

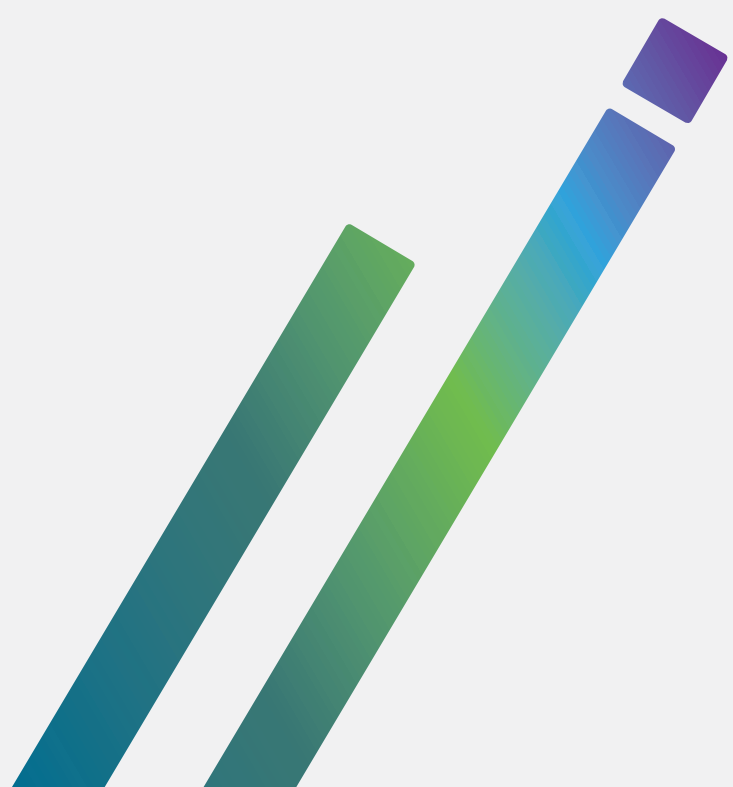


Australian Government

**Australian Institute of
Health and Welfare**



Youth detention population in Australia 2020



AIHW



Youth detention population in Australia 2020



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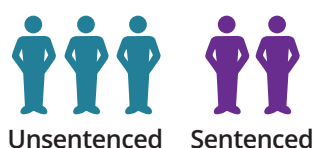
Summary

This report analyses the numbers and rates of young people aged 10 and over who were in youth detention in Australia due to their involvement, or alleged involvement, in criminal activity. It focuses on trends over the 4-year period from the June quarter 2016 to the June quarter 2020. This report includes some data from the COVID-19 period, specifically in the March and June quarters 2020.

There were 798 young people in detention on an average night



There were 798 young people in youth detention on an average night in the June quarter 2020. The vast majority (91%) were male. Most detainees (80%) were aged 10–17, a rate of 2.6 per 10,000 young people in this age group. The other detainees were aged 18 or over.



Almost 2 in 3 (64%) young people in detention on an average night in the June quarter 2020 were unsented—that is, they were awaiting the outcome of their court matter or sentencing. The remainder were serving a sentence.

Numbers and rates of young people in detention have fallen over time

Over the 4-year period from the June quarter 2016 to the June quarter 2020, the number of young people in detention on an average night fell from 922 to 798. Most of this decline was experienced during the most recent year; down from 943 young people in detention on an average night in the June quarter 2019.

The rate of young people aged 10–17 in detention in the June quarter 2020 was 2.6 per 10,000. This rate was slightly lower than in the June quarter 2016 (3.3 per 10,000) and in the June quarter 2019 (3.1 per 10,000).

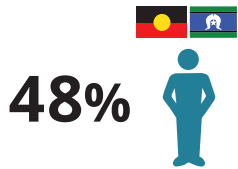
Rates for sentenced detention fell, while unsented detention showed no clear trend over time

In the June quarter 2020, there were 1.9 per 10,000 young people aged 10–17 in unsented detention on an average night, and 0.7 per 10,000 in sentenced detention.

The rates of young people in unsented detention varied over time, with no clear trend. Over the 4-year period, the rate of young people aged 10–17 in unsented detention was relatively stable at 2.1 per 10,000 young people in the June quarter 2016 and ranged between 1.7 per 10,000 in the September quarter 2016 to 2.4 per 10,000 in the March quarter 2017.

The rate of young people aged 10–17 in sentenced detention in the June quarter 2020 was lower than the June quarter 2016 (0.7 per 10,000 compared with 1.2 per 10,000 young people). These were the highest and lowest rates over the 4-year period.

Just under half of those in detention were Aboriginal or Torres Strait Islander young people



Just under half (48%) of all young people in detention on an average night in the June quarter 2020 were Aboriginal or Torres Strait Islander young people. Indigenous Australians made up just 6% of the Australian population aged 10–17.

The rate of young Indigenous Australians aged 10–17 in detention on an average night fell over the 4 year period; down from 34 per 10,000 young Indigenous Australians aged 10–17 in the June quarter 2016 to 23 per 10,000 in the June quarter 2020.

However, young Indigenous Australians aged 10–17 remain 17 times as likely as young non-Indigenous Australians to be in detention on an average night in the June quarter 2020. While the level of Indigenous over representation fluctuated over the 4-year period, it was down overall from 25 times the non-Indigenous rate in the June quarter 2016.

Trends vary across the states and territories

The size of the youth detention population fell in New South Wales, Western Australia, South Australia and the Northern Territory from the June quarter 2016 to the June quarter 2020. In Tasmania and the Australian Capital Territory the number of young people in youth detention was small, but up slightly compared to the June quarter 2016. Queensland showed a decline in the most recent year from June quarter 2019 to June quarter 2020. The number of young people in detention in Victoria remained relatively steady over the 4-year period.

1 Introduction

This report is part of an annual series that looks at trends in the numbers and rates of young people in secure detention facilities in Australia due to their involvement or alleged involvement in crime.

This report and accompanying supplementary tables (those with a prefix of 'S') are available from <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2020/contents/table-of-contents>.

Youth detention in Australia

In Australia, young people who are charged with, or proven guilty of, criminal offences may be supervised by state and territory youth justice agencies. Supervision may take place either in the community or in detention facilities.

Among the states and territories, variations in the numbers and rates of young people under supervision can reflect differences in youth justice legislation, policy and practice. This includes differences in police practices, the types of legal orders available and the options for diversion.

Principles of youth detention

Two main principles upon which the Australian youth justice system is based, and which are incorporated in state and territory legislation, are that young people should be detained only as a last resort and for the shortest appropriate period (Chrzanowski & Wallis 2011). This is consistent with international guidelines, such as the United Nations Convention on the Rights of the Child and the Standard Minimum Rules for the Administration of Juvenile Justice (United Nations 1985, 1989).

Diverting young people from further involvement in the justice system is crucial to applying these principles. Forms of diversion include:

- police warnings
- referral to services such as drug and alcohol treatment
- bail supervision for those at risk of remand
- youth justice conferencing.

Alternatives to detention include:

- transfer to specialist courts or programs
- supervised or unsupervised community orders.

As a result, most young people under supervision in Australia are supervised in the community.

On an average day in 2018–19, 84% of young people under supervision were supervised in the community, and just 17% were in detention (some were supervised in both the community and detention on the same day). Of those who were supervised during 2018–19, 45% spent time in detention at some point during the year (AIHW 2020).

Age limits

In Australia, young people may be charged with a criminal offence if they are aged 10 or over. Separate justice systems operate for young people and adults, each with specific legislation. The upper age limit in the youth justice system is 17 (at the time of the offence) in all states and territories. Those aged 18 or over are dealt with under criminal legislation relating to adults.

In Queensland, legislation to increase the youth justice age limit to 17 was passed in 2016, and was enacted in February 2018. Before then, the age limit in Queensland was 16, and young people aged 17 or over were treated as adults.

From February 2018, young people aged 17 have been transferred from the adult justice system into the youth justice system. This initially led to an increase in the number of young people held in youth justice detention in Queensland and the national detention rate.

