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# Young people returning to sentenced youth justice supervision

2016–17

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Two thick diagonal bars in the bottom left corner, colored teal and green.  
**AIHW**





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# **Young people returning to sentenced youth justice supervision**

**2016–17**

Australian Institute of Health and Welfare  
Canberra

Cat. no. JUV 127

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# Contents

<b>Acknowledgments</b>	<b>iv</b>
<b>Summary</b>	<b>v</b>
<b>1 Introduction</b>	<b>1</b>
1.1 Key concepts	1
<b>2 Returns to sentenced youth justice supervision while aged 10–17</b>	<b>4</b>
2.1 Demographics	5
2.2 Length of first supervised sentence	8
2.3 Time to return	10
2.4 Total number of supervised sentences	11
2.5 States and territories	12
<b>3 Returns to sentenced youth justice supervision within 6 and 12 months</b>	<b>13</b>
3.1 Trends	14
3.2 Demographics	15
3.3 Previously sentenced to supervision	18
3.4 Length of index sentence	20
3.5 Returns with a sentence of detention	21
3.6 States and territories	22
<b>Appendix: Data and methods</b>	<b>23</b>
Data sources	23
Linkage method	23
Analysis data sets	23
<b>Glossary</b>	<b>28</b>
<b>References</b>	<b>29</b>
<b>List of figures</b>	<b>30</b>
<b>List of supplementary tables</b>	<b>31</b>
<b>Related publications</b>	<b>32</b>

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- Department of Health and Human Services, Tasmania
- Community Services Directorate, Australian Capital Territory
- Territory Families, Northern Territory.

# Summary

## **The majority of young people do not return to sentenced supervision**

The majority of young people who receive a supervised youth justice sentence serve only 1 sentence, and do not return.

Of those aged 10–17 who were under sentenced youth justice supervision at any time from 2000–01 to 2016–17 (born from 1990–91 to 1998–99), 61% received only 1 supervised sentence before turning 18.

Young people whose first supervised sentence was detention were more likely to return to sentenced supervision (50%) than those whose first sentence was community based (39%).

## **Some young people return to sentenced supervision numerous times**

A minority of young people go on to receive a large number of sentences before they turn 18—1 in 6 (16%) young people whose first supervised sentence was community based, and 1 in 4 (26%) whose first supervised sentence was detention received 5 or more supervised sentences when aged 10–18.

Young people who served shorter initial sentences were more likely to return to sentenced supervision than those who served longer initial sentences, regardless of whether their first sentence was community based or detention.

Young Indigenous Australians under youth justice supervision were 1.7 times as likely as their non-Indigenous counterparts to return to sentenced supervision before the age of 18.

## **Young people released from sentenced detention are more likely to return to sentenced supervision**

The rate of return can also be measured by looking at the number of young people who were released in a given year, and who returned within 6 and 12 months.

For young people aged 10–16 released from sentenced supervision in 2015–16 (allowing a 12-month follow-up period to 30 June 2017):

- half (50%) of those released from sentenced community-based supervision returned to sentenced supervision within 12 months, with 26% returning within 6 months
- 8 in 10 (82%) of those released from sentenced detention returned to sentenced supervision within 12 months, with 59% returning within 6 months.

Over the 10 years to 2015–16, the 6- and 12-month return rates for young people released from community-based supervision remained relatively stable, while the return rates for those released from detention rose.





# 1 Introduction

In Australia, young people who have been proven guilty of an offence may be given:

- an unsupervised community-based sentence (such as a good behaviour bond)
- a supervised community-based sentence (such as probation)
- a sentence of detention.

Supervised community-based and detention sentences are both known as ‘supervised sentences’, and are the focus of this report.

In each of the states and territories, the department responsible for youth justice is tasked with providing young people who are serving supervised sentences with services designed to reduce their likelihood of returning to sentenced supervision, among other outcomes. So the rate of return to sentenced supervision is, in part, an indication of the performance of youth justice departments, although other factors beyond the control of these departments will also influence returns.

This report presents data on returns to sentenced supervision using measures developed as part of a related Australian Institute of Health and Welfare (AIHW) project—*Using the Juvenile Justice National Minimum Data Set to measure juvenile recidivism* (AIHW 2013, 2015b).

- This first chapter introduces key concepts for this report.
- Chapter 2 looks at the rate of return to sentenced supervision at any time while a young person was 10–17 for those born from 1990–91 to 1998–99.
- Chapter 3 looks at the rate of return to sentenced supervision within 6 and 12 months for young people who were released in 2015–16, and were aged 16 and under at the time of release.
- The Appendix provides further information on the data and methods.

## 1.1 Key concepts

The Juvenile Justice National Minimum Data Set (JJ NMDS) is a longitudinal person-based data set containing information on young people under youth justice supervision. It does not include the Northern Territory, as this jurisdiction does not provide the required data.

Using a longitudinal person-based data set has several benefits. It enables:

- measuring a young person’s returns to sentenced supervision across all participating states and territories, and not just in the state or territory of the original sentence
- looking at how various variables are associated with the rate of returns
- linking data with other relevant data collections, for longer-term comparisons.

Due to the scope of the JJ NMDS, data presented in this report relate only to returns to youth justice sentenced supervision, not recidivism.

As youth justice departments are responsible for providing rehabilitative services to young people under sentenced supervision only, measures of returns to sentenced supervision are likely to be more useful indicators of the effectiveness of their services than more general measures of recidivism.

### **Box 1.1: What is sentenced youth justice supervision?**

Sentenced youth justice supervision, which is provided by the state and territory government departments responsible for youth justice, is a component of the youth justice system.

Young people enter the system when they are investigated by police for allegedly committing an offence; if charges are laid and the young person is found guilty, the court has several sentencing options, including:

- detention in a youth justice centre (referred to as sentenced detention)
- sentences that are supervised in the community, such as probation (referred to as sentenced community-based supervision).

Youth justice departments provide various offence-specific and therapeutic programs to meet the needs of young people, including programs aimed at reducing alcohol and drug use, and improving employment skills, as well as specific cognitive-based interventions. Details on the programs provided by each state and territory can be found at [www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2016-17/contents/table-of-contents](http://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2016-17/contents/table-of-contents).

## **Data relate to returns to sentenced supervision**

This report measures the number of young people who were released from a supervised sentence and subsequently returned (that is, young people who received an additional supervised sentence after the end of their initial sentence). While a return to sentenced supervision is likely due to reoffending, it is not a measure of reoffending (or recidivism). This is because not all offences will lead to a supervised sentence.

Recidivism refers to repeated or habitual criminal behaviour. Measuring recidivism requires information on all criminal acts committed by a person. It is typically measured using data on police arrests or court orders, though these measures are imperfect—for example, some people will commit offences without being charged, so will not appear in either police arrest or court orders data, and some people will be charged with offences that they have not committed, or for which they are found not guilty.

The JJ NMDS cannot be used to measure recidivism, as it contains data on supervised sentences, not offences (including those that result in unsupervised sentences, such as good behaviour bonds and fines).

For more detail on differences between measuring recidivism and a return to sentenced supervision see *Young people returning to sentenced youth justice supervision 2014–15* (AIHW 2016).

As the base population in this report is restricted to those who have received a supervised sentence, it relates specifically to young people who have committed an offence or offences serious enough to result in a supervised sentence. As a result, the return rate relates to the subpopulation of young people who committed an additional offence serious enough to result in an additional supervised sentence.

It is possible that some returns to sentenced supervision are due to a breach of a previous order, rather than a new offence. But analysis of index order end reason (the order from which a return is counted) showed that this is likely to account for a minority of return sentences, as the majority of index sentences ended because they were completed.

## Data relate to youth justice sentences

The JJ NMDS contains information on young people who are supervised by youth justice departments, not on people supervised by adult justice departments. Including young people who are not eligible to return to sentenced youth justice supervision within the period of measurement because of their age would underestimate the rate of return.

In most states and territories, young people are only eligible for youth justice supervision from the age of 10 (as children under the age of 10 cannot be charged with a criminal offence), until they are 17. But there are some circumstances in which young people may be supervised by the youth justice system after 18.

In the absence of suitable data on adult supervision, 2 types of analyses can be used to accurately measure the rate of return to sentenced youth justice supervision.

The first option is to look at **birth cohorts**. Birth cohorts are designed so that data for the young person are captured in full during the period of interest—in the case of the youth justice system, this is young people aged 10–17. As the JJ NMDS has data available from 2000–01, complete birth cohorts are available for those born in 1990–91 to 1998–99 (that is, 9 complete birth cohorts).

The second option is to restrict the study to a **supervision cohort**. A supervision cohort is based on those who were supervised in the same period, whose age at the time of release from the index sentence (the sentence from which returns are counted) makes them eligible to return to youth justice supervision in the measurement period.

In the case of the JJ NMDS, this cohort includes those who were aged 10–16 at the time of release, and enables a measurement of returns up to 12 months. But during the period covered in this report, young people in Queensland aged 17 or older were dealt with in the adult criminal justice system, and were not eligible for a return to sentenced youth justice supervision, which might result in an overall under-count in the rate of returns.

These 2 types of cohort analyses are presented in chapters 2 and 3, respectively.

## Time to return

The time to return to sentenced supervision is the time between the completion date of the index sentence (the order from which a return is counted) to the start date of the return sentence.

As offence data are not available in the JJ NMDS, it is not possible to exclude return sentences that relate to an offence that was committed before the index sentence (see ‘pseudo-recidivism’ in the Glossary for more details). The potential impact of this was assessed in Stage 1 of this project, using pilot data from 2 states (see AIHW 2013). Although the data were limited, the analysis suggested sentences relating to earlier offences did not have a substantial impact on person-based analyses of returns to sentenced supervision.

## Notes

Percentages are rounded in text, and calculated from unrounded numbers as presented in the supplementary data tables.

Rate ratios are rounded to 1 decimal place in the text, and are calculated from unrounded percentages as presented in the supplementary data tables.

Figures contain unrounded percentages.

Percentages might not add to the total percentage due to rounding.

## 2 Returns to sentenced youth justice supervision while aged 10–17

The JJ NMDS is a longitudinal data set with data available from 2000–01. This means it is possible to look at the complete rate of return for young people born from 1990–91 to 1998–99, as the JJ NMDS contains data on all supervised youth justice sentences for these young people from when they were aged 10 up to and including 17.

The rate of return is presented as the proportion of young people who returned out of all young people who could have returned to sentenced youth justice supervision.

### Key findings

- Of young people born from 1990–91 to 1998–99 who had a supervised sentence, 61% had only 1 supervised sentence before the age of 18, and 39% returned to sentenced youth justice supervision.
- Of those whose first supervised sentence was community based, 39% received at least 1 more supervised sentence before the age of 18 (61% received only 1).



- Of those whose first supervised sentence was detention, 50% received at least 1 more supervised sentence before the age of 18 (50% received only 1).



- The younger a person was at their first supervised sentence (either community based or detention), the more likely they were to return to sentenced youth justice supervision.

## 2.1 Demographics

The majority of young people who receive a supervised sentence never return to sentenced youth justice supervision. Of the 31,859 young people born from 1990–91 to 1998–99, who were under sentenced supervision from 2000–01 to 2016–17, 61% received only 1 supervised sentence before the age of 18 (Table S1).

Most (30,607 or 96%) young people's first supervised sentence was community based (Figure 2.1). Of these, 61% did not receive any additional sentences, while 39% received at least 1 additional supervised sentence before the age of 18.

Of the young people whose first supervised sentence was detention (1,252 or 4%), half (50%) returned to sentenced supervision before the age of 18.

