

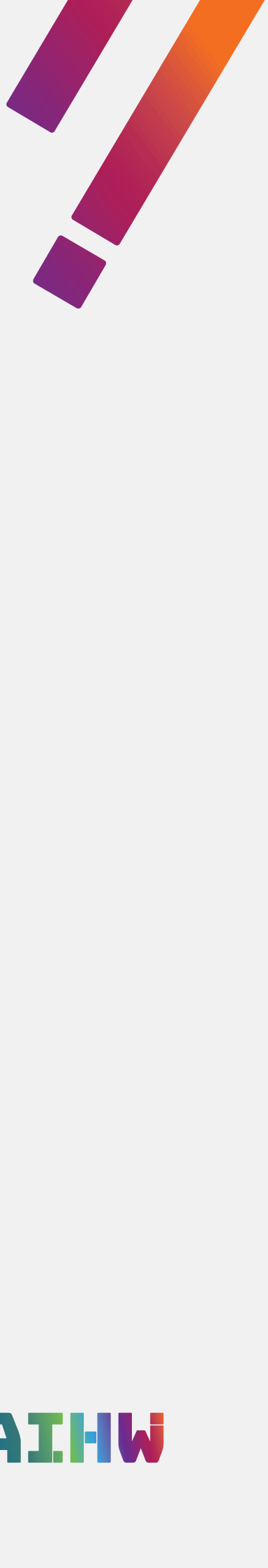


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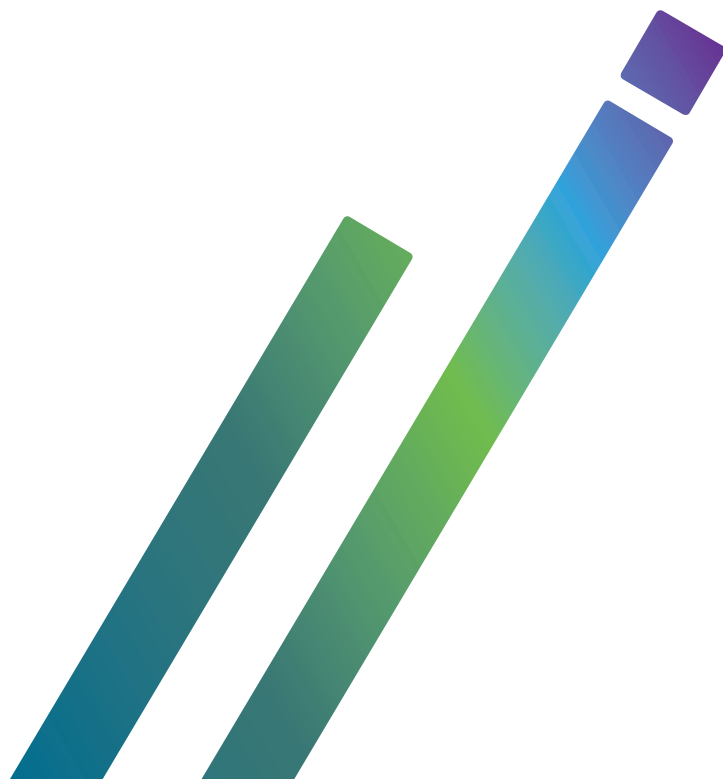
Young people returning to sentenced youth justice supervision

2018–19

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Three thick, parallel diagonal bars in the bottom left corner, colored teal, green, and blue.
AIHW

Young people returning to sentenced youth justice supervision

2018–19



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Summary

The majority of young people do not return to sentenced supervision

Of young people aged 10–17 who were under sentenced youth justice supervision at any time from 2000–01 to 2018–19 (born from 1990–91 to 2000–01), 3 in 5 (59%) served only 1 sentence and did not return to sentenced youth justice supervision.

Young people whose first sentence was detention were more likely to return to sentenced supervision (51%) than those whose first sentence was community-based (40%).

Some young people return to sentenced supervision numerous times

A minority of young people went on to receive a large number of supervised sentences before they turned 18—1 in 6 (17%) young people whose first supervised sentence was community-based, and more than 1 in 4 (27%) whose first supervised sentence was detention, received 5 or more supervised sentences between the ages of 10 and 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 1.6 times as likely as their non-Indigenous counterparts to return to sentenced supervision before the age of 18 (55% and 34%, respectively).

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 returned within 6 and 12 months.

Of young people aged 10–16 released from sentenced supervision in 2017–18 (allowing a 12-month follow-up period to 30 June 2019):

- 2,950 were released from sentenced community-based supervision, with 1,183 (40%) returning to sentenced supervision within 6 months and 1,693 (57%) returning within 12 months.
- 643 were released from sentenced detention, with 393 (61%) returning to sentenced supervision within 6 months and 516 (80%) returning within 12 months.

Over the 10 years to 2017–18, the 6 and 12 month return rates for young people released from community-based supervision has gradually increased, while the return rate for those released from detention fluctuated.

1 Introduction

In Australia, young people who have been found 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. 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. Variations in state-based legislation, policies and practices may affect comparability of data between states and territories.

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, 2015a). This report contains the following components:

- Chapter 1 introduces key concepts for this report
- Chapter 2 describes the rate of return to sentenced supervision at any time while a young person was aged 10–17, for those born from 1990–91 to 2000–01
- Chapter 3 describes the rate of return to sentenced supervision within 6 and 12 months for young people who were released in 2017–18, 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 Youth Justice National Minimum Data Set (YJ NMDS) is a longitudinal person-based data set containing information on young people under youth justice supervision.

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 YJ NMDS, data presented in this report relate only to returns to youth justice sentenced supervision, not recidivism (see page 2).

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 <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/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. Recidivism 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 YJ 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 also possible that some returns to sentenced supervision are due to a breach of a previous order, rather than a new offence. However, an 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 YJ 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. However, there are some circumstances in which young people may be supervised by the youth justice system after they have turned 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 people 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 YJ NMDS has data available from 2000–01, complete birth cohorts are available for those born in 1990–91 to 2000–01 (11 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 YJ 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. Prior to February 2018, young people in Queensland who offended while 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. However, young people who are 17 and older could return to supervision if they offended when aged 16 or younger. Due to this change in legislation, and therefore data collection, Queensland data from 2017–18 onwards may not be comparable with previous years, or other states.

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 YJ 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

Full birth cohort data was not available for all states and territories. See figure and table footnotes and the Appendix for further information about data availability and limitations.

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 text, and are calculated from unrounded percentages as presented in the supplementary data tables.

Figures contain rounded percentages.

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

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

The YJ 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 2000–01, as the YJ 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

41%

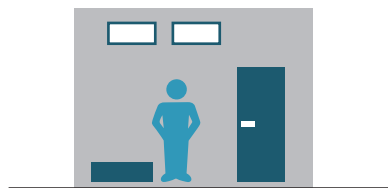
Of young people born from 1990–91 to 2000–01 who had a supervised sentence, had a subsequent return to sentenced youth justice supervision before the age of 18 (Table S1).



Of those whose first supervised sentence was **community-based**:

2 in 5 (40%) had at least 1 more supervised sentence before age 18.

13% returned to sentenced supervision within 3 months.



Of those whose first supervised sentence was **detention**:

1 in 2 (51%) had at least 1 more supervised sentence before age 18.

24% returned to sentenced supervision within 3 months.

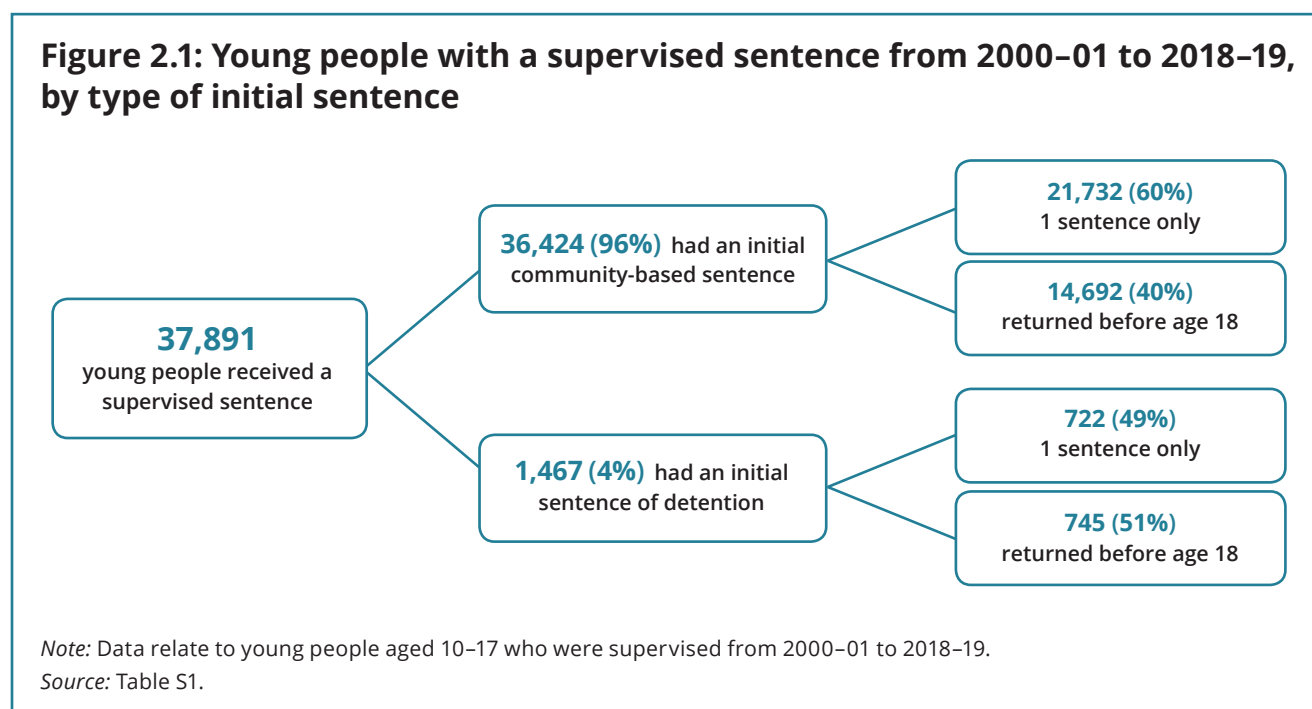
Source: Tables S1 and S4.

