



**Australian Government**

**Australian Institute of  
Health and Welfare**

# Young people returning to sentenced youth justice supervision 2014–15

JUVENILE JUSTICE SERIES NO. 20





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

JUVENILE JUSTICE SERIES

Number 20

# **Young people returning to sentenced youth justice supervision 2014–15**

Australian Institute of Health and Welfare  
Canberra

Cat. no. JUV 84

**The Australian Institute of Health and Welfare is a major national agency that provides reliable, regular and relevant information and statistics on Australia's health and welfare. The Institute's purpose is to provide authoritative information and statistics to promote better health and wellbeing among Australians.**

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**Please note that there is the potential for minor revisions of data in this report. Please check the online version at <[www.aihw.gov.au](http://www.aihw.gov.au)> for any amendments.**

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

# Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
JJ NMDS	Juvenile Justice National Minimum Data Set

## Notes

Percentages are rounded in text and calculated from unrounded numbers. Rate ratios are rounded in text and calculated from rounded percentages (as presented in the text). Figures contain unrounded percentages.

# Summary

In Australia, young people who have been found guilty of an offence may be given an unsupervised community-based sentence, a supervised community-based sentence or a sentence of detention. The latter two types of sentences are known as ‘supervised sentences’.

Youth justice departments are responsible for providing young people serving supervised sentences with services designed to reduce the frequency and seriousness of any future offending. The rate of return to sentenced supervision is an indicator of the effectiveness of these services, although factors beyond the control of these departments will also have an impact on levels of returns to sentenced supervision.

This report is based on the 2014–15 Juvenile Justice National Minimum Data Set (JJ NMDS) – a longitudinal data set, containing data from 2000–01 to 2014–15.

## **Most young people do not return to sentenced supervision**

Most young people who receive a supervised youth justice sentence serve only 1 sentence, and do not return to sentenced youth justice supervision. Of those under sentenced youth justice supervision and born from 1990–91 to 1996–97, 62% received only 1 supervised sentence before the age of 18. Returning to sentenced supervision was more likely for those whose first sentence was detention (52%), compared with those whose first supervised sentence was community-based (37%).

A minority go on to receive a large number of sentences before they turn 18. Almost 1 in 6 (16%) of young people whose first supervised sentence was community-based received a total of 5 or more supervised sentences between the ages of 10 and 18. For those whose first supervised sentence was detention, more than 1 in 4 (29%) received 5 or more sentences.

Young people who served shorter initial sentences were more likely to return to sentenced supervision than those who served longer initial sentences. This was the case for those whose first sentence was community-based, and for those whose first sentence was detention.

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

For young people aged 10–16 on release from sentenced supervision in 2013–14:

- 23% of those released from sentenced community-based supervision returned to sentenced supervision within 6 months and a further 23% returned within 12 months (a total of 46% returning within 12 months)
- 50% of those released from sentenced detention returned to sentenced supervision within 6 months and a further 24% returned within 12 months (a total of 74% returning within 12 months).

## **The younger a person is when they are released from sentenced community-based supervision, the more likely they are to return**

Young people aged 10–12 released from sentenced community-based supervision in 2013–14 were 1.8 times as likely to return to some form of sentenced supervision within 12 months, compared with those who were aged 16 when they were released.



# 1 Introduction

In Australia, young people who have been proven guilty of an offence may be given an unsupervised community-based sentence (such as a good behaviour bond), a supervised community-based sentence (such as probation) or a sentence of detention. Both supervised community-based sentences and detention sentences are known as ‘supervised sentences’. These supervised sentences are the focus of this report.

In each of the states and territories, the department responsible for youth justice is tasked with providing young people serving supervised sentences with services designed to achieve a range of outcomes including reducing the likelihood of returning to sentenced supervision. Consequently, the rate of return to sentenced supervision is an indication of the performance of youth justice departments, although other factors beyond the control of these departments will also influence returns.

This report presents data on returns to sentenced supervision using measures developed as part of a related AIHW project, *Using the Juvenile Justice National Minimum Data Set to measure juvenile recidivism* (AIHW 2013; AIHW 2015b). This first chapter introduces key concepts for this report. The second chapter examines the rate of return to sentenced supervision across all possible youth justice supervision, from the ages of 10–17 for those young people born from 1990–91 to 1996–97. The third chapter examines the rate of return to sentenced supervision that occurred within 6 and 12 months for young people who were released in 2013–14 and were aged 16 and under at the time of release. The Appendix provides further information on the data and methods.

## 1.1 Key concepts

The Juvenile Justice National Minimum Data Set (JJ NMDS) is a longitudinal person-based data set containing information on young people under youth justice supervision. It does not include data for Western Australia or the Northern Territory, as these jurisdictions do not provide data for the JJ NMDS.

Using a longitudinal person-based data set has a number of benefits, including allowing a young person’s returns to sentenced supervision across all participating states and territories and not just in the state or territory of the original sentence to be measured. It makes it possible to examine the association of a range of variables with the rate of returns. In addition, there are longer-term benefits such as potential data linkage with other relevant data collections.

The scope of the JJ NMDS is such that data presented here relate only to returns to youth justice sentenced supervision, not recidivism. Youth justice departments are responsible for providing rehabilitative services to young people under sentenced supervision only; therefore 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.

### **What is sentenced youth justice supervision?**

Sentenced youth justice supervision, which is provided by the state and territory government departments responsible for youth justice, is a component of the youth justice system. Young people enter the system when they are investigated by police for allegedly committing an offence; if charges are laid and the young person is found guilty, the court has a number of sentencing options, including detention in a youth justice centre (referred to as sentenced detention) and sentences that are supervised in the community, such as probation (referred to as sentenced community-based supervision).

Youth justice departments provide a range of offence-specific and therapeutic programs to meet the needs of young people, including programs aimed at reducing alcohol and drug use and improving employment skills, as well as specific cognitive-based interventions.

Details on the programs provided by each state and territory can be found on the AIHW website at <http://www.aihw.gov.au/youth-justice/states-territories/>.

### **Data relate to returns to sentenced supervision**

Recidivism refers to repeated or habitual criminal behaviour. Accurately measuring recidivism requires information on all criminal acts committed by a person. Usually, recidivism is measured using data on police arrests or court orders, although these measures are imperfect—for example, some people will commit offences for which they are not charged and will therefore not appear in either police arrest or court orders data, and some people will be charged with offences that they have not committed, or for which they are found not guilty.

The JJ NMDS contains data on supervised sentences; it does not contain data on offences that resulted in unsupervised sentences such as good behaviour bonds and fines. Consequently, using the JJ NMDS to measure recidivism does not reflect the true level of recidivism in the youth population for a number of reasons as outlined below.

First, the base population in the JJ NMDS is restricted to those who have received a supervised sentence. To provide a complete picture of recidivism, this base population would need to include anyone who had committed an offence, including those who received unsupervised sentences. Because both the seriousness of the offence and the extent of prior offending are taken into account during sentencing, it is likely that those with supervised sentences will have a longer offending history or have committed offences that are more serious than those who had committed an offence that did not result in a supervised sentence. If the propensity to recidivate is higher among those who have committed offences that are more serious, or among those who have a more extensive offending history, using the JJ NMDS will result in an overestimation of the level of recidivism in the general population.

Second, the return population in the JJ NMDS is restricted to those who have committed an offence that is serious enough to result in a return supervised sentence. Ideally, all offences, including those resulting in unsupervised sentences, would be included. Restricting the count to only those who received a supervised sentence will result in an underestimation of the level of recidivism, as young people who recidivate but do not receive a supervised sentence will not be counted as having recidivated.

Additionally, some returns to sentenced supervision may be due to a breach of a previous order, rather than a new offence. However, 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 had an order end reason of 'Completed'.

## **Data relate only to youth justice supervision**

The JJ NMDS contains information on young people supervised by youth justice departments – it does not contain information on people supervised by adult justice departments. Including young people who, because of their age, are not eligible to return to sentenced youth justice supervision within the period of measurement will underestimate the rate of return. 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) and until they are aged 17 (or 16 in Queensland) – although there are some specific circumstances in which young people may be supervised by the youth justice system after the age of 18 (or 17, in Queensland).

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

The first option is to examine birth cohorts. Birth cohorts are designed so that data for the young person is captured in full, which in the case of the youth justice system, is while they were aged 10 to 17. As the JJ NMDS has data available from 2000–01, complete birth cohorts are available for those born in 1990–91 to 1996–97 (that is, 7 complete birth cohorts).

The second option is to restrict the study to a supervision cohort. A supervision cohort is based on those who were supervised in the same time period, whose age at the time of release from the index sentence (the sentence from which returns are counted) makes them eligible to return to youth justice supervision in the measurement period. In the case of the JJ NMDS, this cohort includes those who were aged 10–16 at time of release, and allows a measurement of returns up to 12 months. It should be noted, however, that young people in Queensland who offend within the measurement period after they turn 17 will be dealt with in the adult criminal justice system and will not be eligible for a return to sentenced youth justice supervision. This may lead to an overall under count in the rate of returns.

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

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

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

# 2 Returns to sentenced youth justice supervision at any time during the ages of 10–17

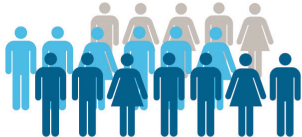
As the JJ NMDS is a longitudinal data set with data available from 2000–01, it is possible to examine the complete rate of return for young people born from 1990–91 to 1996–97. This can be achieved because the JJ NMDS will contain data on all sentenced youth justice supervision for these young people from when they were aged 10 up to and including 17. The rate of return is presented as the proportion of young people who returned out of all young people who could have returned to sentenced youth justice supervision.

### Key findings

The data set used in this report has information on all youth justice supervised sentences for people born from 1990–91 to 1996–97.

For these people, 62% had only 1 supervised sentence before the age of 18.

- Of those whose first supervised sentence was community-based, 37% received at least 1 more supervised sentence before the age of 18 (63% received only 1 supervised sentence).