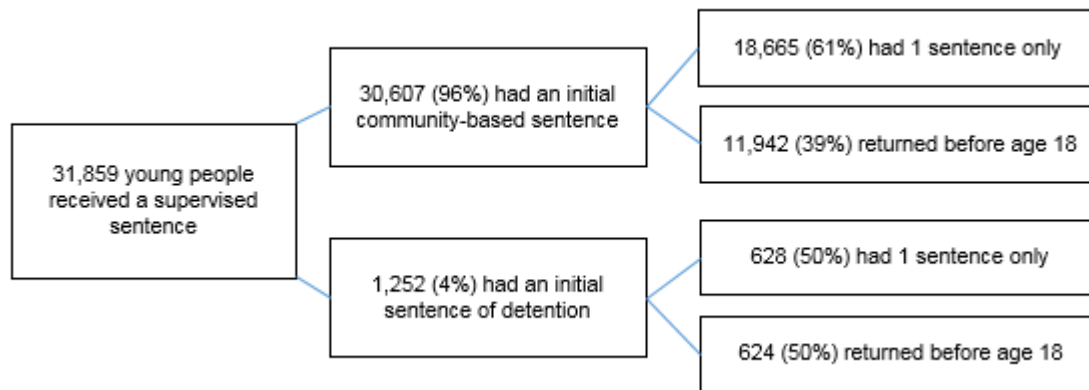
Of the 31,859 young people who received a sentence, 11,221 were Aboriginal and Torres Strait Islander. Similar to the total population, the first sentence for most young Indigenous Australians was community based (96%) (Figure 2.2).

However, of young Indigenous Australians who received an initial community-based sentence, more than half (54%) returned to sentenced supervision at least once before the age of 18.

Comparatively, almost one-third (32%) of non-Indigenous young people who received a community-based supervised sentence returned to sentenced supervision before the age of 18 (Table S1). This means Indigenous young people released from community-based sentences were 1.7 times as likely to return to sentenced supervision as their non-Indigenous counterparts before the age of 18.

Among those whose first sentence was community based, 58% of young Indigenous males and 42% of young Indigenous females had more than 1 supervised sentence before the age of 18, compared with 33% of non-Indigenous males and 28% of non-Indigenous females (Figure 2.3).

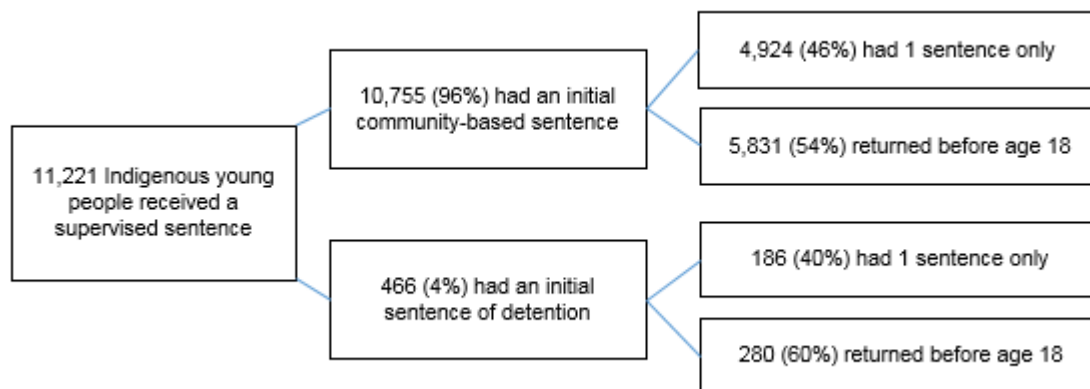
Of the Indigenous young people who received an initial sentence of detention, 60% received at least 1 more sentence before turning 18, compared with 44% of non-Indigenous young people. The pattern was similar for males and females, with 60% of Indigenous males and 59% of Indigenous females having more than 1 supervised sentence, compared with 44% of non-Indigenous males and 47% of non-Indigenous females (Figure 2.3).



Note: Data relate to young people aged 10–17.

Source: Table S1.

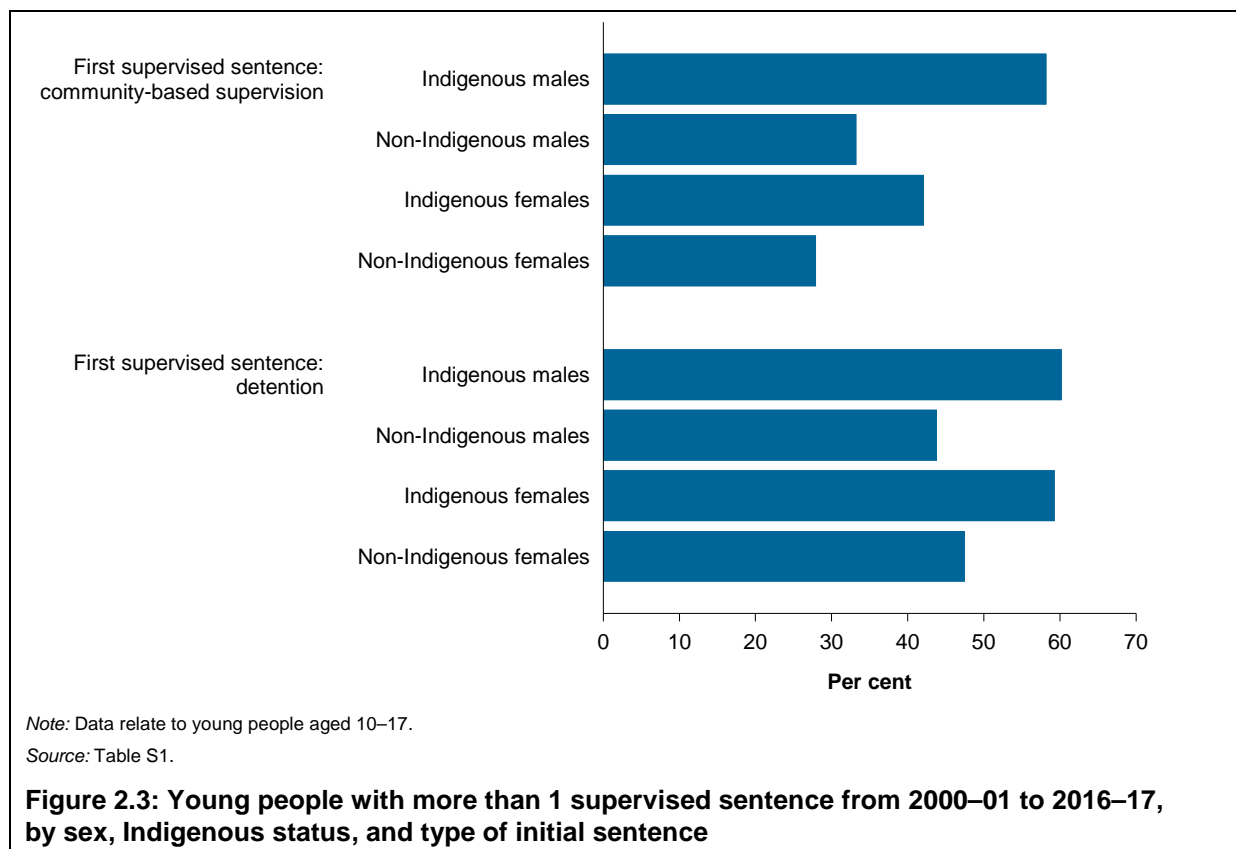
**Figure 2.1: Young people with a supervised sentence from 2000–01 to 2016–17, by type of initial sentence**



Note: Data relate to young people aged 10–17.

Source: Table S1.

**Figure 2.2: Indigenous young people with a supervised sentence from 2000–01 to 2016–17, by type of initial sentence**



The younger a person was at the start of their first supervised sentence, the more likely they were to return to sentenced supervision at some time before the age of 18 (Figure 2.4).

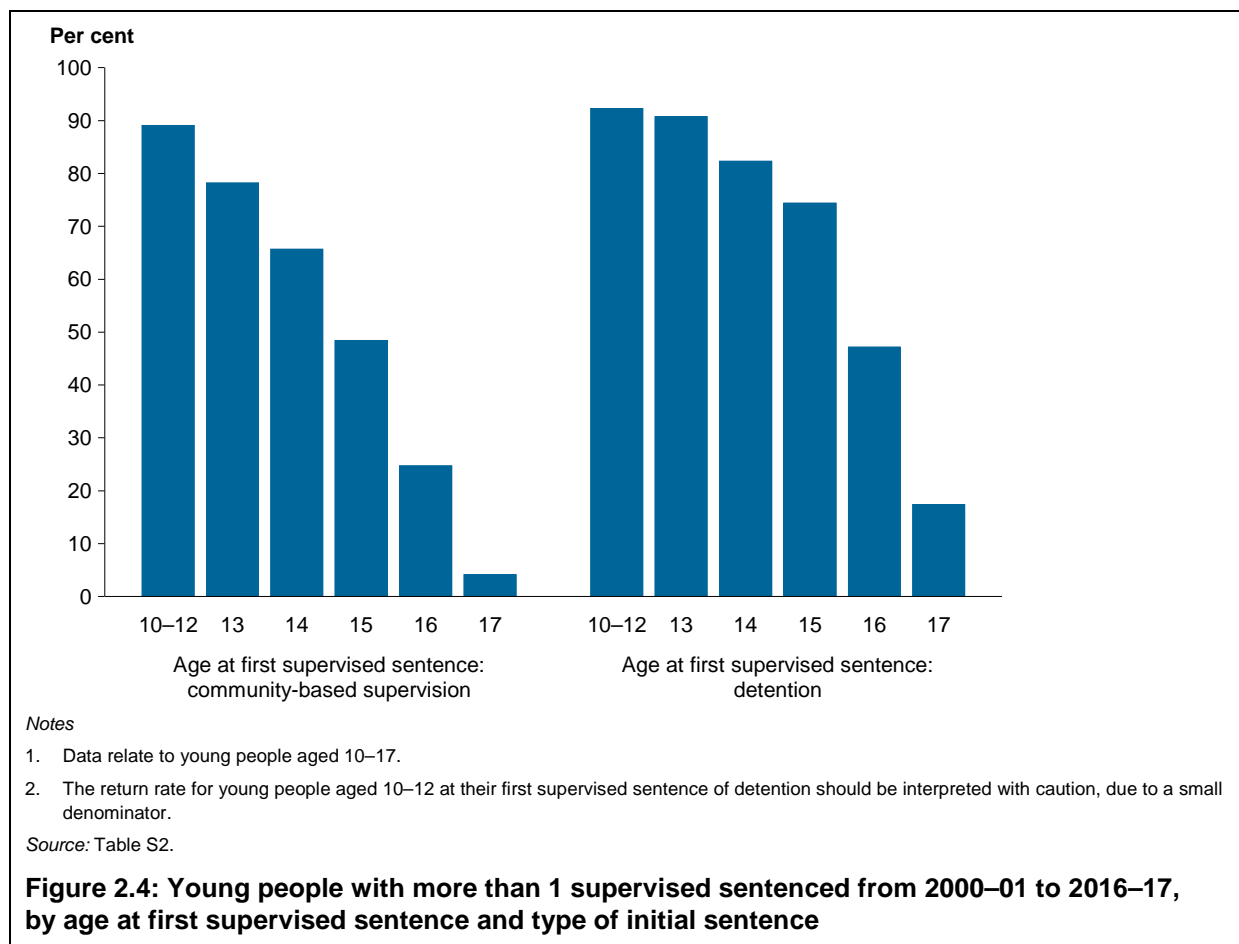
For young people whose first supervised sentence was community based, 89% of those who were aged 10–12 at the start of this sentence returned to sentenced supervision.

The proportion declined for each successive group, to:

- 78% of those aged 13
- 66% of those aged 14
- 48% of those aged 15
- 25% of those aged 16
- 4% of those aged 17.

The pattern was similar for those whose first supervised sentence was detention, though higher than for those whose first sentence was community based—92% of young people aged 10–12 returned to sentenced supervision, compared with 74% of those aged 15, and 17% of those aged 17.

In part, a lack of time before turning 18 might contribute to the low proportion of young people aged 17 returning to sentenced supervision.



