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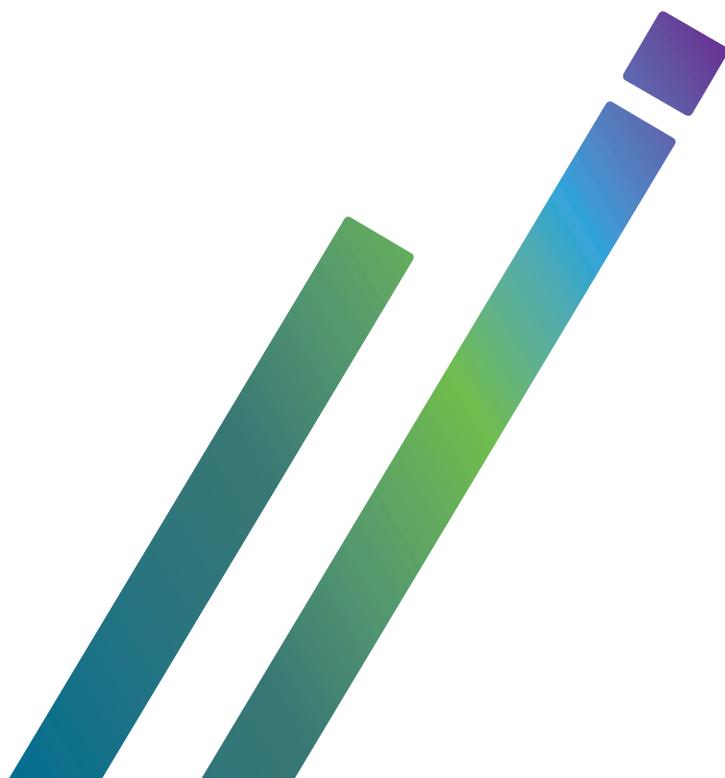
# Young people returning to sentenced youth justice supervision

2019–20



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# Summary

This report measures the number of young people who were released from a supervised youth justice sentence and who were subsequently returned—that is, young people who received another supervised sentence after the end of their initial sentence. Supervised sentences include both community-based and detention sentences.

## Birth cohort: key findings

The birth cohort analysis examines rate of return following the first supervised sentence, for young people who were born between 1990–91 and 2001–02, using their entire youth justice supervision history when they were aged 10–17.

### **The majority of young people do not return to sentenced supervision**

Three in five (59%) young people who were under sentenced youth justice supervision at some time between 2000–01 and 2019–20 did not return to sentenced youth justice supervision.

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

Of the young people aged 10–17 who were under sentenced youth justice supervision between 2000–01 and 2019–20:

- among those with an initial supervised community-based sentence, young people aged 10–12 at first sentenced supervision had the highest return rate (90%) of all age groups. The return rate declined with each successive age group
- males were more likely than females to receive an additional supervised sentence before the age of 18 (43% and 35%, respectively)
- Aboriginal and Torres Strait Islander young people were more likely than non-Indigenous Australians to receive an additional supervised sentence before age 18 (55% and 34%, respectively).

## Supervision cohort: key findings

The supervision cohort analysis examines the rate of return for young people who were released from a supervised sentence during 2018–19, and whose age made them eligible to return to youth justice supervision within 1 year (aged 10–16 at the time of release). It includes young people who were released from their first ever supervised sentence, and those who had already had a prior episode of sentenced supervision.

### **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 who were released from sentenced supervision in 2018–19 (allowing a 12 month follow-up period to 30 June 2020):

- more than one-third (38%) who were released from sentenced community-based supervision received a subsequent supervised sentence within 6 months, and more than half (54%) within 12 months

- about 3 in 5 (61%) who were released from sentenced detention received a subsequent supervised sentence within 6 months, and 4 in 5 (80%) within 12 months
- young people with at least one previous sentence were more likely than those with no previous supervised sentence to be returned to sentenced supervision. This finding was across supervision types (community-based vs detention) and time to return (6 months vs 12 months).

Over the 10 years to 2018–19, 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 since 2012–13.



# 1. Introduction

In Australia, sentenced youth justice supervision is provided by the state and territory government departments responsible for youth justice. Young people enter the system when investigated by the police for allegedly committing an offence.

In each of the states and territories, the department responsible for youth justice provides young people who are serving supervised sentences (see 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 improve employment skills, as well as cognitive-based interventions.

Details on the programs provided by each state and territory can be found at Appendix 4: State and territory youth justice systems, policies and programs 2019-20 *Youth justice in Australia 2019-20, Appendixes - Australian Institute of Health and Welfare*.

The rate of return to sentenced supervision is, in part, an indication of the performance of services provided by youth justice departments, 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

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). This report contains the following components:

- Chapter 1 introduces key concepts for this report.
- Chapter 2 describes the rate of return to sentenced supervision at any time while a young person was aged 10–17, for young people born from 1990–91 to 2001–02.
- Chapter 3 describes the rate of return to sentenced supervision within 6 and 12 months for young people who were released in 2018–19, and were aged 16 and under at the time of release.
- The Appendix provides further information on the data and methods.

## 1.1 Key concepts

The 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 a longitudinal person-based data set 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 recidivism (see *Returned to sentenced supervision* below). As youth justice departments are primarily responsible for providing rehabilitative services to young people under sentenced supervision only, measures of returns to sentenced supervision are likely to be more useful indicators of the effectiveness of their services than more general measures of recidivism. 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.

### Returned to sentenced supervision

This report measures the number of young people who were released from a supervised sentence and who were subsequently returned—that is, young people who received an additional supervised sentence after the end of their initial 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 will lead to a supervised sentence.

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

The YJ NMDS cannot provide an adequate measure of recidivism as it only contains data 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 the 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, which 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. As a result, 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 also 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 a minority of return sentences, as the majority of index sentences ended because they were completed.

## Birth and supervision cohorts

In most states and territories, young people are only eligible for youth justice supervision from the age of 10 (as children under the age of 10 cannot be charged with a criminal offence) until they are 17. 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, two types of analysis measure the rate of return to sentenced youth justice supervision for young people aged 10–17.

The first type of analysis uses a **birth cohort**. The birth cohort captures data in full for the young people during the period of interest—in the case of the youth justice system, this is 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 2001–02 (12 complete birth cohorts). YJ NMDS data for Tasmania are only available from 2006–07, for the Australian Capital Territory from 2008–09 and for the Northern Territory from 2012–13. Tasmania has 6 birth cohorts with complete data available for analysis, and the Australian Capital Territory has 4 cohorts. Birth cohort data are unavailable for analysis for the Northern Territory.

The second type of analysis uses 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 who were aged 10–16 at the time of release, allowing the measurement of returns for up to 12 months.

Prior to February 2018, young people in Queensland who offended while aged 17 or older were dealt with in the adult criminal justice system, and were not eligible to return to sentenced youth justice supervision. Young people who were 17 and older could return to supervision only if 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 previous years.

These 2 types of cohort analysis 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 following 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 two groups further.

## 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 that was committed before the index sentence (see 'pseudo-recidivism' in the Glossary for more details). The potential impact of this was assessed in Stage 1 of this project using pilot data from 2 states (see AIHW 2013). Although the data were limited, the analysis suggests sentences relating to earlier offences did not have a substantial impact on person-based analyses of returns to sentenced supervision.

## Notes

Full birth cohort data was not available for all states and territories. See figure and table footnotes and the Appendix for further information about data availability and limitations.

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.

## 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 from 1990–91 to 2001–02, as the YJ NMDS contains data on all supervised youth justice sentences for these young people from when they were aged 10 up to and including 17 years.

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

### Key findings

# 41%

Of young people born from 1990–91 to 2001–02 who had a supervised sentence, had a subsequent return to sentenced youth justice supervision before the age of 18.

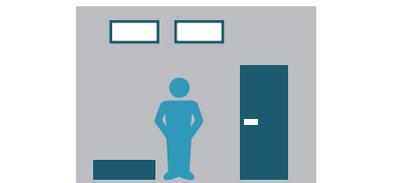


Where the first supervised sentence was **community-based**:

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

**13%** received an additional supervised sentence within 3 months.

Source: tables S1 and S4.



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.

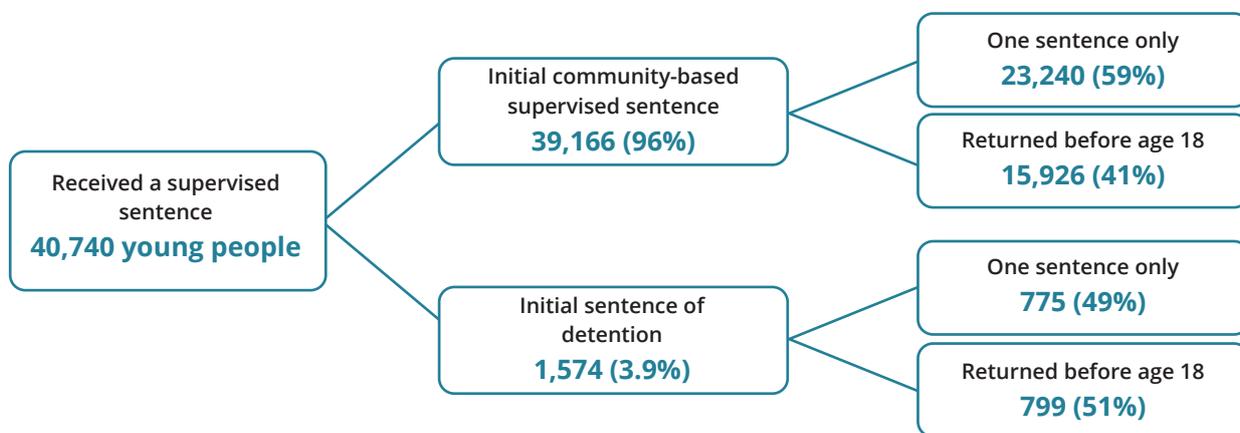
## 2.1 Demographics

The majority of young people who received a supervised sentence (see Glossary for definition) never returned to sentenced youth justice supervision. Of the 40,740 young people under sentenced supervision from 2000–01 to 2019–20 and born between 1990–91 and 2001–02, 24,015 (59%) received only one supervised sentence before the age of 18 (Table S1).

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

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

**Figure 2.1: Young people with a supervised sentence from 2000–01 to 2019–20, by type of initial sentence**



Note: Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.

