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**Australian Institute of
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Young people returning to sentenced youth justice supervision 2015–16

JUVENILE JUSTICE SERIES NO. 21



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

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Number 21

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2015–16

Australian Institute of Health and Welfare
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Contents

- Acknowledgments..... iv**
- Summary v**
- 1 Introduction.....1**
 - 1.1 Key concepts1
- 2 Returns to sentenced youth justice supervision while aged 10–17.....5**
 - 2.1 Demographics.....6
 - 2.2 Length of first supervised sentence.....9
 - 2.3 Time to return.....11
 - 2.4 Total number of supervised sentences.....12
 - 2.5 States and territories13
- 3 Returns within 6 and 12 months.....14**
 - 3.1 Trends15
 - 3.2 Demographics.....16
 - 3.3 Previously sentenced to supervision.....19
 - 3.4 Length of index sentence21
 - 3.5 Returning with a sentence of detention.....22
 - 3.6 States and territories24
- Appendix: Data and methods25**
 - Data sources25
 - Linkage method.....25
 - Analysis data sets25
- Glossary.....29**
- References.....30**
- List of figures31**
- List of supplementary tables.....32**
- Related publications33**

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

Summary

The majority of young people do not return to sentenced supervision

The majority of young people who receive a supervised youth justice sentence serve only 1 sentence, and do not return to sentenced youth justice supervision. Of those aged 10–17 who were under sentenced youth justice supervision from 2000–01 to 2015–16 (born from 1990–91 to 1997–98), 61% received only 1 supervised sentence before turning 18.

Young people whose first sentence was detention were more likely to return to sentenced supervision than those whose first supervised sentence was community based (51% compared with 39%).

Some young people return to sentenced supervision numerous times

A minority go on to receive a large number of sentences before they turn 18 – 1 in 7 (15%) 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 born from 1990–91 to 1997–98 were 1.7 times as likely as their non-Indigenous counterparts to return to sentenced supervision before the age of 18.

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

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

For young people aged 10–16 released from sentenced supervision in 2014–15 (allowing a 12-month follow-up period to 30 June 2016):

- 22% of those released from sentenced community-based supervision returned to sentenced supervision within 6 months, and a total of 46% returned within 12 months
- 48% of those released from sentenced detention returned to sentenced supervision within 6 months, and a total of 74% returned within 12 months.

Over the 10 years to 2014–15, the 6 and 12-month return rates for young people released from community-based supervision and detention have remained relatively stable.

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

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

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

This first chapter introduces key concepts for this report. Chapter 2 looks at the rate of return to sentenced supervision at any time while a young person was 10–17 for those born from 1990–91 to 1997–98. Chapter 3 looks at the rate of return to sentenced supervision within 6 and 12 months for young people who were released in 2014–15, and were aged 16 and under at the time of release. The Appendix provides further information on the data and methods.

1.1 Key concepts

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

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

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

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.

Youth justice departments are responsible for providing rehabilitative services to young people under sentenced supervision only, so 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), and sentences that are supervised in the community, such as probation (referred to as sentenced community-based supervision).

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 at <www.aihw.gov.au/youth-justice/states-territories>.

Data relate only to returns to sentenced supervision

This report measures the number of young people who were released from sentenced supervision, and subsequently returned. While a return to sentenced supervision is likely to be correlated with reoffending, there several reasons why measuring a return to sentenced supervision is not a direct measure of reoffending (or recidivism).

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 contains data on supervised sentences, it does not contain data on offences (including those that result in unsupervised sentences such as good behaviour bonds and fines). As a result, without data on offences, the JJ NMDS cannot be used to measure recidivism.

The base population in this report is restricted to those who have received a supervised sentence – young people who have committed an offence or offences serious enough to result in a supervised sentence. This also means that the return rate relates to the subpopulation of young people who have committed an additional offence that is serious enough to result in an additional supervised sentence.

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

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).

Data relate only to youth justice supervision

The JJ NMDS contains information on young people who are supervised by youth justice departments – it does not contain information 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 mean the rate of return is an underestimate.

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 (or 16 in Queensland) – although there are some circumstances in which young people may be supervised by the youth justice system after 18 (or 17, in Queensland).

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

The first option is to look at birth cohorts. Birth cohorts are designed so that data for the young person are captured in full during the period of interest – in the case of the youth justice system, this is young people aged 10–17. As the JJ NMDS has data available from 2000–01, complete birth cohorts are available for those born in 1990–91 to 1997–98 (that is, 8 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 time of release, and enables a measurement of returns up to 12 months. It should be noted, however, that young people in Queensland who offend after they turn 17 will be dealt with in the adult criminal justice system, and will not be eligible for a return to sentenced youth justice supervision, which might result in an overall under-count in the rate of returns.

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

Time to return is measured to the start of the next supervised sentence

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

As offence data are not available in the JJ NMDS, it is not possible to exclude return sentences that relate to an offence that was committed before the index sentence (see ‘pseudo-recidivism’ in the Glossary for more details). The potential impact of this was assessed in Stage 1 of this project using pilot data from 2 states (see AIHW 2013).

Although the data were limited, the analysis suggested sentences relating to earlier offences did not have a substantial impact on person-based analyses of returns to sentenced supervision.

Notes

Percentages are rounded in text, and calculated from unrounded numbers.

Rate ratios are rounded in text, and are calculated from rounded percentages (as presented in the text).

Figures contain unrounded percentages.

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

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

As the JJ NMDS is a longitudinal data set with data available from 2000–01, it is possible to look at the complete rate of return for young people born from 1990–91 to 1997–98. This can be achieved because the JJ NMDS contains data on all sentenced youth justice supervision 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 1997–98 who had a supervised sentence, 61% had only 1 supervised sentence before the age of 18, and 39% had a subsequent return to sentenced youth justice supervision.

- Of those whose first supervised sentence was community based, 39% received at least 1 more supervised sentence before the age of 18 (61% received only 1).

Community-based supervision

39%
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).

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.

2.1 Demographics

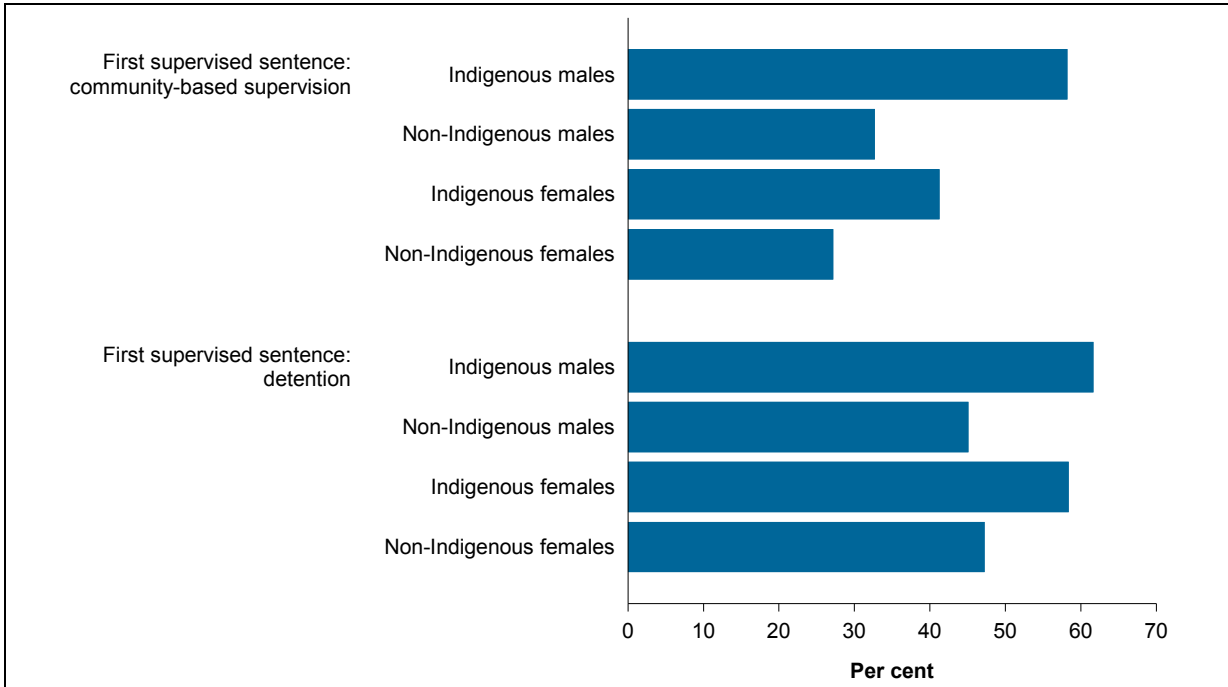
The majority of young people who receive a supervised sentence never return to sentenced youth justice supervision. Of the 28,159 young people born from 1990–91 to 1997–98, who were under sentenced youth justice supervision from 2000–01 to 2015–16, 61% received only 1 supervised sentence before the age of 18 (Table S1).

Most (27,011 or 96%) young people's first supervised sentence was community based. Of those, 61% did not return to youth justice supervision, and 39% received an additional supervised sentence before the age of 18. Of young people whose first supervised sentence was detention (1,148 or 4%), 49% did not return to youth justice supervision, and 51% received an additional supervised sentence before the age of 18.

