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Health and Welfare

Young people returning to sentenced youth justice supervision

2017–18

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



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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 2017–18 (born from 1990–91 to 1999–00), 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 2016–17 (allowing a 12 month follow-up period to 30 June 2018):

- 3,120 were released from sentenced community-based supervision, with 759 (24%) returning to sentenced supervision within 6 months and 1,476 (47%) returning within 12 months.
- 670 were released from sentenced detention, with 393 (59%) returning to sentenced supervision within 6 months and 535 (80%) returning within 12 months.

Over the 10 years to 2016–17, the 6 and 12 month return rates for young people released from community-based supervision remained relatively stable, 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.

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 1999–00
- Chapter 3 describes the rate of return to sentenced supervision within 6 and 12 months for young people who were released in 2016–17, 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.

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 <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-australia-2017-18/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 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. 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 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 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 JJ NMDS has data available from 2000–01, complete birth cohorts are available for those born in 1990–91 to 1999–00 (10 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. Prior to February 2018, 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. Due to this change in legislation, and therefore data collection, Queensland data for 2017–18 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 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

Supplementary data tables for this report can be found at the AIHW website.

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 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 1999–00, 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.

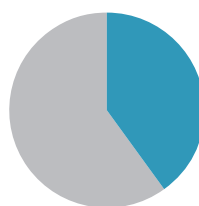
Key findings

Of young people born from 1990–91 to 1999–00 who had a supervised sentence, 59% had only 1 supervised sentence before the age of 18, and 41% had a subsequent return to sentenced youth justice supervision (Table S1).

- Of those whose first supervised sentence was community-based, 40% received at least 1 more supervised sentence before the age of 18 (60% received only 1; Table S1).



Community-based supervision



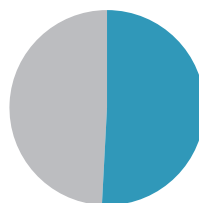
40%

had at least 1 more supervised sentence before age 18

- Of those whose first supervised sentence was detention, 51% received at least 1 more supervised sentence before the age of 18 (49% received only 1; Table S1).



Detention



51%

had at least 1 more supervised sentence before age 18

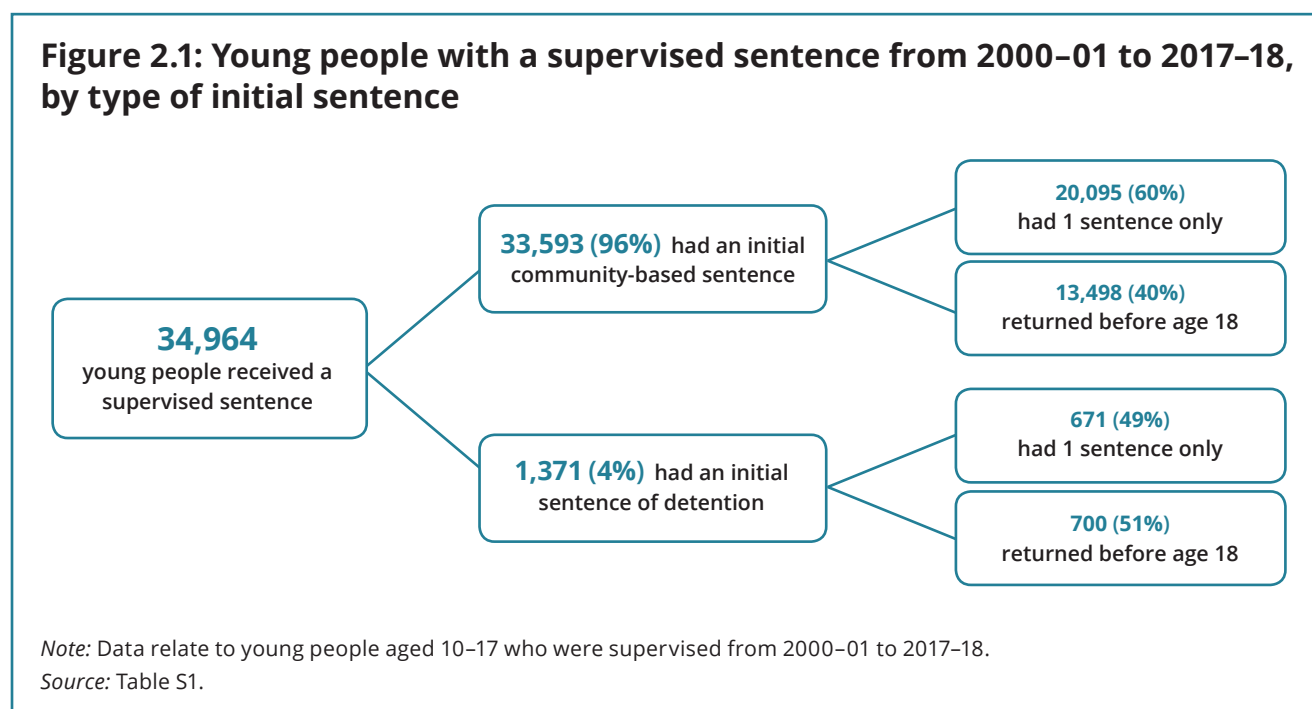
- The younger a person was at their first supervised sentence (either community-based or detention), the more likely they were to return to sentenced youth justice supervision (Table S2).

2.1 Demographics

The majority of young people who receive a supervised sentence never return to sentenced youth justice supervision. Of the 34,964 young people under sentenced supervision from 2000–01 to 2017–18 and born between 1990–91 and 1999–00, 59% received only 1 supervised sentence before the age of 18 (Table S1).

Most (33,593 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 (1,371 or 4%), half (51%) returned to sentenced supervision before the age of 18 (Figure 2.1).