Source: Table S1.

### Age

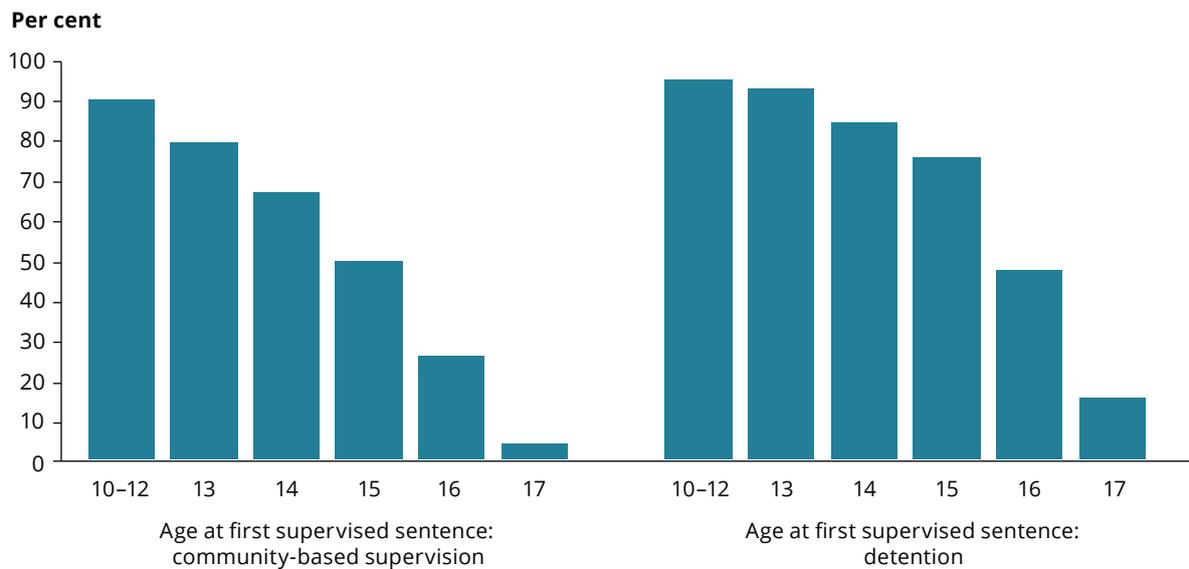
#### Return rate

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, while 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 return rate for young people who received an initial community-based supervised sentence declined with each successive age group. In the 10–12 age group, 9 in 10 (90%) young people were returned to sentenced supervision compared with about 1 in 24 (4.2%) aged 17.

The return rate pattern was similar where the first supervised sentence was detention. Almost all (95%) young people aged 10–12 were returned to sentenced supervision compared with about 1 in 6 (16%) aged 17. 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 (Table S2).

**Figure 2.2: Young people with more than 1 supervised sentence from 2000–01 to 2019–20, by age at first supervised sentence and type of initial sentence**



**Notes:**

1. Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.
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: Table S2.

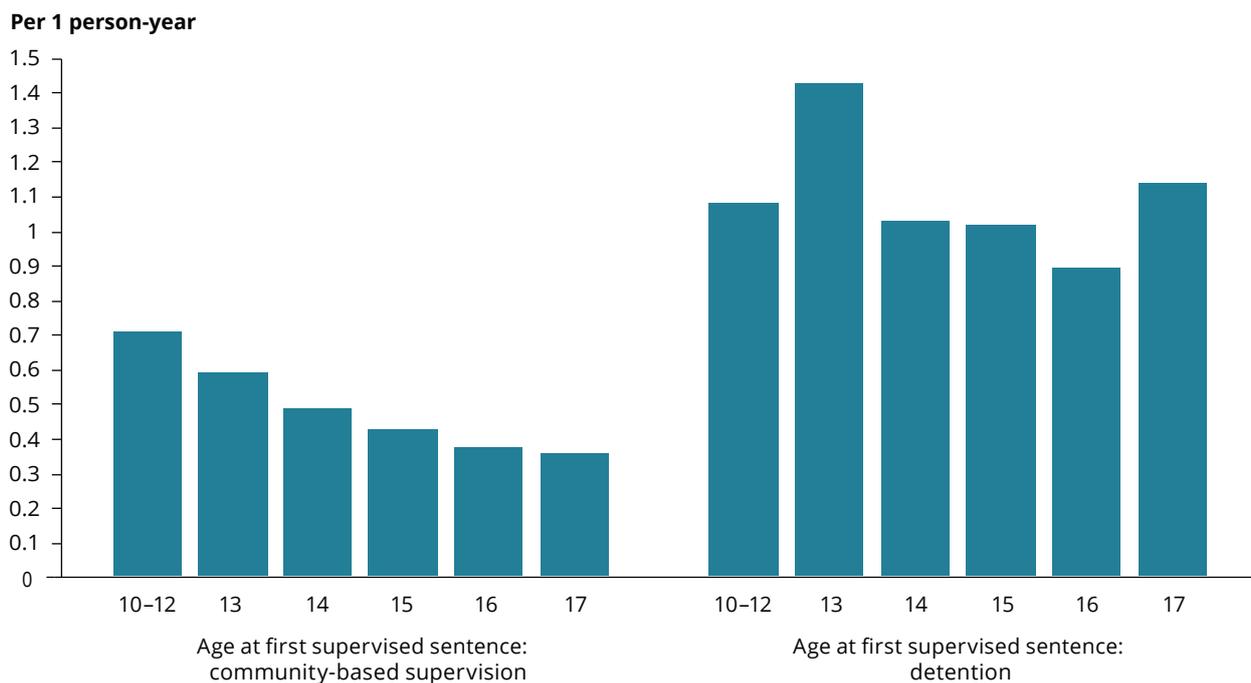
**Incidence rate of return**

As noted above, people in younger age groups have more time to return to youth justice supervision, and people who turn 18 years of age before returning to the justice system are not captured in this data. To control for the potential impact of age at first supervision on 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 sentence, and provide support to the findings reported above.

The findings of this analysis showed that despite these two issues, the incidence rate of return for young people with an initial community-based supervised sentence 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 an initial sentence of detention, the incidence rate of return was relatively high across all age groups compared to the return rate. The incidence rate of return was highest for young people aged 13 years (1.4 returns per person year) and lowest for young people aged 16 years (0.9 returns per person year) (Table S2a). The relatively high incidence rate of return for all age groups indicates that a portion of young people received an additional sentence within one year of release (see section 2.3).

**Figure 2.3: Young people with more than 1 supervised sentence from 2000–01 to 2019–20: Incidence rate of return by age at first supervised sentence and type of initial sentence**



**Notes:**

1. Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.
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: Table S2a.

## Sex

Of the 32,364 young males and 8,355 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 35%). This pattern was similar for males and females with an initial community-based supervised sentence (42% and 35% respectively).

Males and females had a similar rate of return when their initial supervised sentence was detention (51% compared with 52%) (Table S1).

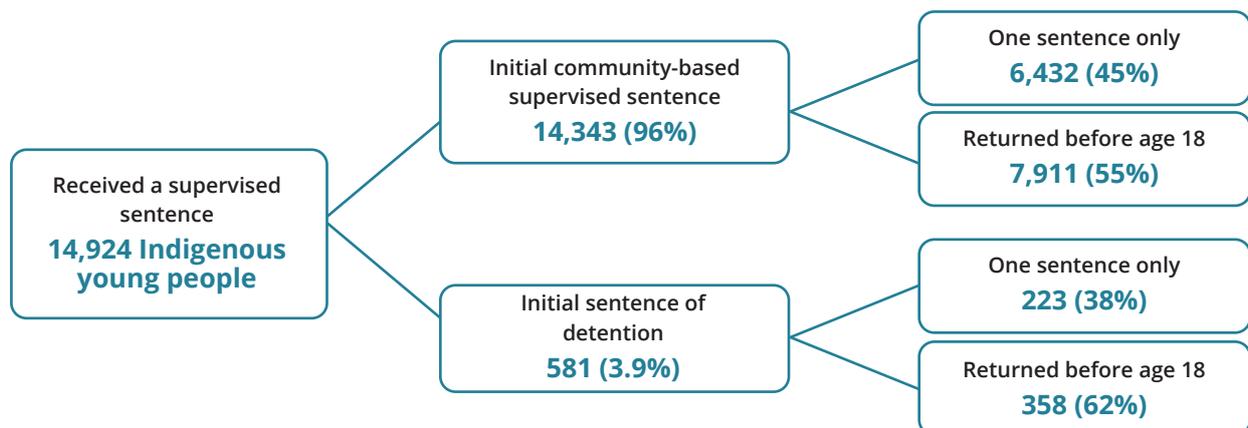
## Aboriginal and Torres Strait Islander young people

Aboriginal and Torres Strait Islander young people typically enter youth justice at younger ages than non-Indigenous young people (AIHW 2021). 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 Indigenous 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 (37% or 14,924) were Indigenous. The vast majority (96%) of Indigenous young people received an initial community-based supervised sentence. Of the 14,343 Indigenous young people with an initial community-based supervised sentence, just over half (55%) received an additional supervised sentence. Of the 581 Indigenous young people with an initial supervised sentence of detention, three-fifths (62%) had an additional supervision before age 18 (Figure 2.4).

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

**Figure 2.4: Indigenous young people with a supervised sentence from 2000–01 to 2019–20, by type of initial sentence**



*Note:* Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.

