in the Framework. The models within the Framework focus on the progression through the process when all steps are encountered. However, it is also possible that some of these events might be skipped. This "leapfrogging" may occur in any sector of the criminal justice system, such as:

FLOWS THROUGH THE CRIMINAL JUSTICE SYSTEM *continued*

- individuals who are caught speeding experience the detection and recording of the incident simultaneously - the investigation activity is therefore unnecessary
- individuals who breach parole can be put back into prison without progressing through the courts system again.

SUMMARY

The criminal justice system represents the official response to crime. As criminal behaviour is affected by social, economic and other factors, so too is the criminal justice system. Improved comparability of data across the sector and across jurisdictions, and obtaining quality data about the characteristics of offenders, victims and incidents are important needs where community safety and the effective and efficient administration of justice are concerned. These policy imperatives, and the processes of the criminal justice system, provide a foundation and context for the development of the National Criminal Justice Statistical Framework and the stages that it attempts to describe.

Chapter 3 describes how crime and the operation of the criminal justice system can be measured.

CHAPTER 3 MEASURING CRIMINAL JUSTICE

INTRODUCTION

Concepts relating to crime and justice can be challenging to measure, and there are a number of ways information can be generated during the day-to-day business of the agencies of criminal justice. Otherwise, information that does not relate directly to criminal justice administration may need to be collected via alternate means, such as direct surveys of citizens. Regardless of collection method, it is important for there to be a clear understanding of the definitions and counting rules applied to these concepts, to allow the comparison of data over time and across jurisdictions in which different justice systems and criminal laws operate.

The Framework is not concerned with standardising the actual operational systems used by criminal justice agencies, but rather with standardising the way in which data are collected and stored in these systems, to facilitate the compilation of national comparable statistics. The Framework is intended to be used as a 'map' for determining how criminal justice data can be organised and which data variables are key to ensuring that the most useful set of data is collected. Additionally, these data should be collected using a standardised approach to enable national, comparable data to be produced. An integrated system of criminal justice statistics will avoid duplication of effort, and create cost efficiencies in the compilation of criminal justice statistics.

This chapter summarises the measurement issues that are relevant for the Framework. Further information about measurement issues in crime and justice can be found in the *Information Paper: Measuring Crime Victimisation, Australia: The Impact of Different Collection Methodologies, 2002* (cat. no. 4522.0.55.001).

MEASUREMENT ISSUES IN CRIMINAL JUSTICE

There are a number of measurement issues that affect the whole crime and justice sector as conceptualised by this Framework. A core measurement issue relates to the need to coordinate the collection and compilation of criminal justice statistics across a wide range of agencies with differing functions and methods of collecting information.

There is a need for an integrated approach across agencies and systems to deliver criminal justice statistics that are comparable. With nine different systems of criminal law in existence in Australia and with each state or territory having its own criminal justice system, the range of issues involved is complex.

Criminal justice agencies each have their own information systems with varying structures, capabilities and purposes. These systems have usually been designed principally to perform administrative functions for the agency and are based on a variety of different applications. This is a major issue in compiling nationally comparable statistics. In addition, differing crime legislation results in variation of data items collected and even where data items are common, there may be variations in the way the item is defined, classified or recorded. In some instances, national standards such as the Australian Standard Offence Classification (ASOC) can be used to overcome these differences and produce information on broad categories of offences that are defined in the same way across states and territories.

Despite these differences, interrelationships between the different sectors of the criminal justice system are such that activities undertaken by one agency impact on the services within a connected or related agency.

Changing nature of crime

As crime and justice operations are linked to the enforcement of moral and legal codes, the types of crime included within a legal system are subject to gradual change over time. Thus, regulatory acts and criminal justice practices are continually being created, amended and extended in response to social change. While this is a natural result of the active dynamic between societal values and encoded law, it can present challenges for data collection, compilation and analysis - particularly when trying to analyse trends over time. Furthermore, while crime data from criminal justice agencies will be based upon legal definitions of crime, data collected via victimisation surveys may be based upon an individual's interpretation of an event. This is an important issue. Unlike other events which could be measured, such as a birth or death, or a school enrolment, which are relatively simple and clearly defined, 'crime' is an interpretation placed by an individual on a set of experiences. Thus, a criminal act for one person, may not be criminal to another, and both may be different to the 'legal' interpretation of a crime.

Crime outside the criminal justice system

Much data about crime are based on reported incidents, however, many events occur where the police are not informed. The type of offence committed, the victim's perception of its seriousness, and the police's ability to take action have a bearing on whether an incident is reported. A person may consider an obscene phone call too trivial to report. A much more serious crime such as rape may go unreported because the victim is too traumatised to discuss details with the police or in court. Many crimes may be known only to the offender and the victim, for example, child abuse, and some crimes may go undetected by even the victim (fraud, for instance). There are also many crimes that do not involve an immediately apparent victim, and are therefore, by their nature, more difficult to detect, e.g. crimes involving the use of illegal drugs, or speeding.

Information on the number of events not detected by, or reported to police is vital to gaining a fuller understanding of the extent and nature of crime occurring in society. Information about a wider range of incidents than those dealt with by the criminal justice system can be obtained through crime victimisation surveys, which are also able to uncover the reasons why some crimes are not reported. Neither administrative nor survey data will provide a definitive measure of crime victimisation, but together they provide a more comprehensive picture of victimisation than either measure alone. Surveys also allow justice agencies and others to assess feelings of safety among communities or groups of people. This is an important goal of criminal justice acting, as articulated previously.

In general, crimes that do not have direct victims will only be brought to the attention of the criminal justice system if they are detected by authorities (such as police or local councils), or if they are reported by witnesses. To some extent, the number of such crimes identified will depend on the resources devoted to detection, including the number of available personnel (such as police, parking inspectors, fisheries officers) and the technology used (for example speed or red light cameras).

Entry into the criminal justice system

The formal processes of the criminal justice system begin when an incident is brought to the attention of an authority.

Entry into the criminal justice system continued

There are many administrative and regulatory offences for which an individual (or an organisation) may be brought into the criminal justice system without coming into contact with the police. These include offences such as traffic violations (e.g. speeding offences for which the offender receives an automatically-generated penalty in the form of a ticket); environmental violations handled by the Environmental Protection Agency; and animal abuse cases handled by the Royal Society for the Prevention of Cruelty to Animals (RSPCA). The Framework focusses only on the typical processes of the criminal justice system but also acknowledges, and could be developed to incorporate, alternative means of entry into the system such as those mentioned above.

As there are varied methods by which alleged offenders may enter the criminal justice system, there are also alternative ways in which they may exit the system. These alternatives relate primarily to the charging and adjudication processes.