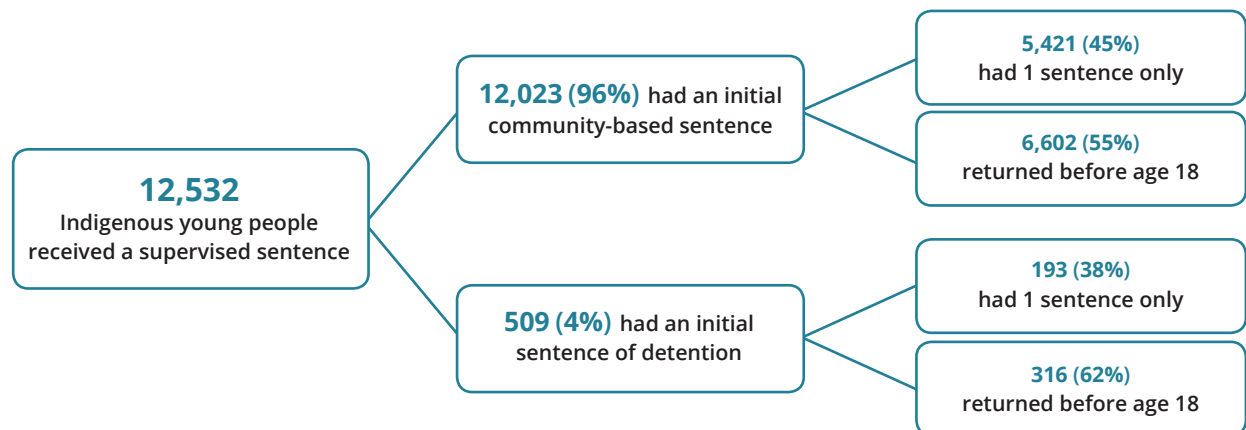


Of the 34,964 young people who received a sentence, 12,532 (36%) were Aboriginal and Torres Strait Islander. Similar to the total population, the first sentence for most Indigenous young people was community-based (96%) (Figure 2.2).

However, of Indigenous young people who received an initial community-based sentence, more than half (55%) returned to sentenced supervision at least once before the age of 18.

Comparatively, one-third (33%) 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-sentences were 1.6 times as likely to return to sentenced supervision as their non-Indigenous counterparts before the age of 18 (rate ratios are calculated from unrounded percentages as presented in the supplementary data tables).

Figure 2.2: Indigenous young people with a supervised sentence from 2000–01 to 2017–18, by type of initial sentence

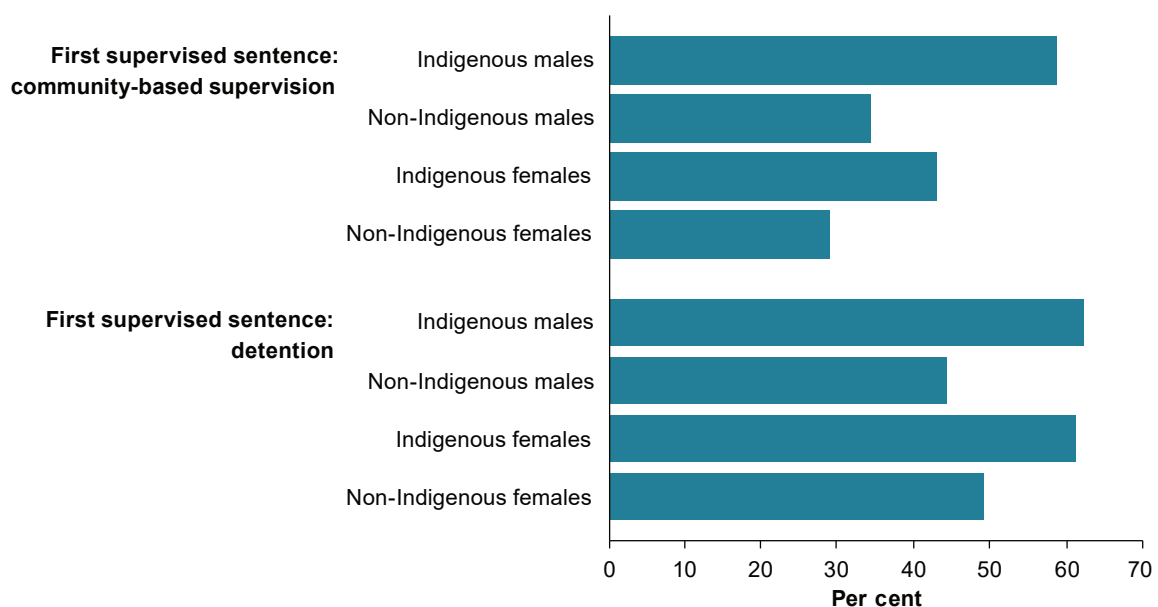


Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2017–18.
Source: Table S1.

Among those whose first sentence was community-based, 59% of Indigenous males and 43% of Indigenous females had more than 1 supervised sentence before the age of 18, compared with 34% of non-Indigenous males and 29% of non-Indigenous females (Figure 2.3).

Of the Indigenous young people who received an initial sentence of detention, 62% received at least one more sentence before turning 18, compared with 45% of non-Indigenous young people. Young Indigenous males (62%) were the most likely to have more than 1 supervised sentence, followed by Indigenous females (61%), non-Indigenous females (49%), and non-Indigenous males (44%) (Figure 2.3). On average, Indigenous young people under supervision are younger than their non-Indigenous counterparts, therefore age may be a confounding factor (AIHW 2019).

Figure 2.3: Young people with more than 1 supervised sentence from 2000–01 to 2017–18, 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 2017–18.
Source: Table S1.

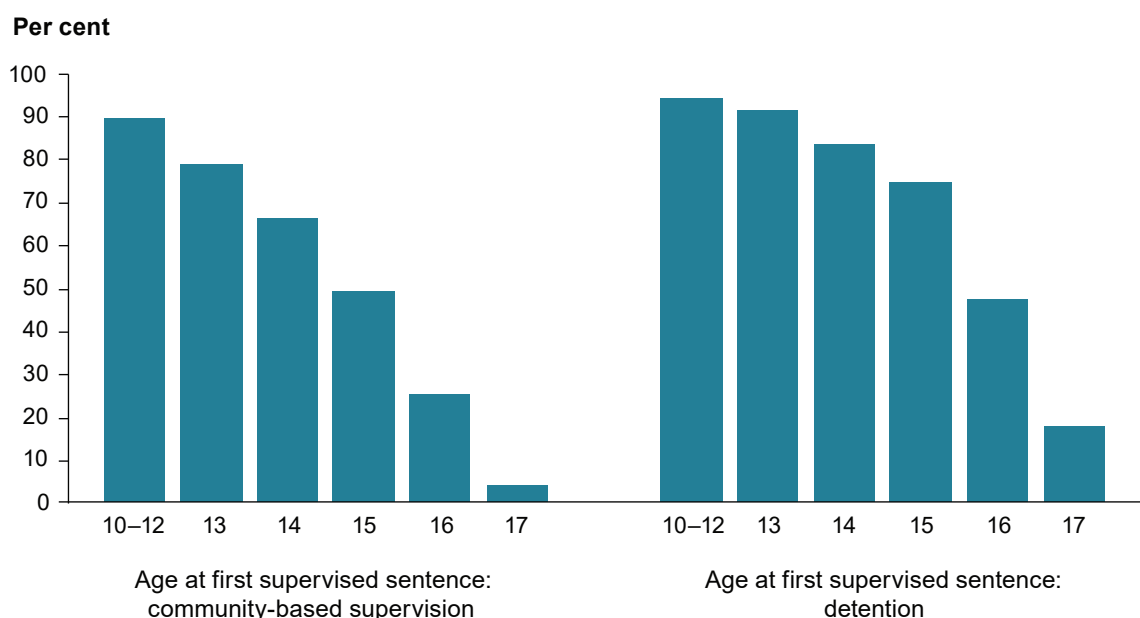
The younger a person was at the start of their first supervised sentence, the more likely they were to return to sentenced supervision at some time before the age of 18 (Figure 2.4). It is important to note that younger age groups have more time to return to youth justice supervision, while older age groups may turn 18 before returning to the justice system and therefore would not be captured in this analysis.

