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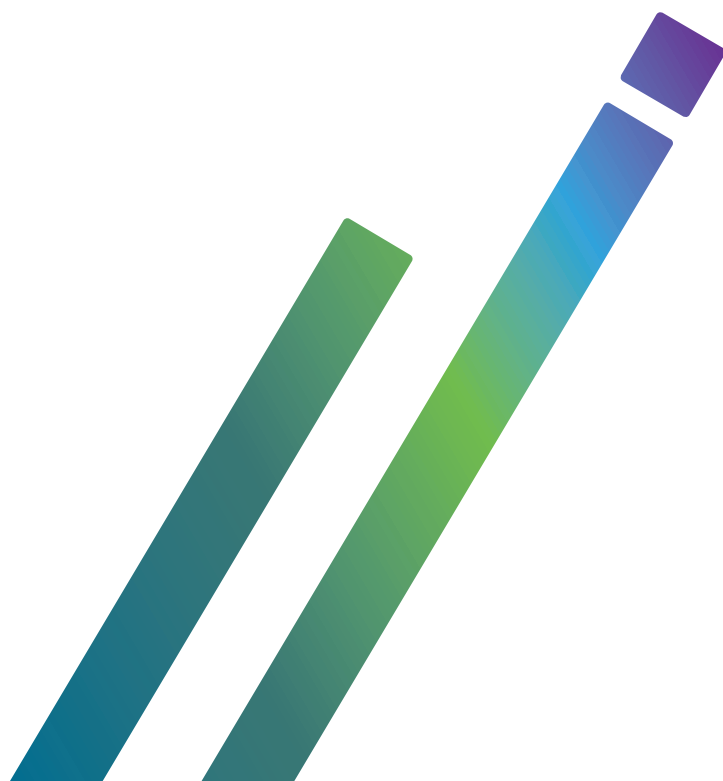
Young people returning to sentenced youth justice supervision

2021–22

The logo for the Australian Institute of Health and Welfare (AIHW), consisting of the letters 'AIHW' in a bold, sans-serif font. Each letter is a different color: 'A' is teal, 'I' is green, 'H' is blue, and 'W' is purple.

Young people returning to sentenced youth justice supervision

2021-22



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Summary

This report presents data on the number of young people released from a supervised youth justice sentence who then returned – that is, young people who received another supervised sentence after the end of their first, or index sentence. Supervised sentences include both community-based and detention sentences.

Content warning: This content contains information some readers may find distressing as it refers to young people’s experiences of youth justice. First Nations young people are also over-represented in the data. If you or someone you know needs help, contact Lifeline: 13 11 14 or 13YARN 13 92 76. Go to www.aihw.gov.au/support for a list of support services.

Birth cohort: key findings

The birth cohort analysis examines the proportion of young people born between 1990–91 and 2003–04 who returned to sentenced supervision after their first supervised sentence (that is, the rate of return), using their entire youth justice supervision history between ages 10–17.

The majority of young people do not return to sentenced supervision

About 3 in 5 (59%) young people under sentenced youth justice supervision at some time between 2000–01 and 2021–22 did not return to sentenced youth justice supervision.

Young people with a first supervised sentence of detention were more likely to receive an additional supervised sentence (51%) than young people with a first supervised sentence of community-based supervision (41%).

Of the young people aged 10–17 under sentenced youth justice supervision between 2000–01 and 2021–22:

- among those with a first supervised sentence of community-based supervision, young people aged 10–12 at first sentenced supervision were highly likely to return at some point, with a return rate of 90%
- males were more likely than females to receive an additional supervised sentence before the age of 18 (43% and 36%, respectively)
- First Nations young people were more likely than non-Indigenous Australians to receive an additional supervised sentence before the age of 18 (55% and 34%, respectively).

Supervision cohort: key findings

The supervision cohort analysis examines the rate of return for young people released from a supervised sentence during 2020–21 whose age made them eligible to return to youth justice supervision within 1 year (aged 10–16 when released). It includes young people released from their first ever supervised sentence, and those who had already had a prior episode of sentenced supervision.

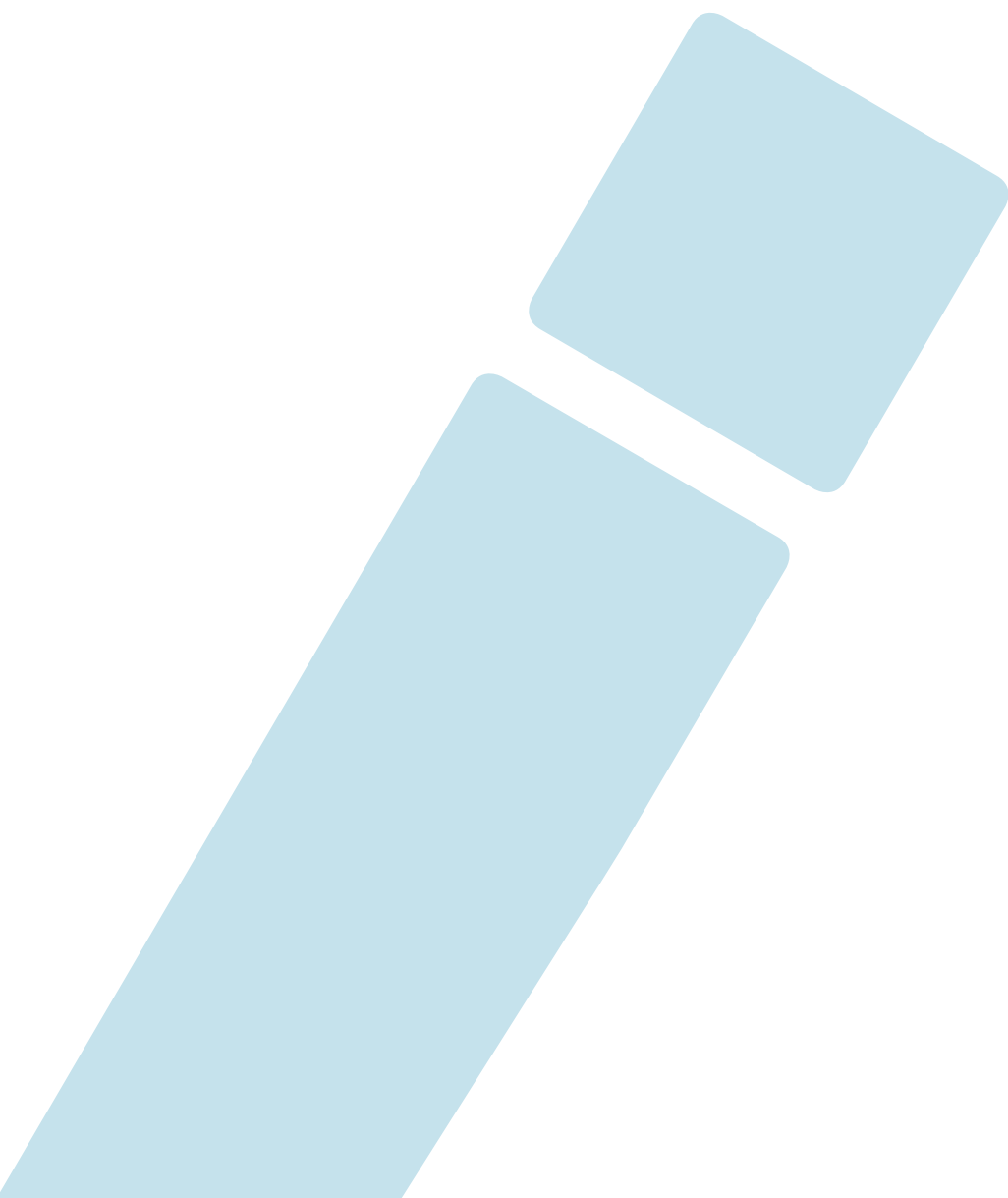
This analysis complements the birth cohort analysis, as it measures the number of returns to sentenced supervision within a year for all those released in 2020–21, rather than the number of returns for all young people under youth justice supervision between 2000–01 and 2021–22.

Young people released from sentenced detention are more likely to return to sentenced supervision within 6 and 12 months

Of the young people aged 10–16 released from sentenced supervision in 2020–21 (allowing a 12 month follow-up period to 30 June 2022):

- 2 in 5 (40%) released from sentenced community-based supervision received another supervised sentence within 6 months, and almost 3 in 5 (57%) within 12 months
- about two-thirds (66%) released from sentenced detention received another supervised sentence within 6 months, and more than 4 in 5 (85%) within 12 months
- those with at least one previous supervised sentence were more likely than those with no previous supervised sentence to return to sentenced supervision. This finding was across supervision types (community-based and detention) and time to return (6 months and 12 months).

Over the 10 years to 2020–21, the 6- and 12-month return rates for young people released from community-based supervision fluctuated. For those released from detention, the return rate within 6 months fluctuated over the period, while the return rate within 12 months remained relatively stable from 2012–13 to 2019–20, rising in the most recent year.



1 Introduction

In Australia, the state and territory government departments responsible for youth justice provide youth justice supervision. Young people enter the system when investigated by the police for allegedly committing an offence. The youth justice department in each jurisdiction provides young people serving supervised sentences (Box 1.1) with services designed to reduce their likelihood of returning to sentenced supervision, among other outcomes. Various offence-specific and therapeutic programs are provided to meet the needs of young people, such as programs aimed to reduce alcohol and drug use and to improve employment skills, as well as cognitive-based interventions.

See 'Appendix 4: State and territory youth justice systems, policies and programs 2021–22' in *Youth justice in Australia 2021–22* (AIHW 2023) for details on the programs provided by each state and territory.

The rate of return to sentenced supervision shows, in part, the performance of services that youth justice departments provide, although a range of other factors beyond the control of these departments will also influence returns. Variations in state-based legislation, policies and practices may affect comparability of data between states and territories.

Box 1.1: What is a supervised sentence?

When a young person is found guilty of an offence, the court has several sentencing options:

- an unsupervised community-based sentence, such as a good behaviour bond
- a supervised community-based sentence, such as probation (referred to as sentenced community-based supervision)
- detention in a youth justice centre (referred to as sentenced detention).

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

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

- Chapter 1 introduces key concepts.
- Chapter 2 describes the rate of return to sentenced supervision at any time while aged 10–17 for young people born between 1990–91 and 2003–04.
- Chapter 3 describes the rate of return to sentenced supervision within 6 and 12 months for young people released in 2020–21, who were aged 16 and under when released.
- The Appendix provides further information on the data and methods used in this report.

1.1 Key concepts

The Youth Justice National Minimum Data Set (YJ NMDS) is a longitudinal person-based data set containing information on young people under youth justice supervision. Using it has several benefits. It enables:

- measuring a young person's rate of return to sentenced supervision across all participating states and territories, and not just in the state or territory of the original sentence
- reporting of factors such as order types and demographics by rate of returns
- linking data with other relevant data collections for longer term comparisons.

Due to the scope of the YJ NMDS, data presented in this report relate only to returns to youth justice sentenced supervision, not to recidivism (see the section headed 'Return to sentenced supervision' below). Youth justice departments are primarily responsible for providing rehabilitative services to young people under sentenced supervision only; hence, measures of returns to sentenced supervision are likely to be more useful indicators of the effectiveness of these departmental services than more general measures of recidivism. It should, however, be noted that a range of services may also be made available to young people who are not under sentenced supervision; for example, supervised bail and early intervention programs.

Return to sentenced supervision

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

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

The YJ NMDS cannot provide an adequate measure of recidivism as it contains data only on supervised sentences, not offences. Young people who receive unsupervised sentences (such as good behaviour bonds and fines) are not included in the YJ NMDS.

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

The population for this report is restricted to young people who have received a supervised sentence. This means that the results presented relate specifically to young people who have committed an offence or offences serious enough to result in a supervised sentence. The return rate is calculated from a subpopulation of young people who committed an additional offence serious enough to result in an additional supervised sentence.

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

Birth and supervision cohorts

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

In the absence of suitable data on adult supervision, in this report, 2 types of analysis measure the rate of return to sentenced youth justice supervision for young people aged 10–17:

1. Using a **birth cohort**: The birth cohort captures data in full for young people aged 10–17. As the YJ NMDS has data available from 2000–01, complete birth cohort data are available for young people born from 1990–91 to 2003–04 (14 complete birth cohorts). YJ NMDS data are available for analysis for:
 - Tasmania from 2006–07; 8 birth cohorts with complete data
 - the Australian Capital Territory from 2008–09; 6 cohorts with complete data
 - the Northern Territory from 2012–13; 2 birth cohorts with complete data.

This analysis allows returns to be measured over the entire period that a young person is eligible for youth justice.

2. Using a **supervision cohort**: The supervision cohort includes young people 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) made them eligible to return to youth justice supervision in the measurement period. In the case of the YJ NMDS, this cohort includes young people aged 10–16 at the time of release, allowing returns to be measured for up to 12 months. This analysis measures the number of returns to sentenced supervision within a year for all those released in 2020–21.

Before February 2018, young people in Queensland who offended while aged 17 or older were dealt with in the adult criminal justice system; they were not eligible to return to sentenced youth justice supervision unless they offended when aged 16 or younger. In February 2018, Queensland legislation was enacted that made young people who offended when aged 17 eligible to be dealt with in the youth justice system. Due to this change in legislation, Queensland data from 2017–18 onwards may not be comparable with data for previous years.

These 2 types of cohort analysis – birth cohort and supervision cohort – are presented in chapters 2 and 3, respectively.

Differences in the rates of return between the 2 types of cohort analysis are expected. In part, this is due to the fact that the birth cohort analysis looks at returns after each young person's first ever episode of sentenced supervision, while the supervision cohort analysis includes young people who had a prior episode of sentenced supervision. Young people who have had a prior episode of supervision are more likely to return to supervision.

Future analyses may explore the differences between the 2 groups further to gain a better understanding of the different experiences of youth justice.

Time to return

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

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

Impact of COVID-19 on youth justice data (2020, 2021 and 2022)

In response to the COVID-19 pandemic, the 'first wave' of social restrictions was introduced in Australia in mid-March 2020. These were progressively eased in most states/territories from May 2020. A 'second wave' of social restrictions was introduced in Victoria from July 2020 and started to progressively ease from September 2020. A 'third wave' of social restrictions was introduced in New South Wales, Victoria and the Australian Capital Territory from June 2021 and started to progressively ease from October 2021. Since then, additional waves of COVID-19 have affected all jurisdictions with small restrictions in place during that time.

While, as outlined in the former Prime Minister's media announcement, youth justice centres and other places of custody, courts or tribunals were considered essential services (Morrison S, the Hon., MP, Prime Minister of Australia, 18 March 2020), COVID-19 has had a substantial impact on their operations, and restrictions they face may have continued beyond the easing of restrictions in the general community. The impact may differ from jurisdiction to jurisdiction (Judicial College of Victoria unpublished).