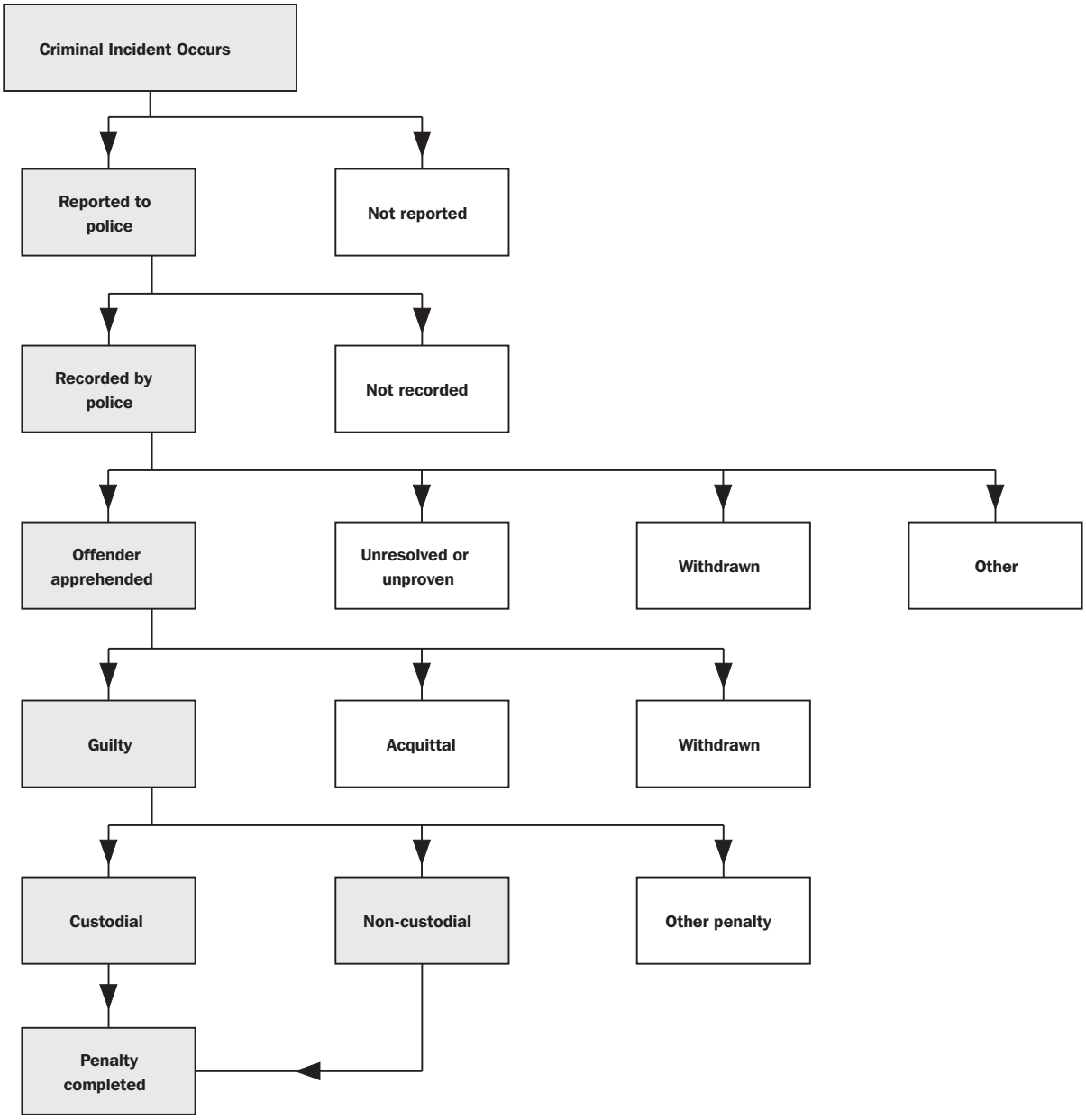
Exit from the criminal justice system

An alleged offender who has come to the attention of the authorities may or may not be charged and forwarded into the courts process; some sort of diversionary process may instead be applied. This is particularly the case with juveniles and first time offenders, who are often diverted by police or courts using cautions, conferences, intervention and treatment programs. In both instances, individuals may exit the system at an earlier stage, rather than progressing through the system in its entirety.

The figure below illustrates how individuals may exit the system at various stages. An individual will proceed to the next stage in the criminal justice system only if the activity described in the shaded box of each row occurs, otherwise the person will exit. Diversions are an evolving area of criminal justice, and are represented below as 'Other' or 'Other penalty' outcomes, due to their variety. Other informal diversions may occur at earlier points of the system as a result of the use of discretion, warnings, and other less formal programs.

Exit from the criminal justice system continued

Diagram 4: Alternative exit points in the criminal justice system



The complex nature of the various diversion points in the system has implications for measurement in that each of these points require different measurement including definitions, classifications and standards. Where different jurisdictions work through different diversion points, these need to be taken into account.

MEASUREMENT OPTIONS

As outlined above, crime and justice data can be challenging to obtain, and there can be advantages and disadvantages associated with all the different methods of data collection available. There are two main types of sources used to obtain information in the field of criminal justice: administrative by-product data and surveys. These two types of data sources are discussed further below.

Administrative By-Product Data

In the course of providing services to their client groups, agencies usually keep administrative records about their clients and the nature of their transactions with the service or agency. Information may be extracted from these records and compiled for the purposes of record keeping, internal workload monitoring, reporting and management, and for external reporting. This information may also be compiled to measure performance, the stock and flow of clients and financial information. Data collected from these sources are referred to as administrative by-product (ABP) data. The ABS, the Productivity Commission and the AIC currently compile national crime and justice statistics based on ABP data from police, courts and corrective services agencies.

The primary advantage of ABP data is that it provides the capacity for ongoing, efficient data collection that can reflect the business processes of the agencies of the criminal justice system. ABP data are usually extracted from the core suite of data used for operational and planning purposes within an agency, making it a far less expensive source than an independent data collection exercise.

ABP data enables the capture of information on the population of clients who make use of the service. In the case of the crime and justice sector this is usually a subset of all victims or offenders, and data are collected based on business rules that reflect what is important to the agency or sector. Depending on business rules in force, not all reports to a service may be formally recorded, thus leading to under-recording. Given these scope restrictions, the ABP data collected for internal management purposes will not necessarily be able to fulfil the information needs of a wider and more diverse range of users. Despite this, ABP data has the potential to reveal a substantial amount about the operations of justice agencies in the formal criminal justice system.

Data quality can be variable in ABP data, as there can sometimes be conflicting demands on record keepers, and statistics are rarely the primary purpose for which the data are collected. The quality of ABP data is dependent upon the input systems and instructions applied by data custodians. In an operational environment, there can arise situations where data collection is incomplete or compromised as a result of other priorities. As a consequence, missing or guessed fields can reduce the reliability and validity of data. Definitions of ABP data items may also not exactly match the definitions of those data items of interest to others outside the agency, and can make comparability across different agencies challenging or impossible due to variance in reporting periods, counting units and other recording rules.

There are a number of complexities in dealing with ABP data from different states and territories from the same types of agencies:

- differences in legislation between jurisdictions
- differences in reporting and recording practices
- differences in operational procedures
- differences in the IT systems used to capture information, particularly given that IT systems have been designed for operational use rather than compiling statistical data
- differences in local standards and classifications that may impact on the ability to map to official statistical standards
- differences in the counting rules applied, and data extraction methods.

Administrative By-Product Data continued

National criminal justice statistics compiled by the ABS are sourced from administrative systems within police, courts and corrective services agencies. The data collected by the ABS are a small component of the data captured on each agency's system, and represent a core minimum dataset for national reporting. Statistical development activities undertaken aim to improve the quality and comparability of these data items, as well as broadening the scope of data available.

Survey data

Crime is a complex event and there may be priorities in interpretation arising from issues of offender and victim perception (whether an event was indeed a criminal incident). In addition, both the offender and victim may have reason to keep the event secret, leading to issues of under-reporting. These issues limit attempts to accurately measure items of interest in the criminal justice field.

Annual recorded crime statistics from ABP data as described above relate to offences that have become known to and have been recorded by police, that may have been reported by a victim, witness or other person, or may have been detected by police. These statistics do not provide a total picture of crime, as not all events come to the attention of the police. To gain a more comprehensive picture of the nature and extent of crime, criminal justice system statistics are ideally complemented by information from other sources such as crime victimisation surveys. Caution should be exercised in making any direct comparisons between recorded crime statistics and data from ABS household victimisation surveys, however, due to the different scope and coverage, methods of measurement and sources of error.

One of the primary reasons for conducting victimisation surveys is that many victims of crime do not report their experiences to the police, and so are not counted in ABP data. Victimisation surveys are a way to tap the 'dark figure' of crime (Coleman & Moynihan, 1996). The 'dark figure' refers to the volume of criminal incidents that are not officially recorded. Data obtained from such surveys provide a more accurate (although not complete) picture of the 'real' figure of crime, however different data sources often use different survey methods and provide different sets of crime victimisation indicators.

Crime victimisation surveys provide different pictures of crime in the community depending on the methodology used. The ABS published a paper in February 2004 titled *Information Paper: Measuring Crime Victimisation, Australia: The Impact of Different Collection Methodologies* (cat. no. 4522.0.55.001). This paper analysed four national surveys that have measures of crime victimisation and attempted to explain the impact of different collection methodologies on the results from these surveys.

