



## Successful Completion Rates for Supervised Sentencing Options

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### Introduction

At any one time, the New South Wales Department of Corrective Services is responsible for supervising about twice as many offenders in the general community as there are inmates in prison. Although the Productivity Commission's "Report on Government Services 2005"<sup>1</sup> reports on the completion of community-based orders, there is little detailed research or disaggregated information on offenders who breach the terms of their undertakings with consequent revocation of their orders.

Courts in New South Wales often order supervision as part of a bond or other community-based sanction. It is therefore important that the courts have some general appreciation of the extent to which these orders are successfully completed. The Judicial Commission has worked jointly with the New South Wales Department of Corrective Services to analyse and present information about completion rates.

### Aim of study

This study's main aim is to report on the success and failure rates of sentencing options which contain a requirement, whether expressed or inherent in the type of order imposed, that the offender submit to the supervision of the New South Wales Probation and Parole Service.<sup>2</sup> This report

presents the results of an analysis of data held by the Department of Corrective Services that describes the overall successful completion and revocation rates of supervised community-based orders. The data are analysed also by reference to:

- type of community-based order
- median length of community-based order
- most serious offence category
- type/level of court
- age of offender
- sex of offender
- location (comparing metropolitan and country supervising office regions).

### Types of orders

The study focuses on offenders who were supervised by the New South Wales Probation and Parole Service and who were required to serve one of the following dispositions:

- A good behaviour bond pursuant to s 9 of the *Crimes (Sentencing Procedure) Act 1999* or a recognisance under s 20(1)(a) and (b) of the *Crimes Act 1914* (Cth).
- A conditional discharge bond (no conviction recorded) pursuant to s 10 of the *Crimes (Sentencing Procedure) Act 1999* or under s 19 B of the *Crimes Act 1914* (Cth).

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1 Australian Government Productivity Commission, "Report on Government Services 2005", Vol 1, Pt C, ch 7.

2 The NSW Probation and Parole Service is a subdivision of the Community Offender Services Division of the NSW Department of Corrective Services. Within the NSW Probation and Parole Service, Intensive Supervision and Probation and Parole Officers supervise offenders on community-based orders.

- A deferred sentence pursuant to s 11 of the *Crimes (Sentencing Procedure) Act 1999*.
- A community service order (CSO) pursuant to s 8 of the *Crimes (Sentencing Procedure) Act 1999*. A CSO may also be imposed on Commonwealth offenders by virtue of s 20AB of the *Crimes Act 1914* (Cth). The conditions and obligations relating to CSOs are referred to in ss 108 and 109 of the *Crimes (Sentencing Procedure) Act 1999*.
- A suspended sentence of imprisonment pursuant to s 12 of the *Crimes (Sentencing Procedure) Act 1999*.<sup>3</sup>
- A home detention order pursuant to s 7 of the *Crimes (Sentencing Procedure) Act 1999*. A home detention order may also be imposed on Commonwealth offenders by virtue of s 20AB of the *Crimes Act 1914* (Cth). The conditions and obligations relating to home detention are referred to in ss 103 and 104 of the *Crimes (Sentencing Procedure) Act 1999*.

For the sake of simplicity, the various forms of good behaviour and conditional discharge bonds (as defined under the first three dot points above) are aggregated for the purposes of our analysis and referred to simply as bonds.

Home detention orders (a custodial sentence) have been included because home detention detainees are supervised by Intensive Supervision Officers of the New South Wales Probation and Parole Service. Periodic detainees on the other hand are excluded because they are not currently supervised by the Probation and Parole Service.

For convenience, the term “supervised community-based orders” is used to refer overall to the various bonds, orders and sentences that form the subject matter of this study. The vast majority of those under probationary supervision by the Department of Corrective Services are persons who are subject to a s 9 good behaviour bond.

## Revocation

All sanctions within the scope of this study have one thing in common — where the offender fails to comply with the terms of their order, an application can be made to the court (or in the case of home

detention, to the Parole Board) for the order to be revoked. If the order is revoked, in most cases the court will re-sentence the offender for the original offence (not for the breach itself) and impose a more severe penalty. The following list outlines the orders a court may make in these circumstances.

- A good behaviour bond (s 9 of the *Crimes Sentencing Procedure Act 1999*). If the court is satisfied that the offender has failed to comply with the conditions of a bond, it may take no action, vary the conditions, impose further conditions or revoke the bond: s 98 of the *Crimes (Sentencing Procedure) Act 1999*. If revocation occurs, the offender is subject to be sentenced for the original offence. A similar result is available under s 20 of the *Crimes Act 1914* (Cth).
- A conditional discharge bond (s 10 of the *Crimes Sentencing Procedure Act 1999*). Upon revocation, the court may convict and sentence the offender for the original offence: s 99 of the *Crimes (Sentencing Procedure) Act 1999*. For Commonwealth offences, the matter is governed by s 19B of the *Crimes Act 1914* (Cth) with similar consequences in the event of revocation.
- A deferred sentence (s 11 of the *Crimes Sentencing Procedure Act 1999*). This is a form of remand imposed prior to the determination of sentence. Revocation involves calling the offender up for sentencing prior to the expiration of the remand period.
- A community service order (s 8 of the *Crimes Sentencing Procedure Act 1999*). Revocation of the order empowers the court to sentence the offender as if the CSO were never made: see s 115 of the *Crimes (Administration of Sentences) Act 1999*.
- A suspended sentence (s 12 of the *Crimes Sentencing Procedure Act 1999*). The revocation of the bond is mandatory if the court is satisfied that there has been a breach, unless also satisfied that the failure to comply was trivial in nature, or there are good reasons for excusing the offender’s failure: s 98 of the *Crimes (Sentencing Procedure) Act 1999*. Upon revocation, the suspended term of imprisonment is activated.<sup>4</sup> See s 99 of the *Crimes (Sentencing Procedure) Act 1999*.