2.1 Demographics

The majority of young people who received a supervised sentence never returned to sentenced youth justice supervision. Of the 37,891 young people under sentenced supervision from 2000–01 to 2018–19 and born between 1990–91 and 2000–01, 22,454 (59%) received only 1 supervised sentence before the age of 18 (Table S1).

Most (36,424 or 96%) young people's first supervised sentence was community-based. Of these, 60% did not receive any additional sentences, while 40% received at least one additional supervised sentence prior to the age of 18.

Of the young people whose first supervised sentence was detention (1,467 or 4%), half (51%) returned to sentenced supervision before the age of 18 (Figure 2.1).



Age

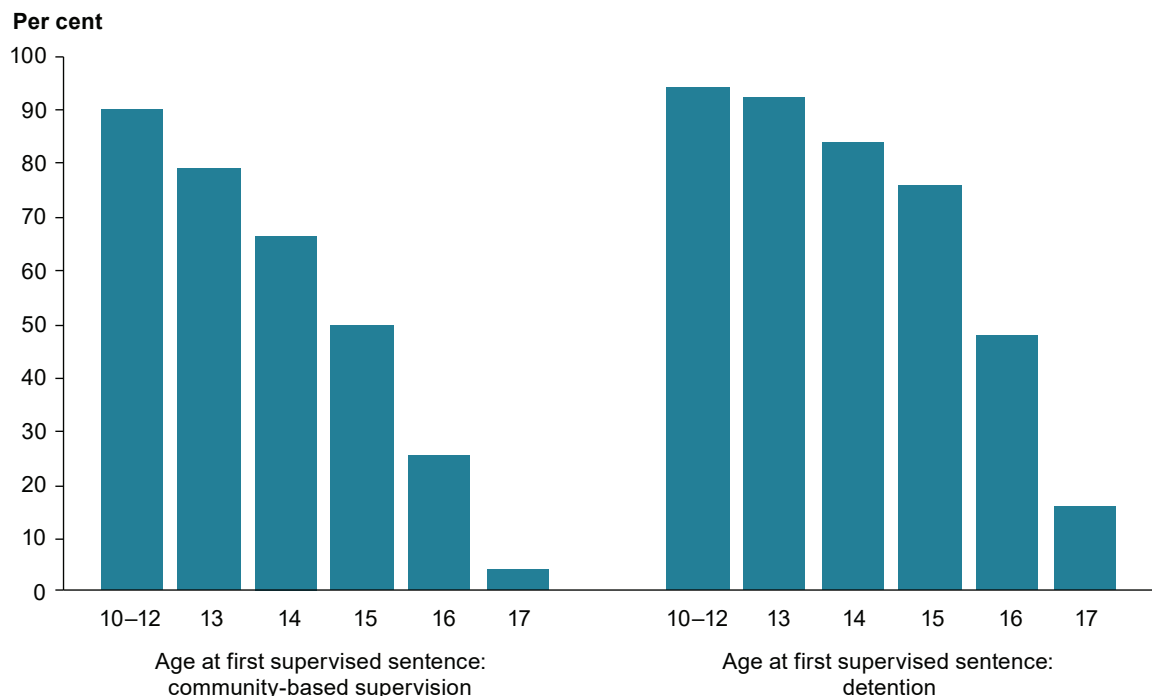
The younger a person was at the start of their first supervised sentence, the more likely they were to return to sentenced supervision at some time before the age of 18 (Figure 2.2). It is important to note that younger age groups have more time to return to youth justice supervision, while older age groups may turn 18 before returning to the justice system and therefore would not be captured in this analysis.

Of the 36,424 young people whose first supervised sentence was community-based, 90% (or 1,388 of 1,542) 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:

- 79% (2,319 of 2,935) of those aged 13
- 67% (3,995 of 5,998) of those aged 14
- 50% (4,213 of 8,480) of those aged 15
- 26% (2,450 of 9,528) of those aged 16
- 4% (327 of 7,941) of those aged 17.

The pattern was similar for those whose first supervised sentence was detention. In the 10–12 age group, 94% (or 16 of 17) of young people returned to sentenced supervision, compared to 76% (225 of 296) of those aged 15 and 16% (or 74 of 460) of those aged 17 (Table S2).

Figure 2.2: Young people with more than 1 supervised sentence from 2000–01 to 2018–19, by age at first supervised sentence and type of initial sentence



Notes

1. Data relate to young people aged 10–17 who were supervised from 2000–01 to 2018–19.
2. The return rate for young people aged 10–12 at their first supervised sentence of detention should be interpreted with caution, due to the small number of young people in this age group.

Source: Table S2.

Sex

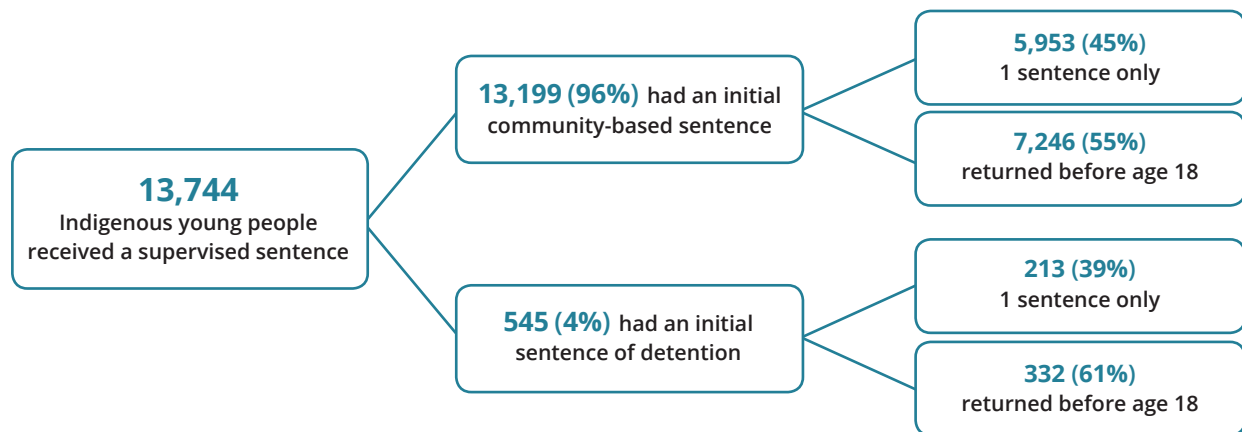
Of all young people who received a sentence, males were more likely than females to receive at least 1 additional supervised sentence (42%, or 12,761 of 30,176 compared with 35%, or 2,669 of 7,694). This pattern was similar for those whose first sentence was community-based, with 42% (or 12,087 of 28,845) of males and 34% (or 2,598 of 7,558) of females returning to sentenced youth justice supervision. Males and females had a similar rate of return when their initial supervised sentence was detention (51%, or 674 of 1,331 compared with 52%, or 71 of 136) (Table S1).

Indigenous young people

Of the 37,891 young people who received a sentence, 13,744 (36%) were Aboriginal and Torres Strait Islander. Similar to the total youth justice population, the first sentence for most Indigenous young people was community-based (96%, or 13,199) (Figure 2.3).

Indigenous young people who received an initial community-based sentence were 1.6 times as likely as non-Indigenous young people to return to sentenced supervision before the age of 18 (rate ratios are calculated from unrounded percentages as presented in the supplementary data tables). Of the Indigenous young people who received an initial sentence of detention, 61% (or 332 of 545) received at least one more sentence before turning 18.

