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**Australian Institute of
Health and Welfare**

Using the Juvenile Justice National Minimum Data Set to measure youth recidivism

JUVENILE JUSTICE SERIES NO. 14



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

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Australian Institute of Health and Welfare
Canberra

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Abbreviations

AIHW	Australian Institute of Health and Welfare
AJJA	Australasian Juvenile Justice Administrators
JJ	Juvenile Justice
NMDS	National Minimum Data Set

Summary

This report looks at the results and recommendations of a project exploring youth recidivism – in particular, whether it would be possible to analyse youth recidivism using data from the Juvenile Justice National Minimum Data Set (JJ NMDS). The JJ NMDS is a longitudinal person-based data collection, containing information on all children and young people in Australia supervised by youth justice agencies, both in the community and in detention. This report uses the 12 principles developed by Richards (2011) to analyse recidivism. It is important to note that as the JJ NMDS only contains data on supervised orders, any results derived from the JJ NMDS relate to ‘returns to sentenced supervision’ rather than a broader measure of recidivism relating to any reversion to criminal behaviour.

Benefits to using the JJ NMDS

There are a number of benefits to using a longitudinal data collection such as the JJ NMDS to analyse ‘returns to supervision’ rather than creating a separate collection containing aggregate data supplied by individual states and territories. These benefits include:

- enabling a young person’s recidivism across state and territory boundaries to be traced
- allowing flexibility in reporting recidivism over a number of different timeframes (including over the young person’s youth justice career)
- making it possible to explore the impact of a range of variables on the levels of recidivism (e.g. demographics, age at first supervision, previous supervised orders)
- longer-term benefits such as potential linkage with other relevant data collections.

Possible future development

In its current form, the JJ NMDS can be used to fulfil a number of the 12 principles to measure recidivism, although there are some limitations. Many of these limitations would be resolved if offence data were included in the JJ NMDS, as this information would allow for:

- using offence dates rather than supervision dates
- measuring frequency and severity of reoffending
- excluding pseudo-recidivism, minor offences, technical breaches and restorations of suspended sentences.

Integrating data on other aspects of the youth justice system (e.g. arrests and unsupervised court orders) and adult system data would allow for a more informed analysis of recidivism.

Findings from the analysis of the JJ NMDS

Nationally, over two-fifths (43%) of young people with sentenced supervision in 2010–11 had returned to sentenced supervision within 1 year, while over three-fifths (63%) of those in sentenced supervision during 2009–10 had returned to sentenced supervision within 2 years. In addition, almost half (48%) of those born in 1990–91 to 1994–95 with 1 or more sentenced supervision orders in the JJ NMDS returned to youth justice supervision at some point before they ‘aged out’ of the system at the age of 18. A sizeable proportion of each of these 3 groups had returned to supervision within 6 months, indicating that shorter timeframes could also provide valuable information on returns to supervision. In addition, the proportion who returned differed by type of order (detention or community-based supervision), sex, Indigenous status and age at first supervision. This indicates that these and possibly other associated variables would provide valuable information and should be included in any analysis of ‘returns to supervision’ or recidivism.

1 Introduction

'Recidivism' is when an individual reverts to criminal behaviour. It is considered one of the key indicators of the effectiveness of the youth justice system, although there are a number of limitations to using recidivism as an outcome measure (Richards 2011).

In 2009, the Australasian Juvenile Justice Administrators (AJJA) funded the Australian Institute of Criminology to explore a number of issues, including:

- how and to what extent youth justice services influence levels of recidivism
- the limitations of recidivism as a measure of performance
- the factors that may limit the extent of comparability when measuring juvenile recidivism across Australia's jurisdictions
- principles for measuring youth recidivism on a comparable basis across Australia's states and territories (Richards 2011).

The resulting report, Richards (2011), identified a number of principles to inform the measurement of youth recidivism (these are outlined below in Section 1.1). In 2012, the Australian Institute of Health and Welfare (AIHW) was funded by the Standing Council on Community and Disability Services Advisory Council through the AJJA to explore the feasibility of using data from the Juvenile Justice National Minimum Data Set (JJ NMDS) to analyse recidivism using the principles outlined in Richards (2011). This is the subject of the current report.

The JJ NMDS is a longitudinal person-based data collection that contains information on all children and young people in Australia who are supervised by youth justice agencies, whether this is in the community or in detention. This information includes data on supervised orders, including start and end dates and the type of order.

1.1 Principles for measuring recidivism

Principle 1. That the unit of measurement be young people rather than offences, convictions or sentences

According to Richards (2011), counting young people rather than their number of offences, convictions or sentences provides a more meaningful measure of recidivism for several reasons. First, some states and territories record all offences for which a young person was proven guilty, while others record only the most serious offence. Counting offences rather than young people would therefore result in incomparable results. Second, in some states and territories a young person's offences are combined into a single charge.

Principle 2. That a prospective approach be used rather than a retrospective one

Recidivism can be measured prospectively or retrospectively. A prospective approach involves counting either:

- the number of young people who recidivate, or
- the number of recidivist acts that occur after an initial, or index, offence.

An example of this approach would be the number of young people who committed a subsequent offence as a proportion of all those who committed an offence in a particular period.

A retrospective approach involves counting the number of young people who had previously committed an offence. Richards (2011) recommends that a prospective approach be used, because it allows for recidivism to be measured when young people enter the adult criminal justice system.

Principle 3. That young people be tracked into the adult criminal justice system

Excluding recidivist acts that are processed by the adult criminal justice system results in the underestimation of the extent of juvenile recidivism. Richards (2011) recommends that where data from the adult criminal justice system are not available, young people should be excluded in cases where, because of their age, they are not eligible to return to the juvenile justice system within the period of analysis. However, it is important to note that this can also distort the recidivism rate as the propensity to commit criminal acts is related to age.

Principle 4. That minor offences be excluded from measures of recidivism

Richards (2011) noted that including minor offences such as traffic and fare evasion as recidivist acts would not contribute meaningfully to measures of recidivism and recommended excluding such offences.

Principle 5. That technical breaches of supervised orders be excluded from measures of recidivism

Richards (2011) noted that in many states and territories, breaching supervision conditions is not considered an offence, and that it was common practice in studies of recidivism to exclude technical breaches such as this.

Principle 6. That restorations of suspended sentences be excluded from measures of recidivism

In some states and territories, youth justice staff can have substantial discretion as to whether a young person is breached for violating conditions of suspended sentences. Including restorations of suspended sentences resulting from a breach of conditions as an act of recidivism would likely lead to incomparable results between states and territories (Richards 2011). Where the breach is a new offence rather than a technical breach, Richards (2011) recommends that this be included as an act of recidivism.

Principle 7. That data from speciality courts be included in measures of recidivism

Speciality courts such as drug courts and Koori courts are available in some states and territories. Richards (2011) recommends that data from these speciality courts be included as offences adjudicated by these courts represent genuine cases of recidivism and excluding these courts could affect comparability.

Principle 8. That recidivism be measured over multiple timeframes

Recidivism is most commonly measured as acts that occur within 1 or 2 years of the index offence. Richards (2011) notes that a 1-year timeframe is beneficial because several studies have shown that recidivism is most likely to occur within 1 year. In addition, the effectiveness of an intervention is likely to be greatest in the period immediately following its delivery, and its impact is less likely to be affected by other factors. However, there are several reasons for longer timeframes, including the impact of judicial administration time. This timing is likely to depend on the offence type, as more serious offences will likely require more time for the court hearing to be concluded and subsequent sentencing.

Principle 9. That pseudo-recidivism be excluded from measures of recidivism

In some studies of recidivism, recidivist acts are determined using an administration-related date – such as the court conviction date or the date the sentence began – rather than the actual date of the offence. In this situation, offences that were committed before the index offence but adjudicated after the date of the index offence will be falsely captured as recidivist acts and are considered ‘pseudo-recidivism’.

Principle 10. That the offence date, rather than the conviction or sentencing date be used

The time required for judicial administration can result in a considerable length of time between the date an offence occurred and the dates on which the young person is proven guilty or sentenced for that offence. In addition, the judicial administration time can vary considerably both over time and between states and territories. As well as potentially resulting in pseudo-recidivism (see principle 9), using the dates on which a young person was proven guilty or sentenced rather than the offence date can affect the comparability of recidivism measures.

Principle 11. That recidivism be counted from the start of community-based orders and from the end of detention orders

Richards (2011) notes that there is debate about whether offences committed while a young person is serving an order should be counted as a recidivist offence or not. While it is possible for a young person to offend while in detention, if detention is intended to rehabilitate offenders then it can be argued that recidivism can only meaningfully be used as a performance measure if acts of recidivism are only counted once the young person has been released from detention. In addition, it may not be meaningful to compare offences committed during a detention sentence with those committed during a community-based order, as young people in detention are subject to much closer surveillance. In contrast, offences committed during a community-based order are often included as acts of recidivism.

Principle 12. That the frequency and severity of offending be measured

While many measures of recidivism simply report the proportion of the study population that reoffends, capturing the frequency and severity of reoffending could provide valuable information.

1.2 Project background

Following the release of the AJJA-funded report on options for measuring juvenile recidivism (Richards 2011), the AIHW and the Juvenile Justice Research and Information Group (a sub-committee of the AJJA) determined that the development and implementation of a recidivism data collection would occur in a number of stages. The aim of this first stage (this project), is to analyse recidivism using currently available data from the JJ NMDS and to assess the need for data on the date of the offence (which are not currently available in the JJ NMDS). Later stages will involve developing and piloting:

- data on the adult correctional system to enable young people to be tracked beyond the youth justice system
- measures of offence seriousness to enable the severity of recidivism to be measured.

1.3 Structure of this report

This report comprises 5 chapters.

Chapter 1 (this chapter) outlines the principles endorsed by the AJJA for measuring juvenile recidivism and provides a background to the project.

Chapter 2 lists the recommendations arising from this project.

Chapter 3 outlines key issues in using the JJ NMDS to measure recidivism, including benefits and limitations.

Chapter 4 uses available JJ NMDS data to analyse returns to youth justice supervision over different periods.

Chapter 5 explores the potential impact of pseudo-recidivism on measures derived from JJ NMDS data.

The Appendix provides information on data and methods.

2 List of recommendations

The AIHW proposes the following recommendations be considered for the development and reporting of juvenile recidivism. Further details and contextual information are presented in Chapters 3, 4 and 5 of this report.

Chapter 3 Key issues in using the JJ NMDS to measure recidivism

1. That a longitudinal person-based data collection such as the JJ NMDS be used to measure juvenile recidivism.
2. That any results derived from data in the JJ NMDS be interpreted as ‘returns to sentenced supervision’.
3. That the benefits of measuring ‘returns to sentenced supervision’ are further explored.
4. That the possibility of using data from other sources (for example, arrests or court orders) to supplement the information obtained using the JJ NMDS be explored.
5. That the feasibility of linking data on adult supervision with the JJ NMDS in order to trace young people who process to the adult criminal justice system be explored.
6. That where data on adult supervision are not available, either the analysis cohort should be restricted to those of an age eligible to return to the youth justice system within the specified time, or the extent of returns to sentenced supervision across the years for which a young person is eligible to return to the youth justice system (due to their age) be used as alternatives.
7. That the availability of offence dates for use in measuring ‘returns to sentenced supervision’ be assessed.
8. That offence date be included as an item in the JJ NMDS so that the principle of using offence date, rather than order date, can be met.
9. That the availability and usefulness of offence type for measuring severity of ‘returns to sentenced supervision’ be assessed.