## 2.2 Length of first supervised sentence

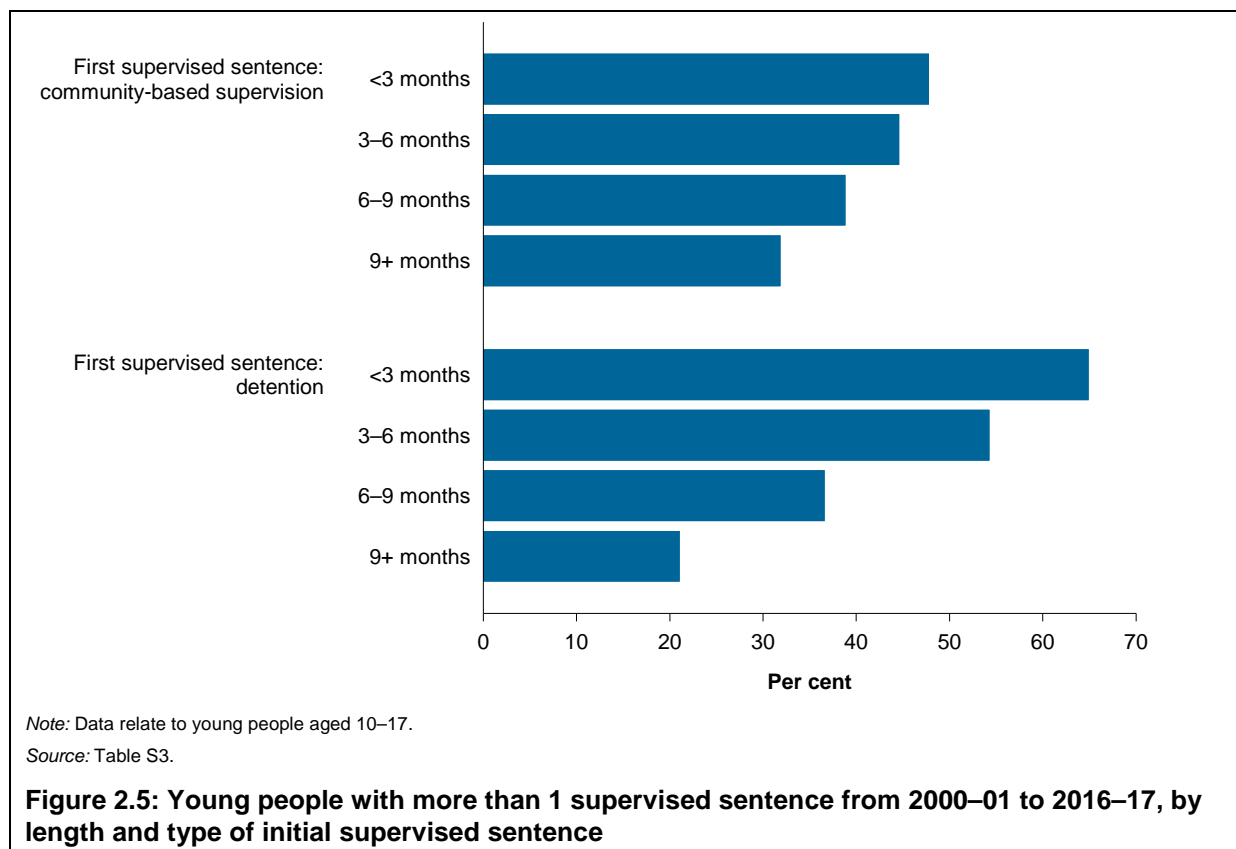
Young people with shorter initial sentences were more likely to return to sentenced supervision than those who served longer initial sentences (Figure 2.5).

For young people whose first supervised sentence was community based, almost half (48%) of those whose sentence lasted less than 3 months returned to sentenced supervision, compared with 32% of those whose initial sentence was longer than 9 months.

This difference was more pronounced for detention, with nearly two-thirds (65%) of young people returning to sentenced supervision if their initial sentence was less than 3 months, compared with 21% of those whose initial sentence was longer than 9 months.

For both community-based and detention sentences, the proportion of young people who returned to sentenced supervision decreased as the length of the initial sentence increased.





The relationship between sentence length and returning to sentenced supervision might be due to the access to, and completion of, services designed to prevent young people returning to sentenced supervision. For example:

- Young people serving shorter sentences might be less likely to complete rehabilitative programs compared with those serving longer sentences. This will occur if the sentence is shorter than the rehabilitation program, and participation in the program is not continued or completed once a young person has exited youth justice supervision.
- Young people in unsentenced detention might not be provided with rehabilitative services until they receive a sentence. Some sentenced orders are backdated to take into account time already served in unsentenced detention. In these cases, for shorter sentences, the time available to complete a rehabilitative service is further reduced relative to young people with longer sentences.
- Young people released from longer detention sentences might be more likely to be released on parole or supervised release than those released from shorter sentences. This ongoing supervision in the community might result in a reduced likelihood of subsequent offending and returning to sentenced supervision.
- Longer community-based sentences might result in more time spent on rehabilitative programs, reducing the likelihood of returning to sentenced supervision.
- Young people serving longer sentences might have less time available to re-enter youth justice supervision before turning 18.

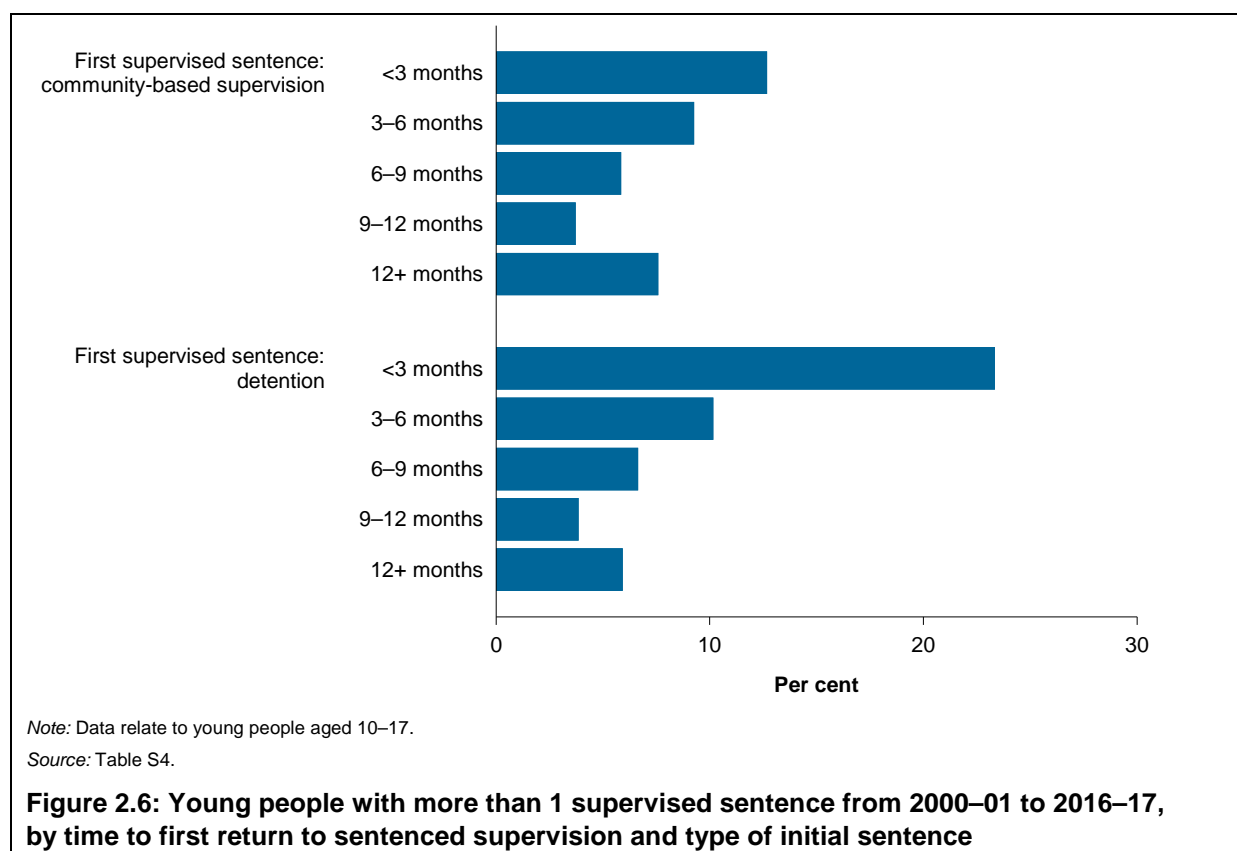
## 2.3 Time to return

Young people who returned to sentenced supervision were likely to return within a relatively short time (Figure 2.6). Of those whose first sentenced supervision was community based:

- 13% returned within 3 months
- 22% returned within 6 months
- 28% returned within 9 months
- 31% returned within 12 months
- 39% returned in total
- 61% did not return at all (Figure 2.6).

Those whose first supervised sentence was detention were even more likely than those whose first sentence was community based to return in a relatively short time. Of those whose first sentence was detention:

- 23% returned within 3 months
- 33% returned within 6 months
- 40% returned within 9 months
- 44% returned within 12 months
- 50% returned in total
- 50% did not return at all.



## 2.4 Total number of supervised sentences

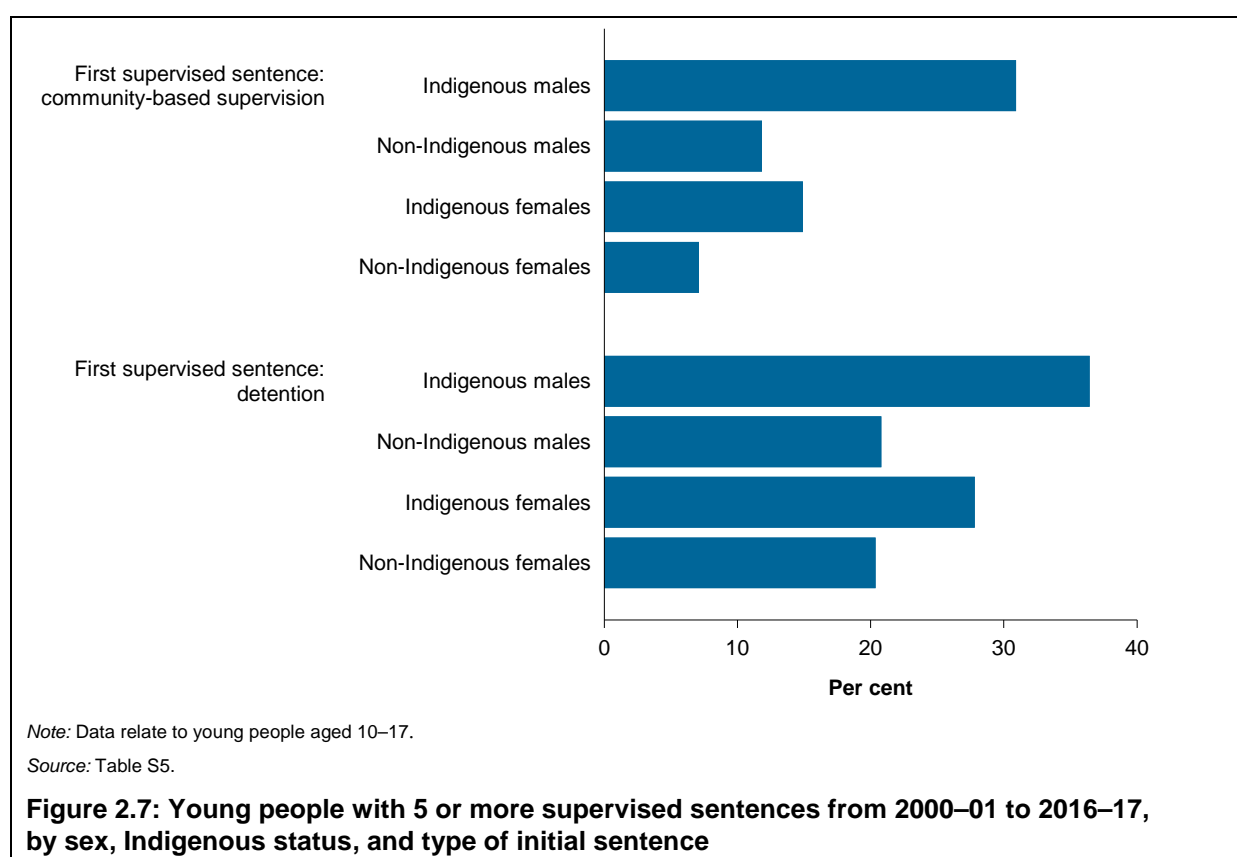
A sizeable minority of those who entered sentenced supervision went on to receive 5 or more sentences before the age of 18.

About one-quarter (26%) of those whose first supervised sentence was detention returned, and received 5 or more supervised sentences, compared with 16% of those whose first supervised sentence was community based.