In 2018–19, about 14% of young people under supervision on an average day were aged 18 or over (AIHW 2020). Reasons for this include that:

- young people may be apprehended for an offence that was committed or allegedly committed when they were aged 17 or younger
- young people may continue to be supervised by the youth justice system once they turn 18 (or they may be transferred to the adult correctional system)
- some young people aged 18 or over are supervised by youth justice agencies due to their vulnerability or immaturity (in some jurisdictions)
- young people aged 18–20 in Victoria who appear in courts other than the Children’s Court may be sentenced to detention in a youth facility rather than an adult prison if assessed as suitable and the court deems this appropriate. This is known as the ‘dual track’ sentencing system.

In this report, the term ‘young people’ is used to refer to individuals aged 10 and over who are supervised by a youth justice agency. Numbers of young people in detention relate to young people of all ages unless otherwise specified.

Population rates allow for the comparison of different groups while taking into account different population sizes. In this report, rates are calculated only for young people aged 10–17, as this is the key population in most states and territories.

For the *Youth detention population in Australia 2020* report, the age calculation for the average nightly population has been changed and as a result the data is not comparable to previous *Youth detention population in Australia* reports. For more information about the calculation of age, see ‘Technical Notes’.

Sentenced and unsentenced detention

Young people might be in detention while they are:

- unsentenced—that is, while awaiting the outcome of their court matter, or while awaiting sentencing after being found or pleading guilty
- sentenced—when they have been found guilty in court and have received a legal order to serve a period of detention.

Whether a young person is unsentenced or sentenced is known as their 'legal status'.

Most young people in unsentenced detention have been remanded in custody by a court until their next court appearance. In 2018–19, the vast majority (99%) of young people in unsentenced detention on an average day were on remand (AIHW 2020). The remainder were in police referred detention—that is, they were detained before their first court appearance (which is possible in most states and territories). However, almost one-third (30%) of those who were in unsentenced detention during 2018–19 experienced police-referred detention at some time during the year (AIHW 2020).

In this report, young people who are both sentenced and unsentenced at the same time (for example, for 2 different matters) are counted as sentenced.

Aboriginal and Torres Strait Islander young people

Young Aboriginal and Torres Strait Islander people have a long history of over-representation in the youth and adult justice systems in Australia (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011; Johnston 1991).

Just under half (48%) of all young people in detention on an average night in the June quarter 2020 were Aboriginal or Torres Strait Islander young people. Indigenous Australians made up just 6% of the Australian population aged 10–17.

Outcome 11 of *The National Agreement on Closing the Gap* is that Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system, with a target of reducing the rate of Aboriginal and Torres Strait Islander young people (10–17 years) in detention by 30 per cent by 2031 (Department of Prime Minister and Cabinet 2020).

Youth detention data

This report looks at the number of young people in detention on an average night in each quarter over the 4-year period from the June quarter 2016 to the June quarter 2020. Each quarter covers 3 months of the year, and is identified with reference to the last month in the quarter (for example, the March quarter comprises January, February, and March).

The states and territories provided data on the average nightly number of young people in detention each quarter between July 2019 and June 2020. These data supplement the Youth Justice National Minimum Data Set (YJ NMDS). For more information, see 'Technical Notes'.

Impact of COVID-19 on youth detention data

In response to the COVID-19 pandemic, social distancing measures were introduced in Australia in mid-March 2020. While youth justice centres and other places of custody, courts or tribunals were considered essential services (Prime Minister of Australia 2020), COVID-19 still has had a substantial impact on the operations of courts. The impact may differ from jurisdiction to jurisdiction (Judicial College of Victoria 2020).

This report includes data from the COVID-19 period in the March and June quarters 2020. However, more data is required to determine the impact of COVID-19 on youth detention data. The full impact of COVID-19 may also be difficult to determine due to variability of the data and small numbers of young people in detention on an average night. The AIHW will be conducting future work to investigate the impact of COVID-19 on the youth detention data.

From 2017–18, Queensland’s detention data additionally include sentenced and unsentenced young people ‘other custodial settings’. In Queensland, ‘other custodial settings’ includes young people held in police watch houses under remand and sentenced detention, which is unique compared with other jurisdictions.

Trends in the detention population

The number of young people in detention on an average night is relatively small, and the amount of random variation from quarter to quarter is more noticeable when numbers are small. This might affect the appearance and interpretation of trends, and these should be interpreted with caution (particularly where they relate to small populations).

In this report, comparisons are made between the June quarter 2020 and the June quarter 1 year earlier (2019) and 4 years earlier (2016). The same quarters are compared across years to minimise the effect of seasonal variation.

Previous analyses have indicated that there appears to be some seasonal variation in the numbers of young people in sentenced and unsentenced detention each year (AIHW 2020), but this is yet to be fully investigated or explained.

This report aims to summarise key trends over the 1-year and 4-year periods, although there might be fluctuations between quarters.

For more data, including counts of young people who enter the youth justice system throughout the year, and trends over 10 years up to 2018–19, see *Youth Justice in Australia 2018–19*, at <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/contents/summary>.

2 Trends in detention

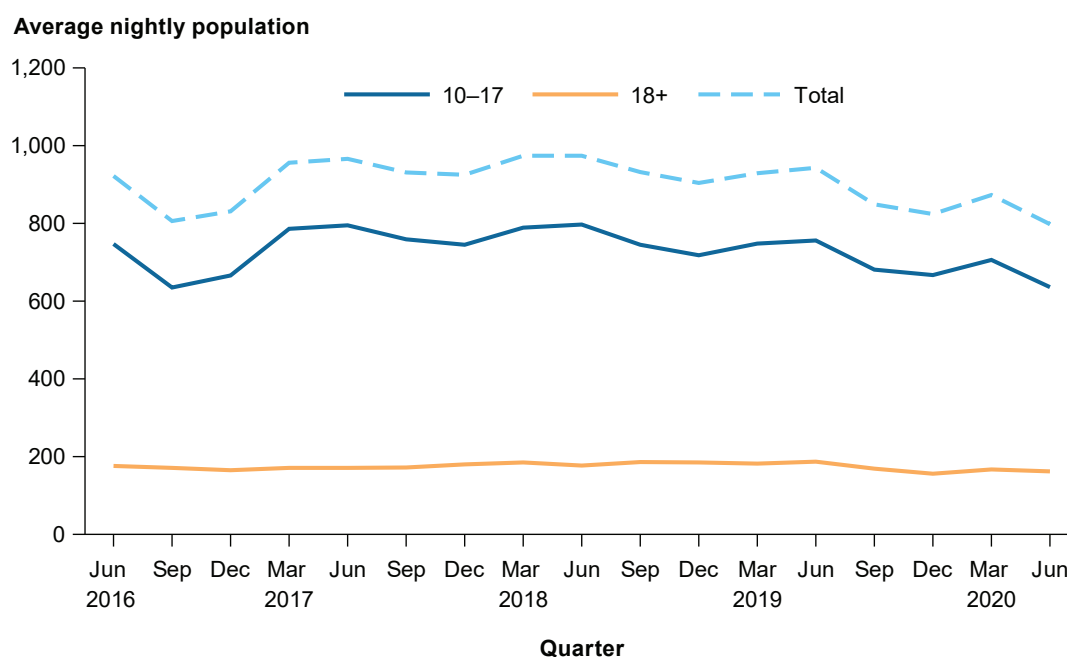
Numbers

On an average night in the June quarter 2020, there were 798 young people in youth detention in Australia due to their involvement, or alleged involvement, in crime (Figure 2.1).

Over the 4-year period from the June quarter 2016 to the June quarter 2020, the number of young people in detention on an average night declined from a high of 974 in both the March and June quarters 2018 to a low in the June quarter 2020 (798). Most of this decline was experienced during the most recent year; down from 943 young people in detention on an average night in the June quarter 2019 (Table S7).

On an average night in the June quarter 2020, most (636 or 80%) young people in detention were aged 10–17. The remainder (162 or 20%) were aged 18 or over. The average nightly population is rounded to whole numbers, so components might not sum to the totals due to rounding (see 'Technical Notes').

Figure 2.1: Young people in detention on an average night, by age group, June quarter 2016 to June quarter 2020 (number)



Note: For 2019–20, the age calculation for the average nightly population has been changed. Age is now calculated based on the age a young person is each night that they are under supervision. If a young person changes age during a period of supervision, then the average nightly number under supervision will reflect this. Due to this change in methodology, average nightly data with an age breakdown or selection will not be comparable to previous *Youth detention population in Australia* releases.