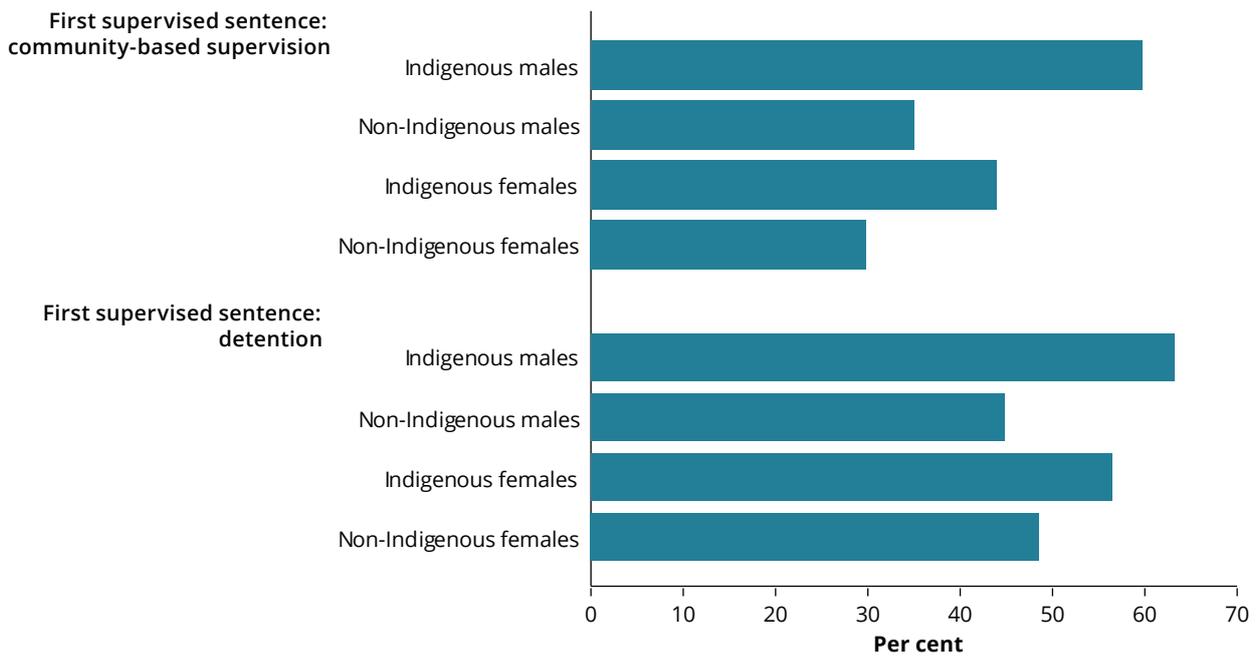
*Source:* Table S1.

## Sex

Of the 10,790 Indigenous male and 3,544 Indigenous female young people with an initial community-based supervised sentence, males were 1.4 times as likely as females to receive an additional supervised sentence before the age of 18 (59% compared with 44%) (Figure 2.5).

Similarly, of the 513 Indigenous male and 68 Indigenous female young people who received an initial sentence of detention, 62% of males and 56% of females received an additional supervised sentence before the age of 18.

**Figure 2.5: Young people with more than 1 supervised sentence from 2000–01 to 2019–20, by sex, Indigenous status, and type of initial sentence**



*Note:* Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.  
*Source:* Table S1.

## 2.2 Length of first supervised sentence

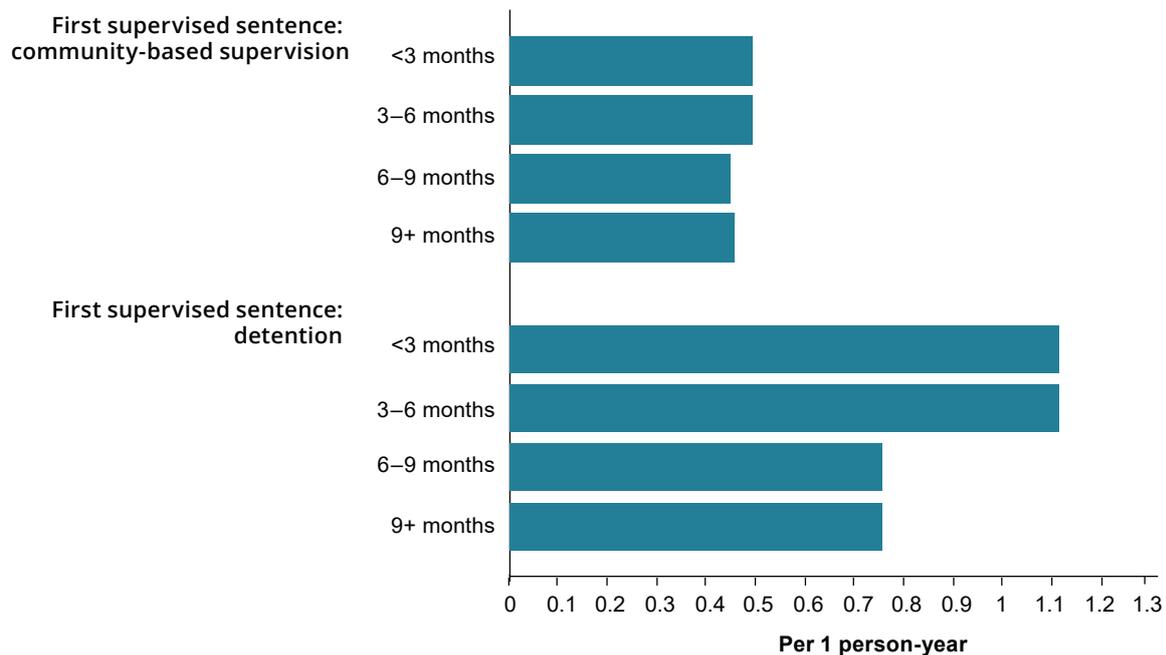
Young people with shorter initial sentences were more likely to be returned to sentenced supervision than young people who served longer initial sentences (Table S3). This may be due to a number of factors, including access to and the completion of services.

Young people with an initial community-based supervised sentence of less than 3 months were 1.5 times as likely as young people with an initial sentence longer than 9 months to be returned to sentenced supervision (49% and 33% respectively) (Table S3).

This difference was more pronounced for detention, where young people with a sentence less than 3 months were 2.9 times as likely as young people with a sentence longer than 9 months to be returned to sentenced supervision (66% and 23% respectively) (Table S3).

Young people serving longer sentences may have less time available to receive an additional supervision prior to turning 18. To examine this for the initial community-based supervised sentence and initial sentence of 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. The incidence rate of return for young people with an initial sentence of detention of less than 6 months was higher than for those with an initial detention sentence of longer than 6 months (1.11 per person year compared with 0.76 per person year).

**Figure 2.6: Young people with more than 1 supervised sentence from 2000–01 to 2019–20: Incidence rate of return by length and type of initial supervised sentence**



*Note:* Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.  
*Source:* Table S3a.

The relationship between sentence length and returning to sentenced supervision may be due to the 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. This will occur if the sentence is shorter than the rehabilitation program and participation in the program is not continued or completed once a young person has exited 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. As a result of 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 were returned to sentenced supervision were likely to return within a relatively short time (Figure 2.7).

Of the 39,166 young people who had an initial community-based supervised sentence:

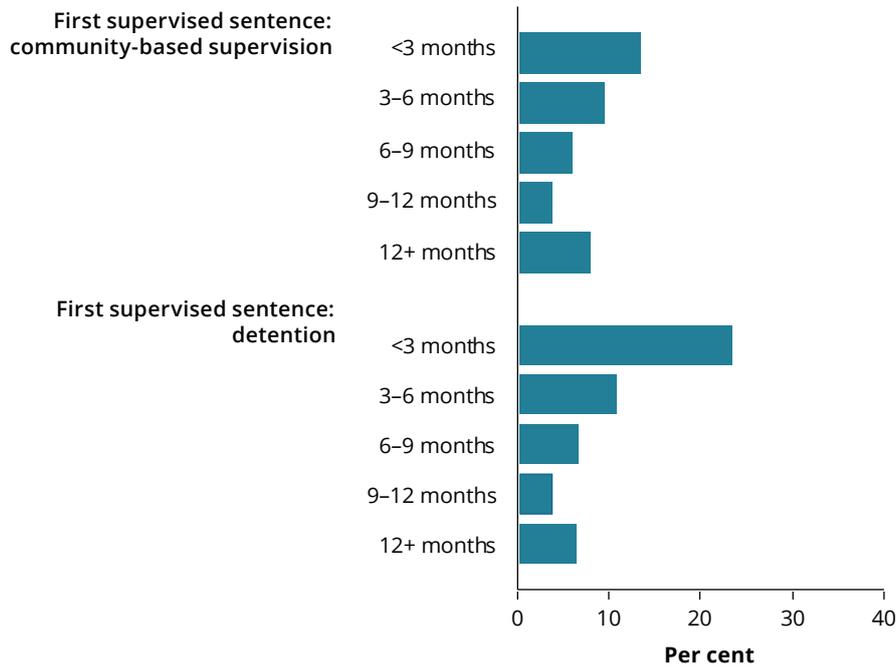
- 41% were returned in total (due to rounding, the proportions of returns presented below do not sum to the total)
  - 13% were returned within 3 months
  - 9.5% were returned within 3–6 months
  - 6.0% were returned within 6–9 months
  - 3.7% were returned within 9–12 months
  - 7.9% were returned after 12 months.
- 59% did not return at all.

People with a first supervised sentence of detention were more likely than people with a first community-based supervised sentence to receive an additional supervised sentence in a relatively short time.

Of the 1,574 young people with an initial supervised sentence of detention:

- 51% were returned in total
  - 24% were returned within 3 months
  - 11% were returned within 3–6 months
  - 6.5% were returned within 6–9 months
  - 3.7% were returned within 9–12 months
  - 6.3% were returned after 12 months.
- 49% did not return at all.

**Figure 2.7: Young people with more than 1 supervised sentence from 2000–01 to 2019–20, by time to first return to sentenced supervision and type of initial sentence**



*Note:* Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.

*Source:* Table S4.

## 2.4 Total number of supervised sentences

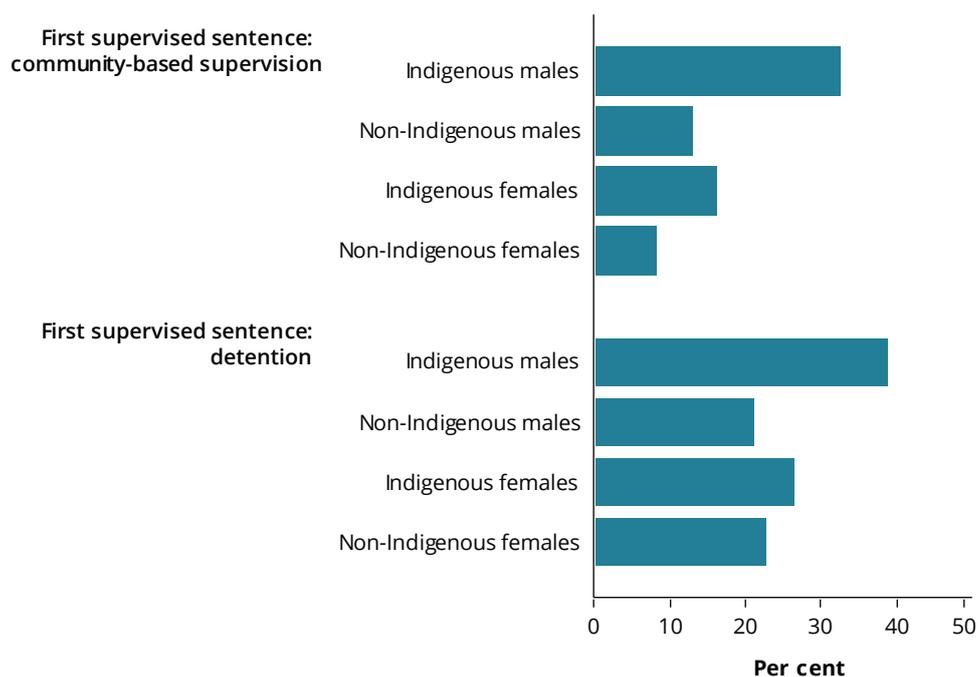
A small number of young people who entered sentenced supervision received five or more sentences before the age of 18 (Table S5).