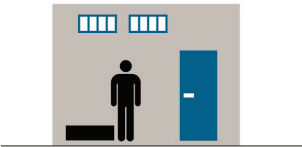


Community-based supervision



**37%**  
had at least 1 more supervised sentence before age 18

- Of those whose first supervised sentence was detention, 52% received at least 1 more supervised sentence before the age of 18 (48% received only 1 supervised sentence).



Detention



**52%**  
had at least 1 more supervised sentence before age 18

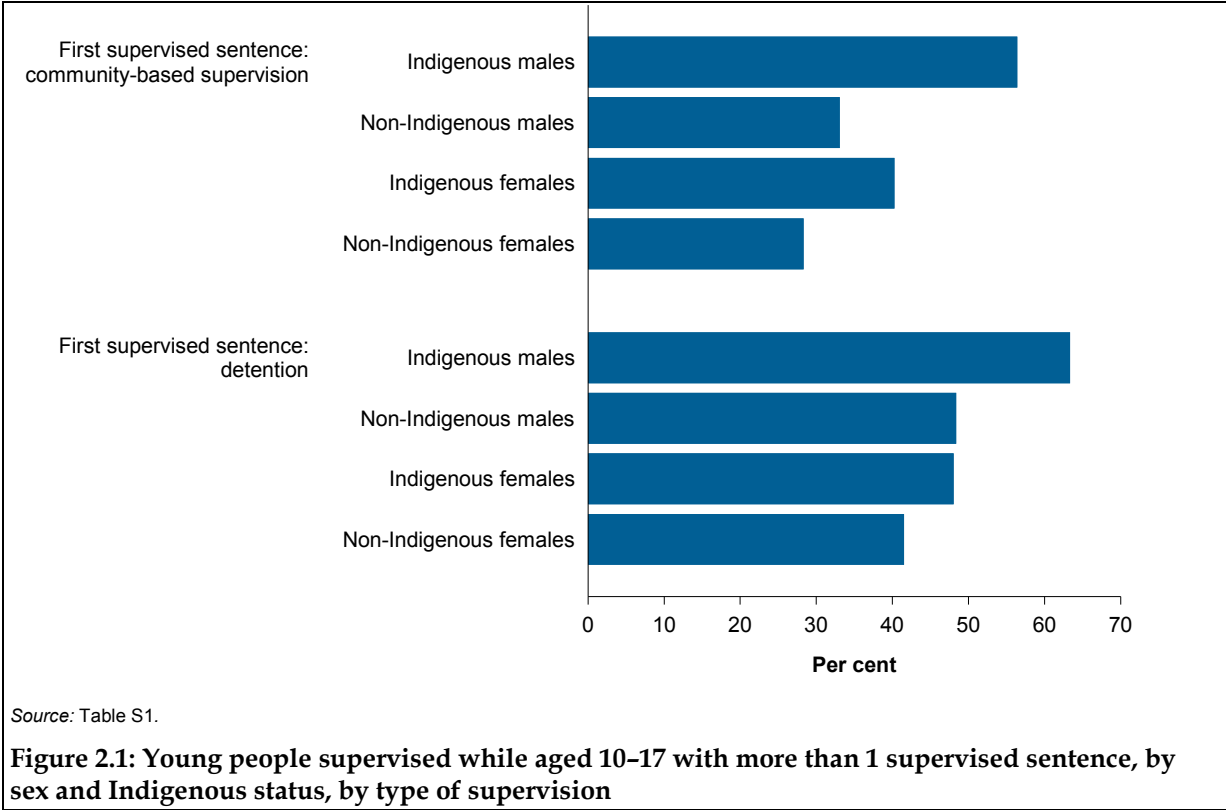
- The younger a person was at their first supervised sentence (either community-based or detention), the more likely they were to return to sentenced youth justice supervision.

## 2.1 Demographics

Most young people who receive a supervised sentence never return to sentenced youth justice supervision. Overall, of the 20,792 young people under sentenced youth justice supervision born between 1990–91 and 1996–97, 62% received only 1 supervised sentence before the age of 18. Those whose first supervised sentence was community-based were more likely not to receive another supervised sentence, compared with those whose first sentence was detention (63% compared with 48%). (Most young people’s first supervised sentence was community-based).

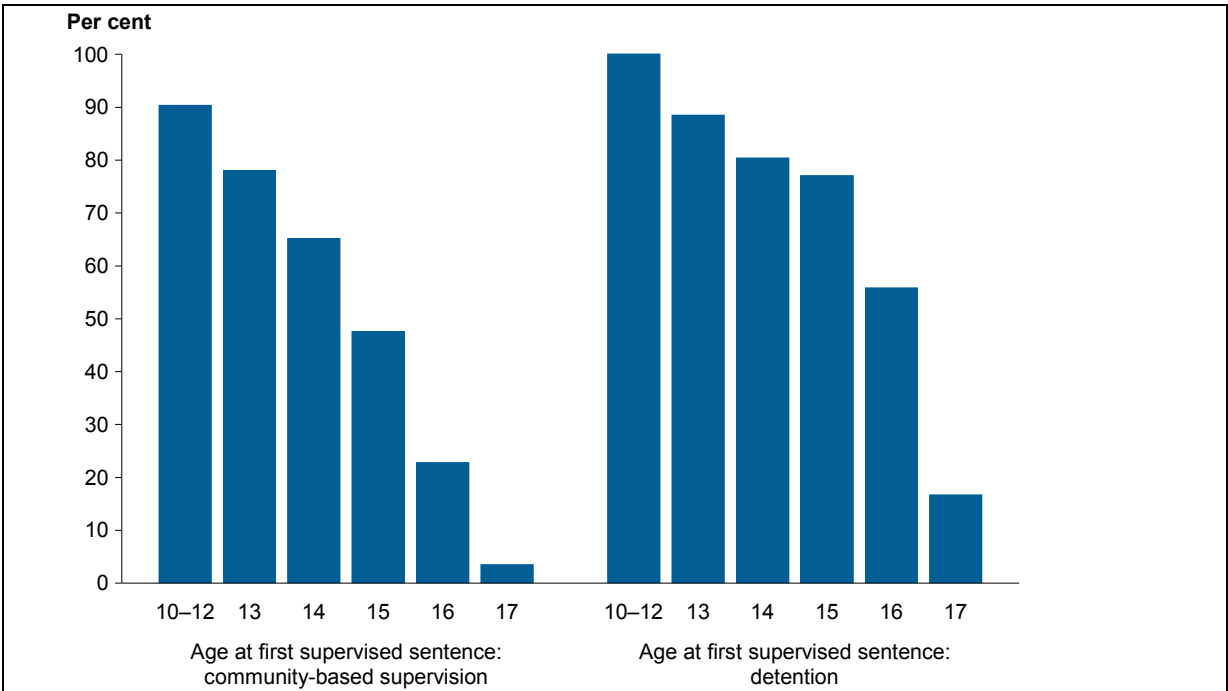
Of the 19,950 young people whose first supervised sentence was community-based, 37% received an additional supervised sentence before age 18. In comparison, just over half (52%) of the 842 young people whose first supervised sentence was detention had an additional sentence before age 18.

Indigenous young people whose first supervised sentence was community-based were more likely than non-Indigenous young people to receive more than 1 supervised sentence: 56% of Indigenous males and 40% of Indigenous females had more than 1 supervised sentence, compared with 33% of non-Indigenous males and 28% of non-Indigenous females (Figure 2.1). A similar pattern was found for those whose first supervised sentence was detention: Indigenous males (63%) were more likely to receive more than 1 supervised sentence than non-Indigenous males (48%), and Indigenous females were more likely to receive more than 1 supervised sentence than non-Indigenous females (48% compared with 41%).



The younger a person was at the start of their first supervised sentence, the more likely they were to return to sentenced supervision at some time before turning 18 (Figure 2.2). For those whose first supervised sentence was community-based, 90% of those aged 10–12 at the start of this sentence returned to sentenced supervision, compared with 23% of those aged 16 – and just 3% of those aged 17. This outcome is partly because the older a person is, the less time they have to re-enter youth justice supervision that is before they reach 18 years of age.

A similar pattern occurred for those whose first supervised sentence was detention, although the rate of return was higher for all age groups than the equivalent group who received community-based supervision. Of those with detention as their first supervised sentence, all (100%) those aged 10–12 at the start of this sentence returned to some type of sentenced supervision before they turned 18. This rate of return decreased slightly with successive age groups, to around 80% of those aged 14 and 15, just over half (56%) of those aged 16, and 17% of those aged 17.



Source: Table S2.

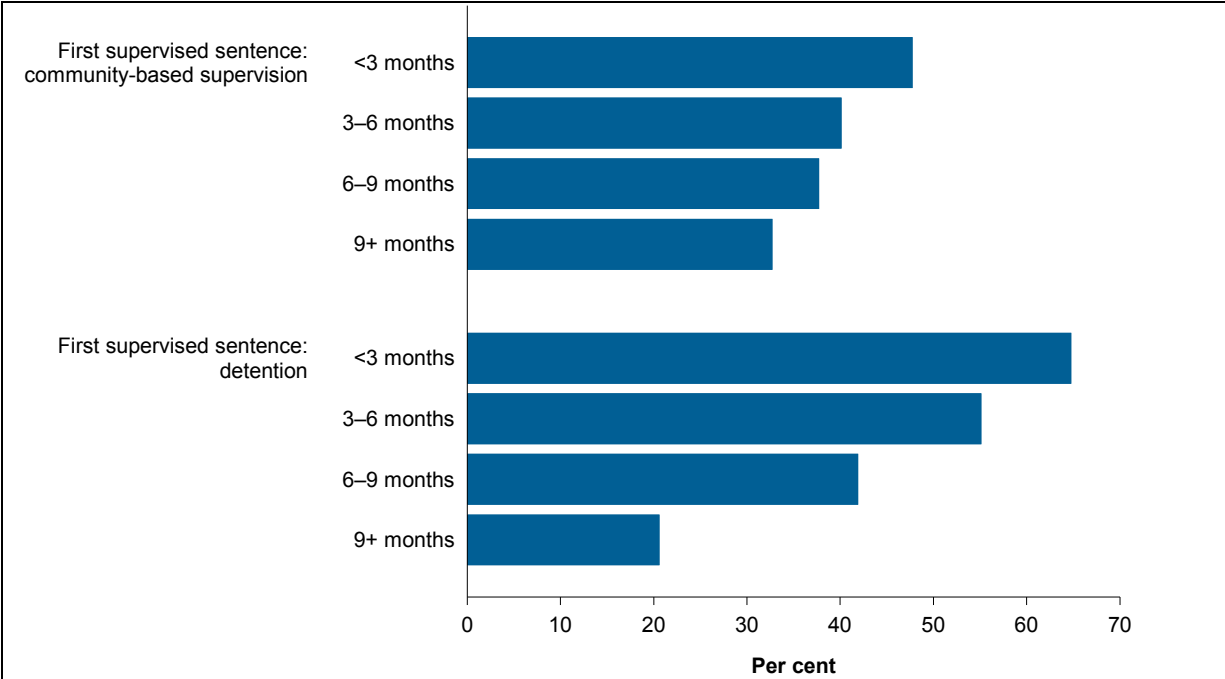
**Figure 2.2: Young people with more than 1 supervised sentence during all possible youth justice supervision, by age at first supervised sentence, by type of supervision**

## 2.2 Length of first supervised sentence

Young people with shorter initial sentences were more likely to return to sentenced supervision (Figure 2.3). Of those whose first supervised sentence was community-based, almost half (48%) of those with an initial supervised sentence of less than 3 months went on to receive additional supervised youth justice sentences, compared with 33% of those whose first supervised sentence was 9 months or more.