For those whose first supervised sentence was community-based, 90% 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% of those aged 13
- 67% of those aged 14
- 49% 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. In the 10–12 age group, 94% of young people returned to sentenced supervision, compared to 75% of those aged 15 and 18% of those aged 17 (Table S2).

Figure 2.4: Young people with more than 1 supervised sentence from 2000–01 to 2017–18, 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 2017–18.
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.

2.2 Length of first supervised sentence

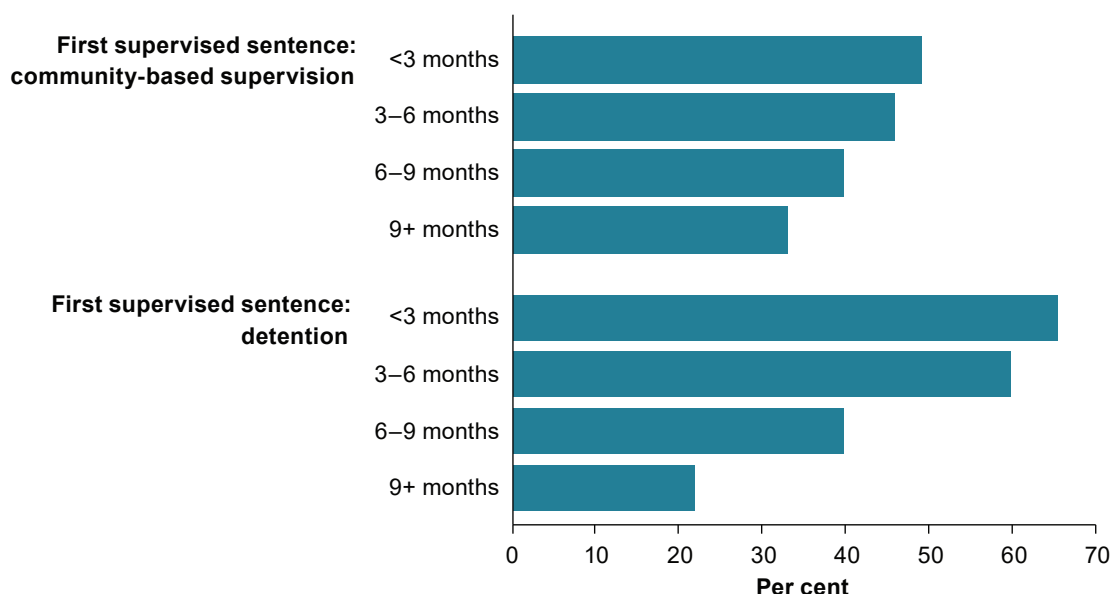
Young people with shorter initial sentences were more likely to return to sentenced supervision than those who served longer initial sentences (Figure 2.5; Table S3).

For young people whose first supervised sentence was community-based, almost half (49%) of those whose sentence lasted less than 3 months returned to sentenced supervision, compared with 33% 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 22% 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.

Figure 2.5: Young people with more than 1 supervised sentence from 2000–01 to 2017–18, by length and type of initial supervised sentence



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2017–18.

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 enter 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; Table S4). Of those whose first sentenced supervision was community-based:

- 40% returned in total
 - 13% returned within 3 months
 - 9% returned within 3–6 months
 - 6% returned within 6–9 months
 - 4% returned within 9–12 months
 - 8% returned after 12 months
- 60% 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:

- 51% returned in total (due to rounding, the proportions of returns presented below do not sum to the total proportion of returns)
 - 24% returned within 3 months
 - 11% returned within 3–6 months
 - 7% returned within 6–9 months
 - 4% returned within 9–12 months
 - 6% 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 2017–18, 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 2017–18.

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).

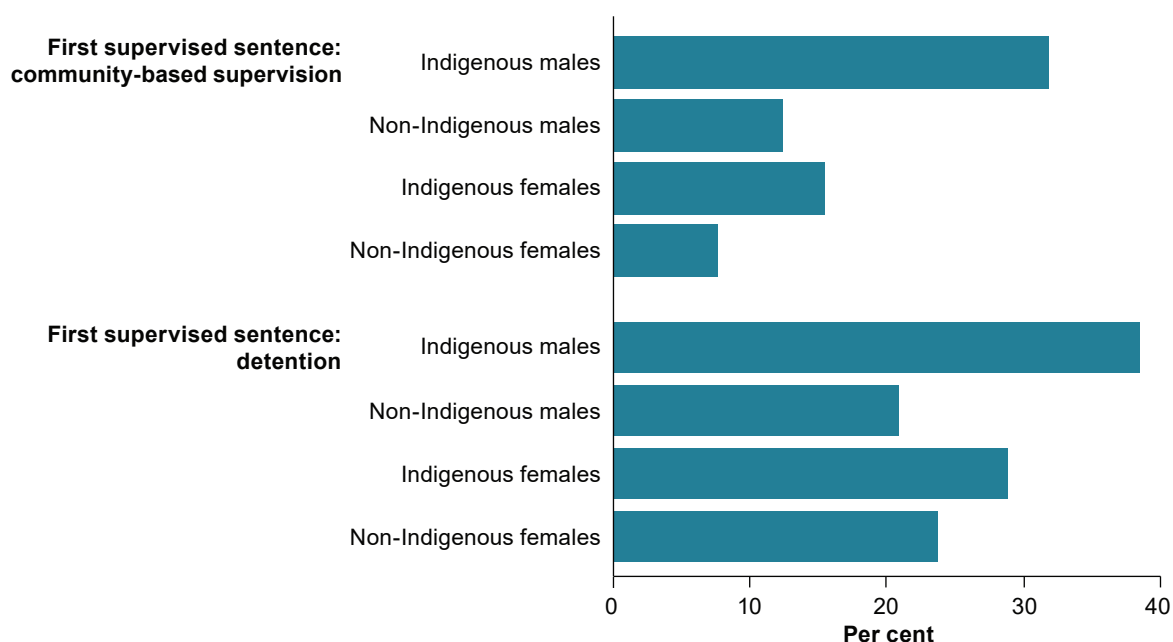
About one-quarter (27%) of those whose first supervised sentence was detention returned and received 5 or more supervised sentences, compared with 17% of those whose first supervised sentence was community-based.