Young Indigenous males were the most likely to receive 5 or more supervised sentences, whether their first supervised sentence was community based (31%) or detention (36%) (Figure 2.7).

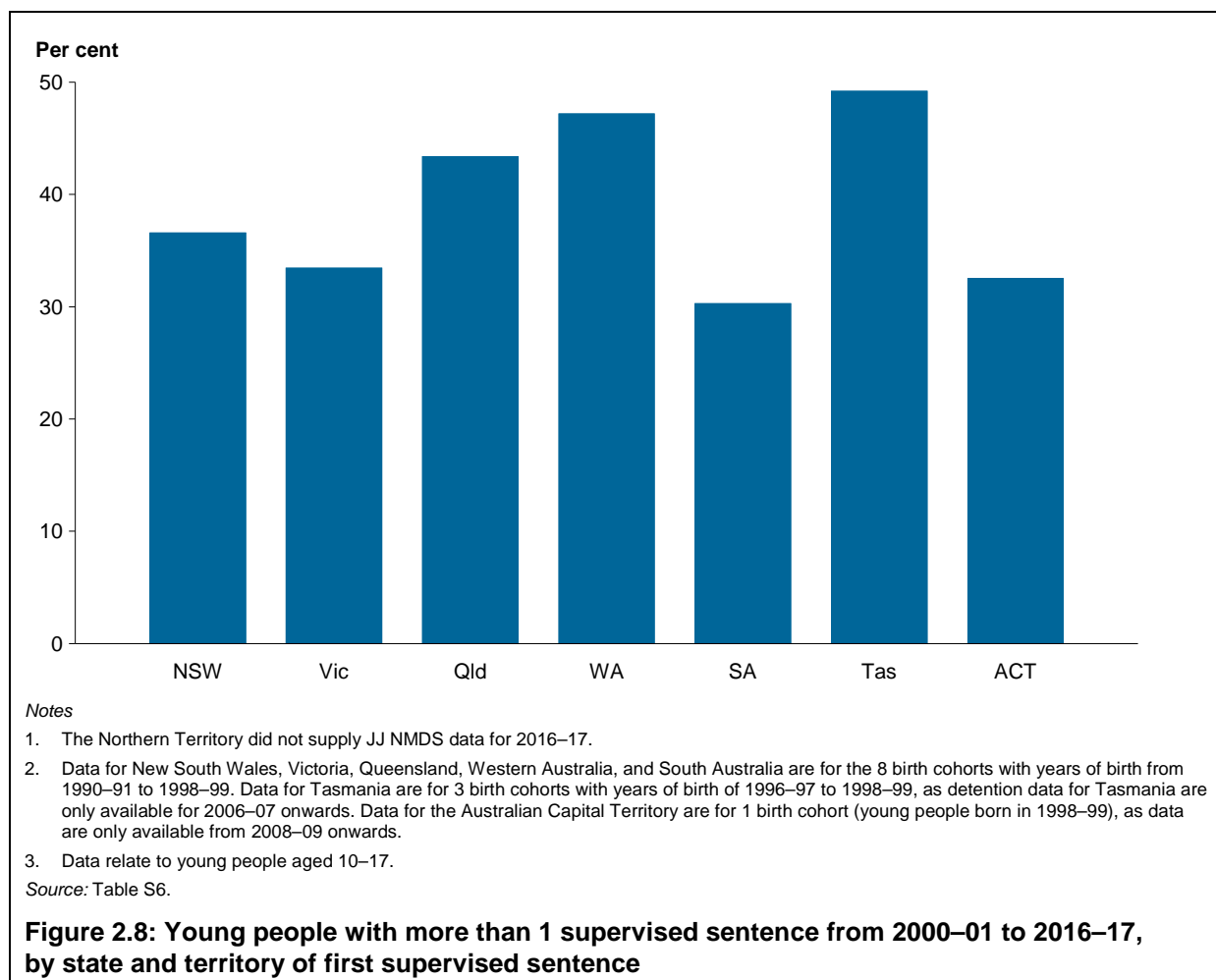
Young Indigenous females were the next most likely to receive 5 or more supervised sentences for both those whose first supervised sentence was community based (15%) or detention (28%).

This was followed by non-Indigenous males (12% for community based; 21% for detention), and non-Indigenous females (7% for community based; 20% for detention).



## 2.5 States and territories

The proportion of young people with more than 1 supervised sentence ranged from nearly one-third (30%) in South Australia to almost half (49%) in Tasmania (Figure 2.8). Northern Territory data are not included (see Appendix).



### 3 Returns to sentenced youth justice supervision within 6 and 12 months

One way of exploring the effectiveness of youth justice supervision is to measure how soon young people return to sentenced supervision.

This chapter looks at the rate of return for young people aged 16 and under who were released from a supervised sentence during 2015–16 (see the Appendix for more information on the data and methods).

Data are presented for returns within 6 and 12 months of release. For information on the selection of these timeframes see *Using the Juvenile Justice National Minimum Data Set to measure returns to sentenced youth justice supervision: stage 2* (AIHW 2015b). The rate of return is calculated by determining the proportion of the released population returning to any form of youth justice supervision within the specified period.

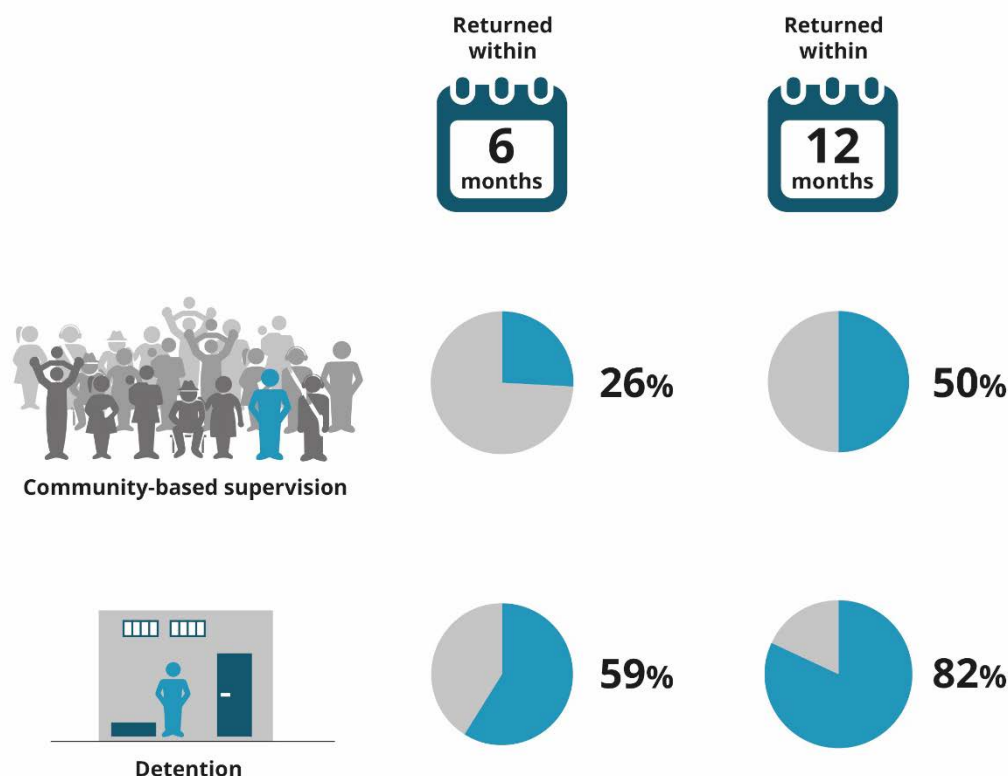
The return timeframes of 6 and 12 months are unlikely to directly correspond to the time to reoffend. Several administrative procedures, such as court proceedings, occur before a young person can return to sentenced supervision, which will affect the rate of return.

In 2015–16, more than one-third (37%) of cases heard in children's courts where the defendant was proven guilty took longer than 3 months to be finalised, and more than 1 in 7 (16%) took more than 6 months (ABS 2017).

## Key findings

For young people aged 10–16 upon release in 2015–16:

- half (50%) of those released from a community-based supervised sentence returned within 12 months, with 1 in 4 (26%) returning within 6 months
- about 4 in 5 (82%) of those released from a supervised detention sentence returned within 12 months, with more than half (59%) returning within 6 months.



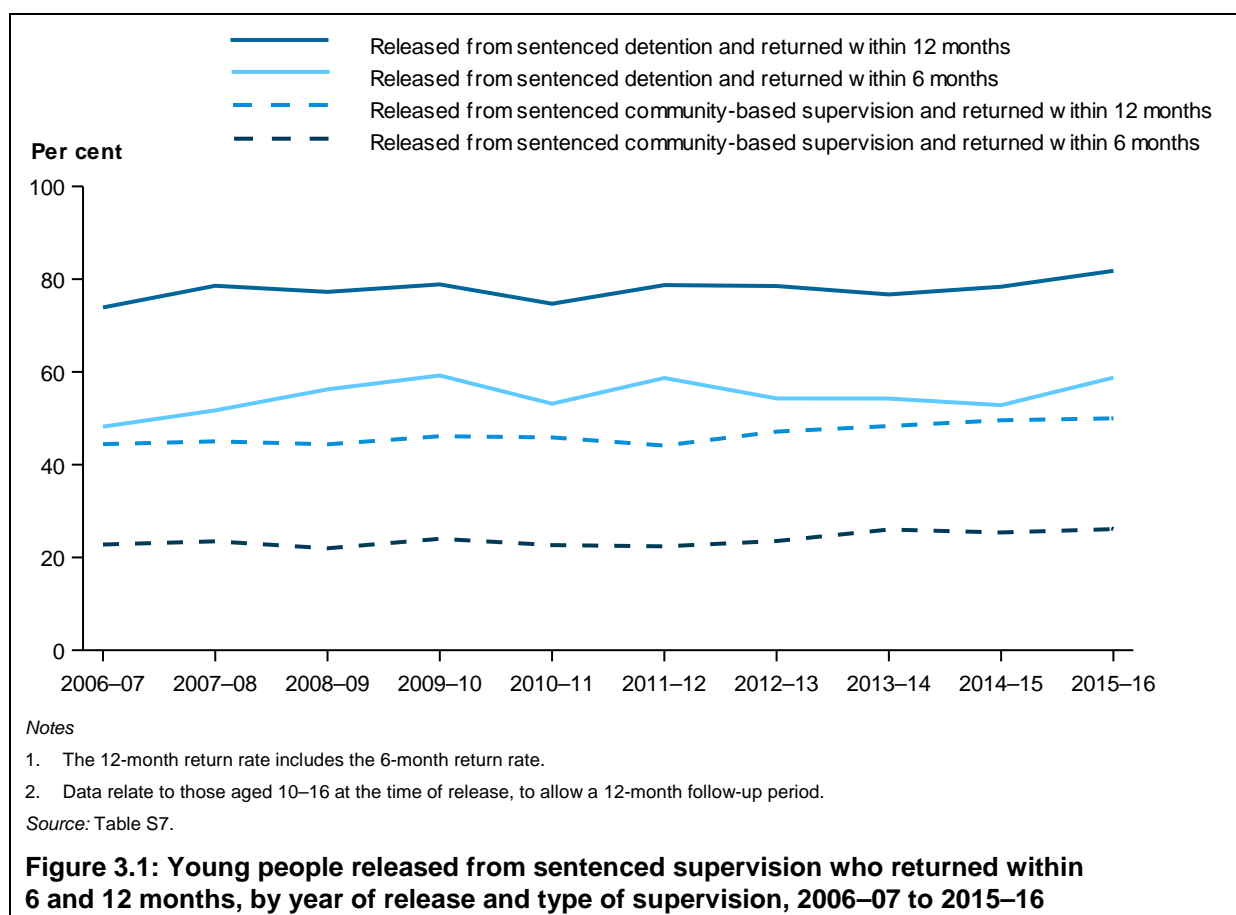
## 3.1 Trends

Of the 2,390 young people aged 10–16 who were released from a community-based supervised sentence in 2015–16, one-quarter (26%) returned to sentenced supervision within 6 months. This rate remained fairly constant over the 10 years from 2006–07, at 22% to 26% (Figure 3.1). The rate of return within 12 months showed a similar pattern, at 44% to 50%.