Chapter 4 Returns to youth justice supervision

10. That a range of timeframes be used in the analyses of returns to sentenced supervision, including returns from the first supervised sentence until the young person has ‘aged out’ of the youth justice system.
11. That returns to supervision within timeframes shorter than 1 year (for example, 6 months), be considered as one of the measures of returns to sentenced supervision.
12. That variables such as type of index order, sex, Indigenous status and age at first supervision be used in the analyses of returns to sentenced supervision.

Chapter 5 Impact of pseudo-recidivism

13. That the impact of pseudo-recidivism be analysed using data from more states and territories, noting that the analysis performed for this project suggests it does not have a substantial impact on person-based analyses of returns to supervision.

3 Key issues in using the JJ NMDS to measure recidivism

3.1 Benefits

It is possible to fulfil a number of the principles outlined in Richards (2011) using data from the JJ NMDS (Table 3.1).

Table 3.1: Measuring recidivism using the JJ NMDS

Principle	Is measurement possible using JJ NMDS?	If no, what additional data are required?
1 Young people as the unit of measurement	Yes	
2 Prospective, rather than retrospective, approach	Yes	
3 Track young people into adult criminal justice system	No	Data from adult criminal justice system in format that can be linked with JJ NMDS data
4 Exclude minor offences	No	Offence type. Note that it is unlikely that minor offences would result in supervised orders and therefore these offences would not appear in the JJ NMDS.
5 Exclude technical breaches of supervised sentences	No	Offence type
6 Exclude restorations of suspended sentences	Yes (by proxy) see Appendix for details	Offence type, offence identifier
7 Include data from speciality courts	No—but will appear in JJ NMDS when sentences handed down by speciality court are supervised by youth justice department	Data from speciality courts
8 Measure recidivism over multiple timeframes	Yes	
9 Exclude pseudo-recidivism	No	Offence date
10 Use offence date	No	Offence date
11 Count recidivism from start of community-based orders and from end of detention orders	Yes	
12 Measure frequency and severity	Frequency—yes (by using offence identifier or by proxy using orders) Severity— no	Offence type Details of the order (type and length) could be used as a proxy for offence severity, although the order handed down will be affected by other factors such as prior offending history.

In addition, the use of a longitudinal person-based data collection like the JJ NMDS offers a number of advantages over using a separate collection that contains aggregate data supplied by individual states and territories:

- Young people’s recidivism can be traced across states and territories, not just within a particular state or territory.

- Recidivism can be measured over a number of different periods (for example recidivism within 6 months, 1 year or 2 years), as well as over the young person’s youth justice career, and the periods of measurement can be easily altered to meet policy requirements.
- Data on juvenile recidivism can be linked with other relevant collections if available, such as data on adult recidivism
- The impact of a range of variables on the levels of recidivism can be explored, including demographics, age at first supervision and number and length of previous supervised orders.

Recommendation 1

That a longitudinal person-based data collection such as the JJ NMDS be used to measure juvenile recidivism.

3.2 Limitations

While it is possible to use the JJ NMDS to meet a number of the principles outlined above, there are some key limitations to using this data collection.

The JJ NMDS only contains data on supervised orders

The JJ NMDS only includes data on sentences resulting in supervision by a youth justice department. Therefore it is only possible to include data from speciality courts (principle 7) where sentences from these courts result in supervision by youth justice departments. The extent to which these sentences are captured in the JJ NMDS is unknown.

The JJ NMDS does not contain information on offences that resulted in unsupervised orders, such as good behaviour bonds and fines. Therefore, measurement of recidivism using the JJ NMDS is restricted to measuring returns to supervision. This will affect the interpretation of any attempts to measure recidivism in a number of ways.

- Young people whose initial offence resulted in an unsupervised order and whose subsequent offences also resulted in unsupervised orders will never appear in the analysis. As one of the factors taken into consideration by a court when sentencing is the number of prior offences, it is likely that young people who only receive unsupervised sentences recidivate at a lower rate than those who at some point receive a supervised sentence. Therefore, the exclusion of this group of people from the measurement of recidivism will result in an *overestimation* of the level of recidivism among the general population.
- Young people who receive only 1 sentenced supervised order within the period of measurement will be perceived to have not recidivated, even though they may have committed a previous or subsequent offence within the period that did not result in a supervised order. This will result in an *underestimation* of the level of recidivism. However, young people who receive a supervised sentence are likely to have already received at least 1 unsupervised sentence – that is, they are likely to have already recidivated. If the propensity to recidivate in the future is higher among those who have already recidivated, this may result in an *overestimation* of the level of recidivism.

- Young people who receive supervised sentences can generally be assumed to have committed more serious offences than those who receive unsupervised sentences. Therefore, measuring recidivism through returns to supervision is effectively increasing the threshold for recidivism – the young person has to commit a relatively serious offence (one that results in a supervised sentence) in order to be considered to have recidivated. This will result in an *underestimation* of the level of recidivism.

It is difficult to determine the cumulative effect of these factors. Therefore, it is important to note that any results derived from data on supervised orders relate specifically to returns to sentenced supervision, rather than to recidivism more generally. However, measuring ‘returns to sentenced supervision’ and the associations between factors such as unsentenced supervision and the time between periods of supervision would likely provide useful performance and effectiveness information for youth justice agencies. It would be beneficial to further explore these possibilities.

Using other data sources

Other data sources such as data on arrests or court orders (supervised and unsupervised) may avoid some of these issues but do not necessarily provide a complete picture of recidivism. For example:

- Arrest data will contain more recidivist acts than court or supervision data, but will also include acts that are not recidivist (that is, where the person was not guilty of the charge).
- Data on all court orders will include unsupervised orders, which are not included in the JJ NMDS, but will not include recidivist acts that do not result in a court order.

Using data from a number of sources is likely to result in the most comprehensive analysis of juvenile recidivism, especially where these data are in a format that will allow for integration.

Recommendation 2

That any results derived from data in the JJ NMDS be interpreted as ‘returns to sentenced supervision’.

Recommendation 3

That the benefits of using ‘returns to sentenced supervision’ as measures of effectiveness and performance are further explored.

Recommendation 4

That the possibility of using data on other aspects of the youth justice system (for example, arrests or court orders) to supplement the information obtained using the JJ NMDS be explored.

The JJ NMDS does not contain information on the adult criminal justice system

The JJ NMDS contains information on young people supervised by youth justice departments. In most states and territories, people aged 18 and older at the time of their (alleged) offence are processed through the adult criminal justice system. Including young people who, because of their age, are not eligible to return to youth justice supervision

within the period of measurement would underestimate the level of recidivism. There are 3 main options for dealing with this issue:

1. to restrict the cohort to those who are eligible to return to youth justice supervision (see Section 4.2 and 4.3 for examples)
2. to measure recidivism across all the years for which a young person is eligible to return to youth justice supervision before 'ageing out' so that all recidivist acts are captured (see Section 4.4 for an example)
3. to collect data on adult supervision from the relevant departments in a format suitable for linkage with the JJ NMDS. This would enable young people to be tracked into the adult criminal justice system.

Recommendation 5

That the feasibility of linking data on adult supervision with the JJ NMDS in order to trace young people who process to the adult criminal justice system be explored.

Recommendation 6

That where data on adult supervision are not available, either the analysis cohort should be restricted to those of an age eligible to return to the youth justice system within the specified time or the extent of returns to sentenced supervision across the years for which a young person is eligible to return to the youth justice system (due to their age) be used as alternatives.

The offences collection in the JJ NMDS is not mandatory

Offence data are required for several of the principles for measuring recidivism (see Section 1.1):

- Principle 4. That minor offences be excluded from measures of recidivism
- Principle 9. That pseudo-recidivism be excluded from measures of recidivism
- Principle 10. That the offence date, rather than the conviction or sentencing date be used
- Principle 12. That the frequency and severity of offending be measured.

The JJ NMDS contains an optional offences collection; however, data for this collection are only supplied by 3 states and the data have not yet been published due to ongoing data quality issues.

The exclusion of minor offences from measures of recidivism (principle 4) is unlikely to significantly affect measures of recidivism derived from analysis of JJ NMDS data because minor offences such as traffic and fare evasion usually do not result in supervised sentences, and therefore would not result in orders that appear in the JJ NMDS.

The use of administrative dates, such as the order start date, rather than the offence date (principle 10) means it is not possible to exclude pseudo-recidivism (principle 9). These principles could be met with the inclusion of an 'offence-date' data item in the JJ NMDS. However, initial consultation has shown that offence dates are not widely available in the data systems used to extract data for the JJ NMDS and would likely require the use of an alternative source. The impact of pseudo-recidivism is assessed using 'pilot offence-date' data in Chapter 5.

Recommendation 7

That the availability of offence dates for use in measuring 'returns to sentenced supervision' be assessed.

Recommendation 8

That offence date be included as an item in the JJ NMDS so that the principle of using offence date, rather than order date, can be met.

Recommendation 9

That the availability and usefulness of offence type for measuring the severity of 'returns to sentenced supervision' be assessed.

4 Returns to youth justice supervision

Using data from the JJ NMDS, it is possible to measure the proportion of young people who return to sentenced supervision following the first relevant order (the index order). This chapter uses national data to explore the extent of returns to youth justice supervision in Australia over 3 timeframes:

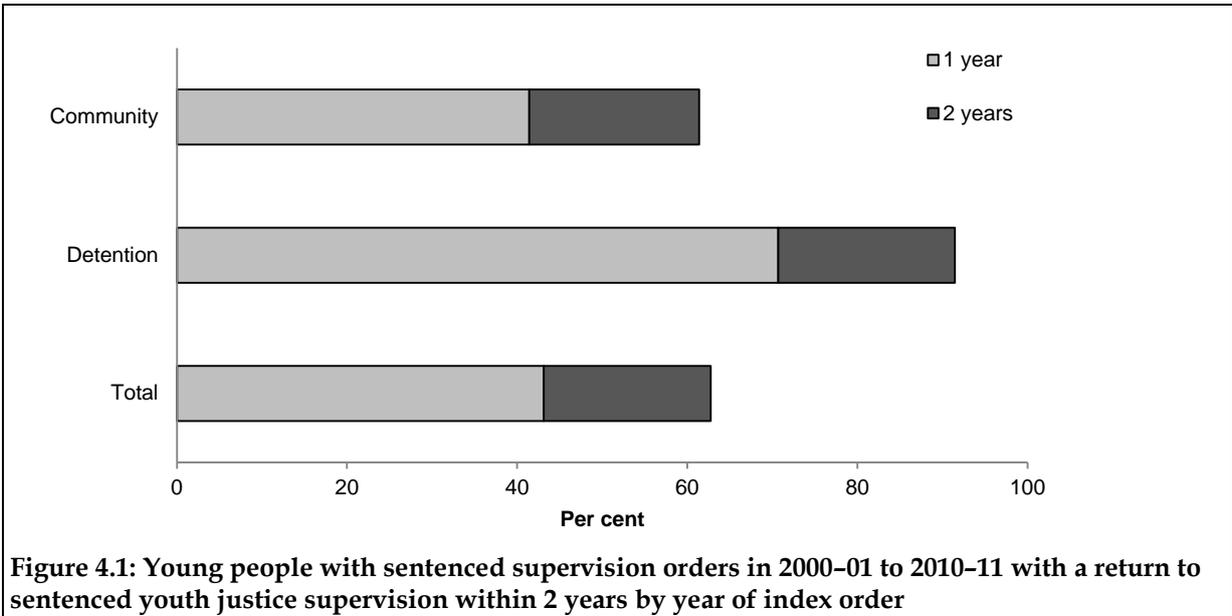
- within 1 year of a sentenced supervised order
- within 2 years of a sentenced supervised order
- during the entire time for which a young person is eligible to return to youth justice supervision (rather than adult supervision).

