



## Young people in unsentenced detention: 2015–16

This fact sheet summarises information about young people in unsentenced detention in 2015–16.

Young people may be in unsentenced detention when they have been charged with an offence, and are awaiting the outcome of their court matter, or when they have been found or pleaded guilty, and are awaiting sentencing.

Some young people may also be in sentenced and unsentenced detention on the same day. This can occur when the young person has changed legal status, or has both types of legal orders at the same time for different offences.

For more details on sentenced detention, see the fact sheet in this series *Young people in sentenced detention: 2015–16* at: <[www.aihw.gov.au/youth-justice/fact-sheets](http://www.aihw.gov.au/youth-justice/fact-sheets)>.

Young people may be referred to unsentenced detention either by police (pre-court) or by a court (remand). Police-referred pre-court detention is not available in all states and territories, and most young people in unsentenced detention are on remand.

### Number and proportion in unsentenced detention

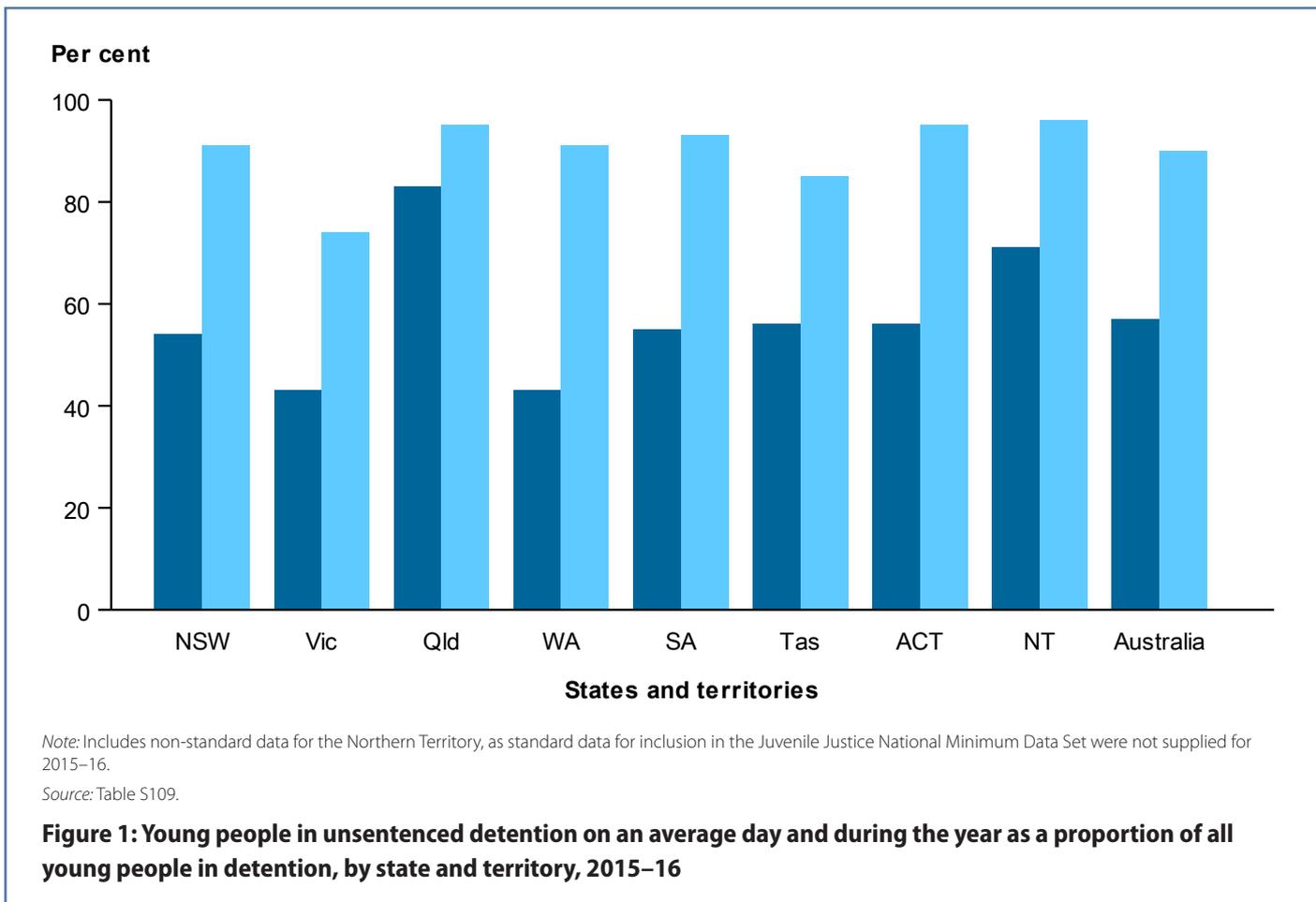
On an average day in 2015–16, more than half of all young people in detention were unsentenced (57% or 521 young people) (Figure 1).