Of the 39,166 people with an initial community-based supervised sentence, almost one-fifth (18%) received 5 or more supervised sentences. This proportion was higher for young people with an initial supervised sentence of detention (1,574) where just over one-quarter (27%) received 5 or more supervised sentences (Table S5).

Indigenous males were twice as likely as Indigenous females to receive 5 or more supervised sentences when their initial sentence was community-based (33% compared to 16%) and 1.5 times as likely when the initial sentence was detention (39% compared to 26%) (Figure 2.8).

Indigenous young people were 2.4 times as likely as non-Indigenous young people to receive 5 or more supervised sentences when their initial sentence was community-based and 1.8 times as likely to receive 5 or more supervised sentences following an initial sentence of detention (Table S5).

**Figure 2.8: Young people with 5 or more supervised sentences from 2000–01 to 2019–20, by sex, Indigenous status, and type of initial sentence**



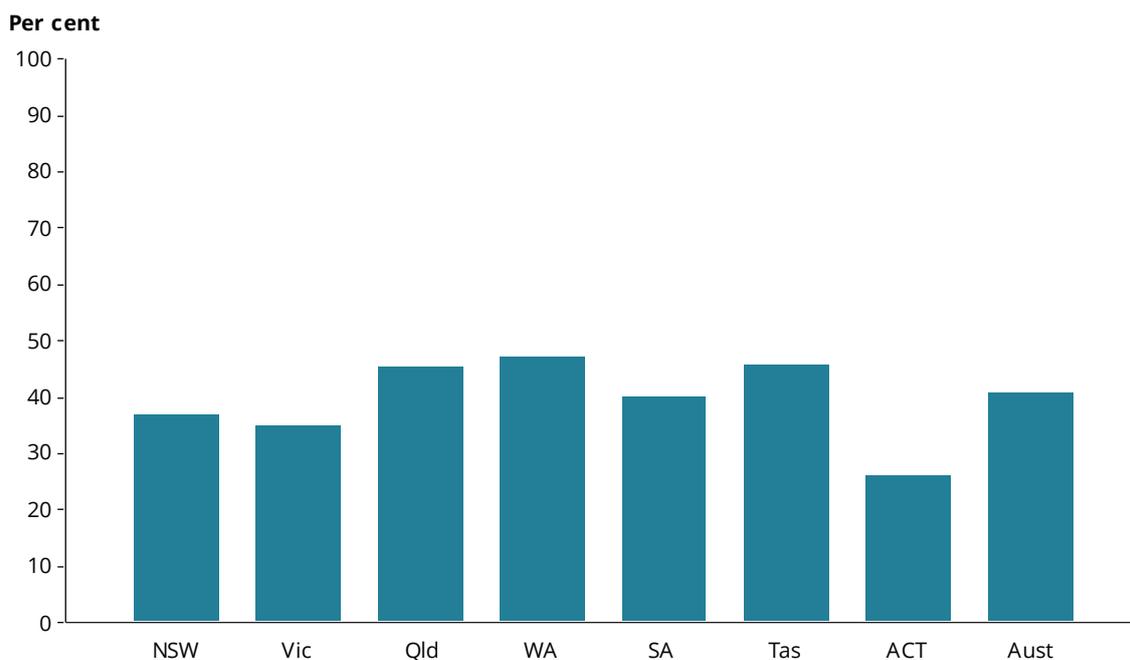
*Note:* Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.

*Source:* Table S5.

## 2.5 States and territories

The proportion of young people who received an additional supervised sentence ranged from one-quarter (26%) in the Australian Capital Territory to almost half (47%) in Western Australia, Queensland (46%) and Tasmania (46%). Note, data for the Northern Territory are only available from 2012–13. Therefore, the Northern Territory are not included in this analysis as no full birth cohorts are available for reporting (see Appendix) (Figure 2.9).

**Figure 2.9: Young people with more than 1 supervised sentence from 2000–01 to 2019–20, 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 6 full birth cohorts available for analysis, and the Australian Capital Territory has 4 full cohorts. Birth cohort data are unavailable for analysis for the Northern Territory.
2. Data relate to young people aged 10–17 who were supervised from 2000–01 to 2019–20.
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:* Table S6.

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

One way of exploring the effectiveness of services provided by youth justice departments is to measure how soon young people return to sentenced supervision (see Glossary for definition), 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 who were released from a supervised sentence (see Glossary for definition) during 2018–19 (see the Appendix for more information on the data and methods).

Data are presented for returns within 6 and 12 months of release. For information on the selection of these timeframes see *Using the Juvenile Justice National Minimum Data Set to measure returns to sentenced youth justice supervision: stage 2* (AIHW 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 timeframes of 6 and 12 months are unlikely to directly correspond to the time to reoffend. Several administrative procedures, such as court proceedings, occur before a young person can return to sentenced supervision, which will affect the rate of return.

It should be noted that in 2019–20, about one-third (34%) of cases heard in children’s courts where the defendant was found guilty took longer than 3 months to be finalised, and 1 in 5 (20%) took more than 6 months (ABS 2021).

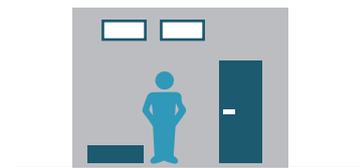
#### Key findings for young people aged 10–16 who were released in 2018–19



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

**38%** were returned to sentenced supervision within 6 months

**54%** were returned to sentenced supervision within 12 months



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

**61%** were returned to sentenced supervision within 6 months

**80%** were returned to sentenced supervision within 12 months

Returned within



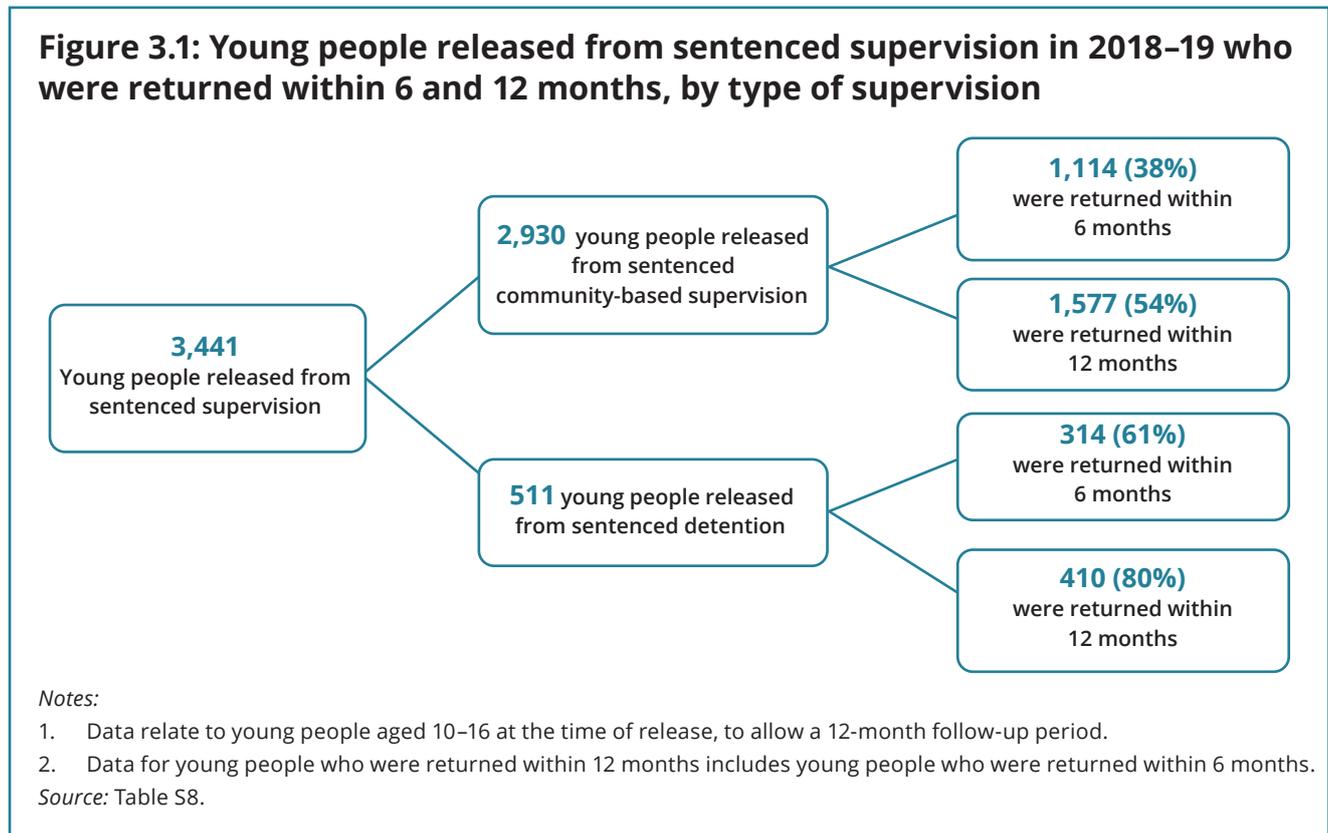
Returned within



Source: Table S7.