As these data have been linked across states and territories for this project (see Appendix for details), returns to sentenced supervision that occurred in a different state or territory to the index order will be captured. For example, if a young person’s index order was in New South Wales and subsequent supervision occurred in Queensland, these subsequent orders will be counted as returns for that young person.

4.1 Key findings

Nationally, over two-fifths (43%) of the 5,982 young people with sentenced supervision in 2010–11 had returned to sentenced supervision within 1 year, while over three-fifths (63%) of the 3,588 young people in sentenced supervision during 2009–10 had returned to sentenced supervision within 2 years (Figure 4.1).

Two-fifths (41%) of those with an index order of community-based supervision returned within 1 year, while three-fifths (61%) returned within 2 years. Of those with an index order of detention, 71% returned within 1 year and 91% returned within 2 years.



Almost half (48%) of those born from 1990–91 to 1994–95 with 1 or more sentenced supervision orders in the JJ NMDS returned to youth justice supervision at some point before they ‘aged out’ of the system at the age of 18.

A sizeable proportion returned within 6 months, indicating that shorter timeframes could also provide valuable information on returns to supervision.

For all timeframes, the proportion who returned was higher among those whose index order was detention rather than community-based supervision. The proportion who returned to supervision differed by sex, Indigenous status and age at first supervision.

Recommendation 10

That a range of timeframes be used in analyses of returns to sentenced supervision, including returns from the first supervised sentence until the young person has 'aged out' of the youth justice system.

Recommendation 11

That returns to supervision within timeframes shorter than 1 year (for example, 6 months, be considered as 1 of the measures of returns to sentenced supervision.

Recommendation 12

That variables such as type of index order, sex, Indigenous status and age at first supervision be used in analyses of returns to sentenced supervision.

4.2 Returns in 1 year

Nationally, over two-fifths (43%) of the 5,982 young people with sentenced supervision in 2010–11 had returned to sentenced youth justice supervision within 1 year (Figure 4.2). Over the 11 years from 2000–01, the proportion of young people who returned to sentenced supervision within 1 year remained between 40% and 45%.

Those with an index order of detention were more likely to return within 1 year than those with an index order of community-based supervision, and this was true for all years for which data are available. For those under supervision in 2010–11, 71% of those with an index order of detention and 41% of those with an index order of community-based supervision had returned to sentenced supervision within 1 year. Over the 11 years, the proportion of those with an index order of community-based supervision who returned within 1 year ranged from 40–43%, while the proportion for those with an index order of detention ranged from 64–76%.

Of those who returned to sentenced supervision, over two-fifths (41%) had just 1 return order within the year, while 16% had 5 or more. Those with an index order of detention were more likely to have multiple return orders (74%) than those with an index order of community-based supervision (57%).

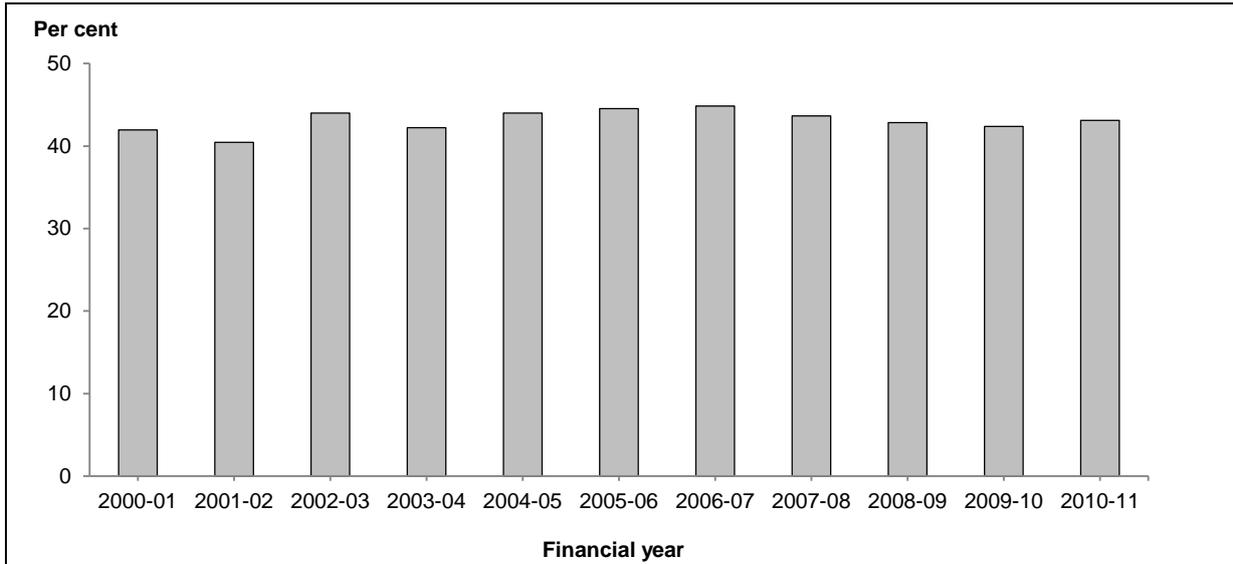


Figure 4.2: Young people with sentenced supervision orders in 2000-01 to 2010-11 with a return to sentenced youth justice supervision within 1 year by year of index order

Indigenous young people under sentenced supervision in 2010-11 were 1.3 times as likely as non-Indigenous young people to have returned to sentenced supervision within 1 year (51% compared with 40%), and this pattern was similar for both males (Indigenous males 1.3 times as likely; 54% compared with 42%) and females (Indigenous females 1.2 times as likely; 40% compared with 32%) (Figure 4.3).

Overall, females were less likely than males to have returned to sentenced supervision within 1 year (35% compared with 46%), although they were just as likely to have returned if their index order was detention (71% for both males and females). Non-Indigenous females were also more likely to have returned than non-Indigenous males: 80% of non-Indigenous females with an index order of detention had returned within 1 year, compared with 72% of non-Indigenous males.

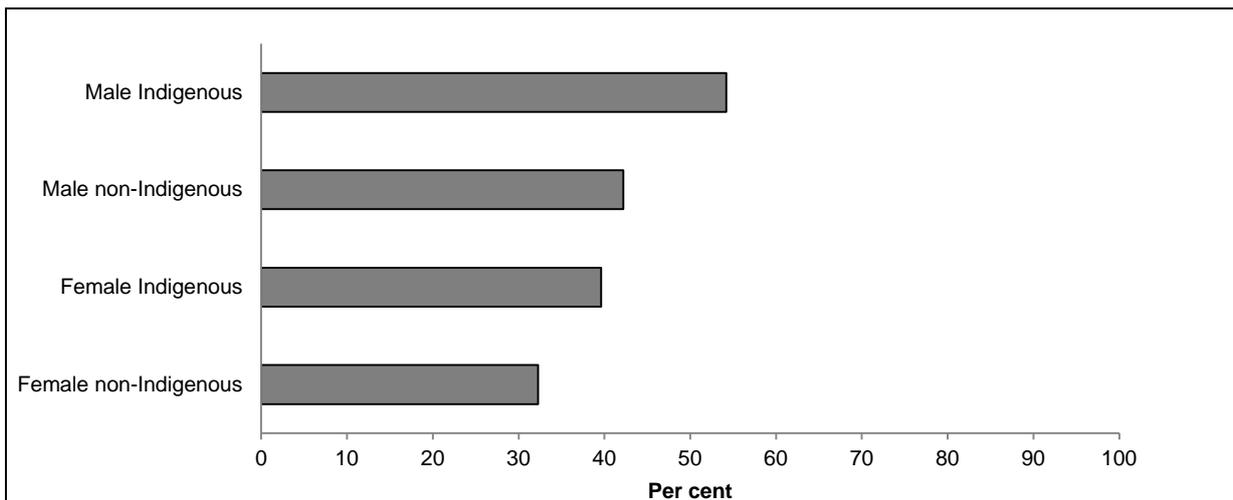
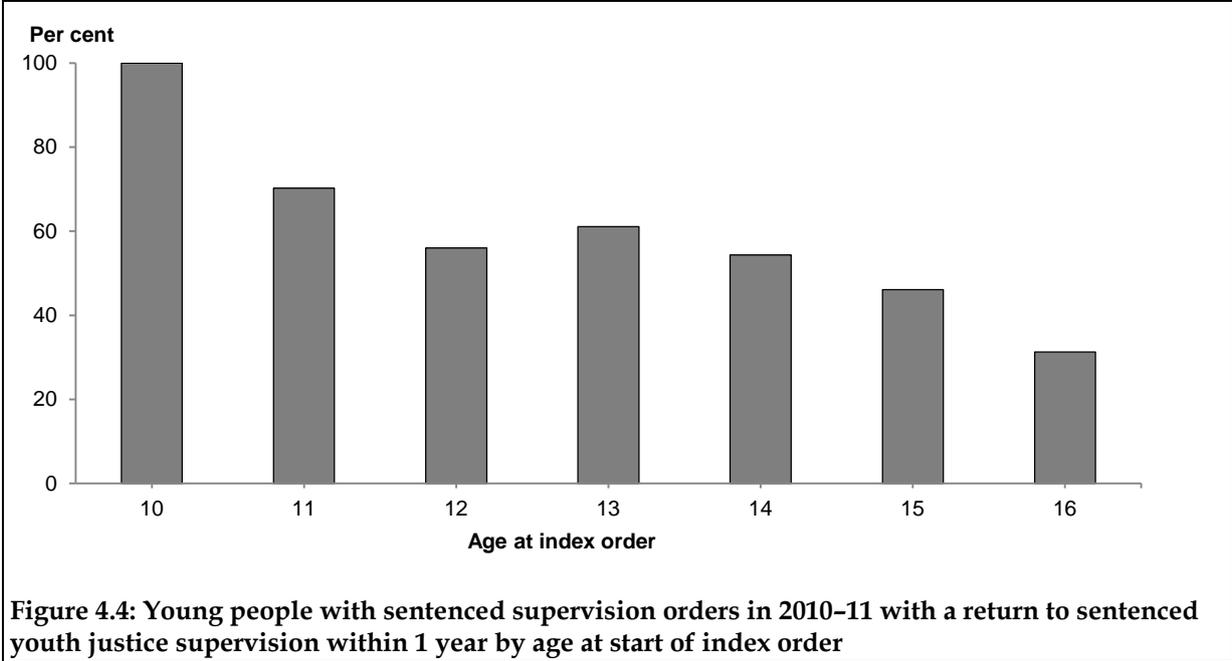