Surveys are also a useful method of researching beliefs about safety and the risk of victimisation, about the impacts victimisation might have on individuals and families, and the actions people might take to reduce their risk of victimisation.

SUMMARY

Measurement issues in the criminal justice system need to be considered when interpreting data in relation to crime and justice issues. Complexities arise as a result of different legislation, recording practices and recording systems in agencies within each jurisdiction. The Framework outlined in the next chapter therefore covers the fundamental or core common processes and flows within the sector and includes the key measures that are relevant to assessing criminal justice processes.

CHAPTER 4 THE NATIONAL CRIMINAL JUSTICE STATISTICAL FRAMEWORK

INTRODUCTION

The previous chapters have shown both the flows through the criminal justice system and the measurement methods and issues associated with information collection within the system. The challenge in producing a national criminal justice statistical framework is creating a framework sufficiently broad to cover the various parts of the system, while also collecting sufficient information about the key counting units as they flow through the system. This chapter introduces connections between the conceptual framework as already outlined, and the stages of the criminal justice system for which data are currently collected.

The Framework is structured according to key processing stages, and thus remains sensitive to opportunities for data collection as key person/organisation and incident counting units move through the business points of the system. At each stage in the process new activities take place, each of which generates new potential sources of data.

STOCK AND FLOW MODELS OF CRIMINAL JUSTICE

A stock and flow model has been adopted as a partial underpinning to the National Criminal Justice Statistical Framework. Stock measures can identify various statistical populations, each of which describe different aspects of the criminal justice process. Stock measures traditionally collected include such measures as stocktakes of the prisoner population at the end of a financial year. Stock measures from different areas of the criminal justice system can be compared directly, allowing analysis of progress through the system.

Flow through the criminal justice system can also be measured over a given period (e.g. the number of persons charged by police, the number of defendants finalised by the courts, or the number of persons received into prison in a 12 month period) as can the rate of flow through various segments of the system (e.g. duration of court cases, time served in prison).

Adapting a stock and flow model to the establishment of statistical collections provides the capacity to identify various statistical populations, which can be described at different stages of the criminal justice process. This provides a powerful and flexible statistical model that enables a broad range of user needs to be satisfied.

THE NATIONAL CRIMINAL JUSTICE STATISTICAL FRAMEWORK

The diagram below provides a map of the framework's principal data sources to the statistical outputs that are required. In doing so it places the overall criminal justice system within a matrix that is broken down into the various stages of each of the processes within that system. The matrix represents a flow model of the main processes and the specific points at which data can be collected. The first two columns list the process and the primary data source. Reading these two columns vertically represents the flow of processes across the criminal justice system. The remaining four columns depict the chronological relationship among these activities as they progress from *Initiation* to *Processing* to *Finalisation* to *Outcome*. This part of the matrix should be read horizontally, from one row to the next, in order to understand the flow of activities that occurs *within* each process.

THE NATIONAL CRIMINAL JUSTICE STATISTICAL FRAMEWORK *continued*

Diagram 5: The Framework Statistical Collection Model

SOURCE OF DATA	CRIMINAL JUSTICE SYSTEM PROCESS	DATA COLLECTION POINTS			
		INITIATION	PROCESSING	FINALISATION	OUTCOME
Victimisation Surveys	Event or criminal incident occurs	Incident experienced	Decision about whether to report	Incident reported or not reported	Incident enters CJS or does not come to the attention of authorities
Police and Regulatory Authorities	Detecting/reporting of incident	Incident report filed	Initial investigation of allegations	Offence recorded	Continue or exit
	Recording and investigation of incident	Record of offence initiated	Full investigation	Completion of full investigation	Continue or exit
Criminal Courts	Adjudication and application of penalty	Criminal charge laid before court	Hearing(s)	Criminal responsibility determined/ penalty imposed	Continue or exit
Corrections	Management of penalty/obligation	Penalty initiated	Detention or Community-Based order	End of Penalty period	Parole or exit
Corrections	Management of penalty/obligation	Penalty initiated	Detention or Community-Based order	End of penalty period	Parole or exit

The Framework model includes possible data from victimisation surveys, which aim to collect data about events that may or may not have entered the formal criminal justice system. The main focus of data collection, however, is on the information collected formally by agencies in the criminal justice system as the person or incident moves through the processes of the system.

This model does not represent a comprehensive picture of the flows through the system. Instead, it is designed to be a tool to illustrate the key processes that are involved in the movement of people, the main activities occurring at each stage, and the key data that are available. Each stage of each process (a cell within the matrix)

THE NATIONAL CRIMINAL JUSTICE STATISTICAL FRAMEWORK *continued*

represents a point at which data variables may be collected, from which information about the characteristics and nature of the particular activity can be derived (for example, a count of the number of offences recorded). Information may also be derived about the rate of flow for each process (for example, duration of court case or time served in prison). Not everyone will experience all of the events in the matrix; some will drop out of the system at various stages while others will leapfrog some of the stages altogether. Others will cycle back and will revisit a particular stage more than once (for example, appearing in a lower court before continuing to a higher court, or re-entering corrections after breaching parole).

KEY COUNTING UNITS IN THE CRIMINAL JUSTICE SYSTEM

There are two primary counting units that are identified in this Framework: the incident and the person/organisation. These are viewed as the core data entities as they represent the crime, the victim(s) and the offender(s). There will always be an *offender* if there is a crime, however there may or may not be a victim associated with the given incident. Most other data entities, such as offence/charge and case, are ultimately linked to a person or organisation entity even though they may be reported without reference to that counting unit. Both persons/organisations and offences (also referred to as crimes or charges) are measured in relation to particular criminal incidents.

The incident

The *criminal incident* is the starting point for the activities of the criminal justice system. The criminal incident as a counting unit captures the circumstances that bring the victim and offender together in a particular time and place. As the incident moves through the system, it can change in nature. For example, the initial charge is not necessarily the charge that comes before the court, and the final conviction may not be for the charge that was first presented to the court. The name given to the incident will change as different processes are encountered, as the incident also represents a unit of work for the various agencies of the justice system to process. When an incident first occurs, there may follow a *call for service* to an authority. The authority contacted may record the call as a *reported incident*. If an initial investigation reveals that one or more offences have been committed, the reported incident may be labelled a *criminal incident* and enter the system of the investigating authority as a *recorded crime*. If a *charge* is then laid and passed on to the courts system, it becomes a *court case*. If guilt is determined, an adjudicated case will then have a *penalty* applied.

The person/organisation

The Person/Organisation counting unit can be used to conceptualise both the offender and the victim within the criminal justice system.

Offender

Although an offender will not always be identified, there is no criminal incident without an offender. There may be only one offender or there may be many, and the offender may be a person or an organisation.

As the offender moves through the various parts of the criminal justice system, their status will change. For example, a person begins as a *suspect* in a case and then becomes an *alleged offender*. The status of *offender* is not conferred until after being a *defendant* and being proven guilty. The offender may then become a *prisoner* or may be subject to a community-based order (CBO). Finally, the offender may commit another crime and may therefore become a *re-offender*.

Offender continued

Socio-demographic or other personal characteristics of offenders are essential to answering many of the key questions in relation to the occurrence of crime and the operation of the justice system. At their most essential, these questions relate to understanding how different factors contribute to a person's offending (and in particular, their re-offending), and how different personal characteristics will have an effect on the best way an individual can be handled by the criminal justice system. This is particularly relevant when considering the targeting of intervention, rehabilitation and support programs to effect change. Additionally, these data can provide the basis for understanding how different groups and sub-populations are more likely to become offenders; understanding of commonalities is important from a crime prevention perspective. In measuring personal characteristics, certain offender characteristics usually remain unchanged throughout interactions with the justice system (e.g. sex and ethnicity), and theoretically can be collected at a single point.

Victim

There may or may not be an apparent *victim* associated with a given criminal incident. There may be one victim or many for any given offence, or there may not be any identifiable victim at all. Drug use is probably the clearest example of a "victimless" crime.