Young people released from sentenced detention were more than twice as likely to return to sentenced supervision within 6 months as those released from sentenced community-based supervision, with the rate of return ranging from 48% to 59% over the 10 years from 2006–07.

Nearly 3 in 5 (59%) of the 818 young people aged 10–16 released from sentenced detention in 2015–16 had returned to sentenced supervision within 6 months.

The rate of return within 12 months ranged from 74% to 82% over the 10-year period from 2006–07, with 82% of young people released in 2015–16 returning to sentenced supervision within 12 months, the highest return rate recorded to date.



## 3.2 Demographics

Young Indigenous males released from sentenced community-based supervision were more likely to return to sentenced supervision than their non-Indigenous counterparts (Figure 3.2)—31% of Indigenous males returned within 6 months, compared with 24% of non-Indigenous males.

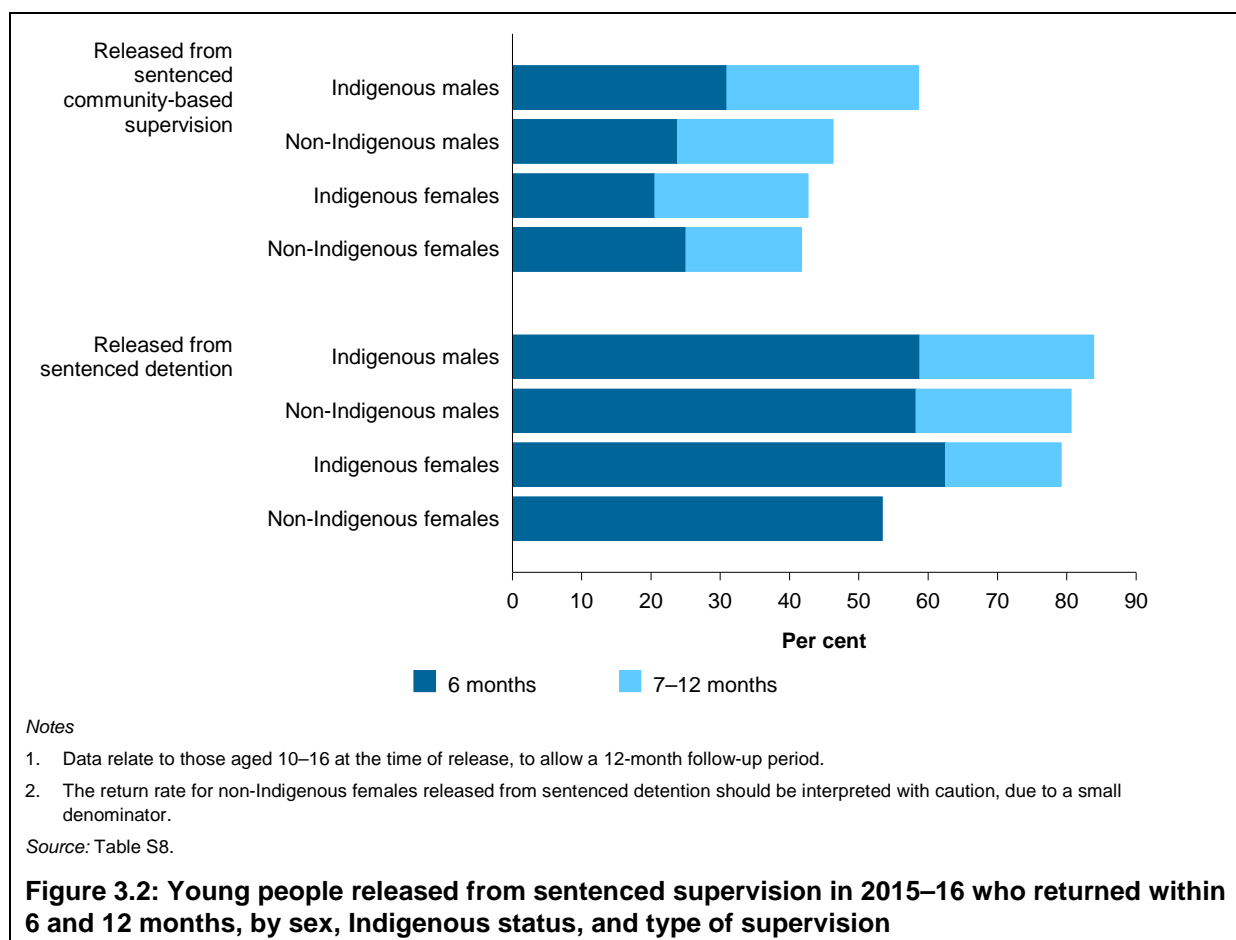
For females released from community-based supervision, the reverse was true. Young Indigenous females were less likely to return within 6 months at 21%, compared with 25% of non-Indigenous females.

The pattern was similar for males returning within 12 months—59% of young Indigenous males returned within 12 months, compared with 46% of young non-Indigenous males. For females, returns within 12 months were almost the same, at 42% of young non-Indigenous females and 43% of young Indigenous females.

For those released from sentenced detention, young Indigenous females were more likely to return to sentenced supervision both within 6 and 12 months than their non-Indigenous counterparts (Figure 3.2).

Just under two-thirds (63%) of young Indigenous females returned within 6 months, and 79% returned within 12 months, compared with 53% of young non-Indigenous females returning within 6 months, with no further returns for the remaining 6 months. Due to the small population released from detention, especially among females, numbers are likely to fluctuate year to year, and should be interpreted with caution.

For males released from sentenced detention, the return rates were broadly similar, with young Indigenous males being slightly more likely to return within 6 months (59%, compared with 58% of non-Indigenous males), as well as within 12 months (84%, compared with 81% of non-Indigenous males).

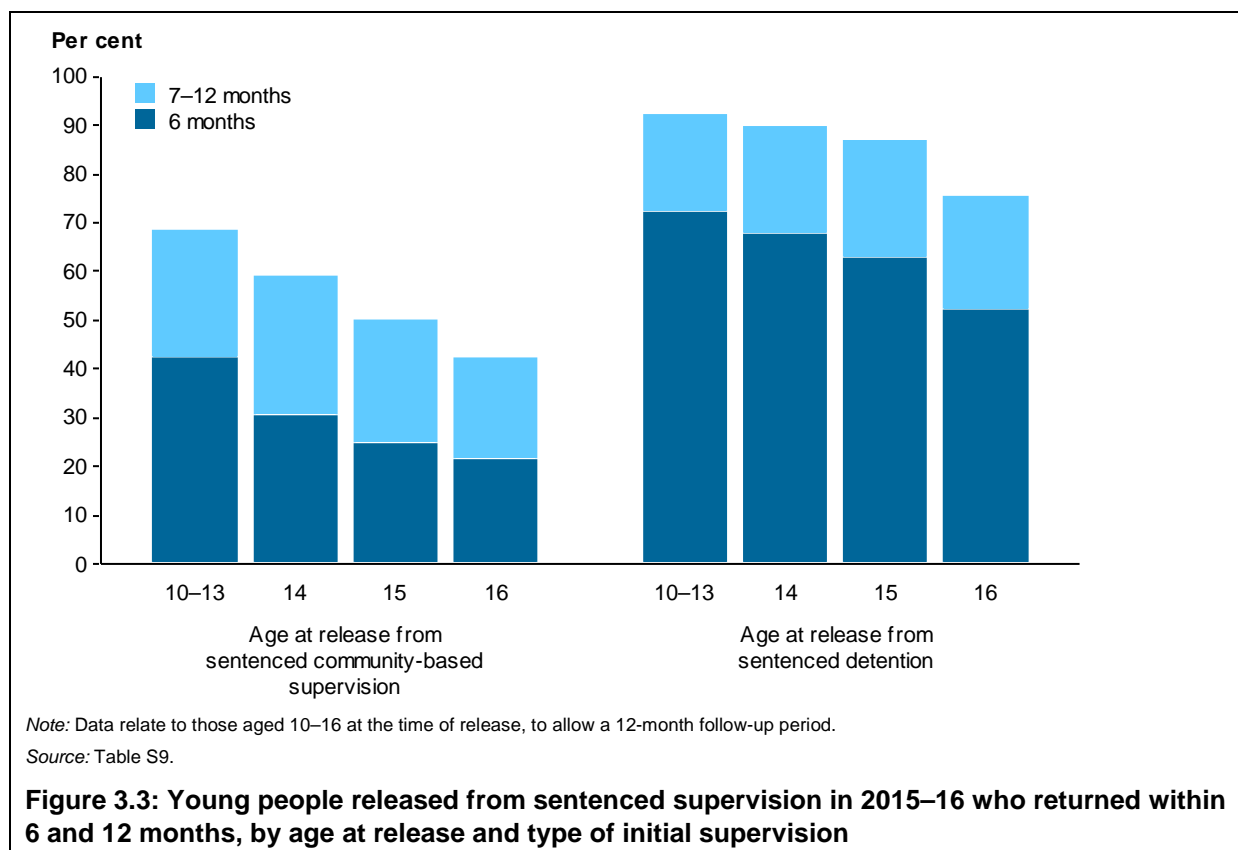




In general, the younger people were when they were released from sentenced community-based supervision, the more likely they were to return to sentenced supervision within 6 and 12 months (Figure 3.3).

Within 12 months, more than two-thirds (68%) of those who were aged 10–13 when released from sentenced community-based supervision had returned to sentenced supervision, compared with 42% for those who were aged 16 at release.

For those released from sentenced detention, the rate of return to sentenced supervision within 12 months was high for all age groups, with the highest rate being for those aged 10–13 at release (92%), down to 75% for those aged 16.



### 3.3 Previously sentenced to supervision

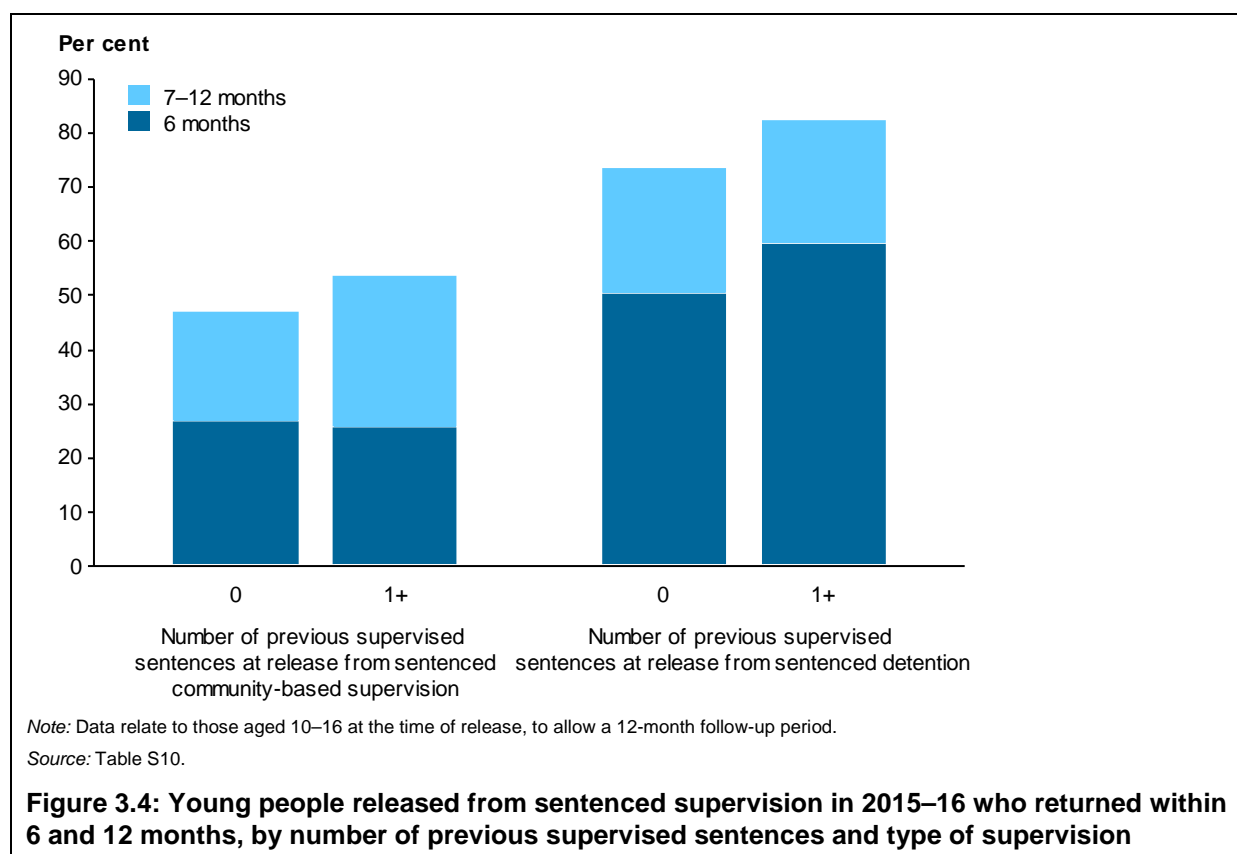
Previous studies have shown a relationship between the likelihood of returning to sentenced supervision (and the criminal justice system more broadly) and offending history (Chen et al. 2005; Lind 2011; Payne 2005; Prichard & Payne 2005; Stewart et al. 2007).