Over half (54%) of the 9,895 Aboriginal and Torres Strait Islander Australians who received a supervised sentence, returned to supervision at least once before the age of 18. Around a third (32%) of young non-Indigenous Australians who received a supervised sentence returned to supervision before 18. This means that young Indigenous Australians were 1.7 times as likely to return to sentenced supervision as their non-Indigenous counterparts.

Young Indigenous Australians whose first supervised sentence was community based were more likely than their non-Indigenous counterparts to receive more than 1 supervised sentence – 58% of Indigenous males, and 41% of Indigenous females had more than 1 supervised sentence, compared with 33% of non-Indigenous males, and 27% of non-Indigenous females (Figure 2.1).

The pattern was similar for those whose first supervised sentence was detention – 62% of Indigenous males, and 58% of Indigenous females had more than 1 supervised sentenced, compared with 45% of non-Indigenous males, and 47% of non-Indigenous females.



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2015–16.

Source: Table S1.

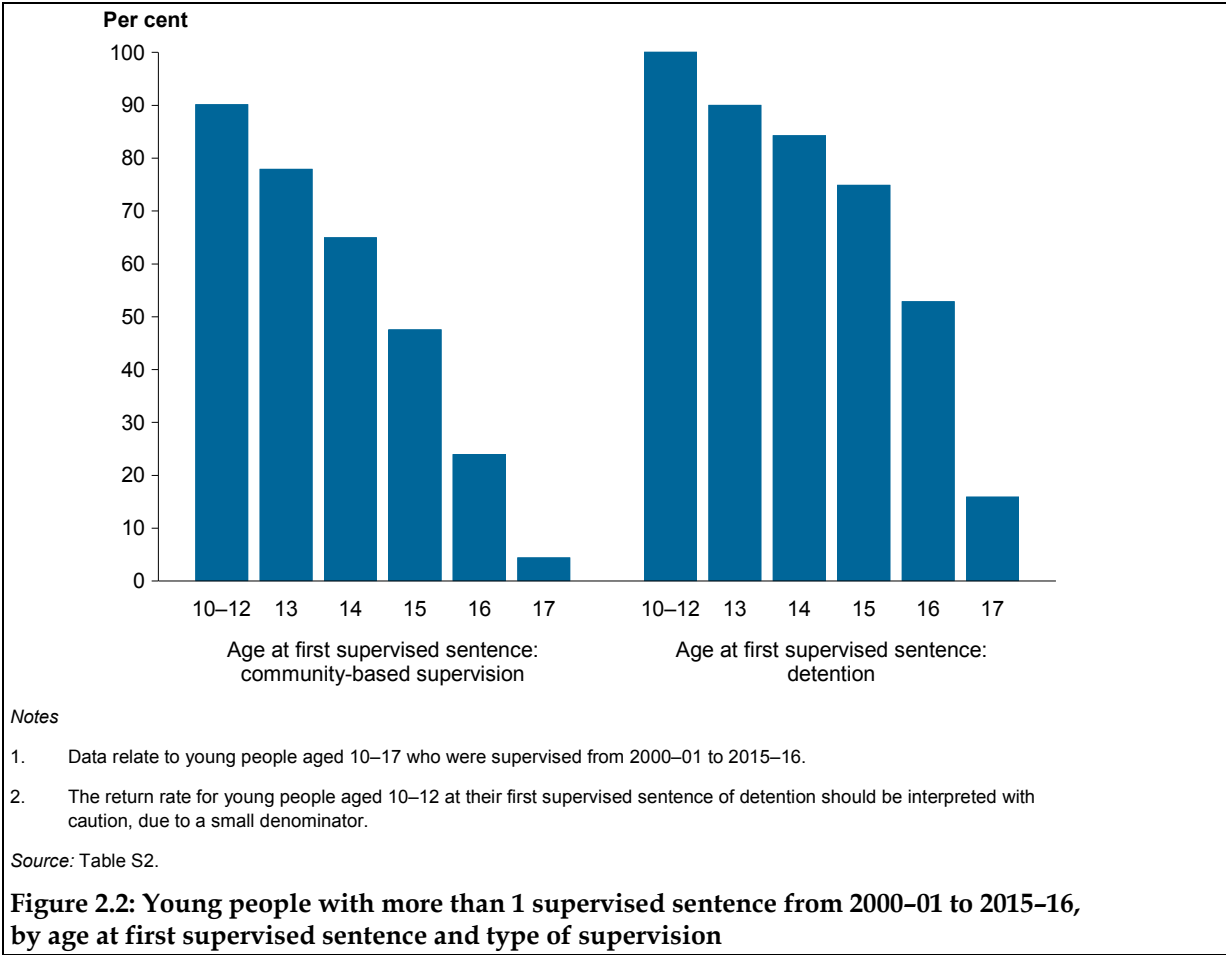
Figure 2.1: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by sex, Indigenous status, and type of supervision

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 2.2).

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 24% of those aged 16, and just 4% of those aged 17. This is partly because the older a young person is, the less time they have to re-enter youth justice supervision, before they turn 18.

A similar pattern occurred for those whose first supervised sentence was detention, although the rate of return was higher for all age groups than for those who received community-based supervision.

Of those with detention as their first supervised sentence, all (100%) those aged 10–12 at the start of this sentence returned to some type of sentenced supervision before they turned 18. This rate of return fell slightly with successive age groups, to about 84% of those aged 14, 75% of those aged 15, 53% of those aged 16, and 16% of those aged 17.

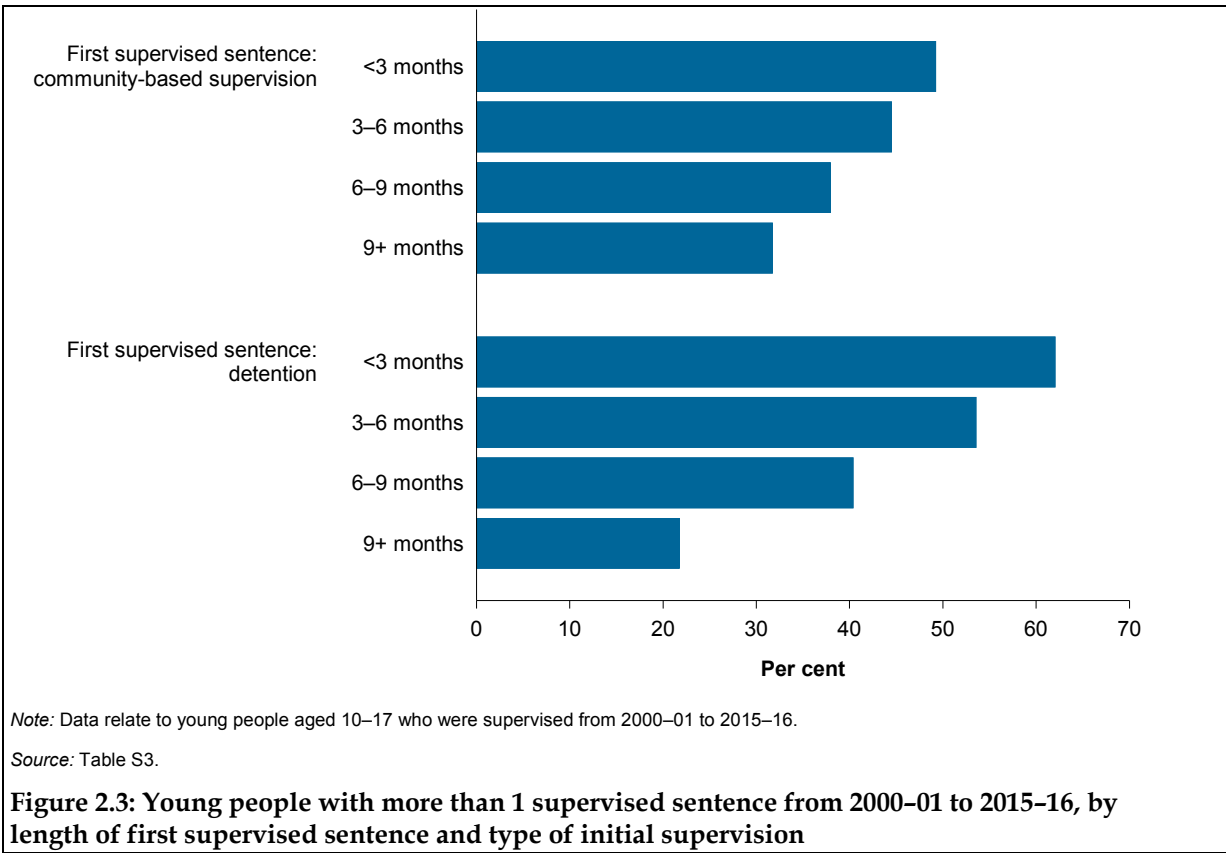


2.2 Length of first supervised sentence

Young people with shorter initial sentences were more likely to return to sentenced supervision than those who served longer initial sentences (Figure 2.3).

Of those whose first supervised sentence was community based, almost half (49%) of those with an initial supervised sentence of less than 3 months went on to receive an additional supervised youth justice sentence, compared with 32% of those whose first supervised sentence was 9 months or more.

