



Research Publication

Outcomes for NSW periodic detention orders commenced 2003 - 2004

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EXECUTIVE SUMMARY

INTRODUCTION

A periodic detention order is a sentencing option available to NSW courts which authorises the sentencing of offenders to a two day a week detention period for terms up to three years. The aim of this study was to use electronically available data to measure outcomes (i.e., successful completion or revocation) for periodic detention orders commenced in 2003-4. Periodic detention orders can be revoked if an offender is convicted on another matter and sentenced to a period of full-time custody greater than a month. Orders can also be revoked if offenders otherwise fail to comply with their obligations under an order including:

- non-attendance on three or more occasions
- offences in custody.

The majority of data analysed in this study was extracted from the NSW Department of Corrective Service's (NSWDCS) Offender Integrated Management System (OIMS) on the 30th May 2006. At this date 925 orders had been completed (13 orders remained un-finalised and these were not included in this study).

RESULTS

Trends in commencements

As seen in Figure 1 (p. 11) the number of offenders commencing periodic detention orders declined over the last five years from a peak in 1999-2000 of 1891

commencements to 1184 commencements in 2004-2005. As a consequence of this decline in commencements, the daily average number of offenders with active periodic detention orders also declined (from 1266 to 792) between these years.

Descriptive information on offenders in this study

Analysis was undertaken on 925 cases of periodic detention orders commenced in 2003-4 and completed by May 30 2006.

Demographic information

Average age	30.6yrs
Indigenous offenders	8.4%
Currently not married	63.0%
Employed	57.2%
Medical alert on file	13.0%

Details of periodic detention sentences

Sentenced Local Court	84.4%
Most common term	6<9 months
Sentenced NSW court	97.7%
Most serious offence:	
Driving	39.9%
Robbery/property/ deception	22.9%
Violence/sexual offence	19.3%
Drugs	8.0%
Offences against order	6.7%
Other	3.1%

Number of offenders with previous community and custodial based sentences

Community Service Order/s	51.6%
Periodic Detention Order/s	12.2%
Full-time custody	19.9%

Pre-sentence reports

In the case of a periodic detention order a pre-sentence report is a legal pre-requisite for the imposition of an order. The courts have the choice of requesting either a Quick report or a Full pre-sentence report. An examination of these reports revealed that whilst both types used information gained from interviews with offenders and from official records, Full pre-sentence reports more commonly sought information from people acquainted with the offender, such as family members, employers and health professionals.

The following reports had been requested by the courts for the offenders in this study:

Quick report	n=582	62.9%
Full report	n=343	37.1%

Full pre-sentence reports were significantly ($p < 0.01$) more likely to be requested if:

- ❖ the District Court was the sentencing court
- ❖ the most serious offence was a Drug offence
- ❖ the sentence term was for more than 12 months
- ❖ there had not been a previous Community Service Order
- ❖ there had been more than three previous Community Service Orders
- ❖ there had not been a previous Periodic Detention Order.

Outcomes for periodic detention orders

Completion outcomes

The majority of the offenders (67.9%) included in this study

successfully completed their periodic detention order. The remainder of the offenders (32.1%) had their orders revoked and a warrant issued for their arrest (if they were not already in full-time custody). Offenders were significantly ($p < 0.01$) more likely to be revoked if they had the following characteristics:

- ❖ a young age (i.e., <35 yrs)
- ❖ a medical alert on file
- ❖ were sentenced in the Local Court
- ❖ had a most serious offence category of Robbery/property/ deception
- ❖ had two previous CSOs
- ❖ had two or more episodes of full-time custody.

Time taken to finalise orders

The actual time taken to complete a periodic detention sentence can extend beyond the time period of the sentence term due to approved and unapproved leave. Offenders who successfully completed their periodic detention order took a median time of 1.12 times their sentence term (i.e., 12% longer) to complete. Eighty five percent of the successful offenders completed within one and a half times their sentence term. Six percent of the successful offenders took longer than double their sentence term to complete.

In the case of revoked offenders, the median time to revocation was 0.77% of the sentence term. Most revocations (66%) occurred within the time period of the sentence term (<1.00).

