



Australian Government

**Australian Institute of
Health and Welfare**

Young people returning to sentenced youth justice supervision 2015

JUVENILE JUSTICE SERIES NO. 18



Australian Government

**Australian Institute of
Health and Welfare**

*Authoritative information and statistics
to promote better health and wellbeing*

JUVENILE JUSTICE SERIES

Number 18

Young people returning to sentenced youth justice supervision 2015

Australian Institute of Health and Welfare
Canberra

Cat. no. JUV 63

The Australian Institute of Health and Welfare is a major national agency which provides reliable, regular and relevant information and statistics on Australia's health and welfare. The Institute's mission is authoritative information and statistics to promote better health and wellbeing.

© Australian Institute of Health and Welfare 2015



This product, excluding the AIHW logo, Commonwealth Coat of Arms and any material owned by a third party or protected by a trademark, has been released under a Creative Commons BY 3.0 (CC-BY 3.0) licence. Excluded material owned by third parties may include, for example, design and layout, images obtained under licence from third parties and signatures. We have made all reasonable efforts to identify and label material owned by third parties.

You may distribute, remix and build upon this work. However, you must attribute the AIHW as the copyright holder of the work in compliance with our attribution policy available at <www.aihw.gov.au/copyright/>. The full terms and conditions of this licence are available at <<http://creativecommons.org/licenses/by/3.0/au/>>.

This publication is part of the Australian Institute of Health and Welfare's Juvenile Justice series. A complete list of the Institute's publications is available from the Institute's website <www.aihw.gov.au>.

ISSN 1833-3230

ISBN 978-1-74249-764-8 (PDF)

ISBN 978-1-74249-765-5 (Print)

Suggested citation

Australian Institute of Health and Welfare 2015. Young people returning to sentenced youth justice supervision 2015. Juvenile Justice series no. 18. Cat. no. JUV 63. Canberra: AIHW.

Australian Institute of Health and Welfare

Board Chair
Dr Mukesh C Haikerwal AO

Acting Director
Ms Kerry Flanagan PSM

Any enquiries about copyright or comments on this publication should be directed to:

Digital and Media Communications Unit
Australian Institute of Health and Welfare
GPO Box 570
Canberra ACT 2601
Tel: (02) 6244 1000
Email: info@aihw.gov.au

Published by the Australian Institute of Health and Welfare

This publication is printed in accordance with ISO 14001 (Environmental Management Systems) and ISO 9001 (Quality Management Systems). The paper is sourced from sustainably managed certified forests.



Please note that there is the potential for minor revisions of data in this report. Please check the online version at <www.aihw.gov.au> for any amendments.

Contents

- Acknowledgments..... iv
- Abbreviations..... v
- Notes v
- Summary vi
- 1 Introduction.....1**
 - 1.1 Key concepts1
- 2 Returns within 6 and 12 months.....4**
 - 2.1 Trends4
 - 2.2 Demographics.....6
 - 2.3 Previously sentenced to supervision.....8
 - 2.4 Previously sentenced to detention.....10
 - 2.5 Length of index sentence11
 - 2.6 Returning with a sentence of detention13
 - 2.7 States and territories14
- 3 Returns to sentenced youth justice supervision at any time during the ages of 10–17..15**
 - 3.1 Demographics.....16
 - 3.2 Length of first supervised sentence18
 - 3.3 Time to return.....19
 - 3.4 Total number of supervised sentences.....20
 - 3.5 States and territories21
- Appendix: Data and methods22**
 - Data sources22
 - Linkage method.....22
 - Analysis data sets22
- Glossary.....25**
- References26**
- List of tables27**
- List of figures28**
- List of supplementary tables.....29**
- Related publications30**

Acknowledgments

Rachel Aalders wrote this report. Kristy Raithel and Justine Boland provided guidance and support.

The contributions, comments and advice from the Juvenile Justice Research and Information Group, which consists of representatives from the state and territory departments responsible for youth justice supervision, are gratefully acknowledged.

Thanks are extended to the data managers and staff in the following state and territory departments:

- Department of Justice, New South Wales
- Department of Human Services, Victoria
- Department of Justice and Attorney-General, Queensland
- Department of Corrective Services, Western Australia
- Department for Communities and Social Inclusion, South Australia
- Department of Health and Human Services, Tasmania
- Community Services Directorate, Australian Capital Territory
- Department of Correctional Services, Northern Territory.

Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
JJ NMDS	Juvenile Justice National Minimum Data Set

Notes

Percentages are rounded in text and calculated from unrounded numbers. Rate ratios are rounded in text and calculated from rounded percentages (as presented in the text). Figures contain unrounded percentages.

Summary

In Australia, young people who have been proven guilty of an offence may be given an unsupervised community-based sentence, a supervised community-based sentence or a sentence of detention. The latter two types of sentences are known as ‘supervised sentences’.

Youth justice departments are responsible for providing young people serving supervised sentences with services designed to reduce the frequency and seriousness of any future offending. The rate of return to sentenced supervision is an indicator of the effectiveness of these services, although factors beyond the control of these departments will also have an impact on levels of re-offending and return to sentenced supervision.

Most young people do not return to sentenced supervision

Most young people who have a supervised youth justice sentence serve only 1 sentence, and never return to sentenced youth justice supervision. Overall, 62% had only 1 supervised sentence before the age of 18. The rate was lower for those whose first sentence was detention (47%) compared with those whose first supervised sentence was community-based (63%). (Most young people’s first supervised sentence was community-based.)

However, a sizeable minority go on to have a large number of sentences before they turn 18. Almost 1 in 6 young people (15%) whose first supervised sentence was community-based had a total of 5 or more supervised sentences from the ages of 10 to 18. For those whose first supervised sentence was detention, more than 1 in 4 (29%) had 5 or more sentences.

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

For people aged 10–16 upon release from sentenced supervision in 2012–13:

- 20% of those released from sentenced community-based supervision returned to sentenced supervision within 6 months and 44% returned within 12 months
- 50% of those released from sentenced detention returned to sentenced supervision within 6 months and 76% returned within 12 months.

Young people released from sentenced detention are also more likely to return with a sentence of detention than those released from sentenced community-based supervision. Within 12 months of release, those released from sentenced detention were 3 times as likely to have a sentence of detention as those released from sentenced community-based supervision.

The younger a person is when they are released from sentenced community-based supervision, the more likely they are to return

Young people aged 10–12 when they were released from sentenced community-based supervision were 1.8 times as likely to return to some form of sentenced supervision within 12 months as those who were aged 16 when they were released.

However, there was no clear relationship between the age at release and the rate of return within 12 months for those released from sentenced detention.

1 Introduction

In Australia, young people who have been proven guilty of an offence may be given an unsupervised community-based sentence (such as a good behaviour bond), a supervised community-based sentence (such as probation) or a sentence of detention. Both supervised community-based sentences and detention sentences are known as ‘supervised sentences’ and these 2 types of sentences are the focus of this report.

Youth justice government departments in each of the states and territories are responsible for providing young people serving supervised sentences with services designed to reduce the frequency and seriousness of any future offending. Consequently, the rate of return to sentenced supervision provides an indication of the performance of youth justice departments, although other factors beyond the control of these departments will also have an impact on the level of re-offending.

This report presents data on returns to sentenced supervision using measures developed as part of a related AIHW project, *Using the Juvenile Justice National Minimum Data Set to measure juvenile recidivism* (AIHW 2013; AIHW 2015). This first chapter introduces key concepts for this report. The second chapter examines the rate of return to sentenced supervision within 6 and 12 months for young people who were released in 2012–13 and were aged 16 and under at the time of release. This chapter therefore presents a rate of return for young people who were released from sentenced supervision in the same year. However, this requires the exclusion of those who were aged 17 at the time of release (see Section 1.1 for further details). The third chapter examines the rate of return to sentenced supervision over all possible youth justice supervision, from the ages of 10 to 17. In contrast to the second chapter, this chapter includes young people who were aged 17 at release from their first supervised sentence, counts returns from the young person's first ever supervised sentence and includes all returns to youth justice sentenced supervision, not just those that occurred within 6 or 12 months. The Appendix provides further information on the data and methods.

1.1 Key concepts

This report uses data from the Juvenile Justice National Minimum Data Set (JJ NMDS), which is a longitudinal person-based data set containing information on young people under youth justice supervision. It does not include data for Western Australia or the Northern Territory as these jurisdictions do not currently supply data for the JJ NMDS.

Using a longitudinal person-based data set has a number of benefits, including allowing a young person's returns to sentenced supervision in all states and territories to be measured (not just the state or territory of the original sentence), and making it possible to explore the association of a range of variables with the rate of returns. In addition, there are longer-term benefits such as potential data linkage with other relevant data collections.

The scope of the JJ NMDS is such that data presented in this report relate only to returns to youth justice sentenced supervision, not recidivism more broadly. Youth justice departments are responsible for providing rehabilitative services only to young people under sentenced supervision; therefore 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.

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 proven guilty, the court has a number of sentencing options, including detention in a youth justice centre (referred to as sentenced detention in this report) and sentences that are supervised in the community such as probation (referred to as sentenced community-based supervision in this report).

Youth justice departments provide a range of 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 on the AIHW website at <http://www.aihw.gov.au/youth-justice/states-territories/>.

Data relate to returns to sentenced supervision

Recidivism refers to repeated or habitual reversion to criminal behaviour. Accurately measuring recidivism requires information on all criminal acts committed by a person. Usually, recidivism is measured using data on police arrests or court orders, although these measures will be imperfect – for example, some people will commit offences for which they are not charged and will therefore not appear in either police arrest or court orders data, and some people will be charged with offences that they have not committed.

The JJ NMDS contains data on supervised sentences; it does not contain data on offences that resulted in unsupervised sentences (such as good behaviour bonds and fines). Consequently, using the JJ NMDS to measure recidivism will not reflect the true level of recidivism in the general population.

First, the base population in the JJ NMDS is restricted to those who have received a supervised sentence. To provide a complete picture of recidivism, this base population would need to include anyone who had committed an offence, including those who received unsupervised sentences. Because both the seriousness of the offence and the extent of prior offending are taken into account during sentencing, it is likely that those with supervised sentences will have a longer offending history or have committed offences that are more serious than those who had committed an offence that did not result in a supervised sentence. If the propensity to recidivate is higher among those who have committed offences that are more serious, or among those who have a more extensive offending history, using the JJ NMDS will result in an overestimation of the level of recidivism in the general population.