The difference was even more pronounced for those whose first supervised sentence was detention. For these young people, 3 in 5 (62%) of those whose first supervised sentence lasted less than 3 months went on to receive at least 1 more supervised sentence, compared with 1 in 5 (22%) of those whose first supervised sentence lasted 9 months or more.



There are several possible explanations for the relationship between length of initial sentence and the rate of return:

- Young people who served shorter sentences may be less likely to complete rehabilitative programs.
- For shorter sentences, a greater proportion of the sentence might actually be 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, then 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. This will mean the sentence length appears to be 2 months, but half was spent on remand.
- In some states and territories, the sentenced detention order start date is set as the date the sentence was handed down, with an end date that takes into account time spent in remand. Where this is the case, the young person might appear to receive a short period of sentenced detention, despite having spent a relatively long time in remand (which in some cases is due to the seriousness of their offence or risk of reoffending).
- 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 could be shorter than the sentence handed down by the court (as young people may be eligible for early release if they meet certain conditions).
- Young people released from longer detention sentences might be more likely to be released on parole or supervised release than those released from shorter sentences. This would likely reduce the likelihood of reoffending within the period of supervision, though this explanation does not apply to those released from community-based supervision.
- The seriousness of offences tends to increase over time for those who go on to reoffend. Because young people with longer sentences might have committed more serious offences than those with shorter sentences, if their offending escalates, their next offence might also be more serious. As serious offences often take longer to adjudicate than less serious offences, young people who commit serious offences could be equally likely to return, but after they have turned 18, and are no longer eligible for youth justice supervision.

2.3 Time to return

Young people who returned to sentenced supervision, were likely to do so within a relatively short time period (Figure 2.3). Of those whose first supervised sentence was community based, 12% had returned to sentenced supervision within 3 months.

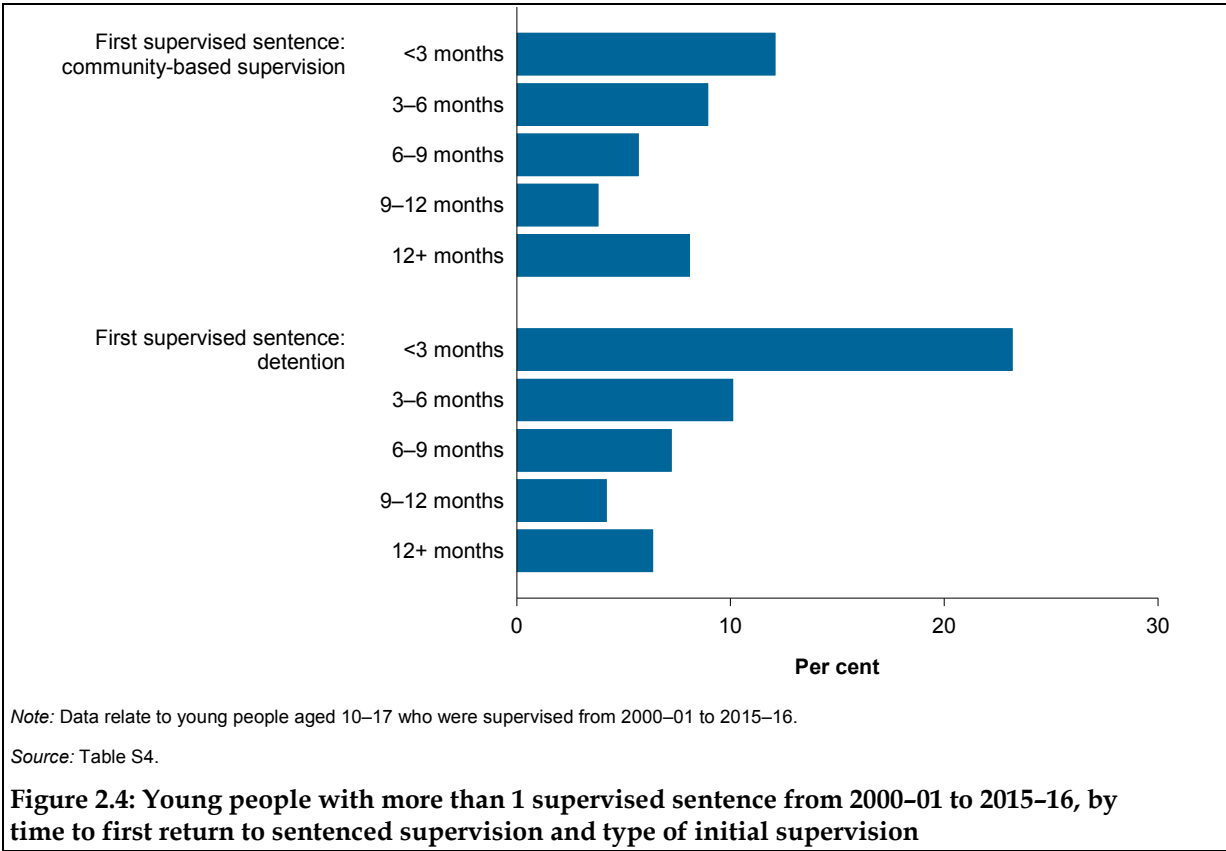
An additional:

- 9% returned within 6 months
- 6% returned within 9 months
- 4% returned within 12 months
- 8% returned after a year or more (61% did not return at all) (Figure 2.4).

Those whose first supervised sentence was detention were even more likely to return in a relatively short period, almost one-quarter (23%) had returned to sentenced supervision within 3 months.

An additional:

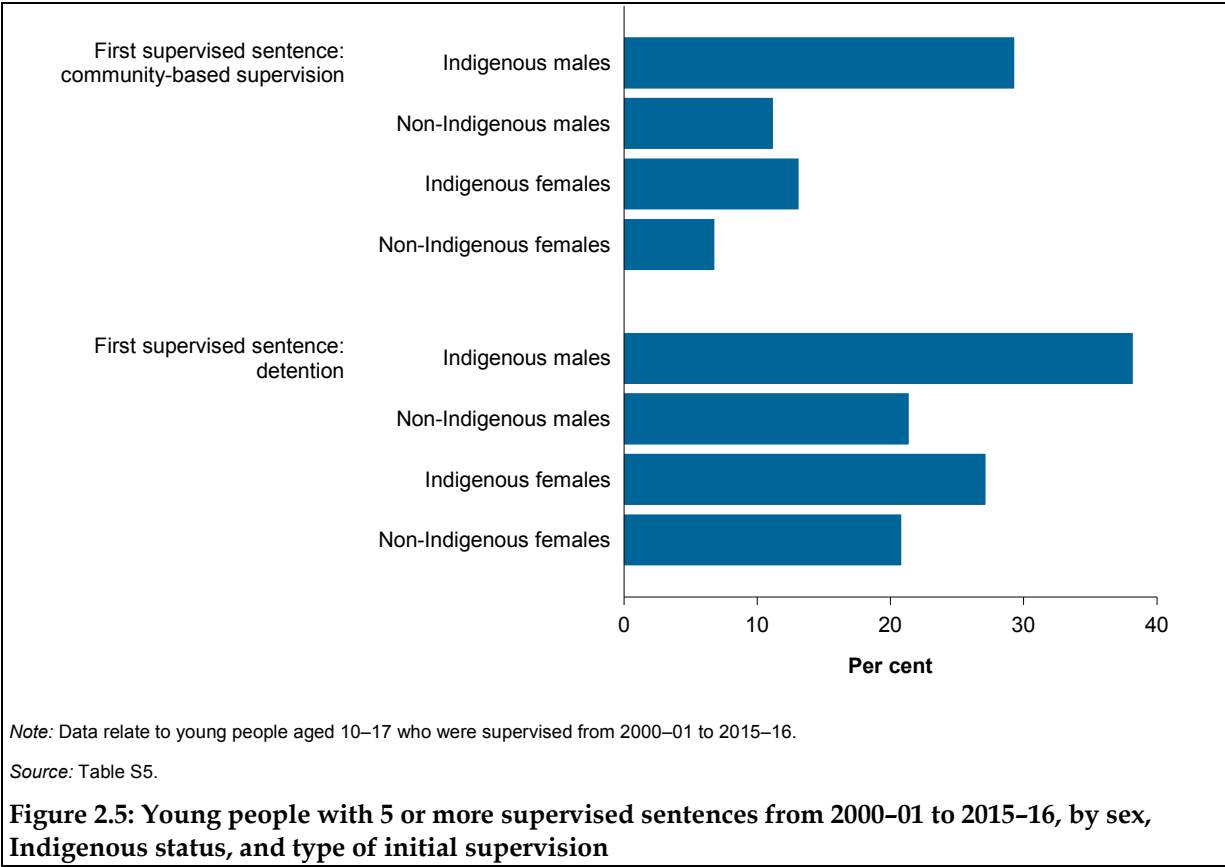
- 10% returned within 6 months
- 7% returned within 9 months
- 4% returned within 12 months
- 6% returned after a year or more (49% did not return at all).