Offenders took a significantly ($p < 0.01$) longer time period to complete a sentence if they had the following characteristics:

- ❖ a young age (i.e., <40 yrs)

- ❖ a medical alert on file
- ❖ sentenced in the Local Court
- ❖ a short sentence <6 months
- ❖ three or more prior CSO's
- ❖ revocation of a prior CSO.

Approved sick leave

Approved sick leave was taken at least once by 57.4% of offenders. Overall the median number of sick leave episodes was one. Offenders who took higher levels of sick leave took significantly longer to successfully complete an order ($p < 0.001$).

A number of factors including, *Age, Gender, Medical alert and Length of sentence term*, were tested for an association with the number of approved sick leave episodes. Offenders took significantly ($p < 0.01$) more episodes of sick leave, expressed as a percentage of the length of their sentence term, when they had the following characteristics:

- ❖ were female
- ❖ a medical alert on file
- ❖ a shorter sentence term.

Critical comments on results

Caution needs to be exercised in interpreting the results of this study. Whilst some characteristics of offenders were identified as potential risk factors for revocation the majority of the offenders in most categories, did successfully complete their orders.

The results in this study may not *fully* reflect results for offenders sentenced to lengthy terms of periodic detention. At the date of data extraction for this study, 30 May 2006, 13 offenders had not

completed their sentences and were therefore not included in this study.

Additionally, a manual check of a sample of the data revealed there was a 10% error rate in the data on the *Type of pre-sentence report*. (This occurred due to irresolvable problems with the data extraction process.) Consequently results on this factor may have been less than precise. All the other factors used in the analyses were found to be 100% correct.

Recommendations

Periodic detention is an important and continuing part of the NSWDCS responsibilities. It is recommended:

- ❖ that an annual study be undertaken as this would be more effective in keeping senior management informed of periodic detention outcomes
- ❖ to achieve efficiency in terms of the NSWDCS resources the systems developed for this study should be re-employed in the annual periodic detention study
- ❖ during work on the annual periodic detention study efforts should be made towards the automation of the data extraction and analyses process.

1. INTRODUCTION

This study investigates outcomes for *periodic detention orders* (PDO) commenced in the financial year 2003-4. It also examines if these outcomes can be explained by offender characteristics including demographic characteristics, sentence details and previous sentencing history.

Background

A PDO is a sentencing option available to NSW courts which authorises the sentencing of offenders to a two day a week detention period for terms of up to three years (*Section 67, Crimes (Sentencing Procedure) Act 1999 No 92*). Periodic detention has been available in NSW for male offenders since 1971 and for female offenders since 1978 (Thompson 1994).

When an offender is sentenced to a PDO they are required to report weekly to a specified detention centre operated by the New South Wales Department of Corrective Services (NSWDCS). At the time of sentencing an offender can select to attend midweek detention rather than the weekend detention. During the two days in custody offenders are often assigned to work teams to undertake community work outside the periodic detention centre. Outside this two day detention period, offenders are at liberty in the general community for the remainder of the week.

Periodic detention sentences consist of two stages. All offenders commence in stage 1 and during

this stage are in custody for the entire two day period, including both nights. However, in Stage 2 offenders attend the designated community worksite on each day of the two detention period, but are at liberty at the conclusion of the working day and therefore not required to remain overnight at a centre. Offenders are entitled to be assessed for their suitability for transfer from Stage 1 to Stage 2 once they have served a third of their sentence. A transfer to stage 2 will only be approved if an offender has a good behavioural and attendance record.

Completion of orders

The successful completion of a PDO occurs when the number of times an offender has attended equals the sentence term (or non-parole period) and any penalty periods that have accrued due to unapproved leave (*Section 89, Crimes (Administration of Sentences) Act 1999 No 93*). The taking of approved and unapproved leave, and the imposition of penalty periods, causes the actual time taken to serve a PDO to extend beyond the term imposed by the court. For example, the court imposes a sentence of six months. NSWDCS converts this into the number of *total periods* an offender must attend to serve this term on the basis of one attendance period a week. However, an offender may take longer than six months to attend a sufficient number of times to eliminate their *total periods*. This arises as a consequence of the offender failing to attend for one or more detention periods. All missed detention periods must be made up for at a later date. Furthermore, if the offender takes unapproved

leave i.e., was absent without leave, they will be allocated *penalty periods* which are extra periods they are required to serve. It is only once an offender has served all their *total periods* and all their *penalty periods* that they have completed their legal obligations regarding attendance and their sentence is discharged. Offenders are subsequently released from periodic detention either to unsupervised parole or as sentence served.