Young Indigenous males were the most likely to receive 5 or more supervised sentences, whether their first supervised sentence was community-based (32%) or detention (38%).

Young Indigenous females were the next most likely to receive 5 or more supervised sentences in both categories (15% for community-based; 29% for detention).

This was followed by non-Indigenous males (12%) and non-Indigenous females (8%) for those whose first sentence was community-based, while the order was reversed for those whose first sentence was detention (24% for non-Indigenous females; 21% for non-Indigenous males) (Figure 2.7).

Figure 2.7: Young people with 5 or more supervised sentences from 2000–01 to 2017–18, by sex, Indigenous status, and type of initial sentence



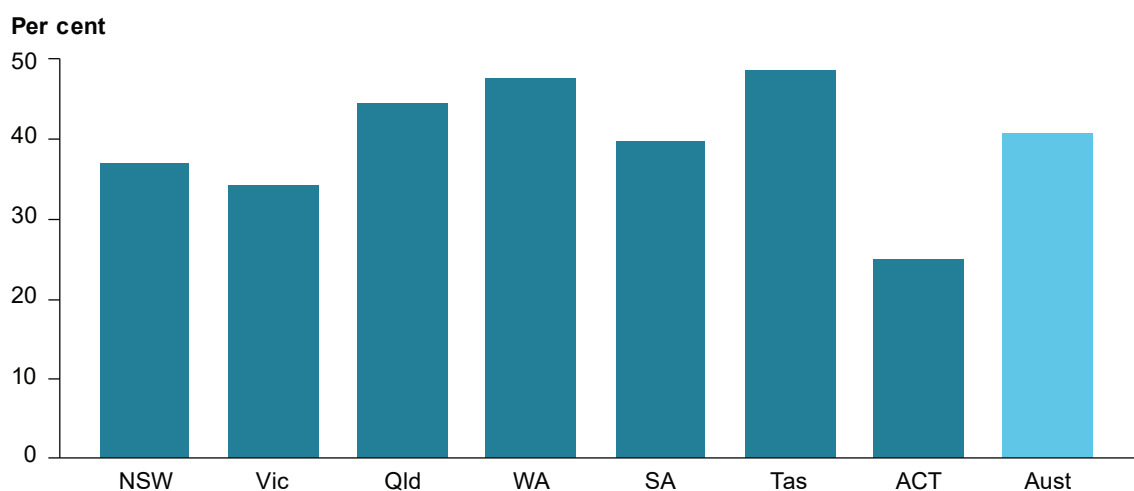
Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2017–18.

Source: Table S5.

2.5 States and territories

The proportion of young people with more than 1 supervised sentence ranged from one-quarter (25%) in the Australian Capital Territory to almost half (49%) in Tasmania. Note, Northern Territory data are not included (see Appendix) (Figure 2.8; Table S6).

Figure 2.8: Young people with more than 1 supervised sentence from 2000–01 to 2017–18, 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 4 full birth cohorts available for analysis, and the Australian Capital Territory has 2 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 2017–18.

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 2016–17 (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 by determining the proportion of the released population returning to any form of youth justice supervision within the specified period.

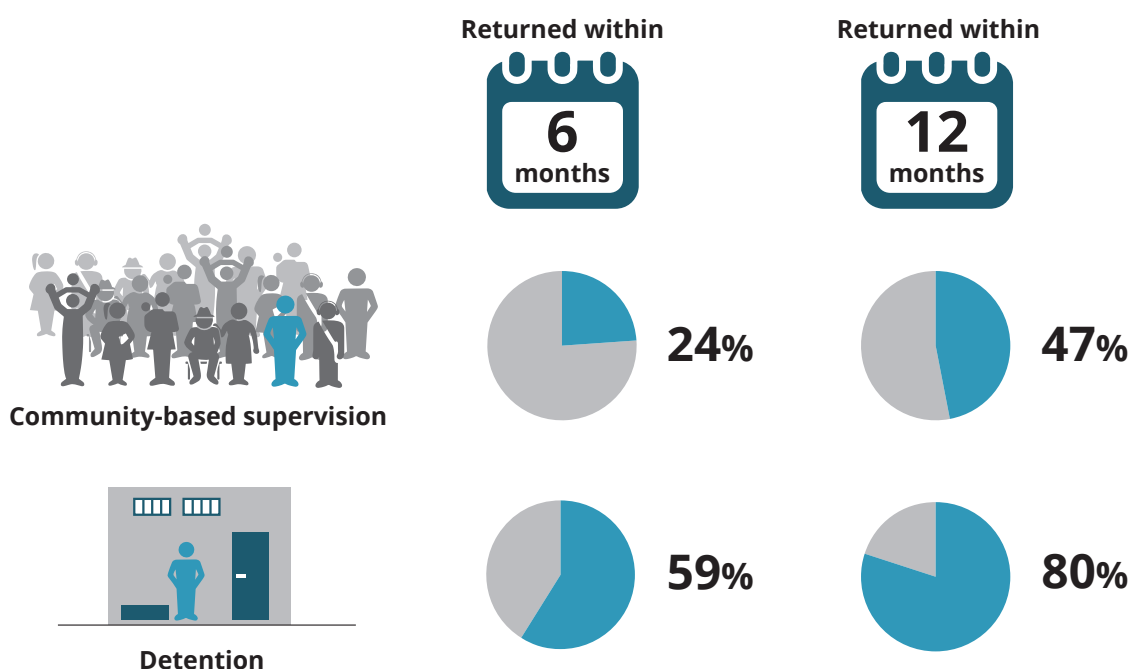
The return timeframes of 6 and 12 months are unlikely to directly correspond to the time to reoffend. Several administrative procedures, such as court proceedings, occur before a young person can return to sentenced supervision, which will affect the rate of return.

It should be noted that in 2017–18, more than one-third (34%) 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 (14%) took more than 6 months (ABS 2019).