3 Suspended sentences relating to Commonwealth offences (imposed pursuant to s 20(1)(b) of the *Crimes Act 1914* (Cth)) could not be included with State suspended sentences, as the data did not discriminate between s 20(1)(a) and 20(1)(b) recognisances. The latter are included in the figure for bonds.

4 See generally, G Brignell and P Poletti, “Suspended Sentences in New South Wales” (2003) 29 *Sentencing Trends and Issues*.

- A home detention order (s 7 of the *Crimes Sentencing Procedure Act 1999*). Revocation is by the Parole Board: see s 167 of the *Crimes (Administration of Sentences) Act 1999*.

In sentencing the offender for the original offence, once a bond is revoked or other order made, the court must take into account the fact that the offender was subject to the order and anything done by the offender in compliance with the offender's obligations under the bond or order. See s 24 (b) of the *Crimes (Sentencing Procedure) Act 1999*.

Despite small numbers, included in the analysis were offenders who were supervised by the New South Wales Probation and Parole Service as a consequence of being dealt with by the Drug Court<sup>5</sup> and also offenders who received a fine default order.<sup>6</sup>

### The data

This study relies on data kept by the New South Wales Department of Corrective Services. Successful completion and revocation rates for community-based options where there was a requirement for supervision of the offender were obtained for the two-year period 2003 – 2004 inclusive. In order to provide an annual rate and to smooth out any unusual variations that may have occurred during any one year of this period, the annual average for the two years was calculated to form the basis upon which the analysis proceeded.

The outcomes themselves are counted, not by reference to when the orders were imposed, but by reference to the point at which offenders were discharged from their orders. That is, the supervised sanctions had to have either run their full course (successfully completed), or otherwise been prematurely terminated (revoked) during the two-year period (2003 – 2004). Where an offender had multiple orders, only the order for the principal offence was included.

The total number of offenders whose supervised community-based orders were discharged (that is, had run their full course or were revoked) during 2003 was 17,402 and during 2004 was 16,222. The average annual number for the two-year period was therefore calculated to be 16,812. Except as indicated, the data presented in the tables and figures below (which have also been averaged for the same two years) are based on 16,812 supervised community-based orders.

### Inclusions and exclusions

This analysis is restricted to examining outcomes relating to non-custodial sanctions which contain a requirement that the offender submit to the supervision of an officer of the New South Wales Probation and Parole Service. It also includes home detention orders and suspended sentences, both of which require the imposition of a sentence of full-time imprisonment before they are converted to the form of their respective orders. The study therefore includes all non-custodial and other sanctions with a requirement for supervision, but it excludes the same sanctions where there is no requirement for supervision.

Data relating to parole supervision are not included in this study since, at the time of writing, parole is already the subject of a joint study by the New South Wales Bureau of Crime Statistics and Research and the New South Wales Department of Corrective Services. Similarly, as indicated above, offenders subject to periodic detention are not included in the study because these offenders are not supervised by the Probation and Parole Service.

### Early termination of supervision

It is important to note that there is a discretion to terminate supervision of a bond prior to the expiration of the order, but this discretion is only exercised when the case management goals are addressed and the offender is no longer regarded as a threat to society. Such early termination does not release the offender from complying with the other terms of the bond or order. For example, s 95 of the *Crimes (Sentencing Procedure) Act 1999* requires that a good behaviour bond be subject to the following conditions:

- that the offender will appear before the court if called to do so at any time during the term of the bond
- that the offender will be of good behaviour.

In addition, the court is empowered to specify other appropriate conditions, but not conditions requiring the person under bond to perform community service work, or make any payment, whether in the nature of a fine, compensation or otherwise.<sup>7</sup>

5 See the *Drug Court Act 1998* (NSW).

6 Refers to an order that enables a fine defaulter to serve a community sentence order rather than be sentenced to a term of imprisonment: see *Fines Act 1996* (NSW) s 79.

7 *Crimes (Sentencing Procedure) Act 1999* (NSW) s 95(c).

One condition frequently imposed is a requirement that the offender accept the supervision and guidance of the Probation and Parole Service. Such supervision is to continue for a stated period of time or for such period as the Probation and Parole Service considers necessary. Another condition may be that the offender comply with all reasonable directions of officers of the Probation and Parole Service.