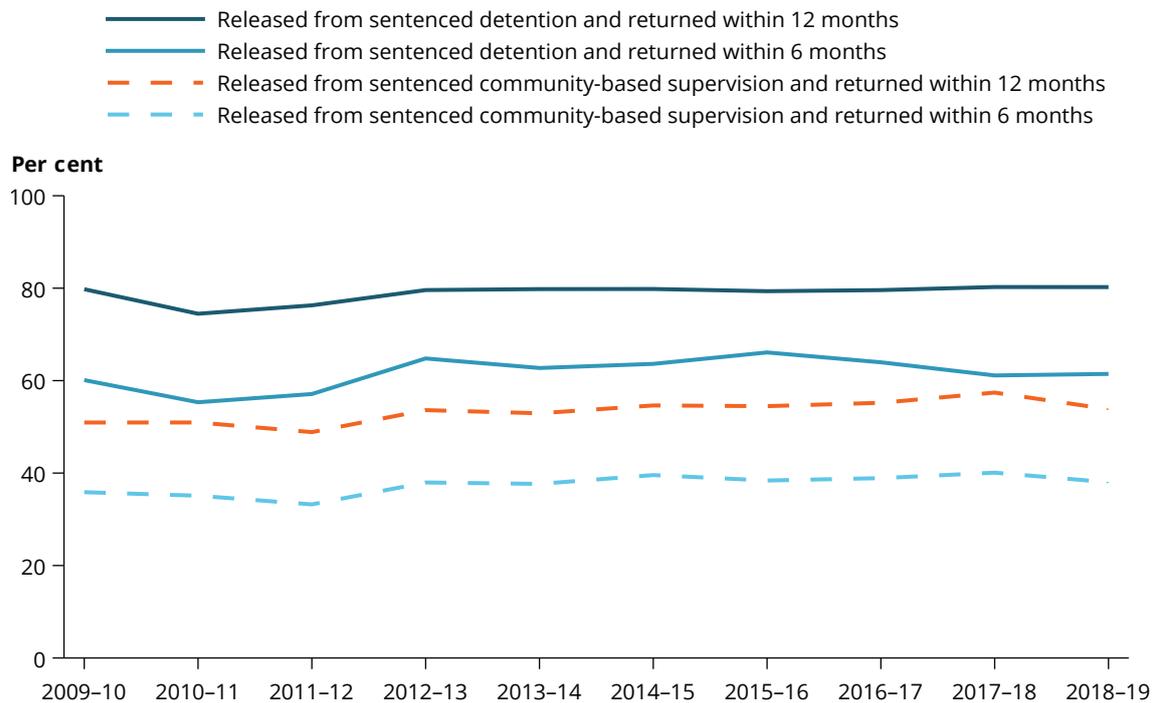
### 3.1 Trends

Of the 2,930 young people aged 10–16 who were released from a community-based supervised sentence in 2018–19, 1,114 (38%) were returned to sentenced supervision within 6 months and 1,577 (54%) were returned within 12 months (Figure 3.1). The return rate within 6 months fluctuated over the 10 years from 2009–10, with a low of 33% in 2011–12 and a peak of 40% in 2017–18. The rate of return within 12 months showed a similar pattern, with a low of 49% in 2011–12 and a peak of 57% in 2017–18 (Table S7).



Of the 511 young people aged 10–16 who were released from sentenced detention in 2018–19, 314 (61%) were returned to sentenced supervision within 6 months (Figure 3.1). Over the 10 years from 2009–10, the rate of return fluctuated, with a low of 55% in 2010–11 and a high of 66% in 2015–16. A total of 410 (80%) young people were returned to sentenced supervision within 12 months once released from sentenced detention in 2018–19, with the rate of return relatively stable since 2012–13 (Figure 3.2).

**Figure 3.2: Young people released from sentenced supervision who were returned within 6 and 12 months, by year of release and type of supervision, 2009–10 to 2018–19**



*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: Table S7.

## 3.2 Demographics

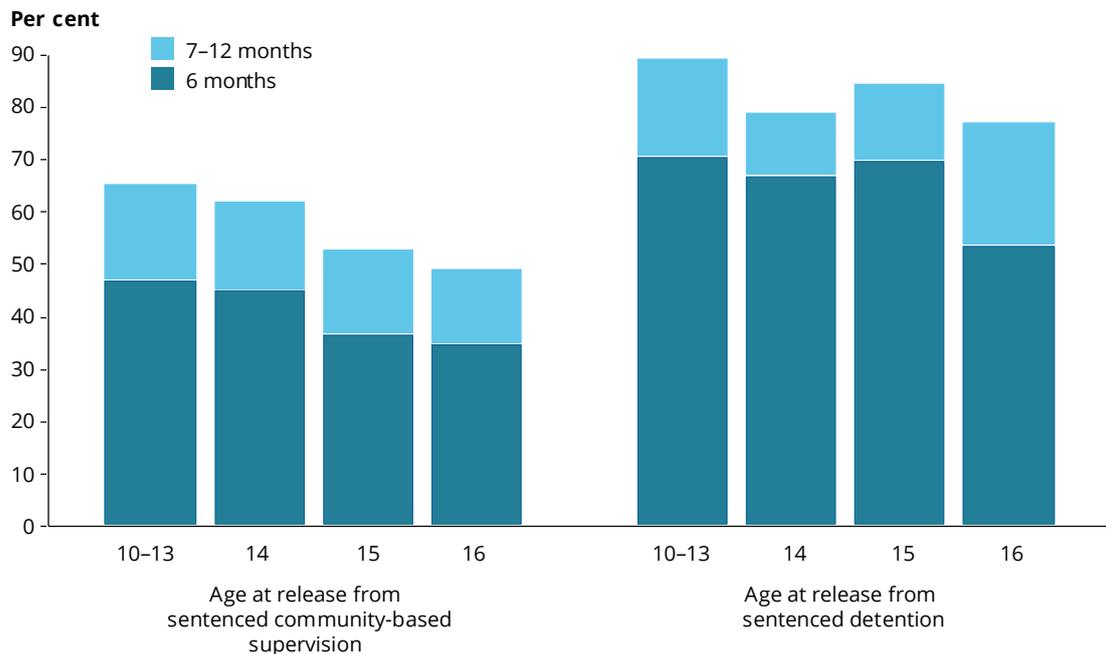
### Age

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

About two-thirds (65%) of young people aged 10–13 years when released from sentenced community-based supervision were returned to sentenced supervision within 12 months, compared with almost half (49%) of young people aged 16 at release (a rate ratio of 1.3).

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 at release were 1.2 times as likely as young people aged 16 at release to be returned within 12 months (89% compared with 77%). The number of young people released from sentenced detention aged 10–13 is small so results should be interpreted with caution (Table S9).

**Figure 3.3: Young people released from sentenced supervision in 2018–19 who were returned within 6 and 12 months, by age at release and type of initial supervision**



*Note:* Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.  
*Source:* Table S9.

## Sex

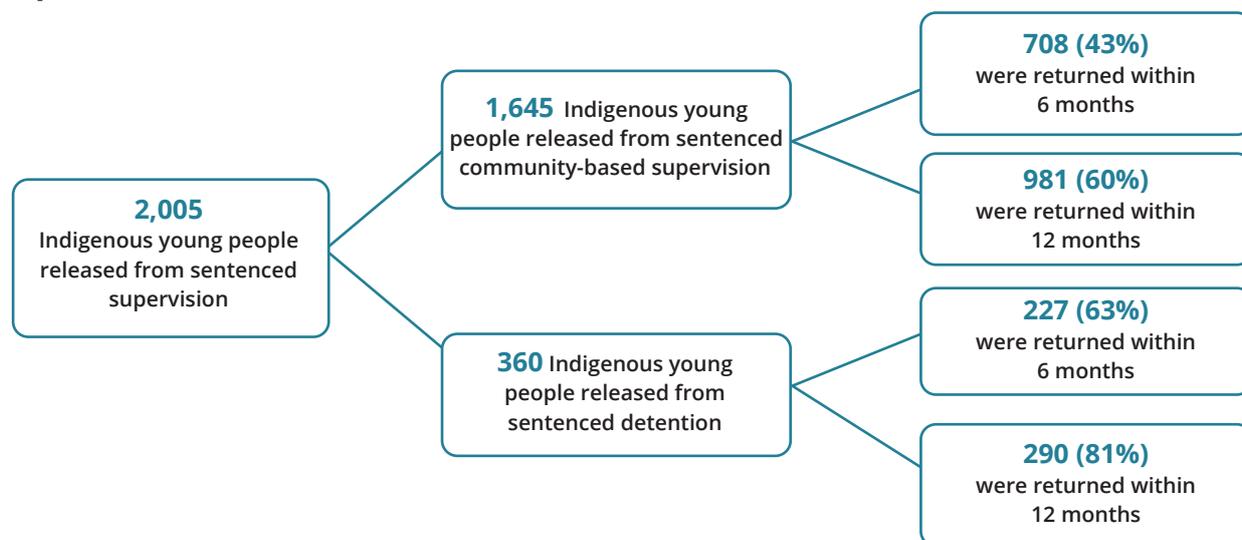
Young males released from sentenced community-based supervision were 1.2 times as likely as young females to receive a subsequent supervised sentence within 6 months (40% compared with 32%) and 1.3 times as likely to be returned within 12 months (57% compared with 45%) (Table S8).

There was a similar percentage of males and females released from detention who were returned to sentenced supervision within 6 months (62% compared to 61%). Males were more likely than females to receive a subsequent supervised sentence 12 months after release (81% and 75% respectively).

## Aboriginal and Torres Strait Islander young people

Of the 1,645 Aboriginal and Torres Strait Islander young people released from sentenced community-based supervision in 2018–19, more than 2 in 5 (43%) received a subsequent supervised sentence within 6 months and 3 in 5 (60%) were returned within 12 months (Figure 3.4). A lower proportion of non-Indigenous young people released from sentenced community-based supervision were returned to sentenced supervision within 6 and 12 months (32% and 47%, respectively). These differences were less obvious for young people released from sentenced detention (Table S8). As discussed in Chapter 2, Indigenous young people typically enter youth justice supervision at a younger age than non-Indigenous people, which may impact on rates of return.

**Figure 3.4: Young people released from sentenced supervision in 2018–19 who were returned within 6 and 12 months, by Indigenous 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 who were returned within 12 months includes young people who were returned within 6 months.

Source: Table S8.