Figure 2.3: Indigenous young people with a supervised sentence from 2000–01 to 2018–19, by type of initial sentence



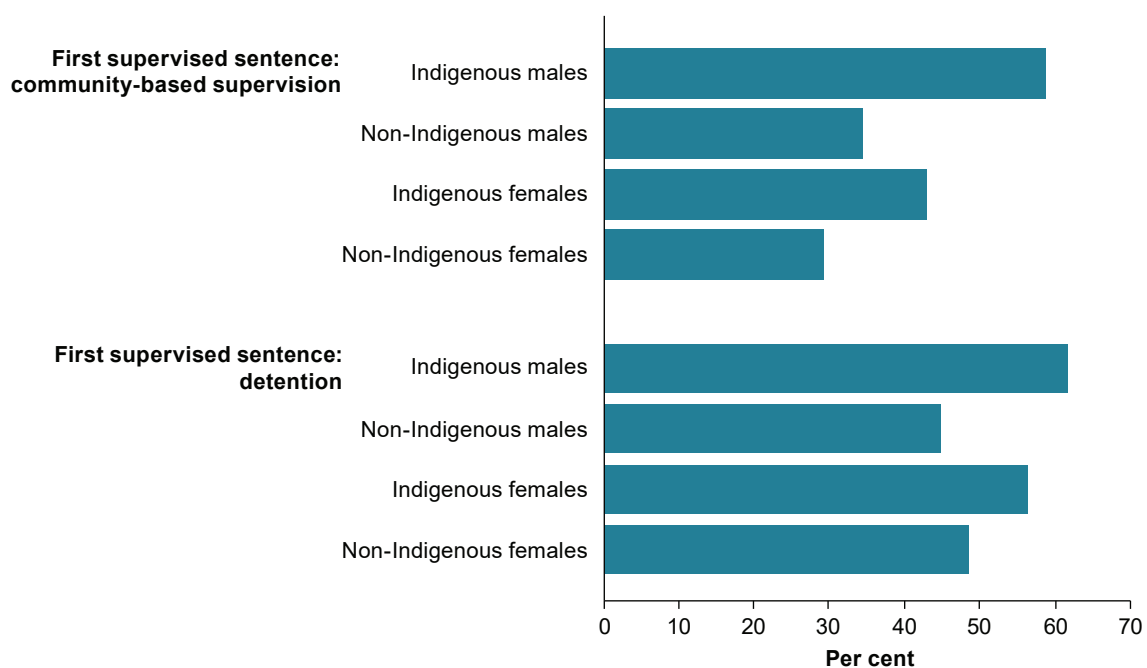
Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2018–19.

Source: Table S1.

Among those whose first sentence was community-based, 59% (or 5,846 of 9,940) of Indigenous males and 43% (or 1,395 of 3,250) of Indigenous females had more than 1 supervised sentence before the age of 18 (Figure 2.4). Similarly, of those who received an initial sentence of detention, males were more likely to return to sentenced supervision than females (62%, or 296 of 481 compared with 56%, or 36 of 64).

Indigenous young males and females, whose first sentence was either community-based or detention, were more likely to receive more than 1 supervised sentence compared to non-Indigenous young people (Figure 2.4). On average, Indigenous young people under supervision are younger than their non-Indigenous counterparts, therefore age may be a confounding factor (AIHW 2019).

Figure 2.4: Young people with more than 1 supervised sentence from 2000–01 to 2018–19, by sex, Indigenous status, and type of initial sentence



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2018–19.

Source: Table S1.

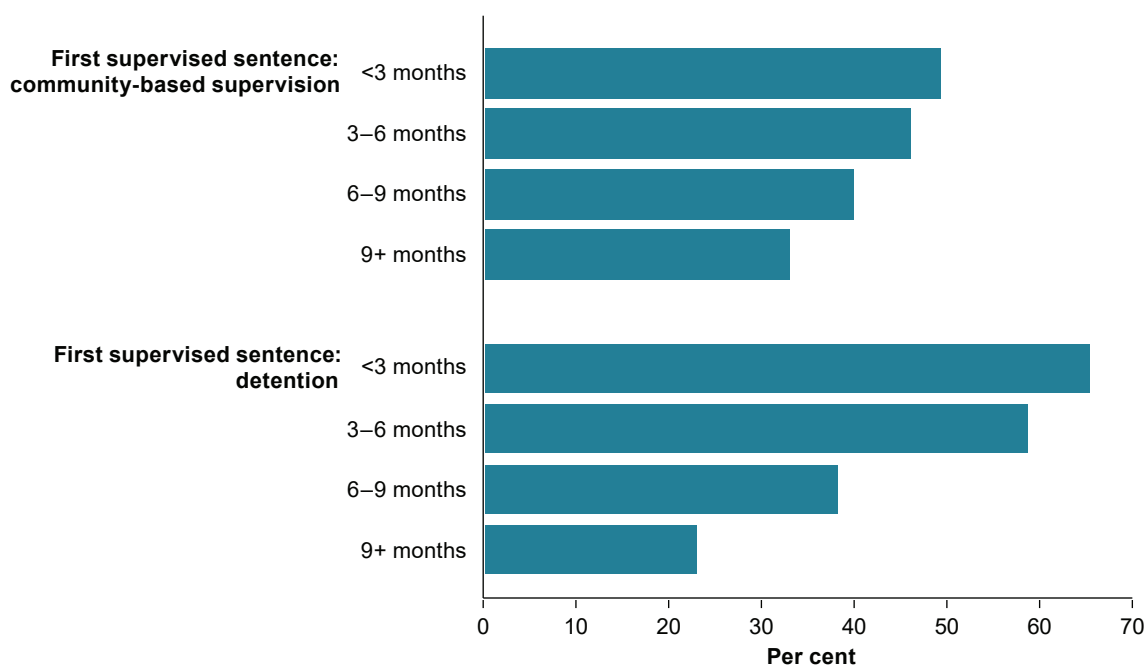
2.2 Length of first supervised sentence

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 (49%, or 2,062 of 4,187) of those whose sentence lasted less than 3 months returned to sentenced supervision, compared with 33% (or 4,099 of 12,463) of those whose initial sentence was longer than 9 months.

This difference was more pronounced for detention, with nearly two-thirds (65%, or 397 of 608) of young people returning to sentenced supervision if their initial sentence was less than 3 months, compared with 23% (or 78 of 340) of those whose initial sentence was longer than 9 months.

Figure 2.5: Young people with more than 1 supervised sentence from 2000–01 to 2018–19, by length and type of initial supervised sentence



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2018–19.

Source: Table S3.

The relationship between sentence length and returning to sentenced supervision may 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 may 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. As a result of this continuation of supervision within the community, there may be a reduced likelihood of subsequent offending and returning to sentenced supervision.
- Longer community-based sentences may also result in more time spent on rehabilitative programs, thus reducing the likelihood of returning to sentenced supervision.
- Young people serving longer sentences have less time available to return to youth justice supervision prior to turning 18. Consequently, age may be a confounding factor.

2.3 Time to return

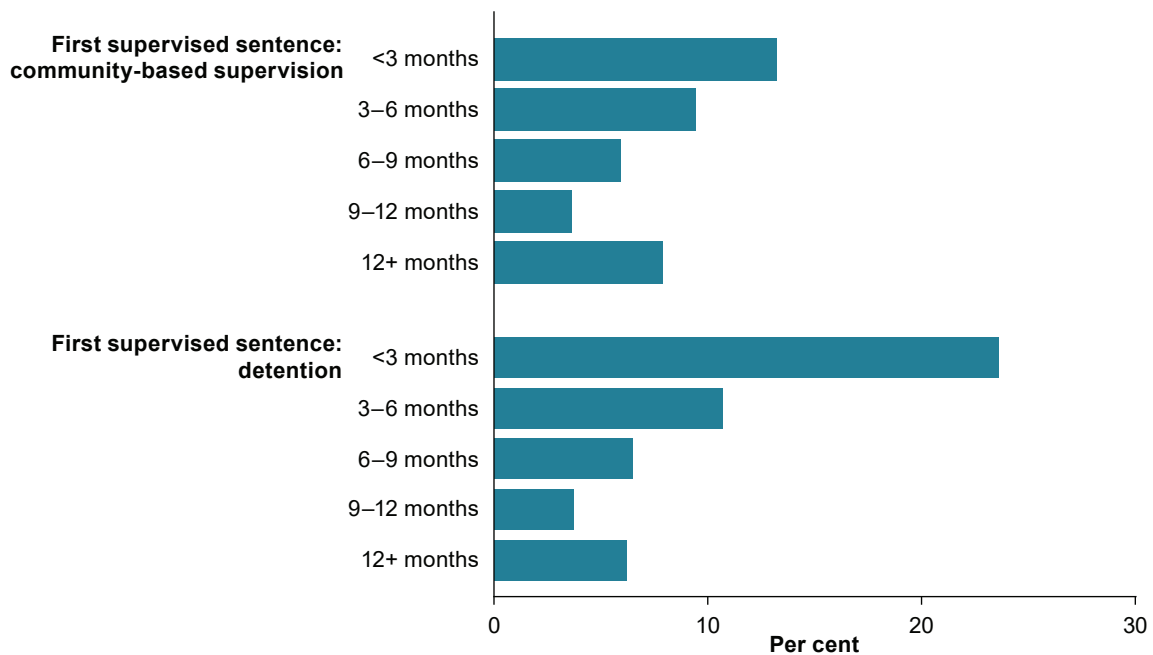
Young people who returned to sentenced supervision were likely to return within a relatively short time (Figure 2.6). Of the 36,424 young people whose first sentenced supervision was community-based:

- 40% returned in total
 - 13% (4,827) returned within 3 months
 - 9% (3,441) returned within 3–6 months
 - 6% (2,182) returned within 6–9 months
 - 4% (1,353) returned within 9–12 months
 - 8% (2,889) returned after 12 months
- 60% did not return at all.