Source: tables S7, S8, and S9.

The number of young people aged 10–17 in detention fell over the 4 year period, while the number aged 18 or over remained steady (between 156 and 187). The number of young people aged 10–17 in detention on an average night declined from a high of 797 in the June quarter 2018 to 636 in the June quarter 2020 (Figure 2.1).

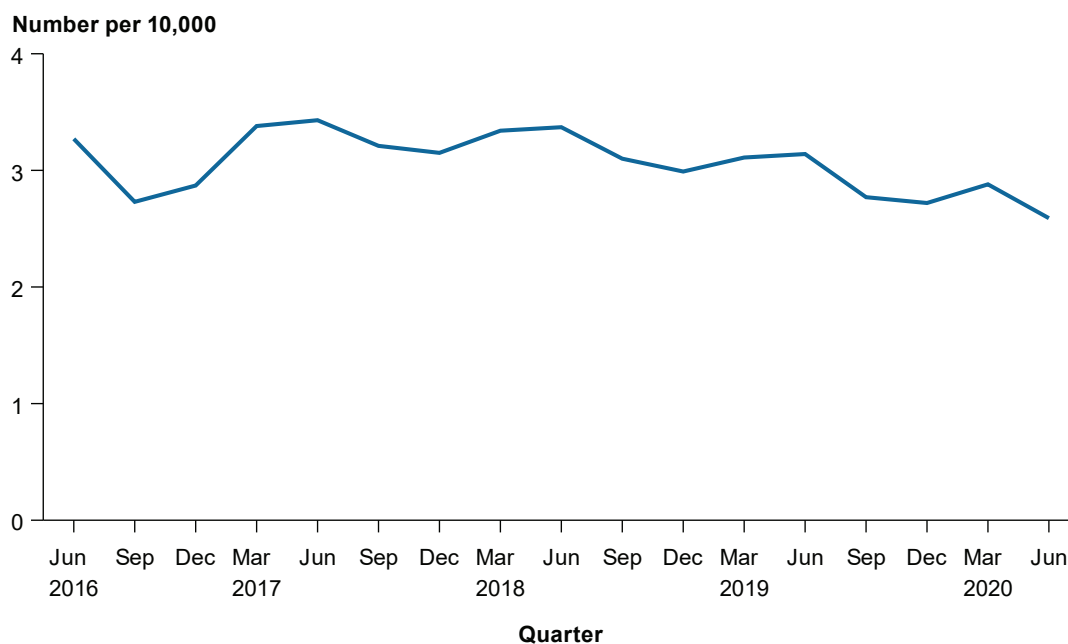
In the June quarter 2020, 9 in 10 (723 or 91%) young people in detention on an average night were male. This was the case in all quarters throughout the 4-year period (90%–92%).

Rates

On an average night in the June quarter 2020, the rate of young people aged 10–17 in detention was 2.6 per 10,000 (Figure 2.2). This rate was slightly lower than in the June quarter 2016 (3.3 per 10,000) and down from a high of 3.4 per 10,000 in the June quarter 2017.

The rate remained relatively steady during the most recent year, under 2.9 per 10,000.

Figure 2.2: Young people aged 10–17 in detention on an average night, June quarter 2016 to June quarter 2020 (rate)



Note: For 2019–20, the age calculation for the average nightly population has been changed. Age is now calculated based on the age a young person is each night that they are under supervision. If a young person changes age during a period of supervision, then the average nightly number under supervision will reflect this. Due to this change in methodology, average nightly data with an age breakdown or selection will not be comparable to previous *Youth detention population in Australia* releases.

Source: Table S10.

3 Trends in sentenced and unsentenced detention

Numbers

On an average night in the June quarter 2020, about 2 in 3 (511 or 64%) young people in detention were unsentenced. The remainder (287 or 36%) were serving a sentence (Figure 3.1).

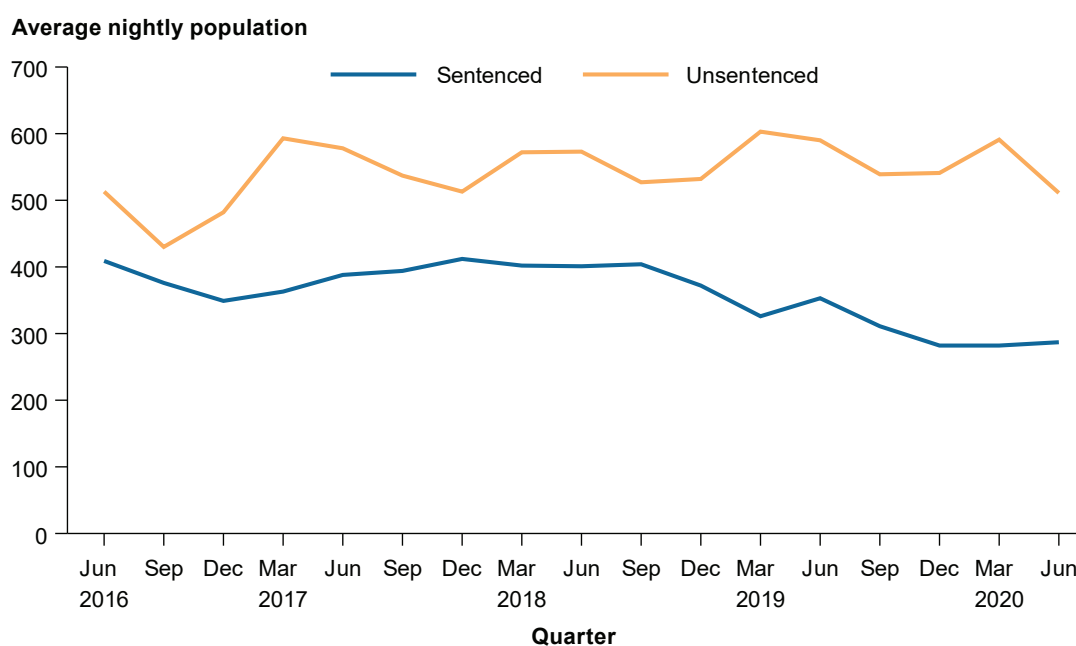
The number of young people in unsentenced detention fluctuated over the 4 year period, with a low of 430 in the September quarter 2016 and a high of 603 in the March quarter 2019. The number of young people tended to be higher in the March and June quarters each year (Figure 3.1).

Compared to the June quarter 2019, the number of young people in unsentenced detention was lower in the June quarter 2020 (590 compared with 511 young people).

The number of young people in sentenced detention declined over the 4-year period. There were 409 young people in sentenced detention on an average night in the June quarter 2016 compared with 287 young people in the June quarter 2020. The December quarter 2017 had the highest number of young people in sentenced detention (412) (Table S27).

There were less young people in sentenced detention in the June quarter 2020 than the June quarter 2019 (353 young people).

Figure 3.1: Young people in detention on an average night, by legal status, June quarter 2016 to June quarter 2020 (number)



Source: tables S17 and S27.

In the June quarter 2020, a higher proportion of those in unsentenced detention were aged 10–17 (92%), compared with sentenced detention (58%) (tables S17, S18, S27, and S28). This difference occurred throughout the 4-year period, with:

- 90%–94% of those in unsentenced detention being aged 10–17
- 58%–67% of those in sentenced detention being aged 10–17.

One reason more young people aged 18 and over are in sentenced detention than in unsentenced detention is that some might continue serving a sentence in a youth facility once they turn 18. Whether they remain in youth detention or are moved to the adult justice system depends on different policies and practices in the states and territories.

In Victoria, 57%–74% of young people in sentenced detention were aged 18 or over in each quarter over the 4-year period, compared with 33%–42% in Australia overall. This is in part due to the ‘dual track’ sentencing system operating in Victoria, which results in a relatively large proportion of young people aged 18 and over in sentenced detention (see Chapter 1 for more details).

On an average night in the June quarter 2020, a higher proportion of females (75%) than males (63%) in detention were unsentenced (tables S7 and S17). This was the case in each quarter throughout the 4 year period, with:

- 70%–83% of females in detention being unsentenced
- 51%–67% of males in detention being unsentenced.

Conversely, a higher proportion of males (37%) than females (25%) were in sentenced detention on an average night in the June quarter 2020. However, due to the small number of females in detention, these results should be interpreted with caution.