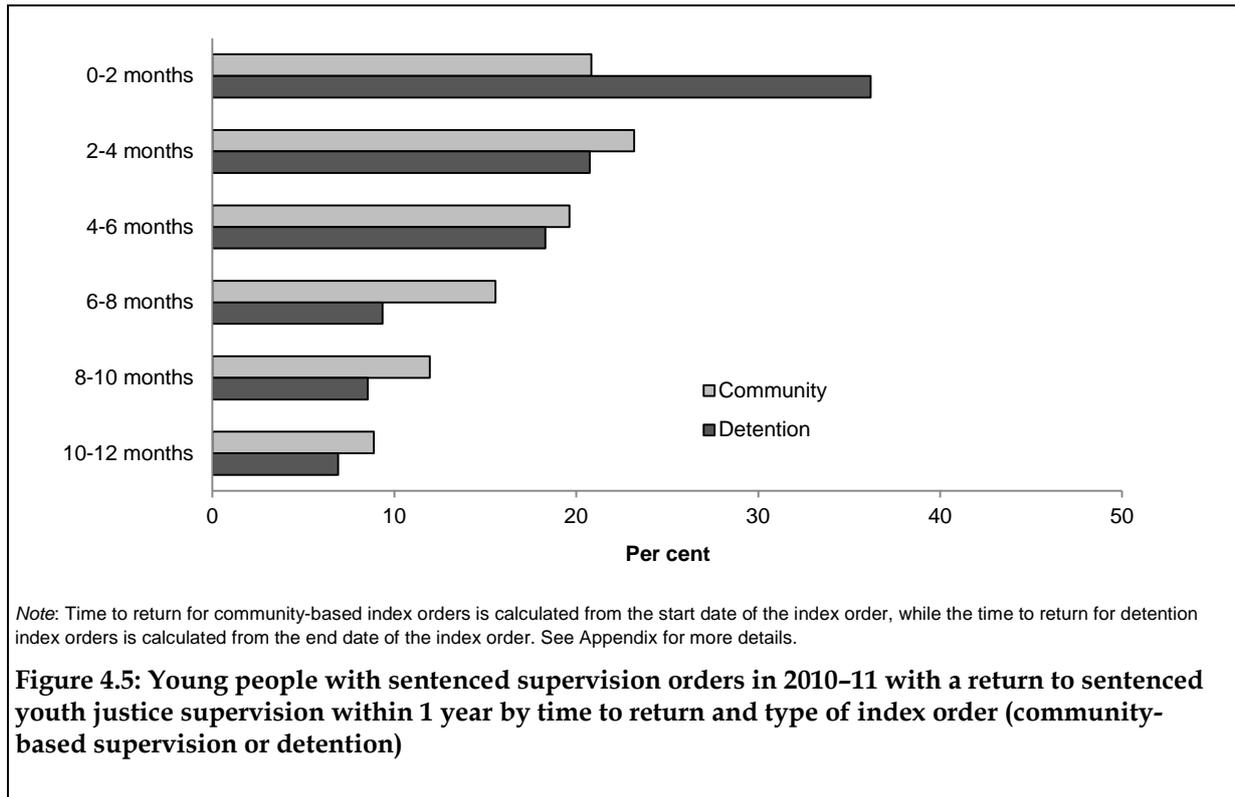
Figure 4.3: Young people with sentenced supervision orders in 2010-11 with a return to sentenced youth justice supervision within 1 year

In general, those who were younger at the start of their index order were more likely to have returned to sentenced supervision within 1 year than those who were older (Figure 4.4). All (100%, 4 young people) of those aged 10 at the start of their index order, 70% of those aged 11, and 56% of those aged 12 had returned to sentenced supervision within 1 year, compared with 46% of those aged 15, and 31% of those aged 16.



Overall, just over one-fifth (22%) of those who returned to sentenced supervision within 1 year had done so within 2 months, and a further 23% returned within 2-4 months. A total of 65% of those who returned within 1 year did so within 6 months. Those with an index order of detention were particularly likely to return within a short period – 57% had returned within 4 months (37% within 2 months), compared with 44% of those with an index order of community-based supervision (21% within 2 months) (Figure 4.5).

Males were more likely than females to have returned within 4 months (46% compared with 42%), and Indigenous young people were more likely to have done so than non-Indigenous young people (48% compared with 44%).



4.2 Returns in 2 years

Over three-fifths (63%) of the 3,588 young people with sentenced supervision in 2009-10 had returned to sentenced supervision within 2 years (Figure 4.6). Over the 10 years from 2000-01, the proportion returning within 2 years ranged from 60-65%.

Those with an index order of detention were more likely to return within 2 years than those with an index order of community-based supervision. Of those with an index order of sentenced detention in 2009-10, 91% had returned within 2 years, compared with 61% of those with an index order of community-based sentenced supervision. This pattern was true for all years for which data are available. The proportion of those with an index order of detention returning within 2 years ranged from 70-94%, while for community-based supervision, this ranged from 59-64%.

Of those who returned to sentenced supervision, almost three-quarters (74%) had more than 1 return order within the 2 years, and almost one-third (32%) had 5 or more return orders. Nine in ten (90%) young people with an index order of detention who returned within 2 years had multiple return orders, compared with almost 3 in 4 (73%) of those with an index order of community-based supervision.

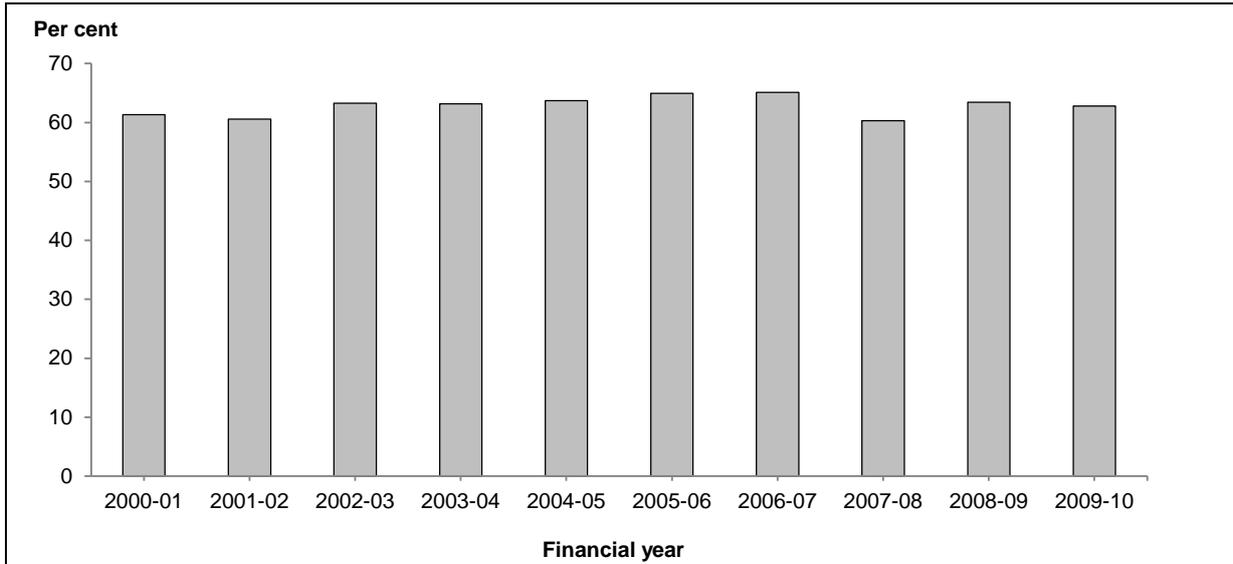


Figure 4.6: Young people with sentenced supervision orders in 2000-01 to 2009-10 with a return to sentenced youth justice supervision within 2 years by year of index order

Indigenous young people with a sentenced supervision order in 2009-10 were 1.3 times as likely to return to sentenced supervision within 2 years (72% compared with 58%) (Figure 4.7). Indigenous females were 1.2 times as likely to return (56% compared with 48%), while Indigenous males were 1.3 times as likely (77% compared with 60%).

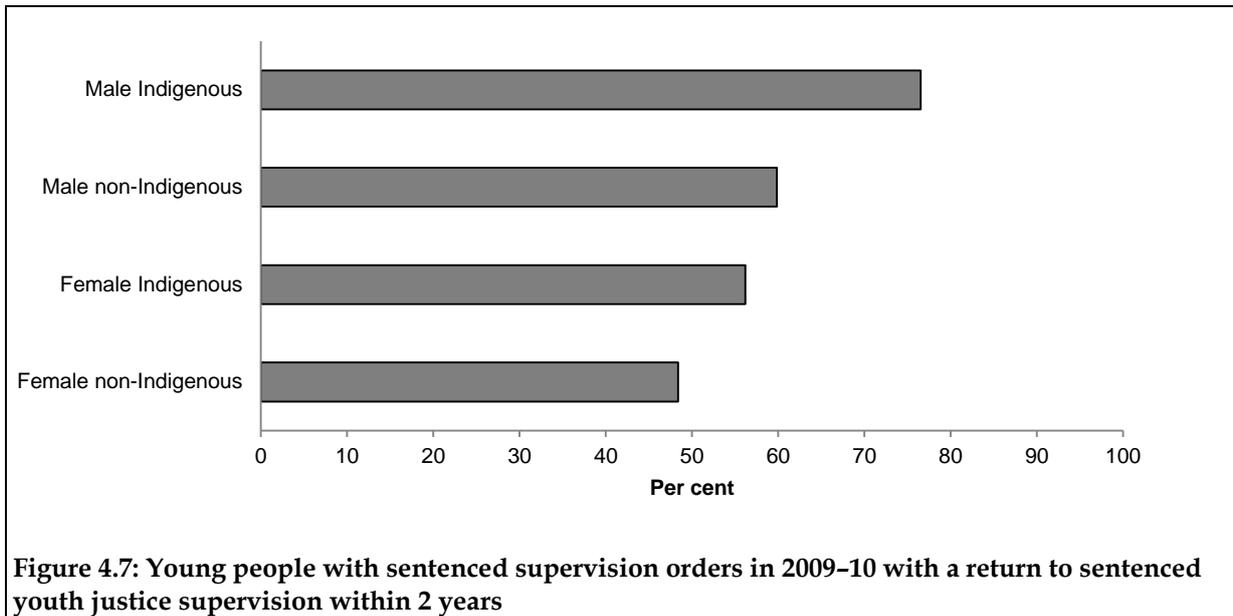


Figure 4.7: Young people with sentenced supervision orders in 2009-10 with a return to sentenced youth justice supervision within 2 years

Overall, those who were younger at the start of their index order tended to be more likely to return within 2 years than those who were older (Figure 4.8). All (100%, 4 young people) of those aged 10 returned within 2 years, as did three-quarters (75%) of those aged 11 and more than four-fifths (82%) of those aged 12, compared with just over half (56%) of those aged 15.