Second, the return population in the JJ NMDS is restricted to those who have committed an offence that is serious enough to result in a supervised sentence. Ideally, all offences, including those resulting in unsupervised sentences, would be included. Restricting the count to only those who received a supervised sentence will result in an underestimation of the level of recidivism, as young people who recidivate but do not receive a supervised sentence will not be counted as having recidivated.

Data relate only to youth justice supervision

The JJ NMDS contains information on young people supervised by youth justice departments – it does not contain information on people supervised by adult justice departments. Including young people who, because of their age, are not eligible to return to sentenced youth justice supervision within the period of measurement will 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 held criminally responsible) until they are aged 17 (the age limit is 16 in Queensland), although there are some specific circumstances in which young people may be supervised by the youth justice system after the age of 18 (or 17, in Queensland).

In the absence of suitable data on adult supervision, one option is to restrict the cohort to those 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. Chapter 2 presents data using this approach: the cohort used to count the number of young people who returned within 6 and 12 months from release is restricted to those aged 10 to 16 at the time of release in 2012–13 (thus allowing 1 year for these young people to return to sentenced youth justice supervision). The index sentence from which these young people were released in 2012–13 is not necessarily the young person's first ever supervised sentence (that is, they may have had multiple supervised sentences before the sentence from which they were released in 2012–13).

A second option that has the benefit of including 17 year olds is to use a cohort of young people for whom data are available for all their youth justice sentenced supervision. As the JJ NMDS has data available from 2000–01, this data set will contain all the sentenced supervision for young people who were born from 1990–91 to 1996–97. Chapter 3 presents information on returns to sentenced youth justice supervision at any time during the ages of 10 to 17 for these young people.

Time to return is measured to the start of the next supervised sentence, not the date of offence

The JJ NMDS does not currently contain offence dates, so the time to return is the time between the date of release from the index sentence to the start date of the return sentence (if offence dates were available, the time to next offence could be calculated using the release date of the index sentence and the date of the offence that resulted in the return sentence). It also means that it is not possible to exclude pseudo-recidivism, which occurs when a return sentence relates to an offence that was actually committed before the offence that resulted in an index sentence (see 'pseudo-recidivism' in the Glossary for more details). The potential impact of pseudo-recidivism 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 pseudo-recidivism did not have a substantial impact on person-based analyses of returns to sentenced supervision.

2 Returns within 6 and 12 months

One way of exploring the effectiveness of youth justice supervision is to measure the rate at which young people return to sentenced supervision within a particular timeframe. This chapter explores the rate of return for young people who were released from sentenced supervision during 2012–13 and were aged 16 and under at the time of release (for more information on the data and methods, see Appendix). Data are presented for returns within 6 and 12 months of release.

The return timeframes of 6 and 12 months are unlikely to directly correspond to the time to reoffend. There are a number of administrative procedures, such as court proceedings, that occur before a young person can return to sentenced supervision, and these will impact on the rate of return. In 2012–13, over one-third (36%) of cases heard in children’s courts where the defendant was proven guilty took longer than 3 months to be finalised, and almost one-sixth (16%) took more than 6 months (ABS 2014).

Key findings

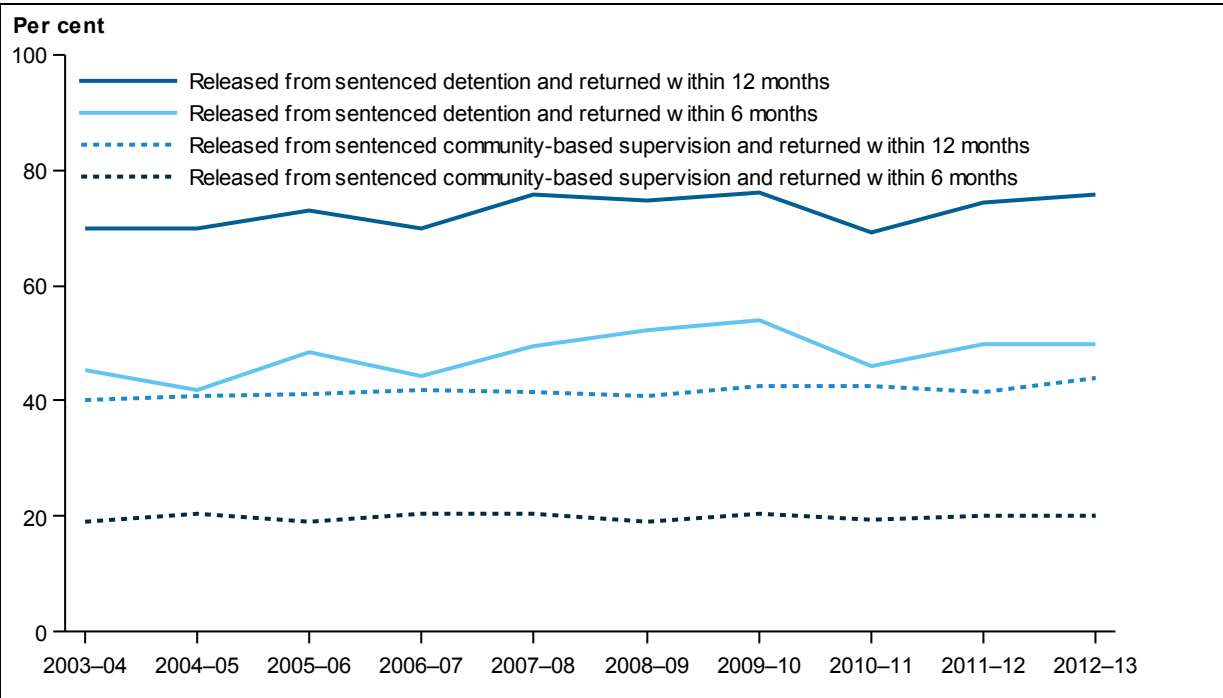
For those aged 10–16 upon release from sentenced supervision in 2012–13:

- 20% of those released from sentenced community-based supervision returned to sentenced supervision within 6 months and 44% returned within 12 months
- 50% of those released from sentenced detention returned to sentenced supervision within 6 months and 76% returned within 12 months.

2.1 Trends

One-fifth (20%) of the 2,568 young people aged 10–16 who were released from sentenced community-based supervision in 2012–13 returned to sentenced supervision within 6 months, and this rate remained fairly constant (between 19% and 21%) over the 10 years from 2003–04 (Figure 2.1). The rate of return within 12 months increased slightly over the same period, from 40% for young people released in 2003–04 to a high of 44% for those released in 2012–13.

Young people released from sentenced detention were almost 2.5 times 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 42% to 54% over the 10 years from 2003–04 (Figure 2.1). Half (50%) of 479 young people aged 10–16 who were released from sentenced detention in 2012–13 had returned to sentenced supervision within 6 months. The 12 month return rate ranged from 70% to 76%, with three-quarters (76%) of those released in 2012–13 returning to sentenced supervision within 12 months.



Note: See Appendix for details of data and methods.

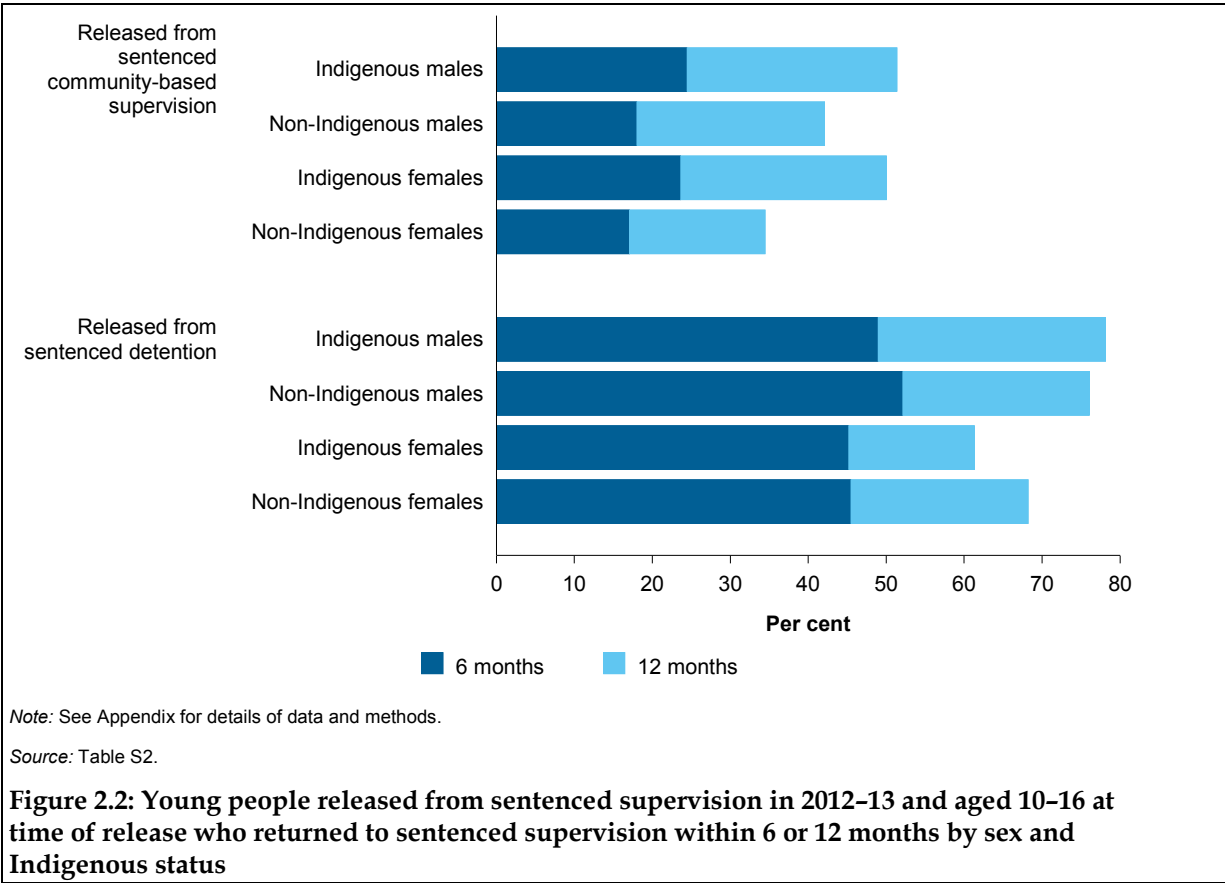
Source: Table S1.