In most states and territories, a substantial proportion of those in detention on an average day were unsentenced (ranging from 43% to 83%). Victoria (43%) and Western Australia (43%) had the lowest proportions of young people who were unsentenced, while Queensland had the highest (83%).

The low proportion in Victoria is due, in part, to the state's 'dual track' sentencing system, which allows some young people aged 18–20 to be sentenced to detention in a youth facility rather than in an adult prison.

When only young people aged 10–17 are considered, about 67% of those in detention in Victoria on an average day were unsentenced, while the proportion remained similar for Western Australia, at 44% (Table S110a).

More than half (57%) of all young people in detention on an average day in 2015–16 were unsentenced, a majority (90%) had been in unsentenced detention at some time during the year (Figure 1). The greater proportions of young people experiencing unsentenced detention during the year compared with on an average day highlights the typically shorter duration of periods of unsentenced detention compared with sentenced detention.



Nearly 3 in 5 (58%) of all young people in unsentenced detention on an average day were Aboriginal or Torres Strait Islander. This proportion varied substantially among the states and territories, from 18% in Victoria and 20% in Tasmania to 94% in the Northern Territory (Table S109).

On an average day, almost 9 in every 10 young people in unsentenced detention were aged 14–17 (87%) (Table S114a), ranging from 80% in Tasmania and the Australian Capital Territory to 93% in Victoria.

**Time in unsentenced detention**

The median duration of completed individual periods of unsentenced detention during 2015–16 was 7 days (Table S117). This includes time spent under supervision that started before and continued into 2015–16.

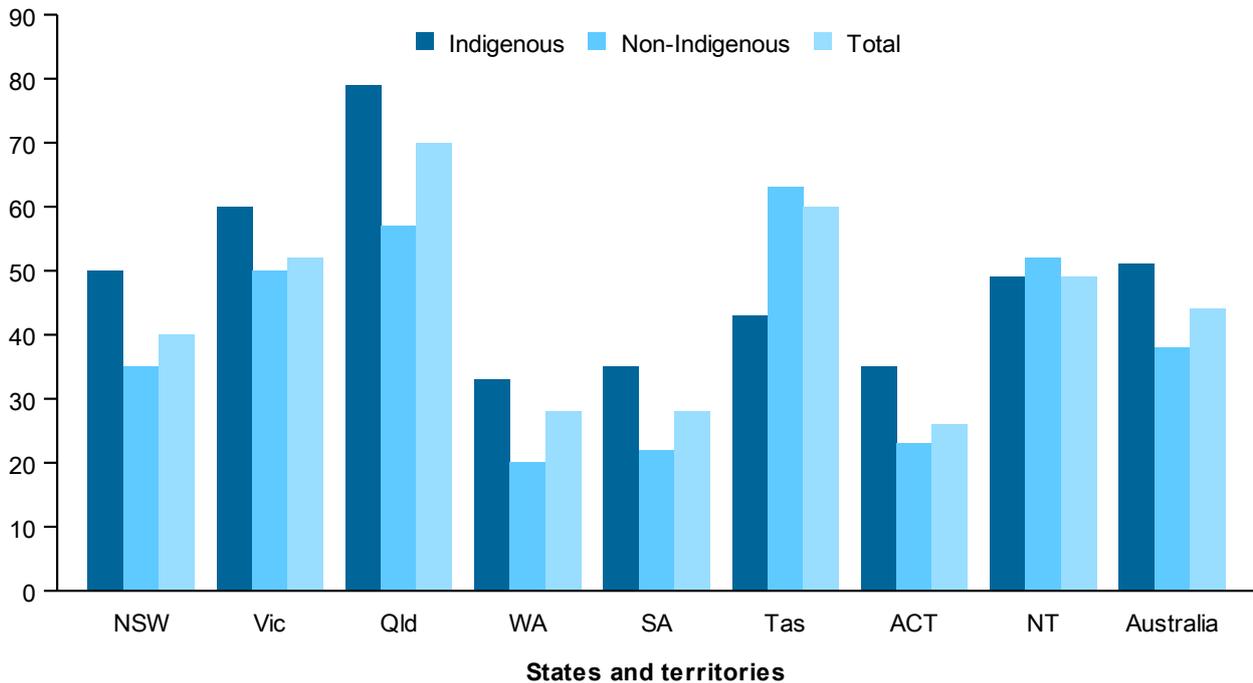
The median duration varied substantially among the states and territories for which data were available, from 3-4 days in New South Wales, Western Australia, South Australia, and the Australian Capital Territory to more than 2 weeks in Victoria (15 days) and Queensland (18 days), and more than 3 weeks in Tasmania (24 days).