Rates

On an average night in the June quarter 2020, 1.9 per 10,000 young people aged 10–17 were in unsentenced detention, and 0.7 per 10,000 were in sentenced detention (Figure 3.2).

Over the 4-year period, the rate of young people aged 10–17 in unsentenced detention was relatively stable at about 2.0 per 10,000 young people. The rate of young people in unsentenced detention was highest in the March quarter 2017 (2.4 per 10,000 young people) and lowest in the September quarter 2016 (1.7 per 10,000).

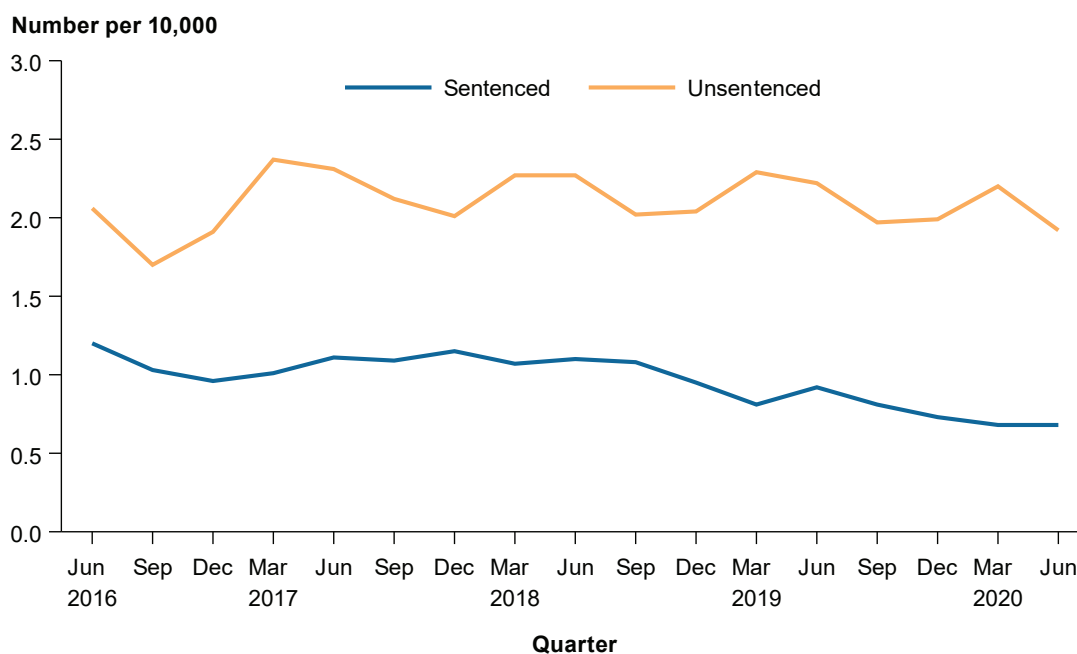
Compared to the June quarter 2019, the rate of young people aged 10–17 in unsentenced detention in the June quarter 2020 was similar (2.2 per 10,000 compared with 1.9 per 10,000 young people).

The rate of young people in unsentenced detention tended to be higher in the March and June quarters each year, and lower in the September and December quarters.

The rate of young people aged 10–17 in sentenced detention in the June quarter 2020 was lower than the June quarter 2016 (0.7 per 10,000 compared with 1.2 per 10,000 young people). These were the highest and lowest rates over the 4-year period.

Similarly, rates of young people aged 10–17 in sentenced detention in the June quarter 2020 were lower than the June quarter 2019 (0.9 per 10,000 young people).

Figure 3.2: Young people aged 10–17 in detention on an average night, by legal status, June quarter 2016 to June quarter 2020 (rate)



Note: For 2019–20, the age calculation for the average nightly population has been changed. Age is now calculated based on the age a young person is each night that they are under supervision. If a young person changes age during a period of supervision, then the average nightly number under supervision will reflect this. Due to this change in methodology, average nightly data with an age breakdown or selection will not be comparable to previous *Youth detention population in Australia* releases.

Source: tables S20 and S30.

4 Aboriginal and Torres Strait Islander young people

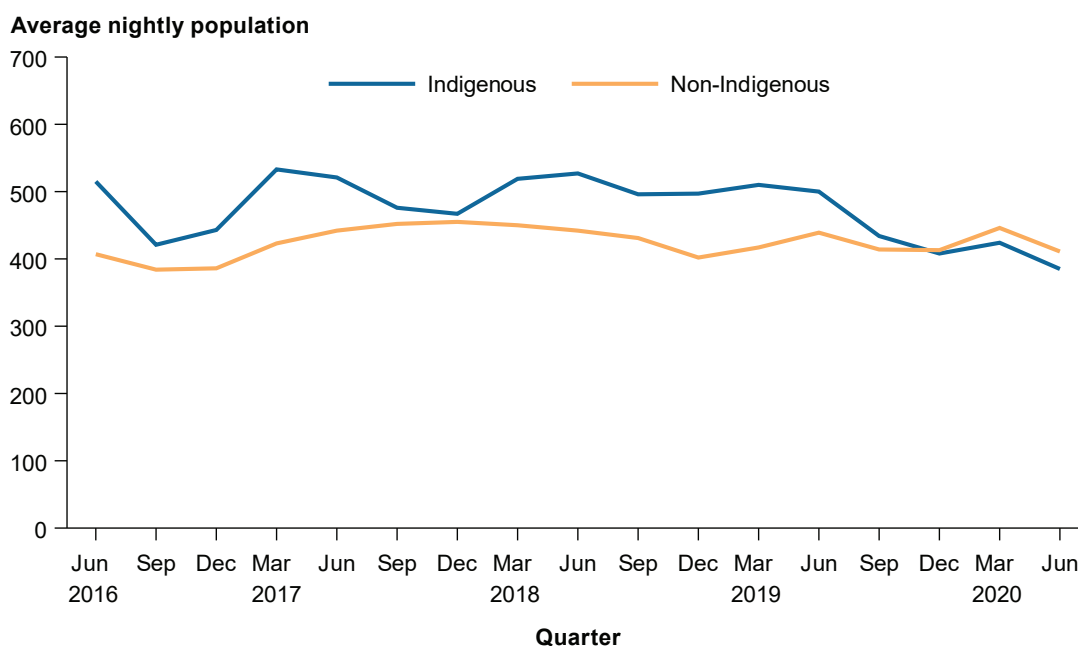
Numbers

Young Aboriginal and Torres Strait Islander people made up slightly less than half (385 or 48%) of all those in detention on an average night in the June quarter 2020. The number of young Indigenous people in detention was lower than in the June quarter 2016 (515) and the June quarter 2019 (500) (tables S1 and S7).

On an average night in each quarter, 48%–56% of young people in detention were Indigenous, and 44%–52% of young people were non-Indigenous (tables S1, S4 and S7).

For the first time, the number of young Indigenous Australians in detention was slightly lower than young non-Indigenous Australians on an average night from the December quarter 2019 (Figure 4.1).

Figure 4.1: Young people in detention on an average night, by Indigenous status, June quarter 2016 to June quarter 2020 (number)



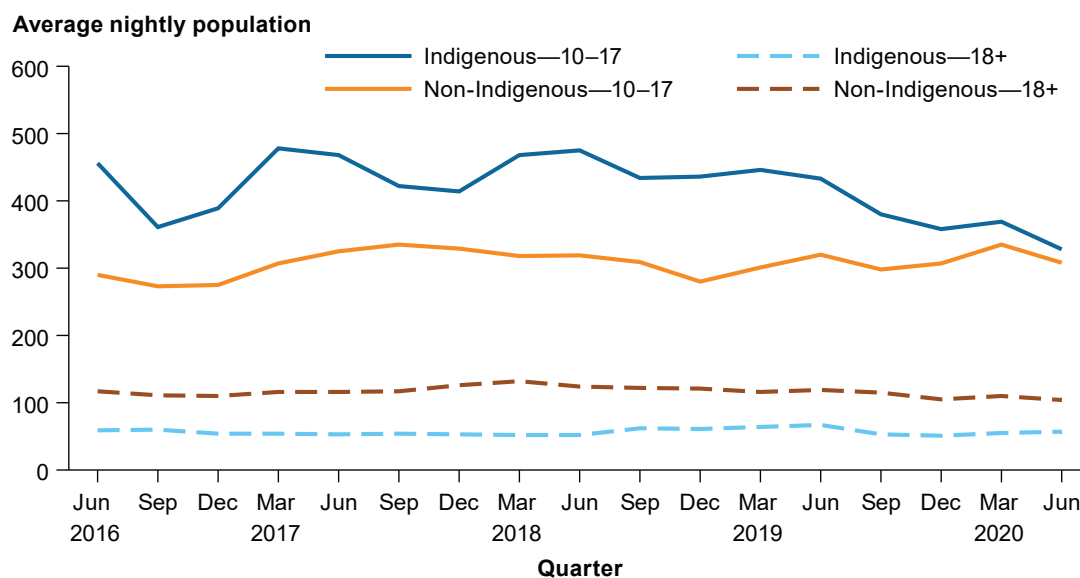
Source: tables S1 and S4.