Approved leave of absence

Offenders who anticipate being absent from periodic detention must telephone the Periodic Detention Absentee Hotline before the commencement of that detention period. They must also, within seven days, submit documentation supporting the granting of a leave of absence (*Section 87, Crimes (Administration of Sentences) Act 1999 No 93*). *Leave of absence* can be granted by the Commissioner for:

- health reasons,
- compassionate reasons,
- the offender is in full time custody,
- any other reasons the Commissioner thinks fit (*Section 87 (1) Crimes (Administration of Sentences) Act 1999 No 93*).

If the Commissioner refuses a *leave of absence* an appeal can be made to the NSW Parole Authority. In order to make up for the missed detention periods, offenders granted a *leave of absence* for missed detention periods have their sentence completion date extended

by one week for each approved leave of absence (*Section 89 (1) Crimes (Administration of Sentences) Act 1999 No 93*).

Unapproved leave

Unapproved leave occurs if an offender fails to attend a detention period and has not been granted a *leave of absence*. In such cases offenders are charged with being *absent without leave*. This charge means that an offender as well as making up for the missed detention period is required to serve a penalty period (*Section 89 (4) Crimes (Administration of Sentences) Act 1999 No 93*).

Over time legislative changes have aimed at improving the level of attendance and streamlining the revocation process. For example, in recent years (2 December 2002) amendments were made to the *Crimes (Administration of Sentences) Act 1999*, and the *Crimes (Sentencing Procedure) Act 1999*. These amendments stipulated that leave must be applied for in advance and that PDOs are revoked once an offender had been *absent without leave* on three or more occasions.

A recent development in practice has been for the Periodic Detention Assessment & Case Management Unit to conduct home visits in the following cases:

- an offender does not attend their first periodic detention period,
- an offender has acquired two *absences without leave* (Harrington 2005).

Revocation of Periodic Detention Orders

A PDO can be revoked if an offender fails to comply with their obligations under the order including:

- non-attendance on three or more occasions (or on one occasion for reinstated orders)
- offences in custody
- convicted on another matter and sentenced to a period of full-time custody greater than a month.

If any of these occur an application will be made to the NSW State Parole Authority to revoke the offenders PDO. In those cases that result in a revocation, the offender can appeal to the NSW State Parole Authority to have the revocation rescinded. If the revocation is not rescinded the offender will serve out the unexpired portion of their sentence in full-time custody unless the order is reinstated. An offender can apply for reinstatement of their PDO once they have served three months in full-time custody (Section 164A (1b). *Crimes (Administration of Sentences) Act 1999 No 93*).

Pre-sentence reports

Court advice program

Courts, through the Court Advice Program, can request Community Offender Services (COS) to compile pre-sentence reports on offenders awaiting sentencing (Hickey & Spangaro 1995). In the case of a PDO a pre-sentence report is a legislative pre-requisite before an order can be imposed

(Section 66 (2) *Crimes (Sentencing Procedure) Act 1999 No 92*).

The offender's eligibility and suitability for a PDO must be addressed in the pre-sentence report. Offenders who have served more than six months in full time custody or convicted of a sexual offence against a minor are ineligible for periodic detention (Section 65A & 65B *Crimes (Sentencing Procedure) Act 1999 No 92*). The 'Suitability Checklist' specifies indicators against which suitability is assessed. These indicators include:

- drug or alcohol abuse
- major mental or other health problems
- a serious criminal record
- anything else which may interfere with an offender's regular attendance (Section 15, *Crimes (Sentencing Procedure) Regulation 2000*).

Offenders with histories of drug or alcohol abuse are deemed suitable if they can demonstrate they have not been abusing these substances for three months to remain suitable for a PDO (SACM 07/2004).