Thus in this study, the meaning of successful completion or revocation is based on completion or revocation that takes place during the period that the offender is subject to the direction or supervision of the Probation and Parole Service. It is a measure of the success or otherwise of community-based orders where there is a requirement for supervision and not a measure of the same orders where the Probation and Parole Service has no role to play.

### The analysis

Figure 1 presents the proportion of successful completions and revocations by the average number of offenders discharged (orders either completed or prematurely terminated) each month over a 12-month period. While there is some minor fluctuation in the pattern, there is no major cyclic pattern evident as is shown in remand numbers, which tend to decrease

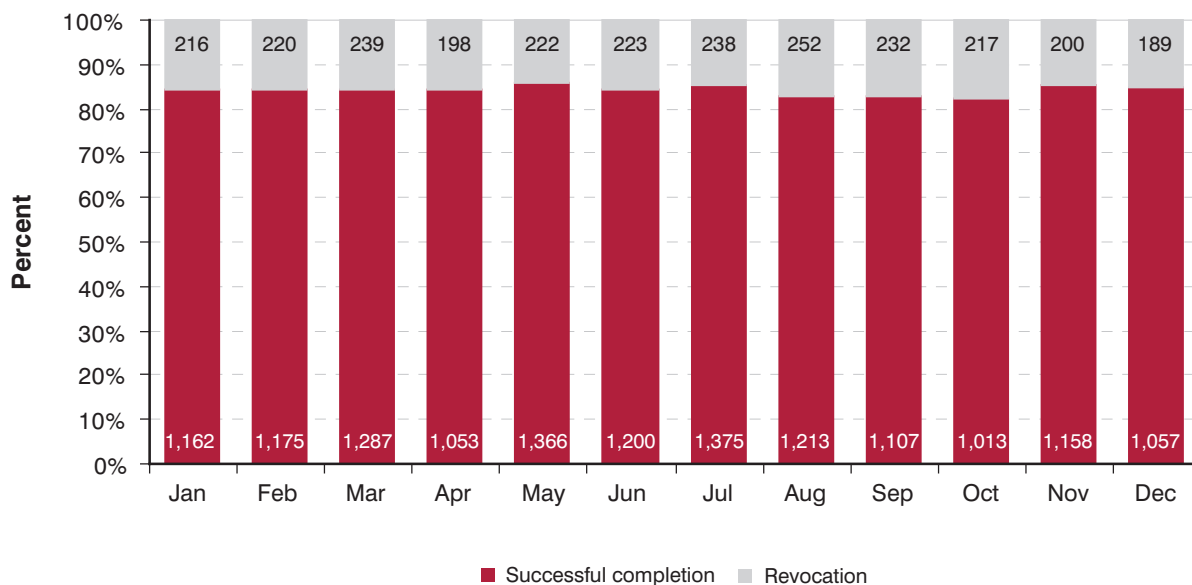
each December and January. It also shows that, in general, successful completions are relatively stable and represent about 84% of the overall number of supervised completions. Conversely, the overall non-completion or revocation rate is approximately 16%. That is, for every 100 offenders given a supervised community-based order, about 16 offenders will return to court for re-sentencing or, in the case of home detention orders, to be dealt with by the Parole Board.

### Type of community-based orders

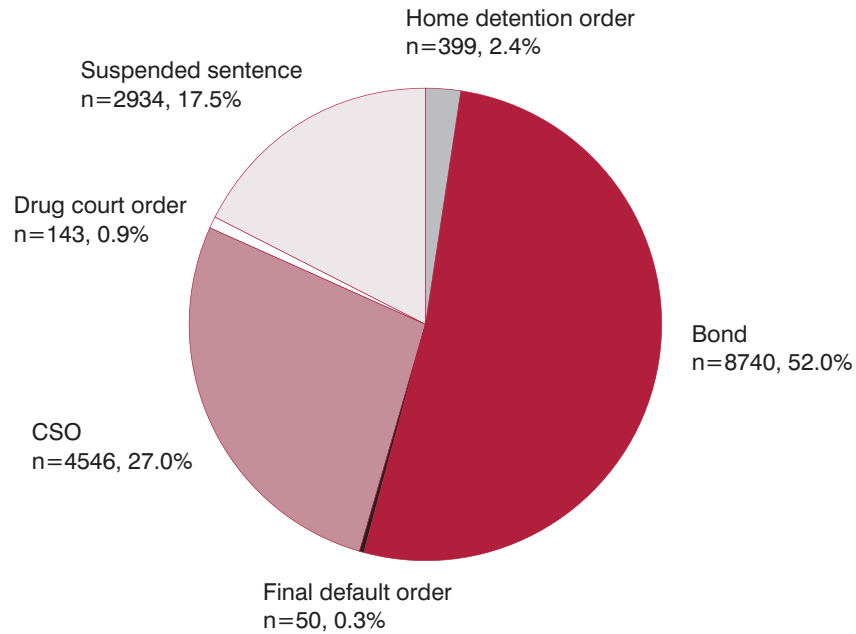
Figure 2 shows that bonds represent the highest proportion of orders supervised by the Probation and Parole Service with just over half of all supervised orders being bonds. This excludes bonds which attach to s 12 suspended sentences (17.5%) as these are considered separately. As expected, offenders on Drug Court orders and fine default orders make up a small percentage of all orders supervised by the Probation and Parole Service.