As with offenders, socio-demographic and other personal characteristics are important information that puts the criminal event and justice processes into context. Information about the characteristics of victims is helpful in determining trends in victimisation amongst different groups of people and sub-populations, and identifying the risk of being a victim of crime. Additionally, an understanding of the personal characteristics of victims provides a basis for the provision of services to assist victims of crime in obtaining access to justice, compensation, rehabilitation and support. Gaining a picture of the variability of risk experienced between different groups and sub-groups can provide a focus for crime prevention activities, where different issues may be pertinent for different people.

Organisations may also be victimised and may also participate in criminal activities. Certain white collar crimes place organisations as victims. For instance, bank employees who misappropriate company funds commit an offence against that organisation. An organisation that illegally disposes of toxic waste is an offender committing an environmental offence. The existence of organisations as victims and as offenders is incorporated into the Framework. An organisation may enter the criminal justice system following an investigation, for example by the Environmental Protection Agency. It may be subject to adjudication in the courts and may then exit the system with a penalty as the outcome of the determination of guilt.

SUMMARY

The Statistical Framework is based upon the key counting units of the incident and the person or organisation. These counting units are central to the processes of the criminal justice system. The criminal justice framework model describes the key processes involved in the system and some of the alternative methods of entry and exit that may occur. Each of these processes represents a point where data are generated and opportunities exist for collection of information about the person (offender and/or victim), incident, or process of the criminal justice system.

CHAPTER 5 LINKING ABS DATA TO THE FRAMEWORK

INTRODUCTION

In this chapter the various elements of the framework are discussed in terms of the measures that are relevant to each stage. Current ABS data sources are also described - to understand the measures available for each. For each collection, reference has been made to the applicable section of Diagram 5 in Chapter 4, with shaded boxes indicating which data collection points are within scope of that collection.

For more information on these publications, or enquiries, contact the National Centre for Crime and Justice Statistics <crime.justice@abs.gov.au>, or visit the ABS website <www.abs.gov.au>.

CRIME VICTIMISATION SURVEYS

Crime Victimisation surveys collect information that in some instances, cannot otherwise be collected through administrative by-product data. The Framework model outlined in Chapter 4 shows the indicators that can be collected by victimisation surveys, and the data that can be obtained from agencies within the criminal justice system. Data collected from these two sources can be viewed as complementary, providing different perspectives of crime. Survey responses relating to criminal victimisation can, for instance, be coupled with data about victimisation collected by police and regulatory authorities. The two measures can then to an extent be compared, in order to provide for analysis of crimes coming to the attention of the criminal justice system, and of the response and effectiveness of the system.

Victimisation surveys can collect information about:

- the number of people that have experienced an incident of crime;
- the number of these people that reported the incident to police;
- the number of these people that did not report the incident to police, including the reasons why they did not;
- the number of these incidents that were reported to the police by other people;
- the number of these incidents that therefore may never have come to the attention of authorities;
- the characteristics of victims and non-victims;
- protective behaviours;
- sub-populations at risk of victimisation;
- feelings of safety.

These measures are all collected by the two main ABS victimisations surveys, as represented by the shaded boxes below. Additional information about impacts, outcomes and other characteristics relating to a respondent's experience of an incident can also be collected by surveys, but these data are not specifically represented in the framework. Further information about the collections and their publications, *Crime and Safety, Australia* (cat. no. 4509.0) and *Personal Safety, Australia* (cat. no. 4906.0), is provided below.

SOURCE OF DATA	CRIMINAL JUSTICE SYSTEM PROCESS	DATA COLLECTION POINTS			
		INITIATION	PROCESSING	FINALISATION	OUTCOME
Victimisation Surveys	Event or criminal incident occurs	Incident experienced	Decision about whether to report	Incident reported or not reported	Incident enters CJS or does not come to the attention of authorities

CRIME AND SAFETY, AUSTRALIA

The Crime and Safety survey focuses on those categories of more serious crime occurring in the 12 months prior to the survey that affect the largest number of people: household break-in and attempted break-in, motor vehicle theft, assault, sexual assault (for persons aged 18 years and over) and robbery. Detailed information is collected about the most recent incident experienced by the victim, including whether the incident was reported to the police and whether the victim was physically injured.

The survey measures the extent of crime in our community, including the number of persons and households victimised and the number of crimes reported to police. It also provides information on the socio-economic profile of victims and non-victims, and the characteristics of offences and offenders. Information about perceptions of problems in the neighbourhood and feelings of safety, are also collected from individuals and households.

PERSONAL SAFETY SURVEY, AUSTRALIA

Results of the *Personal Safety Survey* (cat. no. 4906.0) were released in 2006. This survey was the first national survey to present indepth information about both women's and men's experiences of violence. It expanded on the 1996 Women's Safety Survey (WSS) by broadening the scope to include men, and allows for analysis of the relative changes in women's personal safety over time, through comparisons with the comprehensive national benchmark provided by the WSS.

Respondents were asked about their experiences of different types of violence in the last 12 months and since the age of 15, and by different types of male and female perpetrators (including current partner, previous partner, boyfriend/girlfriend or date, other known man or woman, or stranger). The types of violence surveyed were physical or sexual assault or threat, harassment, and stalking. More detailed information, such as where the incident occurred and what action was taken, was collected for the most recent incident of each of the different types of violence by a male and female perpetrator. Additional information was also collected about the respondent's feelings of safety in selected situations when alone, and their experience of current and previous partner violence.

The survey provides a measure of the extent of personal violence in our community, including the number of persons victimised, the number of crimes reported to police, and the use of services post-victimisation. It also provides information on the demographic profile of victims and non-victims, including detail about country of birth, obtained educational level, labour force status and sources of household income.

POLICE AND REGULATORY AUTHORITIES

There are a number of stock and flow measures that relate to the activities of the policing sector. Analysis of these provides a fuller picture of the activities within, and the effectiveness of, this sector of the criminal justice system. Such measures may include:

- the number of reports filed in a period;
- the number of reports that resulted in a record being initiated;
- the number of reports that resulted in some initial investigation of allegations;
- the number of reports that proceeded to full investigation;
- the number that had an offence recorded as a result of investigation;
- the number of offences where an offender was proceeded against;
- the number of these proceeding to court;
- the number of these being finalised by other means such as through diversion;
- the number of outstanding offences to be investigated at the start and end of the period;
- the number of offences not cleared at beginning and end of period.

Some of these measures are included in the ABS publication *Recorded Crime, Victims - Australia* (cat. no. 4510.0), and these are represented by the shaded boxes below. The scope of the Recorded Crime collection is then discussed.

SOURCE OF DATA	CRIMINAL JUSTICE SYSTEM PROCESS	DATA COLLECTION POINTS			
		INITIATION	PROCESSING	FINALISATION	OUTCOME
Police and Regulatory Authorities	Detecting/ reporting of incident	Incident report filed	Initial investigation of allegations	Offence recorded	Continue or exit
	Recording and investigation of incident	Record of offence initiated	Full investigation	Completion of full investigation	Continue or exit

RECORDED CRIME, VICTIMS - AUSTRALIA

Recorded Crime, Victims - Australia (cat. no. 4510.0) presents national statistics relating to incidents of criminal victimisation for a selected range of offences. It includes only those incidents that have been recorded by police agencies, and is an annual publication with a reference period of a previous calendar year. Offences may have been reported by a victim, witness or other person, or they may have been detected by police, but together they provide indicators of the level and nature of these offence incidents as well as changes over time.

The Recorded Crime collection publishes statistics on the following selected offences: homicide and related offences; kidnapping/abduction; robbery; blackmail/extortion; unlawful entry with intent; motor vehicle theft; and other theft. Victims in the recorded crime collection can be a person, premises or organisation depending on the type of offence. A person reporting a crime with multiple offences may be counted multiple times depending on the type of offences. For these reasons, it is not meaningful to aggregate the number of victims across each offence type and produce a 'total number of victims'; it is only meaningful to look at victim counts within each offence category.