A higher proportion of young Indigenous Australians in detention were aged 10–17 than young non-Indigenous Australians (Figure 4.2).

In the June quarter 2020:

- 85% of young Indigenous Australians in detention were aged 10–17
- 75% of young non-Indigenous Australians in detention were aged 10–17.

Figure 4.2: Young people in detention on an average night, by Indigenous status and age group, June quarter 2016 to June quarter 2020 (number)



Notes:

1. Trends among small populations should be interpreted with caution. Numbers tend to fluctuate from quarter to quarter due to random variation, and this might affect the appearance and interpretation of trends.
2. For 2019–20, the age calculation for the average nightly population has been changed. Age is now calculated based on the age a young person is each night that they are under supervision. If a young person changes age during a period of supervision, then the average nightly number under supervision will reflect this. Due to this change in methodology, average nightly data with an age breakdown or selection will not be comparable to previous *Youth detention population in Australia* releases.

Source: tables S2, S3, S5, and S6.

Among young people aged 10–17, about 52% of those in detention in the June quarter 2020 were Indigenous. This was lower than in the June quarters 2016 and 2019 (61% and 57% respectively), between which the Indigenous proportion had been fairly consistent at around 56% or above. Over the same period, young Indigenous Australians made up 6% of the Australian population aged 10–17 (Table S31).

On an average night in the June quarter 2020, the proportions of Indigenous and non-Indigenous young people aged 10–17 in detention who were male were similar (88% and 90%, respectively) (tables S2 and S5).

On an average night in the June quarter 2020, 50% of young people in unsentenced detention and 45% in sentenced detention were Indigenous.

Over the 4-year period, young Indigenous Australians generally made up a higher proportion of those in unsentenced detention (50%–58% each quarter) than in sentenced (42%–54%) (tables S11, S17, S21 and S27).

Over the same period, the number of young Indigenous Australians in unsentenced detention is down slightly from the June quarter 2016 to the June quarter 2020 (293 compared with 257).

Although the number of young Indigenous Australians in unsentenced detention fluctuated over this period, they have been trending down since the June quarter 2019 (326) (Table S11).

The number of young Indigenous Australians in sentenced detention has continued to trend downward over the 4-year period, falling from 222 in the June quarter 2016 to 128 in the June quarter 2020 (Table S21).

Rates

Indigenous over-representation in youth detention can be expressed as a rate ratio, which compares the rate of young Indigenous Australians to that of young non-Indigenous Australians (see 'Technical Notes' for more details).

Nationally, on an average night in the June quarter 2020, 23 per 10,000 young Indigenous Australians aged 10–17 were in detention, compared with 1.3 per 10,000 young non-Indigenous Australians.

This means that young Indigenous Australians aged 10–17 were 17 times as likely as young non-Indigenous Australians to be in detention on an average night in the June quarter 2020 (Table S10).

The rate of young Indigenous Australians aged 10–17 in detention on an average night fell over the 4 year period; down from 34 per 10,000 young Indigenous Australians aged 10–17 in the June quarter 2016 and 31 per 10,000 in the June quarter 2019 (Table S10).

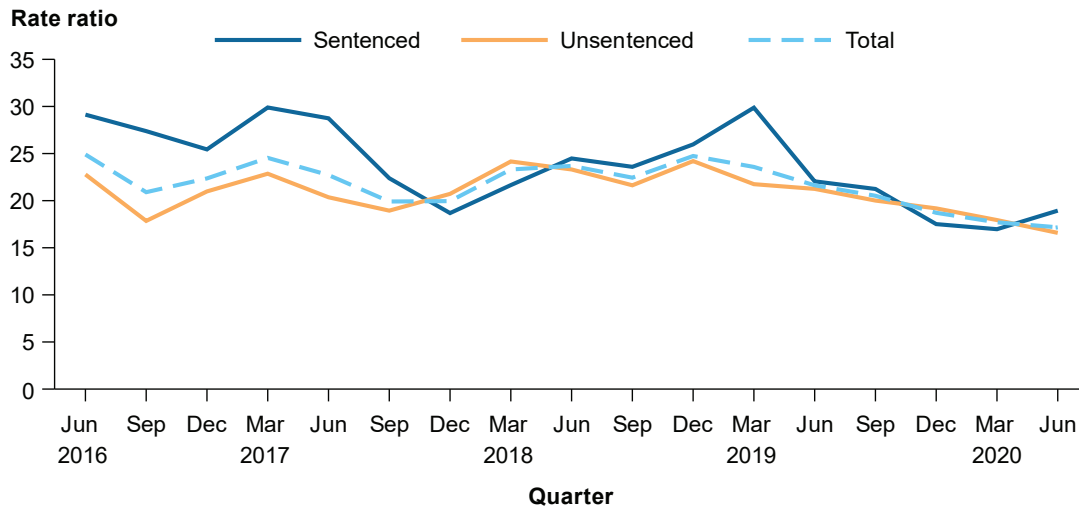
From the June quarter 2016 to the June quarter 2020, the rate of young Indigenous Australians aged 10–17 in sentenced detention halved—from 13 per 10,000 to 6.3 per 10,000. The rate of young Indigenous Australians aged 10–17 in unsentenced detention fluctuated over time, with a small decline evident from the June quarter 2019 to the June quarter 2020—from 21 per 10,000 to 17 per 10,000 (tables S20 and S30).

Over the 4-year period, the level of Indigenous over representation fluctuated but was down overall from 25 times the non-Indigenous rate in the June quarter 2016 to 17 times in the June quarter 2020. The rate ratio was higher in sentenced detention than in unsentenced detention, until the December quarter 2017. After this period, the rate ratios of sentenced and unsentenced detention were relatively similar for all quarters with the exception of the March quarter 2019, where the rate ratio for sentenced detention peaked at 30 (Figure 4.3).

In unsentenced detention, the rate ratio fluctuated over the period with a decline from the June quarter 2019, from 21 times the non-Indigenous rate to 17 times in the June quarter 2020. For sentenced detention, an overall decline was evident over the 4-year period from 29 times the non-Indigenous rate in the June quarter 2016 to 19 times in the June quarter 2020 (tables S20 and S30).

The non-Indigenous rates of sentenced and unsentenced detention were relatively steady over time, with no clear trends.

Figure 4.3: Young Indigenous Australians aged 10–17 in detention, by legal status, June quarter 2016 to June quarter 2020 (rate ratio)



Notes:

1. Rate ratio is calculated by dividing the Indigenous rate by the non-Indigenous rate.
2. For 2019–20, the age calculation for the average nightly population has been changed. Age is now calculated based on the age a young person is each night that they are under supervision. If a young person changes age during a period of supervision, then the average nightly number under supervision will reflect this. Due to this change in methodology, average nightly data with an age breakdown or selection will not be comparable to previous *Youth detention population in Australia* releases.

Source: tables S10, S20, and S30.