## Sex

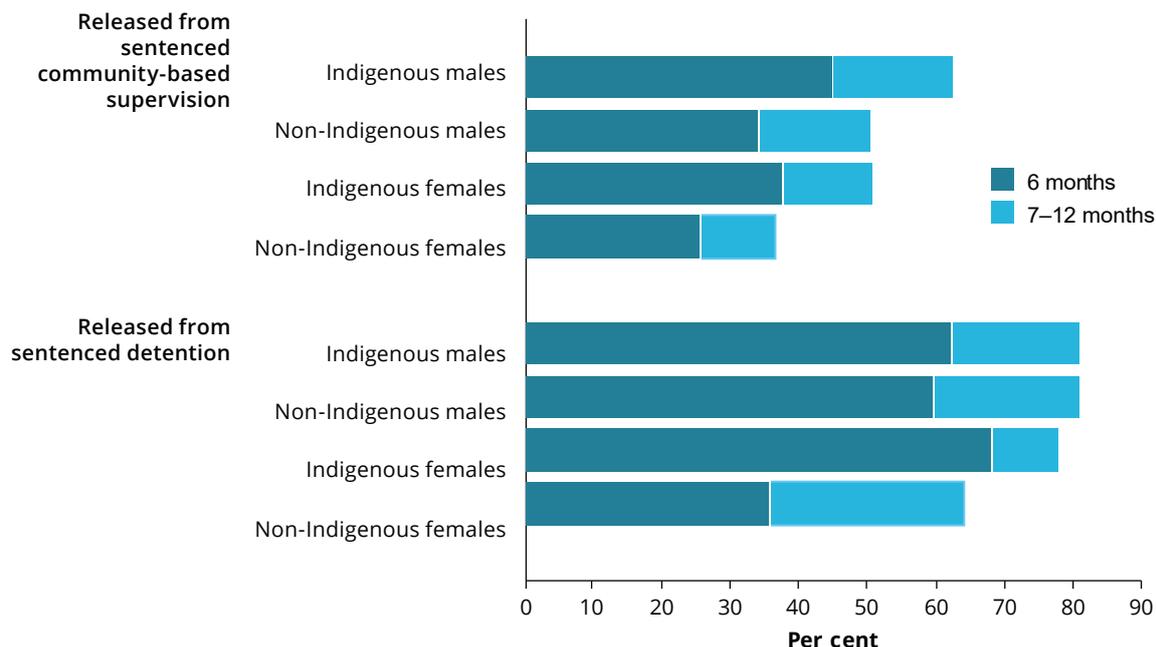
Of Indigenous young people released from sentenced community-based supervision in 2018–19 (1,645), three-quarters (75%) were male and one-quarter (25%) female. Males were 1.2 times as likely as females to receive a subsequent supervised sentence within 6 months (45% compared with 38%) and 12 months (63% compared with 51%). There was a similar pattern evident for non-Indigenous males and females released from community-based supervision who were returned to sentenced supervision within 6 months (34% compared to 26%) and within 12 months (50% compared with 37%) (Figure 3.5).

Of Indigenous young people released from sentenced detention (360), 86% were male and 14% female. Males were less likely than females to receive a subsequent supervised sentence within 6 months (62% compared with 68%), but more likely to receive a subsequent supervised sentence within 12 months (81% compared with 78%) (Table S8).

Of non-Indigenous young people released from sentenced detention, males were more likely than females to receive a subsequent supervised sentence within 6 months (60% compared with 36%) and within 12 months (81% compared with 64%) (Figure 3.5).

The number of non-Indigenous young females released from detention in 2018–19 was small, so results should be interpreted with caution (Table S8).

**Figure 3.5: Young people released from sentenced supervision in 2018–19 who were returned within 6 and 12 months, by sex, Indigenous 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.

Source: Table S8.

### 3.3 Previously sentenced to supervision

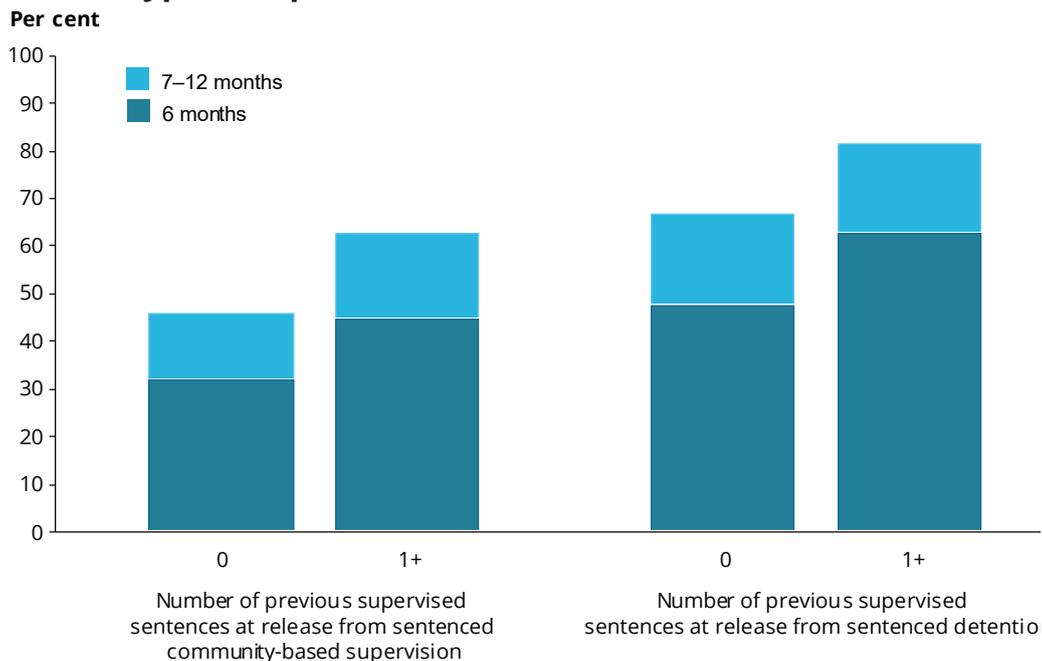
Previous studies have shown a relationship between the likelihood of returning to sentenced supervision (and the criminal justice system more broadly) and offending history (Chen et al 2005; Lind 2011; Payne 2007; Payne & Weatherburn 2015; Stewart et al 2007). However, because offences are not captured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

Of all young people aged 10–16 who were released from sentenced community-based supervision in 2018–19 (2,930), just over half (52%) had no previous sentence (Table S10).

Young people with one or more previous supervised sentences were 1.4 times as likely as young people with no previous supervised sentences to receive a subsequent sentence within 12 months (63% compared with 46%). The rate of returns within 6 months followed a similar pattern; young people with one or more previous sentences were 1.4 times as likely as people with no previous supervised sentence to receive a subsequent sentence (45% compared with 32%) (Figure 3.6).

Of the 511 young people released from sentenced detention, about 9 in 10 (92%) had at least one previous supervised sentence and 1 in 12 (8%) had no previous supervised sentence. Young people with at least one previous supervised detention sentence were 1.2 times as likely as people who had no previous supervised sentence to receive a subsequent sentence within 12 months (81% compared with 67%). This was similar for returns within 6 months; young people with at least one supervised detention sentence were 1.3 times as likely as young people with no previous sentence to receive a subsequent sentence within 6 months (63% compared with 48%).

**Figure 3.6: Young people released from sentenced supervision in 2018–19 who were returned within 6 and 12 months, by number of previous supervised sentences and type of supervision**

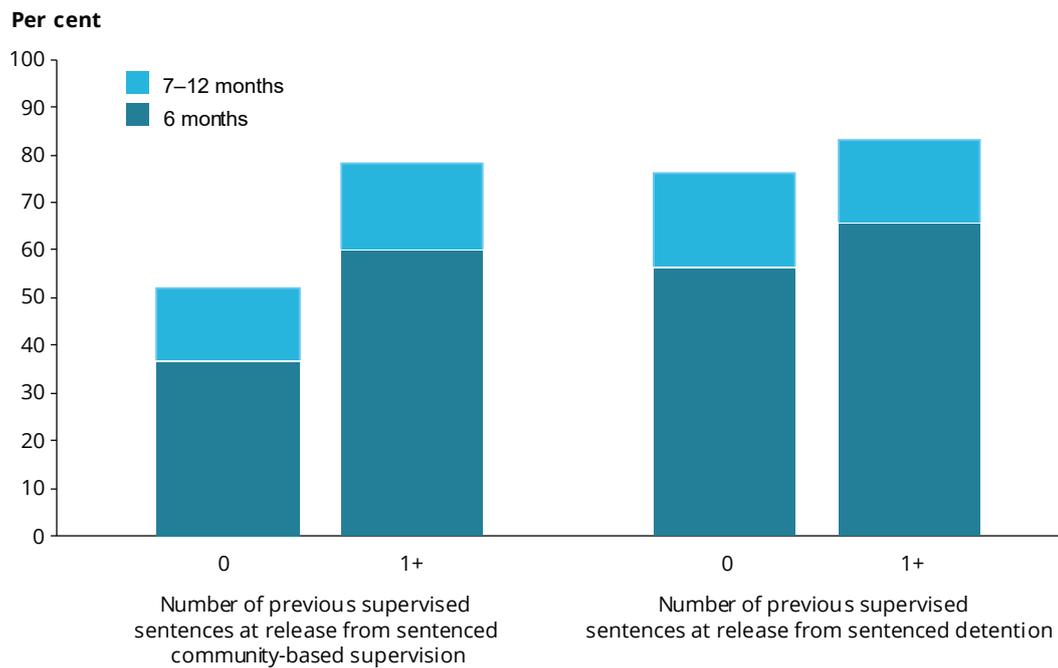


*Note:* Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up period.  
*Source:* Table S10

Of the 2,930 young people released from sentenced community-based supervision in 2018–19, 95% had no previous detention sentences and 5% had one or more. Young people released from sentenced community-based supervision with at least one previous detention sentence were 1.6 times as likely as young people who had no previous detention sentences to receive a subsequent supervised sentence within 6 months (60% compared with 37%), and 1.5 times as likely within 12 months (78% compared with 52%), (Figure 3.7).

Of the 511 young people released from sentenced detention, just over half (53%) had at least one previous sentence of detention. Young people with a previous detention sentence were more likely to receive a subsequent supervised sentence than people with no previous detention sentence, both within 6 months (66% compared with 57%) and 12 months (84% compared with 76%) (Table S11).