- In New South Wales, for example, Children's Court hearings were vacated from 24 March to 1 May 2020 with few exceptions. This led to a decrease in the number of court finalisations between March and June 2020, which resulted, in turn, in a reduction of young people in sentenced detention.
- During this period, there was also a decline in unsentenced detention as more young people were discharged to bail and fewer young people had their bail revoked when breaching bail conditions (Chan 2021).

This report includes data from March 2020 to June 2022, which coincides with the presence of COVID-19 in Australia. However, the direct impact of COVID-19 and related social restrictions on the number of young people under youth justice supervision is difficult to determine due to a range of factors including:

- variability of the data
- variations in state-based legislation, policy and practice
- small numbers of young people under supervision.

More research is required to better understand the impact of COVID-19 and related social restrictions on youth justice supervision across Australia.

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

The YJ NMDS is a longitudinal data set with data available from 2000–01. This means it is possible to look at the complete rate of return for young people born between 1990–91 and 2003–04, as the YJ NMDS contains data on all supervised youth justice sentences for these young people from ages 10 to 17.

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

Key findings

41%

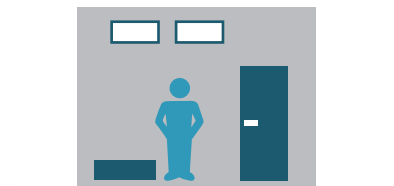
of young people born between 1990–91 and 2003–04 who had a supervised sentence had returned to sentenced youth justice supervision before the age of 18.



Where the first supervised sentence was **community-based**:

2 in 5 (41%) young people had one or more additional supervised sentences before age 18.

14% received an additional supervised sentence within 3 months.



Where the first supervised sentence was **detention**:

1 in 2 (51%) young people had one or more additional supervised sentences before age 18.

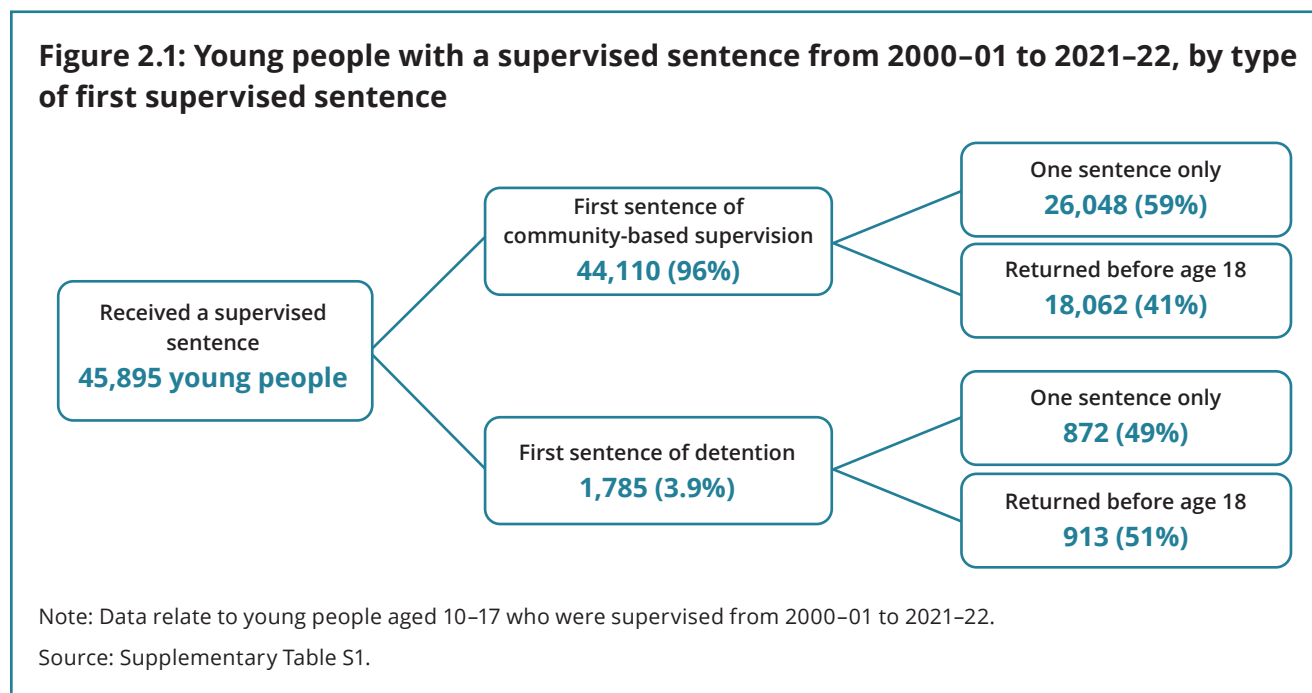
24% received an additional supervised sentence within 3 months.

Sources: Supplementary tables S1 and S4.

Of the 45,895 young people under sentenced supervision between 2000–01 and 2021–22 and born between 1990–91 and 2003–04, 26,920 (59%) received only one supervised sentence before the age of 18 (Supplementary Table S1).

Most young people (96%) received a first supervised sentence of community-based supervision. Of these, 59% did not receive any additional sentences and 41% returned to sentenced supervision before the age of 18 (Figure 2.1).

A small proportion of young people (3.9%) received a first supervised sentence of detention. Of these, just under half (49%) did not return to sentenced supervision before the age of 18 (Figure 2.1).



2.1 Demographics

Age

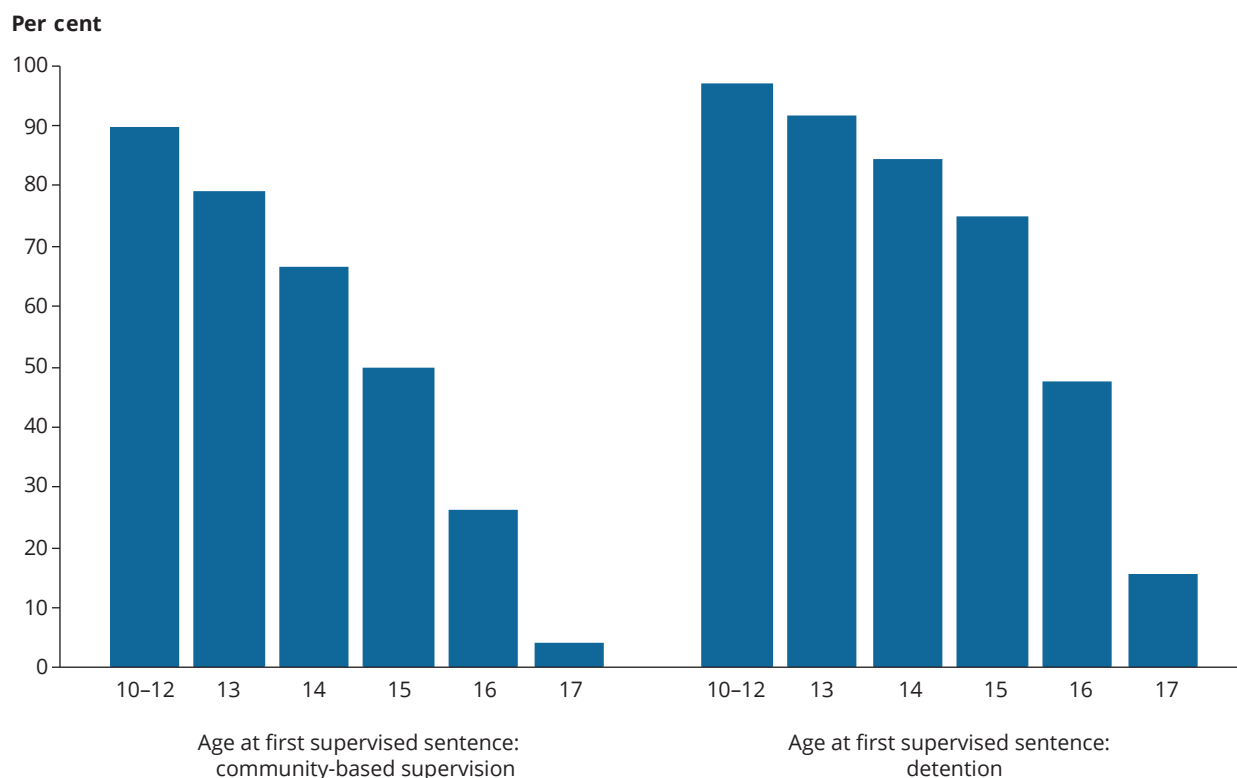
Return rate

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

For young people whose first supervised sentence was community-based supervision, 9 in 10 of those aged 10–12 returned to sentenced supervision at some point. Of those aged 17 at first community-based supervision, about 1 in 23 (4.3%) aged 17 returned (Figure 2.2).

The return rate pattern was similar to that where the first supervised sentence was detention. Almost all (97%) young people aged 10–12 returned to sentenced supervision while about 1 in 6 (16%) aged 17 returned. Note, however, that the return rate for young people aged 10–12 at their first supervised sentence of detention should be interpreted with caution, due to the small number of young people in this age group (Supplementary Table S2).

Figure 2.2: Young people with more than 1 supervised sentence from 2000–01 to 2021–22, by age at first supervised sentence and type of first supervised sentence



Notes

1. Data relate to young people aged 10–17 who were supervised from 2000–01 to 2021–22.
2. The return rate for young people aged 10–12 at their first supervised sentence of detention should be interpreted with caution, due to the small number of young people in this age group.
3. Younger age groups have more time to return to youth justice supervision, while older age groups may turn 18 before returning to the justice system and therefore would not be captured in this analysis.

Source: Supplementary Table S2.

Incidence rate of return

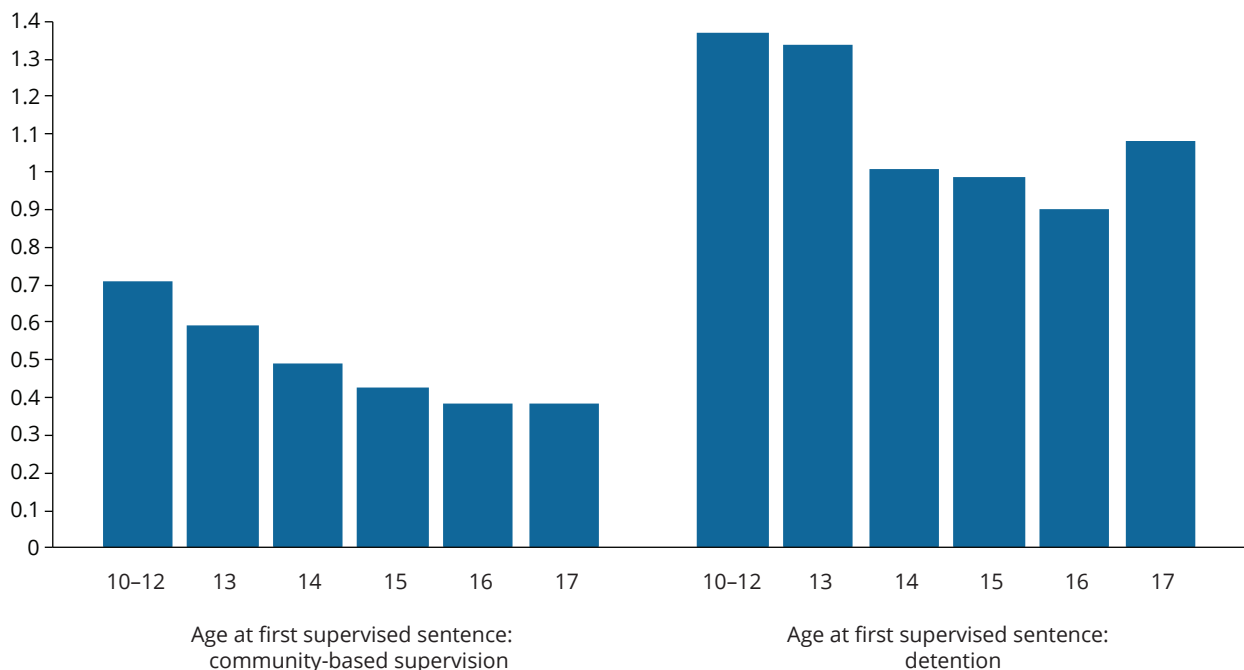
As noted above, people in younger age groups have more time to return to youth justice supervision; those who turn 18 before returning to the justice system are not captured in these data. To control for the potential impact of age at first supervision on the likelihood of returning to sentenced youth justice supervision, an incidence rate of return per 1-person-year at risk was calculated (see Appendix for details).

The aim of this analysis was to examine the return rate of young people by age at first supervised sentence to support the findings reported above. The findings showed that the incidence rate of return for young people with a first supervised sentence of community-based supervision declined for each successive age group (Figure 2.3). However, the result was not as pronounced as the return rate (Figure 2.2).

For young people with a first supervised sentence of detention, the incidence rate of return showed a different pattern to the return rate (which was flatter), with a relative increase for the oldest age group. The incidence rate of return was highest for young people aged 10–12 (1.4 returns per 1-person-year) and lowest for young people aged 16 (0.9 returns per 1-person-year) (Supplementary Table S2a). The relatively high incidence rate of return for all age groups indicates that, of those young people who returned, most received another supervised sentence within 1 year of release (see section headed 2.3 Time to return). The incidence rate of return for young people aged 10–12 should be interpreted with caution, due to the small number of young people in this age group.

Figure 2.3: Young people with more than 1 supervised sentence from 2000–01 to 2021–22: incidence rate of return, by age at first supervised sentence and type of first supervised sentence

Per 1 person year



Notes

1. Data relate to young people aged 10–17 who were supervised from 2000–01 to 2021–22.
2. Younger age groups have more time to return to youth justice supervision, while older age groups may turn 18 before returning to the justice system and therefore would not be captured in this analysis.

Source: Supplementary Table S2a.

Sex

Of the 36,317 young males and 9,555 young females who received a supervised sentence, males were 1.2 times as likely as females to receive at least one additional supervised sentence (43% compared with 36%). This pattern was similar for males and females with a first supervised sentence of community-based supervision (42% and 35%, respectively).