The difference was even more pronounced for those whose first supervised sentence was detention. For these young people, almost two-thirds (65%) of those whose first supervised sentence lasted less than 3 months went on to receive multiple supervised sentences, compared with one-fifth (21%) of those whose first supervised sentence lasted 9 months or more.

An explanation for this result is that young people who served shorter sentences may be less likely to complete rehabilitative programs. Additionally for detention sentences, a greater proportion of shorter sentences may actually be served on remand, during which time young people typically cannot access rehabilitative programs. Further, in some states and territories, time spent on remand is applied as credit during sentencing, and as a result, a sentence may appear shorter than the total time applied by the court. For more information, see section 3.5.



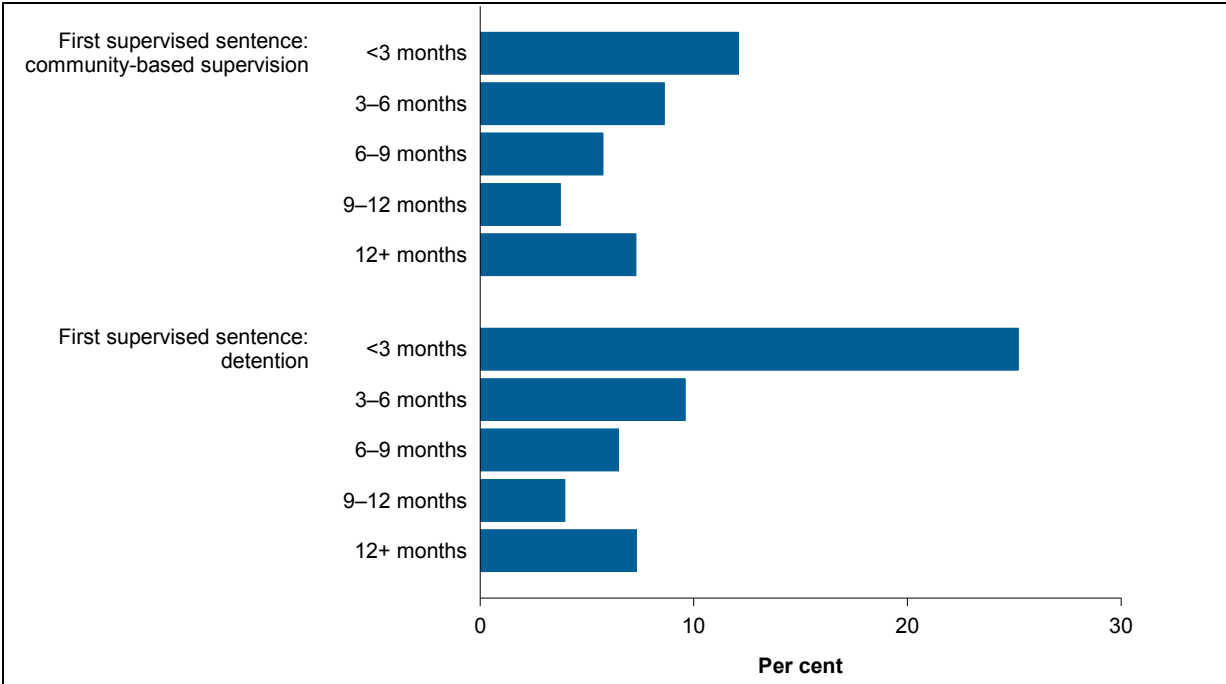
Source: Table S3.

**Figure 2.3: Young people with more than 1 supervised sentence during all possible youth justice supervision, by length of first supervised sentence, by type of initial supervision**

### 2.3 Time to return

Young people who returned to sentenced supervision, were likely to do so within a relatively short time period (Figure 2.3). Of those whose first supervised sentence was community-based, 12% had returned to sentenced supervision within 3 months, 9% within 6 months, and a further 7% returned after a year or more (63% did not return at all) (Figure 2.4).

Those whose first supervised sentence was detention were even more likely to return in a relatively short period: one-quarter (24%) had returned to sentenced supervision within 3 months, and a further 10% within 6 months (48% did not return at all).



Source: Table S4.

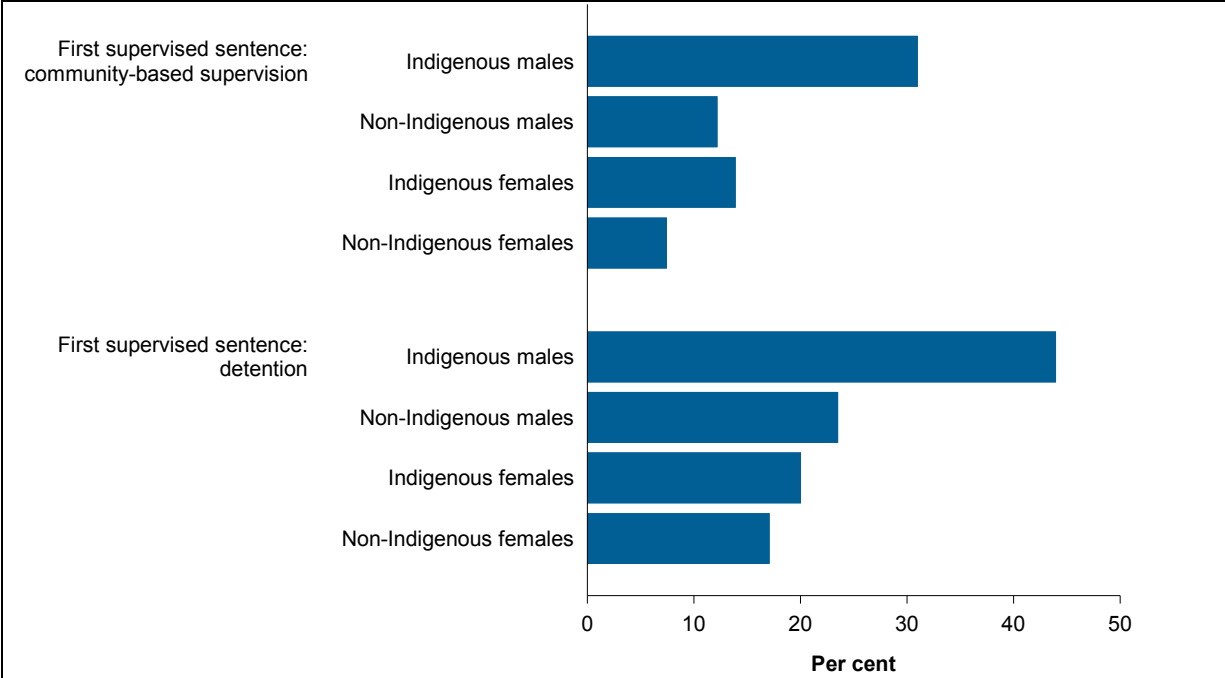
**Figure 2.4: Young people with more than 1 supervised sentence during all possible youth justice supervision, by time to first return to sentenced supervision, by type of initial supervision**



## 2.4 Total number of supervised sentences

Of those who entered sentenced youth justice supervision, a sizeable minority went on to receive a total of 5 or more supervised sentences before they turned 18. Returning to sentenced supervision multiple times was more common among those whose first supervised sentence was detention: more than one-quarter (29%) received a total of 5 or more supervised sentences, compared with 16% of those whose first supervised sentence was community-based.

Among those whose first sentence was community-based, and also among those whose first sentence was detention, Indigenous males were the most likely to receive a total of 5 or more supervised sentences (31% of those who had initially been sentenced to community-based supervision and 44% of those initially sentenced to detention), and non-Indigenous females the least likely (7% of those initially sentenced to community-based supervision and 17% of those initially sentenced to detention) (Figure 2.5).