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 the 1,467 young people whose first sentence was detention:

- 51% returned in total (due to rounding, the proportions of returns presented below do not sum to the total proportion of returns)
 - 24% (346) returned within 3 months
 - 11% (157) returned within 3–6 months
 - 7% (96) returned within 6–9 months
 - 4% (55) returned within 9–12 months
 - 6% (91) returned after 12 months
- 49% did not return at all.

Figure 2.6: Young people with more than 1 supervised sentence from 2000–01 to 2018–19, by time to first return to sentenced supervision and type of initial sentence



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2018–19.
Source: Table S4.

2.4 Total number of supervised sentences

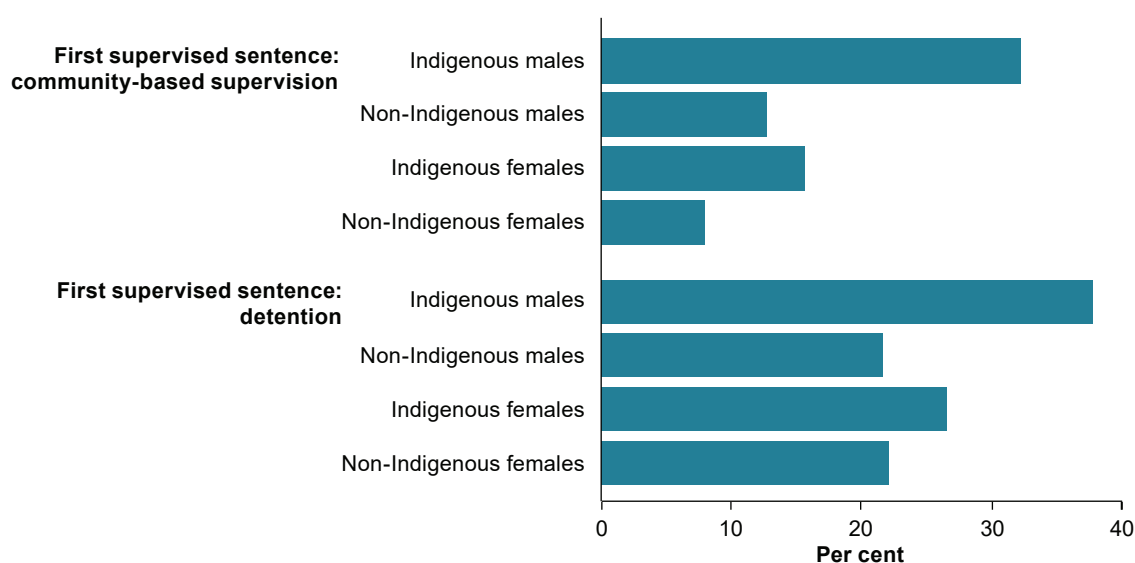
A number of those who entered sentenced supervision went on to receive 5 or more sentences before the age of 18 (Table S5).

About one-quarter (27%, or 396 of 1,467) of those whose first supervised sentence was detention returned and received 5 or more supervised sentences, compared with 17% (or 6,323 of 36,424) of those whose first supervised sentence was community-based.

Indigenous males were more likely than Indigenous females to receive 5 or more supervised sentences when their initial sentence was either community-based (32%, or 3,203 of 9,940 compared with 16%, or 509 of 3,250) or detention (38%, or 181 of 481 and 27%, or 17 of 64) (Figure 2.7).

Indigenous young people were 2.4 times as likely as non-Indigenous young people to receive 5 or more supervised sentences when their initial sentence was community-based and 1.7 times as likely following an initial sentence of detention.

Figure 2.7: Young people with 5 or more supervised sentences from 2000–01 to 2018–19, by sex, Indigenous status, and type of initial sentence



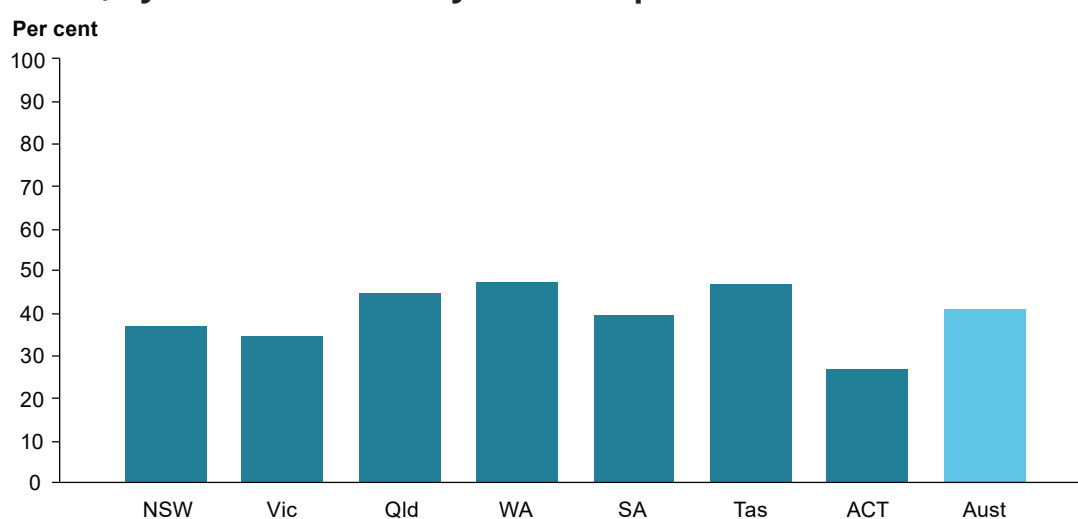
Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2018–19.

Source: Table S5.

2.5 States and territories

The proportion of young people with more than 1 supervised sentence ranged from one-quarter (27%) in the Australian Capital Territory to almost half (47%) in both Western Australia and Tasmania. Note, data for the Northern Territory are only available from 2012–13. Therefore, the Northern Territory are not included in this analysis as no full birth cohorts are available for reporting (see Appendix) (Figure 2.8).

Figure 2.8: Young people with more than 1 supervised sentence from 2000–01 to 2018–19, by state and territory of first supervised sentence



Notes

1. Full cohort data are available for New South Wales, Victoria, Queensland, Western Australia, and South Australia. Tasmania has 5 full birth cohorts available for analysis, and the Australian Capital Territory has 3 full cohorts. Birth cohort data are unavailable for analysis for the Northern Territory.
2. Data relate to young people aged 10–17 who were supervised from 2000–01 to 2018–19.
3. Due to the small numbers reported in some states and territories, comparisons should be made with caution.
4. Variations in state-based legislation, policies and practices may affect the comparability of data between states and territories.

Source: Table S6.

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 2017–18 (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 2015a). The rate of return is calculated as 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.

It should be noted that in 2018–19, more than one-third (37%) of cases heard in children's courts where the defendant was found guilty took longer than 3 months to be finalised, and 1 in 7 (15%) took more than 6 months (ABS 2020).

Key findings

For young people aged 10–16 who were released in 2017–18:



Of those released from a **community-based** supervised sentence:

40% returned to sentenced supervision within 6 months

Returned within



57% returned to sentenced supervision within 12 months

Returned within



Of those released from a supervised **detention** sentence:

61% returned to sentenced supervision within 6 months

80% returned to sentenced supervision within 12 months

Source: Table S7.