2.4 Total number of supervised sentences

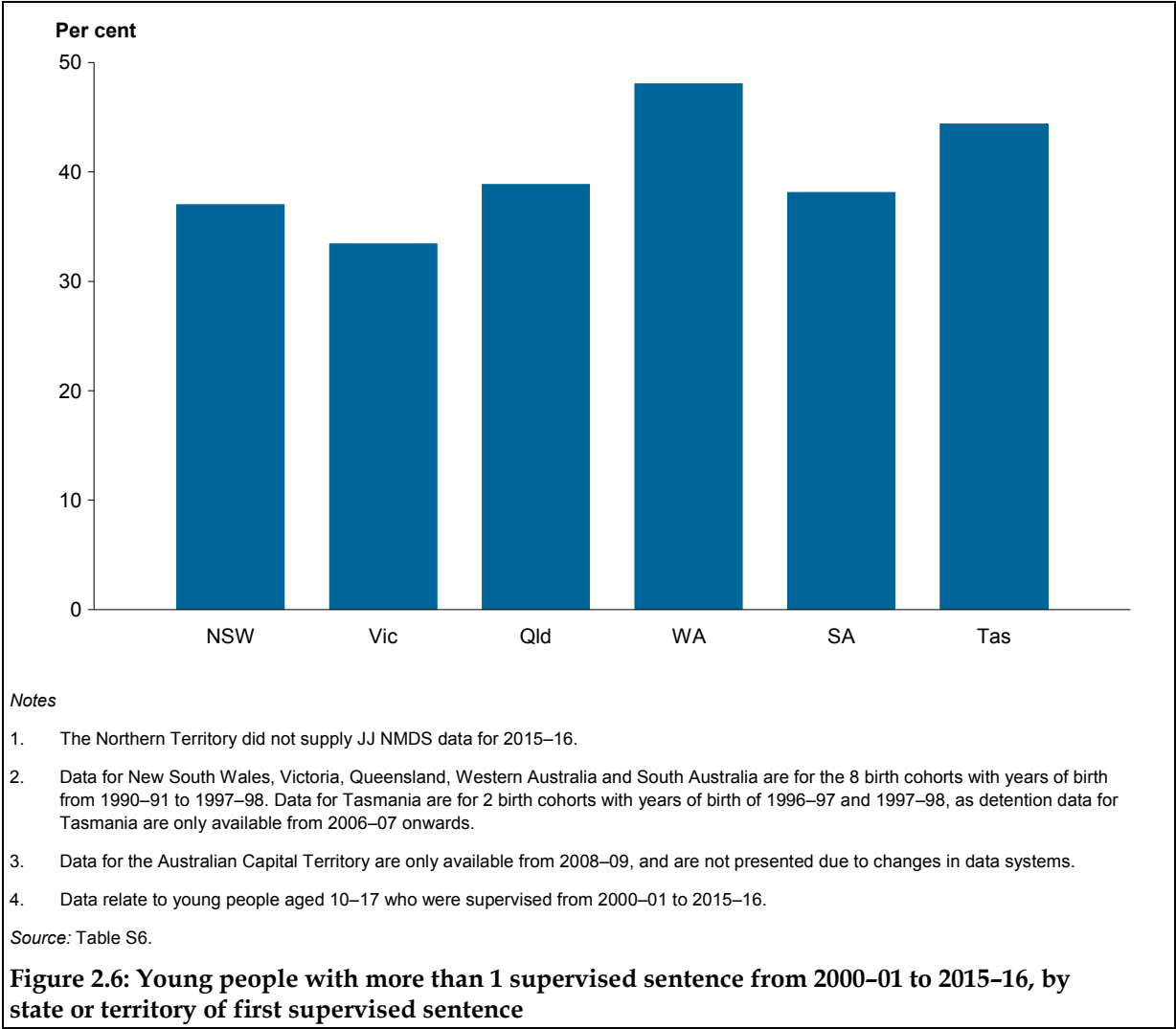
Of those who entered sentenced youth justice supervision, a sizeable minority went on to receive 5 or more supervised sentences before they turned 18. Returning to sentenced supervision multiple times was more common among those whose first supervised sentence was detention – more than 1 in 4 (27%) received 5 or more supervised sentences, compared with 1 in 7 (15%) of those whose first supervised sentence was community based.

Indigenous males were the most likely to receive 5 or more supervised sentences (29% of those initially sentenced to community-based supervision, and 38% of those initially sentenced to detention), and non-Indigenous females were the least likely (7% of those initially sentenced to community-based supervision, and 21% of those initially sentenced to detention) (Figure 2.5).



2.5 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 48% in Western Australia (does not include the Australian Capital Territory and the Northern Territory – see Appendix) (Figure 2.6).



3 Returns 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 sentenced supervision during 2014–15 (see the Appendix for more information on the data and methods).

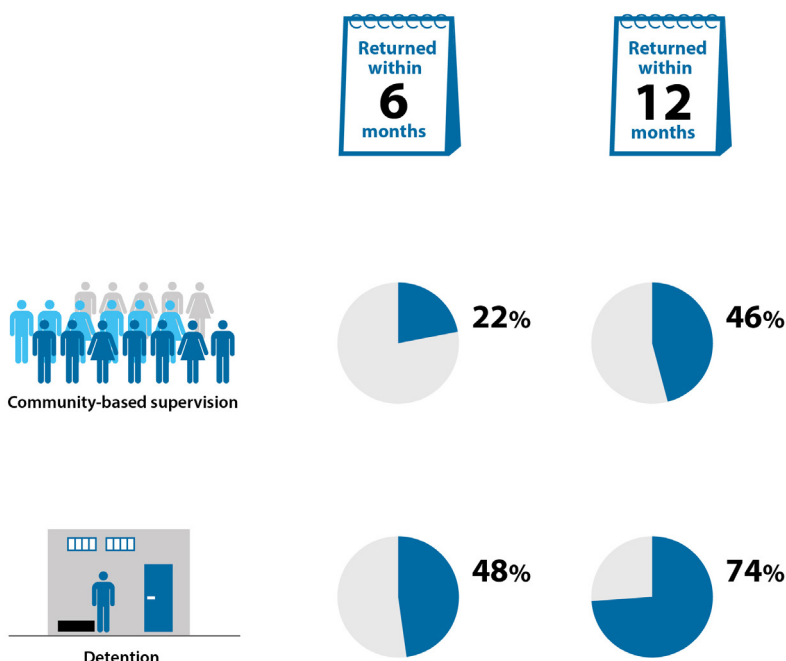
Data are presented for returns within 6 and 12 months of release. For information on the selection of these timeframes see *Using the Juvenile Justice National Minimum Data Set to measure returns to sentenced youth justice supervision: stage 2* (AIHW 2015b). The rate of return is calculated by determining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

The return timeframes of 6 and 12 months are unlikely to directly correspond to the time to reoffend. There are a number of administrative procedures, such as court proceedings, that occur before a young person can return to sentenced supervision, which will affect the rate of return. In 2014–15, more than one-third (35%) of cases heard in children’s courts where the defendant was proven guilty took longer than 3 months to be finalised, and about 1 in 7 (14%) took more than 6 months (ABS 2016).

Key findings

For young people aged 10–16 upon release in 2014–15:

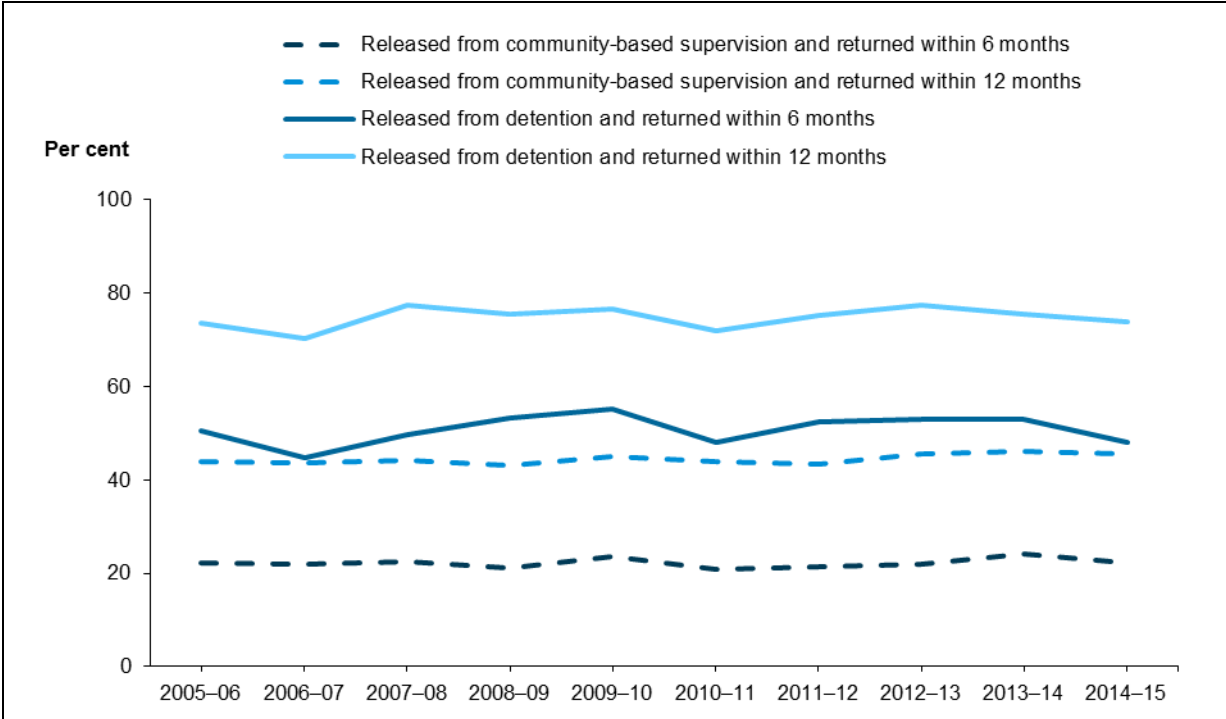
- 22% of those released from sentenced community-based supervision returned to sentenced supervision within 6 months, and another 23% returned within 12 months (a total of 46% returning within 12 months)
- 48% of those released from sentenced detention returned to sentenced supervision within 6 months, and another 26% returned within 12 months (a total of 74% returning within 12 months).