RECORDED CRIME, VICTIMS - AUSTRALIA continued

The scope of this publication only extends to data that are derived from administrative systems maintained by state and territory police; it excludes crimes recorded by other regulatory agencies that have a policing element to their functions. Although national standards and classifications are used, differences over time in the level of recorded crime may reflect factors other than a change in the incidence of crime, such as changes across jurisdictions in police recording systems, business rules and legislation. Short term effects on the level of crime recorded by police may also occur as a result of individual jurisdictional initiatives, such as special task forces formed to combat particular offences, or implementation of proactive policing campaigns to encourage reporting by the public.

A statistical collection devoted to offenders is in development, and the data will also be gathered from the administrative collections of police. This offender based collection will present information relating to investigation and charging stages of policing. The purpose of the offender based collection is to describe the initial stages of an offender entering the criminal justice system, prior to possible entry into the criminal courts or corrective services. In order to statistically explain the flow of persons throughout the justice system, information in relation to offenders at all stages of the justice system is required.

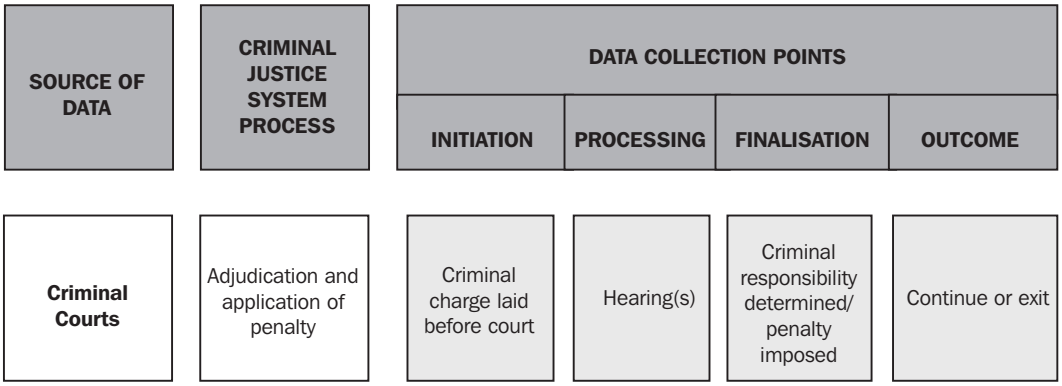
CRIMINAL COURTS

The criminal courts sector represents the next phase of data collection in the Framework's stock and flow model. Entry into the criminal courts sector is dependent on the outcomes of investigation by police and regulatory authorities as discussed above. Therefore information about fluctuations in case loads can be indicative of processing at the end of the policing sector, while other data from courts can provide a picture of the activities, flows and outcomes of hearings within the criminal courts system itself.

The measures that can be obtained from all levels of the criminal courts sector, and which expand on the outline in the following diagram, include:

- the number of criminal charges laid before courts;
- the type of offences for which defendants are brought to court;
- the number of hearings held in courts;
- the number of hearings that are adjudicated;
- the number of hearings that are not adjudicated;
- the number of hearings that are transferred to another court level;
- the number of defendants that plead guilty;
- the number of defendants that plead not guilty;
- the number of adjudicated offences that result in an acquittal;
- the number of adjudicated offences that result in a guilty verdict;
- the number of defendants proven guilty that have a custodial penalty applied;
- the number of defendants proven guilty that have a non-custodial penalty applied;
- the total number of finalised defendants.

Elements of all of these measures are represented in the ABS publication *Criminal Courts, Australia* (cat. no. 4513.0), as shown in the shaded boxes below. A discussion of the Criminal Courts collection follows.



CRIMINAL COURTS, AUSTRALIA

Criminal Courts, Australia (cat. no. 4513.0) presents nationally comparable statistics relating to the criminal jurisdiction of the Higher (Supreme and Intermediate) Courts across Australia, Magistrates' Courts, and Children's Criminal Courts. The publication provides a picture of the characteristics of defendants dealt with by the criminal courts of Australia, including information on the offences and sentence types associated with those defendants.

The criminal jurisdiction of the courts includes the trial and sentencing of persons and organisations charged with criminal offences. The statistics are based on data extracted from administrative records held by state and territory agencies responsible for courts administration.

CORRECTIVE SERVICES AGENCIES

Corrective services agencies represent the final stage in the model of flows within the criminal justice system. As with the criminal courts sector above, entry into the corrective services system is dependent on the outcomes of court appearances and the custodial or non-custodial penalties that are applied.

Custodial penalties involve the incarceration of offenders serving a prison sentence that was handed down by the courts. Defendants awaiting trial (remandees), may also be in custody. Court imposed non-custodial penalties generally involve community service orders or time on probation.

The measures that may be important in the corrective services sectorinclude:

- the number of corrective services penalties initiated;
- the number of people in custody;
- the number of defendants in custody on remand;
- the number of offenders with a custodial order;
- the number of offenders with a non-custodial order;
- the number of offenders released from custody;
- the number of offenders released from a non-custodial order;
- the number of offenders on parole;
- the total number of offenders exiting the system.

Most of these measures are available across the two ABS collections that relate to the corrective services sector, *Corrective Services, Australia* (cat. no. 4512.0) and *Prisoners in Australia* (cat. no. 4517.0). The measures for which each collection provides data are indicated in the two separate sequences of boxes, referenced in turn below.

CORRECTIVE SERVICES, AUSTRALIA

SOURCE OF DATA	CRIMINAL JUSTICE SYSTEM PROCESS	DATA COLLECTION POINTS			
		INITIATION	PROCESSING	FINALISATION	OUTCOME
Corrections	Management of penalty/ obligation	Penalty initiated	Detention or Community-Based order	End of penalty period	Parole or exit

Corrective Services, Australia (cat. no. 4512.0) is a quarterly publication that presents information on persons in custody and community-based corrections across Australia.

Details are provided for each state and territory on all adult prisoners, including Indigenous prisoners, and include: prisoner numbers and imprisonment rates by type of custody (i.e. open or secure custody or periodic detention); prisoner numbers by legal status (sentenced or unsentenced), and by sentence type; the number of sentenced receptions into custody; the number of federal prisoners in each state and territory; and the numbers and rates of persons serving community-based corrections orders.

The statistics are derived from information provided to the Australian Bureau of Statistics (ABS) from administrative records held by corrective services agencies in each state and territory, and from the Australian Government Attorney-General's Department for details on federal prisoners.

PRISONERS IN AUSTRALIA

SOURCE OF DATA	CRIMINAL JUSTICE SYSTEM PROCESS	DATA COLLECTION POINTS			
		INITIATION	PROCESSING	FINALISATION	OUTCOME
Corrections	Management of penalty/ obligation	Penalty initiated	Detention or Community-Based order	End of penalty period	Parole or exit

This publication is produced annually, presenting national statistics on prisoners who were in custody on 30 June of the reference year. A range of information is presented on prisoner characteristics (age, sex, Indigenous status) and legal status (whether sentenced or unsentenced). Also included are details on the number of people in correctional institutions (including people on remand) and imprisonment rates, sentence lengths, and the most serious offence for which offenders are imprisoned, and provide a basis for measuring change over time.

PRISONERS IN AUSTRALIA *continued*

Prisoners in Australia (cat. no. 4517.0) presents information from the National Prisoner Census which covers all prisoners in the legal custody of adult corrective services in adult prisons, including periodic detainees in New South Wales and the Australian Capital Territory, but excluding persons held in juvenile institutions, psychiatric custody and police custody. It is based on data extracted from administrative records held by the corrective services agencies in each Australian state and territory. These statistics provide a profile of the legal status and sentence details as well as demographic characteristics of Australian prisoners.

The National Prisoner Census is a count of persons held in Australian prisons on one reference night, therefore it is a stock measure. Thus the quarterly collection provides a flow picture, while the census provides a detailed view of stock. The majority of prisoners in the annual Prisoner Census were serving long-term sentences for serious offences, whereas the flow of offenders in and out of prisons consists primarily of persons serving short sentences for lesser offences.