Figure 2.1: Young people released from sentenced and aged 10-16 at time of release who returned to sentenced supervision within 6 or 12 months by year of release

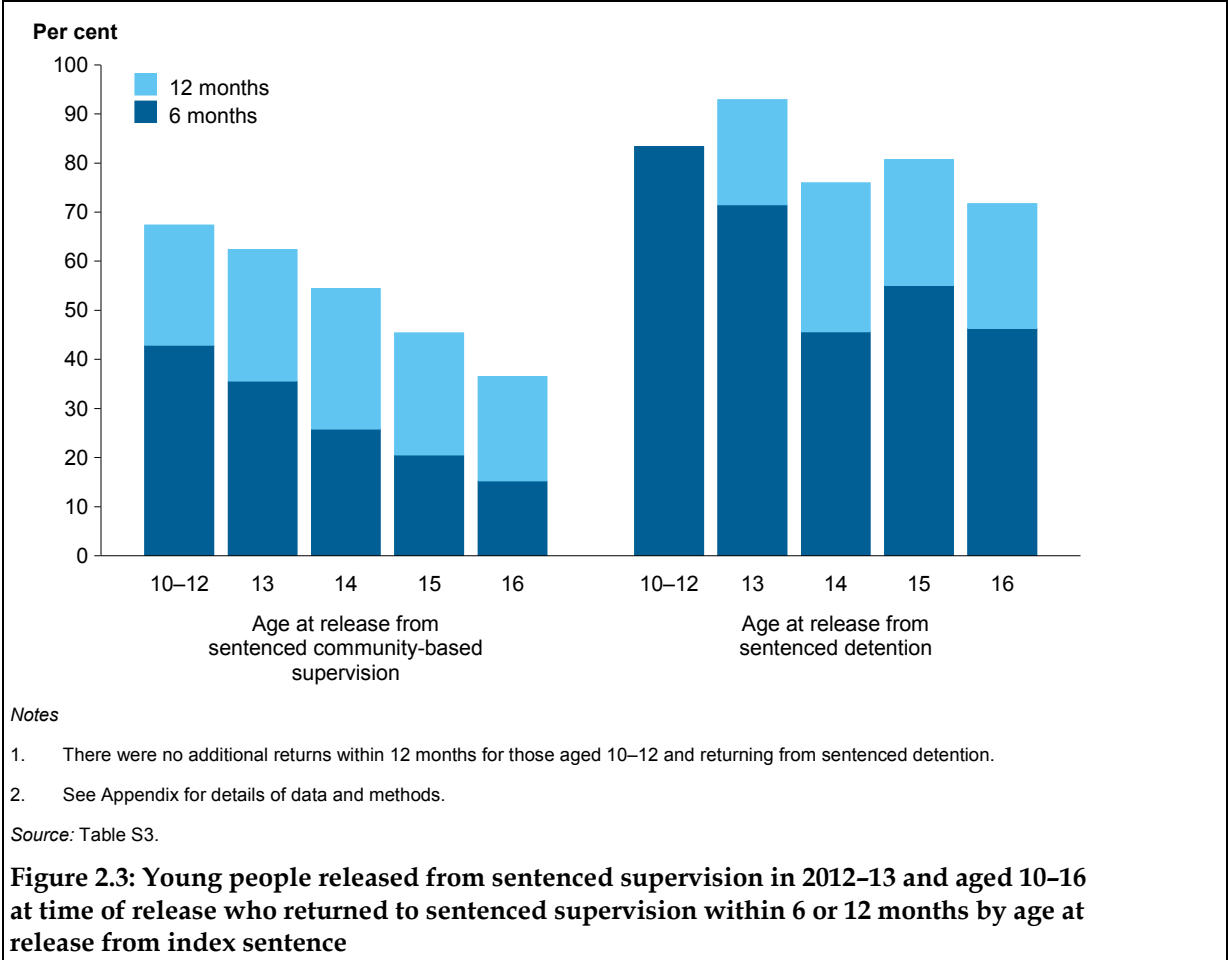
2.2 Demographics

Indigenous young people released from sentenced community-based supervision were more likely to return to sentenced supervision than their non-Indigenous counterparts, irrespective of sex (Figure 2.2): 24% of Indigenous males and 24% of Indigenous females returned within 6 months compared with 18% of non-Indigenous males and 17% of non-Indigenous females. The pattern was similar for returns within 12 months (51% and 50% for Indigenous males and Indigenous females, respectively, compared with 42% and 34% for non-Indigenous males and non-Indigenous females).

In contrast to those released from sentenced community-based supervision, males released from sentenced detention were more likely to return to sentenced supervision within 12 months than females, irrespective of Indigenous status (Figure 2.2): 78% of Indigenous males and 76% of non-Indigenous males returned within 12 months, compared with 61% of Indigenous females and 68% of non-Indigenous females. For returns within 6 months, there was little difference among the four groups (rates ranged from 45% for non-Indigenous and Indigenous females to 52% for non-Indigenous males).



In general, the younger a person was when they were released from sentenced community-based supervision, the more likely they were to return to sentenced supervision (Figure 2.3). Within 12 months, two-thirds (67%) of those aged 10–12 when released from sentenced community-based supervision had returned to sentenced supervision, a rate that was almost twice that of those aged 16 when they were released (37%). In contrast, the rate of return within 12 months for those released from sentenced detention was high for all age groups, with the highest rate for those aged 13 at release (93%), followed by 83% for those aged 10–12 (all of whom returned within 6 months).



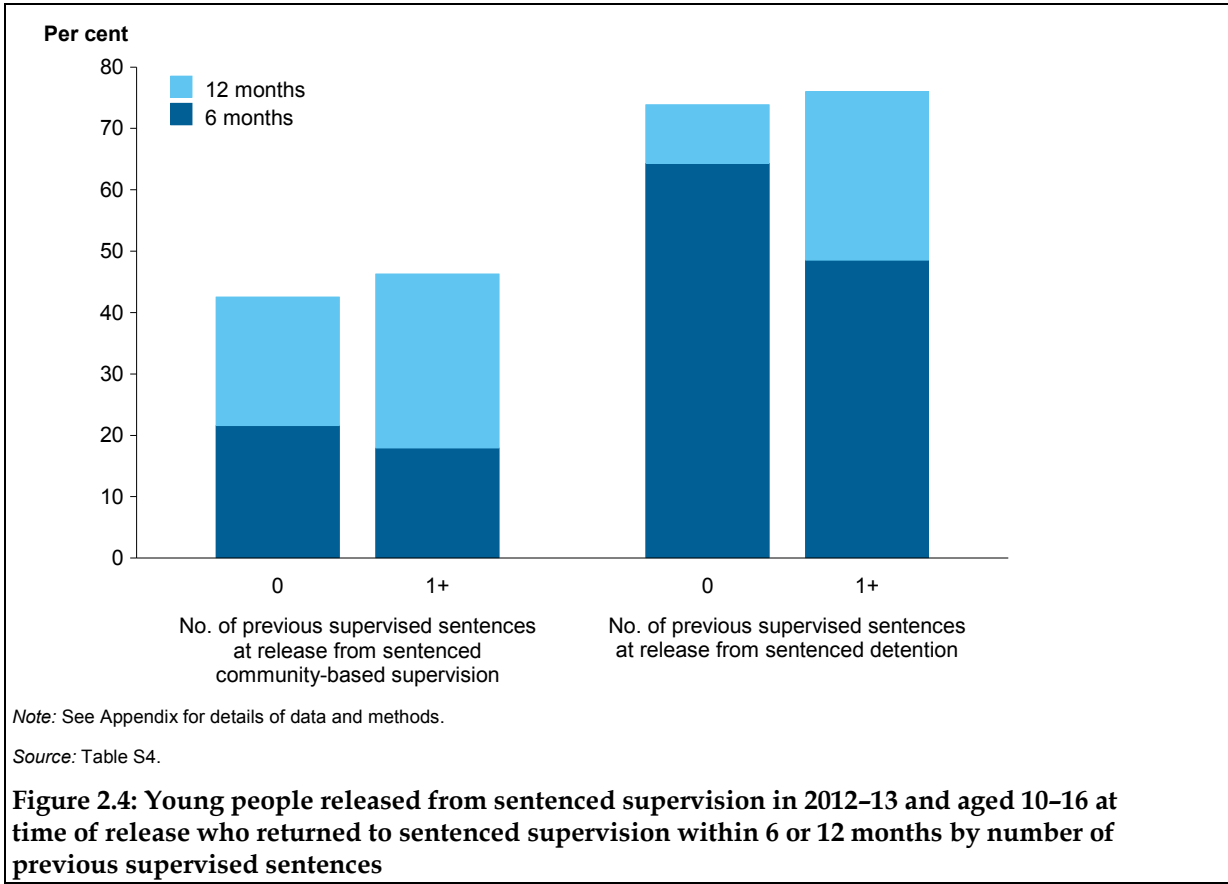
2.3 Previously sentenced to supervision

A number of previous studies have shown a relationship between the likelihood of returning to sentenced supervision (and the criminal justice system more broadly) and offending history. However, because unsupervised sentences are not captured in the JJ NMDS, it is not possible to fully explore the relationship between offending history and likelihood of returns to sentenced supervision. Young people with no previous supervised sentences may still have had previous unsupervised sentences, so an absence of supervised sentences does not necessarily mean that the young person has no offending history. The severity of the sentence handed down by the court is generally determined by both the seriousness of the offence and the extent of the young person's offending history. Supervised sentences are more severe than unsupervised sentences, and it is likely that a young person will receive one or more unsupervised sentences before being sentenced to supervision. Therefore, while it is likely that a young person with multiple previous supervised sentences has a longer offending history than one with no previous supervised sentences, a young person with no previous supervised sentences is still likely to have had previous unsupervised sentences.

For both young people released from sentenced community-based supervision and those released from sentenced detention, returning to sentenced supervision was slightly more likely for those who had 1 or more previous supervised sentences, but only for returns within 12 months (Figure 2.4). For returns within 6 months, young people with no previous supervised sentences were slightly more likely to return than those with 1 or more previous supervised sentences.

For those released from sentenced community-based supervision who returned within 6 months, 18% had at least 1 previous supervised sentence, while 46% of those who returned within 12 months had at least 1 previous supervised sentence. For those released from detention, almost one-half (49%) of those who returned within 6 months had at least 1 previous supervised sentence, compared with more than three-quarters (76%) of those who returned within 12 months. Additional analysis showed that there was little difference in the rates of return when disaggregated by sex and Indigenous status.

In general, cases involving more serious offences take longer to finalise than those involving less serious offences (ABS 2014). The increased likelihood of returning within 6 months for those with no previous supervised sentences may indicate that they commit less serious offences than those with multiple previous supervised sentences. The time to return to sentenced supervision is a factor of both the time to commit the subsequent offence and the time taken for the matter to be finalised by the court.