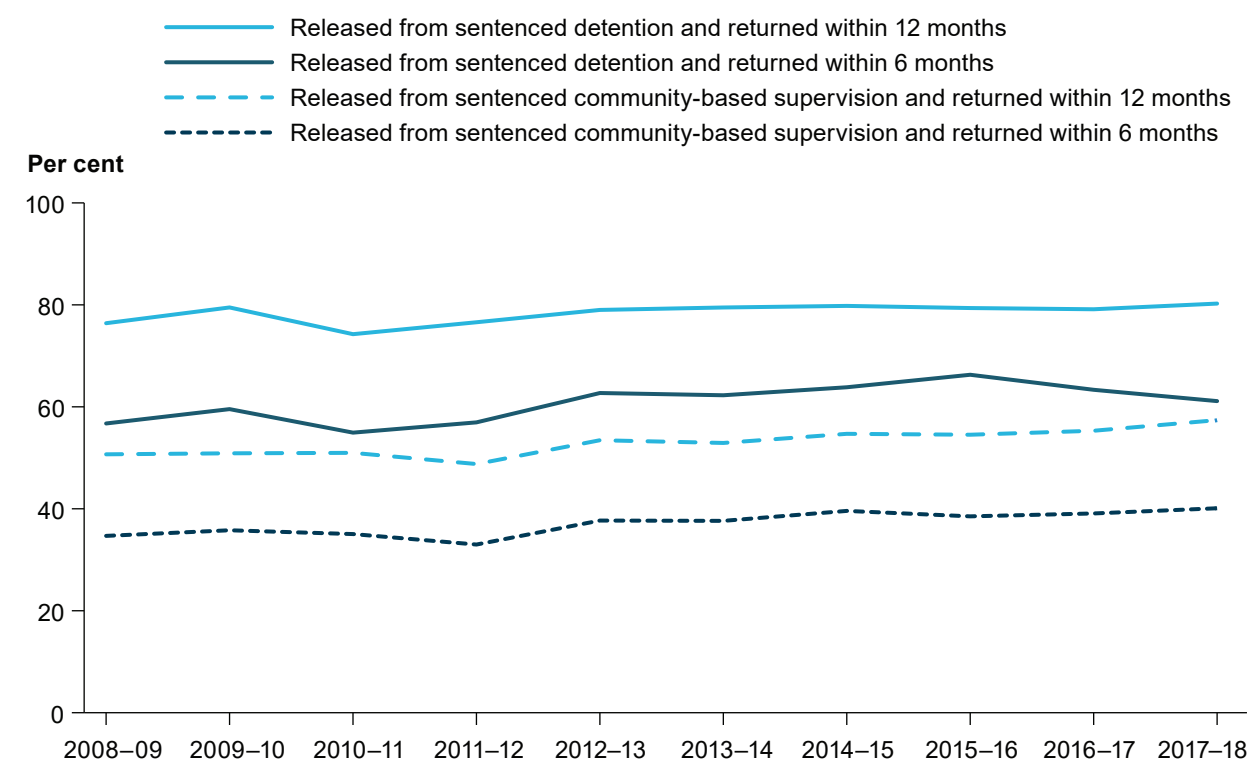
3.1 Trends

Of the 2,950 young people aged 10–16 who were released from a community-based supervised sentence in 2017–18, 1,183 (40%) returned to sentenced supervision within 6 months. This rate has gradually increased over the 10 years from 2008–09, ranging from 33% in 2011–12 to 40% in 2017–18. The rate of return within 12 months showed a similar pattern, ranging from 49% in 2011–12 to 57% in 2017–18 (Figure 3.1).

Young people released from sentenced detention were more likely to return to sentenced supervision within 6 months than those released from sentenced community-based supervision, with the rate of return ranging from 55% to 66% over the 10 years from 2008–09. The rate of return from sentenced detention within 12 months ranged from 74% to 80% over the same 10-year period.

Of the 643 young people aged 10–16 who were released from sentenced detention in 2017–18, 393 (61%) had returned to sentenced supervision within 6 months, and 516 (80%) young people had returned to sentenced supervision within 12 months.

Figure 3.1: Young people released from sentenced supervision who returned within 6 and 12 months, by year of release and type of supervision, 2008–09 to 2017–18



Notes

1. The 12-month return rate includes the 6-month return rate.
2. Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.

Source: Table S7.

3.2 Demographics

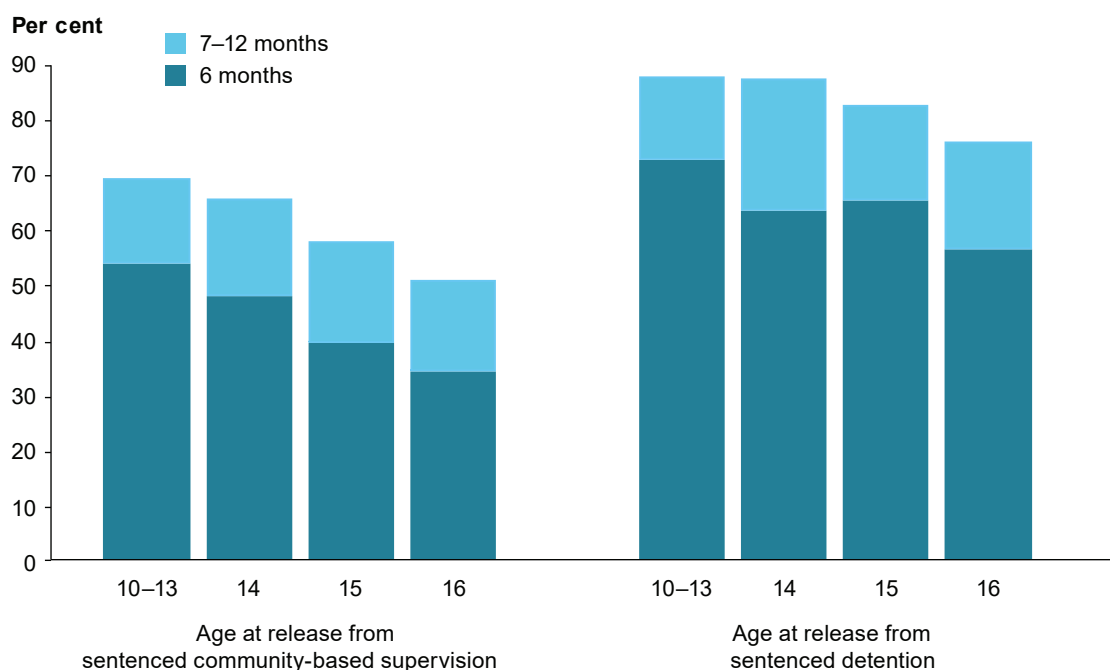
Age

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 3.2).

Within 12 months, 69% (or 182 of 263) of those aged 10–13 when released from sentenced community-based supervision had returned to sentenced supervision, compared with 51% (or 622 of 1,219) 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 (88%, or 35 of 40), followed by those aged 14 (87%, or 81 of 93).

Figure 3.2: Young people released from sentenced supervision in 2017–18 who returned within 6 and 12 months, by age at release and type of initial supervision



Note: Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.

Source: Table S9.

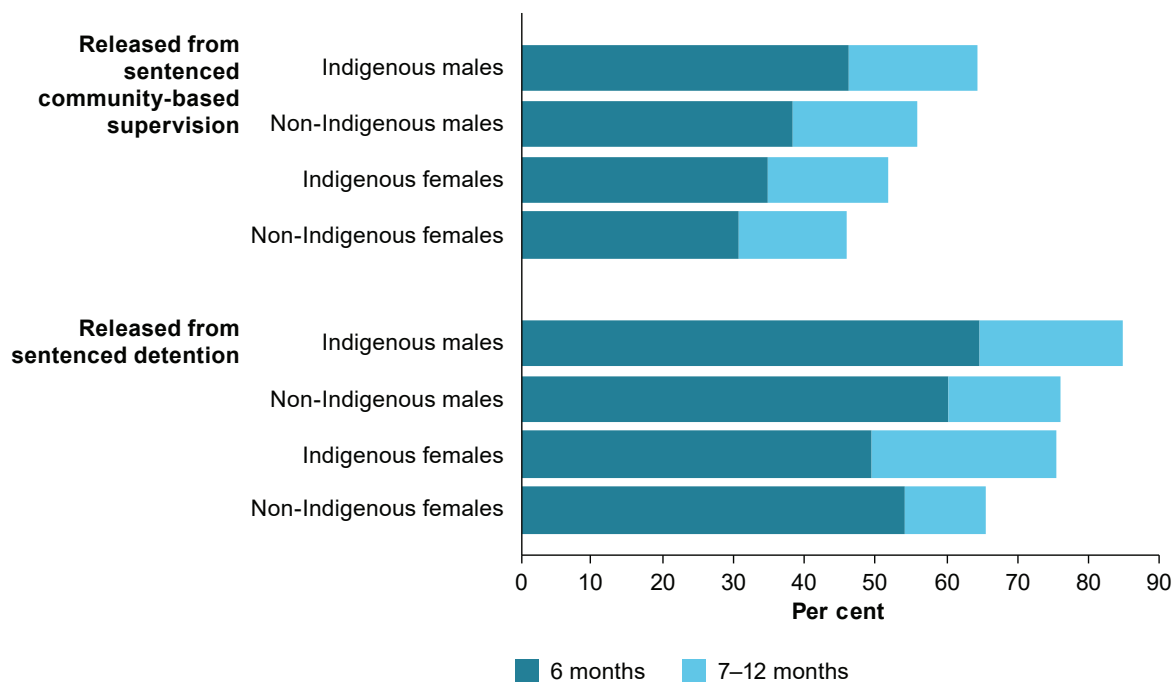
Sex

Young males released from sentenced community-based supervision were more likely to return to sentenced supervision than young females within 6 months (42%, or 959 of 2,260 compared with 32%, or 224 of 690) and 12 months (60%, or 1,359 of 2,260 compared with 48%, or 334 of 690) (Table S8). This pattern was similar for young people who were released from detention, with males more likely to return to sentenced supervision than females within 6 months (63%, or 345 of 548 compared with 51%, or 48 of 95) and 12 months (82%, or 447 of 548 compared with 73%, or 69 of 95) of release.