Key findings

For young people aged 10–16 upon release in 2016–17:

- around half (47%) of those released from a community-based supervised sentence returned within 12 months, including 1 in 4 (24%) returning within 6 months.
- 4 in 5 (80%) of those released from a supervised detention sentence returned within 12 months, including more than half (59%) returning within 6 months (Table S7).



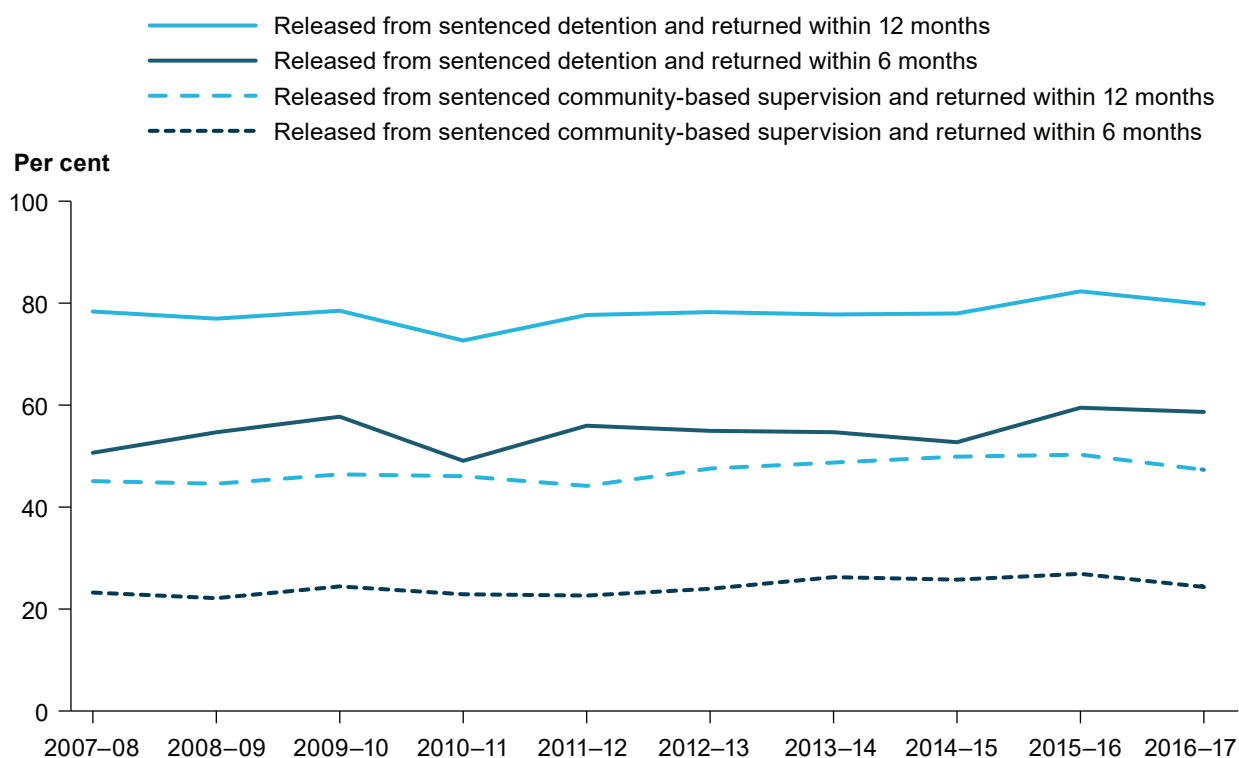
3.1 Trends

Of the 3,120 young people aged 10–16 who were released from a community-based supervised sentence in 2016–17, 759 (24%) returned to sentenced supervision within 6 months. This rate remained fairly constant over the 10 years from 2007–08, ranging from 22% to 27%. The rate of return within 12 months showed a similar pattern, ranging from 44% to 50% (Figure 3.1; Table S7).

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 49% to 59% over the 10 years from 2007–08. The rate of return from sentenced detention within 12 months ranged from 73% to 82% over the same 10-year period.

Of the 670 young people aged 10–16 who were released from sentenced detention in 2016–17, 393 (59%) had returned to sentenced supervision within 6 months, and 535 (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, 2007–08 to 2016–17



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

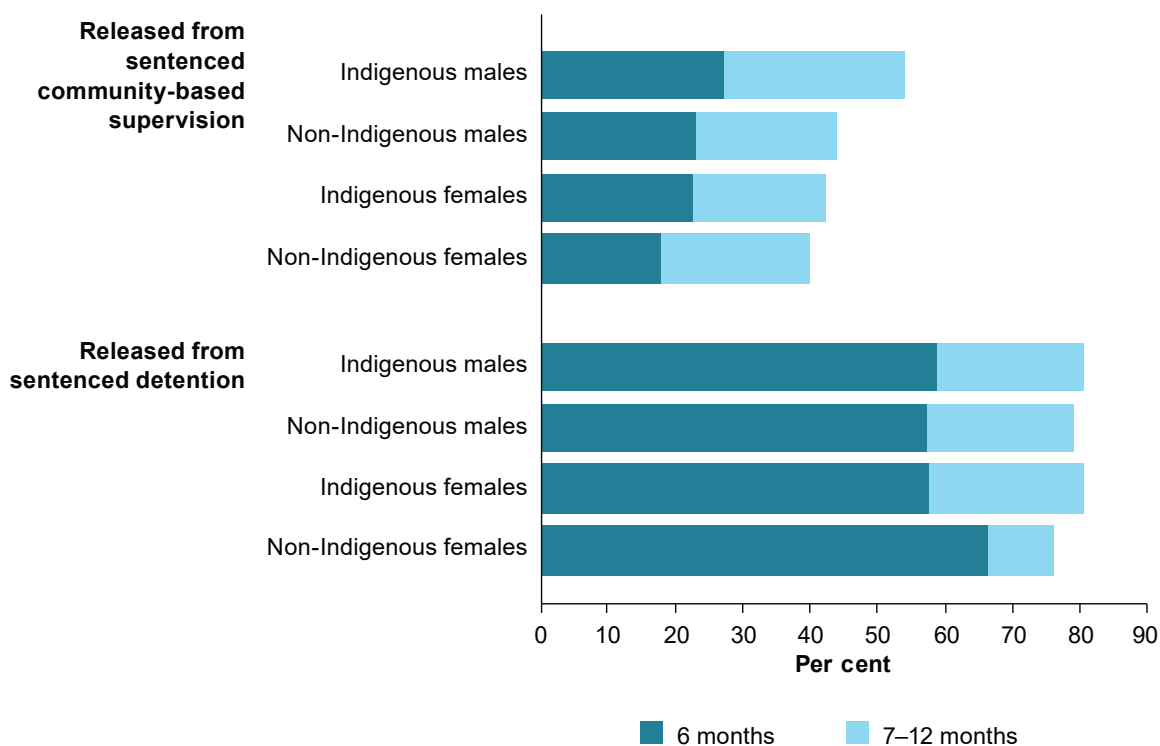
Young Indigenous males released from sentenced community-based supervision were slightly more likely to return to sentenced supervision than their non-Indigenous counterparts within 6 months (27%, compared with 23%) and 12 months (54%, compared with 44%) (Figure 3.2; Table S8).