Included in the pre-sentence report is an undertaking signed by the offender agreeing to abide by the terms of a PDO.

Types of pre-sentence report

The Courts can request the type of pre-sentence report they require. The two main types of pre-sentence reports are the Full pre-sentence report (FPSR) and Quick Reports. The pre-sentence report codes relevant to this study are in the Table 1. Whilst eligibility and suitability are legislative requirements that must be

addressed in all pre-sentence reports pertaining to PDOs, the detail in reports varies according to the type of pre-sentence report requested. There is a belief amongst some NSWDCS senior managers that some offenders are sentenced to periodic detention inappropriately due to the court relying on a Quick report which usually is less detailed than a FPSR.

Table 1: Pre-sentence report codes	
Full title of report	CODE
Full pre-sentence report	FPSR
Quick Reports	
Quick report all sentence options	QALL
Quick report specific purpose	QSPEC
Periodic detention assessment	PDAS
Notes: The code PDAS for Periodic Detention Assessment is no longer used in practice as it is covered by the Quick Report Specific Purpose (QSPEC) (Harrington 2005).	

Literature review

Since the inception of periodic detention as a sentencing option in NSW there has been interest, by both the justice system and the wider community, in the performance of offenders serving PDOs. This current study located five previous NSW studies which had examined outcomes of PDOs.

Finalised orders

Three studies sought to establish outcomes for finalised PDOs i.e., whether the orders had been successfully completed or revoked. In looking at studies undertaken at different time periods it needs to be understood that change occurs in legislation, policy and practice which can greatly reduce the validity of comparing outcomes in one period with those of another. For instance, over time various legislation has been introduced (i.e., *Periodic Detention Of Prisoners (Amendment) Act 1992*) to more swiftly deal with non-attenders. In the past some offenders were ostensibly “successful” completers more as a result of the slowness of the revocation process rather than because of their good attendance (Thompson 1994).

In 1991 a NSWDCS study examined outcomes for PDOs that had been finalised in the first ten years of the scheme (n=2755) (Gorta 1991). This study found that over the time period an average of 82% of offenders successfully completed their PDO whilst an average of 18% had been revoked.

Similarly Potas et al (1992) examined outcomes for PDOs that had been issued between 1988

and 1991. The analyses of finalised orders found that 84% had been successfully completed and 16% had been revoked. Potas et al (1992) also found that overall 85% of the detainees who had successfully completed their sentences did so within one and a half times the term of their sentence.

Whilst the successful completion rate in the Portas et al (1992) study is encouraging, it represents those orders that had been finalised at the time of the study. Almost 30 percent of the orders included in the study had not been finalised and some of these un-finalised orders may have represented a disproportionate number of offenders who would not successfully complete.

In a further study undertaken by NSWDCS (Barila 1999) three hundred offenders were interviewed at reception to periodic detention centres over a nine month period from mid 1998. Analyses undertaken revealed that 63% of offenders with PDOs successfully completed their orders.

Attendance patterns

Another method used by studies for evaluating outcomes of PDOs was to examine attendance in the first 13 weeks. This methodology was principally employed to test for difference in attendance rates before and after changes in legislation.

In a study by NSWDCS (Thompson 1994) the level of attendance of offenders attending four periodic detention centres in the early 1990's was examined. *The Periodic Detention of Prisoners*

(Amendment) Act 1991 introduced the requirement that a pre-sentence report must be tendered to the court before a PDO could be made. It was found that offenders who were sentenced after this amendment were slightly more likely to be good attenders than those attending before the commencement of the amendment.

Thompson, in the above study, also looked at further changes in legislation (*Periodic Detention Of Prisoners (Amendment) Act 1992*) which introduced procedures to more swiftly deal with non-attenders. The author found that there was no difference in level of attendance in the first 13 weeks after this *Act* was implemented.

A further study by Thompson (2001) examined attendances for the first 13 weeks of sentences of offenders sentenced in early 2000. Twenty nine percent attended at least 12 times in their first 13 weeks and 55% either attended or had approved leave at least 12 times in the 13 week period.