Indigenous young people

Of Indigenous young people released from community-based supervision (1,641), 1,263 were male and 378 were female. Males were more likely than females to return within 6 months (46%, or 583 compared with 35%, or 131) and 12 months (64%, or 812 compared with 52%, or 195). For those released from sentenced detention (males 358 and females 69), males were also more likely than females to return to sentenced supervision within 6 months (65%, or 231 compared with 49%, or 34) and 12 months (85%, or 303 compared with 75%, or 52) (Figure 3.3).

Figure 3.3: Young people released from sentenced supervision in 2017–18 who returned within 6 and 12 months, by sex, Indigenous status, and type of supervision



Notes

1. Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. The return rate for non-Indigenous females released from sentenced detention should be interpreted with caution due to a small denominator.

Source: Table S8.

Indigenous young people released from community-based supervision were more likely to return to sentenced supervision than their non-Indigenous counterparts within 6 months (44%, or 714 of 1,641 compared with 36%, or 465 of 1,276) and 12 months (61%, or 1,007 of 1,641 compared with 53%, or 680 of 1,276). Indigenous young people were also more likely to return within 12 months following release from sentenced detention (83%, or 355 of 427 compared with 75% 161 of 216) but there was a similar proportion for Indigenous and non-Indigenous young people returning within 6 months (62%, or 265 of 427 and 59%, or 128 of 216 respectively) (Table S8).

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 2007; Payne & Weatherburn 2015; Stewart et al 2007). However, because offences are not captured in the YJ 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.

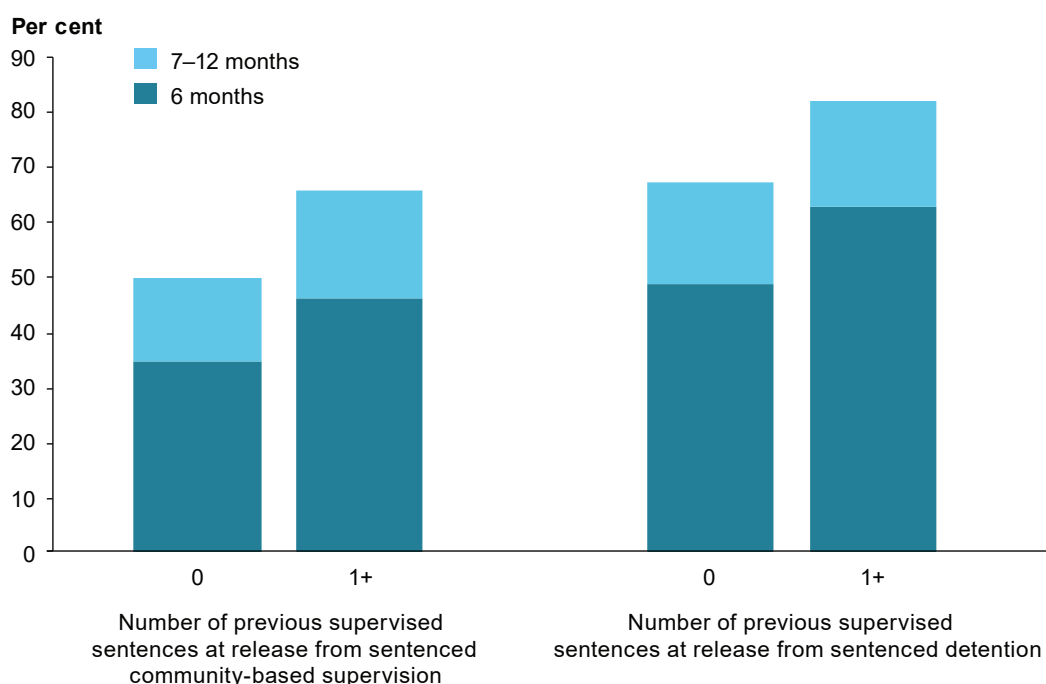
Of young people released from sentenced community-based supervision in 2017–18 (2,950), 53% had no previous sentence.

When comparing the return rates of those with 1 or more previous supervised sentences and those with no previous supervised sentences, those with one or more were more likely to return within 12 months (66%, or 918 of 1,397) than those with no previous supervised sentences (50%, or 775 of 1,553). The rate of returns within 6 months followed a similar pattern, with young people with no previous supervised sentence being less likely to return within 6 months (35%, or 541 of 1,553 compared with 46%, or 642 of 1,397) (Figure 3.4).

Most young people released from sentenced detention (89%, or 573 of 643) had previous supervised sentences and 70, or 11%, had no previous supervised sentences.

Young people released from sentenced detention were more likely to return within 12 months if they had previously been sentenced to supervision than those who had not (82%, or 469 of 573 compared with 67%, 47 of 70). This was similar for returns within 6 months, with young people who had received more than 1 supervised sentence more likely to return within 6 months than those who had no previous sentences (63%, or 359 of 573 compared with 49%, or 34 of 70).

Figure 3.4: Young people released from sentenced supervision in 2017–18 who returned within 6 and 12 months, by number of previous supervised sentences and type of supervision



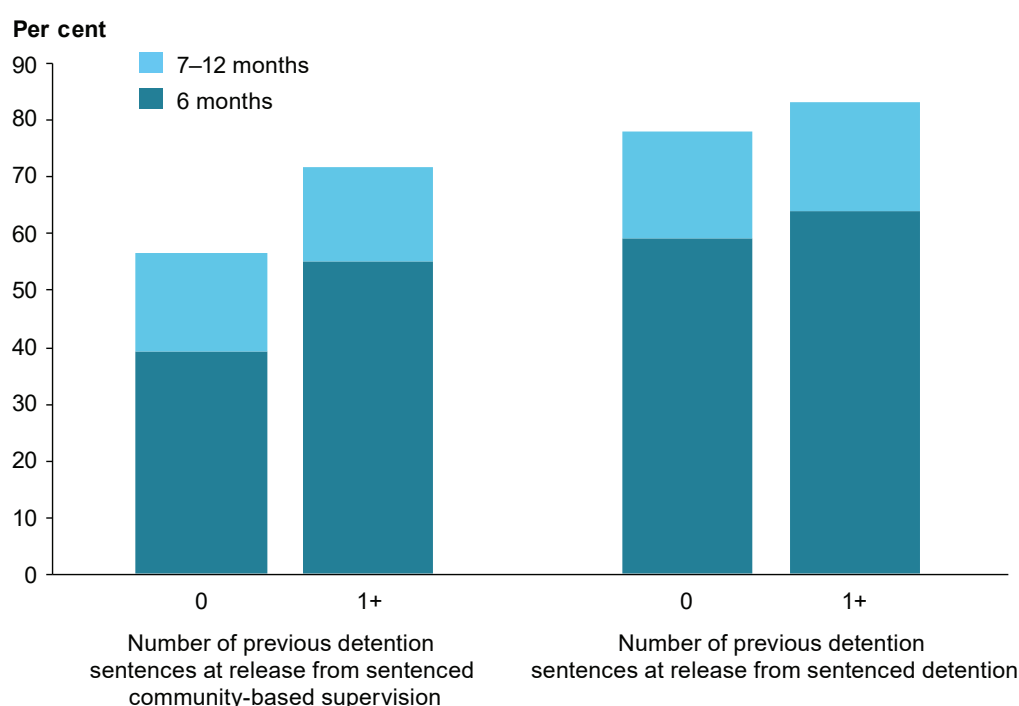
Note: Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.

Source: Table S10.

Of the 2,950 young people released from sentenced community-based supervision in 2017–18, 2,779 had no previous detention sentences and 171 had one or more. 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 (55% and 39%, respectively) and 12 months (71% and 57%, respectively) (Figure 3.5).

Of young people released from sentenced detention (643), 47% had one or more previous sentences of detention. Those with no previous detention sentence were less likely than those who had a previous detention sentence to return, both within 6 months (59% compared with 64%) and 12 months (78% compared with 83%).

Figure 3.5: Young people released from sentenced supervision in 2017–18 who returned within 6 and 12 months, by number of previous detention sentences and type of supervision release



Note: Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.

Source: Table S11.