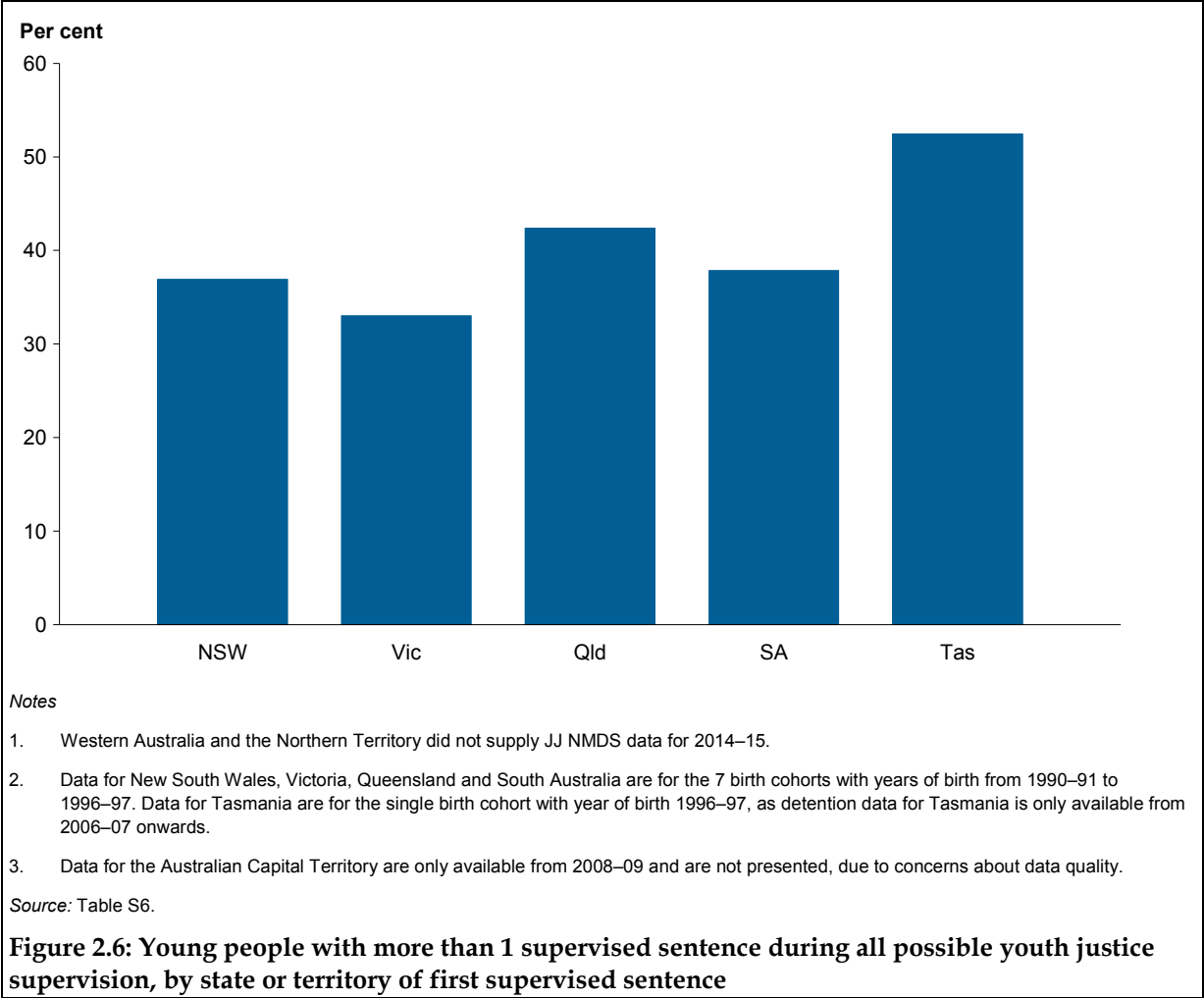


Source: Table S5.

**Figure 2.5: Young people with a total of 5 or more supervised sentences during all possible youth justice supervision, by sex and Indigenous status, by type of initial supervision**

## 2.5 States and territories

The proportion of young people who had more than 1 supervised sentence during the time they were eligible for youth justice supervision (that is, from the age of 10 and until they turned 18), ranged from 33% in Victoria to 52% in Tasmania (Figure 2.6). (This does not include Western Australia, the Australian Capital Territory and the Northern Territory – see notes in the Appendix for details).



### 3 Returns within 6 and 12 months

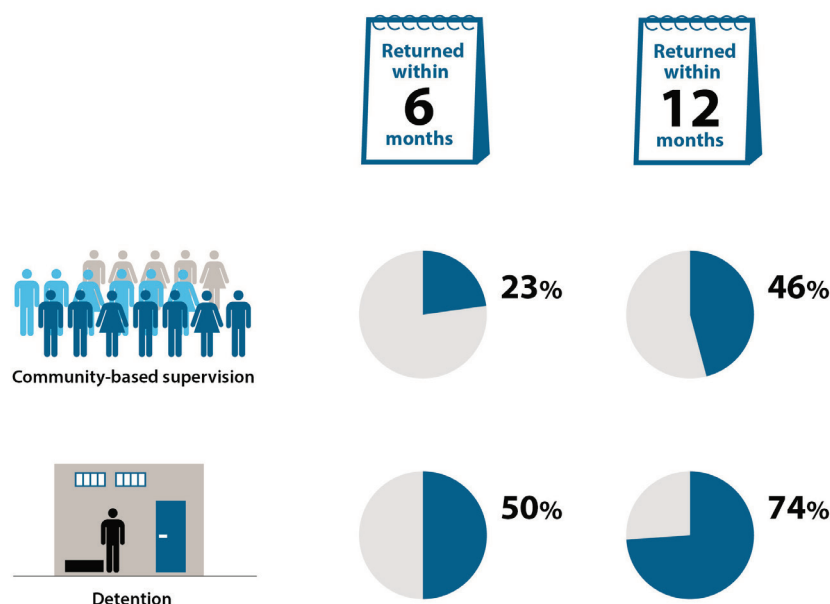
One way of exploring the effectiveness of youth justice supervision is to measure how soon young people return to sentenced supervision. This chapter explores the rate of return for young people who were released from sentenced supervision during 2013–14 and were aged 16 and under at the time of release (for more information on the data and methods, see the Appendix). Data are presented for returns within 6 and 12 months of release. For information relating to the selection of these timeframes see *Using the Juvenile Justice National Minimum Data Set to measure returns to sentenced youth justice supervision: stage 2* (AIHW 2015b). The rate of return is calculated by determining the proportion of the released population that returned to any form of youth justice supervision within the specified period of time.

The return timeframes of 6 and 12 months are unlikely to directly correspond to the time to reoffend. There are a number of administrative procedures, such as court proceedings, that occur before a young person can return to sentenced supervision, and these will impact on the rate of return. In 2013–14, over one-third (35%) of cases heard in children’s courts where the defendant was proven guilty took longer than 3 months to be finalised, and about one-seventh (14%) took more than 6 months (ABS 2015).

#### Key findings

For those aged 10–16 upon release from sentenced supervision in 2013–14:

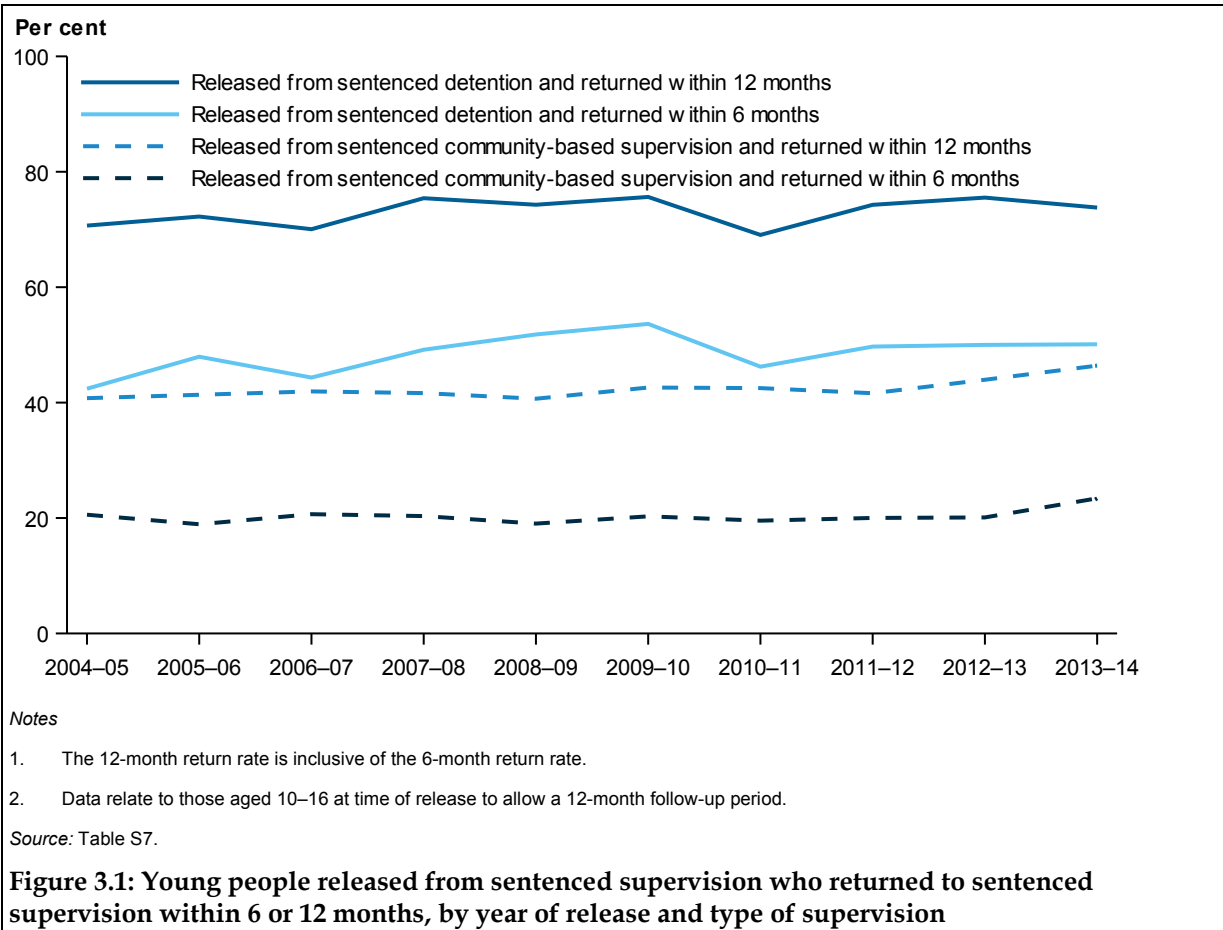
- 23% of those released from sentenced community-based supervision returned to sentenced supervision within 6 months and a further 23% returned within 12 months (a total of 46% returning within 12 months)
- 50% of those released from sentenced detention returned to sentenced supervision within 6 months and a further 24% returned within 12 months (a total of 74% returning within 12 months).