Table 1 provides an analysis of successful completion rates by reference to the type of supervised community-based order. It shows, purely in terms of revocation rates, that bonds are the most likely to be successfully completed with a revocation rate of only 11.1%. Community service order failures (with a revocation rate of 23.5%)

**Figure 1: Monthly number of offenders discharged from supervised community-based orders by successful completions and revocation (averaged for 2003 – 2004) (n=16,812)**



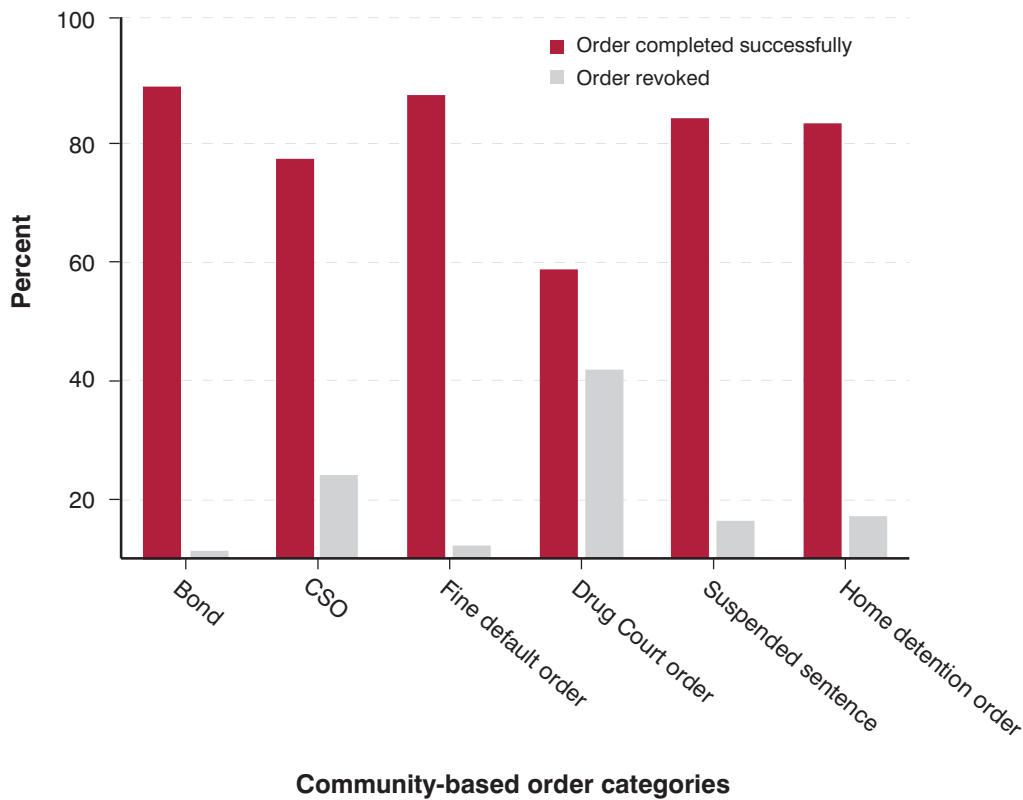
**Figure 2: Percentage of supervised community-based order types discharged in 2003 and 2004 (annual average for 2003 – 2004)**



**Table 1: Successful completion and revocation rates for supervised community-based orders by type of order (annual average for 2003 – 2004)**

| Community-based order | Completed successfully |             | Revoked      |             | Total         |            |
|-----------------------|------------------------|-------------|--------------|-------------|---------------|------------|
|                       | No                     | %           | No           | %           | No            | %          |
| Bond                  | 7,774                  | 88.9        | 966          | 11.1        | 8,740         | 100        |
| CSO                   | 3,476                  | 76.5        | 1,070        | 23.5        | 4,546         | 100        |
| Fine default order    | 44                     | 88.0        | 6            | 12.0        | 50            | 100        |
| Drug Court            | 84                     | 58.7        | 59           | 41.3        | 143           | 100        |
| Suspended sentence    | 2,459                  | 83.8        | 475          | 16.2        | 2,934         | 100        |
| Home detention order  | 330                    | 82.7        | 69           | 17.3        | 399           | 100        |
| <b>Total</b>          | <b>14,167</b>          | <b>84.3</b> | <b>2,645</b> | <b>15.7</b> | <b>16,812</b> | <b>100</b> |

**Figure 3: Successful completion and revocation rates for supervised community-based orders by type of order (annual average for 2003 – 2004)**



appear comparatively high. However, offenders who are sentenced by the Drug Court are the least likely to complete their terms of supervision with a revocation rate of 41.3%.<sup>8</sup>

Figure 3 shows the above results on successful completions and revocations in graphical format.

### Order length

The maximum length of supervision that may be imposed varies in accordance with the type of order. For example, a s 9 good behaviour bond can be imposed for a maximum of five years, whereas a s 12 suspended sentence has a maximum length of two years. Further, a bond attached to a suspended sentence cannot exceed the actual term of the suspended sentence that is imposed.