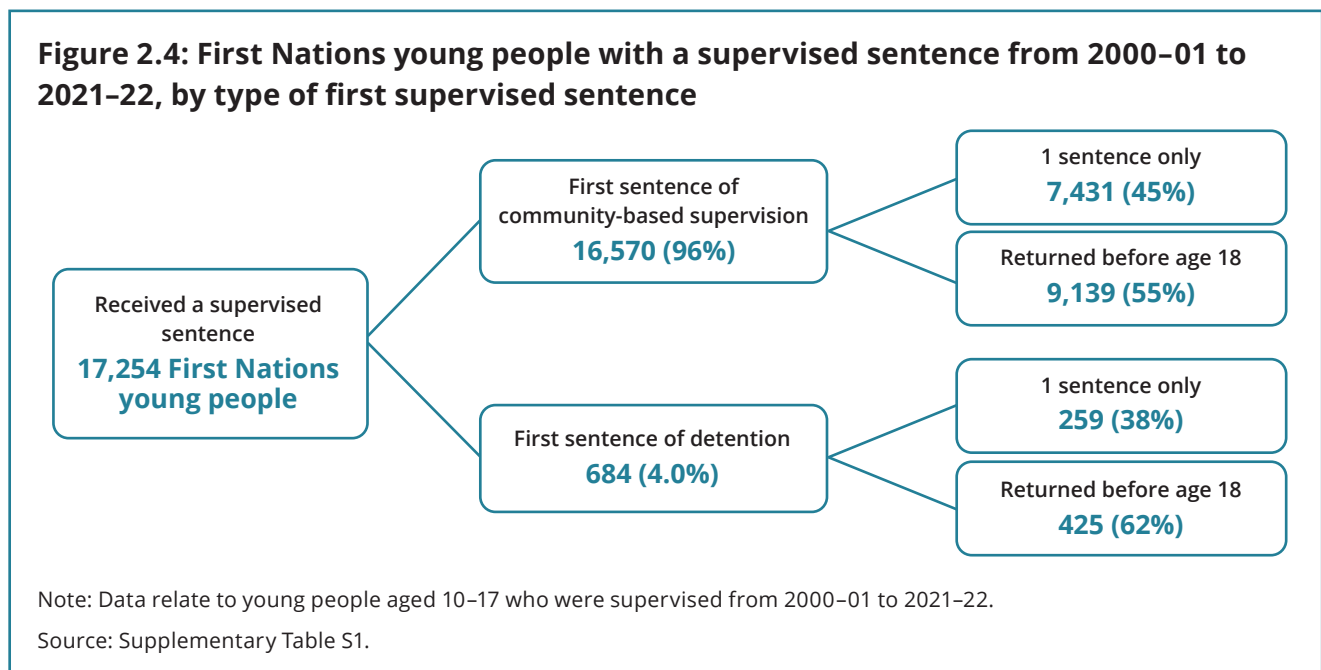
Males and females had a similar rate of return when their first supervised sentence was detention (51% and 50%, respectively) (Supplementary Table S1).

First Nations young people

First Nations young people typically enter youth justice at younger ages than non-Indigenous young people (AIHW 2023). As noted earlier in this chapter, the younger a person was at the start of their first supervised sentence, the more likely they were to return to sentenced supervision at some time before the age of 18 (Figure 2.2). So, it would be expected that First Nations young people are more likely to return to youth justice supervision than non-Indigenous young people.

Of all young people who received a supervised sentence, just over one-third (38% or 17,254) were First Nations people. The vast majority (96% or 16,570) of these First Nations young people received a first supervised sentence of community-based supervision, with just over half of whom (55%) receiving another supervised sentence. Of the 684 First Nations young people with a first supervised sentence of detention, about three-fifths (62%) had returned to sentenced supervision before the age of 18 (Figure 2.4).

First Nations young people who had a first supervised sentence of community-based supervision were 1.6 times as likely as non-Indigenous young people to receive another supervised sentence before the age of 18 (55% and 34%, respectively). The pattern was similar for First Nations young people who received a first supervised sentence of detention (1.4 times as likely; 62% and 45%, respectively) (Supplementary Table S1).

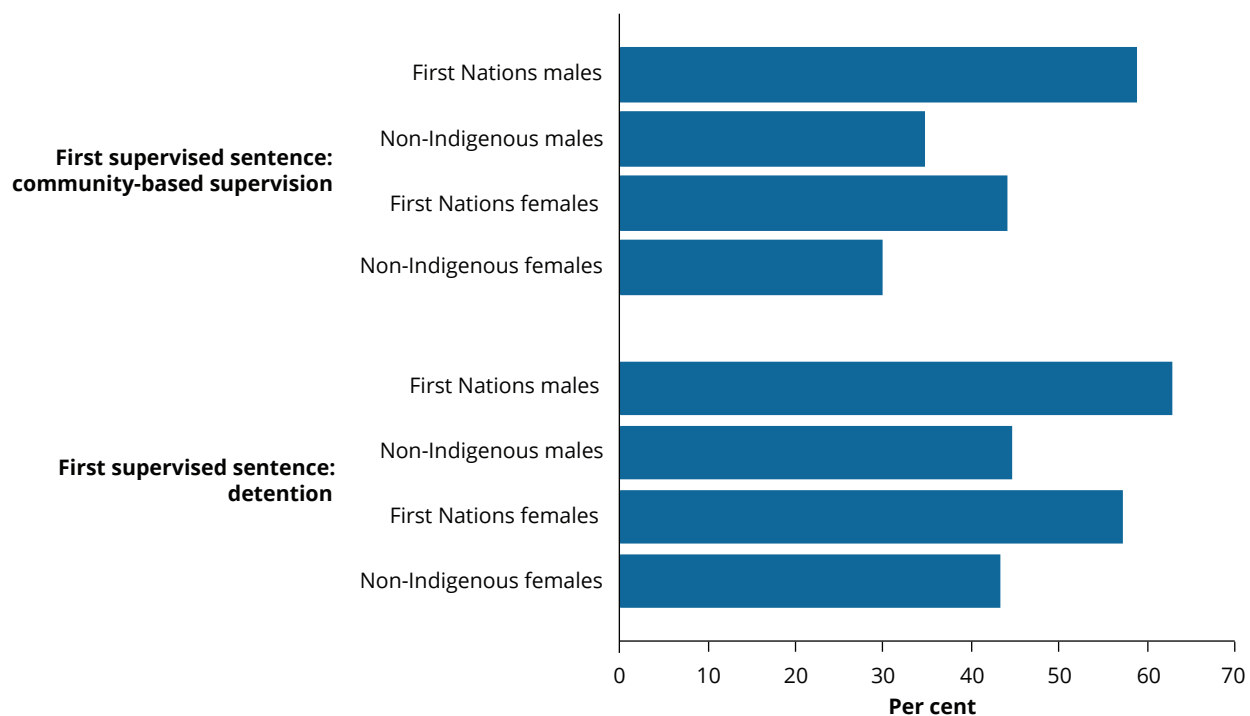


Sex

Among First Nations young people with a first supervised sentence of community-based supervision, 12,436 were male and 4,124 were female; males were 1.3 times as likely as females to receive another supervised sentence before the age of 18 (59% compared with 44%) (Figure 2.5).

Similarly, of the 600 First Nations male and 84 First Nations female young people who had a first supervised sentence of detention, a slightly higher proportion of males than females (63% compared with 57%) received another supervised sentence before the age of 18.

Figure 2.5: Young people with more than 1 supervised sentence from 2000–01 to 2021–22, by sex, First Nations status, and type of first supervised sentence



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2021–22.

Source: Supplementary Table S1.

2.2 Length of first supervised sentence

Young people with shorter first supervised sentences were more likely to return to sentenced supervision than young people who served longer first supervised sentences (Supplementary Table S3). This may be due to a number of factors, including length of first supervised sentence and subsequent access to, and completion of, services. Further, longer sentences may limit the time and opportunity for a young person to engage in behaviour that would lead to subsequent sentences.

Young people with a first supervised sentence of community-based supervision that was less than 3 months were 1.5 times as likely as young people with a first supervised sentence longer than 9 months to return to sentenced supervision (50% and 33%, respectively) (Supplementary Table S3).

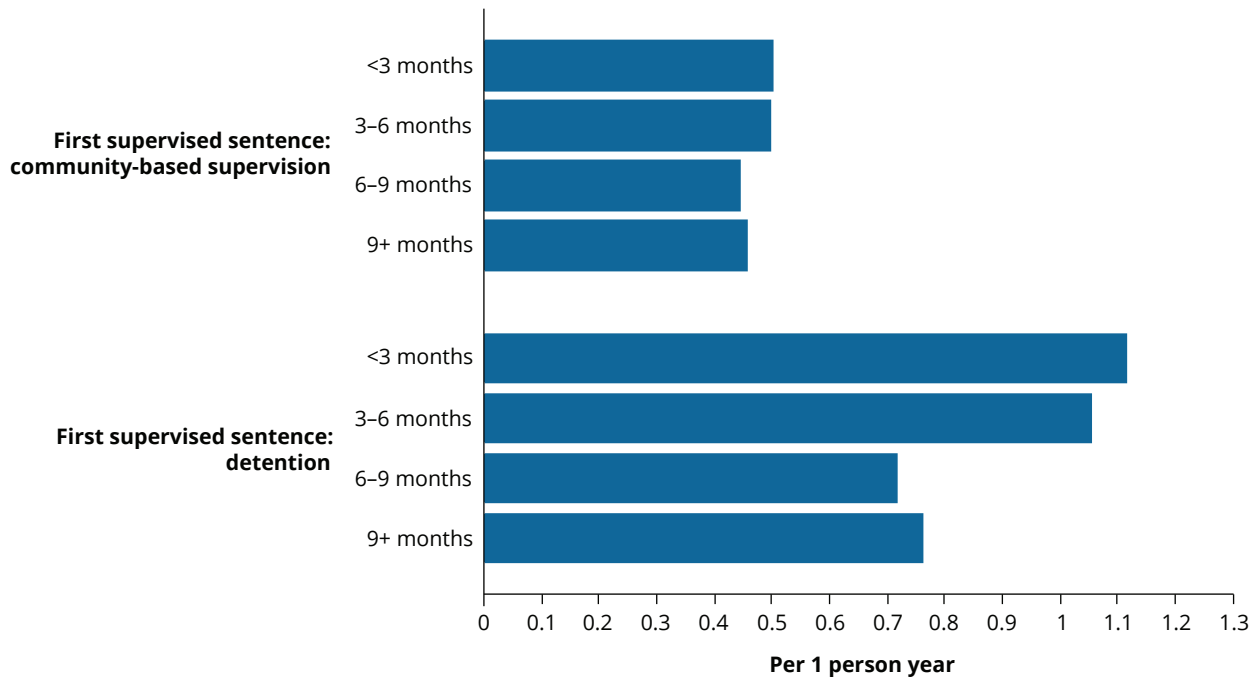
This difference was more pronounced for detention, where young people with a sentence of less than 3 months were 2.9 times as likely as young people with a sentence longer than 9 months to return to sentenced supervision (67% and 23%, respectively) (Supplementary Table S3).

Incidence rate of return

Young people serving longer sentences may have less time available to return to sentenced supervision before turning 18. To examine this for the first supervised sentence of community-based supervision and detention, the incidence rate of return by length of sentence was calculated (see Appendix for details).

The results showed a clear difference between sentences shorter and longer than 6 months for young people with a first supervised sentence of detention. The incidence rate of return for young people with a first supervised sentence of detention of less than 3 months was higher than for those with a first supervised sentence of detention of longer than 9 months (1.11 per person year for <3 months compared with 0.76 for 9+ months) (Figure 2.6).

Figure 2.6: Young people with more than 1 supervised sentence from 2000–01 to 2021–22: incidence rate of return by length and type of first supervised sentence



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2021–22.

Source: Supplementary Table S3a.

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

- young people serving shorter sentences may be less likely to complete rehabilitative programs if the sentence is shorter than the program, and participation in it is not continued or completed once a young person exits youth justice supervision
- young people serving longer community-based supervised sentences may have more time spent on rehabilitative programs, thus reducing the likelihood of returning to sentenced supervision
- young people in unsentenced detention might not be provided with rehabilitative services until they receive a sentence. Some sentenced orders are backdated to take into account time already served in unsentenced detention. In these cases, for shorter sentences, the time available to complete a rehabilitative service is further reduced relative to young people with longer sentences
- young people released from longer detention sentences may be more likely to be released on parole or supervised release than young people released from shorter sentences. With this continuation of supervision within the community, there may be a reduced likelihood of subsequent offending and returning to sentenced supervision.

2.3 Time to return

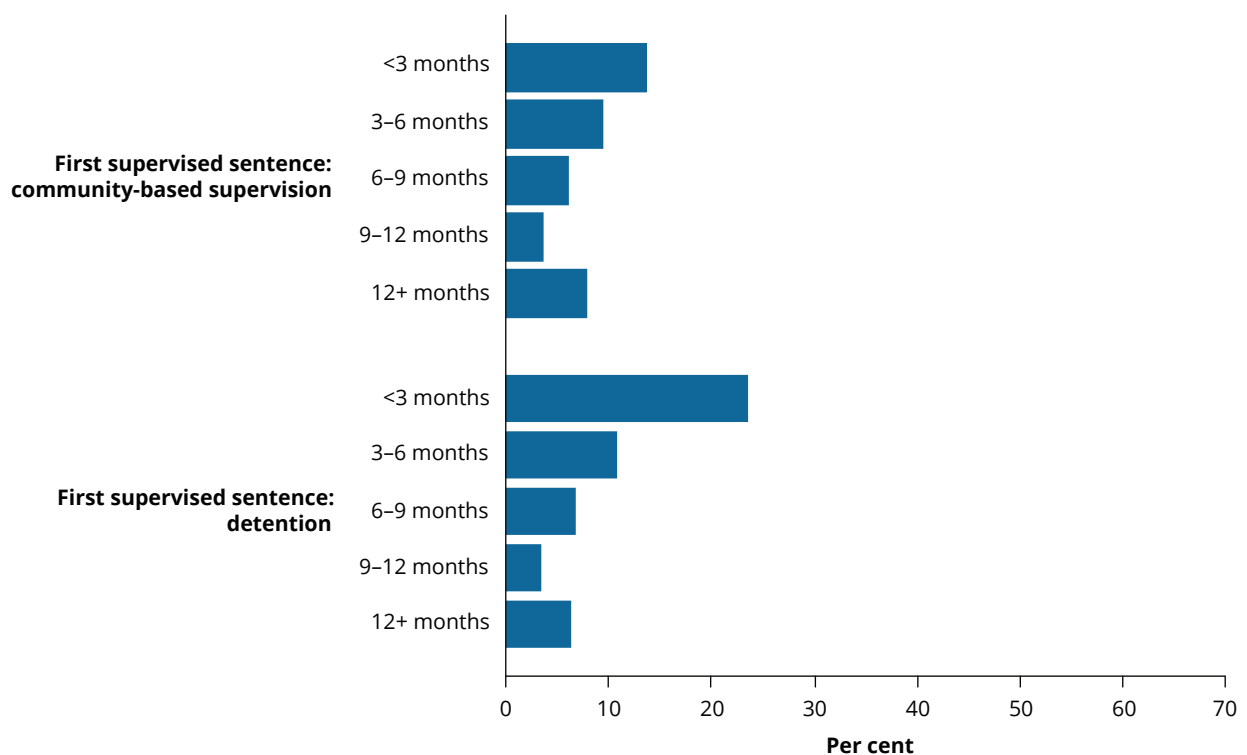
Young people who returned to sentenced supervision were likely to return within a relatively short time (Figure 2.7). Of the 44,110 young people who had a first supervised sentence of community-based supervision:

- 41% returned, with 14% returning within 3 months and 3.7% within 9–12 months
- 59% did not return.