**Figure 3.7: Young people released from sentenced supervision in 2018–19 who were 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:* Table S11.

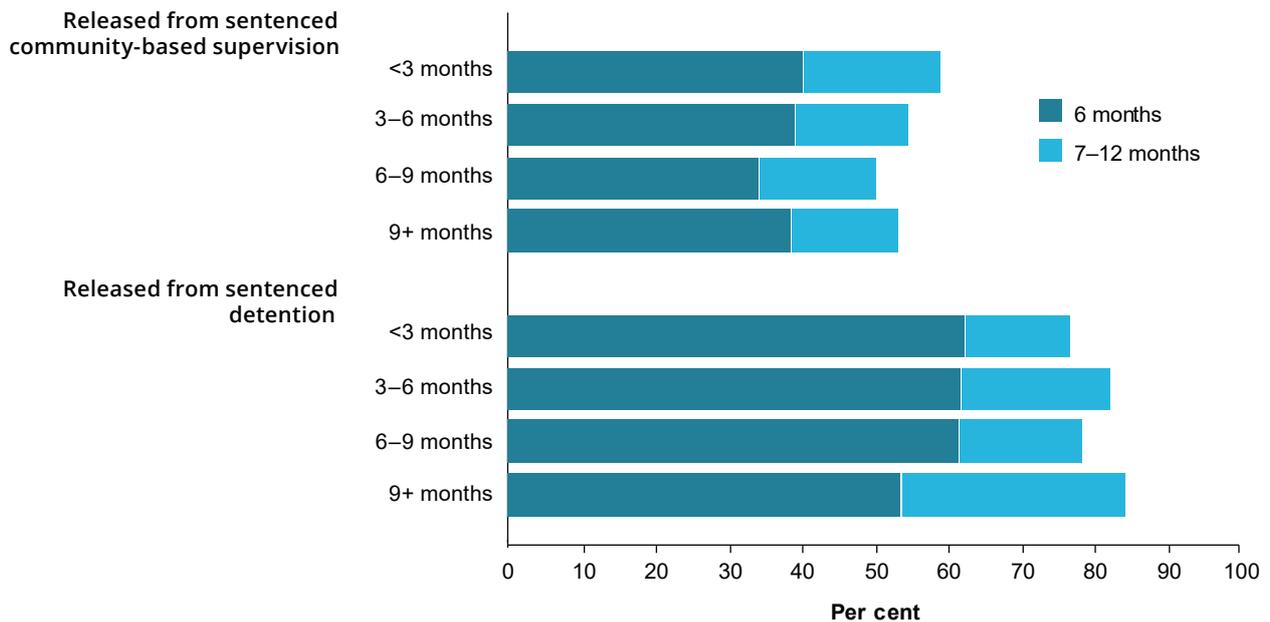
### 3.4 Length of index sentence

For sentenced community-based supervision, young people released from shorter sentences of less than 3 months were generally more likely to receive a subsequent supervised sentence within 12 months compared with young people released from sentences longer than 3 months. (Figure 3.8).

Three in five (59%) young people released from a supervised community-based sentence that lasted less than 3 months received a subsequent supervised sentence within 12 months. The lowest return rate was for young people released from a community-based supervised sentence of 6–9 months (50%).

The rate of return within 6 months from a sentence of detention was similar for all sentence lengths up to 9 months (62%). Young people released from a sentence lasting 9+ months were the least likely to return within 6 months of release (54%) but most likely to return within 12 months (85%).

**Figure 3.8: Young people released from sentenced supervision in 2018–19 who were 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: Table S12

### 3.5 Returned with a sentence of detention

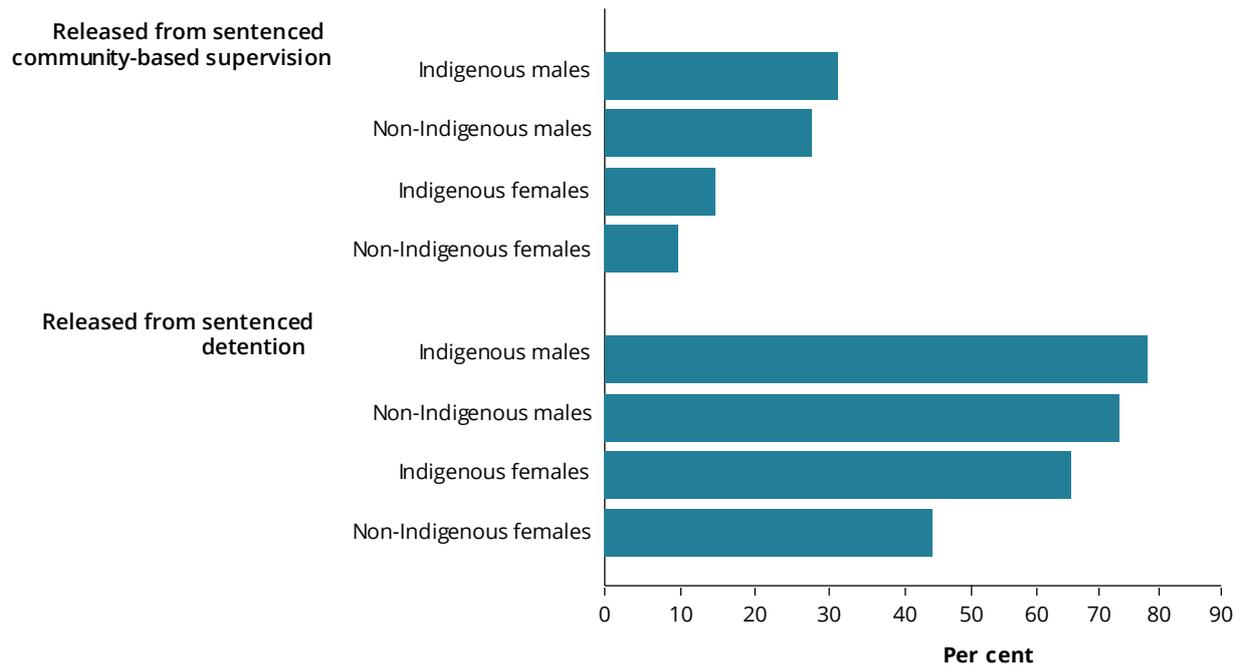
Young people who were released from sentenced detention were more likely to return with a detention sentence than young people released from sentenced community-based supervision (Figure 3.9).

Of the 410 young people who were released from a sentence of detention and who were returned within 12 months, three-quarters (75%) received a detention sentence. Males were 1.2 times as likely as females to receive a subsequent detention sentence (77% compared with 63%) (Table S13).

Just over one-quarter (27%) of the 1,577 young people who were released from sentenced community based supervision, were returned to a sentence of detention within 12 months. Males were 2.2 times as likely as females to receive a subsequent sentence of detention within 12 months (31% compared with 14%).

Indigenous young people were only slightly more likely than non-Indigenous young people to receive a subsequent detention sentence within 12 months after an initial community-based sentenced supervision (29% compared with 25%) or detention (76% compared with 71%) (Table S13).

**Figure 3.9: Young people released from sentenced supervision in 2018–19 who were returned with a detention sentence within 12 months, by sex, Indigenous 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.

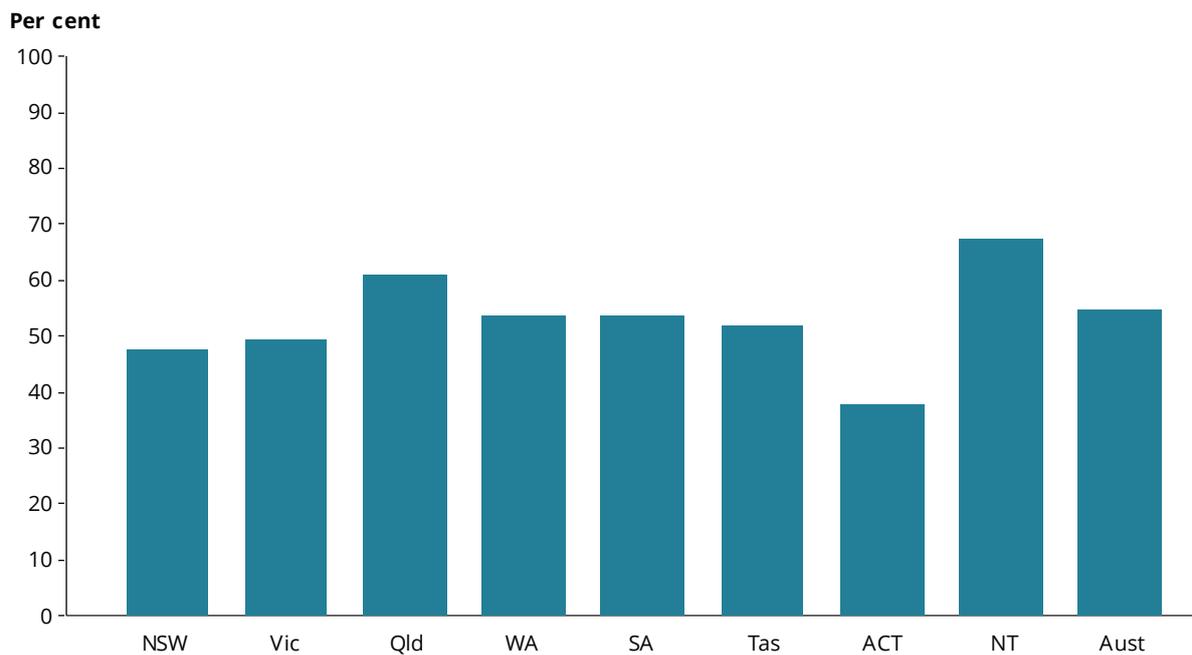
Source: Table S13.

### 3.6 States and territories

The proportion of young people released from sentenced supervision in 2018–19 who were returned within 12 months varied from 38% in the Australian Capital Territory to 61% in Queensland and 68% in the Northern Territory (Figure 3.10).

The numbers of young people in each state and territory were too small to reliably break down further into the type of sentence (community-based or detention) from which the young person was released.