3.1 Trends

Of the 2,883 young people aged 10–16 who were released from sentenced community-based supervision in 2014–15, about 1 in 5 (22%) returned to sentenced supervision within 6 months – a rate that remained fairly constant over the 10 years from 2005–06 (21%–24%) (Figure 3.1). The rate of return within 12 months showed a similar pattern, ranging from 43% to 46%.

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 45% to 55% over the 10 years from 2005–06 (Figure 3.1). Almost half (48%) of the 551 young people aged 10–16 who were released from sentenced detention in 2014–15 had returned to sentenced supervision within 6 months. The rate of return within 12 months ranged from 70% to 77%, with three-quarters (74%) of young people released in 2014–15 returning to sentenced supervision within 12 months.



- 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.

Figure 3.1: Young people released from sentenced supervision who returned within 6 and 12 months, by year of release and type of supervision, 2005–06 to 2014–15

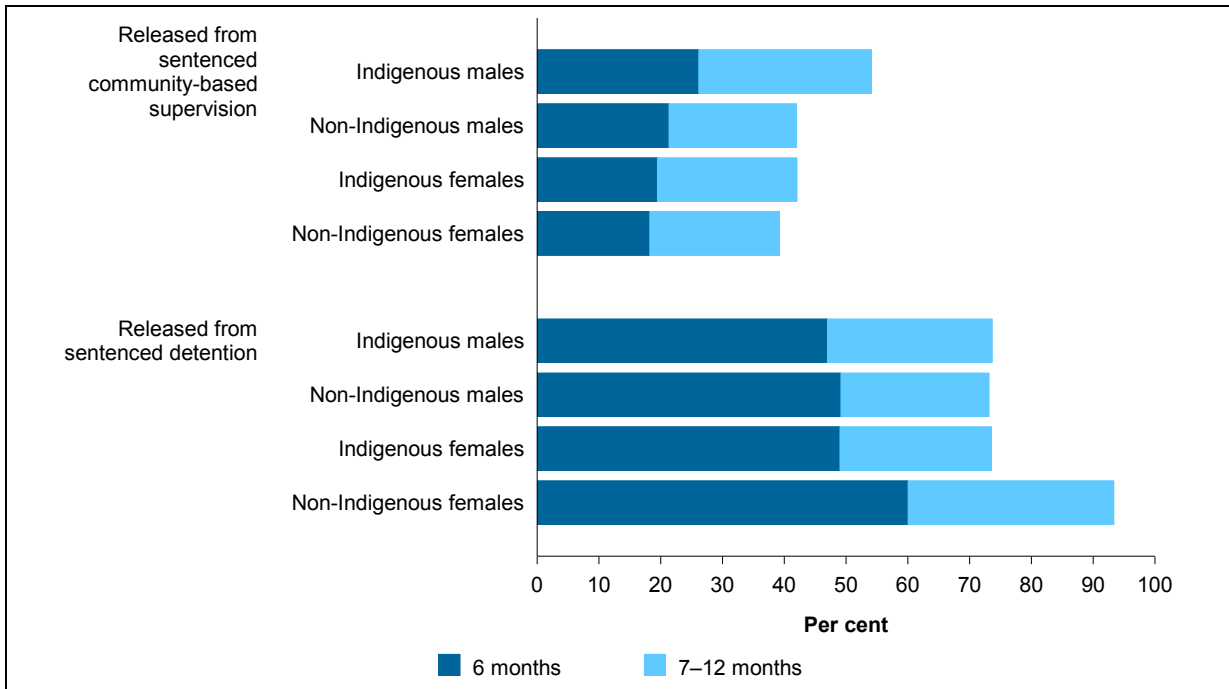
3.2 Demographics

Young Indigenous Australians released from sentenced community-based supervision were more likely to return to sentenced supervision than their non-Indigenous counterparts (Figure 3.2) – 26% of Indigenous males and 19% of Indigenous females returned within 6 months, compared with 21% of non-Indigenous males, and 18% of non-Indigenous females.

This was also true for returns within a 12-month period – 54% of Indigenous males, and 42% of Indigenous females returned within 12 months, compared with 42% of non-Indigenous males, and 39% of non-Indigenous females.

For those released from sentenced detention, non-Indigenous females were more likely to return to sentenced supervision both within 6 and 12 months than Indigenous females (Figure 3.2) – 60% of non-Indigenous females returned within 6 months, and 93% returned within 12 months, compared with 49% of Indigenous females returning within 6 months, and 74% within 12 months. But due to small numbers, results for non-Indigenous females should be interpreted with caution.

For males released from sentenced detention, the return rates for Indigenous and non-Indigenous males were broadly similar, with Indigenous males being slightly less likely to return within 6 months (47%, compared with 49% of non-Indigenous males), and slightly more likely to return within 12 months (74%, compared with 73% of non-Indigenous males).



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.

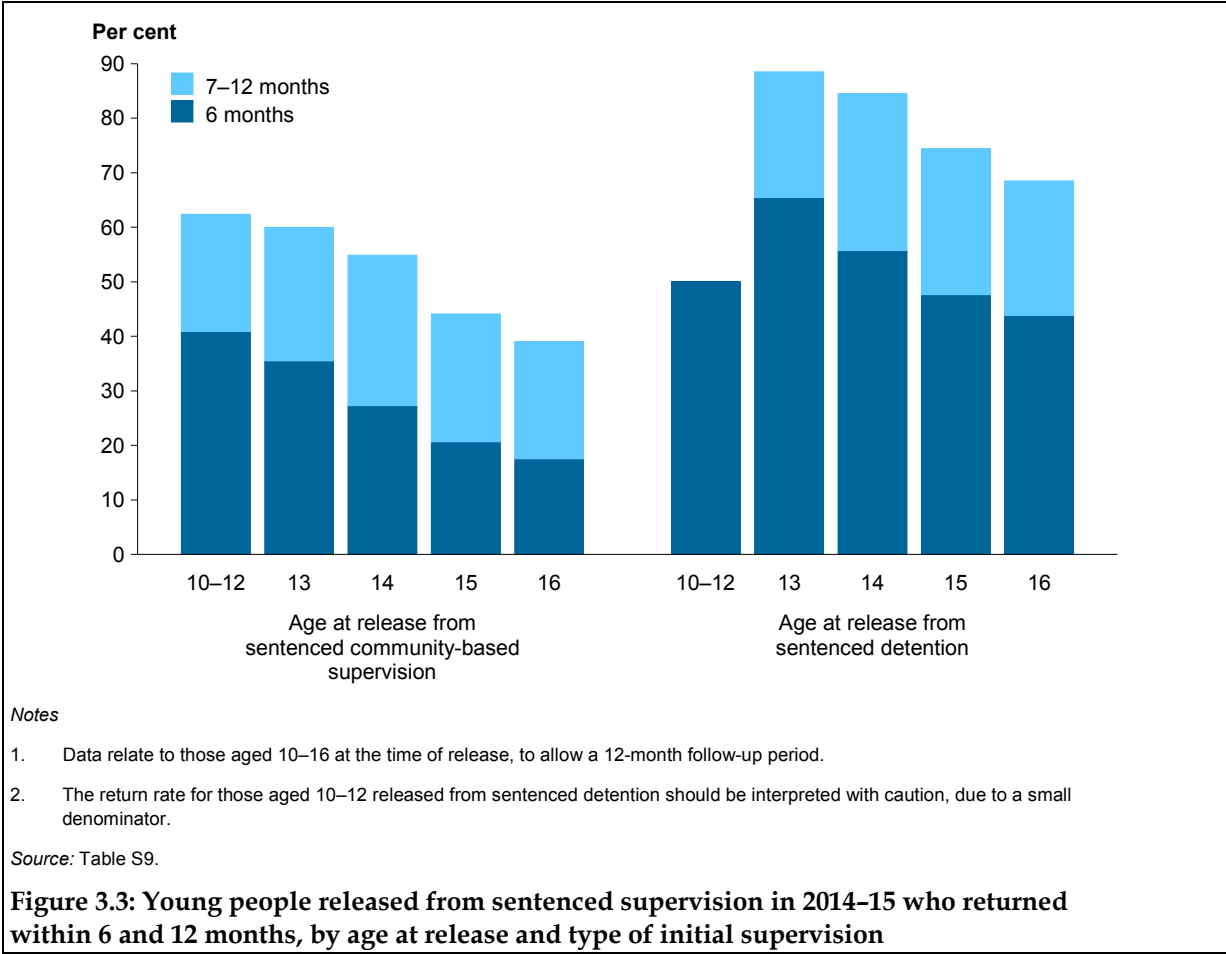
Source: Table S8.