The median order length presented in Table 2 is the original length of the order imposed by the court.

As indicated above, the period of supervision can be terminated before the end of the order. The median length of a supervised community-based order was 12 months. The median supervision period was longer for bonds (18 months) and Drug Court orders (24 months), but shorter for suspended sentences (nine months) and home detention orders (six months).

Little or no difference was observed in the median length of supervised community-based orders and successful completion or revocation of orders.

### Most serious offence

When the data are analysed by reference to the most serious offence category (as classified by the New South Wales Department of Corrective Services),<sup>9</sup> it is interesting to observe from Table 3 and Figure 4 that drug offenders fare relatively well with a success rate of 88.3%, while those who

8 Chi-square test, chi-square = 852.401, df = 5, p < 0.001.

9 The most serious offence is classified as the offence for which the longest sentence was imposed. In the situation where two different offences are given equal sentence lengths, the offence with the lowest Australian National Classification of Offences (ANCO) code is identified as the most serious offence.

**Table 2: Median original length of community-based orders discharged in 2003 and 2004**

|                       | Completed successfully | Revoked         | Total           |
|-----------------------|------------------------|-----------------|-----------------|
| Community-based order | Median (months)        | Median (months) | Median (months) |
| Bond                  | 18                     | 18              | 18              |
| CSO                   | 12                     | 12              | 12              |
| Fine default order    | 12                     | 12              | 12              |
| Drug Court            | 24                     | 24              | 24              |
| Suspended sentence    | 9                      | 11              | 9               |
| Home detention order  | 6                      | 7               | 6               |
| <b>Total*</b>         | <b>12</b>              | <b>12</b>       | <b>12</b>       |

\* Data missing for seven offenders

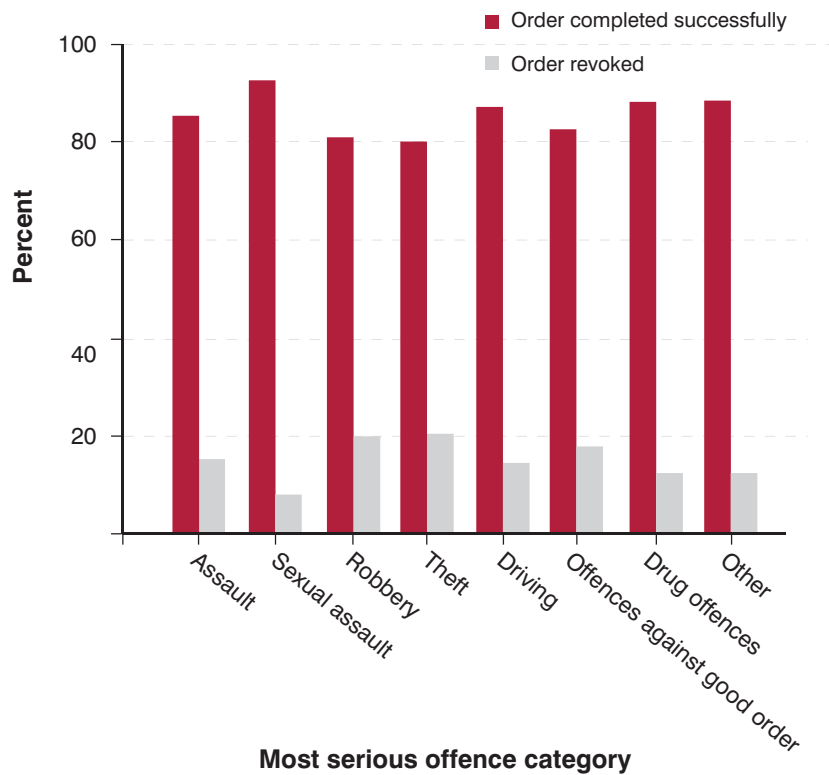
**Table 3: Successful completion and revocation rates for supervised community-based orders by most serious offence category (annual average 2003 – 2004)**

| Offence type        | Completed successfully |             | Revoked      |             | Total         |            |
|---------------------|------------------------|-------------|--------------|-------------|---------------|------------|
|                     | No                     | %           | No           | %           | No            | %          |
| Homicide            | 2                      | 100         | 0            | 0           | 2             | 100        |
| Assault             | 3,630                  | 85.5        | 618          | 14.5        | 4,248         | 100        |
| Sexual assault      | 144                    | 92.9        | 11           | 7.1         | 155           | 100        |
| Robbery             | 123                    | 80.9        | 29           | 19.1        | 152           | 100        |
| Theft               | 3,912                  | 80.1        | 973          | 19.9        | 4,885         | 100        |
| Driving             | 3,813                  | 86.8        | 579          | 13.2        | 4,392         | 100        |
| Against good order  | 1,287                  | 82.8        | 268          | 17.2        | 1,555         | 100        |
| Drug offences       | 790                    | 88.3        | 105          | 11.7        | 895           | 100        |
| Other*              | 465                    | 88.6        | 60           | 11.4        | 525           | 100        |
| Care and protection | 1                      | 100         | 0            | 0           | 1             | 100        |
| <b>Total**</b>      | <b>14,167</b>          | <b>84.3</b> | <b>2,643</b> | <b>15.7</b> | <b>16,810</b> | <b>100</b> |

\* Other includes offences relating to prostitution, other offensive behaviour, environmental offences, fare evasion, offences against liquor laws, weapons offences and other offences not otherwise classified.