SUMMARY

The key collections in the ABS' crime and justice program provide statistics on the major phases of the system, from survey data on victimisations that may or may not have been reported to, or have come to the attention of police; victimisations as recorded by police; movement through the courts system; and snapshot data on the prison population as well as data on flows through corrective services agencies. No one publication will in isolation provide an accurate insight into the volume of work and movement through the whole criminal justice system but together, an overall picture of the working of the system can be obtained.

APPENDIX 1 THE AUSTRALIAN STANDARD OFFENCE CLASSIFICATION

INTRODUCTION

The Australian Standard Offence Classification (ASOC) is a hierarchical classification developed by the ABS for use in the collection and publication of crime and justice statistics. It provides a classificatory framework for the comparison of statistics on offences across Australia.

CLASSIFICATION DEVELOPMENT

The *Australian Standard Offence Classification (ASOC), 1997* (cat. no. 1234.0) replaced the previously used Australian National Classification of Offences (ANCO) published in 1985. This followed recognition of the deficiencies of the ANCO classification, and changes in laws over time. The ASOC was developed following a process of user and producer consultation, and the creation of mappings for each state and territory to create appropriate concordances. Since the development of the classification it has been progressively introduced into ABS crime and justice statistical collections. The ABS will continue to support the adoption of the ASOC by data providers and others as a standard classification to increase comparability of crime and justice data.

The ABS will continue to update the ASOC classification in order to reflect changes in law and emerging issues, and is currently under review.

SCOPE

The ASOC definition of offence includes any act or omission by a person or persons, organisation or organisations, for which a penalty could be imposed by the Australian legal system. Within this definition, both federal and state common law and statutes are included, as are matters heard by professional tribunals, military tribunals or traditional law forums legally empowered to impose legal system penalties. Some court orders are excluded from the ASOC, such as Family Court Orders or Apprehended Violence Orders.

ASOC STRUCTURE

The ASOC is not an index of seriousness. The ASOC has a three level structure, based on separation at the division level, the subdivision level, and the group level. These classification separations allow the publication of summary statistics and the easy grouping of offences.

Division level - The ASOC is divided into 16 divisions, and this is the broadest level of classification. Each division is given a two digit code (e.g. 01). A full list of divisions is presented below, but they are broadly organised as follows:

- Divisions 01 - 06 are all offences against the person.
- Divisions 06-09 and Division 12 are all offences relating to property and generally do not involve offences against the person. They also include offences centering on obtaining a benefit.
- Divisions 10, 11, 13 - 16 are primarily offences against organisations.

Subdivision level - This is the second, more detailed level of ASOC classification, and each subdivision has a three digit code (e.g. 011). The table below lists how the 46 subdivisions are located within the 16 divisions.

Group level - This is the most detailed level of the ASOC, and each group has a four digit code associated with it (e.g. 0111). There are 120 groups within the ASOC structure. For a full list of ASOC groups, refer to the *Australian Standard Offence Classification (ASOC), 1997* (cat. no. 1234.0).

Supplementary and future code additions - The ASOC includes supplementary codes for representing situations of missing or insufficient data. There is also sufficient room in the present ASOC structure to allow for expansion of the classification in the future.

For more information about the development of the structure of the ASOC, please refer to the ABS publication *Australian Standard Offence Classification (ASOC), 1997* (cat. no. 1234.0).

THE AUSTRALIAN STANDARD OFFENCE CLASSIFICATION

By division and subdivision

01 HOMICIDE AND RELATED OFFENCES
- 011 Murder
- 012 Conspiracies and Attempts to Murder
- 013 Manslaughter and Driving Causing Death

02 ACTS INTENDED TO CAUSE INJURY
- 021 Assault
- 029 Other Acts Intended to Cause Injury

03 SEXUAL ASSAULT AND RELATED OFFENCES
- 031 Sexual Assault
- 032 Non-Assaultative Sexual Offences

04 DANGEROUS OR NEGLIGENT ACTS ENDANGERING PERSONS
- 041 Dangerous or Negligent Operation of a Vehicle
- 049 Other Dangerous or Negligent Acts Endangering Persons

05 ABDUCTION AND RELATED OFFENCES
- 051 Abduction and Kidnapping
- 052 Deprivation of Liberty/False Imprisonment

06 ROBBERY, EXTORTION AND RELATED OFFENCES
- 061 Robbery
- 062 Blackmail and Extortion

07 UNLAWFUL ENTRY WITH INTENT
- 071 Unlawful Entry with Intent/Burglary, Break and Enter

08 THEFT AND RELATED OFFENCES
- 081 Motor Vehicle Theft and Related Offences
- 082 Theft (Except Motor Vehicles)
- 083 Receiving or Handling Proceeds of Crime
- 084 Illegal Use of Property (Except Motor Vehicles)

09 DECEPTION AND RELATED OFFENCES
- 091 Fraud, Forgery or False Financial Instruments
- 092 Counterfeiting Currency and Related Offences
- 093 Dishonest Conversion
- 094 Bribery
- 099 Other Deception Offences

10 ILLICIT DRUG OFFENCES
- 101 Import or Export Illicit Drugs
- 102 Deal or Traffic in Illicit Drugs
- 103 Manufacture of Cultivate Illicit Drugs
- 104 Possess and/or Use Illicit Drugs
- 109 Other Illicit Drug Offences

11 WEAPONS AND EXPLOSIVES OFFENCES
- 111 Prohibited Weapons/Explosives Offences
- 112 Regulated Weapons/Explosive Offences

12 PROPERTY DAMAGE AND ENVIRONMENTAL POLLUTION
- 121 Property Damage
- 122 Environmental Pollution

13 PUBLIC ORDER OFFENCES
- 131 Disorderly Conduct
- 132 Regulated Public Order Offences

By division and subdivision continued

14 ROAD TRAFFIC AND MOTOR VEHICLE REGULATORY OFFENCES
- 141 Driving Licence Offences
- 142 Road Vehicle Registration and Roadworthiness Offences
- 143 Regulatory Driving Offences
- 144 Pedestrian Offences

15 OFFENCES AGAINST JUSTICE PROCEDURES, GOVERNMENT SECURITY AND GOVERNMENT OPERATIONS
- 151 Breach of Justice Order
- 152 Other Offences against Justice Procedures
- 153 Offences against Government Security
- 154 Offences against Government Operations

16 MISCELLANEOUS OFFENCES
- 161 Harassment and Related Offences
- 162 Public Health and Safety Offences
- 163 Commercial/Industry/Financial Regulation
- 164 Other Miscellaneous Offence

FURTHER INFORMATION

Further information about the ASOC classification can be found in the dedicated ABS publication *Australian Standard Offence Classification (ASOC), 1997* (cat. no. 1234.0).

APPENDIX 2 THE NATIONAL OFFENCE INDEX

INTRODUCTION

The National Offence Index (NOI) was developed to progress the output of nationally comparable offence information in the Australian courts sector. The NOI is a ranking of offence categories in the *Australian Standard Offence Classification (ASOC), 1997* (cat. no. 1234.0) according to their seriousness. The purpose of the NOI is to enable the representation of a defendant by a single offence. Therefore, where a defendant has two or more offences in different output offence categories, the most serious offence is chosen to represent that defendant.

The NOI is used to select the principal offence for an adjudicated defendant where there are multiple adjudicated offences in different offence categories, for output in *Criminal Courts, Australia* (cat. no. 4513.0). It has also been recently adopted by 5 states and territories for application to unsentenced prisoners in *Prisoners in Australia* (cat. no. 4517.0).

INDEX DEVELOPMENT

For the *Higher Criminal Courts, 2000-01* (cat. no. 4513.0) publication, a set of national counting rules to produce principal offence information for adjudicated defendants was developed and applied in experimental tables. These rules were developed to overcome the different practices in the states and territories associated with recording offences and/or identifying a single offence to report against a defendant. However several data quality issues arose from the application of these rules, and the NOI was therefore developed.

