

## **DCJ response to supplementary questions**

**For the financial years, 2017-2018, 2018-2019, 2019-2020, could you please provide the following information:**

**1. How many individuals were subject of a determination by a court to serve a:**

- a. Intensive Correction Order - section 7 of the *Crimes (Sentencing Procedures) Act 1999***
- b. Community Corrections Order - section 8 of the *Crimes (Sentencing Procedures) Act 1999***
- c. Conditional Release Order - section 9 of the *Crimes (Sentencing Procedures) Act 1999***

See the attached table, entitled “Number of proven court appearances where the following penalties were applied: Intensive Corrections Orders, Community Corrections Orders and Conditional release orders”.

There is no data for the financial year 2017/18, because Community Corrections Orders (CCOs) and Community Release Orders (CROs) did not exist at that time. The legislative framework for Intensive Corrections Orders (ICOs) and for suspension was also quite different.

The legislative reforms which established CCOs and CROs as sentencing options and revised the legislative framework for ICOs commenced on 24 September 2018, so data for questions 1 and 4 is for orders from this date onward.

NSW Criminal Courts Statistics July 2017-June 2020

**Number of proven court appearances\*** where the following penalties<sup>^</sup> were applied: intensive correction orders, community correction orders and conditional release orders.  
by Aboriginality

| Penalty   | Jul 2017 - Jun 2018 |                |          |          | Jul 2018 - Jun 2019 |                |             |              | Jul 2019 - Jun 2020 |                |             |              |
|---|---------------------|----------------|----------|----------|---------------------|----------------|-------------|--------------|---------------------|----------------|-------------|--------------|
|   | Aboriginal          | Non-Aboriginal | Unknown  | Total    | Aboriginal          | Non-Aboriginal | Unknown     | Total        | Aboriginal          | Non-Aboriginal | Unknown     | Total        |
| <b>Intensive Correction Order</b>                                 | <b>0</b>            | <b>0</b>       | <b>0</b> | <b>0</b> | <b>1710</b>         | <b>4366</b>    | <b>157</b>  | <b>6233</b>  | <b>2126</b>         | <b>5100</b>    | <b>215</b>  | <b>7441</b>  |
| Community Correction Order with supervision                       | 0                   | 0              | 0        | 0        | 3308                | 8046           | 332         | 11686        | 4044                | 9514           | 346         | 13904        |
| Community Correction Order without supervision                    | 0                   | 0              | 0        | 0        | 1566                | 5163           | 469         | 7198         | 1999                | 6759           | 686         | 9444         |
| <b>Conditional Correction Order - total</b>                       | <b>0</b>            | <b>0</b>       | <b>0</b> | <b>0</b> | <b>4874</b>         | <b>13209</b>   | <b>801</b>  | <b>18884</b> | <b>6043</b>         | <b>16273</b>   | <b>1032</b> | <b>23348</b> |
| Conditional Release Order with conviction, with supervision       | 0                   | 0              | 0        | 0        | 347                 | 1081           | 35          | 1463         | 163                 | 553            | 16          | 732          |
| Conditional Release Order with conviction, without supervision    | 0                   | 0              | 0        | 0        | 785                 | 2999           | 309         | 4096         | 662                 | 2306           | 241         | 3211         |
| <b>Conditional Release Order with conviction - total</b>          | <b>0</b>            | <b>0</b>       | <b>0</b> | <b>0</b> | <b>1132</b>         | <b>4080</b>    | <b>344</b>  | <b>5559</b>  | <b>825</b>          | <b>2859</b>    | <b>257</b>  | <b>3943</b>  |
| Conditional Release Order without conviction, with supervision    | 0                   | 0              | 0        | 0        | 78                  | 435            | 29          | 542          | 82                  | 422            | 39          | 543          |
| Conditional Release Order without conviction, without supervision | 0                   | 0              | 0        | 0        | 894                 | 8786           | 3645        | 13341        | 925                 | 8134           | 2856        | 11933        |
| <b>Conditional release order without conviction - total</b>       | <b>0</b>            | <b>0</b>       | <b>0</b> | <b>0</b> | <b>972</b>          | <b>9221</b>    | <b>3674</b> | <b>13883</b> | <b>1007</b>         | <b>8556</b>    | <b>2895</b> | <b>12476</b> |

Source: NSW Bureau of Crime Statistics and Research

Reference: ap21-19871

Please retain this reference number for future correspondence

**NOTE 1:** Data sourced from the NSW Bureau of Crime Statistics and Research must be acknowledged in any document (electronic or otherwise) containing that data.

The acknowledgement should take the form of **Source: NSW Bureau of Crime Statistics and Research**

[NOTE 2: For information about Criminal Courts crime data please see our 'Criminal Courts - Glossary' webpage.](#)

\*Where a person has been found guilty of more than one offence, the offence which received the most serious penalty is the principal offence.