Figure 3.2: Young people released from sentenced supervision in 2014–15 who returned within 6 and 12 months, by sex, Indigenous status, and type of supervision

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

Within 12 months, 62% of those aged 10–12 when released from sentenced community-based supervision had returned to sentenced supervision, compared with 39% for those who were aged 16 when they were released.

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 13 (88%), followed by those aged 14 (85%).



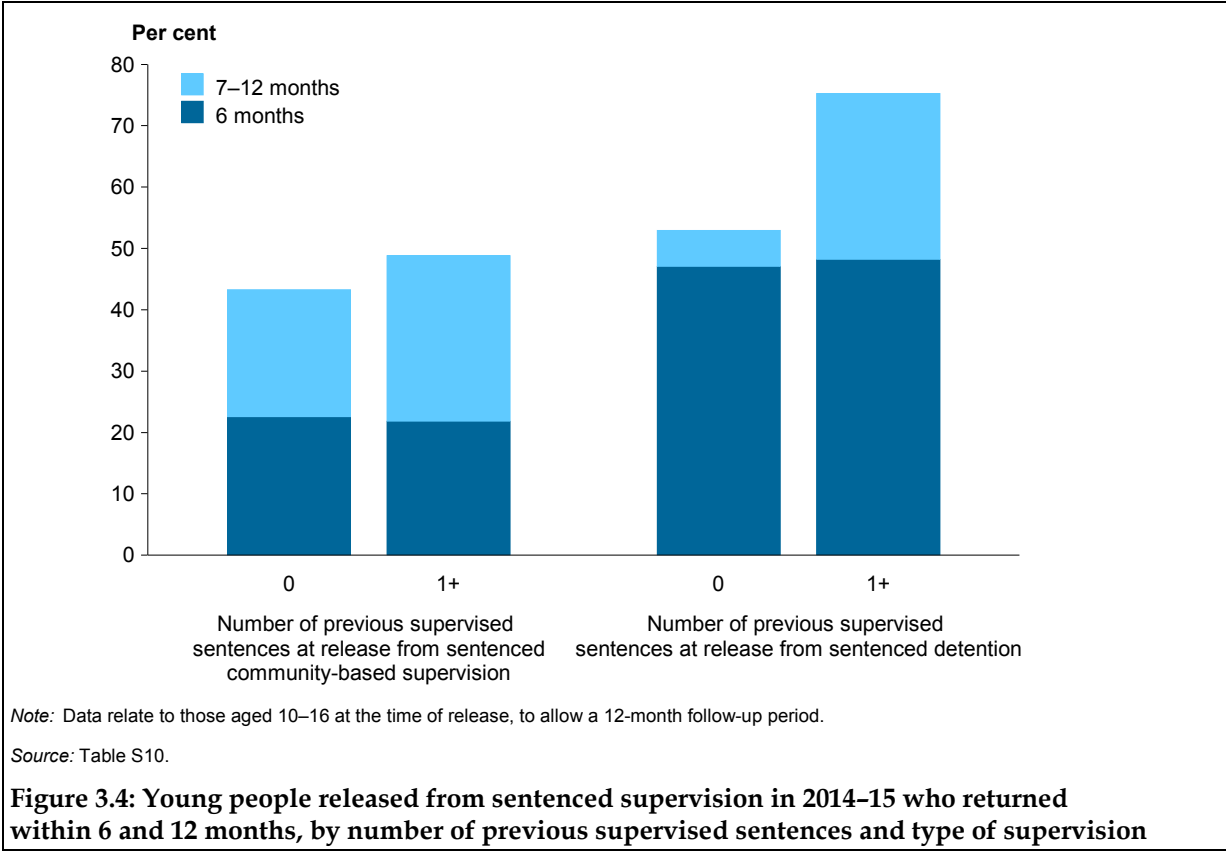
3.3 Previously sentenced to supervision

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

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, which might include previous supervised and unsupervised sentences.

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 (49% compared with 43%). The rate of returns within 6 months was similar – 23% of those with no previous sentences, and 22% of those with 1 or more previous supervised sentences (Figure 3.4).

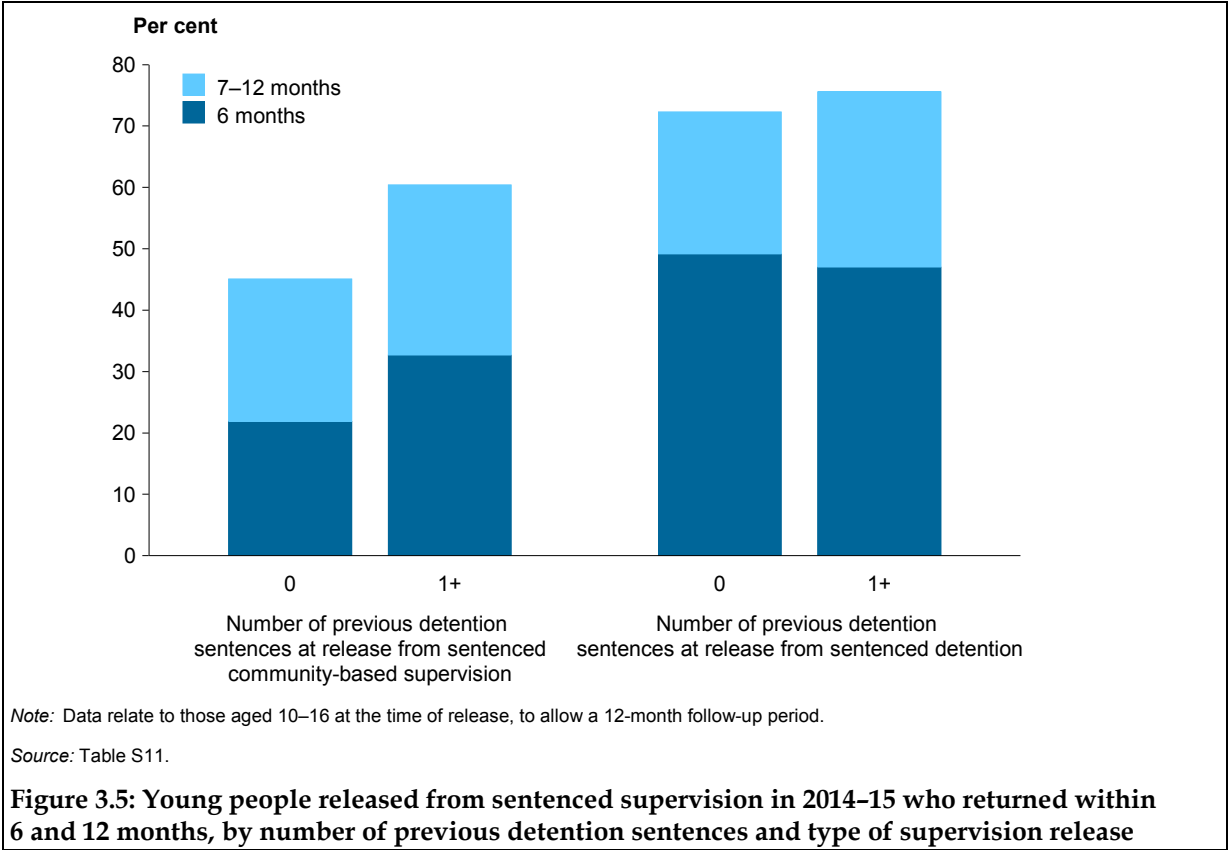
This pattern was similar for young people released from detention returning to sentenced supervision. Three-quarters (75%) of those with previous supervised sentences, and 53% of those with no previous supervised sentences returned within 12 months, while 48% of those with previous sentences, and 47% of those with no previous sentence returned within 6 months.



A similar pattern was identified when comparing young people who had a history that contained a supervised sentence of detention, with those who did not (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 22%, respectively), and 12 months (60% and 45%, respectively).

Of young people released from detention, those with no previous detention sentence, were slightly more likely than those who had a previous detention sentence to return within 6 months (49% and 47%, respectively). The opposite occurred for returns within 12 months. Young people with a previous detention sentence were more likely to return within 12 months than those with no previous detention sentence – 76% compared with 72%.



In general, cases involving more serious offences take longer to finalise than those involving less serious offences (ABS 2016). So if young people who have no previous supervised or detention sentences are more likely to return within 6 months, it could be because the return sentence is for a less serious offence than for young people with multiple previous supervised or detention sentences.