The NOI is based on the Offence Seriousness Index developed by the Crime Research Centre (CRC) in Western Australia. The CRC Index was developed based on public perceptions of offence seriousness, and consideration of legislated sentences. The Index was developed in 1991, and subsequently reviewed in 1998 following the introduction of the ASOC. The ABS used the 1998 version of the CRC Index as a base Index for the NOI.

Evaluation of the CRC Index was conducted using data from *Higher Criminal Courts, 2000-01* (cat. no. 4513.0). All adjudicated offences were mapped to the ASOC. Principal offence was determined using Principal Offence Rules based on the severity of sentences handed down to defendants (sentence type followed by sentence quantum). This analysis was followed by consultation with the practitioner and advisory groups in crime, courts and corrections, resulting in changes to the ranking of selected offences.

Use of the NOI resulted in significant data quality improvements, thus the NOI was applied to *Criminal Courts, 2001-02* (cat. no. 4513.0) in experimental tables and has since been implemented in the main suite. More recently it has been used in the 2006 *Prisoners in Australia* (cat. no. 4517.0) publication for unsentenced prisoners. The application of the NOI is currently being investigated for collections under development. Therefore, the Index may change over time.

SCOPE

The scope of the NOI is identical to that of ASOC, thus includes any act or omission by a person or persons, organisation or organisations, for which a penalty could be imposed by the Australian legal system. Within this definition, both federal and state common law and statutes are included, as are matters heard by professional tribunals, military tribunals or traditional law forums legally empowered to impose legal system penalties. Some court orders are excluded from the ASOC, such as Family Court Orders or Apprehended Violence Orders.

The NOI is a robust instrument as it deals with situations such as global sentencing. There is also scope for greater usage as the NOI does not require sentencing information, thus can extend across police, courts and corrections agencies.

NOI STRUCTURE

The NOI is an index of seriousness, based on the *Australian Standard Offence Classification, 1997* (cat. no. 1234.0). The ASOC has a three level structure, based on separation at the division level, the subdivision level, and the group level. The NOI uses the group level structure (4 digit code) to rank its offences.

NOI STRUCTURE *continued*

For more information about the ASOC, please refer to Appendix 1 or the ABS publication *Australian Standard Offence Classification 1997* (cat. no. 1234.0).

THE NATIONAL OFFENCE INDEX

Index	ASOC Code
1	0111 Murder
2	0110 Murder
3	0122 Attempted murder
4	0121 Conspiracy to murder
5	0120 Conspiracies and attempts to murder
6	0131 Manslaughter
7	0130 Manslaughter and driving causing death
8	0132 Driving causing death
9	0100 Homicide and related offences
10	0311 Aggravated sexual assault
11	0321 Non-assaultive sexual offences against a child
12	0312 Non-aggravated sexual assault
13	0329 Non-assaultive sexual offences, n.e.c.
14	0300 Sexual assault and related offences
15	1011 Import illicit drugs
16	1012 Export illicit drugs
17	1010 Import or export illicit drugs
18	1021 Deal or traffic in illicit drugs - commercial quantity
19	1022 Deal or traffic in illicit drugs - non-commercial quantity
20	1020 Deal or traffic in illicit drugs
21	1031 Manufacture or cultivate illicit drugs
22	1030 Manufacture or cultivate illicit drugs
23	0611 Aggravated robbery
24	0211 Aggravated assault
25	0511 Abduction and kidnapping
26	0510 Abduction and kidnapping
27	0521 Deprivation of liberty/false imprisonment
28	0520 Deprivation of liberty/false imprisonment
29	0500 Abduction and related offences
30	0212 Non-aggravated assault
31	0290 Other acts intended to cause injury
32	0299 Acts intended to cause injury, n.e.c.
33	0491 Neglect of person under care
34	0490 Other dangerous or negligent acts endangering persons
35	0499 Other dangerous or negligent acts endangering persons, n.e.c.
36	0612 Non-aggravated robbery
37	0621 Blackmail and extortion
38	0620 Blackmail and extortion
39	1611 Harassment and private nuisance

THE NATIONAL OFFENCE INDEX *continued*

40	1613 Threatening behaviour
41	1695 Procure or commit illegal abortion
42	1211 Property damage by fire or explosion
43	1539 Offences against government security, n.e.c.
44	1111 Import or export prohibited weapons/explosives
45	1112 Sell, possess and/or use prohibited weapons/explosives
46	1110 Prohibited weapons/explosives offences
47	1119 Prohibited weapons/explosives offences, n.e.c.
48	1121 Unlawfully obtain or possess regulated weapons/explosives
49	1122 Misuse of regulated weapons/explosives
50	1123 Deal or traffic regulated weapons/explosives offences
51	1120 Regulated weapons/explosives offences
52	1129 Regulated weapons/explosives offences, n.e.c.
53	1100 Weapons and explosives offences
54	0921 Counterfeiting currency and related offences
55	0920 Counterfeiting currency and related offences
56	0941 Bribery involving government officials
57	1315 Conspiracy
58	1521 Subvert the course of justice
59	0711 Unlawful entry with intent/burglary, break and enter
60	0710 Unlawful entry with intent/burglary, break and enter
61	0700 Unlawful entry with intent/burglary, break and enter
62	0911 Cheque or credit card fraud
63	0912 Make, use or possess equipment to make false/illegal financial instrument
64	0913 Fraudulent trade practices
65	0914 Prescription drug fraud
66	0915 Fare evasion
67	0910 Fraud, forgery or false financial instruments
68	0919 Fraud, n.e.c.
69	0931 Dishonest conversion
70	0930 Dishonest conversion
71	0991 Misrepresentation of professional status
72	0999 Deception offences, n.e.c.
73	0949 Bribery, n.e.c.
74	0992 Non-fraudulent trade practices
75	0811 Theft of a motor vehicle
76	0812 Illegal use of a motor vehicle
77	0821 Theft from a person (excluding by force)
78	0813 Theft of motor vehicle parts or contents
79	0822 Theft of intellectual property

THE NATIONAL OFFENCE INDEX *continued*

80	0829 Theft (except motor vehicles), n.e.c.
81	0831 Receiving or handling proceeds of crime
82	0830 Receiving or handling proceeds of crime
83	0841 Illegal use of property (except motor vehicles)
84	0840 Illegal use of property (except motor vehicles)
85	1631 Commercial/industry/financial regulation
86	1630 Commercial/industry/financial regulation
87	1694 Import/export regulations
88	1612 Offences against privacy
89	0411 Driving under the influence of alcohol or drugs
90	0412 Dangerous or negligent operation (driving) of a vehicle
91	0410 Dangerous or negligent operation of a vehicle
92	1431 Exceeding the prescribed content of alcohol limit
93	1212 Graffiti
94	1219 Property damage, n.e.c.
95	1221 Air pollution offences
96	1222 Water pollution offences
97	1223 Noise pollution offences
98	1220 Environmental pollution
99	1229 Environmental pollution offences, n.e.c.
100	1621 Sanitation offences
101	1622 Disease prevention offences
102	1623 Occupational health and safety offences
103	1624 Transport offences
104	1625 Dangerous substances offences
105	1626 Licit drug offences
106	1620 Public health and safety offences
107	1629 Public health and safety offences, n.e.c.
108	1691 Environmental regulation offences
109	1693 Quarantine offences
110	1529 Offences against justice procedures, n.e.c.
111	1549 Offences against government operations, n.e.c.
112	1511 Escape custody offences
113	1512 Breach of bail
114	1513 Breach of parole
115	1514 Breach of domestic violence order
116	1515 Breach of other restraining order
117	1510 Breach of justice order
118	1519 Breach of justice order, n.e.c.
119	1523 Prison regulation offences