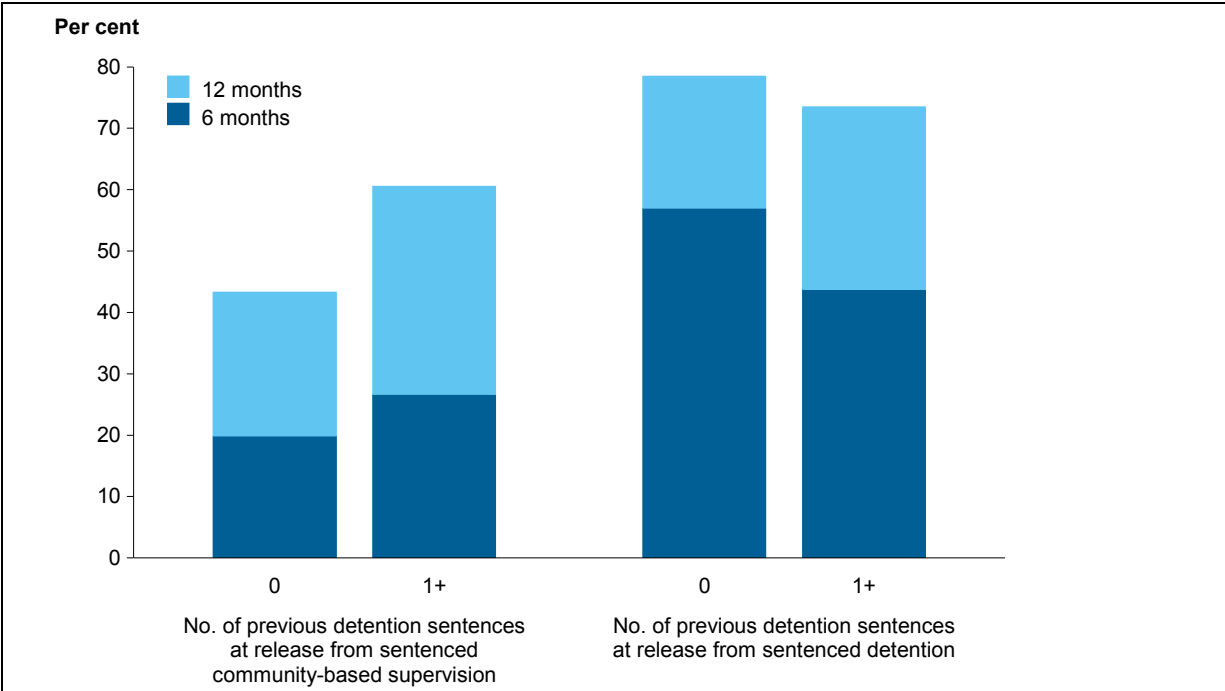


2.4 Previously sentenced to detention

If they had been previously sentenced to detention, young people released from sentenced community-based supervision were more likely than those who had not previously been sentenced to detention to return to some form of sentence within 6 months of supervision (27% compared with 20%) and within 12 months (61% compared with 43%) (Figure 2.5).

However, the reverse was true for those released from sentenced detention: of those with no previous detention sentence, 57% had returned to sentenced supervision within 6 months, which was 1.3 times the rate for those with a previous detention sentence (44%). Those with no previous detention sentence were also more likely to return within 12 months, although the difference was less: 78% compared with 73%.

As noted previously, more serious offences tend to take longer to finalise. While the results may indicate that those released from detention with no previous detention sentences are more likely to re-offend within a 6- or 12-month period than those with 1 or more previous detention sentences, it could be that they tend to commit less serious offences. That is, young people tend to increase the seriousness of their offending over time, and as these more serious offences require more time to finalise, those with longer detention histories will take longer to return to sentenced supervision.



Note: See Appendix for details of data and methods.

Source: Table S5.

Figure 2.5: Young people released from sentenced supervision in 2012-13 and aged 10-16 at time of release who returned to sentenced supervision within 6 or 12 months by number of previous detention sentences

2.5 Length of index sentence

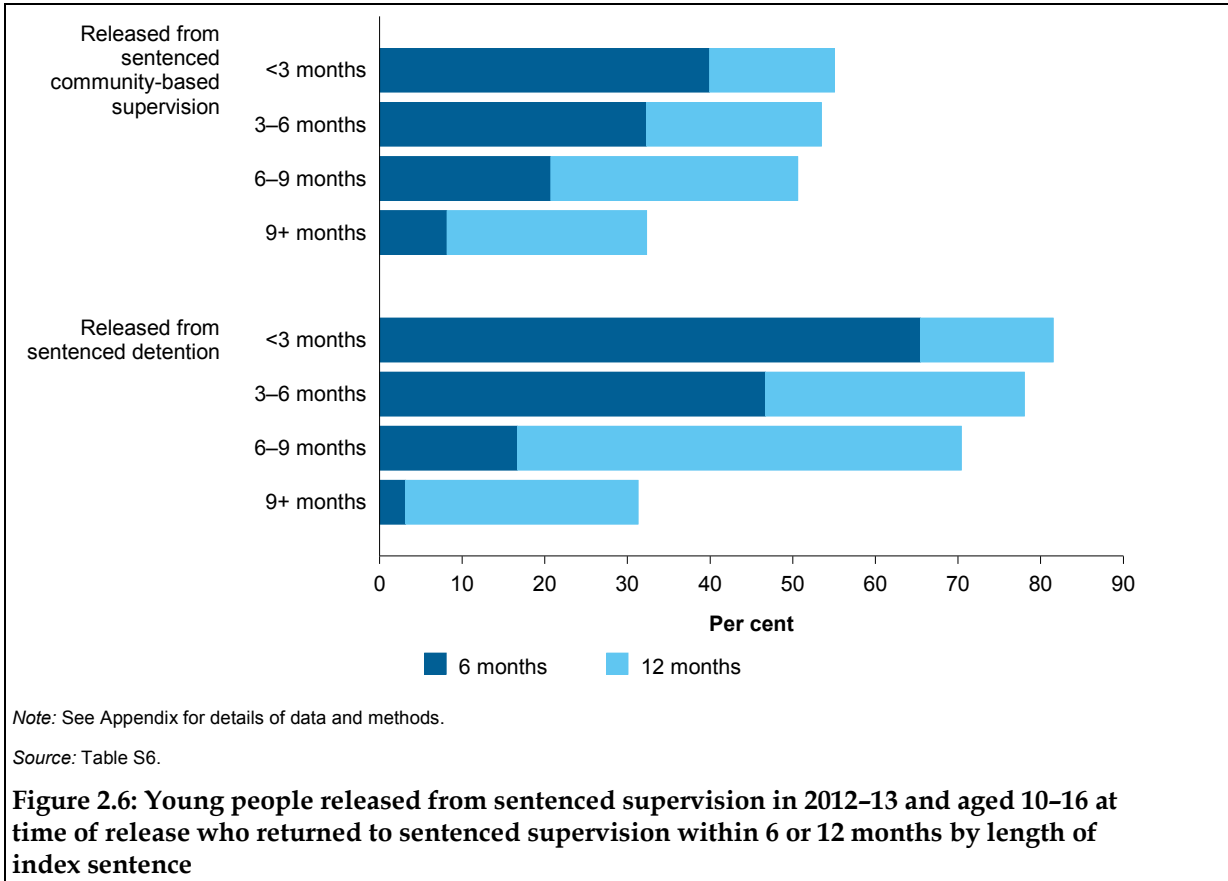
For both sentenced community-based supervision and sentenced detention, those released from shorter sentences were more likely to return within 6 and 12 months than those released from longer sentences (Figure 2.6). Almost three-fifths (55%) of those released from a sentence of community-based supervision that lasted less than 3 months returned to sentenced supervision within 12 months – a return rate that was 1.7 times as high as for those released from a sentence of community-based supervision lasting 9 months or more (32%). Young people released from a sentence of detention lasting less than 3 months were 2.6 times as likely to return within 12 months as those whose sentence lasted 9 months or more (81% compared with 31%).

Additional analysis showed that this relationship, where the shorter the index sentence the more likely the young person was to return within 6 and 12 months, was not influenced by Indigenous status or sex for either sentenced community-based supervision or for sentenced detention.

There are several possible explanations for the relationship between rate of return and length of index sentence. One is that young people released from longer detention sentences may be more likely to be released on parole or supervised release than those released from shorter sentences, which would likely reduce the likelihood of reoffending within the period of supervision; however, this explanation does not apply to those released from community-based supervision.

A second possibility is that, as noted in the previous section, offence seriousness tends to escalate over time. Because young people with longer index sentences may have committed more serious offences than those with shorter index sentences, if their offending escalates, their next offence will again be more serious than those committed by young people with shorter index sentences. As these more serious offences often take longer to adjudicate than less serious offences, young people who commit these more serious offences may be equally likely to return but will return after the specified timeframes and therefore would not be counted as having returned.

A further explanation is that young people serving shorter sentences may be less likely to access or complete rehabilitative programs, thus increasing their risk of reoffending. A related explanation is that for shorter sentences, a greater proportion of the sentence is actually served on remand, during which time young people typically cannot access rehabilitative programs as they have not yet been proven guilty of the offence. For example, if a young person is placed on remand for 1 month while their case is heard by the court, when they are sentenced to 2 months of detention the court may backdate the start date of this sentence to include the 1 month of remand. It is also important to note that the length of the sentenced order as recorded in the JJ NMDS is the length of time from the start of the sentenced order to the date of release, which may be shorter than the sentence handed down by the court (as young people may be eligible for early release if they meet certain requirements).