But because offences are not captured in the JJ NMDS, it is not possible to fully explore that relationship. Young people with no previous supervised sentences might still have had previous unsupervised sentences, and an offending history.

For young people released from sentenced community-based supervision, those with 1 or more previous supervised sentences were more likely to return to sentenced supervision within 12 months than those with no previous supervised sentences (54% compared with 47%). The rate of returns within 6 months was similar, with 27% of those with no previous sentences returning, compared with 26% of those with 1 or more previous supervised sentences (Figure 3.4).

Young people released from detention were more likely to return if they had a previous sentence—4 in 5 (82%) of those with previous supervised sentences, and 73% of those with no previous supervised sentences returned within 12 months, while 59% of those with previous sentences, and 50% of those with no previous sentence returned within 6 months.

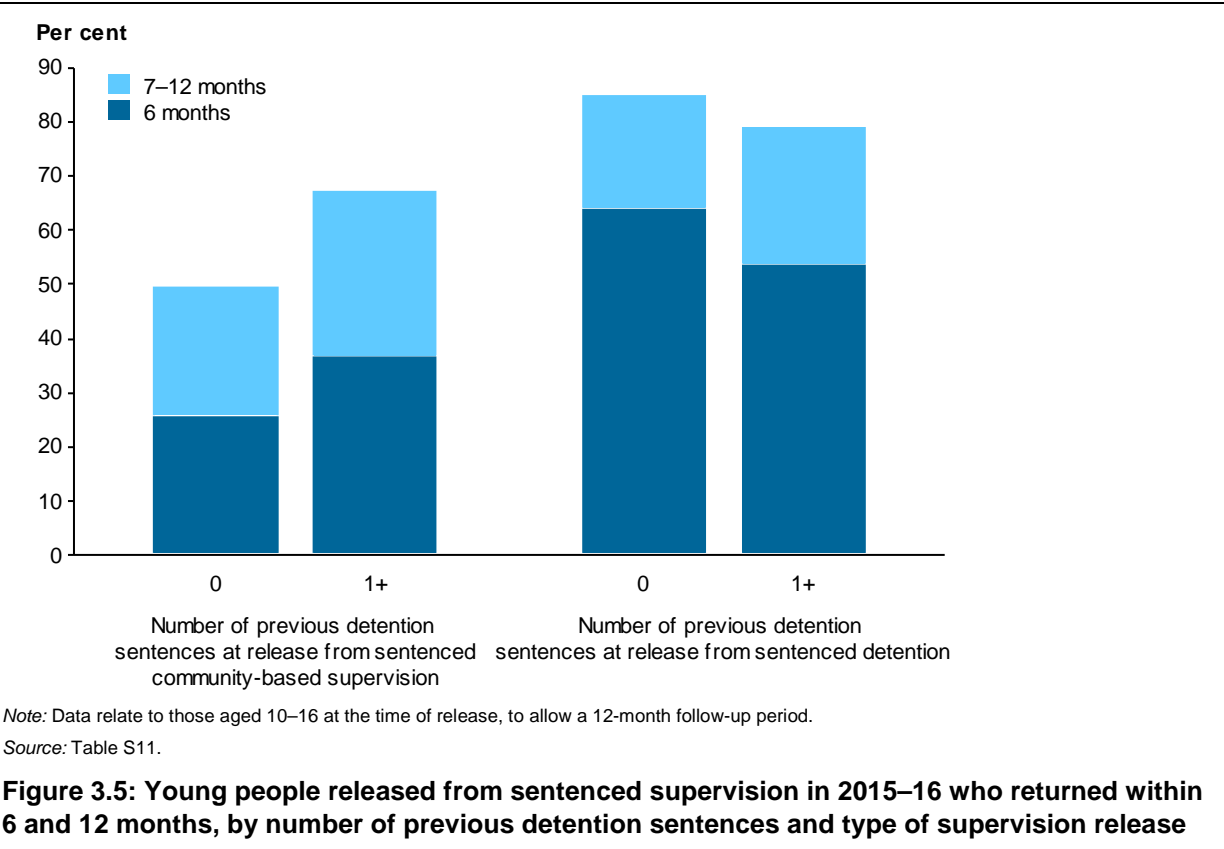
Most young people released from sentenced detention had previous supervised sentences.



When comparing young people who had a previous supervised sentence of detention, the pattern was slightly different (Figure 3.5).

Young people released from sentenced community-based supervision who had a supervision history that contained a detention sentence were more likely to return to sentenced supervision than those who did not, both within 6 months (37% and 26%, respectively), and 12 months (67% and 49%, respectively).

Conversely, of young people released from detention, those with no previous detention sentence, were more likely than those who had a previous detention sentence to return, both within 6 months (64% and 54%, respectively), and 12 months (85% and 79%, respectively).



The lower apparent return rates for those with a previous detention sentence might be due to an increase in the time required to finalise and sentence these young people if they have re-offended. In general, cases involving more serious offences take longer to finalise than those involving less serious offences, and the seriousness of offending tends to increase with each subsequent offence (ABS 2017).

Those with a previous detention sentence might have escalated in their offending (committing a more serious offence), which can take more time to finalise. As a result, their return to sentenced supervision might not be captured within the study period.

Conversely, young people who have no previous supervised or detention sentences might be more likely to return within 6 months or 12 months, because the return sentence is for a less serious offence than for young people with multiple previous supervised or detention sentences, making them more likely to be captured in the study period.

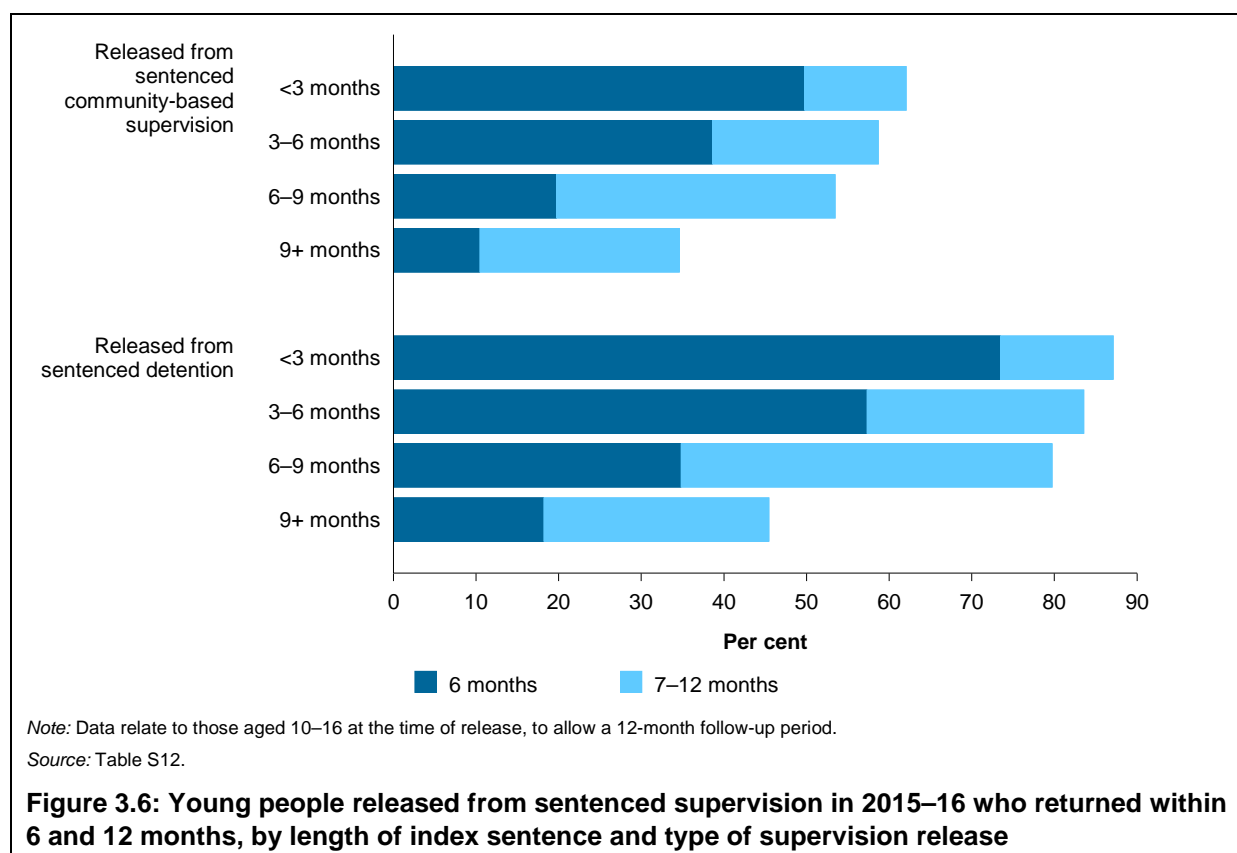
The time to return to sentenced supervision is a factor of both the time available to commit the subsequent offence, and the time taken by the court to finalise the subsequent matter.

### 3.4 Length of index sentence

For both sentenced community-based supervision and sentenced detention, young people released from shorter sentences were more likely to return within 6 and 12 months than those released from longer sentences (Figure 3.6).

About 3 in 5 (62%) of those released from community-based sentences that lasted less than 3 months returned to sentenced supervision within 12 months—a return rate that was almost twice as high as for those released from sentenced community-based supervision of 9 months or more (35%).

Young people released from a sentence of detention lasting less than 3 months were also almost twice as likely to return within 12 months as those whose sentence lasted 9 months or more (87% compared with 45%).