**Figure 3.10: Young people released from sentenced supervision in 2018–19 who were returned within 12 months, by state or territory of index sentence**



*Notes:*

1. See the Appendix for details of data and methods.
2. The upper age range for treatment under the youth justice system was 16 in Queensland until new legislation was enacted in February 2018 to raise it to 17. For this reason, Queensland data may not be comparable with previous years.
3. Data relate to young people aged 10–16 at the time of release, to allow a 12-month follow-up.
4. Due to the small numbers reported in some states and territories, comparisons should be made with caution.
5. Variations in state-based legislation, policies and practices may affect the comparability of data between states and territories.

*Source:* 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 2019–20.

For more information on YJ NMDS data quality and coverage, see the YJ NMDS Data Quality Statement at [Youth Justice NMDS 2019–20: Quality Statement](#).

## 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 further 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 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, one set was randomly selected.

## Analysis data sets

### Cohorts

In all states and territories, young people are only eligible for youth justice supervision from the age of 10 (as children under the age of 10 cannot be held criminally responsible). The upper age for receiving a sentenced youth justice order is 17 in 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 people who were released from sentenced supervision in the same period (supervision cohorts), and for people who were born in the same period (birth cohorts) (Table A1).

The birth cohorts for this analysis comprised all young people in the YJ NMDS who were born from 1990–91 to 2001–02, as these people would have all their sentenced youth supervision orders in the YJ NMDS (which has data from 2000–01 to 2018–19).

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

YJ NMDS data for Tasmania are only available 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 with an age making 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**

Timeframe	Type of cohort	Years of birth	Years of supervision		Age at release
			Index sentence	Return sentences	
6 months	Supervision	N/A	2018–19	2018–19 to 2019–20	10–16
12 months	Supervision	N/A	2018–19	2018–19 to 2019–20	10–16
All possible supervision <sup>(a)</sup>	Birth	1990–91 to 2000–02	2000–01 to 2019–20	2000–01 to 2019–20	10–17

(a) Full cohort data are available for New South Wales, Victoria, Queensland, Western Australia, and South Australia. Tasmania has 6 full birth cohorts available for analysis, and the Australian Capital Territory has 4 full cohorts. Birth cohort data are unavailable for analysis for the Northern Territory.

## 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 an 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, then a sentence is randomly selected from the set.

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

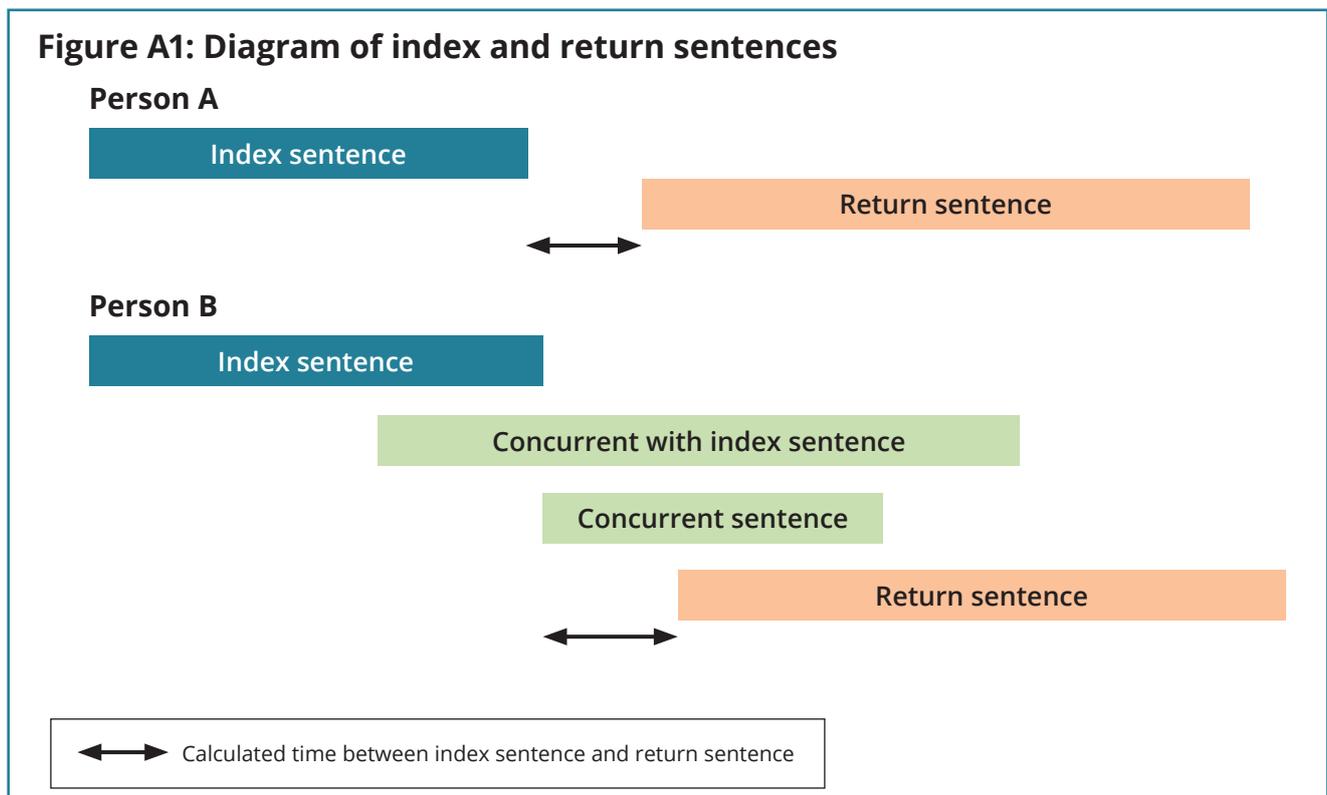
## Birth cohorts

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, then 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 has 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 to 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 'Exclusions').

## Number of previous supervised sentences

The count of previous supervised sentences was created by ordering the supervised sentences by start and end date. Where a supervised community-based sentence and a detention sentence share the same start and end date, the detention sentence is considered to have occurred before the community-based sentence for the purposes of counting the number of previous supervised sentences.

## 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 initial sentence end date and return sentence start date. For young people who did not return to sentenced supervision, the at-risk period was the total number of days between the initial sentence end date and date of turning 18 years. Number of days was converted to years by multiplying by 0.002738. For people who turned 18 years during an initial sentenced order, their time at risk was 0. It is unknown if a person died subsequent to their index sentence, but it is expected this number was very small and will have little meaningful difference to the results.

An incidence return rate for age at start of first sentence and for length of first index sentence was included in the current report. The incidence return rate was calculated as the total number of returns after the initial sentence divided by the total amount of time (years) the birth cohort spent at risk of return for each category (e.g., 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 years at the start of their first sentence was calculated as the total number of people aged 14 at the start of their sentence who were returned to supervision, divided by the total number of person years at risk for all young people aged 14 years at the start of their sentence.

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 have turned 18.

### **Sentences that ended because the young person died**

Sentences that ended because the young person died were excluded.

## **Sentences overturned on review**

Sentences that were overturned on review were excluded, as these are no longer considered to relate to an offence. In the 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 2020 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 only be kept in detention as a last resort, and for the shortest time practicable.

For data supplied for the YJ NMDS 2019–20, 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 longer adjudication periods (ABS 2021).

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- Department of Justice and Community Safety, Victoria
- Department of Youth Justice, Queensland
- Department of Justice, Western Australia
- Department of Human Services, South Australia
- Department of Communities Tasmania, Tasmania
- Community Services Directorate, Australian Capital Territory
- Territory Families, Northern Territory.

# Glossary

**community-based sentence/supervision:** A sentence that requires the young person to be supervised by a youth justice agency, within the community. This includes orders such as probation, suspended detention, parole, and supervised release.

**detention sentence:** A sentence that requires the young person to be detained in a youth justice facility.

**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 beginning of a subsequent sentence or turning 18 years.

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

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

For example, offence A was committed on 1 January, and the related sentence started 1 June and ended 30 June. Offence B was committed on 1 February, and the related sentence started 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 who were 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 1 or more previous supervised sentences.

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

**supervised sentence:** See sentenced supervision.

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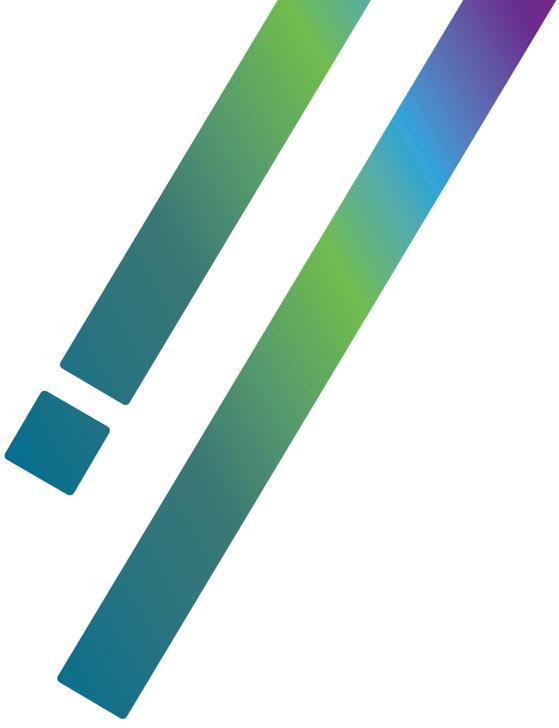
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## Related publications

The following AIHW publications may also be of interest:

- AIHW 2015. Pathways through youth justice supervision: further analyses. Juvenile justice series no. 19. Cat. no. JUV 75. Canberra: AIHW.
- AIHW 2018. Overlap between youth justice supervision and alcohol and other drug treatment services 1 July 2012 to 30 June 2016. Cat. no. JUV 126. Canberra: AIHW.
- AIHW 2020. Young people under youth justice supervision and in child protection 2018-19. Data linkage series no. 26. Cat. no. CSI 28. Canberra: AIHW.
- AIHW 2021. Youth detention population in Australia 2020. Cat no. JUV 135. Canberra: AIHW.
- AIHW 2021. Youth justice in Australia 2019–20. Cat. no. JUV 134. Canberra: AIHW.





Of young people aged 10–17 who were under sentenced youth justice supervision at some time between 2000–01 and 2019–20, 41% returned to sentenced supervision before turning 18. Of young people aged 10–16 in 2018–19 and released from sentenced community-based supervision, 38% returned to sentenced supervision within 6 months, and 54% within 12 months. Of those released from sentenced detention, 61% returned within 6 months, and 80% within 12 months.

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