\*\* There is missing data for two revoked orders as the offence type was incorrectly entered on the NSW Department of Corrective Services' offender database.

**Figure 4: Successful completion and revocation rates for supervised community-based orders by most serious offence category (annual average 2003 – 2004)\***



\* Offenders under supervision for homicide-related offences or offences against the care and protection of children were excluded from Figure 4 due to the small sample size. These two offence categories were represented by two and one offenders respectively. All three offenders in these two offence categories successfully completed the supervised community-based order.

commit offences against property have a successful completion rate of around 80% (revocation rates of 19.9% for theft and 19.1% for robbery). When compared with some other offence categories, offenders against good order also appear to have a lower success rate than some other offence categories with a revocation rate of 17.2%. Excluding categories that have only one or two cases in them (homicide and offences against the care and protection of children), offenders under supervision for sexual assault offences have the highest success rate (92.9%) or correspondingly, the lowest revocation rate of just 7.1%.

Table 4 shows that about six out of ten offenders in the categories of assault (59.4%), drug offences (58.1%) and “other” offences (59%), attracted a supervised order attached to a bond rather than another form of community-based order order. For those supervised for a robbery offence, however, a suspended sentence

was more likely to be imposed than any other type of community-based order (42.8%). It is interesting to observe also that, proportionately, offences against good order (7%) and driving offences (3%) attracted home detention orders more than other offences. Driving offences also attracted a comparatively high rate of community service orders (38.5%) when compared with other offence categories.

Table 5 reports that more than half (53.3%) of the supervised orders awarded by the lower courts (Local courts) are bonds compared with the higher courts (Supreme and District courts) imposing 39.5% of their supervised orders as bonds and 31.9% as suspended sentences.

A further analysis of the success rates of supervised community-based orders involving higher and lower courts is presented in Table 6. This table clearly shows that there is little difference in the successful completions/revocation rates of supervised community-based orders imposed by level of courts.



Table 4: Supervised community-based orders imposed by most serious offence categories (annual average for 2003 – 2004)

| Most Serious Offence Type | Bond         |             | CSO          |             | Fine default order |            | Drug Court order |            | Suspended sentence |             | Home detention order |            | Total         |            |
|---------------------------|--------------|-------------|--------------|-------------|--------------------|------------|------------------|------------|--------------------|-------------|----------------------|------------|---------------|------------|
|                           | No           | %           | No           | %           | No                 | %          | No               | %          | No                 | %           | No                   | %          | No            | %          |
| Homicide                  | 1            | 50.0        | -            | -           | -                  | -          | -                | -          | 1                  | 50.0        | -                    | -          | 2             | 100        |
| Assault                   | 2,525        | 59.4        | 846          | 19.9        | 1                  | 0          | 1                | 0          | 856                | 20.2        | 19                   | 0.4        | 4,248         | 100        |
| Sexual assault            | 79           | 51.0        | 23           | 14.8        | -                  | -          | -                | -          | 53                 | 34.2        | -                    | -          | 155           | 100        |
| Robbery                   | 58           | 38.2        | 27           | 17.8        | -                  | -          | 1                | 0.7        | 65                 | 42.8        | 1                    | 0.7        | 152           | 100        |
| Theft                     | 2,497        | 51.1        | 1,364        | 27.9        | 3                  | 0.1        | 90               | 1.8        | 809                | 16.6        | 122                  | 2.5        | 4,885         | 100        |
| Driving                   | 1,915        | 43.6        | 1,690        | 38.5        | 17                 | 0.4        | 24               | 0.5        | 614                | 14.0        | 132                  | 3.0        | 4,392         | 100        |
| Against good order        | 834          | 53.6        | 327          | 21.0        | 1                  | 0.1        | 5                | 0.3        | 279                | 17.9        | 109                  | 7.0        | 1,555         | 100        |
| Drug offences             | 520          | 58.1        | 159          | 17.8        | 1                  | 0.1        | 17               | 1.9        | 186                | 20.8        | 12                   | 1.3        | 895           | 100        |
| Other*                    | 310          | 59.0        | 108          | 20.6        | 27                 | 5.1        | 5                | 1.0        | 71                 | 13.5        | 4                    | 0.8        | 525           | 100        |
| Care and protection       | 1            | 100         | -            | -           | -                  | -          | -                | -          | -                  | -           | -                    | -          | 1             | 100        |
| <b>Total**</b>            | <b>8,740</b> | <b>52.0</b> | <b>4,544</b> | <b>27.0</b> | <b>50</b>          | <b>0.3</b> | <b>143</b>       | <b>0.9</b> | <b>2,934</b>       | <b>17.5</b> | <b>399</b>           | <b>2.4</b> | <b>16,810</b> | <b>100</b> |

\* Other includes offences relating to prostitution, other offensive behaviour, environmental offences, fare evasion, offences against liquor laws, weapons offences and other offences not otherwise classified.