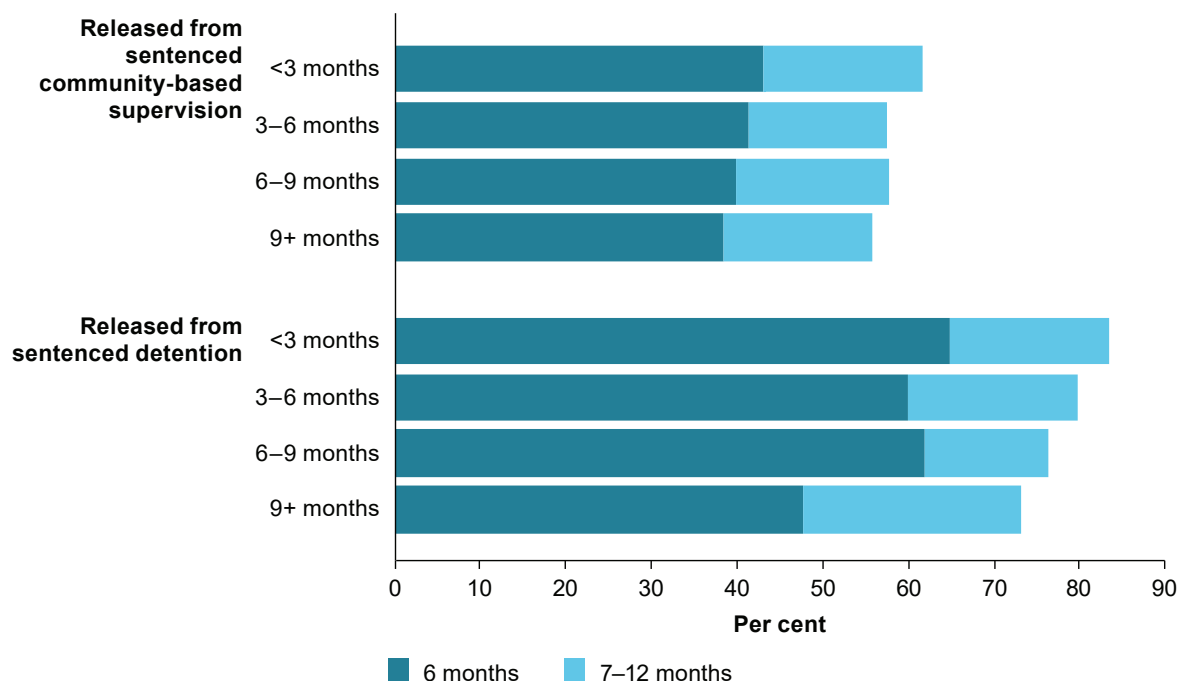
3.4 Length of index sentence

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).

Three in five (62%, or 214 of 374) of those released from community-based sentences that lasted less than 3 months returned to sentenced supervision within 12 months. The lowest return rate was for those released from sentenced community-based supervision of 9 months or more (56%, or 518 of 931).

Young people released from a sentence of detention lasting less than 3 months were more likely to return within 12 months than those whose sentence lasted 9 months or more (83%, or 239 of 287 compared with 73%, or 46 of 63).

Figure 3.6: Young people released from sentenced supervision in 2017–18 who returned within 6 and 12 months, by length of index sentence and type of supervision release



Note: Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.

Source: Table S12.

3.5 Returns with a sentence of detention

Young people who were released from sentenced detention were more likely than those released from community-based supervision to return with a detention sentence. The likelihood of returning with a detention sentence varied by sex and Indigenous status (Figure 3.7).

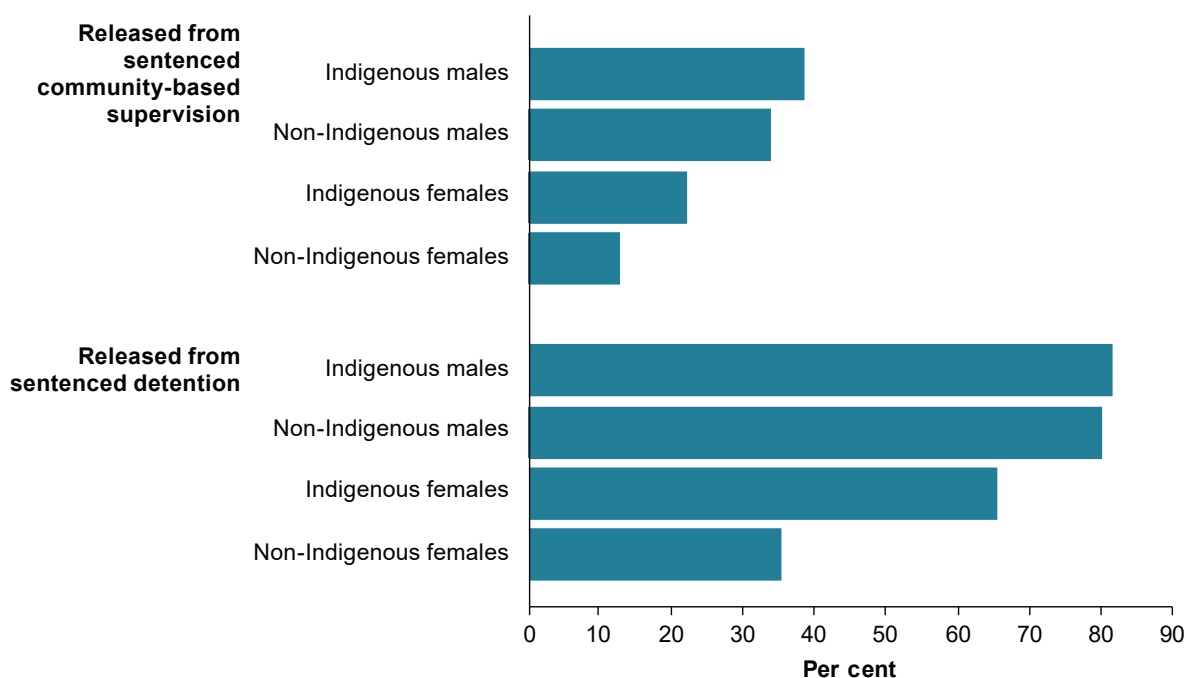
Of the 516 young people who were released from a sentence of detention and had returned to supervision within 12 months, more than three-quarters (78%, or 402) returned with a detention sentence. Of these, males were more likely to return with a detention sentence than females (81%, or 362 of 447, compared with 58%, 40 of 69).

One-third (33%) of the 1,693 young people who were released from sentenced community-based supervision and had returned to supervision within 12 months had returned with a sentence of detention. Males were more likely than females to return with a detention sentence within 12 months (37%, or 496 of 1,359, compared with 18%, or 61 of 334).

Indigenous young people were only slightly more likely than non-Indigenous young people to return with a detention sentence within 12 months after either an initial sentence of community-based supervision (35%, compared with 30%) or detention (79% compared with 75%).

Similar to non-Indigenous young people, Indigenous males were more likely to return with a detention sentence within 12 months following release from either community-based supervision or detention (Figure 3.7). However, due to the very small population in sentenced detention, especially for non-Indigenous females, these numbers should be interpreted with caution.

Figure 3.7: Young people released from sentenced supervision in 2017–18 who returned with a detention sentence within 12 months, by sex, Indigenous status, and type of supervision release



Notes

1. Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. The return rate for non-Indigenous females released from sentenced detention should be interpreted with caution, due to a small denominator.

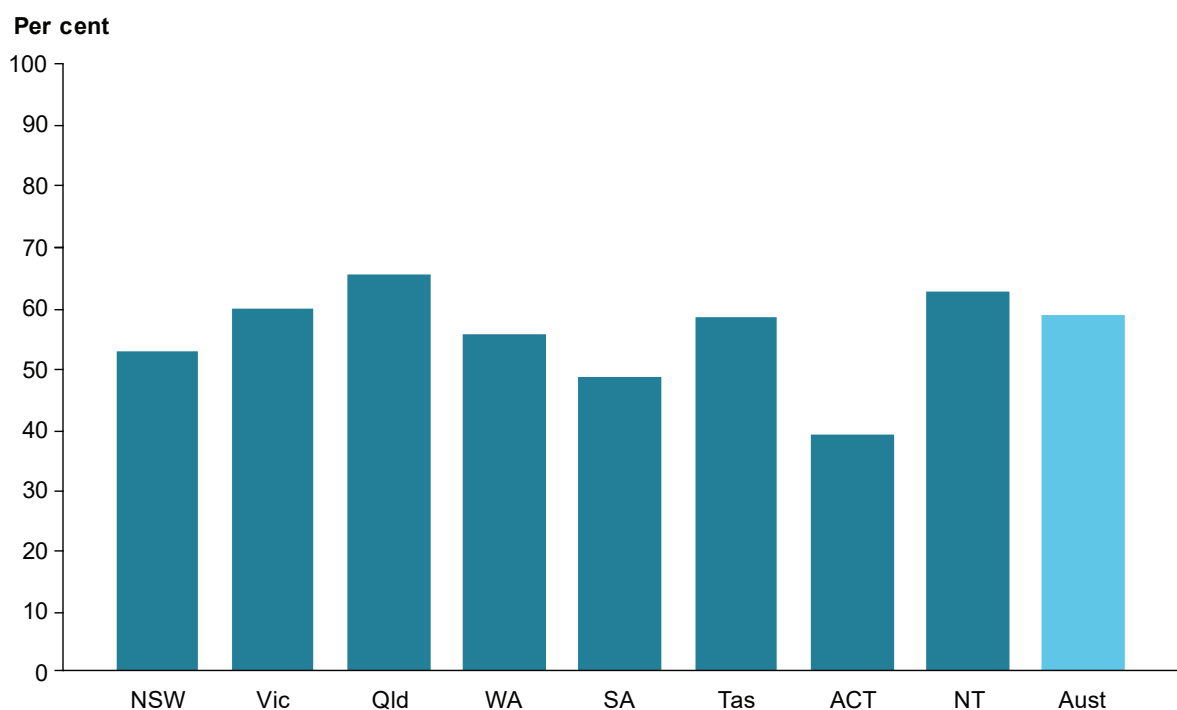
Source: Table S13.