Factors associated with outcomes

Four studies have also investigated offender characteristics (or factors) associated with successful/unsuccessful outcomes and attendance rates.

Of the four studies the following factors were associated with risk of not successfully completing, or poor attendance, in two or more of the studies: young age group, property offenders, offenders with current or recent breach orders and offenders with an offending history (as evidenced by prior convictions or a custodial sentence) and breach of a previous order (Potas et al 1992,

Barila 1999, Thompson, 1994, & Thompson 2001). The following factors were found to be associated with unsuccessful outcomes in at least one study; indigenous offenders, recent illicit drug use, single status, poor social functioning and the correctional centre attended (Barila 1999, Thompson 1994).

2. RESEARCH PLAN FOR THIS STUDY

Aims of this study

The aim of this research study is to use electronically available data to answer questions concerned with outcomes from periodic detention orders commenced in 2003-2004. These questions include the following:

Descriptive questions

➤ *A. Trends in commencements over the last 10 years*

i) What has been the trend in the number of offenders commencing periodic detention sentences for the last ten years (1993/4-2004/5)?

ii) What has been the trend in the daily average number of offenders with active Periodic Detention Orders over the same period?

➤ *B. Analyses of offenders registered with a PDO in the financial year 2003-2004*

iii) What are the characteristics of offenders given Periodic Detention Orders including:

- demographic factors,
- sentencing details,
- previous sentencing history i.e., number of community and custodial based sentences.

iv) What is the prevalence of the different types of Pre-Sentence Reports ordered by the court?

v) Is there a statistically significant association between the type of pre-sentence report ordered by the court and any of the following factors:

- demographic factors
- sentencing details
- previous sentencing history.

Outcome questions

i) What is the number of successful completions for offenders commencing periodic detention in 2003-4 and with finalised orders completed by 30th July 2006 (i.e., released to parole or sentenced served)?

ii) What is the number of unsuccessful completions (i.e., revocations)?

iii) Is there a statistically significant association between successful/unsuccessful completion and any of the following factors:

- demographic factors
- sentence details
- previous sentencing history.

iv) What is the time taken to complete periodic detention orders

- How long does it take offenders to successfully complete their order?
- How long does it take offenders to have their order revoked?

v) Is there a statistically significant association between time taken and any of the following factors:

- demographic factors
- sentence details
- previous sentencing history

vi) What is the prevalence of approved sick leave?

vii) Is there a statistically significant association between the number of episodes of approved sick leave and the following; *age, gender, medical alert* and *length of sentence term*.

viii) What is the effect of approved sick leave on time to completion of sentence?

Qualitative questions

i) What information is contained in the two major types of pre-sentence reports relevant to this study (FPSR & Quick Reports).

Method of this study

Source of Data and sampling frame

Data to undertake the statistical analyses in the study was extracted on 30 May 2006 by Information Management Technology Division (IMTD) from computerised sentence records stored on the Offender Integrated Management System (OIMS).

The sampling frame included all offenders sentenced to a PDO in the financial year 2003-4.

Data examination

Extensive tests were undertaken to ensure the accuracy of the data.

a) Excluded cases

The data set received from IMTD consisted of 1090 cases. There were 165 cases excluded from the analysis for the following reasons:

- cases in which the offender died (n=2)
- a case in which an offender was released on a Commonwealth recognisance. (n=1)
- replicated cases in which there were concurrent sentences for an offender commencing on the same date the longest sentences was retained and the others were excluded (n=7)
- cases in which the date of sentence completion occurred before the sentence commencement date (n=5)¹
- cases in which date of sentence was outside the focal period 1 July 2003 – 30 June 2004 (n=14)
- cases in which the sentence discharge reason was appeal (n=116); these consisted of: 89 that were given bail and 27 that were given a new sentence
- a further 13 cases were excluded from the study due to these sentences not being concluded at the date (30 May 2006) of data extraction, and thus no outcome data was available for these cases
- cases remaining in data set that were replicated (n=7).

The above exclusions left 925 cases of PDOs in the data set that were analysed in this study. Whilst the unit of analysis in this study is PDO, the cases represent 908 offenders. The difference between the number of PDOs in the study with the number of offenders arises due to three offenders having served two separate sentences and 14 offenders having served consecutive sentences.