### 3.1 Trends

Almost 1 in 4 (23%) of the 2,644 young people aged 10–16 who were released from sentenced community-based supervision in 2013–14 returned to sentenced supervision within 6 months, and this rate remained fairly constant (between 19% and 23%) over the 10 years from 2004–05 (Figure 3.1). The rate of return within 12 months increased slightly over the same period, from 41% for young people released in 2004–05 to a high of 46% for those released in 2013–14.

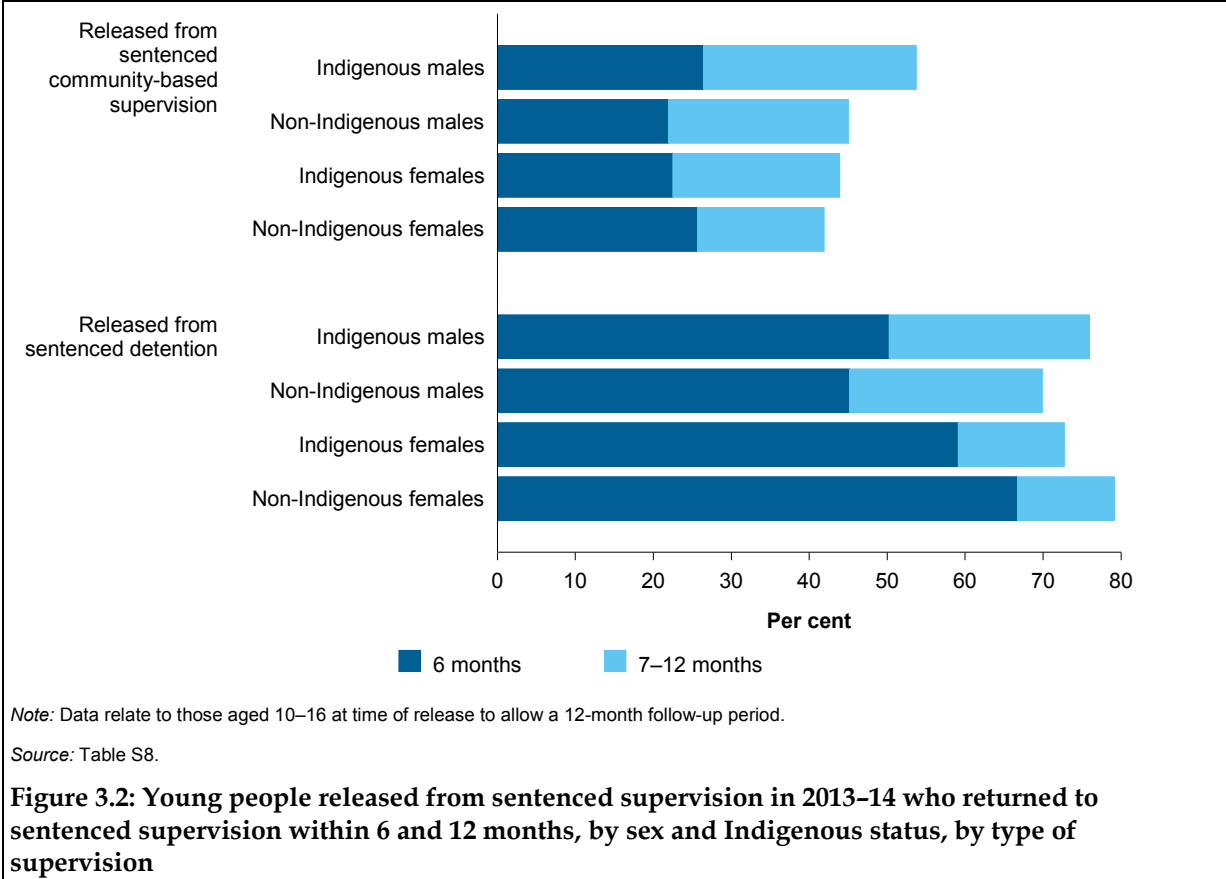
Young people released from sentenced detention were more than 2 times as likely to return to sentenced supervision within 6 months, compared with those released from sentenced community-based supervision, with the rate of return ranging from 42% to 54% over the 10 years from 2004–05 (Figure 3.1). Half (50%) of the 477 young people aged 10–16 who were released from sentenced detention in 2013–14 had returned to sentenced supervision within 6 months. The 12-month return rate ranged from 69% to 76%, with three-quarters (74%) of those released in 2013–14 returning to sentenced supervision within 12 months.



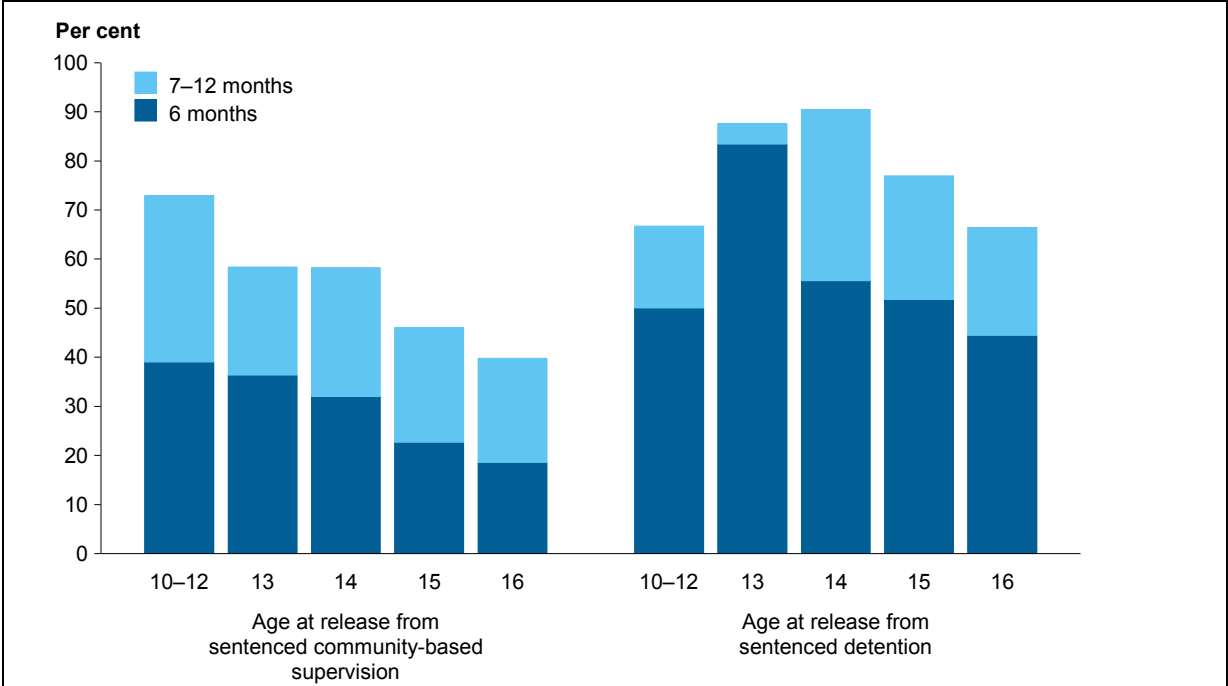
### 3.2 Demographics

Young Indigenous males released from sentenced community-based supervision were more likely to return to sentenced supervision than their non-Indigenous counterparts (Figure 3.2): 26% of Indigenous males returned within 6 months, compared with 22% of non-Indigenous males. However, Indigenous females were less likely to return within 6 months than non-Indigenous females (22% compared with 26%). Within a 12 month period, Indigenous young people released from sentenced community-based supervision were more likely to return to sentenced supervision than their non-Indigenous counterparts (54% and 44% for Indigenous males and Indigenous females, respectively, compared with 45% and 42% for non-Indigenous males and non-Indigenous females).

Young females released from sentenced detention were more likely to return to sentenced supervision within 6 months than males, irrespective of Indigenous status (Figure 3.2): 59% of Indigenous females and 67% of non-Indigenous females returned within 6 months, compared with 50% of Indigenous males and 45% of non-Indigenous males. The proportion of returns within 12 months among the 4 groups ranged from 70% for non-Indigenous males to 79% for non-Indigenous females.



In general, the younger a person was when they were released from sentenced community-based supervision, the more likely they were to return to some form of sentenced supervision within 6 and 12 months (Figure 3.3). Within 12 months, almost three-quarters (73%) of those aged 10–12 when released from sentenced community-based supervision had returned to sentenced supervision – a rate that was almost twice that of those who were aged 16 when they were released (40%). In contrast, for those released from sentenced detention the rate of return to sentenced supervision within 12 months was high for all age groups, with the highest rate for those aged 14 at release (90%), followed by 88% for those aged 13.



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

Source: Table S9.