5 State and territory trends

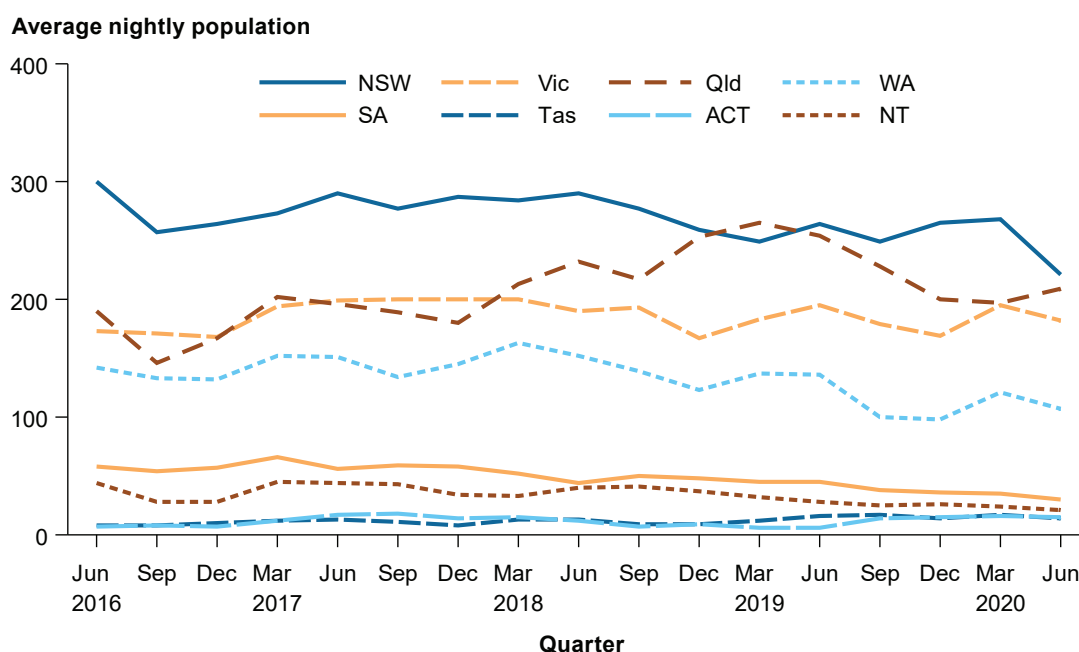
Numbers

New South Wales had the largest number of young people in detention in nearly all quarters throughout the 4-year period (221–300 young people each quarter), followed by Queensland (146–265), Victoria (167–200), and Western Australia (98–163) (Figure 5.1).

The size of the youth detention population fell in New South Wales, Western Australia, South Australia and the Northern Territory from the June quarter 2016 to the June quarter 2020. In Tasmania and the Australian Capital Territory the number of young people in youth detention was small, but up slightly compared to the June quarter 2016 (Table 5.1).

In Queensland there were declines in the number of young people in detention from the June quarter 2019 to the June quarter 2020. The number of young people in detention in Victoria remained relatively steady over the 4-year period (Figure 5.1).

Figure 5.1: Young people in detention on an average night, by state and territory, June quarter 2016 to June quarter 2020 (number)



Notes:

1. For Queensland, the June quarter 2016 and June quarter 2019 are not comparable, due to legislation to increase the age limit in the youth justice system from 16 to 17 enacted in the March quarter 2018. This change resulted in an increase in young people aged 17 under youth justice supervision.
2. In South Australia, for the June quarter 2019 and prior, the 18+ age group are over reported, due to a data quality issue. This is expected to be resolved for the *Youth detention population in Australia 2021* report.
3. Trends among small populations should be interpreted with caution. Numbers tend to fluctuate from quarter to quarter due to random variation, and this might affect the appearance and interpretation of trends.

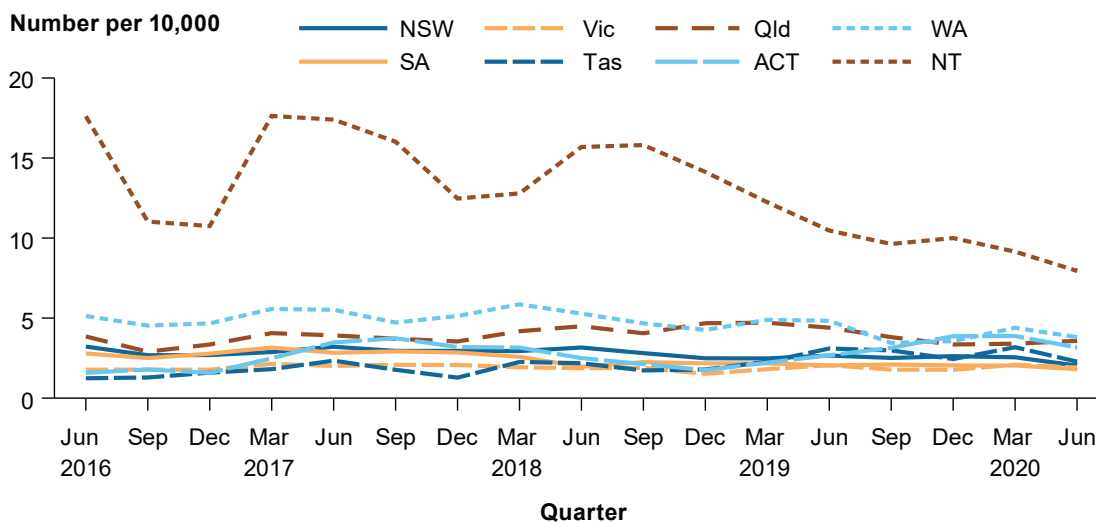
Source: Table S7.

Rates

On an average night in the June quarter 2020, the rate of young people aged 10–17 in detention ranged from 1.8 per 10,000 in South Australia to 7.9 per 10,000 in the Northern Territory. Western Australia had the second highest rate of young people aged 10–17 in detention at 3.8 per 10,000. Rates in Victoria (1.5–2.1 per 10,000) and Tasmania (1.2–3.2 per 10,000) were generally lower than other states and territories (Figure 5.2).

Over the 4-year period, the Northern Territory consistently had the highest rate of young people in detention on an average night each quarter (7.9–18 per 10,000 aged 10–17), although this rate has continued to decline throughout this time from 18 per 10,000 in the June quarter 2016 to 7.9 in the June quarter 2020. In this period, there were declines in the rate of young people in detention on an average night in New South Wales, Western Australia, and South Australia and a slight rise in Tasmania and the Australian Capital Territory (Table S10).

Figure 5.2: Young people aged 10–17 in detention on an average night, by state and territory, June quarter 2016 to June quarter 2020 (rate)



Notes:

1. For Queensland, the June quarter 2016 and June quarter 2019 are not comparable, due to legislation to increase the age limit in the youth justice system from 16 to 17 enacted in the March quarter 2018. This change resulted in an increase in young people aged 17 under youth justice supervision.
2. Trends among small populations should be interpreted with caution. Numbers tend to fluctuate from quarter to quarter due to random variation, and this might affect the appearance and interpretation of trends.
3. For 2019–20, the age calculation for the average nightly population has been changed. Age is now calculated based on the age a young person is each night that they are under supervision. If a young person changes age during a period of supervision, then the average nightly number under supervision will reflect this. Due to this change in methodology, average nightly data with an age breakdown or selection will not be comparable to previous *Youth detention population in Australia* releases.

Source: Table S10.

In Queensland, from the June quarter 2019 to the June quarter 2020 there was a decline in the rate of young people in detention on an average night. Rates in Victoria remained steady over the 4-year period (Table 5.1).

Rates of detention fluctuated from quarter to quarter, particularly among the smaller jurisdictions, due to the small numbers.