### 3.5 Returns with a sentence of detention

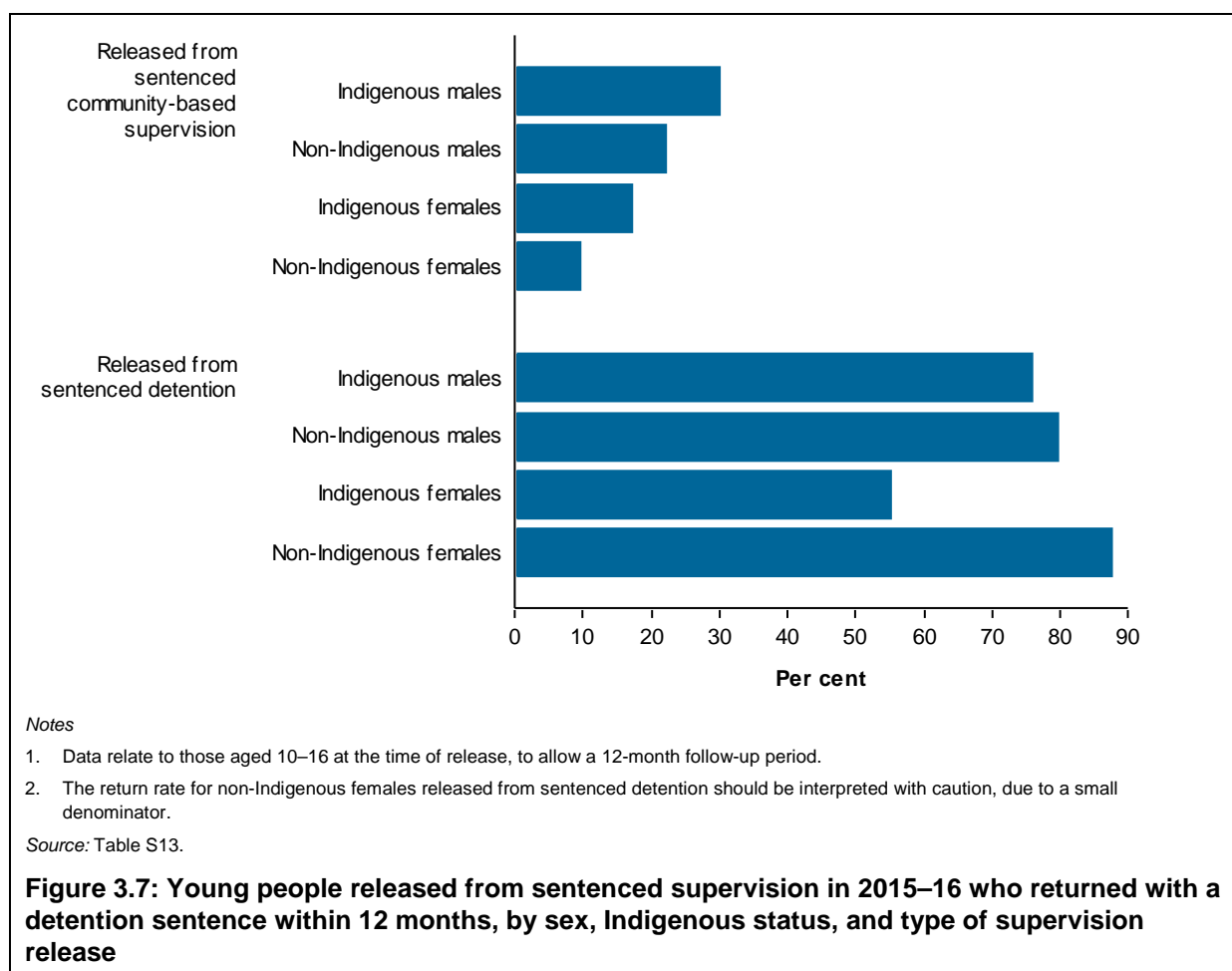
Young people released from sentenced detention were more likely to return to sentenced detention than those released from sentenced community-based supervision.

Of the 476 young people who were released from a sentence of detention and had returned to supervision within 12 months, three-quarters (75%) returned with a detention sentence.

In contrast, of the 1,570 young people released from sentenced community-based supervision and had returned within 12 months, one-quarter (25%) returned with a sentence of detention.

For young people released from sentenced community-based supervision, there was a pattern between the likelihood of returning with a detention sentence and sex and Indigenous status (Figure 3.7). Of those who returned within 12 months, 30% of young Indigenous males did so with a detention sentence, compared with 22% of non-Indigenous males, 17% of Indigenous females, and only 10% of non-Indigenous females.

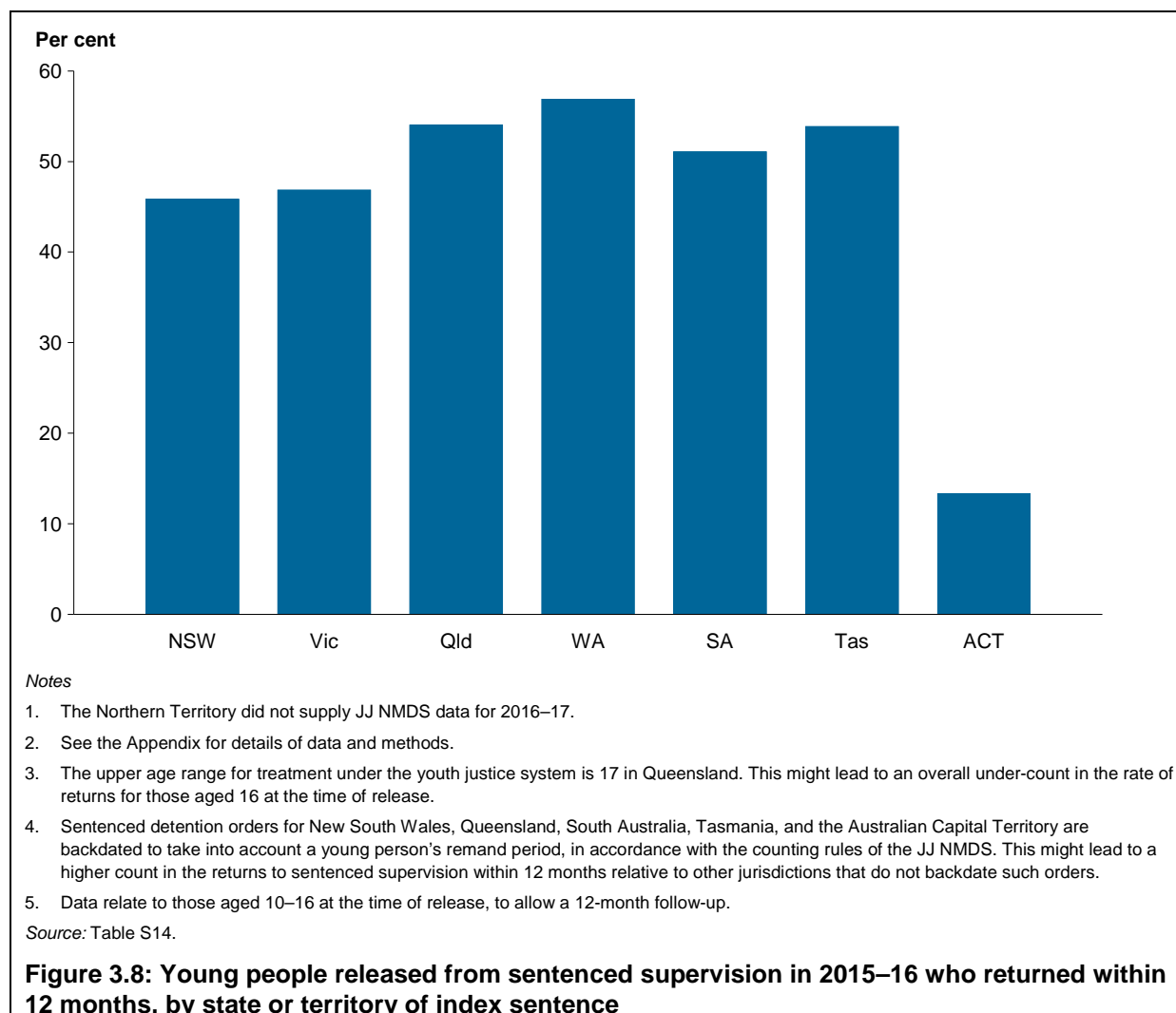
The pattern was different for young people released from sentenced detention—of those who returned within 12 months, 80% of young non-Indigenous males returned with a detention sentence, compared with 76% of Indigenous males, 55% of Indigenous females, and 88% of non-Indigenous females. But due to the very small population in sentenced detention, especially for non-Indigenous females, these numbers should be interpreted with caution.



## 3.6 States and territories

The rate of return to sentenced supervision within 12 months of release from either sentenced community-based supervision or detention varied from 13% in the Australian Capital Territory to 57% in Western Australia (Figure 3.8).

These figures do not include the Northern Territory (see Appendix). Numbers were too small to break down further into the type of sentence (community based or detention) from which the young person was released.



# Appendix: Data and methods

## Data sources

The data used in this project come from the Juvenile Justice National Minimum Data Set (JJ NMDS), which contains information on young people under supervision provided by departments responsible for youth justice. This supervision can occur in the community or in detention.

For this report, JJ NMDS data for most states and territories were available from 2000–01 to 2016–17. JJ NMDS data for the Northern Territory are only available for 2000–01 to 2007–08, so data for this jurisdiction were not included in any of the analyses in this report.

For more information on JJ NMDS data quality and coverage, see <http://meteor.aihw.gov.au/content/index.phtml/itemId/696214>.

## Linkage method

In the JJ NMDS, each young person has a state-specific person identifier. But as the individual state and territory data sets in the JJ NMDS are not routinely linked, it is possible that an individual in 1 state or territory is also recorded in another state or territory.

For this project, data for the states and territories were linked using the AIHW's key-based linkage method, which systematically varies available variables to increase the number of true matches, and reduce the number of false matches, while allowing for missing data.

For more information on this method, see *Developing a linked data collection to report on the relationships between child protection and youth justice supervision* (AIHW 2015a).

After available data were linked, some young people had multiple sets of demographic information (date of birth, sex, and Indigenous status). A single set of demographic information for each person was selected from the most recent year of data. Where multiple sets of demographic information were available from this year, 1 set was randomly selected.

## Analysis data sets

### Cohorts

This report looks at returns to sentenced supervision (that is, those who receive an additional supervised sentence) for people who were released from sentenced supervision in the same period (release cohorts), and for people who were born in the same period (birth cohorts) (Table A1).

In all states and territories, young people are only eligible for youth justice supervision from the age of 10 (as children under the age of 10 cannot be held criminally responsible). The upper age for receiving a sentenced youth justice order is 17 in all states and territories, except Queensland, where it was 16 for the years analysed in this report.

The birth cohorts for this analysis comprised all young people in the JJ NMDS who were born from 1990–91 to 1998–99, as all their sentenced youth supervision orders would be in the JJ NMDS (which has data from 2000–01 to 2016–17).

Although it is possible for young people over the age of 17 to be supervised by youth justice departments for various reasons, to ensure comparability, returns to supervision are only

counted for the period in which all young people in most states and territories were eligible to be supervised by youth justice.

Detention data for Tasmania are only available from 2006–07, and data for the Australian Capital Territory are only available from 2008–09.

The release cohorts comprise young people in the JJ NMDS whose age made them eligible to return to youth justice supervision in 1 year. This means young people were excluded if they were aged 17 or over at the time of release.

**Table A1: Analysis cohorts**

Timeframe	Type of cohort	Years of birth	Years of supervision		Age at release
			Index sentence	Return sentences	
6 months	Release	1998–99 to 2005–06	2015–16	2015–16 to 2016–17	10–16
12 months	Release	1998–99 to 2005–06	2015–16	2015–16 to 2016–17	10–16
All possible supervision <sup>(a)</sup>	Birth	1990–91 to 1998–99	2000–01 to 2016–17	2000–01 to 2016–17	10–17

(a) Full cohort data are available for New South Wales, Victoria, Queensland, Western Australia, and South Australia. Tasmania has 3 full birth cohorts available for analysis, and the Australian Capital Territory has 1 full cohort.

## Index and return sentences

For the release cohorts, the index sentence is the first completed supervised sentence in the relevant financial year.

Where there is more than 1 possible index sentence (because multiple sentences start on the same date), the sentence that ended first is selected; if this does not result in a single index sentence, and 1 of the possible index sentences is a detention sentence, the detention sentence is selected.

If there are multiple possible index sentences, but none is a detention sentence, then a sentence is randomly selected from the set.

As the release cohorts comprise young people who were released from sentenced supervision in the same year, it is possible for individuals to appear in multiple cohorts. Additionally, the index sentence is not necessarily the young person's first-ever supervised sentence (that is, they might have had multiple supervised sentences before the index sentence for that particular timeframe).