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

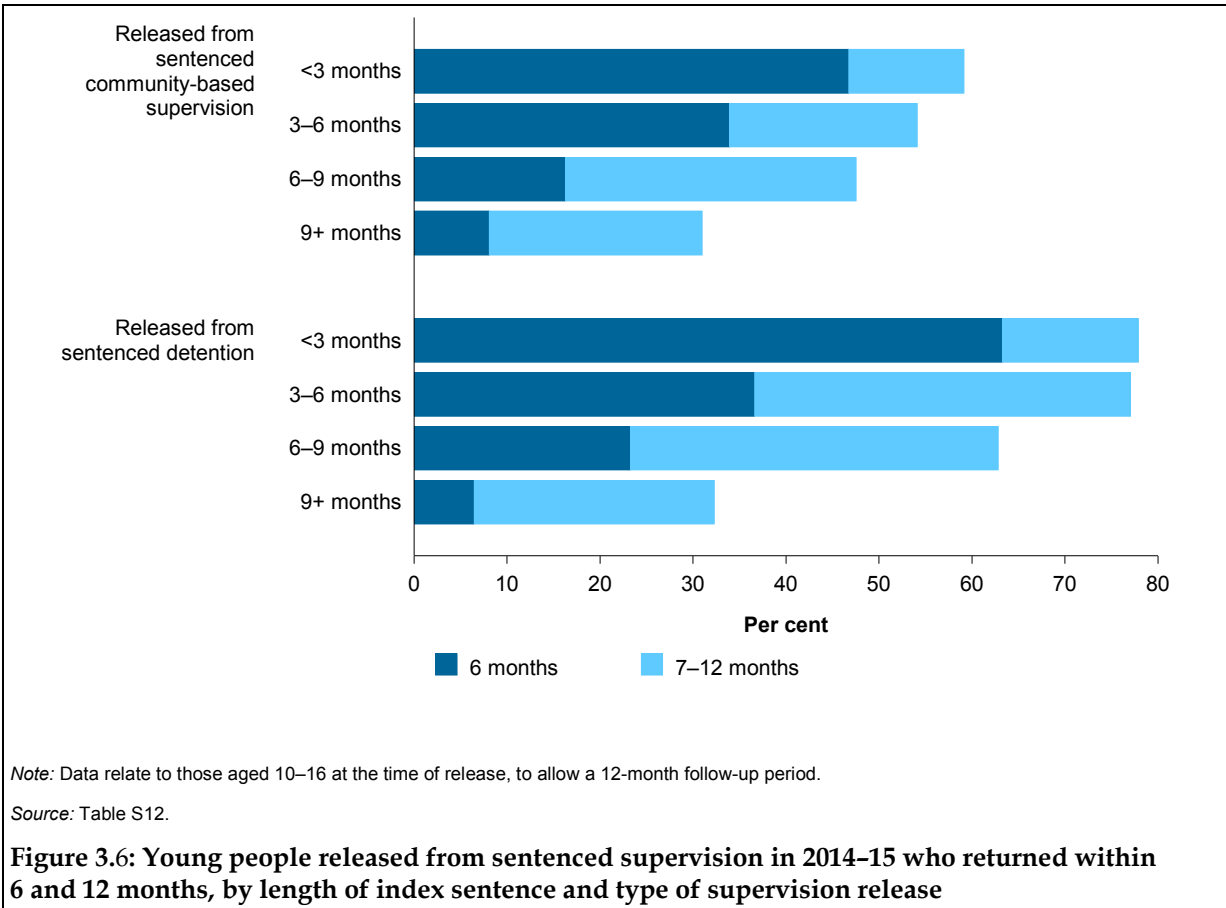
3.4 Length of index sentence

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).

More than half (59%) 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 a sentence of community-based supervision of 9 months or more (31%).

Young people released from a sentence of detention lasting less than 3 months were 2.4 times as likely to return within 12 months as those whose sentence lasted 9 months or more (78% compared with 32%).

Possible explanations for the relationship between length of index sentence (the sentence from which returns are counted) and rate of return are discussed in detail in Section 2.2.



3.5 Returning with a sentence of detention

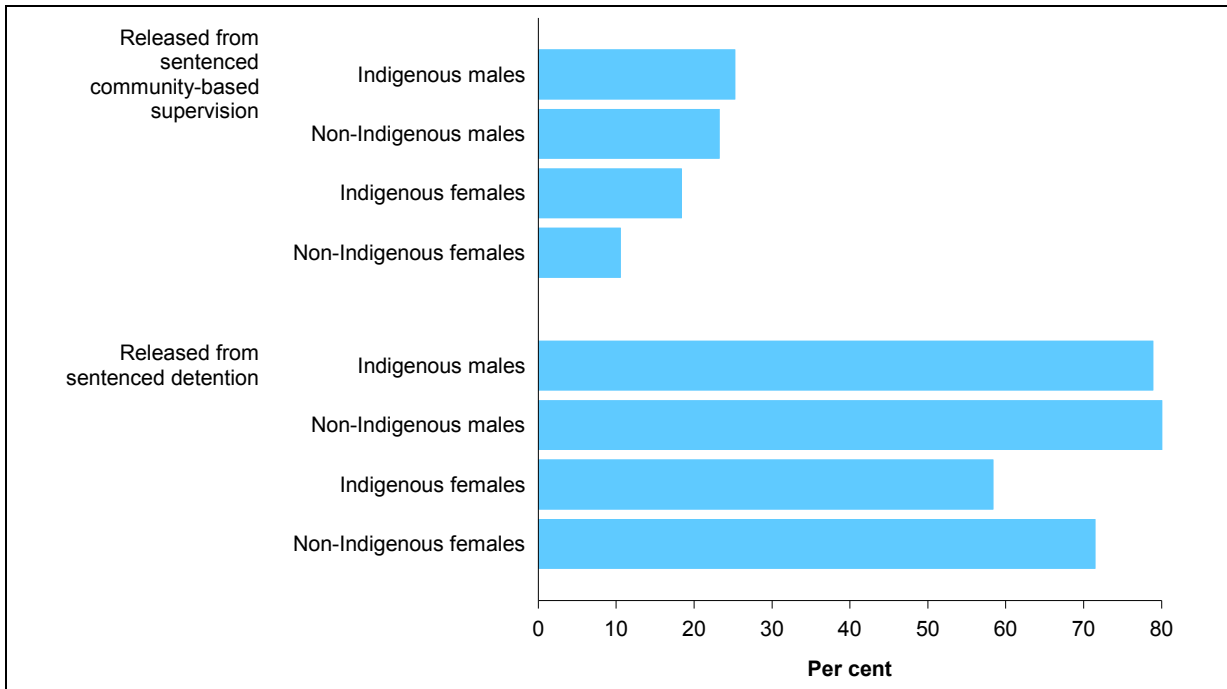
Young people were more likely to return to sentenced detention if they had been released from sentenced detention than those released from sentenced community-based supervision.

More than three-quarters (77%) of the 407 young people who had been released from a sentence of detention, and had returned to supervision within 12 months, had returned with a detention sentence.

In contrast, of the 1,314 young people who had been released from sentenced community-based supervision, and had returned within 12 months, less than one-quarter (23%) returned with a sentence of detention.

For young people released from sentenced community-based supervision, there was a clear pattern between the likelihood of returning with a detention sentence and sex and Indigenous status (Figure 3.7). Of those who returned to sentenced supervision within 12 months, 25% of Indigenous males returned with a detention sentence, compared with 23% of non-Indigenous males, 18% of Indigenous females, and only 11% of non-Indigenous females.

The pattern was different for young people who were released from sentenced detention—of those returned to sentenced supervision within 12 months, 80% of non-Indigenous males returned with a detention sentence, compared with 79% of Indigenous males, 71% of non-Indigenous females, and 58% of Indigenous females.



Notes

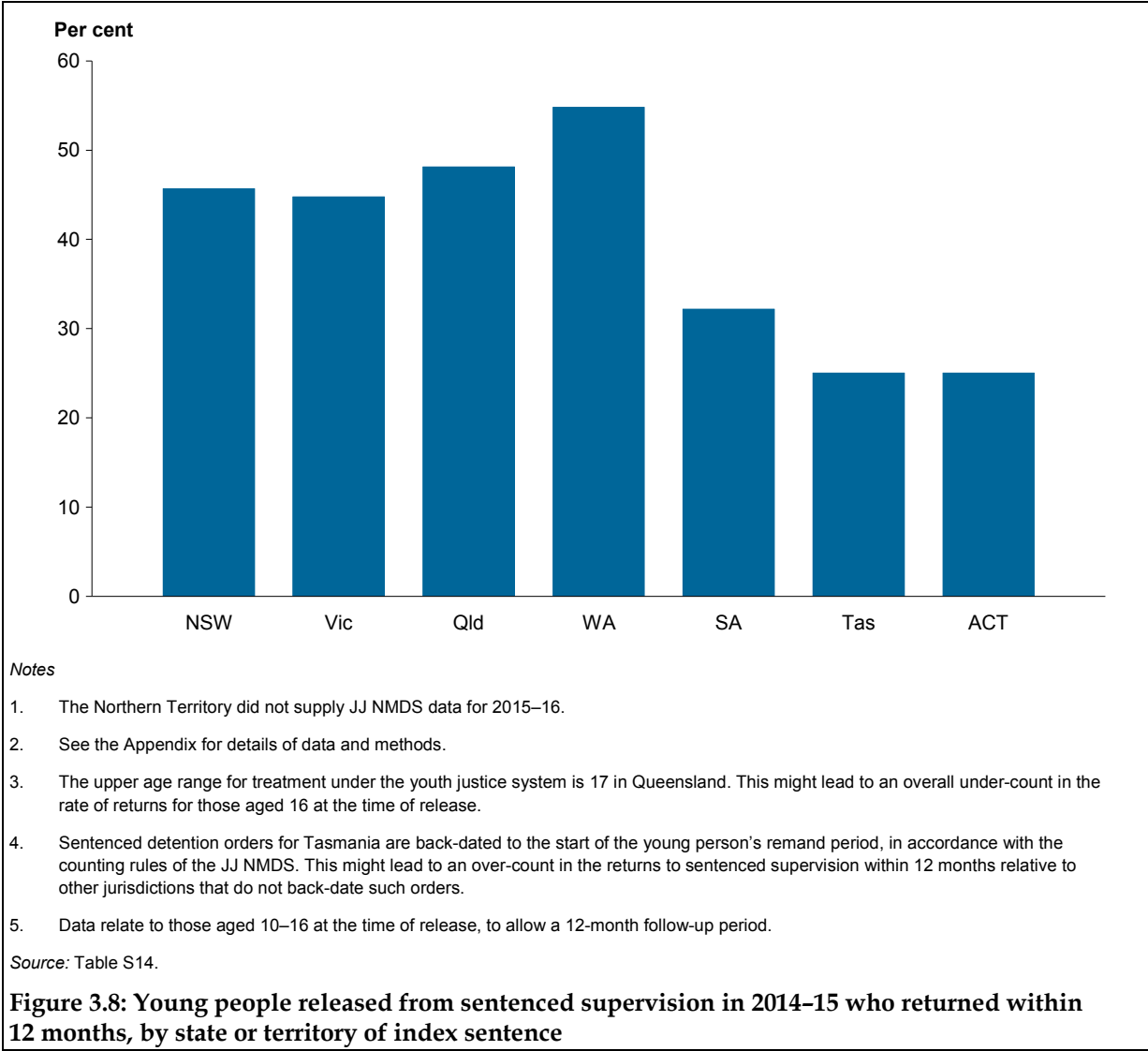
1. Data relate to those aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. The return rate for non-Indigenous females released from sentenced detention should be interpreted with caution, due to a small denominator.