Table 5.1: Young people in detention on an average night, by state and territory, June quarter 2016, 2019, and 2020 (number and rate)

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Number									
Sentenced detention									
June quarter 2016	134.3	99.8	41.4	77.5	27.9	4.4	3.7	20.5	409.4
June quarter 2019	107.3	94.2	45.7	59.0	25.7	5.2	1.3	14.7	353.0
June quarter 2020	99.3	80.2	29.6	46.3	13.9	8.4	4.1	4.7	286.6
Unsentenced detention									
June quarter 2016	165.8	73.3	148.2	64.0	30.5	3.9	3.3	23.8	512.8
June quarter 2019	156.7	101.3	208.0	76.5	19.6	10.7	4.3	12.8	590.1
June quarter 2020	121.6	101.3	179.1	61.2	16.4	5.4	10.6	15.8	511.5
Total detention									
June quarter 2016	300.1	173.1	189.6	141.5	58.4	8.2	7.0	44.3	922.2
June quarter 2019	264.0	195.5	253.7	135.5	45.3	15.9	5.6	27.5	943.1
June quarter 2020	220.9	181.5	208.8	107.5	30.3	13.9	14.7	20.5	798.0
Rate (number per 10,000)									
Sentenced detention									
June quarter 2016	1.3	0.6	0.8	2.6	1.0	n.p.	n.p.	8.2	1.2
June quarter 2019	0.9	0.5	0.7	1.8	0.8	1.0	n.p.	5.5	0.9
June quarter 2020	0.7	0.4	0.4	1.5	0.8	1.2	n.p.	n.p.	0.7
Unsentenced detention									
June quarter 2016	1.9	1.2	3.0	2.5	1.8	n.p.	n.p.	9.4	2.1
June quarter 2019	1.7	1.5	3.7	3.0	1.2	2.1	n.p.	5.0	2.2
June quarter 2020	1.3	1.5	3.2	2.3	1.0	1.1	2.1	6.1	1.9
Total detention									
June quarter 2016	3.2	1.8	3.9	5.1	2.8	1.2	1.6	17.6	3.3
June quarter 2019	2.7	2.1	4.4	4.8	2.0	3.1	n.p.	10.5	3.1
June quarter 2020	2.0	1.9	3.6	3.8	1.8	2.3	3.2	7.9	2.6

Notes:

1. Numbers might not add up to the total due to rounding.
2. Rates are for young people aged 10–17. Numbers include young people aged 18 or over who are under youth justice supervision. For numbers of young people aged 10–17 only, refer to the supplementary tables.
3. Trends among small populations should be interpreted with caution. Numbers tend to fluctuate from quarter to quarter due to random variation, and this might affect the appearance and interpretation of trends.
4. Rates are calculated from the unrounded average nightly populations, and are not published when there are fewer than 5 young people in the numerator. There might be instances when a numerator is presented as 5 due to rounding, and the rate is not calculated (see 'Technical Notes').
5. For 2019–20, the age calculation for the average nightly population has been changed. Age is now calculated based on the age a young person is each night that they are under supervision. If a young person changes age during a period of supervision, then the average nightly number under supervision will reflect this. Due to this change in methodology, average nightly data with an age breakdown or selection will not be comparable to previous *Youth detention population in Australia* releases.
6. For Queensland, the June quarter 2016 and June quarter 2019 are not comparable, due to legislation to increase the age limit in the youth justice system from 16 to 17 enacted in the March quarter 2018. This change resulted in an increase in young people aged 17 under youth justice supervision.
7. In South Australia, for the June quarter 2019 and prior, the 18+ age group are over reported, due to a data quality issue. This is expected to be resolved for the *Youth detention population in Australia 2021* report.

Source: tables S7, S10, S17, S20, S27, and S30.

Sentenced and unsentenced detention

On an average night in the June quarter 2020, the rate of young people aged 10–17:

- in unsentenced detention ranged from 1.0 per 10,000 in South Australia to 6.1 per 10,000 in the Northern Territory
- in sentenced detention ranged from 0.4 per 10,000 in Victoria and Queensland to 1.5 per 10,000 in Western Australia (where data is available, Table 5.1).

Over the 4 year period, the rate of young people in unsentenced detention on an average night rose slightly in Victoria and declined in South Australia, and the Northern Territory. Trends could not be reliably determined in Tasmania and the Australian Capital Territory due to small numbers and other states showed no clear trend.

Over the same period, the rate of young people in sentenced detention fell in New South Wales, Queensland and Western Australia. Trends could not be reliably determined in Tasmania, the Australian Capital Territory, and the Northern Territory due to small numbers and other states showed no clear trend.

Young Aboriginal and Torres Strait Islander people

On an average night in the June quarter 2020, the rate of young Indigenous Australians aged 10–17 in detention ranged from 12 per 10,000 in Victoria to 40 per 10,000 in Western Australia.

The non-Indigenous rate ranged from 0.9 per 10,000 in South Australia to 2.0 per 10,000 in the Australian Capital Territory (Table S10).

Among the states and territories for which rate ratios could be calculated, the rate ratio ranged from 6.8 times the non-Indigenous rate in Victoria to 34 times in Western Australia in the June quarter 2020 (Table S10).

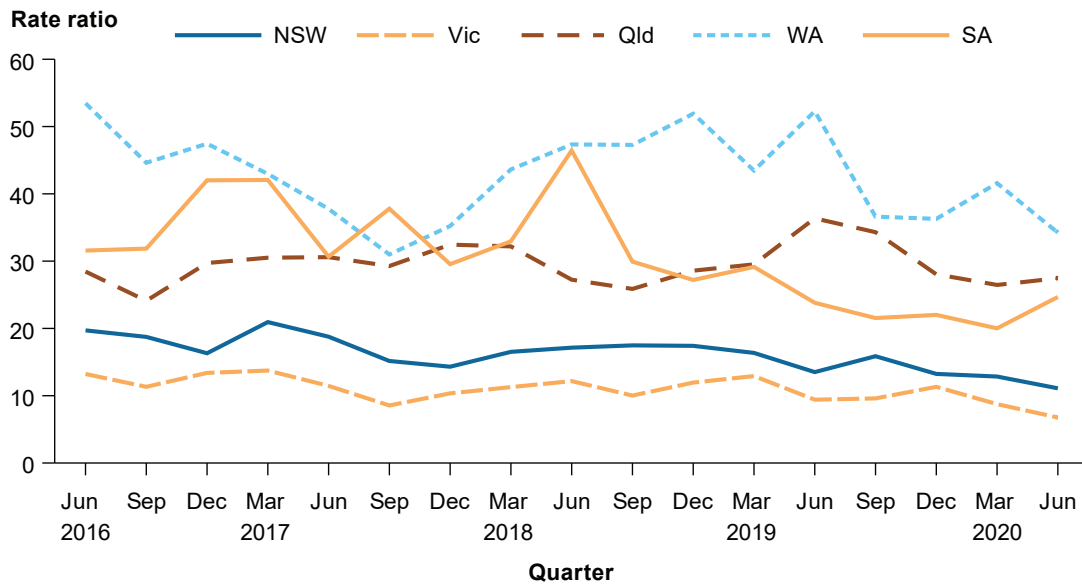
Over the 4 year period, the rate of young Indigenous Australians aged 10–17 in detention fell in New South Wales, Victoria, Western Australia, South Australia and the Northern Territory; leading to subsequent declines in the rate ratios for these states (where rate ratios could be calculated) (Table S10). Over the same time period, rate ratios were generally lowest in Victoria, at 6.8–13.7, and highest in Western Australia, at 31–53 (Figure 5.3).

Due to the small rates of young non-Indigenous Australians in detention, variances can cause large fluctuations in the rate ratio.

Rate ratios could not be calculated for:

- most quarters in Tasmania and the Australian Capital Territory, due to the small number of young Indigenous Australians in detention
- all quarters in the Northern Territory, due to the small number of young non-Indigenous Australians in detention.

Figure 5.3. Young Indigenous people aged 10–17 in detention, by selected states, June quarter 2016 to June quarter 2020 (rate ratio)



Notes:

1. Rate ratio is calculated by dividing the Indigenous rate by the non-Indigenous rate.
2. Rates (and the resulting rate ratios) are calculated from the unrounded average nightly population, and are not published when there were fewer than 5 young people in the numerator. There might be instances when a numerator is presented as 5, and the rate is not calculated due to rounding (see 'Technical Notes'). In this figure, rate ratios are not published for Tasmania, the Australian Capital Territory, and the Northern Territory.
3. Trends among small populations should be interpreted with caution. Numbers tend to fluctuate from quarter to quarter due to random variation, and this might affect the appearance and interpretation of trends.
4. For 2019–20, the age calculation for the average nightly population has been changed. Age is now calculated based on the age a young person is each night that they are under supervision. If a young person changes age during a period of supervision, then the average nightly number under supervision will reflect this. Due to this change in methodology, average nightly data with an age breakdown or selection will not be comparable to previous *Youth detention population in Australia* releases.
5. For Queensland, the June quarter 2016 and June quarter 2019 are not comparable, due to legislation to increase the age limit in the youth justice system from 16 to 17 enacted in the March quarter 2018. This change resulted in an increase in young people aged 17 under youth justice supervision.

Source: Table S10.