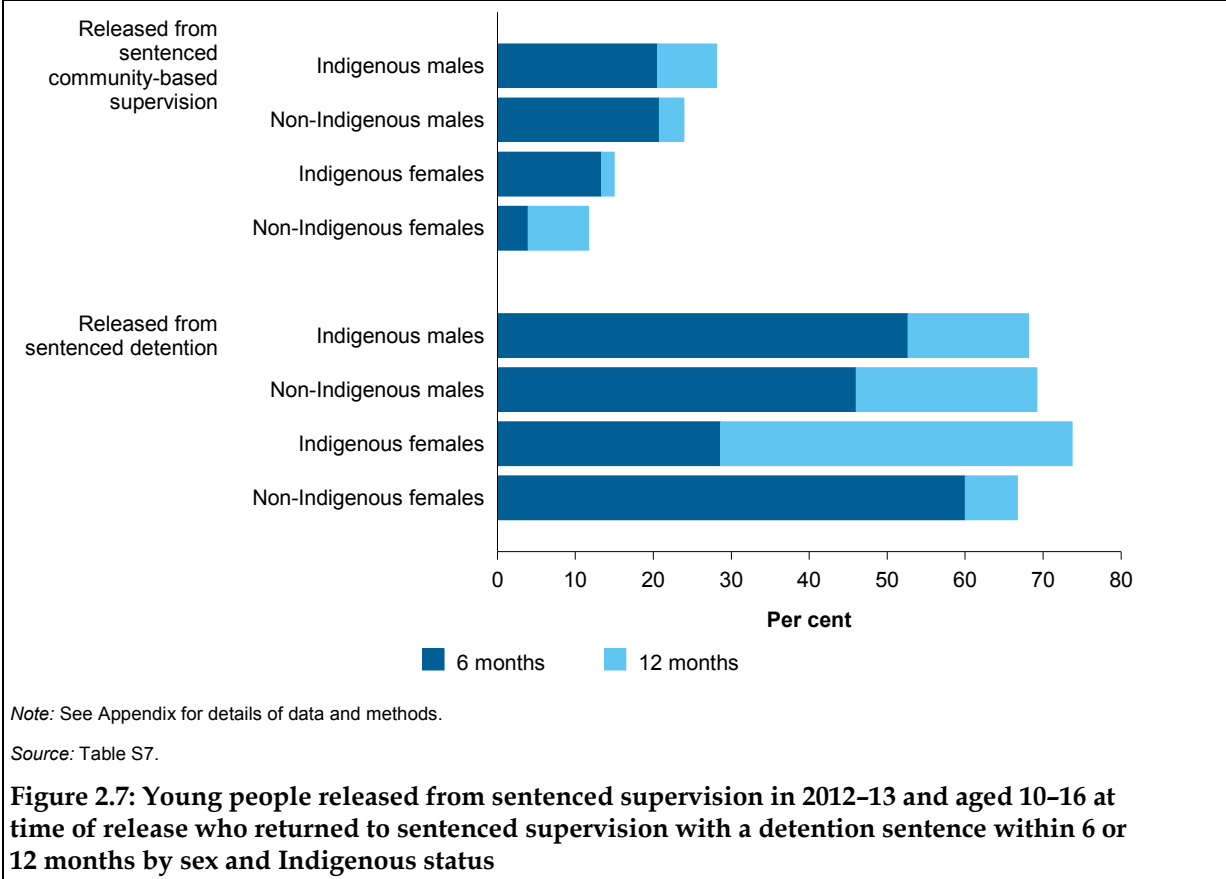


2.6 Returning with a sentence of detention

Those who returned to sentenced supervision following release from a detention sentence were more likely to return to a detention sentence than those who were released from sentenced community-based supervision: 69% of those who returned to sentenced supervision within 12 months of release from sentenced detention returned to another sentence of detention within those 12 months, compared with 23% of those who returned to sentenced supervision following release from sentenced community-based supervision.

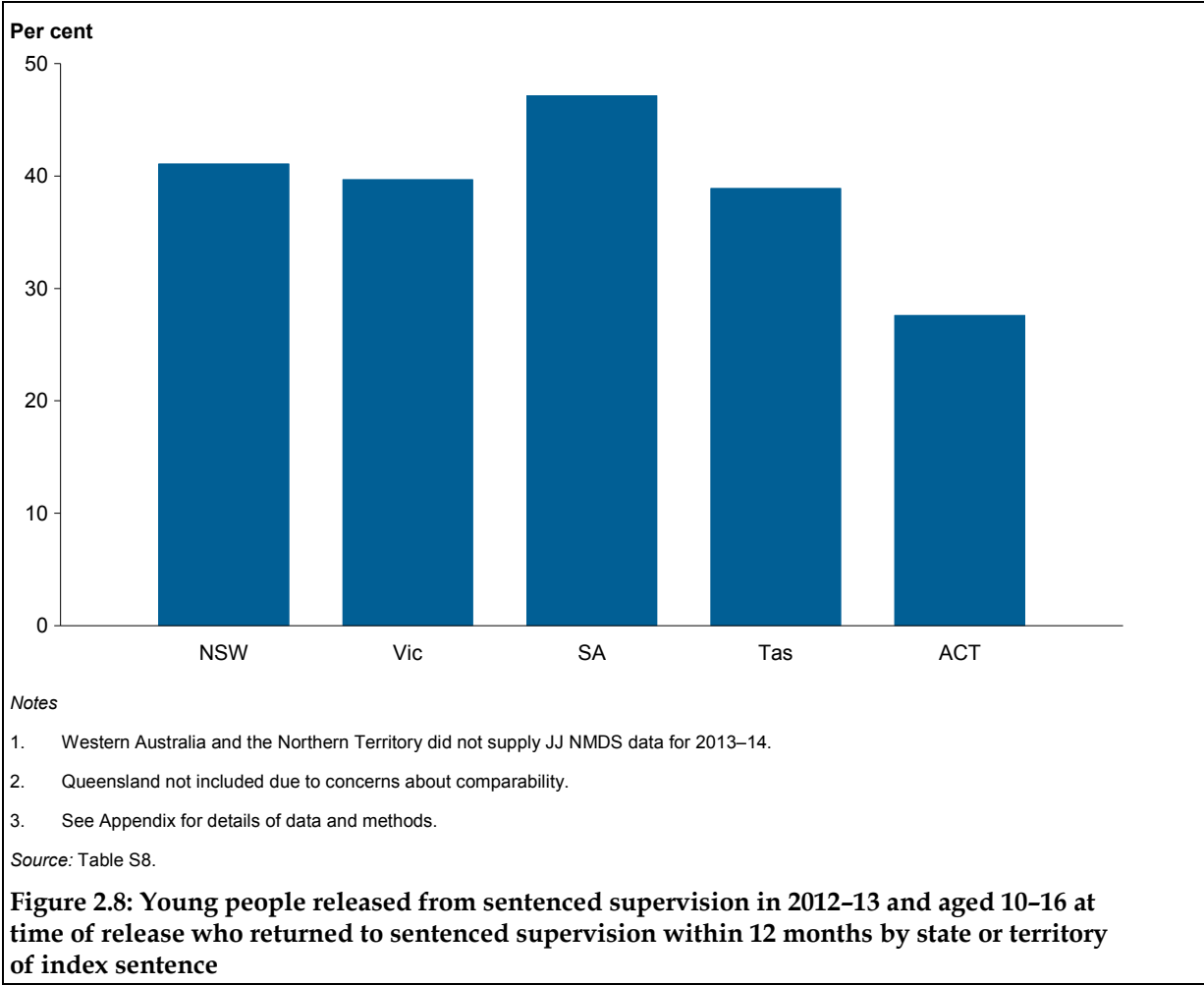
There was a clear relationship between sex and Indigenous status and the likelihood of returning with a detention sentence for young people released from sentenced community-based supervision (Figure 2.7). Indigenous males were most likely to have a return detention sentence: 28% of those who returned within 12 months had a detention sentence in that timeframe, followed by non-Indigenous males (24%), Indigenous females (15%) and non-Indigenous females (12%).

However, this was not the case for those returning from sentenced detention. Indigenous females who returned within 12 months were slightly more likely to have a detention sentence in that timeframe than other groups (74%), with rates for the other 3 groups close to 70%.



2.7 States and territories

The rate of return to sentenced supervision within 12 months of release for those released from either sentenced community-based supervision or detention ranged from 28% in the Australian Capital Territory to 47% in South Australia (Figure 2.8) (these figures do not include Queensland, Western Australian and the Northern Territory – see notes in Figure 2.8 for details). Numbers were too small to analyse by the type of sentence (community-based or detention) from which the young person was released.



3 Returns to sentenced youth justice supervision at any time during the ages of 10–17

The previous chapter examined the rate of return within 6 and 12 months of release from a supervised sentence. This rate was restricted to those aged 16 and under to allow for a full year of returns (as young people cannot currently be traced into the adult justice system) and did not include returns to youth justice supervision that occurred after 12 months. As the JJ NMDS is a longitudinal dataset with data available from 2000–01, it is possible to also examine the rate of return over all possible youth justice supervision, from the age of 10 to 17. This is achieved by restricting the analysis to those born from 1990–91 to 1996–97, as the JJ NMDS will have data on all their sentenced youth justice supervision from the age of 10 to 17.

Key findings

The data set used in this report has information on all youth justice supervised sentences for people born from 1990–91 to 1996–97.

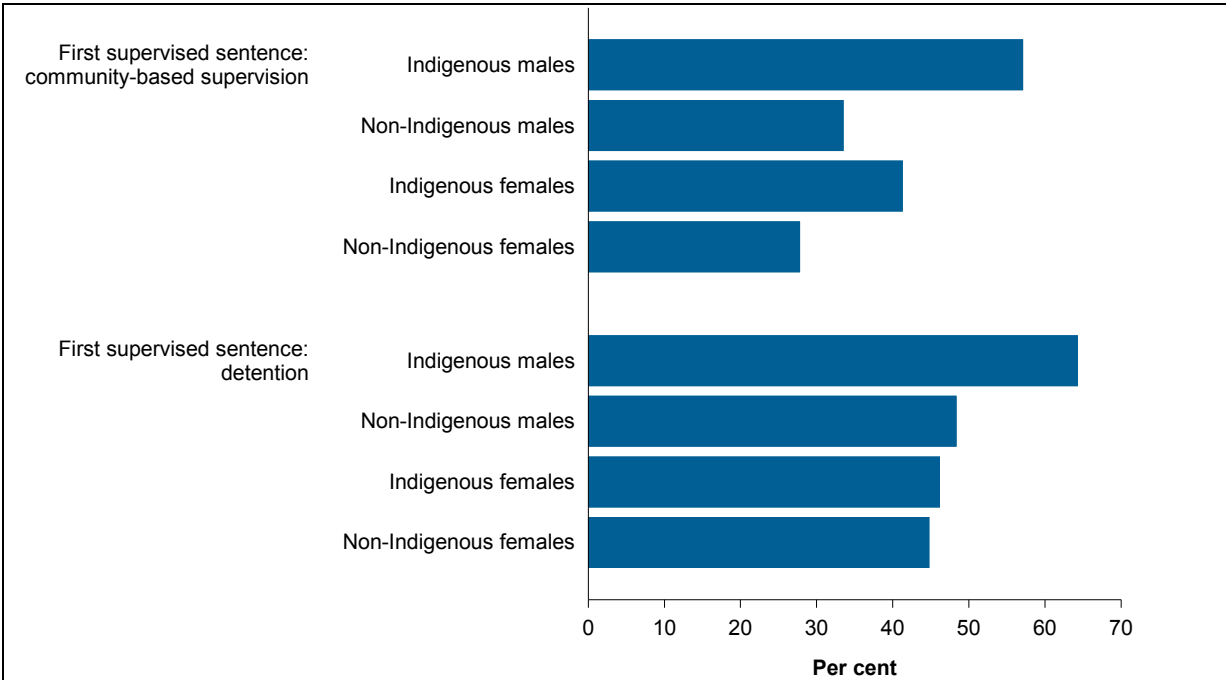
For these people, 62% had only 1 supervised sentence before the age of 18.