A similar relationship was demonstrated in females released from community-based supervision. Young Indigenous females were more likely to return to sentenced supervision than non-Indigenous females within 6 months (23%, compared with 18%) and 12 months (42%, compared with 40%).

For those released from sentenced detention, non-Indigenous females were more likely to return to sentenced supervision within 6 months, while Indigenous females were more likely to return within 12 months (Figure 3.2). Nearly 3 out of 5 (58%) young Indigenous females returned within 6 months, and 81% returned within 12 months, compared with 67% of non-Indigenous females returning within 6 months, and 76% returning within 12 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 57% of non-Indigenous males) and 12 months (81%, compared with 79% of non-Indigenous males).

Figure 3.2: Young people released from sentenced supervision in 2016–17 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.

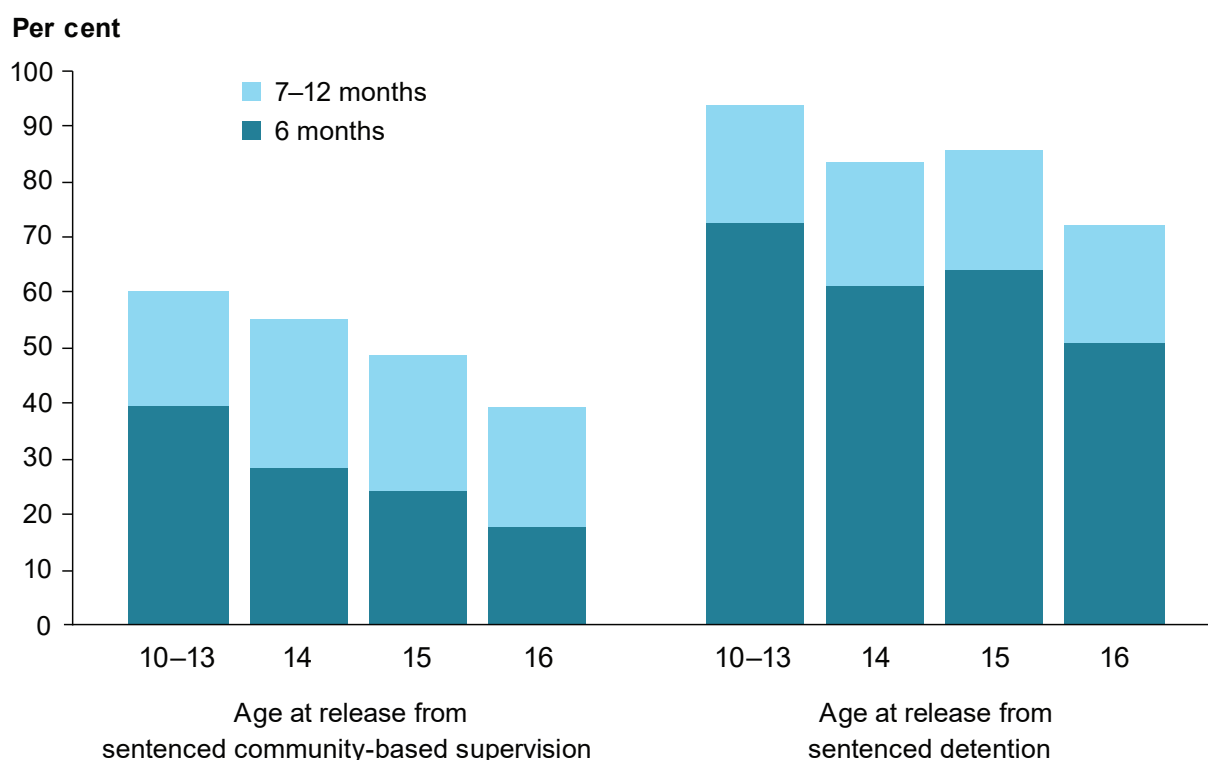
Source: Table S8.

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; Table S9).

Within 12 months, 3 in 5 (60%) of those aged 10–13 when released from sentenced community-based supervision had returned to sentenced supervision, compared with 39% 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 (94%), followed by those aged 15 (85%).

Figure 3.3: Young people released from sentenced supervision in 2016–17 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.

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 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 (51% compared with 44%). The rate of returns within 6 months was the same for the two groups (24%) (Figure 3.4; Table S10).

Young people released from detention were slightly more likely to return within 12 months if they had previously been sentenced to supervision than those who had not (80% compared with 77%). For returns within 6 months, this relationship was reversed, with young people who had not received a previous supervised sentence being more likely to return within 6 months than those who had a prior sentence (69% compared with 58%).

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

Figure 3.4: Young people released from sentenced supervision in 2016–17 who returned within 6 and 12 months, by number of previous supervised sentences and type of supervision