People with a first supervised sentence of detention were more likely than people with a first community-based sentence to receive another supervised sentence in a relatively short time. Of the 1,785 young people with a first supervised sentence of detention:

- 51% returned, with 24% returning within 3 months and 3.6% within 9–12 months
- 49% did not return.

Figure 2.7: Young people with more than 1 supervised sentence from 2000–01 to 2021–22, by time to first return to sentenced supervision and type of first supervised sentence



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2021–22.

Source: Supplementary Table S4.

2.4 Total number of supervised sentences

While the majority of young people have only one supervised sentence, a small number of young people who entered sentenced supervision received 5 or more sentences before the age of 18 and some received 10 or more (Figure 2.8).

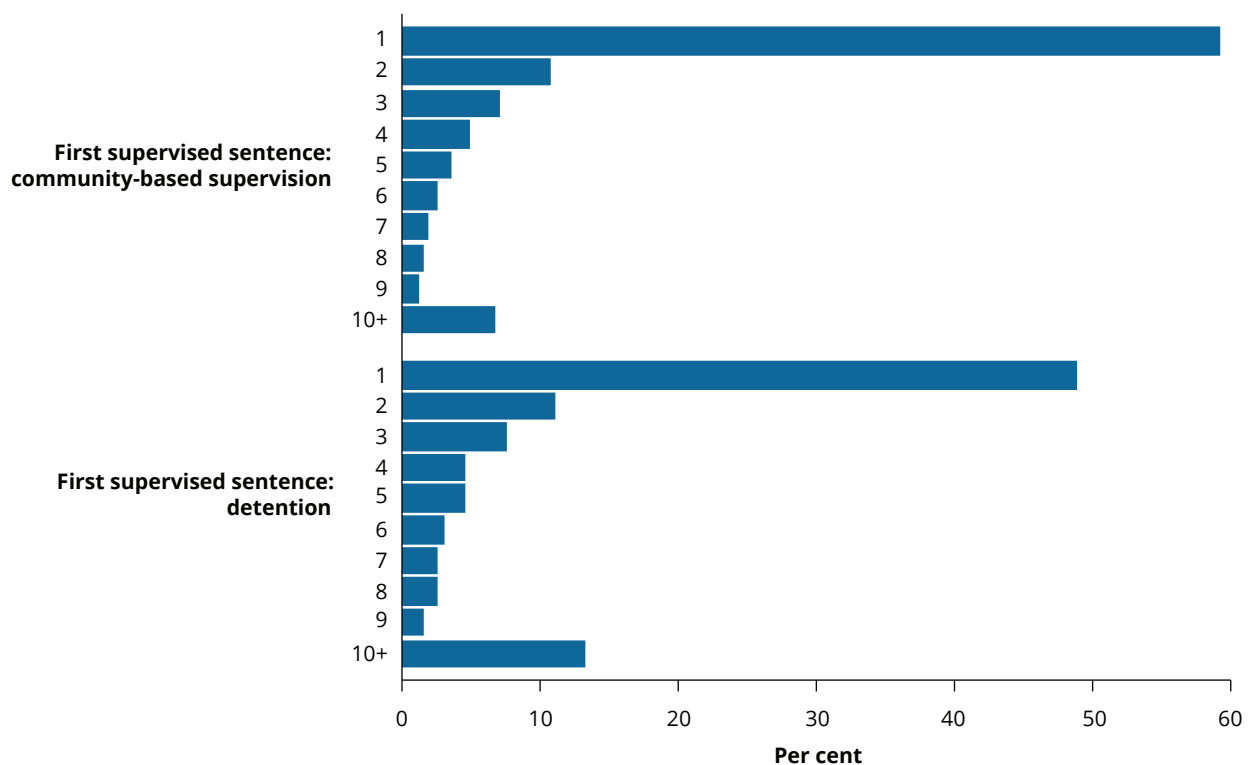
Of the 44,110 young people with a first supervised sentence of community-based supervision:

- almost one-fifth (18%) received 5 or more supervised sentences
- about 1 in 15 (6.8%) had 10 or more sentences (Figure 2.8).

These proportions were higher for young people with a first supervised sentence of detention (1,785) where:

- just over one-quarter (28%) received 5 or more supervised sentences
- more than 1 in 7 (13%) had 10 or more sentences (Figure 2.8).

Figure 2.8: Young people with at least 1 supervised sentence from 2000–01 to 2021–22, by number of sentences and type of first supervised sentence



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2021–22.

Source: Supplementary Table S6.

Age

The younger a person was at first supervision, the more likely they were to have 5 or more sentences. For young people with a first supervised sentence of community-based supervision, about 3 in 5 (59%) of those aged 10–13 had 5 or more sentences and almost 1 in 3 (30%) had 10 or more (Supplementary Table S6).

These proportions were higher for young people aged 10–13 with a first supervised sentence of detention – about 4 in 5 (79%) had 5 or more sentences and more than 1 in 2 (54%) had 10 or more (Supplementary Table S6).

First Nations young people

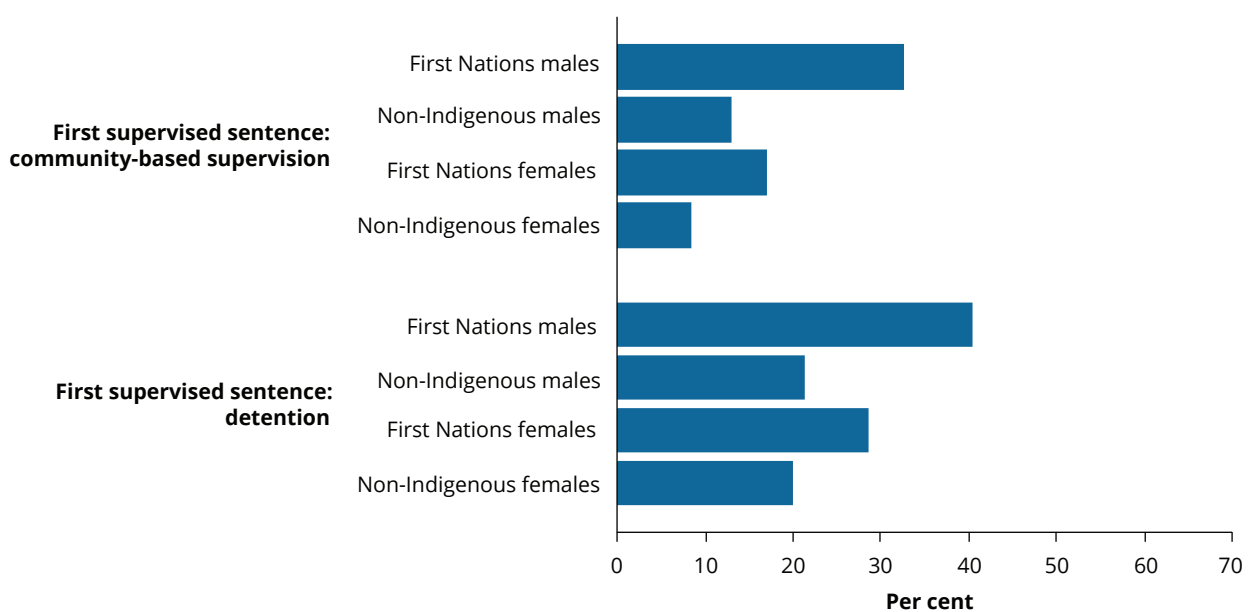
Between 2000–01 and 2021–22:

- 6,570 First Nations young people and 25,671 non-Indigenous young people received at least one community-based supervision sentence
- 684 First Nations young people and 1,080 non-Indigenous young people received at least one detention sentence (Supplementary Table S5).

First Nations young people were 2.3 times as likely as non-Indigenous young people to receive 5 or more supervised sentences when their first supervised sentence was community-based supervision and 1.8 times as likely after a first supervised sentence of detention (Supplementary Table S5).

Among First Nations young people, a total of 12,436 males and 4,124 females received at least one community-based supervision sentence, and 600 males and 84 females received at least one detention sentence (Supplementary Table S5). Of these, males were twice as likely as females to receive 5 or more supervised sentences when their first supervised sentence was community-based supervision (33% compared with 17%) and 1.4 times as likely when their first supervised sentence was detention (40% compared with 29%) (Figure 2.9).

Figure 2.9: Young people with 5 or more supervised sentences from 2000–01 to 2021–22, by sex, First Nations status, and type of first supervised sentence



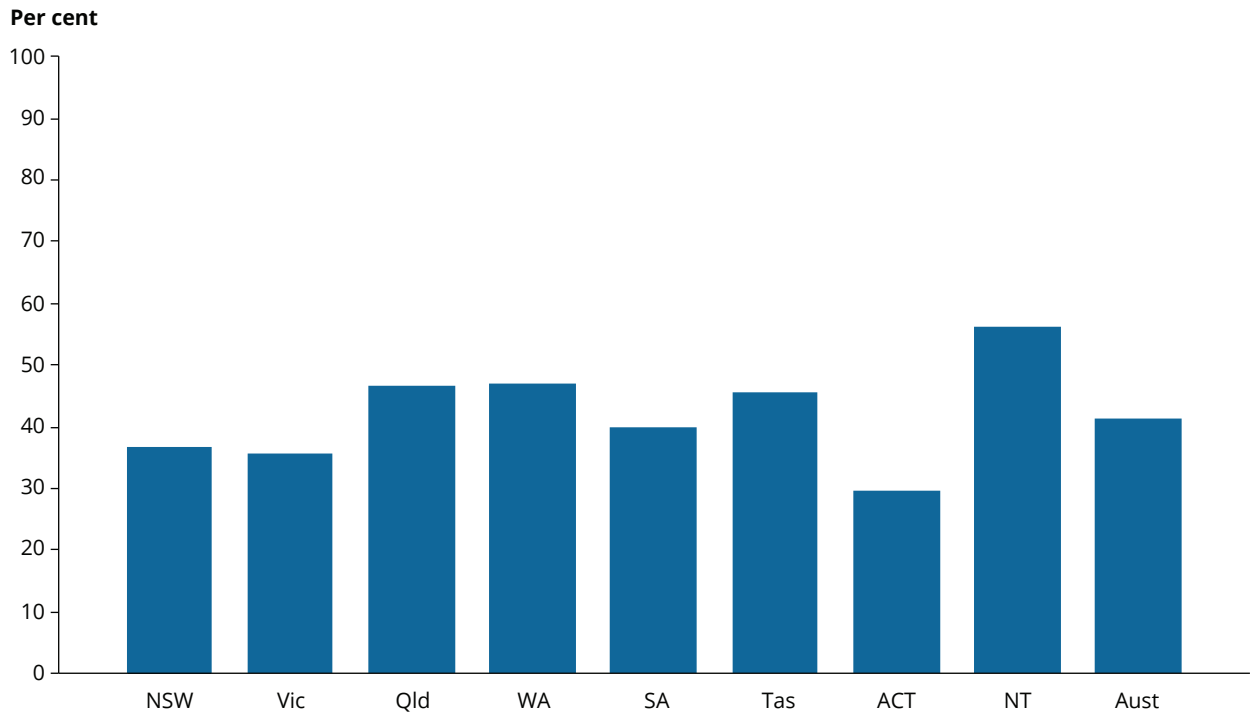
Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2021–22.

Source: Supplementary Table S5.

2.5 States and territories

The proportion of young people who received more than one supervised sentence ranged from 30% in the Australian Capital Territory to more than half in the Northern Territory (56%). (Figure 2.10).

Figure 2.10: Young people with more than 1 supervised sentence from 2000–01 to 2021–22, by state and territory of first supervised sentence



Notes

1. Full cohort data are available for New South Wales, Victoria, Queensland, Western Australia and South Australia. Tasmania has 8 full birth cohorts available for analysis, the Australian Capital Territory has 6, and the Northern Territory has 2.
2. Data relate to young people aged 10–17 who were supervised from 2000–01 to 2021–22.
3. Due to the small numbers reported in some states and territories, comparisons should be made with caution.
4. Variations in state-based legislation, policies and practices may affect the comparability of data between states and territories.

Source: Supplementary Table S7.

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

One way to explore the effectiveness of services provided by youth justice departments is to measure how soon young people return to sentenced supervision (see Glossary), although a range of other factors beyond the control of these departments will also influence returns.

This chapter looks at the rate of return for young people aged 16 or under released from a supervised sentence (see Glossary) during 2020–21 (see the Appendix for information on data and methods) who returned within 6 and 12 months, regardless of their supervision history.

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

The return time frames of 6 and 12 months are unlikely to directly reflect the time to reoffend. Administrative processes, such as court proceedings, occur before a young person can return to sentenced supervision, which can take time, and affect the rate of return. In 2021–22, about half (47%) of cases heard in children’s courts where the defendant was found guilty took longer than 3 months to be finalised, and almost 1 in 4 (24%) took more than 6 months (ABS 2023).

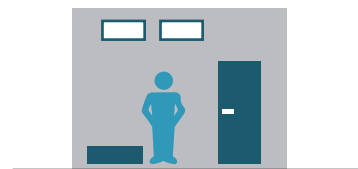
Key findings for young people aged 10–16 who were released in 2020–21



Of young people released from a **community-based** supervised sentence:

40% were returned to sentenced supervision within 6 months

57% were returned to sentenced supervision within 12 months



Of young people released from a supervised **detention** sentence:

66% were returned to sentenced supervision within 6 months

85% were returned to sentenced supervision within 12 months

Returned within



Returned within

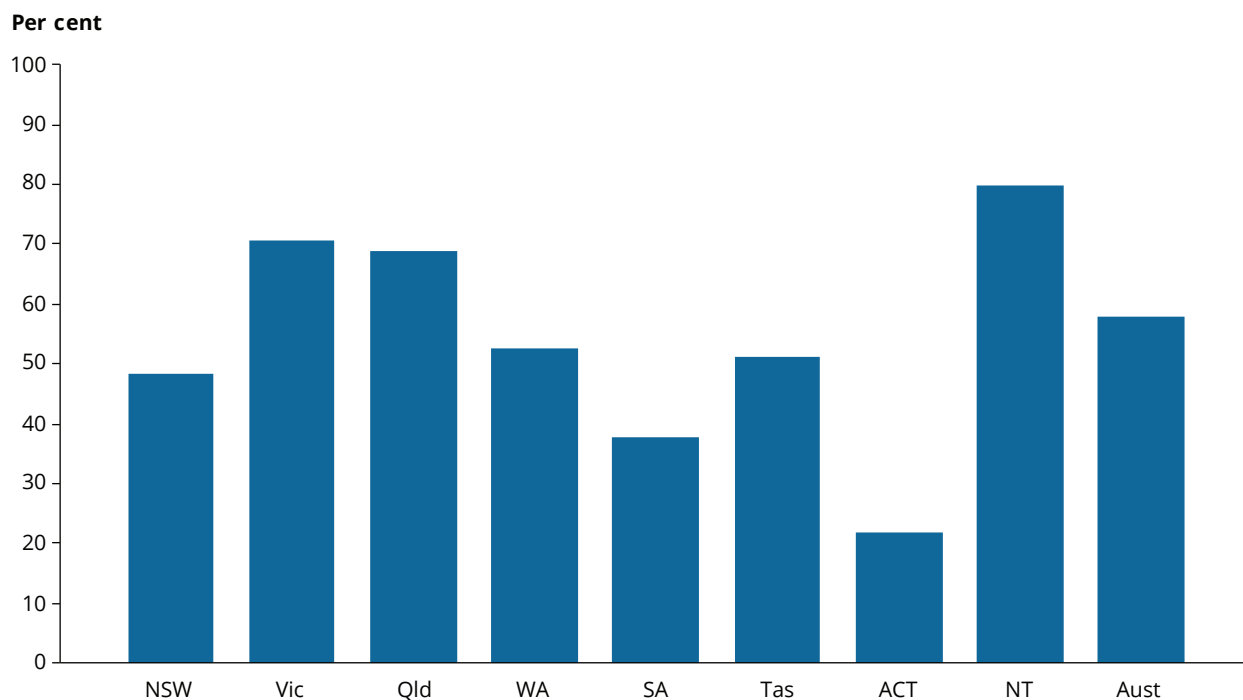


Source: Supplementary Table S8.