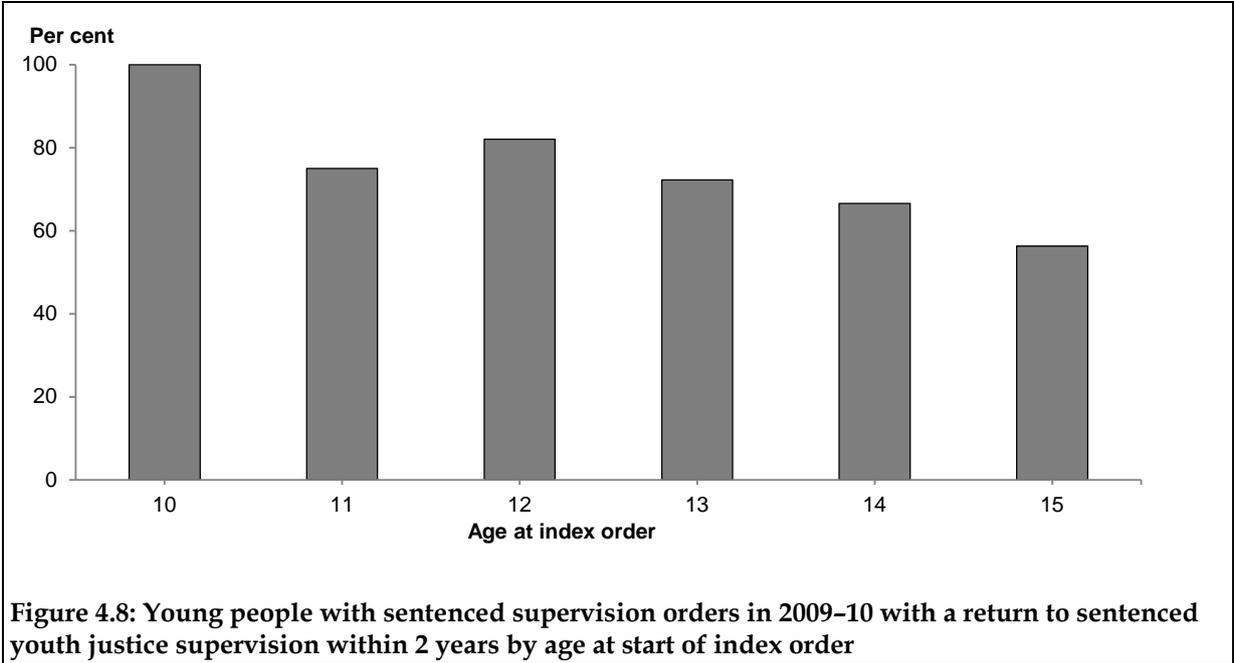
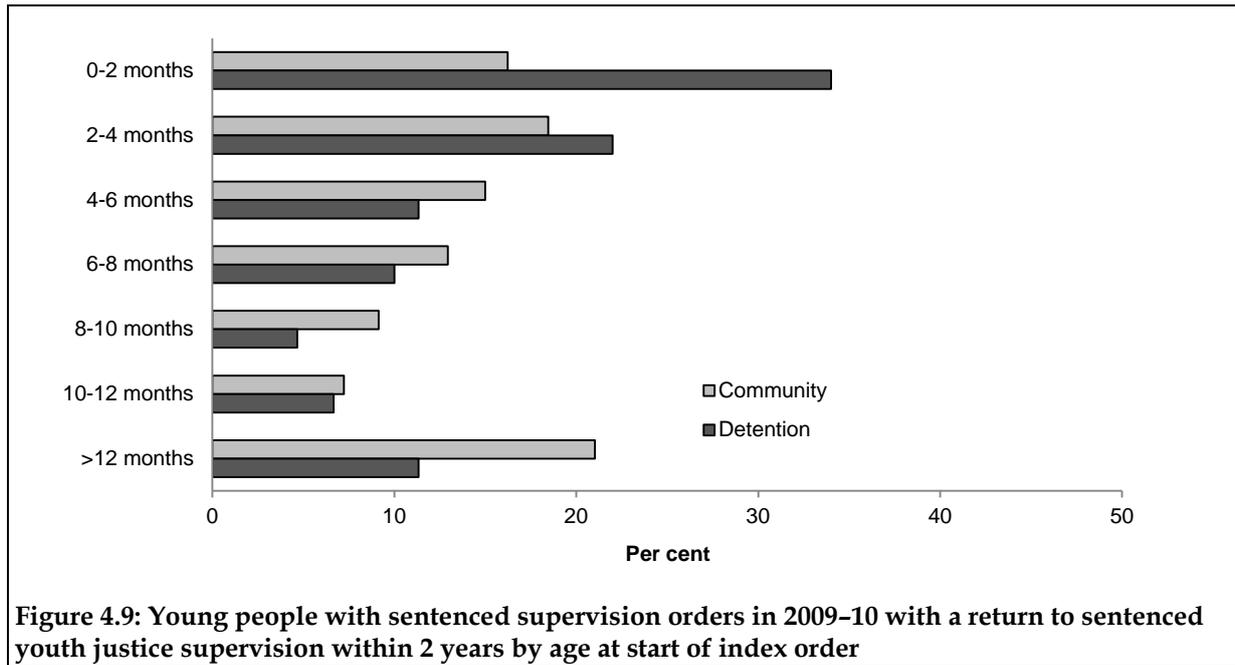


Figure 4.8: Young people with sentenced supervision orders in 2009-10 with a return to sentenced youth justice supervision within 2 years by age at start of index order

Almost one-fifth (17%) of those who returned within 2 years had returned within 2 months, and a similar proportion (19%) returned within 2-4 months (Figure 4.9). Half (51%) of those who returned within 2 years did so within 6 months. Those with an index order of detention tended to return sooner than those with a community-based index order. Almost three-fifths (56%) of those with an index order of detention had returned within 4 months (34% within 2 months), compared with 35% of those with an index order of community-based supervision (16% within 2 months).

Males were slightly more likely than females to have returned within 4 months (37% compared with 33%), and Indigenous young people were slightly more likely to have done so than non-Indigenous young people (39% compared with 34%).



4.3 Returns during the young person’s possible youth justice supervision

In all states and territories in Australia, the youngest age at which a person can have a sentenced youth justice order is 10 years. The age limit for receiving a sentenced youth justice order is 17 in all states and territories except Queensland, where the age limit is 16 years. Although it is possible for young people over the age of 17 to be supervised by youth justice agencies for a number of reasons, to ensure comparability, returns to supervision are only counted for the period in which all young people in most states and territories were eligible to be supervised by youth justice. As JJ NMDS has data from 2000-01 to 2011-12, people born from 1990-91 to 1994-95 will have all their sentenced supervision orders in the JJ NMDS. This section explores the returns to youth justice supervision for these people over the ‘lifetime’ of their potential youth justice supervision.

Nationally, almost half (48%) of those born 1990-91 to 1994-95 with 1 or more sentenced supervision orders in the JJ NMDS returned to youth justice supervision at some point before they ‘aged out’ of the system at the age of 18. Those whose index order was a detention sentence were slightly more likely to have returned to supervision than those whose index order was a community-based supervision sentence (50% compared with 48%). Of those who returned to sentenced supervision, almost one-third (31%) had just 1 return order (31% for those with an index order of community-based supervision and 27% for those with an index order of detention), while 30% had 5 or more return orders (30% for those with a community-based index order and 40% for those with a detention index order).

Indigenous young people under sentenced supervision were 1.5 times as likely to have returned to sentenced supervision as non-Indigenous young people (63% compared with 43%), and this was true for both males and females (Figure 4.10). Two-thirds (66%) of Indigenous males under supervision had returned to supervision, compared with 44% of non-Indigenous males, while over half (53%) of Indigenous females had returned to supervision compared with 37% of non-Indigenous females.

For both Indigenous and non-Indigenous females, those with an index order of detention were more likely to have returned than those with an index order of community-based supervision (59% compared with 53% for Indigenous females and 46% compared with 37% for non-Indigenous females) (Figure 4.10). However, there was no difference for non-Indigenous males (44% for both types of index orders), while Indigenous males were slightly more likely to have returned if their index order was community-based supervision (66% compared with 61% for those with an index order of detention).

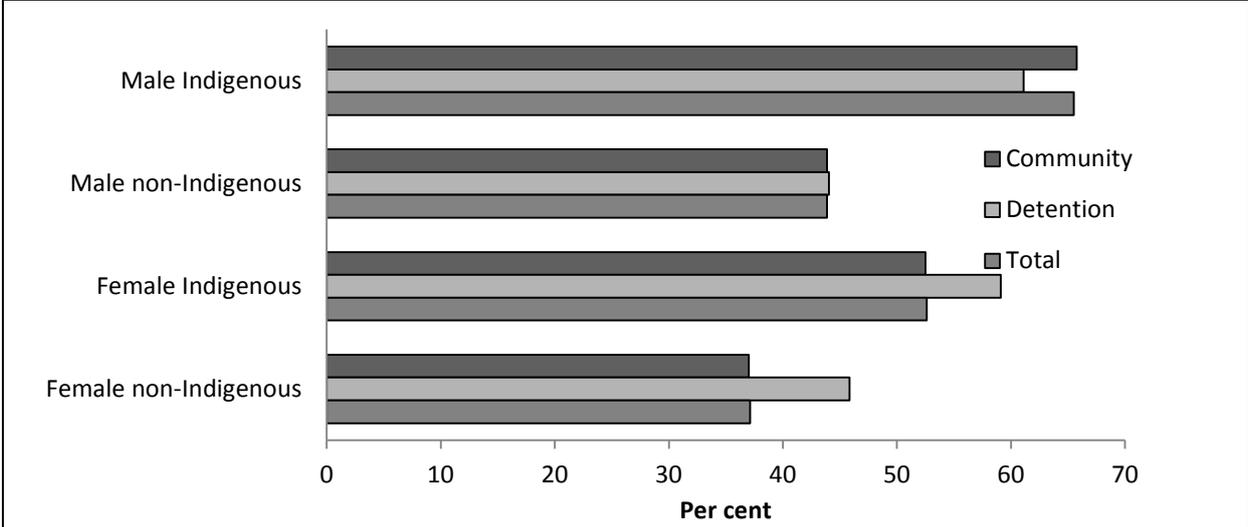


Figure 4.10: People with 1 or more returns to sentenced youth justice supervision as a proportion of all people born 1990–91 to 1994–95 with 1 or more sentenced supervision orders by type of index order (community-based supervision or detention)

Those who were younger at the start of their index order were more likely to have returned to sentenced supervision than those who were older (Figure 4.11). All (100%) of those aged 10, and 91% of those aged 11 at the start of their index order had returned to supervision before the age of 18, compared with 70% of 14 year olds and 38% of 16 year olds.

As with the overall pattern, those with a detention index order were more likely to return than those with a community-based index order in nearly all age groups – the only exception was those aged 10 at the start of their index order, none of whom had an index order of detention. For both community-based supervision and detention index orders, the proportion who returned was higher for those who were younger at their index order.

For all age groups except those aged 10 at the start of their index order, those who were Indigenous were more likely to have returned than those who were non-Indigenous (for those aged 10, all returned to supervision), and this was more likely for those who were younger at the start of their index order.