¹ This occurred when offenders were sentenced to consecutive sentences but were revoked prior to the commencement of the latter sentence.

b) Data modifications

Some data pertaining to pre-sentence reports and gender was corrected manually.

i) Pre-sentence reports

The data extraction process did not always identify the pre-sentence report relevant to the focal sentence (the sentence included in this study).

Some of these incorrect pre-sentence report codes were identified in the data set by examining the following.

- duplicated cases
- cases in which the sentence date commenced before the pre-sentence report composition date
- cases which had a pre-sentence report of HDO.

Seventeen cases in the data set required modification. After the above cases were modified a 2% random sample of the data set was taken to cross check the accuracy of that data with OIMS (the data source). This examination revealed 100% accuracy on all factors in the study except the pre-sentence report factor which was 90% correct. The lack of accuracy in the type of pre-sentence report data occurred because of the data extraction methodology. This methodology selected the pre-sentence report immediately previous to the sentence commencement date. This was not always the relevant one.

ii) Gender

There were eight cases that had unknown as a code for the offender's gender. This data was

able to be rectified on the basis of the periodic detention centre these offenders attended.

Analyses undertaken in this study

Statistical analyses

Statistical analyses were undertaken using SPSS 12 for Windows. Whilst many analyses were descriptive in nature, a number of statistical tests were also undertaken. Univariate statistical tests for significance were undertaken using Chi-square and analysis of variance (ANOVA). Multi-variate logistic regression was used to identify factors that were significantly related to successful and unsuccessful completion after accounting for the effect of factors.

Qualitative research

A qualitative analysis of information contained in the two main types of Pre-sentence reports relevant to this study (FPSR, & Quick report) was undertaken using a small (3.5%) random sample of pre-sentence reports pertaining to offenders in this study. Whilst most FPSRs are available on OIMS only some of the Quick Reports are available. Therefore a further random sample was undertaken in order to increase the number of copies of Quick reports for analysis for this study.

3. RESULTS

Trends in commencements over last ten years

Figure 1 shows the long term trends in the periodic detention population (1993-94 to 2004-05). It can be seen that the number of offenders commencing PDOs declined from a peak of 1891 in 1999-2000 to 1184 in 2004-5. Consequently there was also a decline in the daily average number of offenders with active PDOs.

younger age groups with 33.7% of the offenders serving a PDO in the 18-24 age groups.

By far the majority of offenders were male (93.9%) and non-indigenous (87.1%) and currently not married (63.8%). Over half the offenders were employed at the time of commencing their sentence (57.2%). Thirteen percent of the offenders had a medical alert in their alerts screen, indicating that these offenders had been identified as having a health problem.