- Of those whose first supervised sentence was community-based, 37% went on to have more supervised sentences before the age of 18 (63% had only 1 supervised sentence).
- Of those whose first supervised sentence was detention, 53% went on to have more supervised sentences before the age of 18 (47% had only 1 supervised sentence).
- 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.

3.1 Demographics

Most young people who have a supervised sentence have only one, and never return to sentenced youth justice supervision. Overall, of the 21,446 young people born between 1990–91 and 1996–97 with sentenced youth justice supervision, 62% had only 1 supervised sentence before the age of 18. Those whose first supervised sentence was community-based were more likely to have only 1 supervised sentence than those whose first sentence was detention (63% compared with 47% – most young people’s first supervised sentence was community-based).

Overall, over one-third (37%) of the 20,612 young people whose first supervised sentence was community-based and just over one-half (53%) of the 834 young people whose first supervised sentence was detention went on to have more supervised sentences before the age of 18. Indigenous young people whose first supervised sentence was community-based were more likely to have multiple supervised sentences than non-Indigenous young people: 57% of Indigenous males and 41% of Indigenous females had multiple supervised sentences, compared with 33% of non-Indigenous males and 28% of non-Indigenous females (Figure 3.1). However, this pattern was not found for those whose first supervised sentence was detention: while Indigenous males were again the most likely to have multiple supervised sentences (64%), there was little difference in the rate for non-Indigenous males (48%), Indigenous females (46%) and non-Indigenous females (45%).

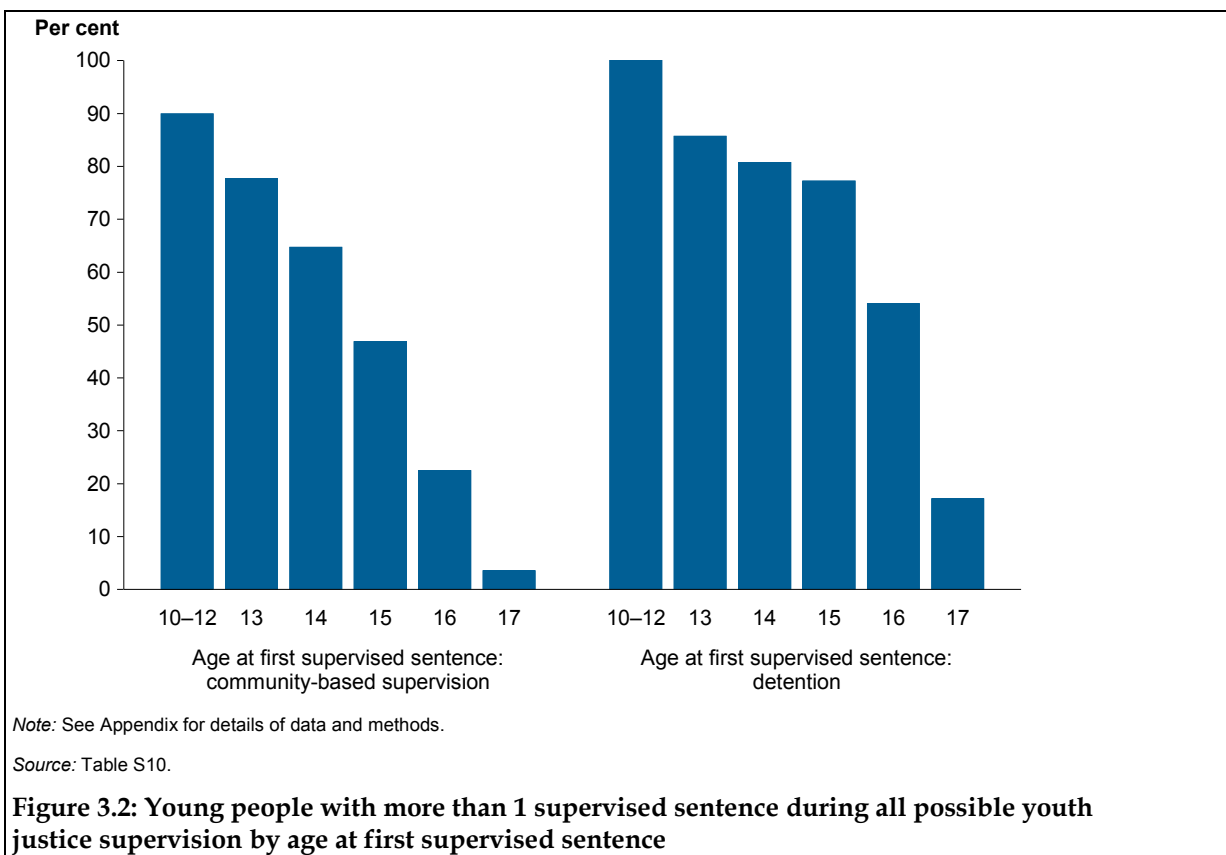


Note: See Appendix for details of data and methods.

Source :Table S9.

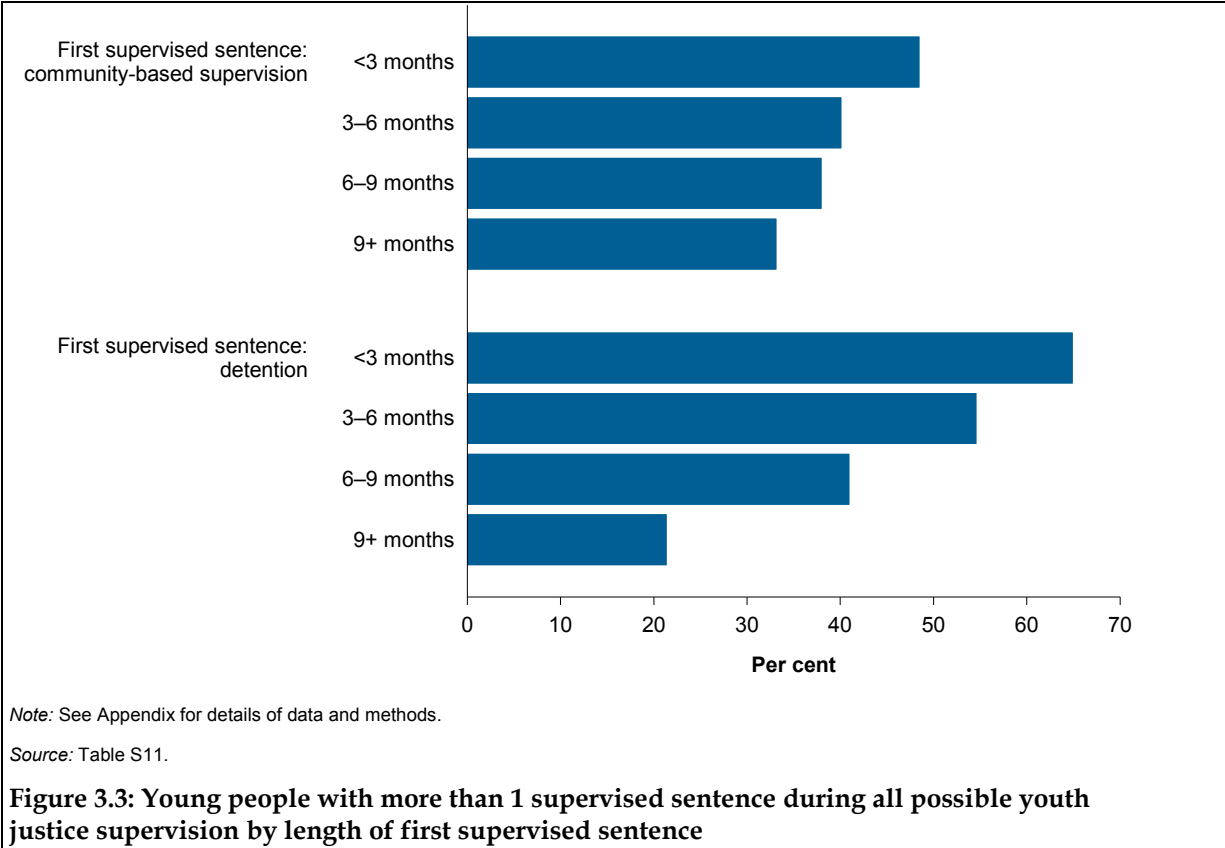
Figure 3.1: Young people with more than 1 supervised sentence during all possible youth justice supervision by sex and Indigenous status

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 turning 18 (Figure 3.2). For those whose first supervised sentence was community-based, 90% of those aged 10–12 at the start of this sentence returned to sentenced supervision, compared with 22% of those aged 16 (and just 4% of those aged 17—these young people would have had only a limited time to return to sentenced supervision before being too old for the youth justice system). A similar pattern occurred for those whose first supervised sentence was detention, although the rate of return was higher for all age groups than the equivalent group who had community-based supervision. Of those with detention as their first supervised sentence, all (100%) of those aged 10–12 at the start of this sentence returned to sentenced supervision before they turned 18. This rate of return decreased slightly with successive age groups to around 80% for those aged 14 and 15, while just over one-half (54%) of those aged 16 (and 17% of those aged 17) returned to sentenced supervision.