Technical Notes

Youth detention data sources

This report was compiled using 2 data sources. States and territories provided data on the average nightly population per quarter between July 2019 and June 2020. These data were used to supplement the 2018–19 YJ NMDS, which contains data up to and including 30 June 2019 for all states and territories.

This report is not comparable with previous editions of *Youth detention population in Australia*. Data in previous editions contained non standard data for the Northern Territory, as well as differences in data formats, specifications, definitions and/or quality across jurisdictions. Comparisons between YJ NMDS and youth detention population data should be made with caution.

A data quality statement for the YJ NMDS 2018–19 is available at <https://meteor.aihw.gov.au/content/index.phtml/itemId/727401>.

Youth detention reports

In addition to this report, the Australian Institute of Health and Welfare (AIHW) also publishes the annual *Youth justice in Australia* report series, which provides comprehensive information on young people under youth justice supervision.

The presentation of data in this report is slightly different from the presentation in *Youth justice in Australia*:

- This report presents the average nightly population for each quarter, while *Youth justice in Australia* presents the average daily population for each year. These data are reported differently because unit record data are not available for all reporting years for the youth detention population in Australia.
- Young people who are concurrently unsentenced and sentenced are classified as sentenced in this report, but are counted separately as both unsentenced and sentenced in *Youth justice in Australia* (although they are only counted once in the total detention population in both publications).

Methods

This section provides key information about the methods used in this report.

Age

In this report, numbers of young people in detention include all age groups unless otherwise specified. Population rates include young people aged 10–17 only (see 'Rates' in this section).

For the *Youth detention population in Australia 2020* report, the age calculation for the average nightly population has been changed and as a result the data is not comparable to previous *Youth detention population in Australia* reports.

Age is calculated at the start of the relevant quarter, unless the period of detention began within the quarter, in which case age is calculated as at the start of the detention period. However, where a young person turns 18 during a period of detention, a new period of detention is started and age is calculated at the start of this detention period. This means that any nights spent in detention (sentenced or unsentenced) as an 18 year old will only be counted in the quarterly average nightly population for the 18+ age group. Similarly, nights spent in detention before a young person has turned 18 will only be counted in the 10–17 age group.

Average nightly population

The average nightly population is calculated by adding the duration (in nights) of each period of detention that falls within the quarter, and dividing the summed duration by the number of nights in the quarter.

Indigenous status

Information on Indigenous status has been collected since the implementation of the YJ NMDS. Nationally, the proportion of young people with 'not stated' Indigenous status was between <0.1%–0.5% each quarter between the June quarter 2016 and the June quarter 2020. This proportion was low (1.7% or less each quarter) in all states and territories. But information on the proportion of young Indigenous Australians who are correctly reported as Indigenous is not available.

Changes in the collection and recording of Indigenous status can affect rates of Indigenous identification over time.

There are some differences in the ways states and territories collect information about Indigenous status. Not all jurisdictions use the national standard question and standard codes for recording Indigenous status, as recommended by the Australian Bureau of Statistics. But some jurisdictions have taken steps to improve their data collection forms and information systems in recent years.

See Aboriginal and Torres Strait Islander identification in community services data collections: an updated data quality report (AIHW 2012) for more information.

Legal status

Young people who are both sentenced and unsentenced at the same time (that is, serving multiple or concurrent supervision orders) are classified as 'sentenced' in this report.

Rates

Population rates enable different groups to be compared, while taking into account different population sizes. Because there are differences between the states and territories in the extent to which young people aged 18 or over can be detained in youth justice facilities, rates are restricted to those aged 10–17. Crude rates are presented in this report.

In the text of this report, the number of young people in detention on an average night during a quarter is rounded to the nearest person. The number of young people in detention on an average night are presented to 1 decimal place in the supplementary tables. The rate is calculated using the number on an average day before rounding.

In the text of this report, rates are presented to 1 decimal place for rates less than 10, and to the nearest whole number for rates 10 and over. Rates are presented to 1 decimal place in the supplementary tables. As a result, rates calculated by using the average nightly population rounded to whole numbers might differ slightly from the rates presented in this report.

Due to a lack of statistical reliability, rates are not calculated where there are fewer than 5 young people in the numerator. In some instances, the number of young people might be presented as 5, but the rate might not be calculated due to rounding (for example, if there are 4.7 young people in detention on an average night, this will appear as 5 in the table, but the rate will not be calculated). But these young people contribute to overall state and national rates. The calculation of rates for young Indigenous and non-Indigenous Australians excludes young people with unknown Indigenous status.

Population data used in the calculation of rates are provided in Table S31.

Rate ratios

Rates for different groups can be compared using a rate ratio, which is the ratio of 2 rates. In this report, rate ratios are used to compare Indigenous and non-Indigenous rates, and to provide a measure of the level of Indigenous over representation. Rate ratios are calculated by dividing the Indigenous rate by the non-Indigenous rate.

Rate ratios should be interpreted with caution where there are small denominators, rare events, and rates that converge while declining.

Due to a lack of statistical reliability, rate ratios in this report are not calculated where 1 or both of the rates have fewer than 5 young people in the numerator. But these young people contribute to overall state and national rate ratios.

Rounding

The average nightly population is rounded to whole numbers, so components might not sum to the totals.

Rate ratios were calculated using rates rounded to 3 decimal places. Proportions were calculated using average nightly numbers rounded to 3 decimal places. Numbers and rates displayed in figures are rounded, as presented in the supplementary tables.

Acknowledgments

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- Department of Communities and Justice, New South Wales
- 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.

Abbreviations

ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
Tas	Tasmania
Vic	Victoria
WA	Western Australia
YJ NMDS	Youth Justice National Minimum Data Set

Symbols

—	nil or rounded to zero
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data
n.a.	not available

References

AIHW (Australian Institute of Health and Welfare) 2012. Aboriginal and Torres Strait Islander identification in community services data collections: an updated data quality report. Cat. no. AIHW 80. Canberra: AIHW.

AIHW 2020. Youth justice in Australia 2018–19. Cat. no. JUV 132. Canberra: AIHW.

Chrzanowski A & Wallis R 2011. Understanding the youth justice system. In: Stewart A, Allard T & Dennison S (eds). Evidence based policy and practice in youth justice. Annandale: The Federation Press, 7–27.

Department of Prime Minister and Cabinet 2020. Closing the Gap Report 2020. Canberra: DPM&C. <https://www.closingthegap.gov.au/>

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011. Doing time—time for doing: Indigenous youth in the criminal justice system. Canberra: Commonwealth of Australia.

Johnston E 1991. Royal Commission into Aboriginal Deaths in Custody: national reports. Volumes 1–5. Canberra: Australian Government Publishing Service.

Judicial College of Victoria 2020. Coronavirus and the courts. Melbourne: Victoria. Viewed 6 October 2020, <https://www.judicialcollege.vic.edu.au/resources/coronavirus-and-courts>.

Prime Minister of Australia 2020. Update on coronavirus measures on 18 March 2020. Canberra: DoH. Viewed 6 October 2020, <https://www.pm.gov.au/media/update-coronavirus-measures>.

United Nations 1985. United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules'). New York: United Nations. Viewed 2 August 2013, www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf.

United Nations 1989. Convention on the Rights of the Child. New York: United Nations. Viewed 2 August 2013, www.ohchr.org/en/professionalinterest/pages/crc.aspx.

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Related publications

This report, *Youth detention population in Australia 2020*, is part of an annual series. Earlier editions and any published subsequently can be downloaded for free from www.aihw.gov.au/reports-data/health-welfare-services/youth-justice/overview. The website also includes information on ordering printed copies.

The following AIHW publications might also be of interest:

- AIHW 2018. National data on the health of justice-involved young people: a feasibility study 2016–17. Cat. no. JUV 125. 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 2020. Young people returning to sentenced youth justice supervision 2018–19. Juvenile justice series no. 24. Cat. no. JUV 133. Canberra: AIHW.
- AIHW 2020. Youth justice in Australia 2018–19. Cat. no. JUV 132. Canberra: AIHW.



This report presents information on the youth detention population in Australia from June 2016 to June 2020. Among the 798 young people in detention on an average night in the June quarter 2020, most were male (91%), aged 10–17 (80%), unsentenced (64%), and non-Indigenous (52%). Over the 4-year period, the number of young people in detention fluctuated across quarters though fell overall from 922 in the June quarter 2016.

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