3.1 States and territories

The proportion of young people released from sentenced supervision in 2020–21 who returned within 12 months varied from 22% in the Australian Capital Territory to 80% in the Northern Territory (Figure 3.1).

Figure 3.1: Young people released from sentenced supervision in 2020–21 who returned within 12 months, by state or territory of index sentence



Notes

1. See the Appendix for details of data and methods.
2. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up.
3. Due to the small numbers reported in some states and territories, comparisons should be made with caution.
4. Variations in state-based legislation, policies and practices may affect the comparability of data between states and territories.

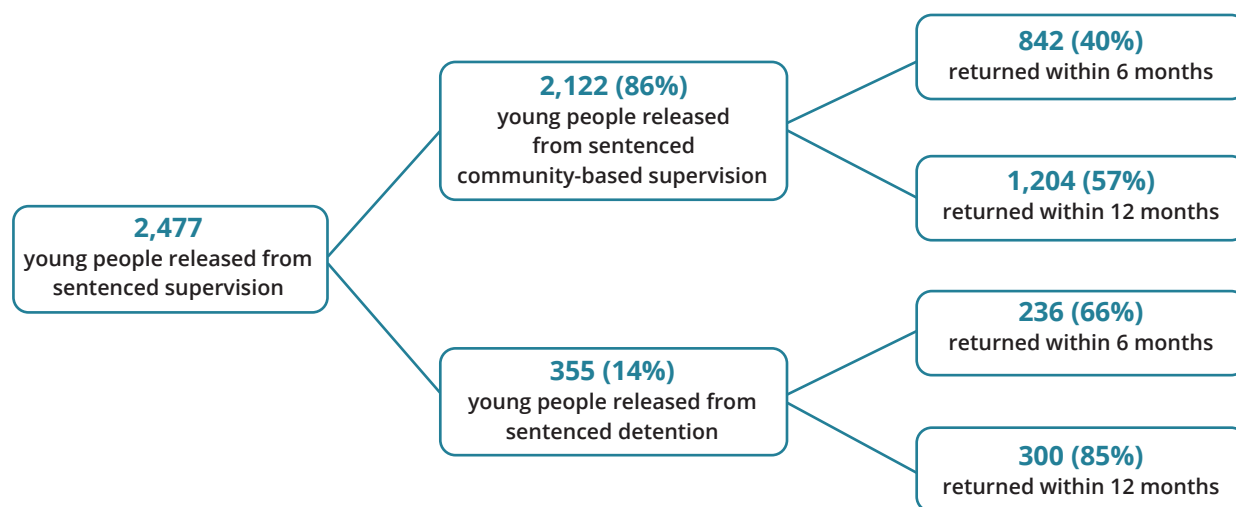
Source: Supplementary Table S15.

3.2 Returns over time

Of the 2,122 young people aged 10–16 released from a community-based supervised sentence in 2020–21, 842 (40%) returned to sentenced supervision within 6 months and 1,204 (57%) within 12 months (Figure 3.2). The return rate within:

- 6 months fluctuated over the 10 years from 2011–12, with a low of 33% in 2011–12 and a peak of 40% in 2017–18 and 2020–21
- 12 months also fluctuated, with a low of 49% in 2011–12 and 2019–20 and a peak of 58% in 2017–18 (Figure 3.3).

Figure 3.2: Young people released from sentenced supervision in 2020–21 who were returned within 6 and 12 months, by type of supervision



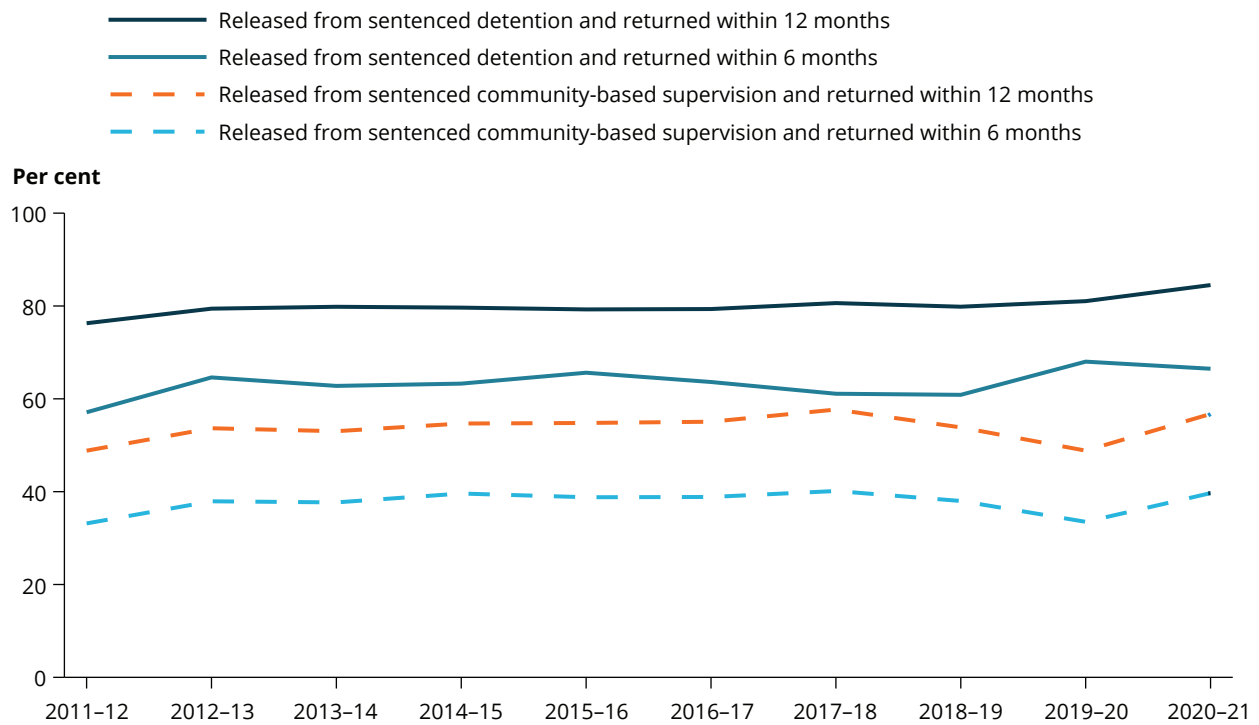
Notes

1. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. Data for young people returned within 12 months include young people returned within 6 months.

Source: Supplementary Table S9.

Of the 355 young people aged 10–16 released from sentenced detention in 2020–21, 236 (66%) returned to sentenced supervision within 6 months (Figure 3.2). Over the 10 years from 2011–12, the rate of return fluctuated, with a low of 57% in 2011–12 and a high of 68% in 2019–20 (Figure 3.3). A total of 300 (85%) young people returned to sentenced supervision within 12 months after release from sentenced detention in 2020–21, with the rate of return relatively stable between 2012–13 and 2019–20 (Figure 3.3).

Figure 3.3: Young people released from sentenced supervision who returned within 6 and 12 months, by year of release and type of supervision, 2011–12 to 2020–21



Notes

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

Source: Supplementary Table S8.

3.3 Demographics

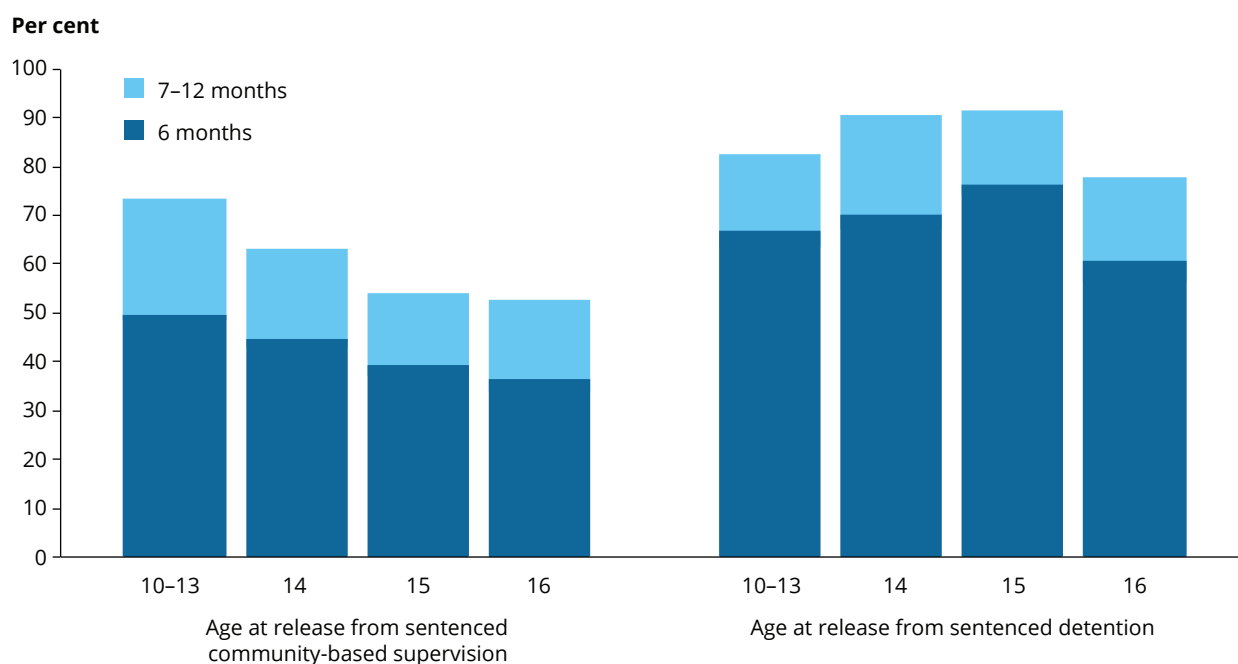
Age

In general, the younger that people were when they were released from sentenced community-based supervision, the more likely they were to receive another supervised sentence within 6 and 12 months (Figure 3.4).

Almost three-quarters (73%) of young people aged 10–13 when released from sentenced community-based supervision were returned to sentenced supervision within 12 months, compared with more than half (53%) of young people aged 16 at release (a rate ratio of 1.4).

For young people released from sentenced detention, the rate of return to sentenced supervision within 12 months was high for all age groups. Young people aged 10–13 returned at a rate of 83%, with young people aged 14 and 15 returning at a rate of 91%. The number of young people released from sentenced detention aged 10–13 is small so results should be interpreted with caution (Supplementary Table S10).

Figure 3.4: Young people released from sentenced supervision in 2020–21 who returned within 6 and 12 months, by age at release and type of index supervision



Notes

1. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. Data for young people aged 10–13 have been aggregated due to small frequencies.
3. In this figure, the 7–12 months is a cumulative total.

Source: Supplementary Table S10.

Sex

Young males released from sentenced community-based supervision were 1.2 times as likely as young females to receive another supervised sentence within 6 months (42% compared with 34%) and 1.3 times as likely to return within 12 months (60% compared with 48%) (Supplementary Table S9).

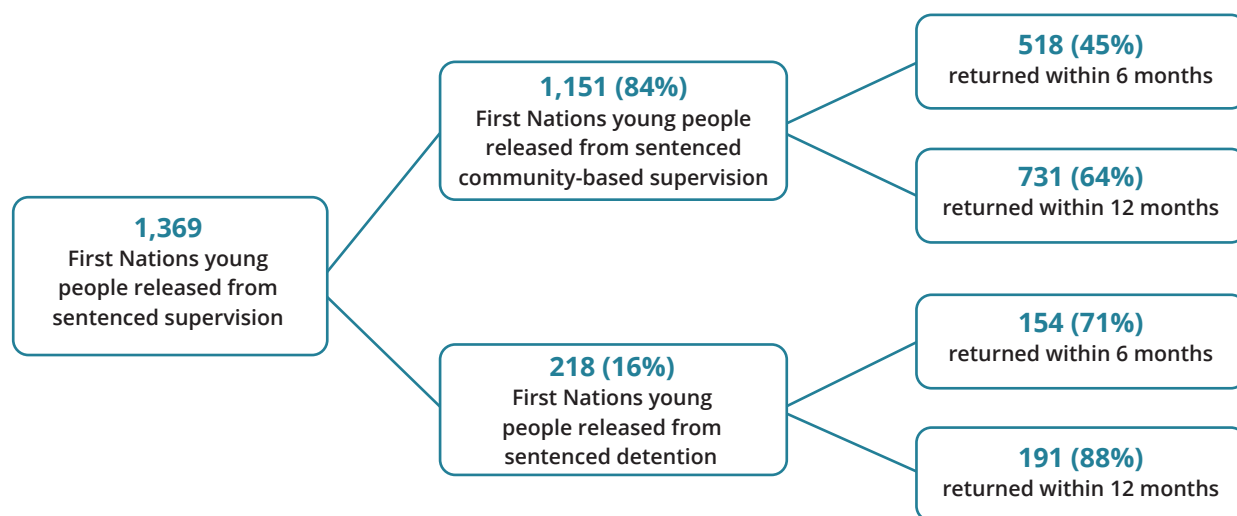
Males released from detention were more likely than females to receive another supervised sentence within 6 months (67% compared with 61%) and 12 months after release (86% and 71%, respectively).

First Nations young people

Of the 1,151 First Nations young people released from sentenced community-based supervision in 2020–21, more than 2 in 5 (45%) received another supervised sentence within 6 months and nearly 2 in 3 (64%) returned within 12 months (Figure 3.5). A lower proportion of non-Indigenous young people released from sentenced community-based supervision returned to sentenced supervision within 6 and 12 months (34% and 50%, respectively).