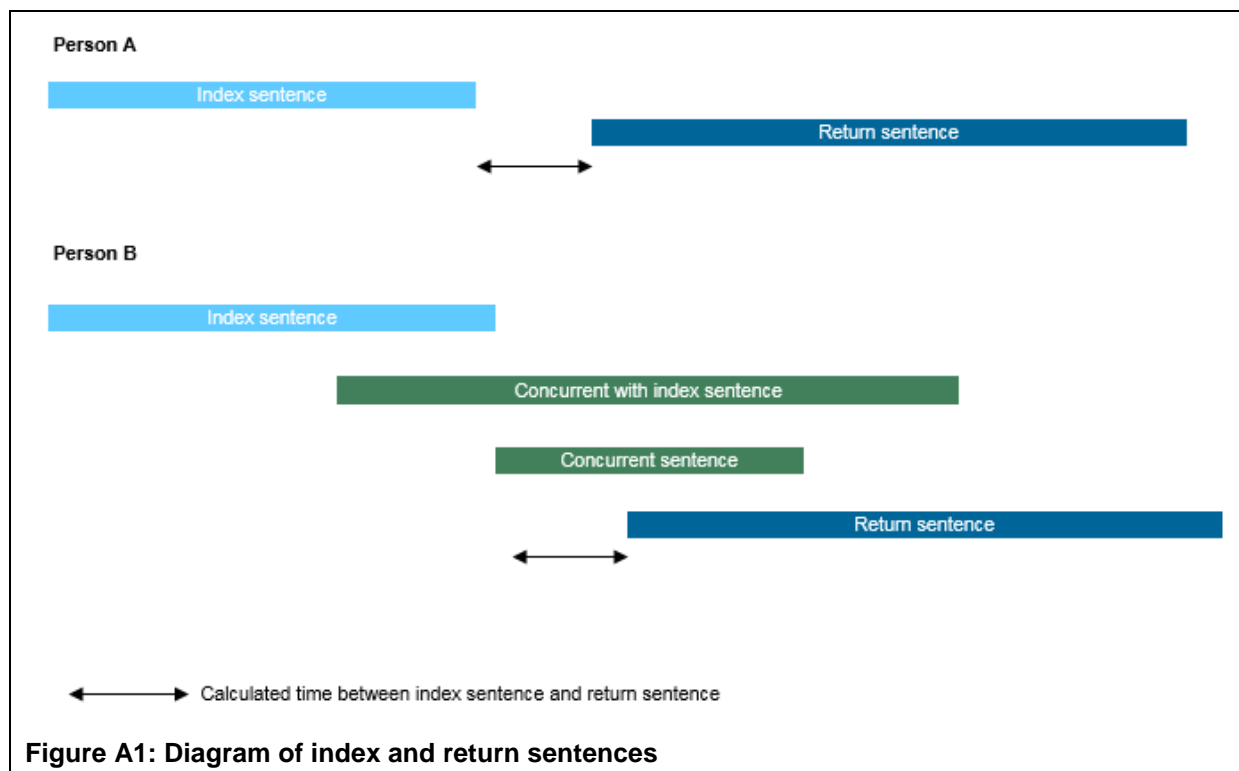
For the birth cohorts, the index sentence is the first supervised sentence that the young person received.

Where there is more than 1 possible index sentence, the sentence that ends first is selected; if this does not resolve the issue, and 1 of the possible index sentences is a detention sentence, the detention sentence is selected as the index sentence.

If there are multiple possible index sentences that end on the same date, and none is a detention sentence, then a sentence is randomly selected from the set.

Return sentences are any sentenced supervision orders with a start date after the end date of the index order. Orders that are concurrent or overlap with the index sentence are not considered a return sentence (Figure A1).





The time to return is calculated by subtracting the end date of the index order from the start date of the first return order.

Some young people who exit detention are released into community-based supervision on parole or supervised release. Any returns that occur in this period are included, unless they are explicitly excluded (see 'Exclusions').

## Number of previous supervised sentences

The count of previous supervised sentences was created by ordering the supervised sentences by start and end date. Where a supervised community-based sentence and a detention sentence share the same start and end date, the detention sentence is considered to have occurred before the community-based sentence for the purposes of counting the number of previous supervised sentences.

## Exclusions

Several exclusions apply to both release cohorts (returns within 6 and 12 months) and birth cohorts (returns at any time during possible youth justice supervision).

### Sentences where the young person was aged 18 or over

Sentences where the young person was aged 18 or over at the end of the sentence were excluded, as in most states and territories young people are typically not eligible to be supervised by the youth justice system once they have turned 18.

### Sentences that ended because the young person died

Sentences that ended because the young person died were excluded, as further reoffending is not possible.

## **Sentences overturned on review**

Sentences that were overturned on review were excluded, as these are no longer considered to relate to an offence. In the JJ NMDS, these sentences appear with an end reason indicating that the sentence was 'cancelled, discharged, quashed or varied on appeal or review'.

## **Parole or supervised release sentences**

Parole or supervised release sentences were excluded from both index and return sentences, as these sentences relate to an existing offence, not a new offence.

Where a sentence of detention is followed by a period of parole or supervised release, any return to sentenced supervision is considered a return from detention.

## **Restoration of suspended sentences**

One of the principles identified by Richards (2011) is that restorations of suspended sentences resulting from a breach of conditions should be excluded from measures of recidivism.

For this report, detention sentences that followed a suspended sentence within 1 day, where the suspended sentence ended because the sentence was revoked or cancelled for reoffending or failure to comply with conditions, were excluded from all data sets (that is, both as index and return sentences).

Where multiple detention sentences followed a suspended sentence, the detention sentence with the earliest start and end date was removed.

## **Young people whose first supervised sentence ended after 30 June in the most recent year of available JJ NMDS data (birth cohort analyses)**

This exclusion applies only to birth cohorts (used to analyse the returns at any time during possible youth justice supervision)—young people whose first supervised sentence ended after 30 June 2017 (less than 1%) were not included in the analysis of rates of return at any time during possible youth justice supervision.

## **Backdating sentenced orders**

Jurisdictions may backdate sentenced detention orders to take into account time already served by a young person while in remand awaiting their sentence. This practice is done in line with key legislation in all states and territories, which states that young people should only be kept in detention as a last resort, and for the shortest time practicable.

For data supplied for the JJ NMDS 2016–17, New South Wales, Queensland, South Australia, Tasmania, and the Australian Capital Territory backdated orders to take periods of remand into account, while Victoria and Western Australia did not. As a result, the rate of return among the states that did not backdate will appear lower than the actual return to a supervised sentence.

## **Data capture**

Data capture issues can also influence rates of return within a given research period or cohort range.

For young people involved in the youth justice system who reoffend, the seriousness of the offences they commit tends to increase over time. Serious offences lead to longer sentences handed down by courts, as well as longer adjudication periods.

Young people serving these longer sentences might appear to be less likely to return, when in fact they might have:

- aged out of the youth justice system before sentencing, and gone into an adult facility
- returned to sentenced supervision, but due to the time taken to adjudicate, the return to sentenced supervision might not be counted within the research period.

# Glossary

**community-based sentence/supervision:** A sentence that requires the young person to be supervised by a youth justice agency, within the community. This includes orders such as probation, suspended detention, parole, and supervised release.

**detention sentence:** A sentence that requires the young person to be detained in a youth justice facility.

**index sentence:** The sentence from which returns to sentenced supervision are counted.

**pseudo-recidivism:** Where offences that were committed before the index offence but adjudicated after the index offence are falsely captured as recidivist acts.

For example, offence A was committed on 1 January, and the related sentence started on 1 June and ended on 30 June. Offence B was committed on 1 February, and the related sentence started on 1 March and ended on 15 March.

If offence dates are used, offence A is correctly considered the index offence, and offence B the recidivist act. But if sentence dates are used (and the offence dates are unknown), the sentence for offence B is incorrectly considered the index order, and the sentence for offence A is considered the return order.

**return sentence:** A sentence that occurs after the **index sentence**.

**return to sentenced supervision:** When a young person returns to receive an additional supervised sentence following 1 or more previous supervised sentences.

**sentenced supervision:** Any form of sentenced youth justice supervision (community based or detention).

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# List of figures

Figure 2.1:	Young people with a supervised sentence from 2000–01 to 2016–17, by type of initial sentence .....	6
Figure 2.2:	Indigenous young people with a supervised sentence from 2000–01 to 2016–17, by type of initial sentence.....	6
Figure 2.3:	Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by sex, Indigenous status, and type of initial sentence .....	7
Figure 2.4:	Young people with more than 1 supervised sentenced from 2000–01 to 2016–17, by age at first supervised sentence and type of initial sentence .....	8
Figure 2.5:	Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by length and type of initial supervised sentence .....	9
Figure 2.6:	Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by time to first return to sentenced supervision and type of initial sentence .....	10
Figure 2.7:	Young people with 5 or more supervised sentences from 2000–01 to 2016–17, by sex, Indigenous status, and type of initial sentence .....	11
Figure 2.8:	Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by state and territory of first supervised sentence .....	12
Figure 3.1:	Young people released from sentenced supervision who returned within 6 and 12 months, by year of release and type of supervision, 2006–07 to 2015–16 .....	15
Figure 3.2:	Young people released from sentenced supervision in 2015–16 who returned within 6 and 12 months, by sex, Indigenous status, and type of supervision .....	16
Figure 3.3:	Young people released from sentenced supervision in 2015–16 who returned within 6 and 12 months, by age at release and type of initial supervision.....	17
Figure 3.4:	Young people released from sentenced supervision in 2015–16 who returned within 6 and 12 months, by number of previous supervised sentences and type of supervision .....	18
Figure 3.5:	Young people released from sentenced supervision in 2015–16 who returned within 6 and 12 months, by number of previous detention sentences and type of supervision release .....	19
Figure 3.6:	Young people released from sentenced supervision in 2015–16 who returned within 6 and 12 months, by length of index sentence and type of supervision release .....	20
Figure 3.7:	Young people released from sentenced supervision in 2015–16 who returned with a detention sentence within 12 months, by sex, Indigenous status, and type of supervision release .....	21
Figure 3.8:	Young people released from sentenced supervision in 2015–16 who returned within 12 months, by state or territory of index sentence .....	22
Figure A1:	Diagram of index and return sentences.....	25

# List of supplementary tables

## Returns to sentenced youth justice supervision at any time while aged 10–17

- Table S1: Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by sex and Indigenous status
- Table S2: Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by age at first supervised sentence
- Table S3: Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by length of first supervised sentence
- Table S4: Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by time to first return to sentenced supervision
- Table S5: Young people with 5 or more supervised sentences from 2000–01 to 2016–17, by sex and Indigenous status
- Table S6: Young people with more than 1 supervised sentence from 2000–01 to 2016–17, by state or territory of first supervised sentence

## Returns within 6 and 12 months


- Table S7: Young people released from sentenced supervision in 2015–16, and aged 10–16 at time of release, who returned within 6 and 12 months, by year of release
- Table S8: Young people released from sentenced supervision in 2015–16, and aged 10–16 at time of release, who returned within 6 and 12 months, by sex and Indigenous status
- Table S9: Young people released from sentenced supervision in 2015–16, and aged 10–16 at time of release, who returned within 6 and 12 months, by age at release from index sentence
- Table S10: Young people released from sentenced supervision in 2015–16, and aged 10–16 at time of release, who returned within 6 and 12 months, by sentenced supervision history
- Table S11: Young people released from sentenced supervision in 2015–16, and aged 10–16 at time of release, who returned within 6 and 12 months, by sentenced detention history
- Table S12: Young people released from sentenced supervision in 2015–16, and aged 10–16 at time of release, who returned within 6 and 12 months, by length of index sentence
- Table S13: Young people released from sentenced supervision in 2015–16, and aged 10–16 at time of release, who returned with a detention sentence within 6 and 12 months, by sex and Indigenous status
- Table S14: Young people released from sentenced supervision in 2015–16, and aged 10–16 at time of release, who returned within 6 and 12 months, by state or territory of index sentence

## Related publications

The following AIHW publications might also be of interest:

- AIHW 2018. Youth justice in Australia 2016–17. Cat. no. JUV 116. Canberra: AIHW.
- AIHW 2018. Overlap between youth justice supervision and alcohol and other drug treatment services 1 July 2012 to 30 June 2016. Cat. no. JUV 126. Canberra: AIHW.
- AIHW 2017. Young people in child protection and under youth justice supervision 2015–16. Data linkage series no. 23. Cat. no. CSI 25. Canberra: AIHW.
- AIHW 2017. Youth detention population in Australia 2017. Bulletin no. 143. Cat. no. AUS 220. Canberra: AIHW.
- AIHW 2015. Pathways through youth justice supervision: further analyses. Juvenile justice series no. 19. Cat. no. JUV 75. Canberra: AIHW.





Of young people aged 10–17 who were under sentenced youth justice supervision at some time from 2000–01 to 2016–17, 39% returned to supervised sentence before turning 18. Of young people aged 10–16 in 2015–16 and released from sentenced community-based supervision, 26% returned to sentenced supervision in 6 months, and 50% within 12 months. Of those released from sentenced detention, 59% returned within 6 months, and 82% within 12 months.

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