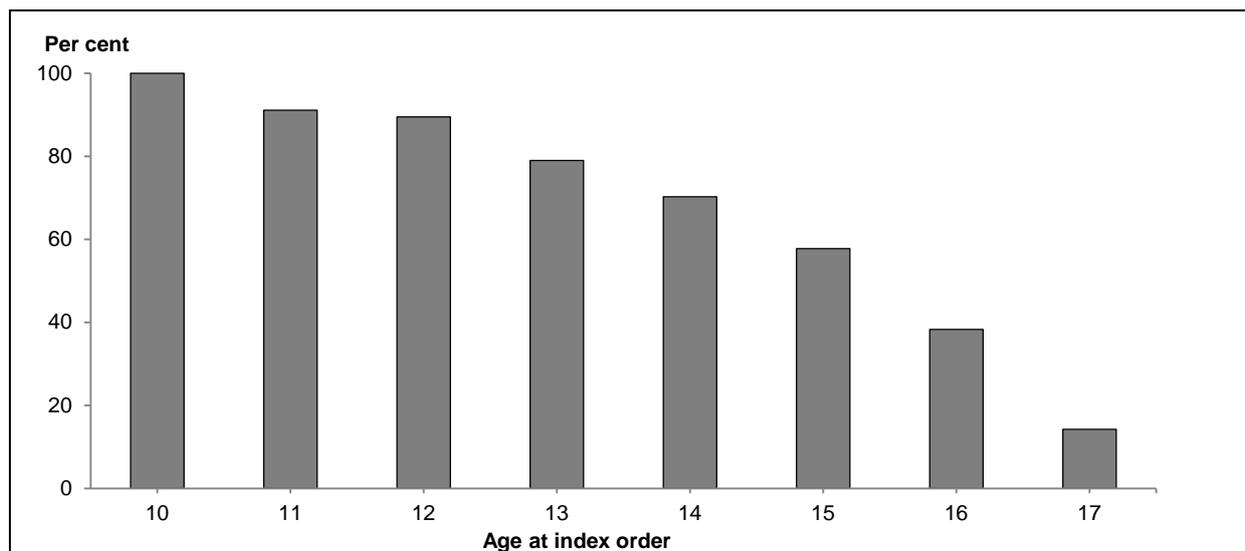
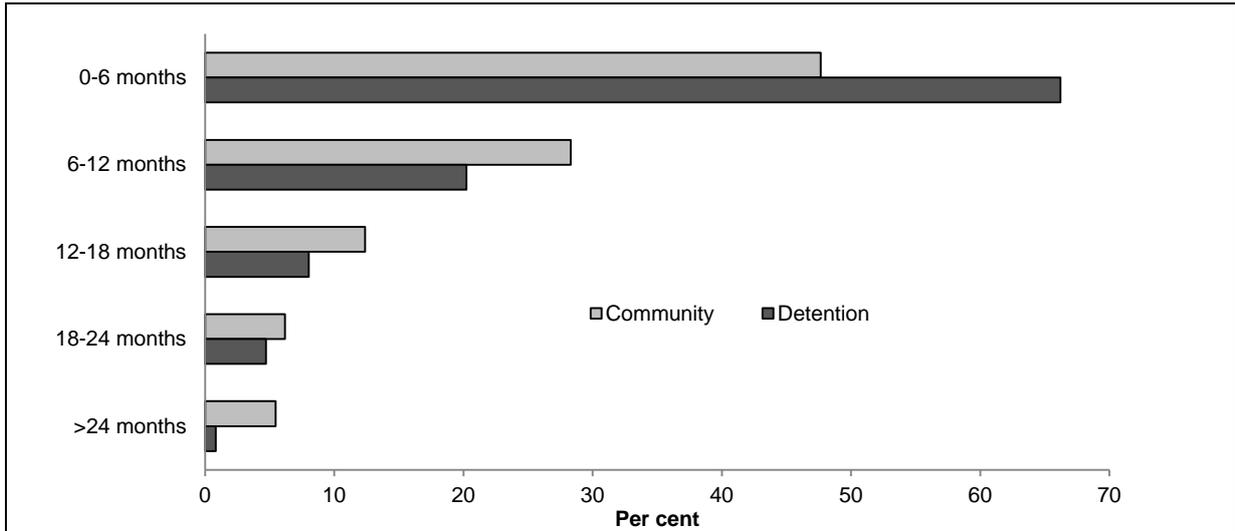


Figure 4.11: People with 1 or more returns to sentenced youth justice supervision as a proportion of all people born 1990-91 to 1994-95 with 1 or more sentenced supervision orders by age at start of index order

While those who were younger at their index order have more time to return to youth justice supervision, overall, almost half (48%) of those who returned to supervision did so with 6 months (and 14% did so within just 2 months). A further 28% returned within 6-12 months. Furthermore, those who were 16 or 17 at their first index order were slightly more likely to have returned within 6 months than those who were younger: 58% of those who were 16 at their index order and 80% of those who were 17 returned within 6 months, compared with 38-46% of those who were aged 10-15. There was little difference in the proportion who had returned within 6 months by sex or Indigenous status.

Those with an index order of detention returned to supervision sooner than those with an index order of community-based supervision (Figure 4.12). Almost 7 in 10 (67%) young people with index order of detention had returned to supervision within 6 months, compared with 5 in 10 (48%) of those with community-based index order.



Note: Time to return for community-based index orders is calculated from the start date of the index order, while the time to return for detention index orders is calculated from the end date of the index order. See Appendix for more details.

Figure 4.12: People born 1990-91 to 1994-95 with 1 or more returns to sentenced youth justice supervision by time to first return and type of index order type (community-based supervision or detention)

5 Impact of pseudo-recidivism

When administrative dates, such as conviction or sentenced dates, are used to determine recidivism rather than offence dates, the inclusion of offences that were committed before the index offence but adjudicated after the index date will result in pseudo-recidivism.

As the JJ NMDS does not contain offence date, measures of recidivism calculated using this data set could result in pseudo-recidivism. To assess the potential extent of pseudo-recidivism, 2 states supplied 'offence-date' data for this project.

This chapter uses offence date from 2 states to explore the impact of pseudo-recidivism on measures of returns to supervision using supervised order dates. The data for the 2 states differed (see Appendix) and it was only possible to use data for 1 state to measure the extent of pseudo-recidivism over the different timeframes. Therefore, this analysis will not necessarily reflect the possible extent of pseudo-recidivism in all states and territories.

5.1 Key findings

A sizeable proportion of individual orders were incorrectly identified as return orders. Despite this, when measuring the number of young people (rather than orders) who returned within 1 or 2 years or during the entirety of their possible youth justice supervision, the estimates for rates of return using order dates were only slightly different to those using the more accurate offence dates. This suggests that for the timeframes used in this project, pseudo-recidivism does not have a significant impact (however, as noted previously this analysis is limited and not necessarily reflective of all states and territories).

Recommendation 13

That the impact of pseudo-recidivism be analysed using data from more states and territories, noting that the analysis performed for this project suggests it does not have a significant impact on person-based analyses of returns to supervision.

5.2 Orders incorrectly identified as returns

Data on offence dates showed that almost one-quarter (24%) of the supervised orders in 2011–12 in state 1 and almost half (47%) of those in state 2 were incorrectly identified as return orders – that is, the offence date relating to the return order was *before* the offence date relating to the previous order (meaning that the return order related to an offence committed before, not after, the offence relating to the previous order). Detention orders were slightly more likely to be incorrectly identified as returns in state 1 (29% compared with 24%; only data for detention orders were available for state 2).

5.3 Returns in 1 year

Using 'offence-based' data resulted in similar estimates for rates of return to sentenced supervision within 1 year as using 'order-based' data (45% for offence dates compared with 46% for order dates), although 'order-based' data slightly overestimated the rate of return for Indigenous young people (53% compared with 50% for offence dates) (Figure 5.1).

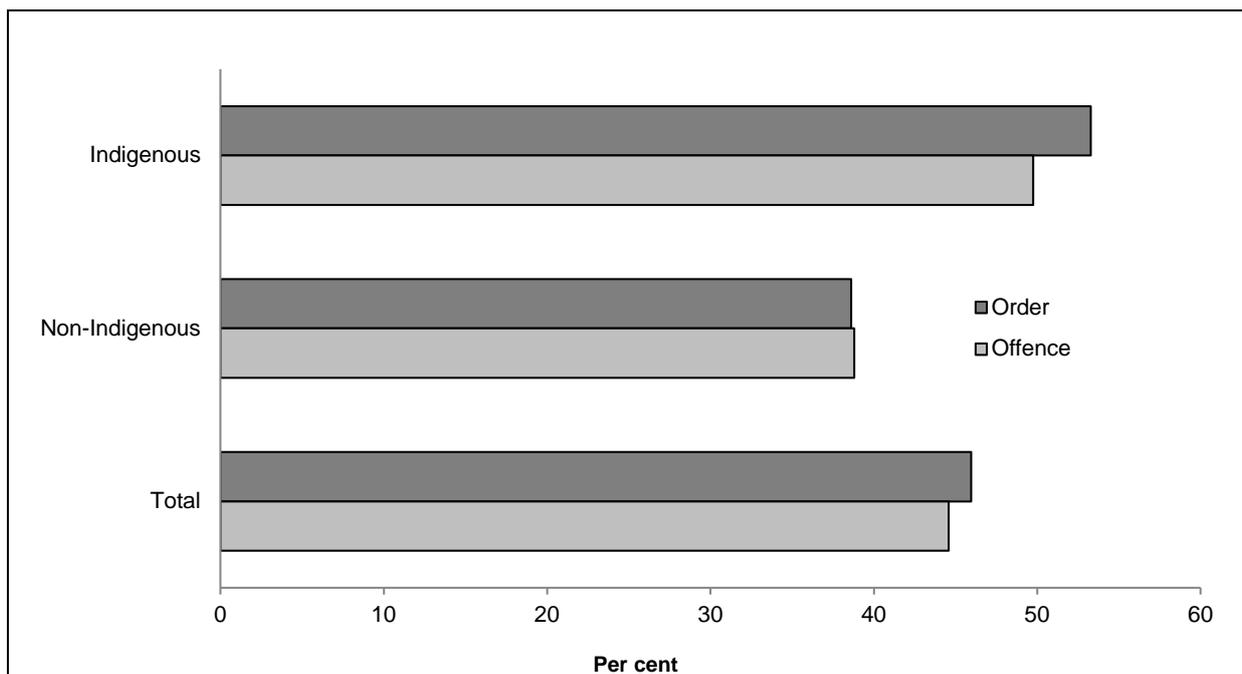
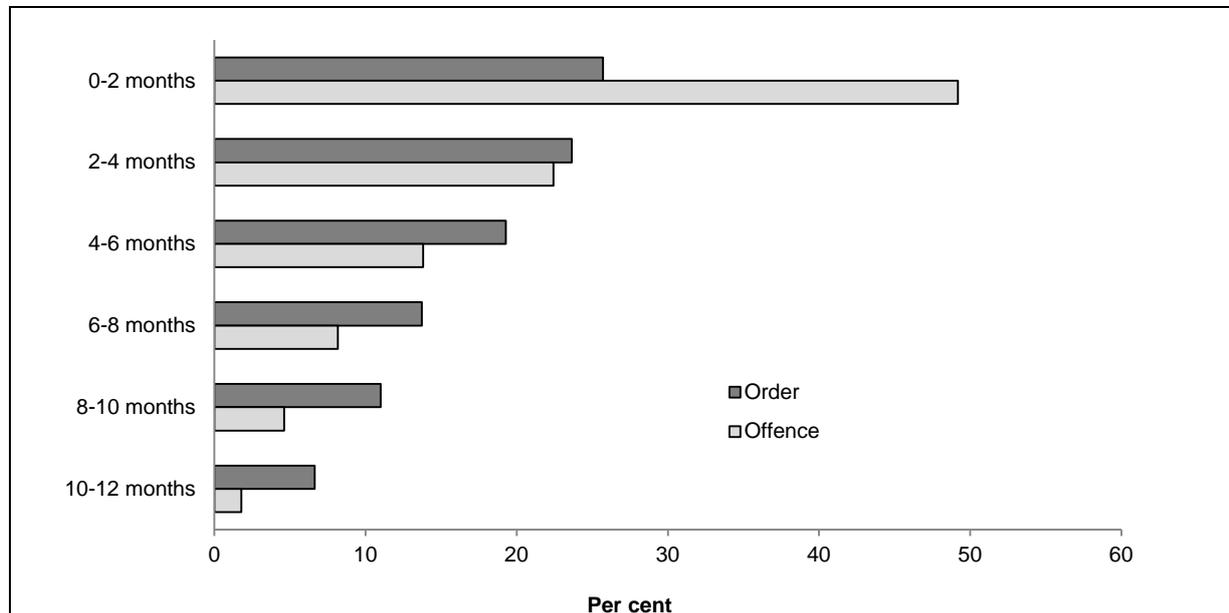