These differences were also apparent for young people released from sentenced detention (88% of First Nations young people and 79% of non-Indigenous young people returned within 12 months) (Supplementary Table S9). As discussed in Chapter 2, First Nations young people typically enter youth justice supervision at a younger age than non-Indigenous people, which may have an impact on rates of return.

Figure 3.5: Young people released from sentenced supervision in 2020–21 who returned within 6 and 12 months, by First Nations status, and type of supervision



Notes

1. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. Data for young people returned within 12 months include young people returned within 6 months.

Source: Supplementary Table S9.

Sex

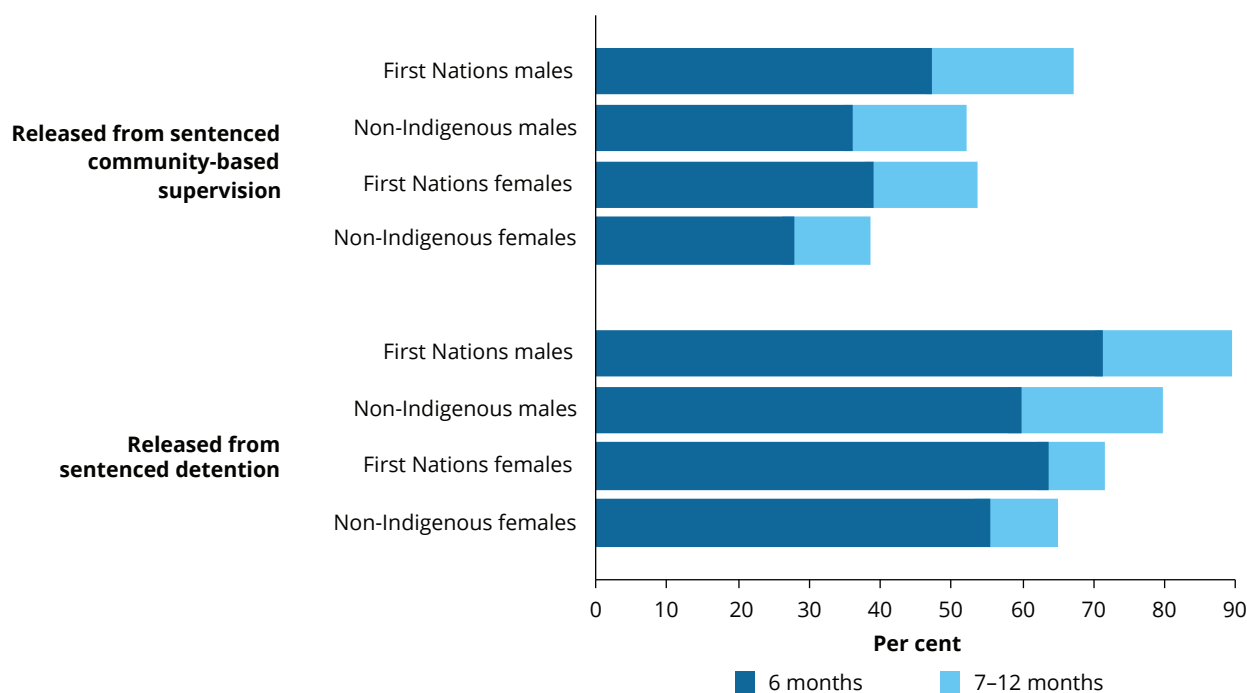
Of First Nations young people released from sentenced community-based supervision in 2020–21 (1,151), nearly three-quarters (73%) were male and about one-quarter (27%) female. First Nations males were 1.2 times as likely as First Nations females to receive another supervised sentence within 6 months (47% compared with 39%) and 12 months (67% compared with 54%). A similar pattern was evident for non-Indigenous males and females released from community-based supervision who were returned to sentenced supervision within 6 months (36% compared with 28%) and within 12 months (53% compared with 40%) (Figure 3.6).

Of First Nations young people released from sentenced detention (218), 89% were male and 11% female. Males were more likely than females to receive another supervised sentence within 6 months (71% compared with 64%) and within 12 months (89% compared with 73%) (Supplementary Table S9).

Of non-Indigenous young people released from sentenced detention, males were more likely than females to receive another supervised sentence within 6 months (60% compared with 56%) and within 12 months (80% compared with 67%) (Figure 3.6).

The number of non-Indigenous young females released from detention in 2020–21 was small, so results should be interpreted with caution (Supplementary Table S9).

Figure 3.6: Young people released from sentenced supervision in 2020–21 who returned within 6 and 12 months, by sex, First Nations status, and type of supervision



Notes

1. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. The return rate for females released from sentenced detention should be interpreted with caution due to a small denominator.
3. In this figure, the 7–12 months is a cumulative total.

Source: Supplementary Table S9.

3.4 Previously sentenced to supervision

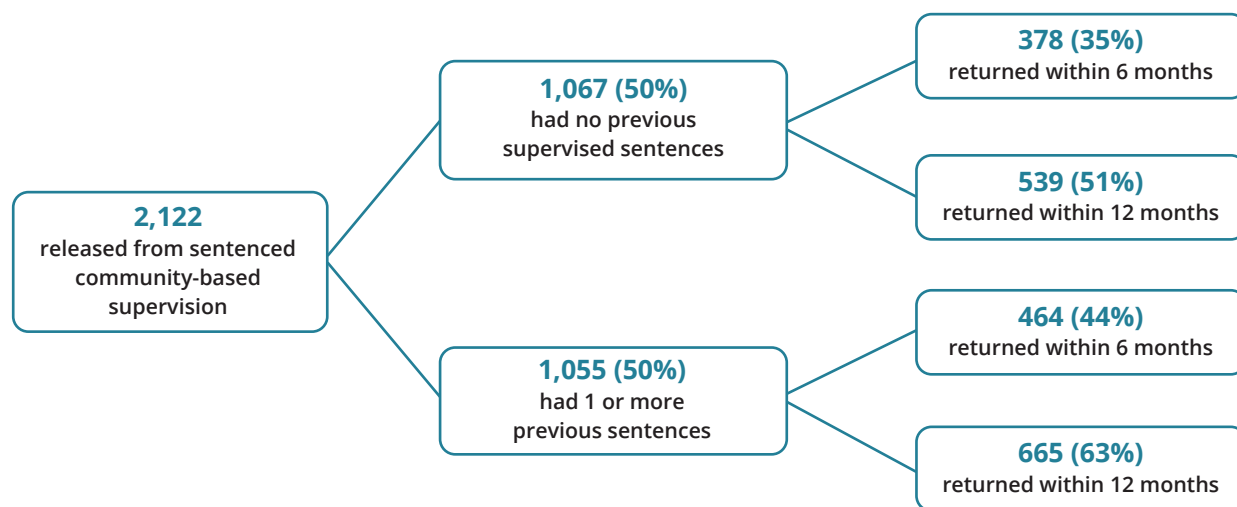
Previous studies have shown a relationship between the likelihood of returning to sentenced supervision (and the criminal justice system more broadly) and offending history (Chen et al. 2005; Lind 2011; Payne 2007; Payne and Weatherburn 2015; Stewart et al. 2007). However, because offences are not captured in the YJ NMDS, it is not possible to fully explore this relationship in this report. Young people with no previous supervised sentences might still have had previous unsupervised sentences, and an offending history.

Previous supervised sentences and the type of sentenced supervision (that is, community-based or detention) have a relationship to returning to sentenced supervision.

Of all young people aged 10–16 released from sentenced community-based supervision in 2020–21 (2,122), half (50%) had no previous supervised sentence (Supplementary Table S11).

Young people with one or more previous supervised sentences of any type were 1.2 times as likely as young people with no previous supervised sentences to receive another supervised sentence within 12 months (63% compared with 51%). The rate of returns within 6 months followed a similar pattern: young people with one or more previous supervised sentences were 1.2 times as likely as young people with no previous supervised sentence to receive another supervised sentence (44% compared with 35%) (Figure 3.7).

Figure 3.7: Young people released from sentenced community-based supervision in 2020–21 who returned within 6 and 12 months, by number of previous supervised sentences



Notes

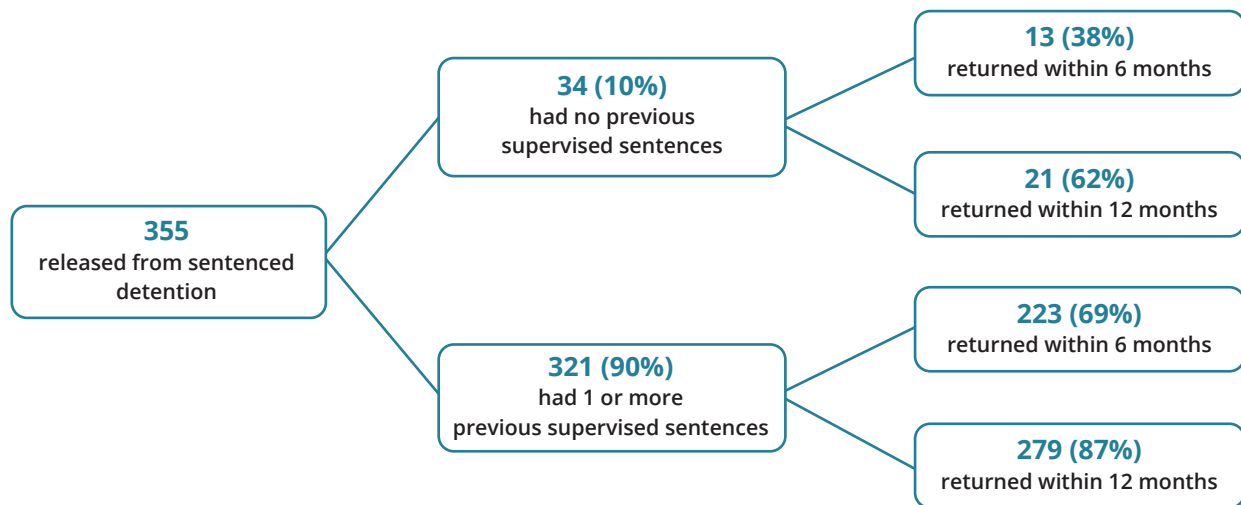
1. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. Data for young people returned within 12 months include young people returned within 6 months.

Source: Supplementary Table S11.

Of the 355 young people released from sentenced detention, 9 in 10 (90%) had at least one previous supervised sentence of any type and 1 in 10 (10%) had no previous supervised sentence.

- Young people with at least one previous supervised sentence (including a previous supervised detention sentence) were 1.4 times as likely as young people who had no previous supervised sentence to receive another supervised sentence within 12 months (87% compared with 62%).
- The difference was larger for returns within 6 months: young people with at least one supervised detention sentence were 1.8 times as likely as young people with no previous supervised sentence to receive another supervised sentence within 6 months (69% compared with 38%) (Figure 3.8).

Figure 3.8: Young people released from sentenced detention in 2020–21 who returned within 6 and 12 months, by number of previous supervised sentences

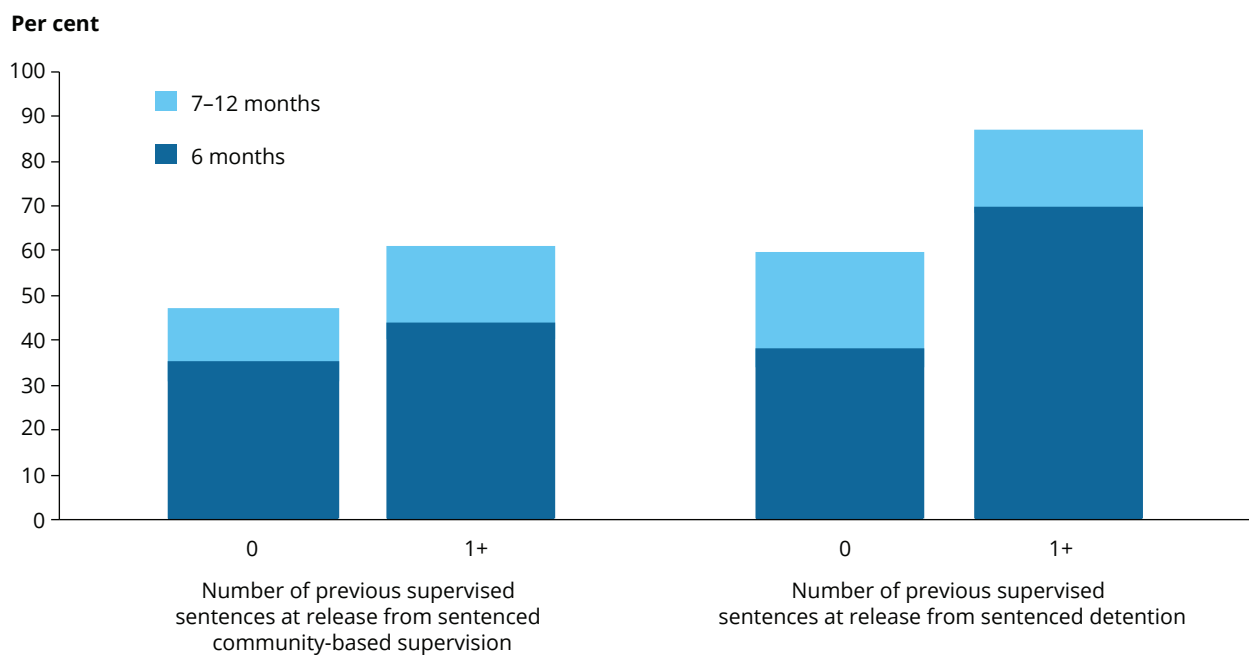


Notes

1. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. Data for young people returned within 12 months include young people returned within 6 months.

Source: Supplementary Table S11.