Some young people had more than 1 period of unsentenced detention during the year. When all periods of unsentenced detention were considered (including completed and ongoing periods), young people spent an average of 6 weeks (44 days) in unsentenced detention during 2015–16 (Figure 2).

This ranged from just under 4 weeks (26 days) in the Australian Capital Territory to about 10 weeks (70 days) in Queensland.

With a median of 9 days, young Indigenous Australians completed longer periods of unsentenced detention than young non-Indigenous Australians (5 days) (Table S117). They spent an average of almost 2 weeks longer in unsentenced detention during the year (51 days compared with 38 days) (Figure 2). This varied among the states and territories.

### Total time (days)



Note: Includes non-standard data for the Northern Territory, as standard data for inclusion in the Juvenile Justice National Minimum Data Set were not supplied for 2015–16.

Source: Table S118.

**Figure 2: Average total time young people spent in unsentenced detention during the year, by Indigenous status and state and territory, 2015–16**

## Completion of unsentenced detention periods

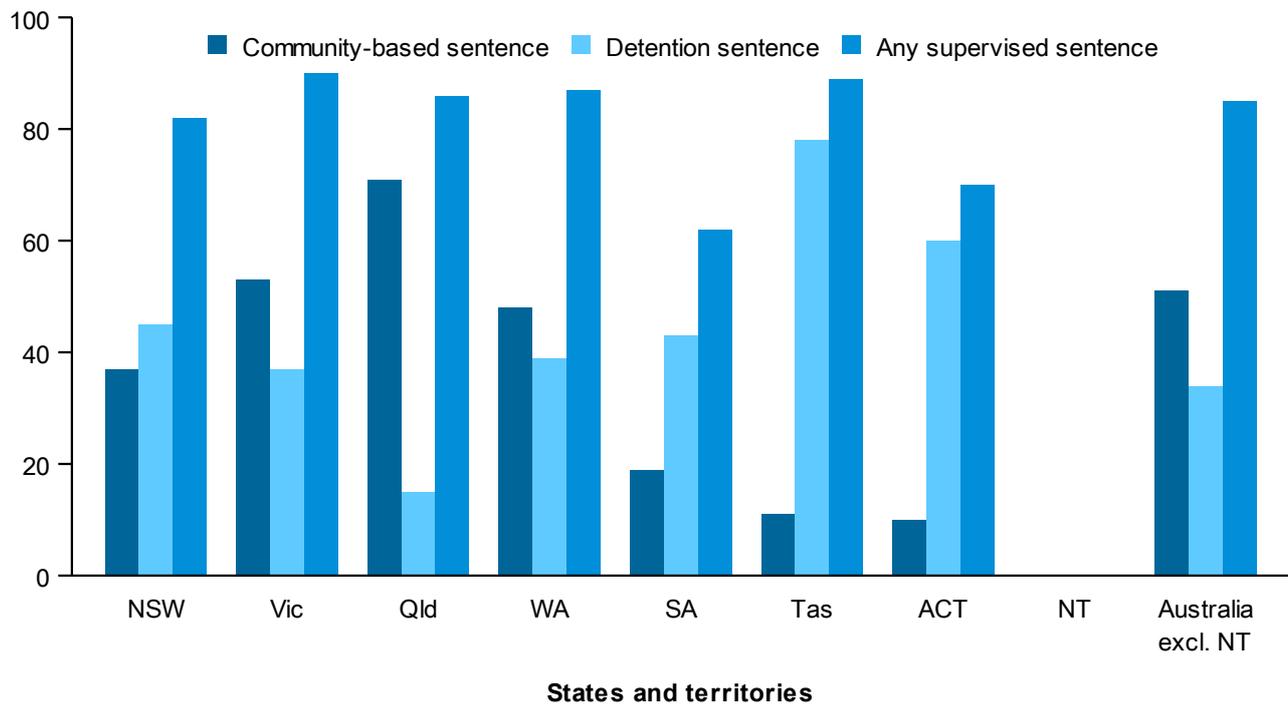
The majority (59%) of remand periods that ended in 2015–16 ended because the young person was released on bail (Table S119) (excluding the Northern Territory, as data were not available; see Box 2).