**Figure 3.3: Young people released from sentenced supervision in 2013–14 who returned to sentenced supervision within 6 or 12 months, by age at release from index sentence and type of initial supervision**

### 3.3 Previously sentenced to supervision

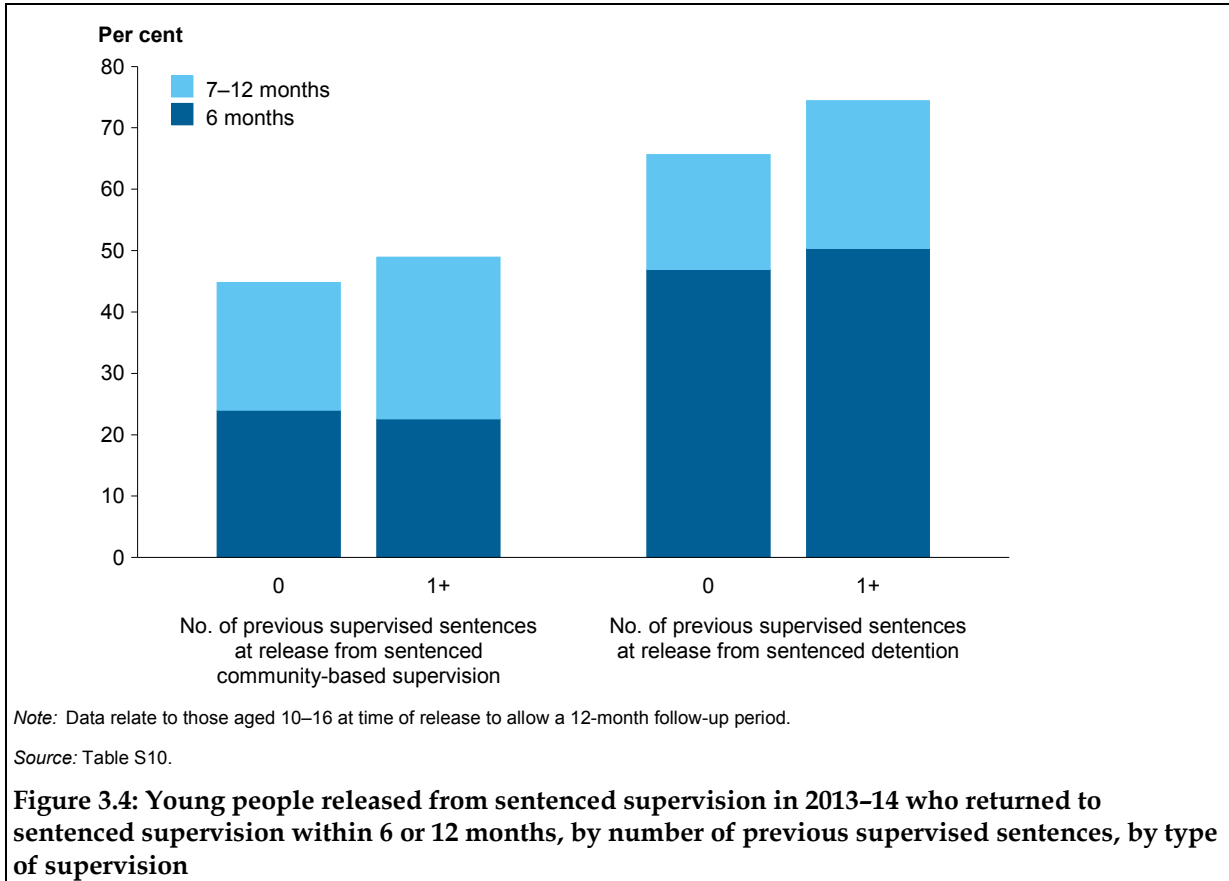
A number of previous studies have shown a relationship between the likelihood of returning to sentenced supervision (and the criminal justice system more broadly) and offending history. However, because unsupervised sentences are not captured in the JJ NMDS, it is not possible to fully explore the relationship between offending history and likelihood of returns to sentenced supervision. Young people with no previous supervised sentences may still have had previous unsupervised sentences, so an absence of supervised sentences does not necessarily mean that a young person has no offending history.

The severity of the sentence handed down by the court is generally determined by both the seriousness of the offence and the extent of the young person's offending history. Supervised sentences are more severe than unsupervised sentences, and it is likely that a young person will receive 1 or more unsupervised sentences before a supervised sentence. Therefore, while it is likely that a young person with multiple previous supervised sentences will have a longer offending history than one with no previous supervised sentences, a young person with no previous supervised sentences may have had previous unsupervised sentences.

For both young people released from sentenced community-based supervision and those released from sentenced detention, returning to sentenced supervision was more likely for those who had 1 or more previous supervised sentences, but only for returns within the longer period of 12 months (Figure 3.4). For returns within 6 months, young people with no previous supervised sentences were slightly more likely to return than those with 1 or more previous supervised sentences.

For those released from sentenced community-based supervision who returned within 6 months, 23% had received at least 1 previous supervised sentence, while for those who returned within 12 months, 49% had received at least 1 previous supervised sentence (Figure 3.4). For those released from detention, half (50%) of those who returned within 6 months had received at least 1 previous supervised sentence, compared with about three-quarters (74%) of those who returned within 12 months.

In general, cases involving more serious offences take longer to finalise than those involving less serious offences (ABS 2015). The increased likelihood of returning within 6 months for those with no previous supervised sentences may indicate that their return sentence is for a less serious offence than those with multiple previous supervised sentences. The time to return to sentenced supervision is a factor of both the time available to commit the subsequent offence and the time taken for the subsequent matter to be finalised by the court.



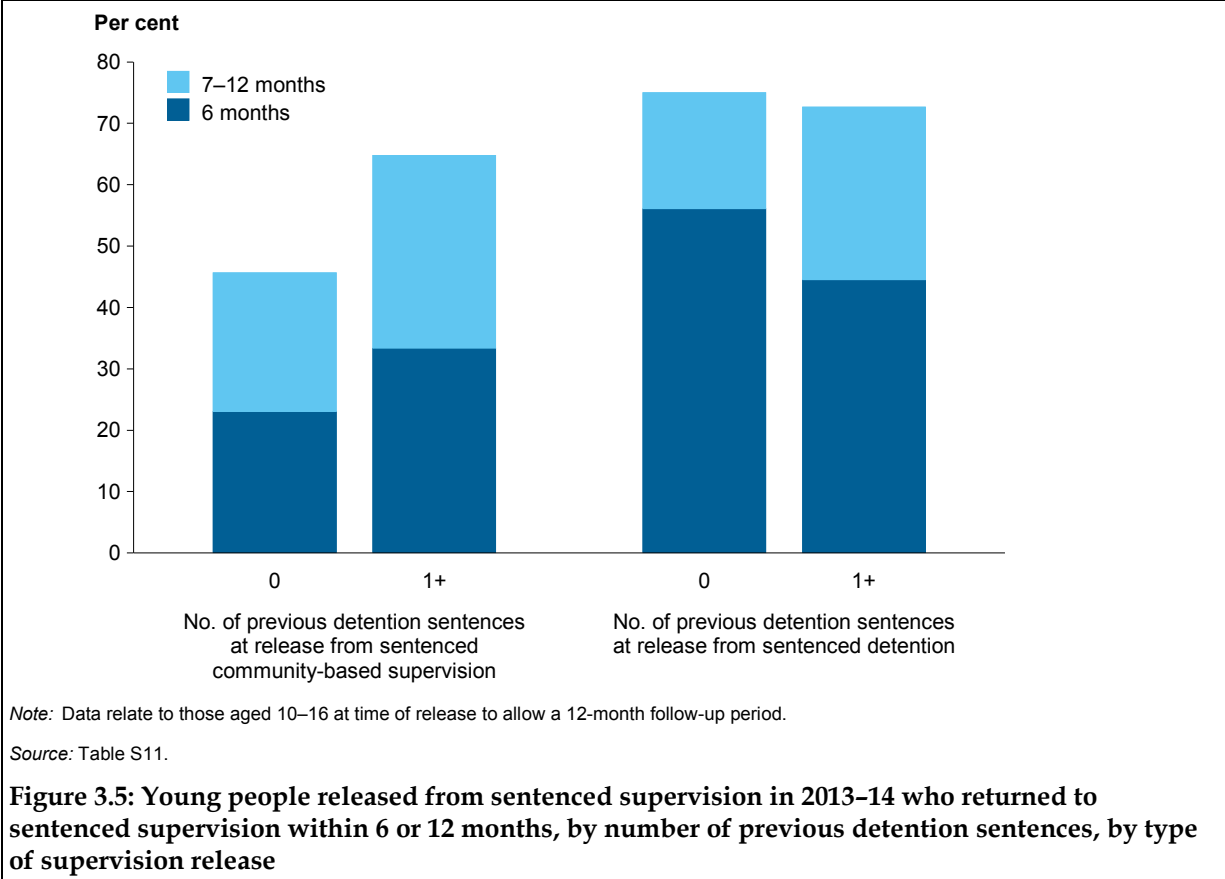


### 3.4 Previously sentenced to detention

Young people released from sentenced community-based supervision who had a previous sentence of detention were more likely to return to some form of sentence than those who did not have a previous sentence of detention within 6 months (33% compared with 23%) and within 12 months (65% compared with 46%) (Figure 3.5).

The reverse was true for those released from sentenced detention. Of those with no previous detention sentence, 56% returned to sentenced supervision within 6 months, which was 1.3 times the rate for those with a previous detention sentence (44%). Returns within 12 months were also more likely for those with no previous detention sentence – although the difference was less: 75% compared with 73%.

As noted previously, more serious offences tend to take longer to finalise. While the results may indicate that those released from detention with no previous detention sentences are more likely to return within a 6- or 12-month period than those with 1 or more previous detention sentences, it is possible that they committed less serious offences. That is, young people who reoffend tend to increase the seriousness of their offending over time, and because more serious offences require more time to finalise, those with longer detention histories will take longer to return to sentenced supervision.