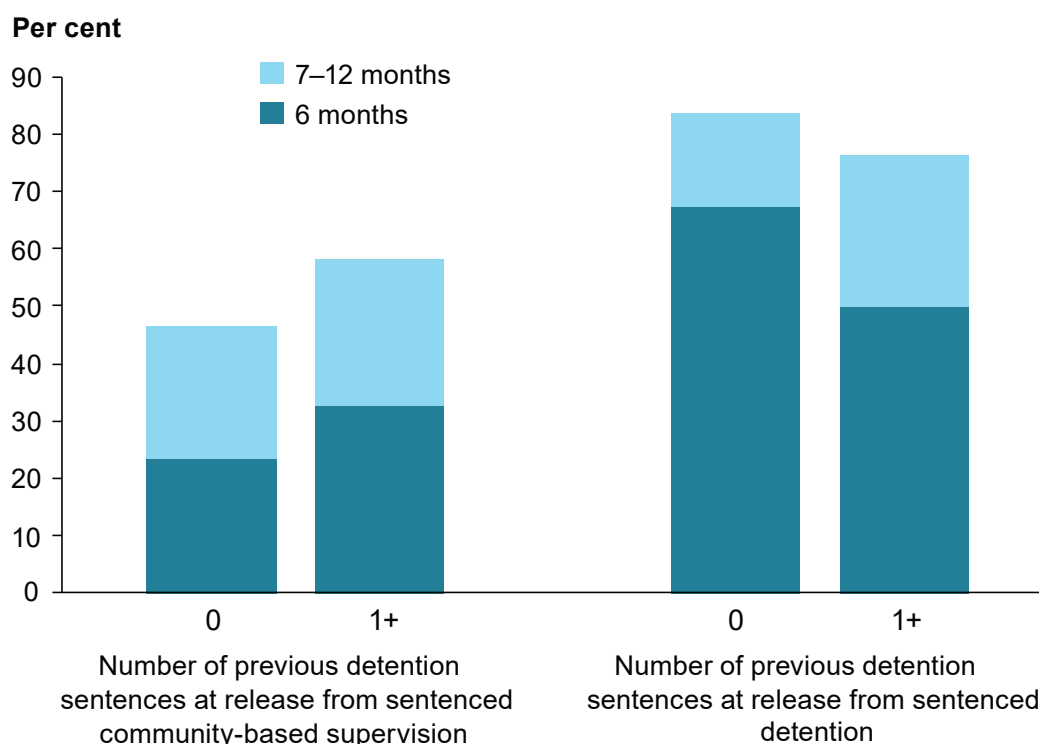
Note: Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.

Source: Table S10.

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 (33% and 24%, respectively), and 12 months (58% and 47%, respectively; Table S11).

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 (67% and 50%, respectively), and 12 months (84% compared with 76%, respectively).

Figure 3.5: Young people released from sentenced supervision in 2016–17 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.

The lower apparent return rates for those with a previous detention sentence may 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 young people who return to supervision tend to do so for an offence that is more serious than their first (ABS 2019, Payne & Weatherburn 2015).

Those with a previous detention sentence may have escalated in their offending (committing a more serious offence), which may 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 detention sentences may 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 detention sentences, thus 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

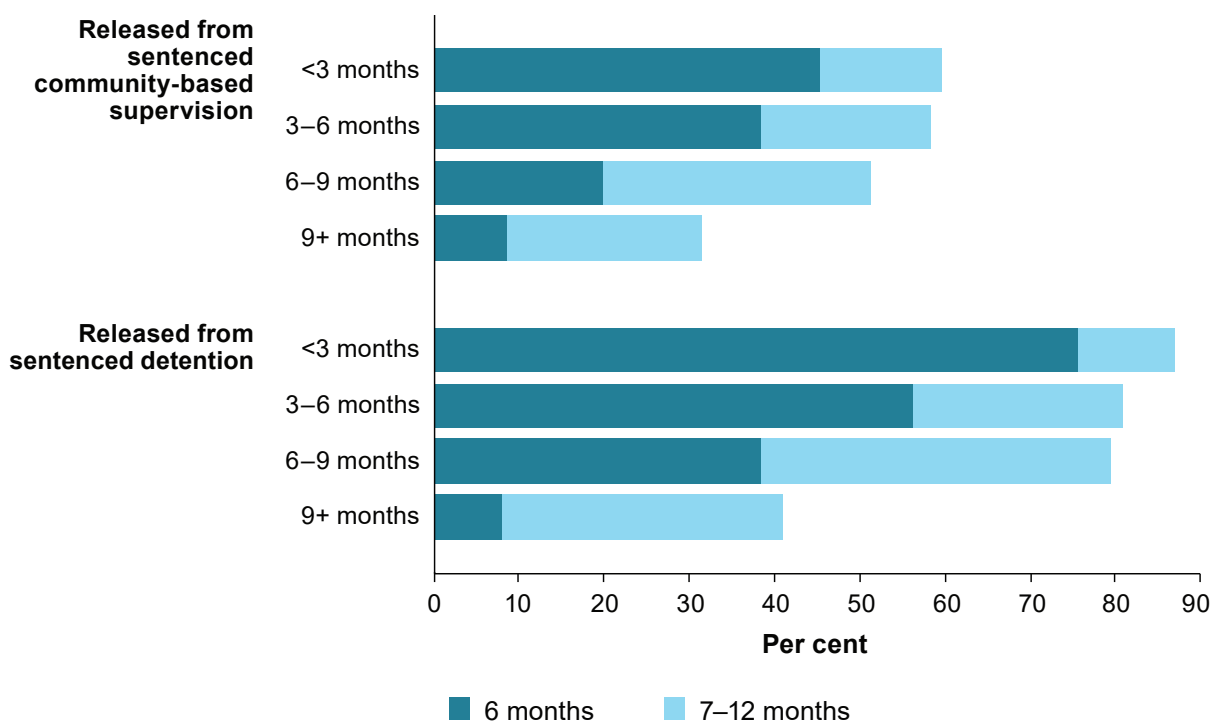
For both sentenced community-based supervision and sentenced detention, young people released from shorter sentences were more likely to return within 6 and 12 months than those released from longer sentences (Figure 3.6; Table S12).

Three in 5 (60%) 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 (32%).

Young people released from a sentence of detention lasting less than 3 months were 2.1 times as likely to return within 12 months as those whose sentence lasted 9 months or more (87% compared with 41%).

Age at index sentence may be a confounding factor when considering returns by length of index sentence, due to younger people having more time to return to youth justice supervision.

Figure 3.6: Young people released from sentenced supervision in 2016–17 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