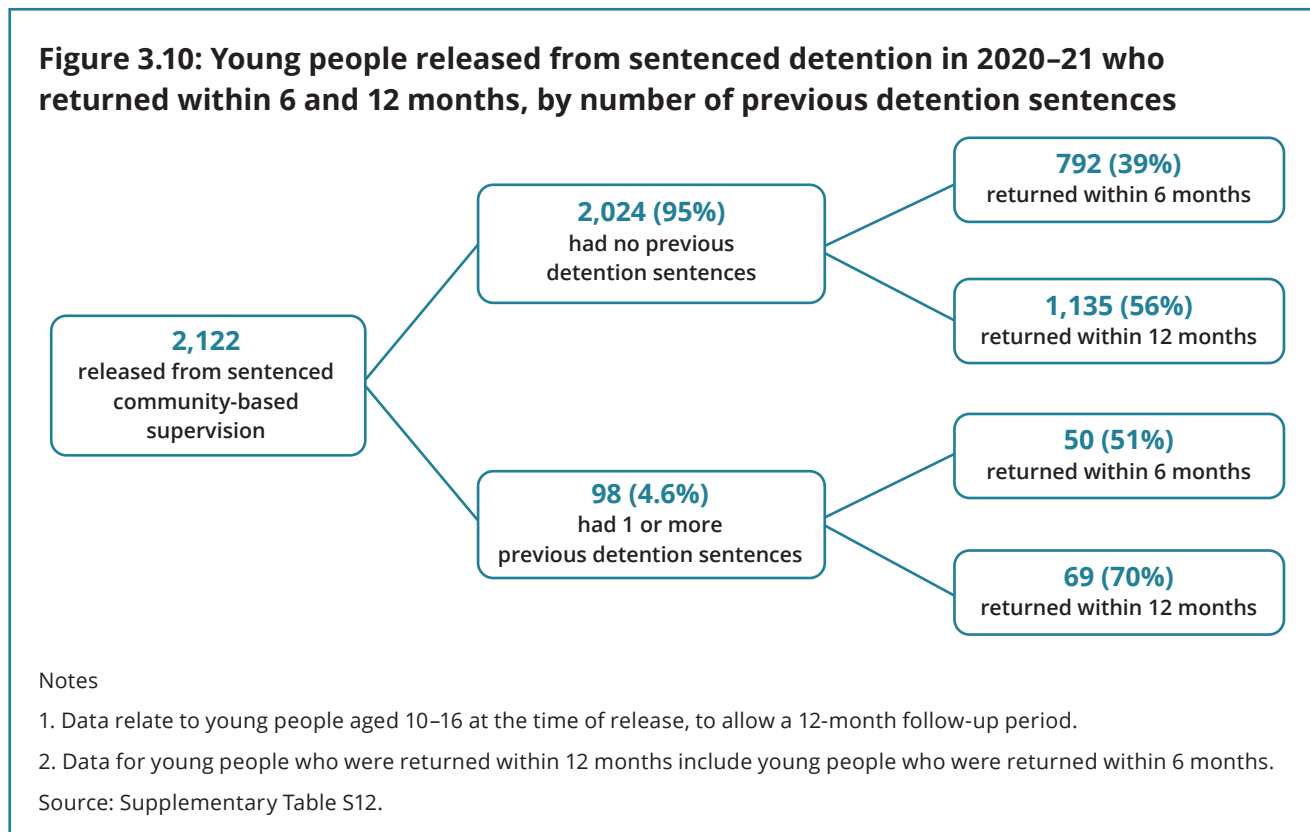
Figure 3.9: Young people released from sentenced supervision in 2020–21 who returned within 6 and 12 months, by number of previous supervised sentences and type of supervision



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

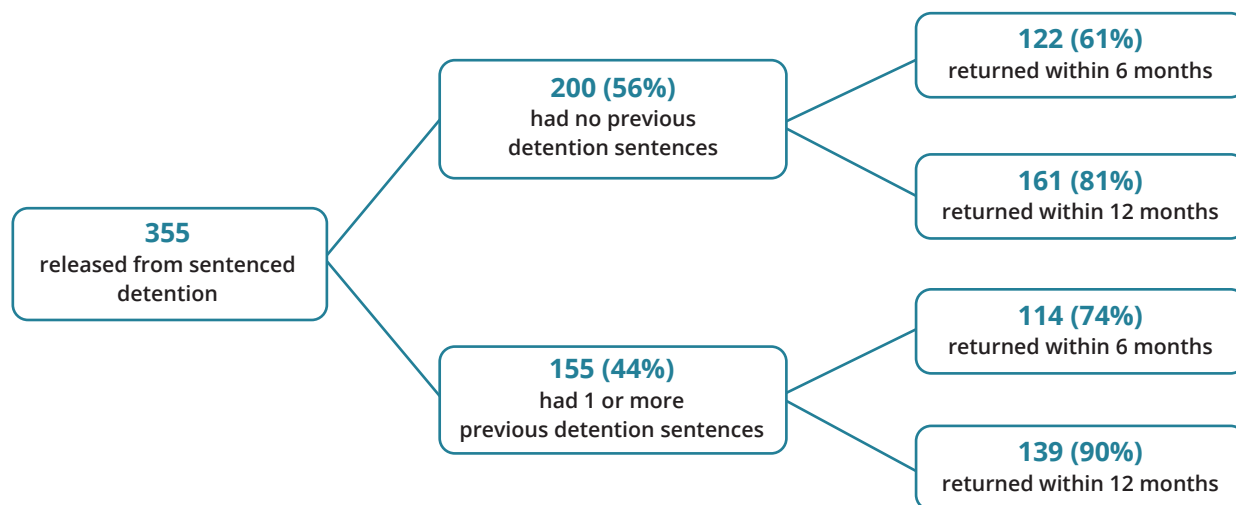
Source: Supplementary Table S11.

Of the 2,122 young people released from sentenced community-based supervision in 2020–21, 95% had no previous detention sentences and 4.6% had one or more. Young people released from sentenced community-based supervision with at least one previous detention sentence were 1.3 times as likely as young people who had no previous detention sentences to receive another supervised sentence within 6 months (51% compared with 39%) and 1.3 times as likely to receive one within 12 months (70% compared with 56%) (Figure 3.10).



Of the 355 young people released from sentenced detention, more than half (56%) had no previous supervised sentences of detention. Young people with a previous detention sentence were more likely to receive another supervised sentence than those with no previous detention sentence, both within 6 months (74% compared with 61%) and 12 months (90% compared with 81%) (Figure 3.11).

Figure 3.11: Young people released from sentenced detention in 2020–21 who returned within 6 and 12 months, by number of previous detention sentences

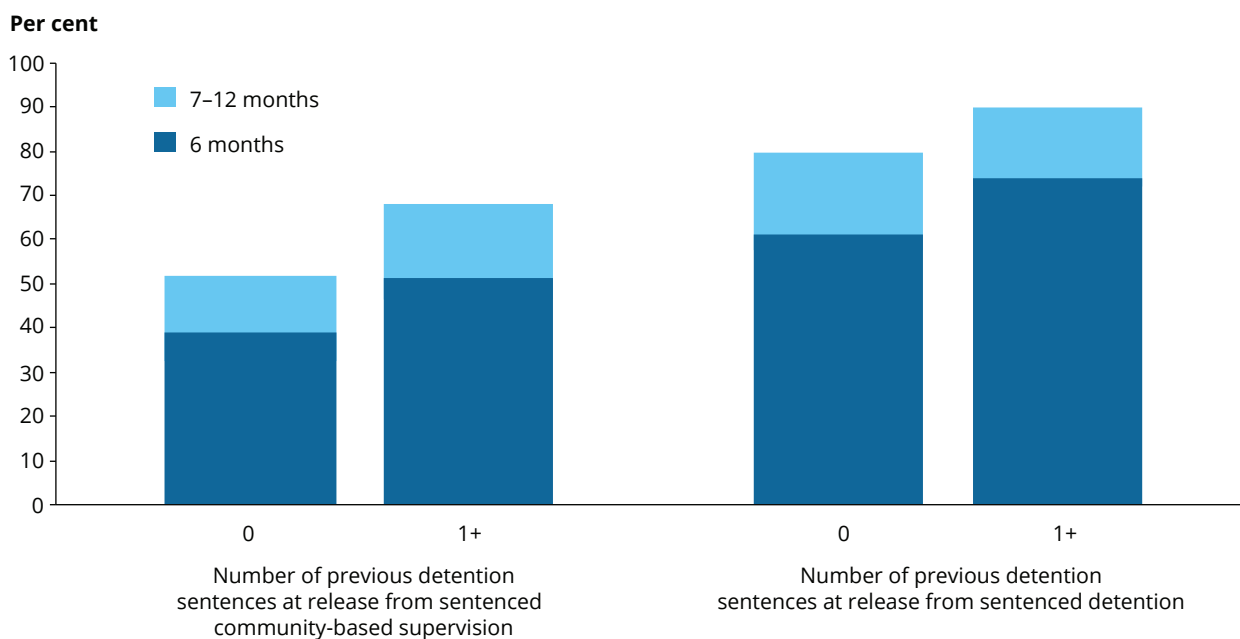


Notes

1. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.
2. Data for young people returned within 12 months include young people returned within 6 months.

Source: Supplementary Table S12.

Figure 3.12: Young people released from sentenced supervision in 2020–21 who returned within 6 and 12 months, by number of previous detention sentences and type of supervision release



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

Source: Supplementary Table S12.

3.5 Length of index sentence

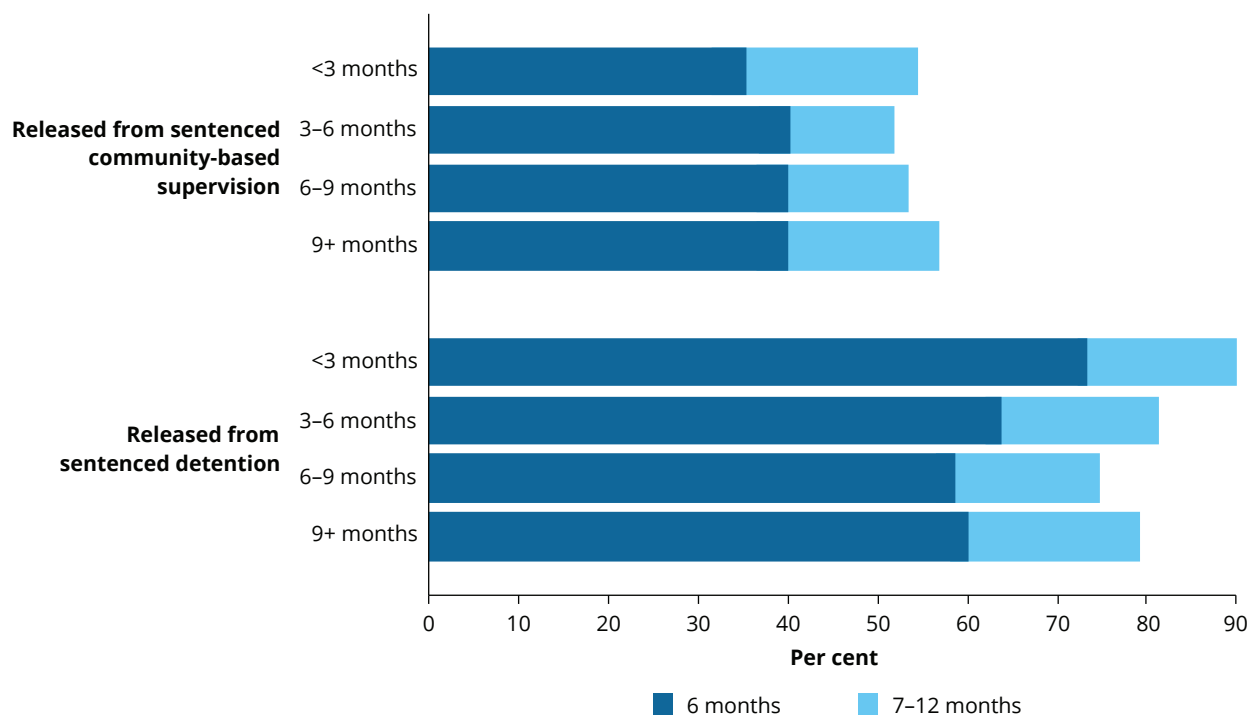
Almost 3 in 5 (57%) young people released from a supervised community-based sentence that lasted less than 3 months received another supervised sentence within 12 months. For young people released from a community-based supervised sentence:

- the lowest return rate was for release from a sentence of 3–6 months (55%)
- the highest return rate was for release from a sentence of 9 months or more (59%).

For sentenced detention, young people released from shorter sentences of less than 3 months were generally more likely to receive another supervised sentence within 12 months than young people released from sentences longer than 3 months (Figure 3.13).

The rate of return from a sentence of detention was highest for young people with a sentence of 3 months or less (73% for those who returned within 6 months and 91% for those who returned within 12 months). Young people released from a sentence lasting 6–9 months were the least likely to return within 6 months of release (59%) and within 12 months (76%).

Figure 3.13: Young people released from sentenced supervision in 2020–21 who returned within 6 and 12 months, by length of index sentence and type of supervision release



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

Source: Supplementary Table S13.

3.6 Returned with a sentence of detention

Young people released from sentenced detention were more likely to return with a detention sentence within 12 months than young people released from sentenced community-based supervision (Figure 3.14).

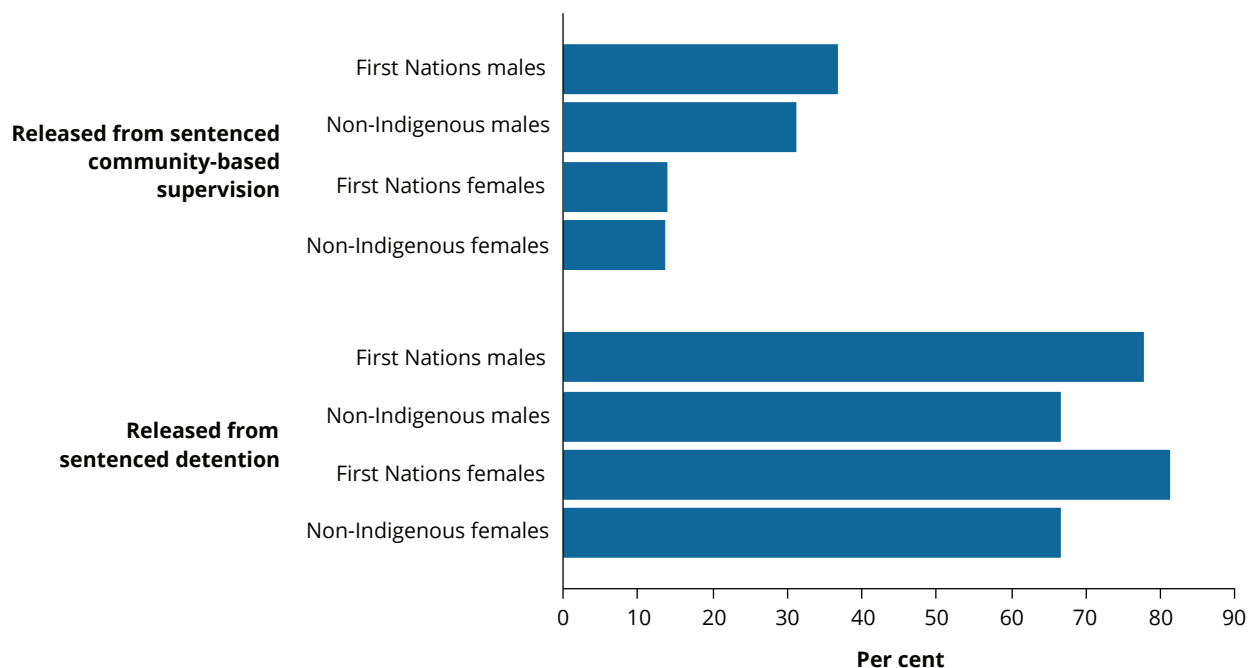
Of the 300 young people released from a sentence of detention who returned within 12 months, almost three-quarters (74%) received a detention sentence. Females were slightly more likely than males to receive another detention sentence (77% compared with 74%) (Supplementary Table S14).