3.2 Length of first supervised sentence

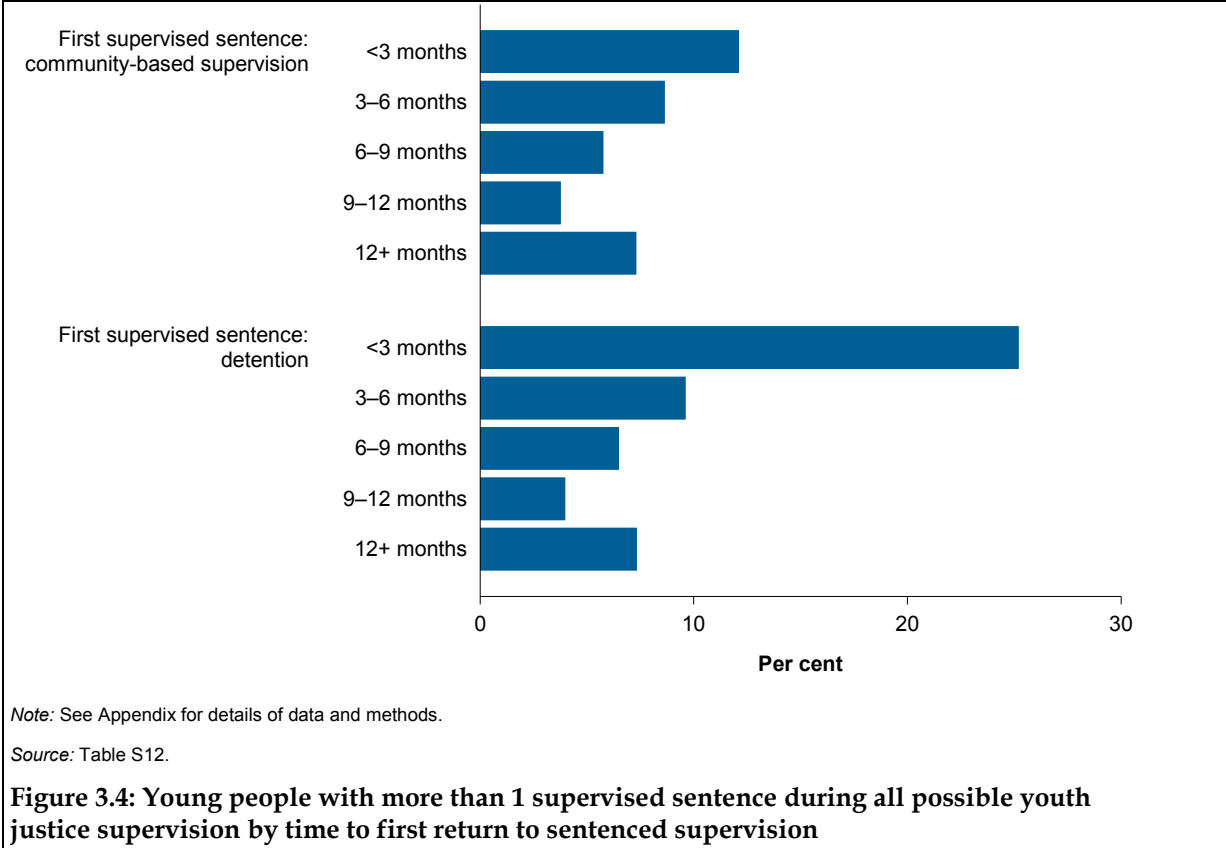
As with those released in 2012–13 (see Chapter 2), young people with shorter initial sentences were more likely to return to sentenced supervision (Figure 3.3). Of those whose first supervised sentence was community-based, almost half (48%) of those with an initial supervised sentence of less than 3 months went on to have multiple supervised youth justice sentences, compared with one-third (33%) of those whose first supervised sentence last 9 months or more. The difference was even more pronounced for those whose first supervised sentence was detention. For these young people almost two-thirds (65%) of those whose first supervised sentence lasted less than 3 months went on to have multiple supervised sentences, compared with one-fifth (21%) of those whose first supervised sentence lasted 9 months or more.



3.3 Time to return

Of those whose first supervised sentence was community-based, 12% had returned to sentenced supervision within 3 months and a further 9% returned within 6 months, while 7% returned after a year or more (63% did not return at all) (Figure 3.4).

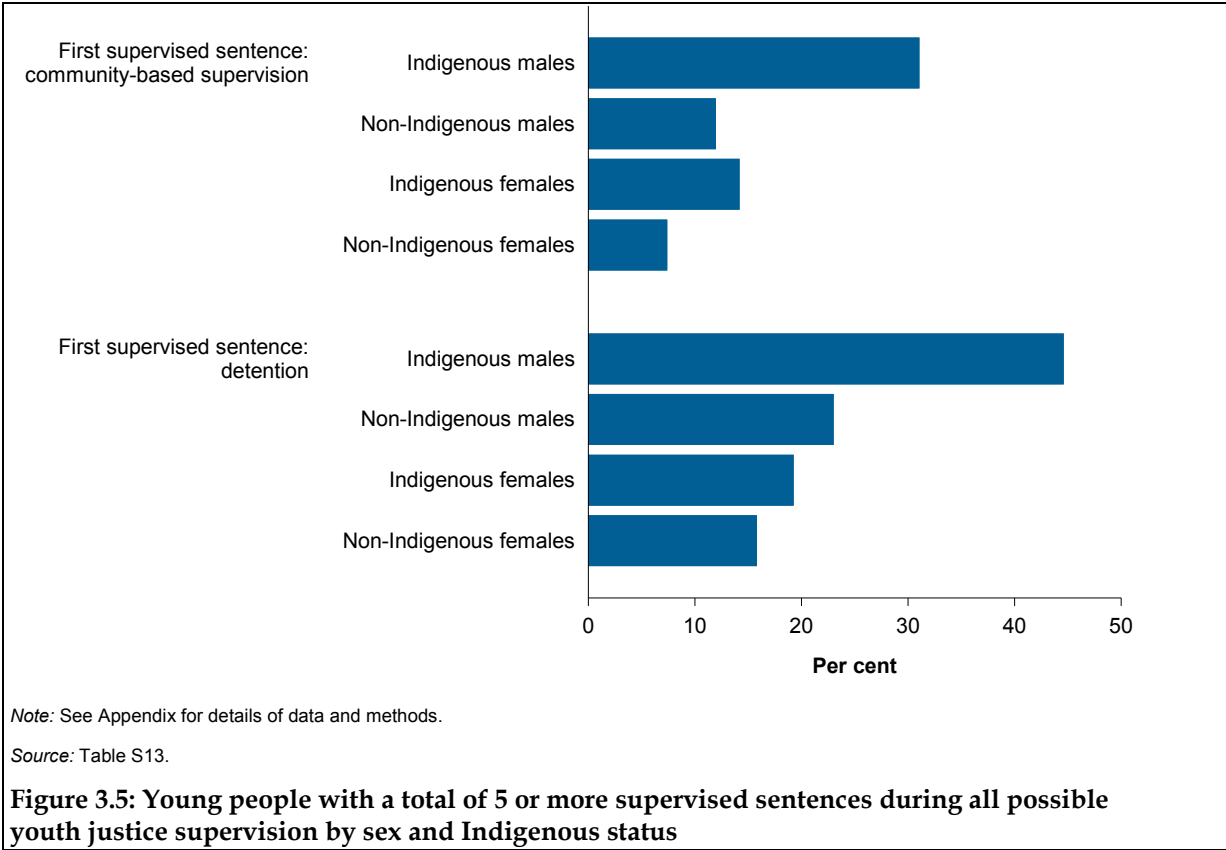
Those whose first supervised sentence was detention were even more likely to return in a relatively short period: one-quarter (25%) had returned to sentenced supervision within 3 months, and a further 10% returned within 6 months (47% did not return at all).



3.4 Total number of supervised sentences

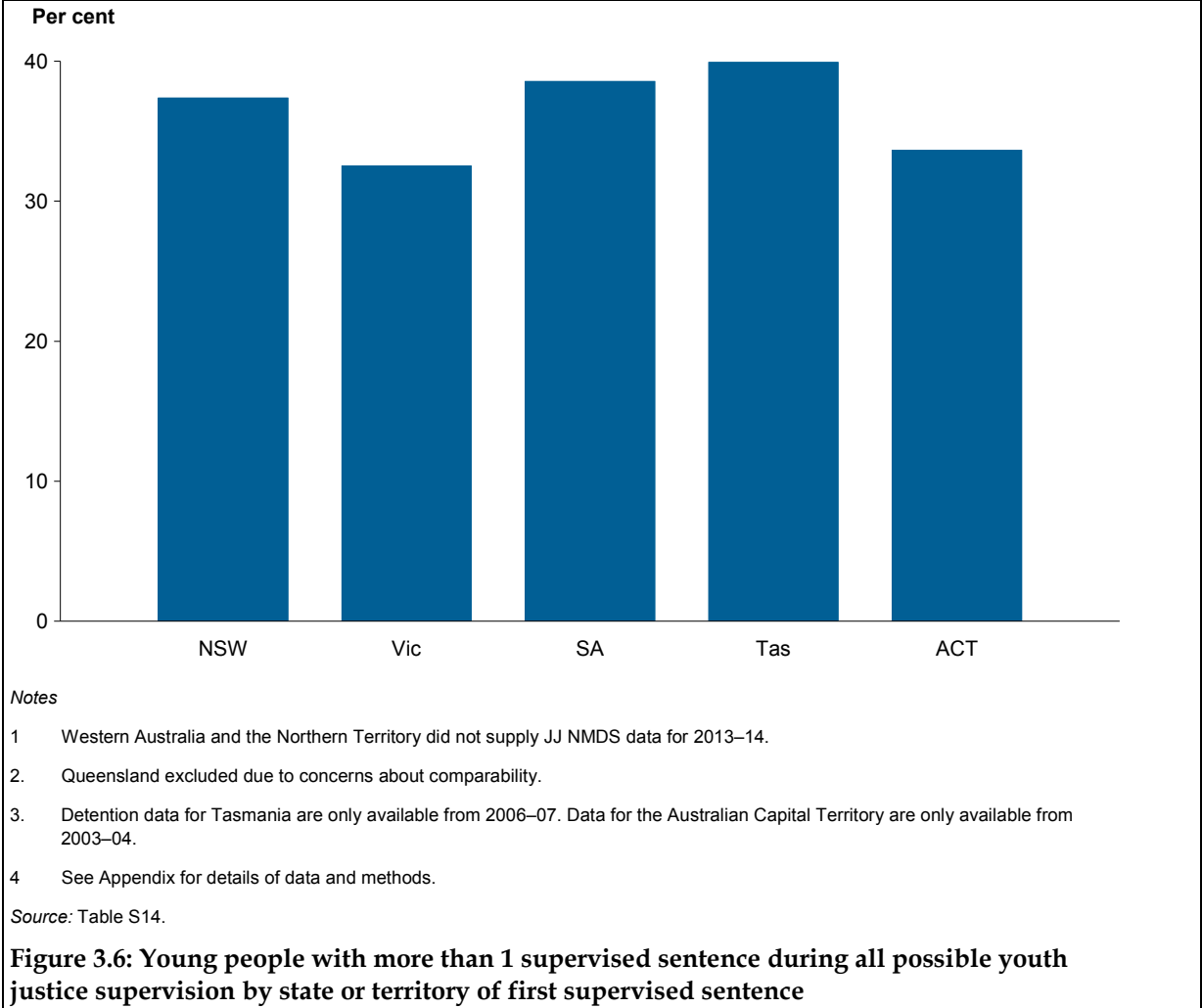
Of those who entered sentenced youth justice supervision, a sizeable minority went on to have a total of 5 or more supervised sentences before they turned 18. Almost 1 in 6 (15%) of those whose first supervised sentence was community-based had a total of 5 or more supervised sentences from the ages of 10 to 17; almost 4 in 6 (63%) had only 1 supervised sentence. The rate of return was higher for those whose first supervised sentence was detention: more than one-quarter (29%) had a total of 5 or more supervised sentences (almost one-half (47%) had only 1 supervised sentence).