\*\* There is missing data for two CSOs as the offence type was incorrectly entered on the NSW Department of Corrective Services' offender database

**Table 5: Type of supervised community-based order by type/level of court imposing order (annual average for 2003 – 2004)**

| Community-based order  | Higher courts |            | Lower courts  |            | Drug Court |            | Interstate |            | Other*   |            | Total         |            |
|------------------------|---------------|------------|---------------|------------|------------|------------|------------|------------|----------|------------|---------------|------------|
|                        | No            | %          | No            | %          | No         | %          | No         | %          | No       | %          | No            | %          |
| Bond                   | 576           | 39.5       | 8,146         | 53.3       | 6          | 10.0       | 10         | 100        | 2        | 100        | 8,740         | 52.0       |
| CSO                    | 292           | 20.0       | 4,252         | 27.8       | 2          | 3.3        | -          | -          | -        | -          | 4,546         | 27.0       |
| Fine default order     | -             | -          | 50            | 0.3        | -          | -          | -          | -          | -        | -          | 50            | 0.3        |
| Drug Court             | 93            | 6.4        | 4             | 0          | 46         | 76.7       | -          | -          | -        | -          | 143           | 0.9        |
| Suspended sentence     | 466           | 31.9       | 2,463         | 16.1       | 5          | 8.3        | -          | -          | -        | -          | 2,934         | 17.5       |
| Home detention order** | 33            | 2.3        | 365           | 2.4        | 1          | 1.7        | -          | -          | -        | -          | 399           | 2.4        |
| <b>Total</b>           | <b>1,460</b>  | <b>100</b> | <b>15,280</b> | <b>100</b> | <b>60</b>  | <b>100</b> | <b>10</b>  | <b>100</b> | <b>2</b> | <b>100</b> | <b>16,812</b> | <b>100</b> |

\* One bond was imposed by a Federal Court and one bond was imposed by the Children's Drug Court.

\*\* A small number of home detention orders, which involved the revocation of previous orders, were imposed by the NSW Parole Board and are included in the lower court figures.

**Table 6: Successful completion and revocation rates of supervised community-based orders by level of court (annual average 2003 – 2004)**

|               | Completed successfully |             | Revoked      |             | Total         |            |
|---------------|------------------------|-------------|--------------|-------------|---------------|------------|
|               | No                     | %           | No           | %           | No            | %          |
| Higher courts | 1,243                  | 85.1        | 217          | 14.9        | 1,460         | 100        |
| Lower courts  | 12,880                 | 84.3        | 2,400        | 15.7        | 15,280        | 100        |
| <b>Total*</b> | <b>14,123</b>          | <b>84.4</b> | <b>2,617</b> | <b>15.6</b> | <b>16,740</b> | <b>100</b> |

\* Excludes orders imposed by the Drug Court and other courts

## Age

Table 7 reveals the median age of those who successfully completed a supervised order during 2003 – 2004 and those who had an order revoked. The median age of offenders who completed a supervised order (31 years) was significantly higher than those who did not complete their order (29 years).<sup>10</sup>

Offenders who successfully completed a bond,<sup>11</sup> CSO,<sup>12</sup> Drug Court order,<sup>13</sup> and a suspended sentence<sup>14</sup> had a significantly higher median age than those who had their order revoked. There was no statistical difference in the median age of offenders who successfully completed or were revoked for fine default orders<sup>15</sup> or home detention orders.<sup>16</sup>

**Table 7: Median age of offenders discharged from community-based orders in 2003 and 2004**

| Community-based order | Completed successfully | Revoked            | Total              |
|-----------------------|------------------------|--------------------|--------------------|
|                       | Median age (years)     | Median age (years) | Median age (years) |
| Bond                  | 31                     | 29                 | 30                 |
| CSO                   | 31                     | 29                 | 30                 |
| Fine default order    | 40                     | 35                 | 40                 |
| Drug Court            | 31                     | 28                 | 29                 |
| Suspended sentence    | 32                     | 30                 | 31                 |
| Home detention order  | 32                     | 31                 | 32                 |
| <b>Total*</b>         | <b>31</b>              | <b>29</b>          | <b>31</b>          |

\* Data missing for nine offenders

10 Kruskal Wallis test, chi-square = 138.627, df = 1, p < 0.001.

11 Kruskal Wallis test, chi-square = 66.387, df = 1, p < 0.001.

12 Kruskal Wallis test, chi-square = 37.696, df = 1, p < 0.001.

13 Kruskal Wallis test, chi-square = 10.510, df = 1, p < 0.001.

14 Kruskal Wallis test, chi-square = 30.533, df = 1, p < 0.001.

15 Kruskal Wallis test, chi-square = 0.973, df = 1, p = 0.324. There appears to be a large difference in the median age for fine defaulters whose orders were completed successfully (40 years) and those who were revoked (35 years). However, this difference was not significant as there were only six offenders who had their fine default orders revoked.