Figure 5.1: Young people with offences resulting in sentenced supervision orders in 2010-11 with a return to sentenced youth justice supervision within 1 year by index event (offence or order)

Of those who did return to sentence supervision within 1 year, a greater proportion returned within 2 months based on 'offence-date' data (49%) than the 'order-based' data (26%) (Figure 5.2).

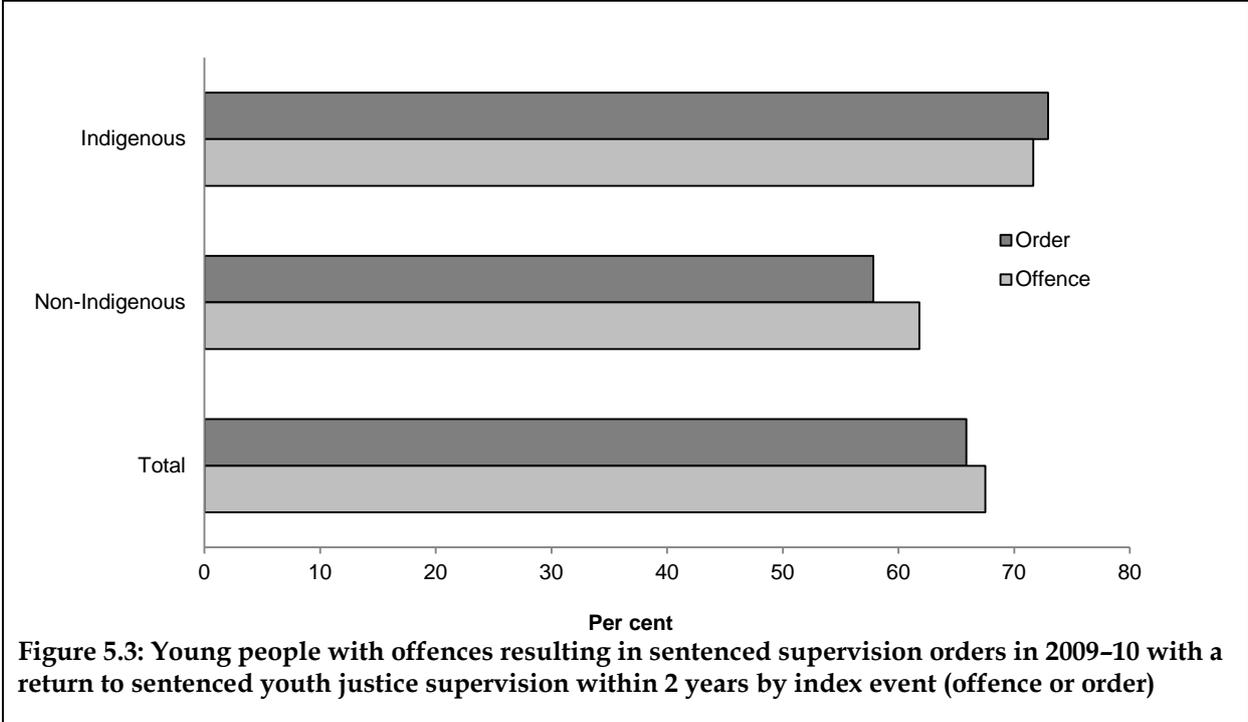


Note: Time to return for community-based index orders is calculated from the start date of the index order, while the time to return for detention index orders is calculated from the end date of the index order. See Appendix for more details.

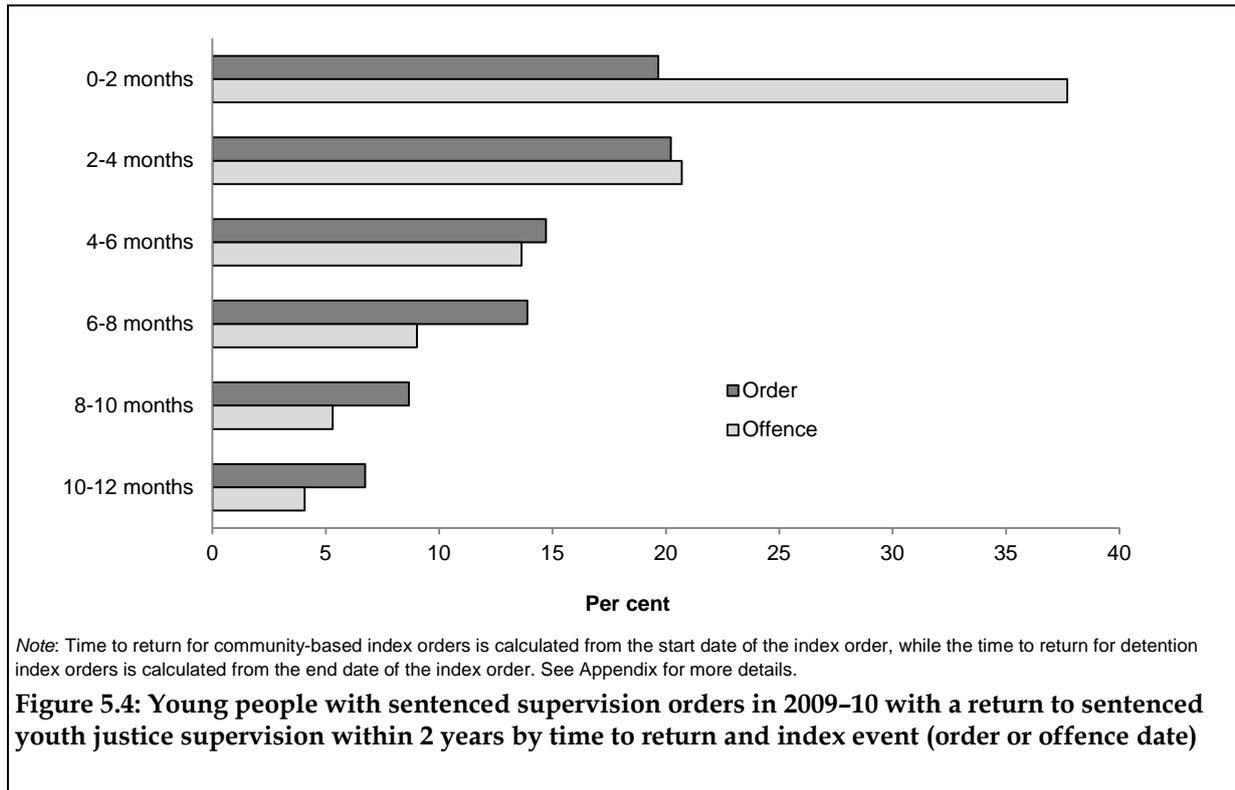
Figure 5.2: Young people with sentenced supervision orders in 2010-11 with a return to sentenced youth justice supervision within 1 year by time to return and index event (order or offence date)

5.4 Returns in 2 years

The rates of return to sentenced supervision within 2 years were similar for 'order-based' data and for 'offence-based' data. Using offence dates, 68% of young people returned within 2 years, compared with 66% when using order dates (Figure 5.3). Using order dates slightly underestimated the rate of return for non-Indigenous young people (58% returned within 2 years using order dates, compared with 62% when using offence dates).



Using 'offence-based' data, young people were shown as returning sooner to supervision than when using 'order-based' data (Figure 5.4). Almost two-fifths (38%) returned within 2 months when using 'offence-based' data, compared with 20% when using 'order-based' data.



5.5 Returns during the young person's possible youth justice supervision

Compared with the 'offence-based' data, the 'order-based' data overestimated the proportion of people who returned to sentenced supervision within their lifetime of potential youth justice supervision by 7 percentage points (50% for orders and 43% for offence date) (Figure 5.5). The level of overestimation was similar for both Indigenous and non-Indigenous people (6 percentage points compared with 8).