Source: Table S13.

Figure 3.7: Young people released from sentenced supervision in 2014–15 who returned with a detention sentence within 12 months, by sex, Indigenous status, and type of supervision release

3.6 States and territories

The rate of return to sentenced supervision within 12 months of release from either sentenced community-based supervision or detention varied from 25% in Tasmania and the Australian Capital Territory to 55% in Western Australia (Figure 3.8). These figures do not include the Northern Territory (see Appendix). Numbers were too small to break down further into the type of sentence (community based or detention) from which the young person was released.



Appendix: Data and methods

Data sources

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

For this report, JJ NMDS data for most states and territories were available from 2000–01 to 2015–16. JJ NMDS data for the Northern Territory are only available for 2000–01 to 2007–08, so data for this jurisdiction were not included in any of the analyses in this report. For more information on JJ NMDS data quality and coverage, see the JJ NMDS Data Quality Statement at <http://meteor.aihw.gov.au/content/index.phtml/itemId/666484>.

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 2015a).

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

Analysis data sets

Cohorts

This report looks at returns to sentenced supervision for people who were released from sentenced supervision in the same period (release cohorts), and for people who were born in the same period (birth cohorts) (Table A1).

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

The birth cohorts for this analysis comprised all young people in the JJ NMDS who were born from 1990–91 to 1997–98, as these people would have all their sentenced youth supervision orders in the JJ NMDS (which has data from 2000–01 to 2015–16).

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

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

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

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

Table A1: Analysis cohorts

Timeframe	Type of cohort	Years of birth	Years of supervision		Age at release
			Index sentence	Return sentences	
6 months	Release	1997–98 to 2004–05	2014–15	2014–15 to 2015–16	10–16
12 months	Release	1997–98 to 2004–05	2014–15	2014–15 to 2015–16	10–16
All possible supervision ^(a)	Birth	1990–91 to 1997–98	2000–01 to 2015–16	2000–01 to 2015–16	10–17

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

Index and return sentences

For the release cohorts, the index sentence is the first 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 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 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 '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, as further reoffending is not possible.

Sentences overturned on review

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

Parole or supervised release sentences

Parole or supervised release sentences were excluded from both index and return sentences, as these sentences relate to an existing offence, not a new offence. Where a sentence of detention is followed by a period of parole or supervised release, any return to sentenced supervision is considered a return from detention.

Restoration of suspended sentences

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

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

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

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

This exclusion applies only to birth cohorts (used to analyse the returns at any time during possible youth justice supervision) – young people whose first supervised sentence ended after 30 June 2016 (less than 1%) were not included in the analysis of rates of return at any time during possible youth justice supervision.

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 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. 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: An episode in which a young person returns to the youth justice agency for a period of sentenced supervision following 1 or more previous period(s) of sentenced supervision.

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

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List of figures

- Figure 2.1: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by sex, Indigenous status, and type of supervision7
- Figure 2.2: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by age at first supervised sentence and type of supervision8
- Figure 2.3: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by length of first supervised sentence and type of initial supervision9
- Figure 2.4: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by time to first return to sentenced supervision and type of initial supervision11
- Figure 2.5: Young people with 5 or more supervised sentences from 2000–01 to 2015–16, by sex, Indigenous status, and type of initial supervision.....12
- Figure 2.6: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by state or territory of first supervised sentence13
- Figure 3.1: Young people released from sentenced supervision who returned within 6 and 12 months, by year of release and type of supervision, 2005–06 to 2014–1515
- Figure 3.2: Young people released from sentenced supervision in 2014–15 who returned within 6 and 12 months, by sex, Indigenous status, and type of supervision17
- Figure 3.3: Young people released from sentenced supervision in 2014–15 who returned within 6 and 12 months, by age at release and type of initial supervision18
- Figure 3.4: Young people released from sentenced supervision in 2014–15 who returned within 6 and 12 months, by number of previous supervised sentences and type of supervision19
- Figure 3.5: Young people released from sentenced supervision in 2014–15 who returned within 6 and 12 months, by number of previous detention sentences and type of supervision release.....20
- Figure 3.6: Young people released from sentenced supervision in 2014–15 who returned within 6 and 12 months, by length of index sentence and type of supervision release21
- Figure 3.7: Young people released from sentenced supervision in 2014–15 who returned with a detention sentence within 12 months, by sex, Indigenous status, and type of supervision release23
- Figure 3.8: Young people released from sentenced supervision in 2014–15 who returned within 12 months, by state or territory of index sentence24

List of supplementary tables

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

- Table S1: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by sex and Indigenous status.
- Table S2: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by age at first supervised sentence.
- Table S3: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by length of first supervised sentence.
- Table S4: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by time to first return to sentenced supervision.
- Table S5: Young people with 5 or more supervised sentences from 2000–01 to 2015–16, by sex and Indigenous status.
- Table S6: Young people with more than 1 supervised sentence from 2000–01 to 2015–16, by state or territory of first supervised sentence.

Returns within 6 and 12 months

- Table S7: Young people released from sentenced supervision in 2014–15, and aged 10–16 at time of release who returned within 6 and 12 months, by year of release.
- Table S8: Young people released from sentenced supervision in 2014–15, and aged 10–16 at time of release, who returned within 6 and 12 months, by sex and Indigenous status.
- Table S9: Young people released from sentenced supervision in 2014–15, and aged 10–16 at time of release, who returned within 6 and 12 months, by age at release from index sentence.
- Table S10: Young people released from sentenced supervision in 2014–15, and aged 10–16 at time of release, who returned within 6 and 12 months, by sentenced supervision history.
- Table S11: Young people released from sentenced supervision in 2014–15, and aged 10–16 at time of release, who returned within 6 and 12 months, by sentenced detention history.
- Table S12: Young people released from sentenced supervision in 2014–15, and aged 10–16 at time of release, who returned within 6 and 12 months, by length of index sentence.
- Table S13: Young people released from sentenced supervision in 2014–15, and aged 10–16 at time of release, who returned with a detention sentence within 6 and 12 months, by sex and Indigenous status.
- Table S14: Young people released from sentenced supervision in 2014–15, and aged 10–16 at time of release, who returned to sentenced supervision within 6 and 12 months, by state or territory of index sentence.

Related publications

This report can be downloaded free of charge from 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 www.aihw.gov.au/youth-justice.

The following AIHW publications might also be of interest:

- 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.
- 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 2014. Pathways through youth justice supervision. Juvenile justice series no. 15. Cat. no. JUV 40. Canberra: AIHW.
- AIHW 2015. Pathways through youth justice supervision: further analyses. Juvenile justice series no. 19. Cat. no. JUV 75. Canberra: AIHW.
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- AIHW 2016. Young people in child protection and under youth justice supervision 2014–15. Data linkage series no. 22. Cat. no. CSI 24. Canberra: AIHW.
- AIHW 2016. Young people returning to sentenced youth justice supervision 2014–15. Juvenile justice series no. 20. Cat. no. JUV 84. Canberra: AIHW.
- AIHW 2016. Youth detention population in Australia 2016. Bulletin no. 138. Cat. no. AUS 210. Canberra: AIHW.

The majority of young people who receive a supervised youth justice sentence serve only 1 sentence, and do not return. For those born from 1990–91 to 1997–98, about 61% had only 1 sentence before the age of 18.

Of the young people aged 10–16 in 2014–15 who were released from sentenced community-based supervision, about 22% returned to sentenced supervision in 6 months, and 46% returned within 12 months. Of those released from sentenced detention, 48% returned to sentenced supervision within 6 months, and 74% returned within 12 months.