Almost one-third (30%) of the 1,204 young people who returned from sentenced community-based supervision, returned to a sentence of detention within 12 months. Males were 2.5 times as likely as females to receive another supervised sentence of detention within 12 months (35% compared with 14%).

Of the 191 First Nations young people who returned to sentenced supervision within 12 months from a sentence of detention, more than 3 in 4 (77%) received another detention sentence. Of those who returned from sentenced community-based supervision within 12 months (731), almost one-third (31%) returned with a sentence of detention.

The pattern was similar for non-Indigenous young people, with 67% of 108 returning to a sentence of detention from an index sentence of detention and 28% of 467 returning to a sentence of detention from an index sentence of community-based supervision within 12 months.

Figure 3.14: Young people released from sentenced supervision in 2020–21 who returned with a detention sentence within 12 months, by sex, First Nations status, and type of supervision release



Notes

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

Source: Supplementary Table S14.

Appendix: Data and methods

Data sources

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

For this report, YJ NMDS data for most states and territories were available from 2000–01 to 2021–22.

For more information on YJ NMDS data quality and coverage, see the YJ NMDS Data Quality Statement at Youth Justice NMDS 2021–22: Quality Statement (aihw.gov.au).

Linkage method

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

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

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

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

Analysis data sets

Cohorts

In all states and territories, young people are eligible for youth justice supervision only 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 some states and territories. The upper age in Queensland was increased from 16 to 17 after legislation was passed in November 2016, and enacted in February 2018.

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

The birth cohorts for this analysis comprised all young people in the YJ NMDS born between 1990–91 and 2003–04, as these people would have all their sentenced youth supervision orders in the YJ NMDS (which has data from 2000–01 to 2020–21).

It is possible for young people over the age of 17 to be supervised by youth justice departments for various reasons; however, to ensure comparability, returns to supervision are counted only for the period in which all young people in most states and territories were eligible to be supervised by youth justice.

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

The supervision cohorts comprise young people in the YJ NMDS of an age that makes them eligible to return to youth justice supervision in one year. This means young people were excluded if they were aged 17 or over at the time of release.

Table A1: Analysis cohorts

Time frame	Type of cohort	Years of birth	Years of supervision		Age at release (years)
			Index sentence	Return sentences	
6 months	Supervision	n.a.	2020–21	2020–21 to 2021–22	10–16
12 months	Supervision	n.a.	2020–21	2020–21 to 2021–22	10–16
All possible supervision ^(a)	Birth	1990–91 to 2003–04	2000–01 to 2021–22	2000–01 to 2021–22	10–17

n.a. = not applicable.

(a) Full cohort data are available for New South Wales, Victoria, Queensland, Western Australia and South Australia. Tasmania has 8 full birth cohorts available for analysis, the Australian Capital Territory has 6 and the Northern Territory has 2.

Index and return sentences

Supervision cohorts

For the supervision cohorts, the index sentence is the first completed supervised sentence in the relevant financial year. Where a young person has a detention and community sentence within the relevant financial year, both are counted as an index sentence.

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

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

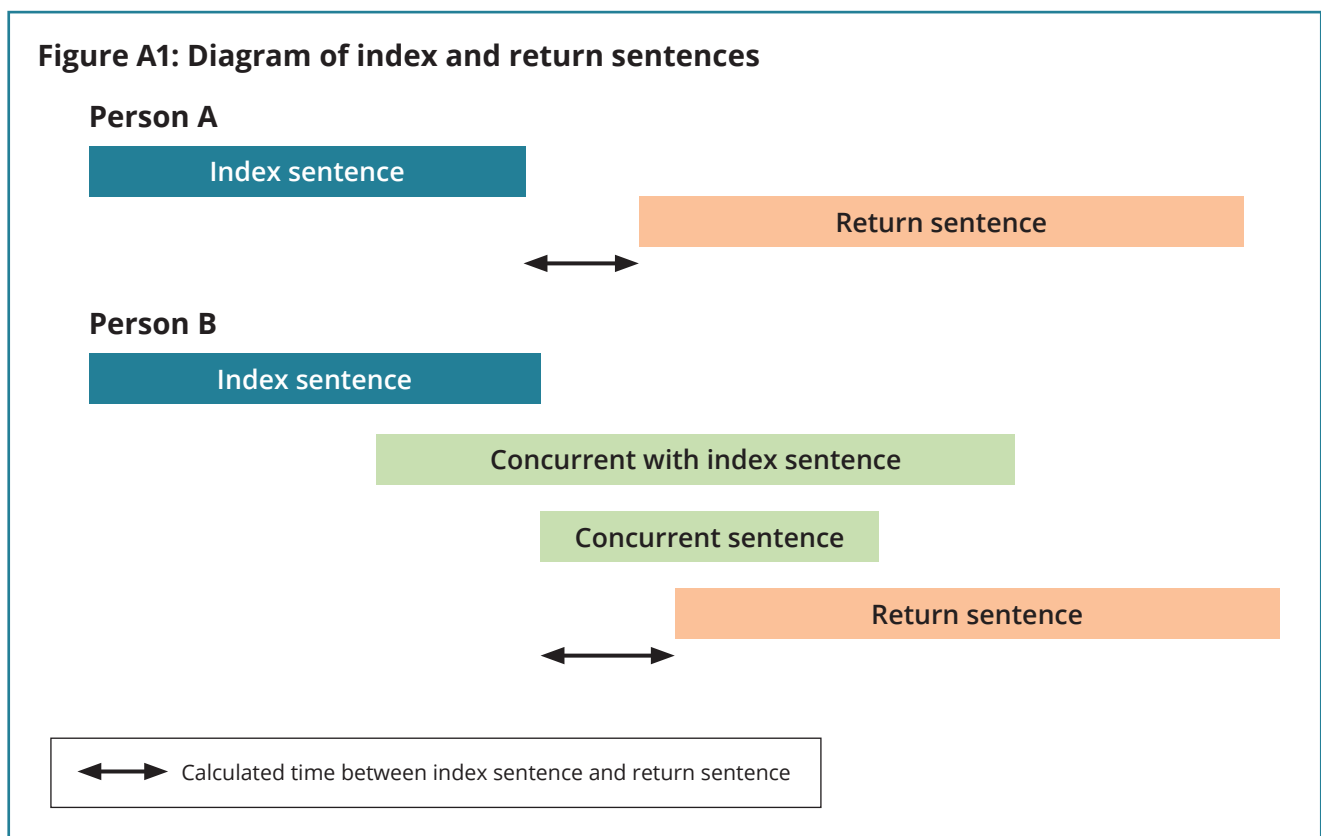
As the supervision cohorts comprise young people released from sentenced supervision in the same year, it is possible for individuals to appear in multiple cohorts. As well, the index sentence is not necessarily the young person's first ever supervised sentence (that is, they might have had multiple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

Birth cohorts

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

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

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



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

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

Some young people who exit detention are released into community-based supervision on parole or supervised release. Any returns that occur in this period are included, unless otherwise stated (see the section headed 'Exclusions' below).

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.

Incidence return rate for the birth cohort

Time spent at risk of receiving a return sentence was calculated for each young person in the birth cohort. Time at risk was calculated as the total number of days between the end date of the first supervised sentence and the start date of the return sentence. For young people who did not return to sentenced supervision, the at-risk period was the total number of days between the end date of the first supervised sentence and the date of turning 18. The number of days was converted to years by multiplying by 0.002738. For people who turned 18 during a first supervised sentenced order, their time at risk was 0. It is unknown if a person died after their first supervised sentence, but it is expected this number was very small and would make little meaningful difference to the results.

An incidence return rate for age at the start of the first supervised sentence and for the length of the first index sentence was included in the current report. The incidence return rate was calculated as the total number of young people who returned after their first supervised sentence divided by the total amount of time (years) that the birth cohort spent at risk of return for each category (for example, by age group).

$$\text{Incidence rate of return} = \frac{\text{total number of people returned}}{\text{total number of person years at risk for all young people}}$$

For example, the incidence return rate for young people aged 14 at the start of their first supervised sentence was calculated as the total number of people aged 14 at the start of their sentence who returned to supervision, divided by the total number of person years at risk for all young people aged 14 at the start of their sentence.

The incidence rate of return was rounded to 1 decimal place but is calculated from unrounded numbers.

Exclusions

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

Sentences where the young person was aged 18 or over

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

Sentences that ended because the young person died

Sentences that ended because the young person died were excluded.

Sentences overturned on review

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

Parole or supervised release sentences

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

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

Restoration of suspended sentences

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

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

Where multiple detention sentences followed a suspended sentence, the detention sentence with the earliest start and end date was removed. Where there were multiple orders with the same start and end date, all orders were removed.

Young people who had a first supervised sentence that ended after 30 June in the most recent year of available YJ NMDS data (birth cohort analyses)

This exclusion applies only to birth cohorts (used to analyse the returns at any time during possible youth justice supervision). Young people with a first supervised sentence that ended after 30 June 2022 were not included in the analysis of rates of return at any time during possible youth justice supervision.

Backdating sentenced orders

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

For data supplied for the YJ NMDS 2021–22, all states and territories have backdated sentenced detention orders to take periods of remand into account.

Data capture

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

For some young people involved in the youth justice system who reoffend, the seriousness of the offences they commit increases over time (Nijhof et al. 2008). Serious offences lead to longer sentences handed down by courts as well as to longer adjudication periods (ABS 2023).

Notes

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

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

Figures contain rounded percentages.

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

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We acknowledge the traditional custodians of the land throughout Australia and their continuing connection to land, sea and community. We pay our respect to their Elders past, present and emerging and extend that respect to all First Nations people today. We also acknowledge the over-representation of First Nations young people in the data and recognise the importance of rectifying this issue through research and action.

Glossary

1 person year: The amount of time equivalent to one person spending 1 year at risk.

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.

incidence rate of return: The rate at which young people received an additional **supervised sentence** in the youth justice population over a specified period of time. The period was from the end of the **index sentence** to either the start of a subsequent sentence or turning 18.

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

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

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

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

rate of return: The proportion of young people **returned to sentenced supervision** out of all young people who could have returned to sentenced youth justice supervision.

returned to sentenced supervision: When a young person received an additional supervised sentence following one or more previous supervised sentences.

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

supervised sentence: See **sentenced supervision**.

References

- ABS (Australian Bureau of Statistics) (2023) *Criminal courts, Australia, 2021–22*, ABS catalogue number 4513.0, ABS, Australian Government. <https://www.abs.gov.au/statistics/people/crime-and-justice/criminal-courts-australia/latest-release>
- AIHW (Australian Institute of Health and Welfare) (2013) 'Using the Juvenile Justice National Minimum Data Set to measure juvenile recidivism', *Juvenile Justice Series 14*, catalogue number JUV 32, AIHW, Australian Government. <https://www.aihw.gov.au/reports/youth-justice/using-jjnmds-to-measure-juvenile-recidivism/summary>
- (2015a) 'Using the Juvenile Justice National Minimum Data Set to measure returns to sentenced youth justice supervision: stage 2', *Juvenile Justice Series 17*, catalogue number JUV 54, AIHW, Australian Government. <https://www.aihw.gov.au/reports/youth-justice/using-the-juvenile-justice-national-minimum-data-s/contents/table-of-contents>
- (2015b) 'Developing a linked data collection to report on the relationships between child protection and youth justice supervision', *Data Linkage Series 20*, catalogue number CWS 55, AIHW, Australian Government. <https://www.aihw.gov.au/reports/cws/55/develop-linked-collection-child-protection-youth/summary>
- (2016) 'Young people returning to sentenced youth justice supervision 2014–15', *Juvenile Justice Series 20*, catalogue number JUV 84, AIHW, Australian Government. Canberra: AIHW. <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-youth-justice-supervision-2014-15/contents/table-of-contents>
- (2023) *Youth justice in Australia 2021–22*, catalogue number JUV 134, Appendix 4: State and territory youth justice systems, policies and programs 2021–22 [PDF 451KB], AIHW, Australian Government. <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2021-22/contents/appendices>
- Chan N (2021) *The impact of COVID-19 on young people in the criminal justice system*, Bureau brief number BB151, NSW Bureau of Crime Statistics and Research, Sydney.
- Chen S, Matruglio T, Weatherburn D and Hua J (2005) 'The transition from juvenile to adult criminal careers', *Crime and Justice Bulletin* no. 86, NSW Bureau of Crime Statistics and Research, Sydney.
- Judicial College of Victoria (unpublished) *Coronavirus and the courts*, Judicial College of Victoria, Victorian Government, accessed 6 October 2020.
- Lind B (2011) 'Screening juvenile offenders for further assessment and intervention', *Crime and Justice Bulletin* no. 149, NSW Bureau of Crime Statistics and Research, Sydney.
- Morrison S, the Hon., MP, Prime Minister of Australia (18 March 2020), *Update on coronavirus measures*, PM transcripts [media statement], Australian Government, accessed 13 June 2023. <https://pmtranscripts.pmc.gov.au/release/transcript-43966>
- Nijhof KS, de Kemp RAT, Engels RCME and Wientjes JAM (2008) 'Short-term criminal pathways: type and seriousness of offense and recidivism', *The Journal of Genetic Psychology* 169(4):345–359.

Payne J (2007) *Recidivism in Australia: findings and future research*, Australian Institute of Criminology, Canberra.

Payne J and Weatherburn D (2015) 'Juvenile reoffending: a ten-year retrospective cohort analysis', *Australian Journal of Social Issues* 50(4):349–371.

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

Stewart A, Allard T, Gray B and Ogilvie J (2007) *Understanding initiation of offending and recidivism across the juvenile and adult systems, Australia*, Griffith University, Queensland.

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Related publications

The following AIHW publications may also be of interest:

AIHW (Australian Institute of Health and Welfare) (2015) 'Pathways through youth justice supervision: further analyses', *Juvenile Justice Series 19*, catalogue number JUV 75, AIHW, Australian Government.

— (2018) *Overlap between youth justice supervision and alcohol and other drug treatment services 1 July 2012 to 30 June 2016*, catalogue number JUV 126, AIHW, Australian Government.

— (2022) *Young people under youth justice supervision and their interaction with the child protection system 2020–21*, catalogue number CSI 29, AIHW, Australian Government.

— (2021) *Youth detention population in Australia 2022*, catalogue number JUV 139, AIHW, Australian Government.

— (2023) *Youth justice in Australia 2021–22*, catalogue number JUV 140, AIHW, Australian Government.



Of young people aged 10–17 who were under sentenced youth justice supervision at some time between 2000–01 and 2021–22, 41% returned to sentenced supervision before turning 18. Of young people aged 10–16 in 2020–21 and released from sentenced community-based supervision, 40% returned to sentenced supervision within 6 months, and 57% within 12 months. Of those released from sentenced detention, 66% returned within 6 months, and 85% within 12 months.

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