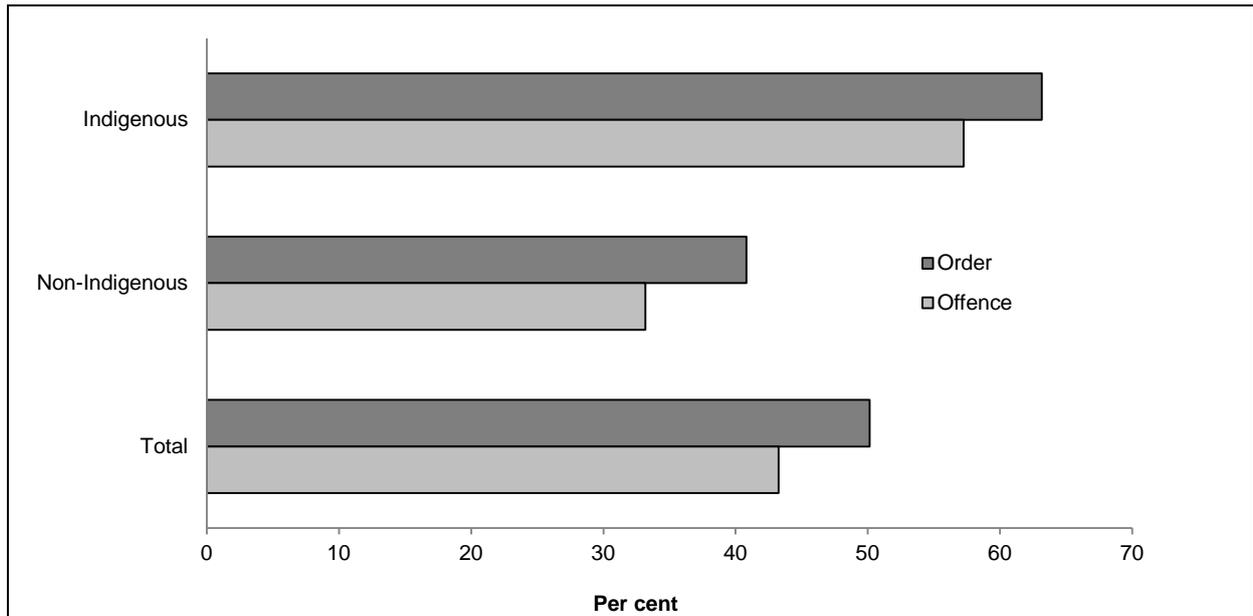
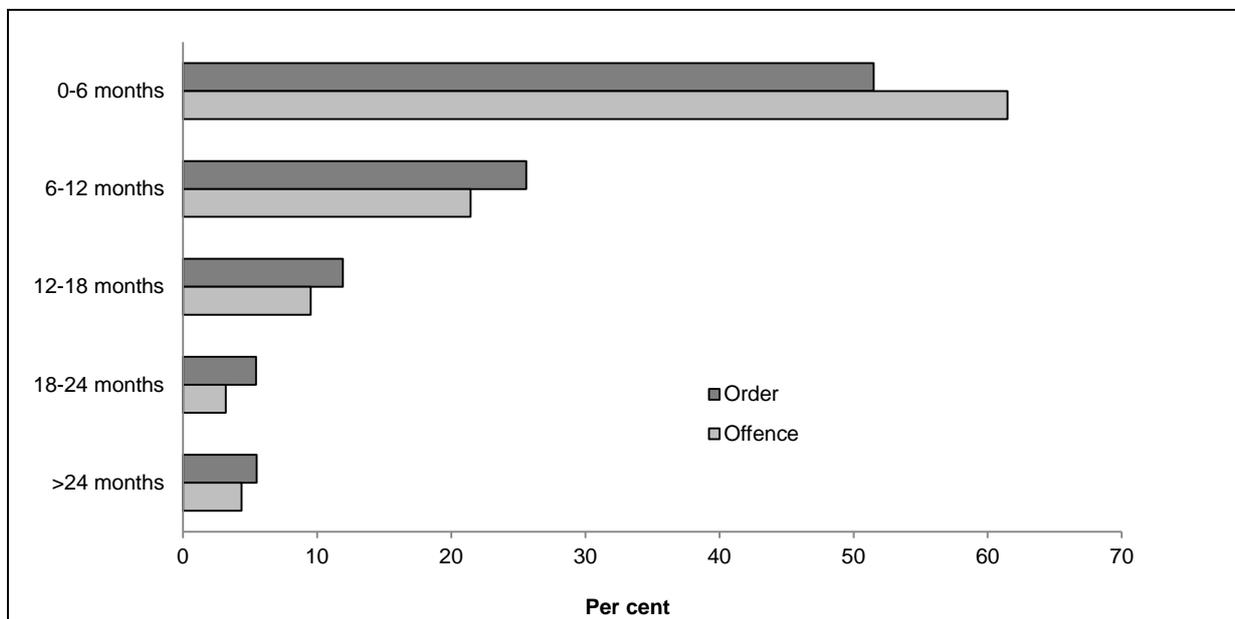


Figure 5.5: People with 1 or more returns to sentenced youth justice supervision as a proportion of all people born 1990-91 to 1994-95 with 1 or more sentenced supervision orders by type of index event (offence or order)

Of the people who did return to sentenced supervision, a greater proportion returned within 6 months based on the 'offence-date' data (61%) than the 'order-based' data (51%) (Figure 5.6).



Note: Time to return for community-based index orders is calculated from the start date of the index order, while the time to return for detention index orders is calculated from the end date of the index order. See Section 1.3 and Appendix for more details.

Figure 5.6: People born 1990-91 to 1994-95 with offences resulting in 1 or more returns to sentenced youth justice supervision by time to first return and index event (offence or order)

Appendix: Data and methods

Data sources

The data used in this project came from 3 sources:

- **Juvenile Justice National Minimum Data Set (JJ NMDS):** this collection contains information on young people who are supervised either in the community or in detention by departments responsible for youth justice.
- **Department of Attorney-General and Justice, New South Wales:** the New South Wales Government supplied data on offence date for a subset of young people in the JJ NMDS.
- **Department of Justice and Attorney-General, Queensland:** the Queensland Government supplied data on offence date for a subset of young people in the JJ NMDS.

JJ NMDS data for most states and territories are available from 2000–01 to 2011–12 (see Table A.1). For more information on JJ NMDS data quality and coverage, see the JJ NMDS Data Quality Statement (available from <http://meteor.aihw.gov.au/content/index.phtml/itemId/515023>).

Table A.1: JJ NMDS data availability, by state and territory and years

State or territory	Available years
NSW	2000–01 to 2011–12
Vic	2000–01 to 2011–12
Qld	2000–01 to 2011–12
WA	2000–01 to 2007–08
SA	2000–01 to 2011–12
Tas	2000–01 to 2011–12
ACT	2004–05 to 2011–12
NT	2000–01 to 2007–08

Linkage method

In the JJ NMDS, each young person within a state or territory is given a unique person identifier. 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 may also be in another state or territory. For this project, data for the eight states and territories were linked using the AIHW's step-wise deterministic linkage method, which systematically varies available variables to both increase the number of true matches and reduce the number of false matches while allowing for missing data. For further information on this method and the linkage keys used, see *Linking SAAP, child protection and juvenile justice data: technical report* (AIHW 2012). Note that the linkage method was based on the data elements available in the 2009–10 JJ NMDS and does not include the recently included country of birth data element.

Analysis data sets

Demographic information

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.

Exclusions

Orders where the young person was aged 18 or older

Orders where the young person was aged 18 or older at the start of the order were excluded from the recidivism data set 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.

Orders that ended because the young person died

Orders that ended because the young person died were excluded from the recidivism data set as further reoffending is not possible.

Orders overturned on review

Orders that were overturned on review were excluded from the recidivism data set as these are no longer considered to relate to an offence. In the JJ NMDS, these orders appear with an end reason indicating that the order was ‘cancelled, discharged, quashed or varied on appeal or review’.

Parole or supervised release orders

Parole or supervised release orders were excluded from the recidivism data set as these orders relate to an existing offence, not a new one.

Restoration of suspended sentences

One of the principles identified by Richards (2011) (principle 6) is that restorations of suspended sentences resulting from a breach of conditions should be excluded from measures of recidivism. For this report, sentenced detention orders that followed a suspended sentence within 1 day where the suspended sentence ended because the sentence was revoked or cancelled for re-offending or failure to comply with conditions were excluded from all data sets (that is, both as index and return orders). Where there were multiple sentenced detention orders that followed a suspended sentence, the detention order with the earliest start and end date was removed.

Return orders

Where the index order is a detention order, the first return order is the first supervised sentenced order with a start date that is after the end date of the index order.

Where the index order is a community-based order, the first return order is the first supervised sentenced order with a start date that is after the start date of the index order.

Where there are multiple orders that met the criterion for first return order, the order with the earliest end date is the first return order. Where there are multiple orders with the same end date and 1 of those orders is a sentenced detention order, that order is the first return order.

Time to return

Where the index order is a community-based order, the time to return is calculated by subtracting the start date of the index order from the start date of the return order.

Where the index order is a detention order, the time to return is calculated by subtracting the end date of the index order from the start date of the return order.

Birth cohorts

To assess the rate of return over the entire period for which a young person is eligible to return to youth justice supervision, birth cohorts were constructed. These cohorts were restricted to young people born from 1990–91 to 1994–95 as these people will have all their sentenced supervision orders in the JJ NMDS, which has data from 2000–01 to 2011–12. In all states and territories in Australia, the youngest a person can have a sentenced youth justice order is 10 years. The age limit for receiving a sentenced youth justice order is 17 in all states and territories except Queensland, where the age limit is 16 years. Although it is possible for young people over the age of 17 to be supervised by youth justice agencies for a number of reasons, to ensure comparability, returns to supervision are only counted for the period in which all young people in most states and territories were eligible to be supervised by youth justice.

Supervision cohorts

To assess the rate of return over the 1 and 2 year timeframes, supervision cohorts were constructed. These cohorts were restricted to young people whose age made them eligible to return to youth justice supervision within the period. For the 1-year supervision cohorts, young people were excluded if they were aged 17 or older at either the start of their index order (if their index order was community-based supervision), or at the end of their index order (if their index order was detention). For the 2-year supervision cohorts, young people were excluded if they were aged 16 or older at either the start of their index order (if their index order was community-based supervision), or at the end of their index order (if their index order was detention).

Pseudo-recidivism analysis

Two states provided offence dates for a subset of the supervised order data in the JJ NMDS (offence date was not available for all sentenced orders). State 1 provided available offence dates for all supervised orders in the JJ NMDS (offence dates were not available for all orders), and 52% of these orders had more than 1 related offence date. State 2 provided available offence dates for supervised orders that were active in 2011–12. Each order had only 1 related offence date.

Consistent with the principle that recidivism be counted from the start of community-based orders and from the end of detention orders (Richards 2011), offence dates that are after the index offence date are only counted as return offences where the offence date is after the

order start date (where the order related to the offence is a community-based order) or after the order end date (where the order related to the offence is a detention order). This will exclude all offence date that occur between the date of the index order and either the start of the community-based order or the end of the detention order (including offences that occur before the start of the detention order). This may result in an underestimation of the extent of recidivism.

References

AIHW 2012. Linking SAAP, child protection and juvenile justice data: technical report. Cat. no. CSI 14. Canberra: AIHW.

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

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More information and related publications

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

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

The following AIHW publications may also be of interest:

- AIHW 2013. Youth justice in Australia 2011–12: an overview. Bulletin no. 115. Cat. no. AUS 170. Canberra: AIHW.
- AIHW 2013. Young people aged 10–14 in the youth justice system. Juvenile justice series no. 12. Cat. no. JUV 19. Canberra: AIHW.
- AIHW 2012. Juvenile detention population in Australia 2012. Juvenile justice series no. 11. Cat. no. JUV 11. Canberra: AIHW.
- AIHW 2012. Indigenous young people in the juvenile justice system: 2010–11. Bulletin no. 109. Cat. no. AUS 164. Canberra: AIHW.
- AIHW 2012. Girls and young women in the juvenile justice system: 2010–11. Bulletin no. 107. Cat. no. AUS 162. Canberra: AIHW.
- AIHW 2012. Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice. Data linkage series no. 13. Cat. no. CSI 13. Canberra: AIHW.
- AIHW 2012. Linking SAAP, child protection and juvenile justice data: technical report. Data linkage series no. 14. Cat. no. CSI 14. Canberra: AIHW.

This report reviewed results and recommendations of a project exploring youth recidivism, including determining whether youth recidivism could be analysed using data from the Juvenile Justice National Minimum Data Set (JJ NMDS). There are substantial benefits in using a longitudinal data collection such as the JJ NMDS, but also some limitations. Preliminary data analysed showed that nationally, over two-fifths (43%) of young people with sentenced supervision in 2010–11 had returned to sentenced supervision within 1 year, while over three-fifths (63%) of those with sentenced supervision in 2009–10 had returned to sentenced supervision within 2 years.