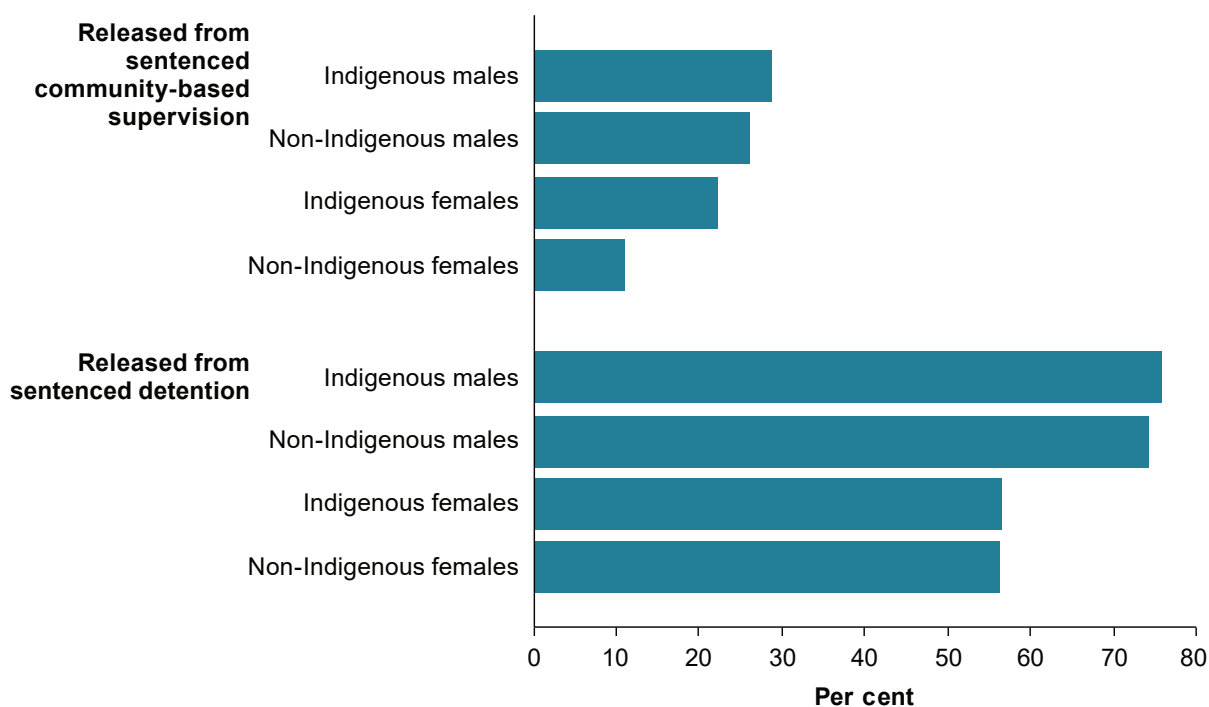
Young people were more likely to return to sentenced detention if they had been released from sentenced detention than those released from sentenced community-based supervision. The likelihood of returning with a detention sentence varied by sex and Indigenous status (Figure 3.7; Table S13).

Of the 535 young people who were released from a sentence of detention and had returned to supervision within 12 months, almost three-quarters (73%) returned with a detention sentence. Of Indigenous males who were released from detention and returned to sentenced supervision within 12 months, 76% returned with a detention sentence, compared with 74% of non-Indigenous males, 57% of Indigenous females, and 56% of non-Indigenous females.

In contrast, of the 1,476 young people who were released from sentenced community-based supervision and had returned to supervision within 12 months, one-quarter (26%) returned with a sentence of detention. Of Indigenous males who were released from community-based supervision and returned to sentenced supervision within 12 months, 29% of young Indigenous males returned with a detention sentence, compared with 26% of non-Indigenous males, 22% of Indigenous females, and only 11% of non-Indigenous females.

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 2016–17 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 community-based supervision or detention in 2016–17 who returned within 12 months varied from 25% in the Australian Capital Territory to 59% in the Northern Territory (Figure 3.8; Table S14).

The numbers of young people in each state and territory were too small to 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 2016–17 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. Sentenced detention orders for New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania and the Australian Capital Territory are backdated to take into account a young person's remand period, in accordance with the counting rules of the JJ NMDS. This might lead to a higher count in the returns to sentenced supervision within 12 months relative to other jurisdictions that do not backdate such orders.
4. Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up.

Source: Table S14.

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 2017–18.

For more information on JJ NMDS data quality and coverage, see the JJ NMDS Data Quality Statement at <<https://meteor.aihw.gov.au/content/index.phtml/itemId/715286>>.

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 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, 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. 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 JJ NMDS who were born from 1990–91 to 1999–00, as these people would have all their sentenced youth supervision orders in the JJ NMDS (which has data from 2000–01 to 2017–18).

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.

JJ 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 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	1999–00 to 2006–07	2016–17	2016–17 to 2017–18	10–16
12 months	Release	1999–00 to 2006–07	2016–17	2016–17 to 2017–18	10–16
All possible supervision ^(a)	Birth	1990–91 to 1999–00	2000–01 to 2017–18	2000–01 to 2017–18	10–17

(a) Full cohort data are available for New South Wales, Victoria, Queensland, Western Australia, and South Australia. Tasmania has 4 full birth cohorts available for analysis, and the Australian Capital Territory has 2 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 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.

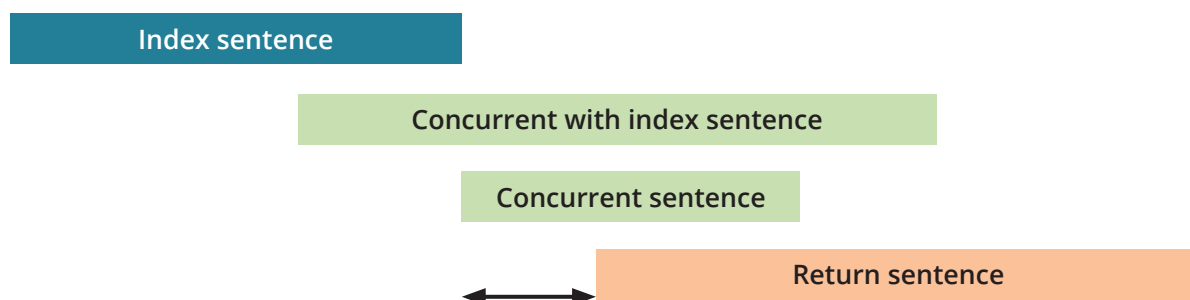
Return sentences are any sentenced supervision orders with a start date after the end date of the index order. Orders that are concurrent or overlap with the index sentence are not considered a return sentence (Figure A1).

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 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 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 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.

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 2018 (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 2017–18, New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania and the Australian Capital Territory backdated orders to take periods of remand into account; however the Northern Territory has not confirmed whether it backdates orders. 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 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.

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- Department of Child Safety, Youth and Women, Queensland
- Department of Justice, Western Australia
- Department for Communities and Social Inclusion, 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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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 2018. Young people in child protection and under youth justice supervision: 1 July 2013 to 30 June 2017. Data linkage series no. 24. Cat. no. CSI 26. Canberra: AIHW.
- AIHW 2018. Youth detention population in Australia 2018. Bulletin no. 145. Cat no. JUV 128. Canberra: AIHW.
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Of young people aged 10–17 who were under sentenced youth justice supervision at some time from 2000–01 to 2017–18, 41% returned to supervised sentence before turning 18. Of young people aged 10–16 in 2016–17 and released from sentenced community-based supervision, 24% returned to sentenced supervision in 6 months, and 47% within 12 months. Of those released from sentenced detention, 59% returned within 6 months, and 80% within 12 months.

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