The persons included in the table above are not a count of unique people. Each person appears only once for each finalised court appearance (for either their principal offence or most serious unproven offence) but if a person has more than one finalised court appearance in the reference period they will appear in the table multiple times.

<sup>^</sup> In September 2018 sentencing reforms were implemented which meant several new penalty categories were created and others were revised. As such, some penalty categories in the table above did not exist prior to September 2018.

**2. In each of those categories, how many people were deemed ineligible or unsuitable for those orders by Community Corrections?**

**3. Of those deemed ineligible or unsuitable, what were the reasons in each case?**

Answers to questions 2 and 3 cannot be provided, because the questions are based on a flawed assumption.

Since the September 2018 sentencing reforms, Community Corrections does not assess offenders for suitability for an ICO, CCO and CRO.

Community Corrections provides Sentencing Assessment Reports (SARs) which advise the court of the risks presented by an individual offender and how Community Corrections would manage that offender if placed on supervision. This includes advice as to whether Community Corrections would be likely to suspend supervision. At the time of preparing an SAR, Community Corrections is not aware of whether an offender is likely to get an ICO, CCO or CRO, and it has no bearing on the assessment.

Community Corrections assesses offenders for suitability for community work or for home detention conditions, noting that the home detention assessment only occurs if requested by the court. If an offender is not suitable for those conditions, the court can still issue an order without them.

**4. In each of those categories, how many orders were suspended by Community Corrections part way through the supervision period and for what reasons?**

See the attached table entitled "Summary of Community Orders with Suspended Supervision Conditions".

It is important to clarify that, when supervision conditions are suspended, the community order itself continues until its expiry.

When supervision conditions are suspended, the offender is no longer required to report to a Community Corrections Officer; however, they remain subject to any other conditions of the order, such as community service work.

Community Corrections has reports in place to monitor offenders with suspended supervision conditions on their orders and can quickly identify any further incidents of concern through information received from sources such as NSW Police Force and Courts.

Supervision can be resumed at any time.

The main reason for suspending supervision conditions is that the offender is assessed as low risk. This practice is based on international evidence (the Risk-Needs-Responsivity model), which shows that supervision is most effective when applied to higher risk groups, and ensures that the finite resources available to Community Corrections are targeted where they will be most effective in improving community safety. If Community Corrections retained lower risk offenders on active supervision, fewer resources would be spent managing high risk offenders.

**Table 1. Summary of Community Orders with Suspended Supervision Conditions**

| Financial Year  | Order Type | Orders, as at end financial year (an offender may have multiple orders) |          |                    |          |  |          | Offenders, as at end of financial year               |          |                       |          |   |          |
|-----------------|------------|---|----------|--------------------|----------|--|----------|--|----------|-----------------------|----------|---|----------|
|                 |            | Orders with suspended supervision condition Count                       |          | Total Orders Count |          | % of total orders with suspended supervision condition |          | Offenders with suspended supervision condition Count |          | Total Offenders Count |          | % of total offenders with supervision condition suspended |          |
|                 |            | ATSI  | Non-ATSI | ATSI               | Non-ATSI | ATSI   | Non-ATSI | ATSI   | Non-ATSI | ATSI                  | Non-ATSI | ATSI  | Non-ATSI |
| <u>2018/19*</u> | <b>CCO</b> | 2,790   | 11,753   | 11,013             | 30,266   | 7%   | 28%      | 1,561  | 7,044    | 4,836                 | 14,612   | 8%  | 36%      |
|                 | <b>CRO</b> | 395   | 2,286    | 970                | 4,337    | 7%   | 43%      | 237  | 1,388    | 520                   | 2,344    | 8%  | 48%      |
|                 | <b>ICO</b> | 1,453   | 9,312    | 6,252              | 21,788   | 5%   | 33%      | 614  | 4,075    | 1,906                 | 7,470    | 7%  | 43%      |
| <u>2019/20</u>  | <b>CCO</b> | 4,376   | 17,742   | 16,076             | 46,754   | 7%   | 28%      | 2,502  | 10,802   | 7,063                 | 23,310   | 8%  | 36%      |
|                 | <b>CRO</b> | 525   | 2,493    | 1,421              | 6,541    | 7%   | 31%      | 298  | 1,510    | 784                   | 3,606    | 7%  | 34%      |
|                 | <b>ICO</b> | 2,519   | 13,300   | 10,790             | 35,005   | 6%   | 29%      | 991  | 5,240    | 3,148                 | 11,577   | 7%  | 36%      |

\* Financial Year 2018/19 is during 24 Sep 2018-30 Jun 2019 due to sentence legislation change