### 3.5 Length of index sentence

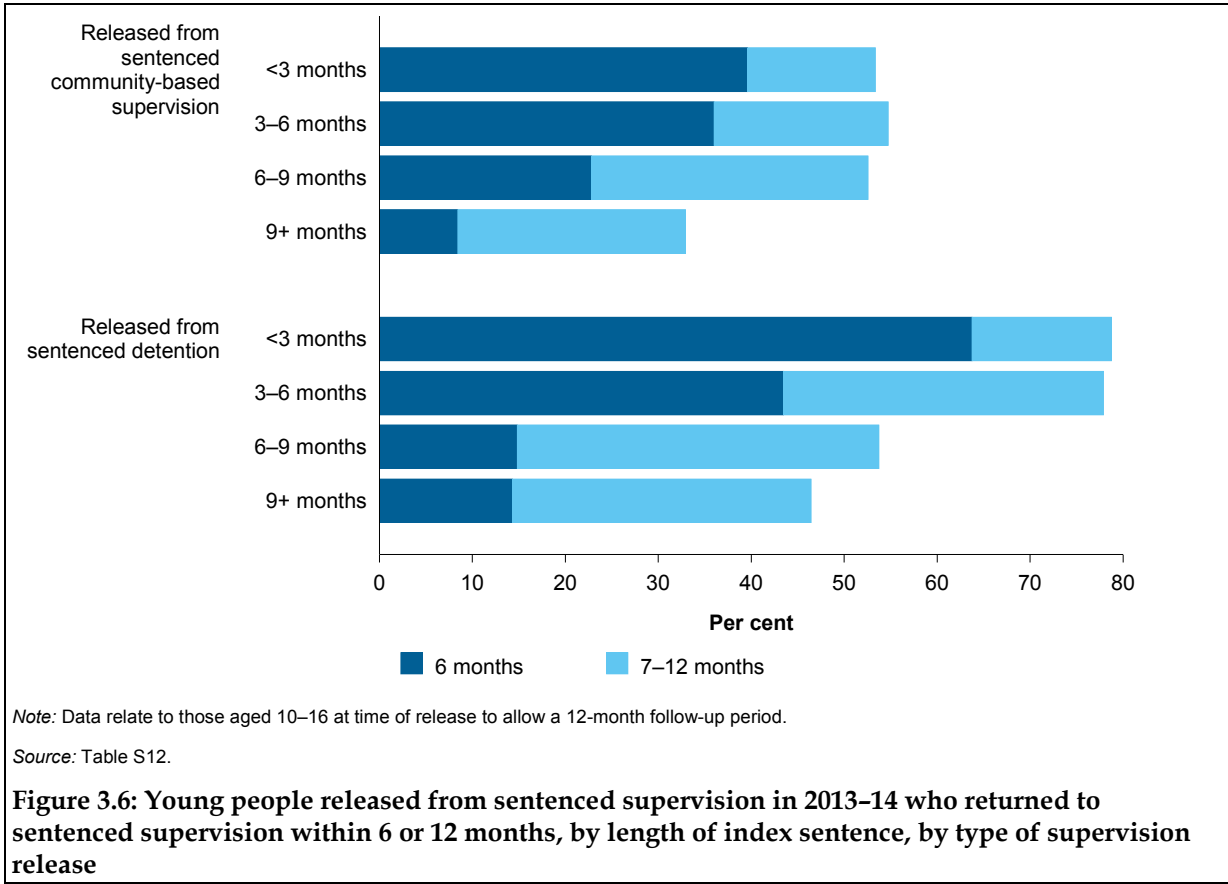
For both sentenced community-based supervision and sentenced detention, those released from shorter sentences were more likely to return within 6 and 12 months than those released from longer sentences (Figure 3.6). More than half (53%) of those released from a sentence of community-based supervision that lasted less than 3 months returned to sentenced supervision within 12 months – a return rate that was 1.6 times as high as for those released from a sentence of community-based supervision of 9 months or more (33%). Young people released from a sentence of detention lasting less than 3 months were 1.7 times as likely to return within 12 months as those whose sentence lasted 9 months or more (79% compared with 46%).

There are several possible explanations for the relationship between length of index sentence (the sentence from which returns are counted) and rate of return. One is that young people released from longer detention sentences may be more likely to be released on parole or supervised release than those released from shorter sentences, which would be likely to reduce the likelihood of reoffending within the period of supervision; however, this explanation does not apply to those released from community-based supervision.

A second possibility is that, as noted in the previous section, offence seriousness tends to increase over time for those who go on to reoffend. Because young people with longer index sentences may have committed more serious offences than those with shorter index sentences, if their offending escalates, their next offence would be likely to be more serious than those committed by young people with shorter index sentences. As these more serious offences often take longer to adjudicate than less serious offences, young people who commit these more serious offences may be equally likely to return – but would return after the specified timeframes (within 12 months) and therefore would not be counted as having returned.

A further explanation is that young people serving shorter sentences may be less likely to complete rehabilitative programs. A related explanation is that for shorter sentences, a greater proportion of the sentence is actually served on remand, during which time young people typically cannot access rehabilitative programs – as they have not yet been proven guilty of the offence. For example, if a young person is placed on remand for 1 month while their case is heard by the court, when they are sentenced to 2 months of detention the court may backdate the start date of this sentence to include the 1 month of remand.

Additionally, in some states and territories, the sentenced detention order start date is set as the date the sentence was handed down, with an end date that takes into account time spent in remand. Where this is the case, the young person may appear to receive a short period of sentenced detention, despite having spent a relatively long time in unsentenced (remand) detention (which in some cases is due to the seriousness of their offence or risk of reoffending). It is also important to note that the length of the sentenced order as recorded in the JJ NMDS is the length of time from the start of the sentenced order to the date of release, which may be shorter than the sentence handed down by the court (as young people may be eligible for early release if they meet certain conditions).

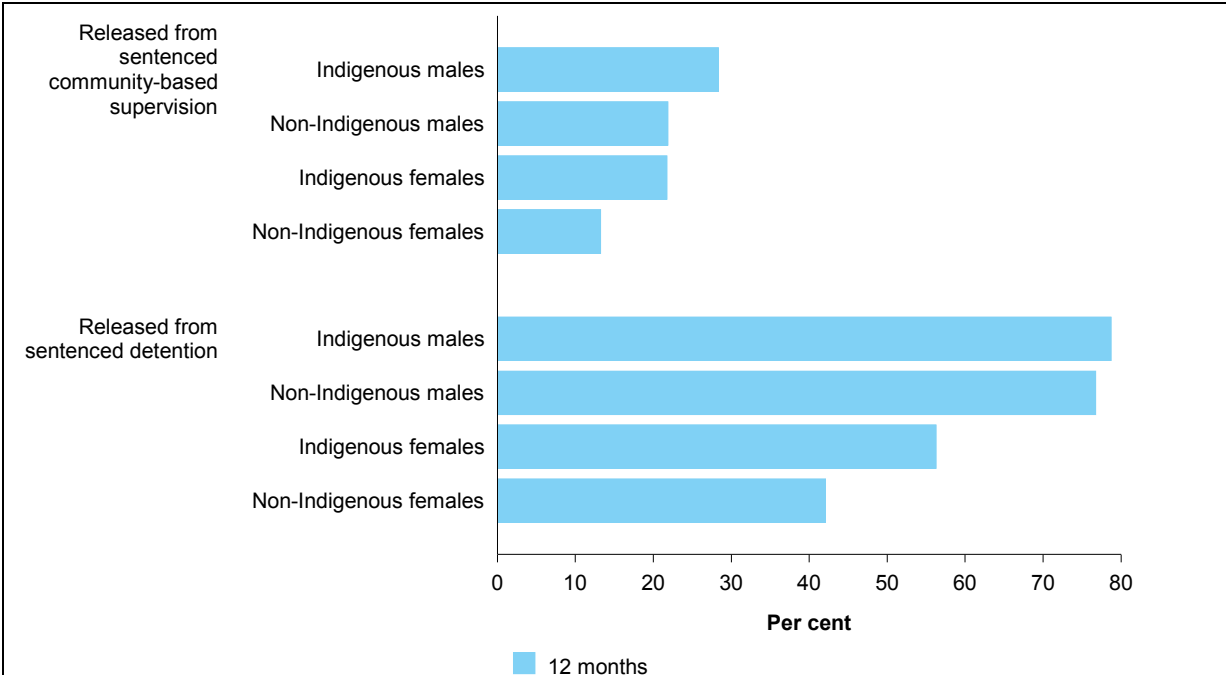


### 3.6 Returning with a sentence of detention

Young people returning to sentenced supervision were more likely to return to sentenced detention if they had been released from sentenced detention, compared with those released from community-based supervision. Of the 352 young people who had been released from a sentence of detention and had returned to supervision within 12 months, three-quarters (74%) returned with a detention sentence. In contrast, of the 1,227 young people who had been released from sentenced community-based supervision and returned within 12 months, just under one-quarter (23%) returned with a sentence of detention.

For young people released from sentenced community-based supervision, there was a clear relationship between sex, Indigenous status and the likelihood of returning with a detention sentence (Figure 3.7). Of those who returned to a form of sentenced supervision within 12 months, 28% of Indigenous males returned with a detention sentence, compared with 22% of non-Indigenous males, 22% of Indigenous females and only 13% of non-Indigenous females.

A similar pattern emerged for young people who were released from sentenced detention and returned to a form of sentenced supervision within 12 months: 79% of Indigenous males returned under a detention sentence, compared with 77% of non-Indigenous males, 56% of Indigenous females and 42% of non-Indigenous females.



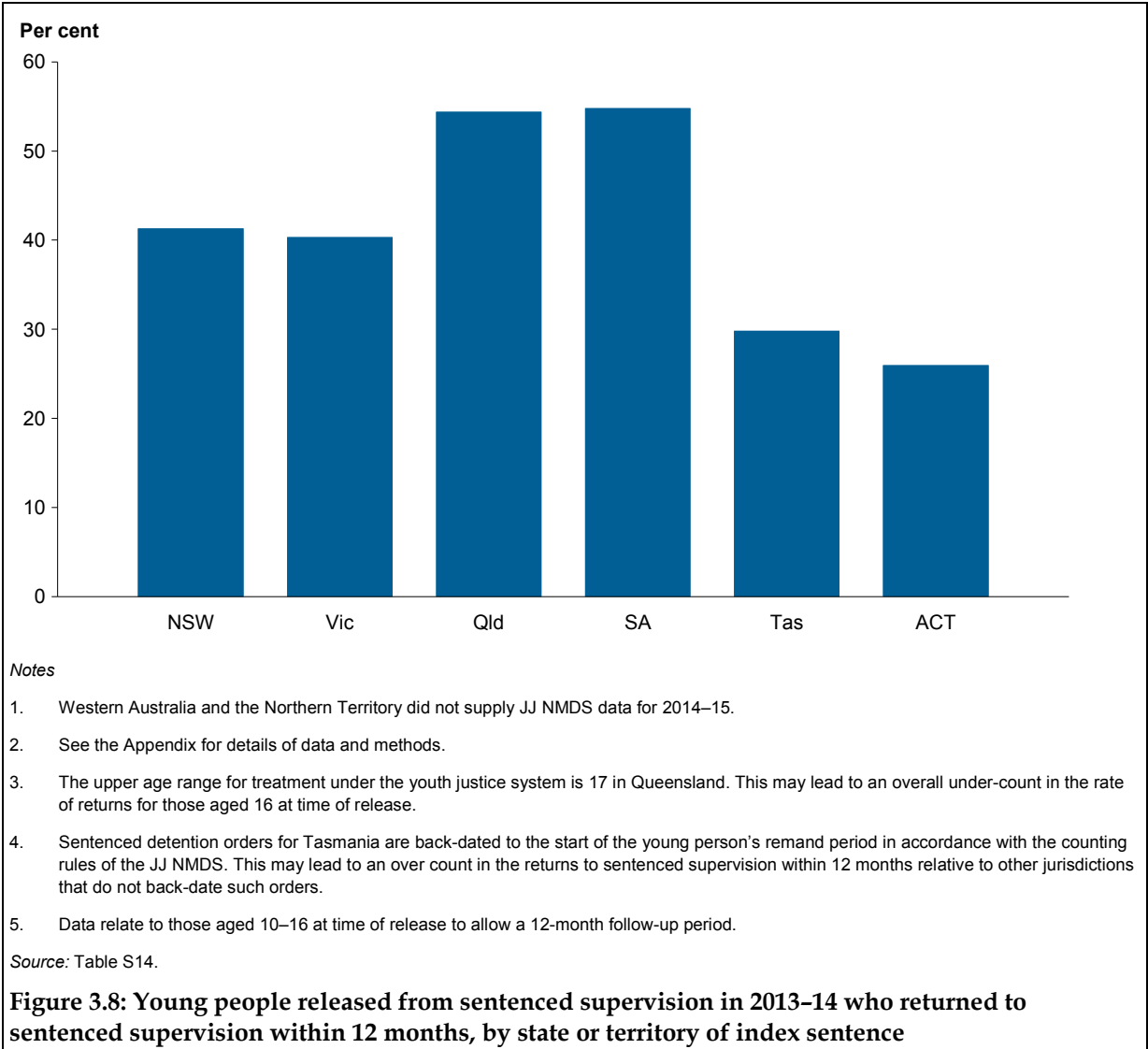
Note: Data relate to those aged 10–16 at time of release to allow a 12-month follow-up period.