3.6 States and territories

The proportion of young people released from sentenced supervision in 2017–18 who returned within 12 months varied from 39% in the Australian Capital Territory to 63% in the Northern Territory and 66% in Queensland (Figure 3.8).

The numbers of young people in each state and territory were too small to reliably break down further into the type of sentence (community-based or detention) from which the young person was released.

Figure 3.8: Young people released from sentenced supervision in 2017–18 who returned within 12 months, by state or territory of index sentence



Notes

1. See the Appendix for details of data and methods.
2. The upper age range for treatment under the youth justice system was 16 in Queensland until new legislation was enacted in February 2018 to raise it to 17. For this reason, Queensland data may not be comparable with previous years, or other states.
3. Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up.
4. Due to the small numbers reported in some states and territories, comparisons should be made with caution.
5. Variations in state-based legislation, policies and practices may affect the comparability of data between states and territories.

Source: Table S14.

Appendix: Data and methods

Data sources

The data used in this project come from the Youth Justice National Minimum Data Set (YJ 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, YJ NMDS data for most states and territories were available from 2000–01 to 2018–19.

For more information on YJ NMDS data quality and coverage, see the [YJ NMDS Data Quality Statement](#).

Linkage method

In the YJ NMDS, each young person has a state-specific person identifier. But as the individual state and territory data sets in the YJ NMDS are not routinely linked, it is possible that an individual in one 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 further information on this method, see [Developing a linked data collection to report on the relationships between child protection and youth justice supervision](#) (AIHW 2015b).

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, one 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. The upper age in Queensland was increased from 16 to 17 after legislation was passed in November 2016, and enacted in February 2018.

The birth cohorts for this analysis comprised all young people in the YJ NMDS who were born from 1990–91 to 2000–01, as these people would have all their sentenced youth supervision orders in the YJ NMDS (which has data from 2000–01 to 2018–19).

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.

YJ NMDS data for Tasmania are only available from 2006–07, for the Australian Capital Territory from 2008–09 and for the Northern Territory from 2012–13.

The release cohorts comprise young people in the YJ NMDS whose age made them eligible to return to youth justice supervision in one 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	2000–01 to 2007–08	2017–18	2017–18 to 2018–19	10–16
12 months	Release	2000–01 to 2007–08	2017–18	2017–18 to 2018–19	10–16
All possible supervision ^(a)	Birth	1990–91 to 2000–01	2000–01 to 2018–19	2000–01 to 2018–19	10–17

(a) Full cohort data are available for New South Wales, Victoria, Queensland, Western Australia, and South Australia. Tasmania has 5 full birth cohorts available for analysis, and the Australian Capital Territory has 3 full cohorts. Birth cohort data are unavailable for analysis for the Northern Territory.

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 one 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 one 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.

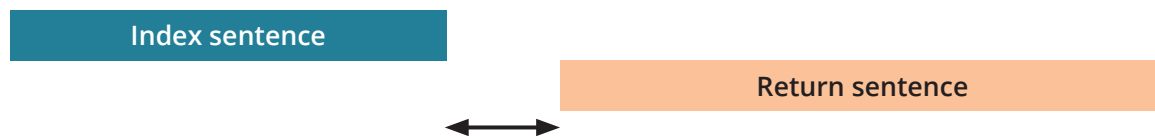
Where there is more than one possible index sentence, the sentence that ends first is selected; if this does not resolve the issue, and one of the possible index sentences is a detention sentence, the detention sentence is selected as the index sentence.

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.

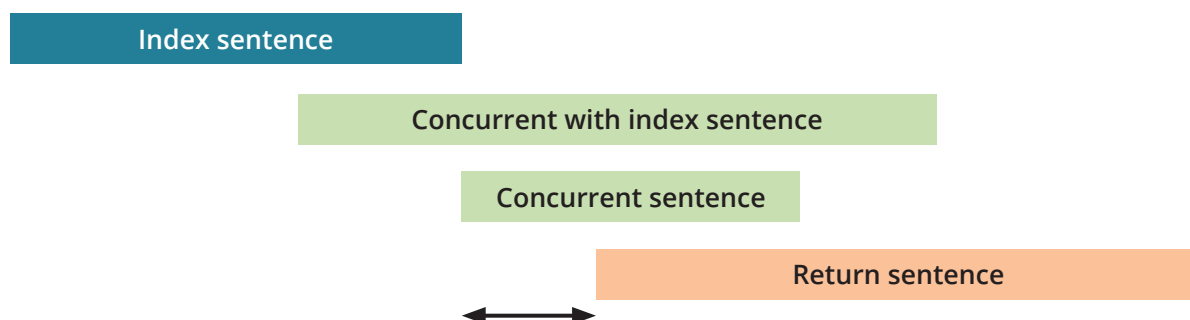
Return sentences are any sentenced supervision orders with a start date after the end date of the index order. Orders that are concurrent with the index sentence, including those that begin on the same day the index sentence ends, are not considered a return sentence (Figure A1).

Figure A1: Diagram of index and return sentences

Person A



Person B



←→ Calculated time between index sentence and return sentence

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

In 2018–19, the method for calculating time to return was amended for the current year and the historical data. This has resulted in an increase in the reported number of young people returning to sentenced supervision within 6 and 12 months for all states and territories. Therefore, data are not comparable to earlier editions of this report.

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 otherwise stated (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

The following exclusions apply to both release cohorts (returns within 6 and 12 months), and to 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 start 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.

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 YJ 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 YJ 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 2019 (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 requires that young people should only be kept in detention as a last resort, and for the shortest time practicable.

For data supplied for the YJ NMDS 2018–19 all states and territories have backdated sentenced detention orders to take periods of remand into account.

Data capture

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

For some young people involved in the youth justice system who reoffend, the seriousness of the offences they commit increases over time (Nijhof et al. 2008). Serious offences lead to longer sentences handed down by courts as well as longer adjudication periods (ABS 2020).

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

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

Acknowledgments

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- Department of Communities and Justice, New South Wales
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- Department of Youth Justice, Queensland
- Department of Justice, Western Australia
- Department of Human Services, South Australia
- Department of Communities Tasmania, Tasmania
- Community Services Directorate, Australian Capital Territory
- Territory Families, Northern Territory.

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 1 June and ended 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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Table S8: Young people released from sentenced supervision in 2017–18, and aged 10–16 at time of release, who returned to sentenced supervision within 6 and 12 months, by sex and Indigenous status.

Table S9: Young people released from sentenced supervision in 2017–18, and aged 10–16.

Table S10: Young people released from sentenced supervision in 2017–18, and aged 10–16 at time of release, who returned to sentenced supervision within 6 and 12 months, by sentenced supervision history.

Table S11: Young people released from sentenced supervision in 2017–18, and aged 10–16 at time of release, who returned to sentenced supervision within 6 and 12 months, by sentenced detention history.

Table S12: Young people released from sentenced supervision in 2017–18, and aged 10–16 at time of release, who returned to sentenced supervision within 6 and 12 months, by length of index sentence.

Table S13: Young people released from sentenced supervision in 2017–18, and aged 10–16 at time of release, who returned to sentenced supervision with a detention sentence within 6 and 12 months, by sex and Indigenous status.

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Table S15: Young people released from community-based supervision in 2014–15 to 2017–18, and aged 10–16 at time of release, who returned to sentenced supervision within 12 months by state or territory of index sentence.

Table S16: Young people released from detention 2014–15 to 2017–18, and aged 10–16 at time of release, who returned to sentenced supervision within 12 months by state or territory of index sentence.

Related publications

The following AIHW publications may also be of interest:

- AIHW 2015. Pathways through youth justice supervision: further analyses. Juvenile justice series no. 19. Cat. no. JUV 75. 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 2019. Young people in child protection and under youth justice supervision: 1 July 2014 to 30 June 2018. Data linkage series no. 25. Cat. no. CSI 27. Canberra: AIHW.
- AIHW 2020. Youth detention population in Australia 2019. Bulletin no. 148. Cat no. JUV 131. Canberra: AIHW.
- AIHW 2020. Youth justice in Australia 2018–19. Cat. no. JUV 132. Canberra: AIHW.



Of young people aged 10–17 who were under sentenced youth justice supervision at some time between 2000–01 and 2018–19, 41% returned to sentenced supervision before turning 18. Of young people aged 10–16 in 2017–18 and released from sentenced community-based supervision, 40% returned to sentenced supervision within 6 months, and 57% within 12 months. Of those released from sentenced detention, 61% returned within 6 months, and 80% within 12 months.

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