THE NATIONAL OFFENCE INDEX *continued*

120	1692 Immigration regulation offences
121	1614 Defamation and libel
122	1323 Censorship offences
123	1041 Possess illicit drug
124	1042 Use illicit drug
125	1040 Possess and/or use illicit drugs
126	1090 Other illicit drug offences
127	1099 Illicit drug offences, n.e.c.
128	1311 Trespass
129	1312 Offensive language
130	1313 Offensive behaviour
131	1314 Criminal intent
132	1319 Disorderly conduct, n.e.c.
133	1321 Betting and gambling offences
134	1322 Liquor and tobacco offences
135	1324 Prostitution offences
136	1325 Offences against public order sexual standards
137	1329 Regulated public order offences, n.e.c.
138	0823 Theft from retail premises
139	1522 Resist or hinder police officer or justice official
140	1531 Resist or hinder government officer concerned with government security
141	1541 Resist or hinder government official (excluding police officer, justice official or government security officer)
142	1411 Driving while licence cancelled or suspended
143	1412 Driving without a licence
144	1410 Driving licence offences
145	1419 Driving licence offences, n.e.c.
146	1421 Registration offences
147	1422 Roadworthiness offences
148	1420 Road vehicle registration and roadworthiness offences
149	1432 Exceeding legal speed limit
150	1433 Parking offences
151	1439 Regulatory driving offences, n.e.c.
152	1441 Pedestrian offences
153	1440 Pedestrian offences
154	1400 Road traffic and motor vehicle regulatory offences
155	1699 Miscellaneous offences, n.e.c.
156	9998 No data provided
157	9999 Inadequately described

FURTHER INFORMATION

Further information about the National Offence Index can be found on the ABS website <www.abs.gov.au>.

GLOSSARY

Alleged offender Persons or organisations believed, with some degree of corroborating evidence, to have committed a certain offence(s) and charged with the commission of that offence(s).

Appeal Court A court in which appeals against findings or sentences are heard.

Call for service A call made to the authorities (usually the police) to report certain behaviours or to request some assistance. Some things that come to the attention of authorities will relate to non-criminal activity (suspicious behaviour, for example, or a request for information or assistance) but are useful to identify in terms of their effect on operational decisions and resources. Other things will be reported to authorities as criminal behaviour. The "prima facie" approach is usually applied at this stage, whereby the authorities accept all reports at face value.

Case One or more defendants against whom one or more charges have been laid and which are heard together by a court as one unit of work. The charge(s) usually relate to the same criminal incident and appear together on one indictment.

Charge An allegation laid before a court by the police or other prosecuting agency that a person or corporation has committed a criminal offence.

Classification A set of mutually exclusive and exhaustive categories into which members of a population can be divided.

Collection A set of related statistical activities that constitute a complete and essentially self-contained statistical process including:

- the gathering of data from respondents, whether directly by census or survey, or indirectly as an administrative by-product or from another collection
- the processing of data in such a way as to add value to the information content if only by selection and re-formatting
- the production of one or more statistical products which could, in principle at least, be disseminated to the public.

Criminal incident A criminal incident comprises an offence, or an act that is in breach of the criminal law. The criminal incident may be a breach of state/territory or Commonwealth legislation and multiple offences within a single incident may involve a combination of local and federal crimes. A criminal incident must involve at least one offender but will not necessarily involve a specific victim. Offences such as drug use and traffic offences are examples of victimless offences. When a victim is involved, that victim may be an individual, multiple individuals or a group (for example, an organisation or a family). Offences are grouped into the same unique occurrence if they are committed by the same person(s) and if: they are part of actions committed simultaneously or in sequence over a short period at the same location; or they are part of interrelated actions, with one action leading to the other or being the consequence of the other; and they involve the same action(s) repeated over a long period of time against the same victim(s) and come to the attention of the police at one point in time.

Data Statistical data referring to individual population members or to the population as a whole.

Dataset A data table, including metadata, which refers in essence, to a single population of statistical objects, a set of classificatory data items that categorise members of the population and a set of parametric data items.

Data variable An attribute of a population member or of the population as a whole.

Defendant A person or organisation against whom one or more criminal charges have been laid and that are heard together as the one unit of work by a court level.

Event Anything that occurs that is considered important and potentially criminal or in breach of socially accepted norms. The event can become a reported incident if it comes to the attention of the criminal justice system.

Hearing	The presentation of a particular matter before a court.
Higher Court	An Intermediate Court or Supreme Court, both of which hear serious criminal charges relating to indictable offences.
Intermediate Court	A Higher Court level (known either as the District Court or County Court) that has legal powers that are intermediate between those of the Court of Summary Jurisdiction and the Supreme Court, and that deals with the majority of cases involving serious criminal offences. An Intermediate Court is presided over by a judge and has original jurisdiction to hear trial and sentence matters relating to most indictable offences. In some states, the Intermediate Court may have appellate jurisdiction over decisions made in the Court of Summary Jurisdiction. Not all states/territories in Australia have an Intermediate Court.
Lower Court	A lower court level (also referred to as Magistrates' Court, Local Court or Court of Petty Sessions) that deals with relatively less serious charges and has the most limited legal powers of all the state and territory court levels. A Court of Summary Jurisdiction is presided over by a magistrate and has jurisdiction to hear trial and sentence matters relating to summary offences. Under some circumstances, this court level may also deal with the less serious indictable offences known as "minor indictable" or "triable either way" offences. Courts of Summary Jurisdiction are also responsible for conducting preliminary (committal) hearings for indictable offences. Not all alleged offenders will appear before a lower court; some will move straight into the higher court system.
Metadata	Textual information relating to actual statistical data.
Offence	Act considered prima facie to be in breach of the criminal law.
Offender	A person or organisation found guilty by the court of committing (a) certain offence(s).
Penalty	Penalties include directions or orders issued by a judicial officer or law enforcement officer that are imposed as a consequence of a person or organisation being accused of committing an offence or being proven guilty of committing an offence and which generally result in action that restricts or compels that person or organisation in order to fulfil one or more of the following sentencing objectives: punishment; restitution/reparation; rehabilitation/care; prevention/containment/supervision. Penalties are used to describe the outcomes of court hearings (for persons proven guilty) and the type of correctional program or penalty enforcement action applied to ensure compliance with court orders.
Plea	The initial formal statement by, or on behalf of, the defendant in response to a criminal charge that has been laid in a court. The nature of this response indicates whether or not the defendant intends to contest that charge.
Population	A set of objects of interest.
Prisoner	A person with a court-issued authority held in full-time custody under the jurisdiction of an adult corrective service agency.
Recorded crime	Crimes recorded by police after they have been reported to, or otherwise detected by, police.
Re-offender	A person who has previously been involved in the criminal justice system, has been found guilty of an offence, and who re-enters the system as an alleged offender in another criminal incident. This subsequent incident may or may not involve the same type of criminal behaviour as did the previous criminal incident.
Reported incident	An event reported to the authorities by a victim, a witness, an offender or some other party. Events may be reported as one thing, only to be reclassified later as another (as in a report of something stolen that later turns out to have been misplaced). Changes in reported crime rates may be influenced by changes in community attitudes to the reporting of crime, or police procedures or crime reporting systems, rather than by changes in the incidence of criminal behaviour. An incident may or may not come to the attention of the authorities. In the case of victimless crimes, the incident may simply

Reported incident *continued*	remain unknown and hidden. Even incidents involving victims may remain undetected if the victim does not realise that the incident has occurred. Incidents that are discovered by victims may or may not be reported to the authorities for a variety of reasons: the incident may be regarded as trivial, the victim may be ashamed of telling anyone about the incident, or the may victim feel that nothing can be done about the incident.
Sentence	A particular type of penalty handed down by the court, usually involving actual or suspended imprisonment.
Supreme Court	A Higher Court level that deals with the most serious criminal charges and has the greatest legal powers of all the state and territory court levels. A Supreme Court is presided over by a judge, and has jurisdiction to hear trial and sentence matters relating to all indictable offences. In states that have an Intermediate Court, the Supreme Court is usually reserved to deal with the most serious indictable offences, such as murder. The Supreme Court may also have appellate jurisdiction over decisions made in the Court of Summary Jurisdiction or the Intermediate Court.
Suspect	A person or organisation suspected, with as-yet insufficient evidence, of committing (a) certain offence(s).
Unit record data	Data for individual population members.
Victim	Person, groups of persons, or organisation(s) that have been the target of criminal behaviour.
Witness	A person(s) present at the commission of a crime as neither offender nor victim.

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