16 Kruskal Wallis test, chi-square = 3.224, df = 1, p = 0.073.

**Table 8: Successful completion and revocation rates of supervised community-based orders by age group of offender (annual average for 2003 – 2004)**

|               | Completed successfully |             | Revoked      |             | Total         |            |
|---------------|------------------------|-------------|--------------|-------------|---------------|------------|
|               | No                     | %           | No           | %           | No            | %          |
| 18 – 25       | 4,458                  | 82.1        | 971          | 17.9        | 5,429         | 100        |
| 26 – 35       | 5,055                  | 83.0        | 1,038        | 17.0        | 6,093         | 100        |
| 36+           | 4,645                  | 88.0        | 636          | 12.0        | 5,281         | 100        |
| <b>Total*</b> | <b>14,158</b>          | <b>84.3</b> | <b>2,645</b> | <b>15.7</b> | <b>16,803</b> | <b>100</b> |

\* Data missing for nine offenders

The analysis was then broken down into three age groups: 18 – 25 years, 26 – 35 years and those over 35 years.<sup>17</sup> Table 8 shows that offenders who were older than 35 years had a slightly lower rate of revocation of supervised community-based orders than offenders who were 35 years or younger. This would suggest that the older offenders are more likely to complete their orders than younger offenders.

### Sex

An analysis of supervised community-based orders by the sex of the offender is presented in Table 9.

Table 9 shows that there is only a 2% difference between the successful completion rate of supervised community-based orders for male (83.9%) and female (85.9%) offenders.

**Table 9: Successful completion and revocation rates of supervised community-based orders by sex of offender (annual average for 2003 – 2004)**

|               | Completed successfully |             | Revoked      |             | Total         |            |
|---------------|------------------------|-------------|--------------|-------------|---------------|------------|
|               | No                     | %           | No           | %           | No            | %          |
| Male          | 11,690                 | 83.9        | 2,238        | 16.1        | 13,928        | 100        |
| Female        | 2,470                  | 85.9        | 406          | 14.1        | 2,876         | 100        |
| <b>Total*</b> | <b>14,160</b>          | <b>84.3</b> | <b>2,644</b> | <b>15.7</b> | <b>16,804</b> | <b>100</b> |

\* Data missing for eight offenders

<sup>17</sup> These categories provide approximately equal numbers in each group.

**Table 10: Successful completion and revocation rates of supervised community-based orders by metropolitan and country supervising offices (annual average for 2003 – 2004)**

|              | Completed successfully |             | Revoked      |             | Total         |            |
|--------------|------------------------|-------------|--------------|-------------|---------------|------------|
|              | No                     | %           | No           | %           | No            | %          |
| Country      | 5,282                  | 85.3        | 910          | 14.7        | 6,192         | 100        |
| Metropolitan | 8,885                  | 83.7        | 1,735        | 16.3        | 10,620        | 100        |
| <b>Total</b> | <b>14,167</b>          | <b>84.3</b> | <b>2,645</b> | <b>15.7</b> | <b>16,812</b> | <b>100</b> |

### Office location

The Probation and Parole Service operates across New South Wales, in both metropolitan and country locations. For the purposes of the current report, an office was classified as metropolitan if it was based in a large regional area. This included all Sydney metropolitan offices, Campbelltown, Gosford, Lake Macquarie, Newcastle, Penrith, Windsor and Wollongong. All other Probation and Parole Service offices in New South Wales were categorised as country offices.

As Table 10 shows, the rate of revocation of supervised community-based orders for offenders supervised by country and metropolitan Probation and Parole Service offices is comparable.

### Statistical analysis

A binary logistic regression analysis was conducted to develop a model that identified factors predictive of outcomes (successful completion or revocation) to supervised community-based orders. The following factors were included in the model: type of order, type of offence, level of court imposing order, age, sex and location of supervising office.

The age of the offender and the type of order imposed emerged as significant predictors of outcome on supervised community-based orders. However, the analysis indicated that this model was a poor fit for the data.<sup>18</sup>

The findings of the binary logistic regression indicate that the factors examined in the current report cannot accurately predict the outcome of supervised community-based orders.

### Concluding remarks

Supervision through community-based orders is relatively successful, with successful completion rates of around 84% (or revocation rates of approximately 16%). However, it must be remembered that success should not be judged purely in terms of revocation rates since different orders have differing levels of intensity and strictness of supervision. Those on home detention who are electronically monitored by bracelet are more strictly observed than those reporting once a week to a Probation and Parole officer in compliance with a good behaviour bond. The Drug Court imposes a strict regime of drug tests and

<sup>18</sup> As indicated by the Hosmer & Lemeshow statistic ( $p=0.002$ ). Furthermore, the factors included in the model do not explain much of the variance in the outcomes of community-based orders, as indicated by Nagelkerke  $R^2$  (0.05).

attendance requirements which are calculated to fully test the resolve of those drug offenders under its supervision. Thus, there would appear to be an association between the intensity of supervision and failure rates.

Apart from the type of order and the age of the offender, no other factors that were analysed

in this study appeared to influence the successful completion or revocation rates of supervised community-based orders. The orders with the highest revocation rates were Drug Court orders and community service orders, while older offenders had a better successful completion rate than younger offenders.

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