The proportion of remand periods that ended with release on bail was lowest in Queensland (42%) and highest in the Australian Capital Territory (75%). Nationally, nearly 2 in 5 (37%) remand periods ended because they were completed, and the rest ended for other reasons, including transfer.

More than 8 in 10 completed remand periods (85%) were followed by a supervised sentence within 1 day (Figure 3). Many of these sentences were community based rather than detention. Half (51%) of completed remand periods were followed by a community-based sentence within 1 day, and 34% were followed by a detention sentence.

There were substantial differences among the states and territories for which data were available. Completed periods of remand were more likely to be followed by a community based sentence than a detention sentence within 1 day in Victoria, Queensland, and Western Australia, and were more likely to be followed by a detention sentence than a community sentence in New South Wales, South Australia, Tasmania, and the Australian Capital Territory (Figure 3).

Per cent



Notes

1. The Northern Territory did not supply standard data for inclusion in the Juvenile Justice National Minimum Data Set for 2015–16, so data for this jurisdiction are not included in this figure.
2. Data for this indicator in South Australia are incomplete.

Sources: Tables S119 and S120.

**Figure 3: Remand periods followed by a period of sentenced supervision within 1 day as a proportion of all completed remand periods, by type of sentenced supervision and state and territory, 2015–16**

### Box 1: Youth justice supervision fact sheets

This is 1 of a series of fact sheets on youth justice supervision in 2015–16 published by the Australian Institute of Health and Welfare. These fact sheets can be downloaded free of charge from: <[www.aihw.gov.au/youth-justice/fact-sheets](http://www.aihw.gov.au/youth-justice/fact-sheets)>.

The fact sheets form part of the *Youth justice in Australia 2015–16* release, which also includes a bulletin, supplementary tables, and web pages released in multiple stages throughout the year (see: <[www.aihw.gov.au/publications/youth-justice](http://www.aihw.gov.au/publications/youth-justice)>).

The supplementary data tables (those with a prefix of 'S') referred to in this fact sheet can be downloaded from: <[www.aihw.gov.au/publication-detail/?id=60129558624&tab=3](http://www.aihw.gov.au/publication-detail/?id=60129558624&tab=3)>.

For more information about young people under youth justice supervision, see: <[www.aihw.gov.au/youth-justice](http://www.aihw.gov.au/youth-justice)>.

### Box 2: Technical notes

1. Information in this fact sheet about young people under youth justice supervision is based on data from the Juvenile Justice National Minimum Data Set. This data set contains information about all young people supervised by state and territory youth justice agencies in Australia, both in the community and in detention. The Northern Territory did not supply this data set with data for 2008–09 to 2015–16, but non-standard data were used, where possible, in calculating national totals.
2. This fact sheet uses an 'average day' measure to illustrate the number of young people under supervision. The average day measure reflects the number of young people under supervision on a typical day during the year, and indicates the average number of young people supported by the supervision system at any 1 time. It is a summary measure that reflects both the number of young people supervised, and the time they spent under supervision.
3. This fact sheet uses a 'during the year' measure to illustrate the number of young people who were under supervision during 2015–16. It is calculated by counting each individual only once, regardless of the number of times they entered and exited supervision.

Further technical and data quality information, including definitions of key terms in this fact sheet, is available from: <[www.aihw.gov.au/youth-justice/data-quality](http://www.aihw.gov.au/youth-justice/data-quality)>.

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