Source: Table S13.

**Figure 3.7: Young people released from sentenced supervision in 2013–14 who returned to sentenced supervision with a detention sentence within 12 months, by sex and Indigenous status, by type of supervision release**

### 3.7 States and territories

The rate of return to sentenced supervision within 12 months of release for those released from either sentenced community-based supervision or detention ranged from 26% in the Australian Capital Territory to 55% in South Australia (Figure 3.8). (These figures do not include Western Australian and the Northern Territory – see notes in the Appendix for details). Numbers were too small to analyse by the type of sentence (community-based or detention) from which the young person was released.



# Appendix: Data and methods

## Data sources

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

For this report, JJ NMDS data for most states and territories were available from 2000–01 to 2014–15. JJ NMDS data for Western Australia and the Northern Territory are only available for 2000–01 to 2007–08, therefore data for these 2 jurisdictions were not included in any of the analyses in this report. For more information on JJ NMDS data quality and coverage, see the JJ NMDS Data Quality Statement available from <http://meteor.aihw.gov.au/content/index.phtml/itemId/635597>.

## Linkage method

In the JJ NMDS, each young person has a state-specific person identifier. However, 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 recorded in the data of 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 to reduce the number of false matches while allowing for missing data. For further information on this method, see *Developing a linked data collection to report on the relationships between child protection and youth justice supervision* (AIHW 2015a).

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

## Analysis data sets

### Cohorts

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

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

The birth cohorts for this analysis comprised all young people in the JJ NMDS who were born from 1990–91 to 1996–97, as these people would have all their sentenced youth supervision orders in the JJ NMDS (which has data from 2000–01 to 2014–15). Although it is possible for young people over the age of 17 to be supervised by youth justice departments 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. Detention data for Tasmania are only available from 2006–07, and data for the Australian Capital Territory are only available from 2008–09.

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

**Table A1: Analysis cohorts**

Timeframe	Type of cohort	Years of birth	Years of supervision		Age at release
			Index sentence	Return sentences	
6 months	Release	1996–97 to 2003–04	2013–14	2013–14 to 2014–15	10–16
1 year	Release	1996–97 to 2003–04	2013–14	2013–14 to 2014–15	10–16
All possible supervision <sup>(a)</sup>	Birth	1990–91 to 1996–97	2000–01 to 2014–15	2000–01 to 2014–15	10–17

(a) Full cohort data are available for New South Wales, Victoria, Queensland and South Australia. Tasmania has 1 full birth cohort available for analysis. Birth cohort data are unavailable for analysis for the Australian Capital Territory.

## Index and return sentences

For the release cohorts, the index sentence is the first sentenced supervision sentence that ended in the relevant financial year. Where there is more than 1 possible index sentence (because multiple sentences end on the same date), the sentence that started first is selected; if this does not result in a single index sentence and 1 of the possible index sentences is a detention sentence, the detention sentence is selected. If there are multiple possible index sentences and none is a detention sentence then a sentence is randomly selected from the set. As the release cohorts comprise young people who were released from sentenced supervision in the same year, it is possible for individuals to appear in multiple cohorts. Additionally, the index sentence is not necessarily the young person’s first-ever supervised sentence (that is, they may have had multiple supervised sentences before the index sentence for that particular timeframe).

For the birth cohorts, the index sentence is the first supervised sentence that the young person received. Where there is more than 1 possible index sentence, the sentence that ends first is selected; if this does not resolve the issue and 1 of the possible index sentences is a detention sentence, the detention sentence is selected as the index sentence. If there are multiple possible index sentences that end on the same date and none is a detention sentence, then a sentence is randomly selected from the set.

Return orders are any sentenced supervision orders with a start date after the end date of the index order. In contrast to the analysis presented in the Stage 1 report (AIHW 2013), this is irrespective of whether the index order is community-based supervision or detention. The time to return is calculated by subtracting the end date of the index order from the start date of the first return order. Some young people who exit detention are released into community-based supervision on parole or supervised release. Any returns that occur in this period are included unless they are explicitly excluded (see page 24).

## Number of previous supervised sentences

The count of previous supervised sentences was constructed by ordering the supervised sentences by start and end date. Where a supervised community-based sentence and a

detention sentence share the same start and end date, the detention sentence is considered to have occurred before the community-based sentence for the purposes of counting the number of previous supervised sentences.

## **Exclusions**

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

### **Sentences where the young person was aged 18 or over**

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

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

Sentences that ended because the young person died were excluded, as further reoffending is not possible.

### **Sentences overturned on review**

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

### **Parole or supervised release sentences**

Parole or supervised release sentences were excluded from both index and return sentences, as these sentences relate to an existing offence, not a new one. 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 a sentence of 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, sentenced 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 there were multiple sentenced detention sentences that followed a suspended sentence, the detention sentence with the earliest start and end date was removed.

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

This exclusion applies only to birth cohorts (used to analyse the returns at any time during possible youth justice supervision): young people whose first supervised sentence ended after 30 June 2015 (around 2%) were not included in the analysis of rates of return at any time during possible youth justice supervision.



# Glossary

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

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

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

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

**return sentence:** a sentence that occurs after the index sentence.

**pseudo-recidivism:** where offences that were committed before the index offence but adjudicated after the index offence are falsely captured as recidivist acts. For example, offence A was committed on 1 January and the related sentence started 1 June and ended 30 June. Offence B was committed on 1 February and the related sentence started 1 March and ended 15 March. If offence dates are used, offence A is correctly considered the index offence and offence B the recidivist act. However, if sentence dates are used (and the offence dates are unknown), the sentence relating to offence B is incorrectly considered the index order and the sentence relating to offence A is considered the return order.

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

# References

ABS (Australian Bureau of Statistics) 2015. Criminal courts, Australia, 2013–14. ABS cat. no. 4513.0. Canberra: ABS.

AIHW (Australian Institute of Health and Welfare) 2013. Using the Juvenile Justice National Minimum Data Set to measure juvenile recidivism. Juvenile justice series no. 14. Cat. no. JUV 32. Canberra: AIHW.

AIHW 2015a. Developing a linked data collection to report on the relationships between child protection and youth justice supervision. Data linkage series no. 20. Cat. no. CWS 55. Canberra: AIHW.

AIHW 2015b. Using the Juvenile Justice National Minimum Data Set to measure returns to sentenced youth justice supervision: stage 2. Juvenile justice series no. 17. Cat. no. JUV 54. Canberra: AIHW.

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

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## Related publications

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

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

The following AIHW publications may also be of interest:

- AIHW 2012. Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice. Data linkage series no. 13. Cat. no. CSI 13. Canberra: AIHW.
- AIHW 2012. Linking SAAP, child protection and juvenile justice data: technical report. Data linkage series no. 14. Cat. no. CSI 14. Canberra: AIHW.
- AIHW 2013. Using the Juvenile Justice National Minimum Data Set to measure juvenile recidivism. Juvenile justice series no. 14. Cat. no. JUV 32. Canberra: AIHW.
- AIHW 2014. Pathways through youth justice supervision. Juvenile justice series no. 15. Cat. no. JUV 40. Canberra: AIHW.
- AIHW 2015. Pathways through youth justice supervision: further analyses. Juvenile justice series no. 19. Cat. no. JUV 75. Canberra: AIHW.
- AIHW 2015. Young people returning to sentenced youth justice supervision 2015. Juvenile justice series no. 18. Cat. no. JUV 63. Canberra: AIHW.
- AIHW 2015. Youth detention population in Australia 2015. Bulletin no. 131. Cat. no. AUS 196. Canberra: AIHW.
- AIHW 2016. Youth justice in Australia 2014–15. Bulletin no. 133. Cat. no. AUS 198. Canberra: AIHW.

Most young people who have a supervised sentence serve only 1 sentence and do not return. For those born from 1990–91 to 1996–97, around 62% received only 1 sentence before the age of 18. The younger a person is at the time of first receiving a supervision sentence, the more likely they are to return.

Of the young people aged 10–16 in 2013–14 and released from sentenced community-based supervision, around 23% returned to sentenced supervision in 6 months, and 46% returned within 12 months. Of those released from sentenced detention, 50% returned to sentenced supervision within 6 months and 74% returned within 12 months.