For both those with sentenced community-based supervision as their first supervised sentence and those with sentenced detention, Indigenous males were the most likely to have a total of 5 or more supervised sentences (31% for community-based and 45% for detention), and non-Indigenous females the least likely (7% for community-based and 16% for detention) (Figure 3.5).



3.5 States and territories

The proportion of young people who had more than 1 supervised sentence during the time they were eligible for youth justice supervision (that is, from the age of 10 and until they turned 18), ranged from 33% in Victoria to 40% in Tasmania (Figure 3.6) (this does not include Queensland, Western Australia and the Northern Territory – see notes in Figure 3.6 for details).



Appendix: Data and methods

Data sources

The data used in this project come from the Juvenile Justice National Minimum Data Set, which contains information on young people under supervision 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 2013–14. JJ NMDS data for Western Australia and the Northern Territory are only available for 2000–01 to 2007–08, therefore data for these two jurisdictions were not included in any of the analyses in this report. For more information on JJ NMDS data quality and coverage, see the JJ NMDS Data Quality Statement (available from <http://meteor.aihw.gov.au/content/index.phtml/itemId/601986>).

Linkage method

In the JJ NMDS, each young person has a state-specific person identifier. However, as the individual state and territory data sets in the JJ NMDS are not routinely linked, it is possible that an individual in one state or territory may also be 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 *Linking SAAP, child protection and juvenile justice data: technical report* (AIHW 2012). The method was updated to include information from the 2013–14 JJ NMDS.

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 examines returns to sentenced supervision 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 in Australia, 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 limit for receiving a sentenced youth justice order is 17 in all states and territories except Queensland, where it is 16.

The birth cohorts comprise all young people in the JJ NMDS who were born from 1990–91 to 1996–97 as these people will have all their sentenced youth supervision orders in the JJ NMDS, which has data from 2000–01 to 2013–14. Although it is possible for young people over the age of 17 to be supervised by youth justice departments for a number of reasons, to ensure comparability, returns to supervision are only counted for the period in which all

young people in most states and territories were eligible to be supervised by youth justice. Detention data for Tasmania are only available from 2006–07, and data for the Australian Capital Territory are only available from 2003–04.

The release cohorts comprise young people in the JJ NMDS whose age made them eligible to return to youth justice supervision in 1 year, which means young people were excluded if they were aged 17 or older 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	1995–96 to 2002–03	2012–13	2012–13 to 2013–14	10–16
1 year	Release	1995–96 to 2002–03	2012–13	2012–13 to 2013–14	10–16
All possible supervision	Birth	1990–91 to 1996–97	2000–01 to 2013–14	2000–01 to 2013–14	10–17

Index and return sentences

For the release cohorts, the index sentence is the first sentenced supervision sentence that ended in the relevant financial year. Where there is more than 1 possible index sentence (because multiple sentences end on the same date), the sentence that started first is selected; if this does not result in a single index sentence and one of the possible index sentences is a detention sentence, this is selected. If there are multiple possible index sentences and 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 may 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 one of the possible index sentences is a detention sentence, this 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 orders are any sentenced supervision orders with a start date after the end date of the index order. In contrast to the analysis presented in the stage 1 report (AIHW 2013), this is irrespective of whether the index order is community-based supervision or detention. The time to return is calculated by subtracting the end date of the index order from the start date of the first return order. Some young people who exit detention are released into community-based supervision on parole or supervised release. Any returns that occur in this period are included unless they are explicitly excluded (see below).

Number of previous supervised sentences

The count of previous supervised sentences was constructed 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 for all analyses

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

Sentences where the young person was aged 18 or over

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

Sentences that ended because the young person died

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

Sentences overturned on review

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

Parole or supervised release sentences

Parole or supervised release sentences were excluded from both index and return sentences as these sentences relate to an existing offence, not a new one. 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 a sentence of 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, sentenced 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 there were multiple sentenced detention sentences that followed a suspended sentence, the detention sentence with the earliest start and end date was removed.

Exclusions for birth cohorts only

The following exclusions apply 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 in the most recent year of available JJ NMDS data

Young people whose first supervised sentence ended after 30 June 2014 (around 3%) were not included in the analysis of rates of return at any time during possible youth justice supervision.

Glossary

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 1 March and ended 15 March. If offence dates are used, offence A is correctly considered the index offence and offence B the recidivist act. However, if sentence dates are used (and the offence dates are unknown), the sentence relating to offence B is incorrectly considered the index order and the sentence relating to offence A is considered the return order.

References

ABS (Australian Bureau of Statistics) 2014. Criminal courts, Australia, 2012–13. ABS cat. no. 43513.0. Canberra: ABS.

AIHW (Australian Institute of Health and Welfare) 2012. Linking SAAP, child protection and juvenile justice data: technical report. Data linkage series no. 14. Cat. no. CSI 14. Canberra: AIHW.

AIHW 2013. Using the Juvenile Justice National Minimum Data Set to measure juvenile recidivism. Juvenile justice series no. 14. Cat. no. JUV 32. Canberra: AIHW.

AIHW 2015. Using the Juvenile Justice National Minimum Data Set to measure returns to sentenced youth justice supervision: stage 2. Juvenile justice series no. 17. Cat. no. JUV 54. Canberra: AIHW.

Richards K 2011. Technical and background paper: measuring juvenile recidivism in Australia. Canberra: Australian Institute of Criminology.

List of tables

Table A1: Analysis cohorts23

List of figures

Figure 2.1: Young people released from sentenced and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by year of release.....5

Figure 2.2: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by sex and Indigenous status.....6

Figure 2.3: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by age at release from index sentence7

Figure 2.4: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by number of previous supervised sentences9

Figure 2.5: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by number of previous detention sentences.....10

Figure 2.6: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by length of index sentence.....12

Figure 2.7: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision with a detention sentence within 6 or 12 months by sex and Indigenous status.....13

Figure 2.8: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 12 months by state or territory of index sentence.....14

Figure 3.1: Young people with more than 1 supervised sentence during all possible youth justice supervision by sex and Indigenous status16

Figure 3.2: Young people with more than 1 supervised sentence during all possible youth justice supervision by age at first supervised sentence.....17

Figure 3.3: Young people with more than 1 supervised sentence during all possible youth justice supervision by length of first supervised sentence.....18

Figure 3.4: Young people with more than 1 supervised sentence during all possible youth justice supervision by time to first return to sentenced supervision.....19

Figure 3.5: Young people with a total of 5 or more supervised sentences during all possible youth justice supervision by sex and Indigenous status20

Figure 3.6: Young people with more than 1 supervised sentence during all possible youth justice supervision by state or territory of first supervised sentence21

List of supplementary tables

Returns within 6 and 12 months

Table S1: Young people released from sentenced supervision in 2013–14 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by year of release

Table S2: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by sex and Indigenous status

Table S3: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by age at release from index sentence

Table S4: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by number of previous supervised sentences

Table S5: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by number of previous detention sentences

Table S6: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by length of index sentence

Table S7: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision with a detention sentence within 6 or 12 months by sex and Indigenous status

Table S8: Young people released from sentenced supervision in 2012–13 and aged 10–16 at time of release who returned to sentenced supervision within 6 or 12 months by state or territory of index sentence

Returns to sentenced youth justice supervision at any time during the ages of 10–17

Table S9: Young people with more than 1 supervised sentence during all possible youth justice supervision by sex and Indigenous status

Table S10: Young people with more than 1 supervised sentence during all possible youth justice supervision by age at first supervised sentence

Table S11: Young people with more than 1 supervised sentence during all possible youth justice supervision by length of first supervised sentence

Table S12: Young people with more than 1 supervised sentence during all possible youth justice supervision by time to first return to sentenced supervision

Table S13: Young people with a total of 5 or more supervised sentences during all possible youth justice supervision by sex and Indigenous status

Table S14: Young people with more than 1 supervised sentence during all possible youth justice supervision by state or territory of first supervised sentence

Related publications

This report can be downloaded free of charge from <http://www.aihw.gov.au/youth-justice-publications/>.

More information about young people under youth justice supervision in Australia is available from the AIHW website at <http://www.aihw.gov.au/youth-justice/>.

The following AIHW publications may also be of interest:

- AIHW 2015. Using the Juvenile Justice National Minimum Data Set to measure returns to sentenced youth justice supervision: stage 2. Juvenile justice series no. 17. Cat. no. JUV 54. Canberra: AIHW.
- AIHW 2013. Using the Juvenile Justice National Minimum Data Set to measure juvenile recidivism. Juvenile justice series no. 14. Cat. no. JUV 32. Canberra: AIHW.
- AIHW 2015. Youth justice in Australia 2013–14. Bulletin no. 127. Cat. no. AUS 188. Canberra: AIHW.
- AIHW 2014. Youth detention population in Australia 2014. Juvenile justice series no. 16. Cat. no. JUV 53. Canberra: AIHW.
- AIHW 2014. Pathways through youth justice supervision. Juvenile justice series no. 15. Cat. no. JUV 40. Canberra: AIHW.
- AIHW 2012. Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice. Data linkage series no. 13. Cat. no. CSI 13. Canberra: AIHW.
- AIHW 2012. Linking SAAP, child protection and juvenile justice data: technical report. Data linkage series no. 14. Cat. no. CSI 14. Canberra: AIHW.

The rate of return to sentenced youth justice supervision is an indicator of the effectiveness of the services provided to young people serving supervised sentences. Around 20% of those aged 10–16 when released from sentenced community-based supervision in 2012–13 returned to sentenced supervision in 6 months, and 44% returned within 12 months. The rate of return was higher for those released from sentenced detention: 50% returned to sentenced supervision within 6 months and 76% returned within 12 months.