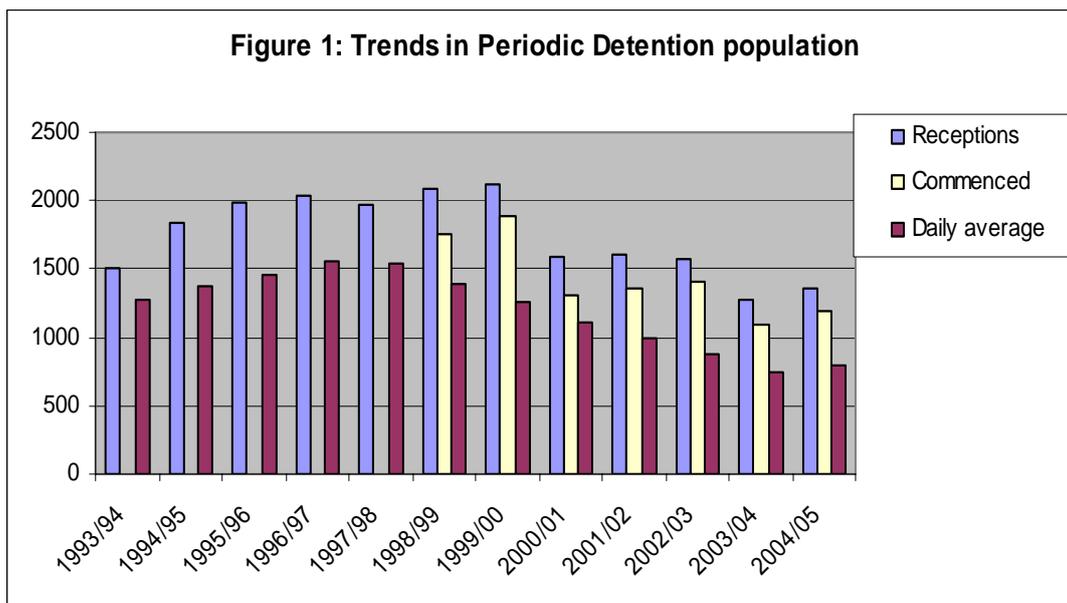
Descriptive information

a) Demographic information

Table 2 contains demographic information on the offenders in this study (i.e., those that commenced in 2003-04). The age of offenders at commencement of their sentence ranged from 18 to 67 years with a mean of 30.6 years. As can be seen in Table 2, the age of offenders sentenced to PDOs predominate in the

b) Sentence details

Table 3 contains sentence details on the offenders in this study. As can be seen in Table 3, by far the majority of the PDOs are determined at the Local Court level (84.4%). The most common, *Most serious offence* was Driving (39.9%). The most common *Sentence term* imposed by the court for PDOs was between 6-9 months (40.9%). Only 5.6% of offenders commenced sentences of 18 months or more.



Notes: Until 1998/99 the data collection only recorded Receptions not Commencements. Receptions do not accurately reflect the number of commencements as not all offenders registered with PDOs actually commenced their sentence due to appeals or other reasons.

Table 2: Demographic profile of offenders sentenced to Periodic Detention 2003-2004 (n=925)		
Factors	N	%
Age		
18-24	312	33.7
25-29	185	20.0
30-34	159	17.2
35-39	115	12.4
40+	154	16.6
Gender		
Male	869	93.9
Female	56	6.1
Indigenous status		
Indigenous	78	8.4
Non-indigenous	825	89.2
Not known	22	2.4
Marital Status		
Married	313	33.8
Not married (including those formerly married)	590	63.8
Not known	22	2.4
Employment		
Employed	529	57.2
Not employed	396	42.8
Medical alert		
Yes	120	13.0
No	805	87.0

The most common *Type of pre-sentence report* was a Quick report (63%). Within the Quick reports the most common report (and most common report overall) was QALL with 42.6% of the offenders with this as their pre-sentence report. Full pre-sentence reports had been conducted on 37.1% of the offenders.

Nearly all the offenders had been sentenced by a NSW court with only 2.3% sentenced in the Federal jurisdiction.

c) Previous sentencing history

Table 4 contains the number of previous community and custodial based sentences for offenders in this study. As can be seen in Table 4 just under half (48.4%) of the offenders in the study had not served a Community Service Order (CSO). In contrast, the majority of the offenders had never previously served a PDO (87.8%) nor had they been sentenced to full-time custody (80.1%).

Table 3: Details of periodic detention sentences 2003-2004 (n=925)

Factors	N	%
Sentencing court		
Local court	781	84.4
District court	123	13.3
District court of appeal	19	2.1
Court of criminal appeal	1	0.1
Supreme court	1	0.1
Most Serious Offence		
Violence	174	18.8
Sexual offence	5	0.5
Robbery	15	1.6
Property/deception	197	21.3
Drugs	74	8.0
Driving	369	39.9
Offences against order	62	6.7
Other	29	3.1
Length of sentence term		
< 6 months	217	23.5
6 < 9 months	378	40.9
9 < 12 months	167	18.1
12<18 months	111	12.0
18 months or more	52	5.6
Type of Pre sentence report		
Full pre-sentence report	343	37.1
Quick reports:		
QALL	394	42.6
QSPEC	167	18.1
PDAS	21	2.3
Jurisdiction of the sentencing court		
NSW	904	97.7
Federal	21	2.3

Table 4: Number of previous community and custodial based sentences 2003-2004 (n=925)

Previous order	N	%
Community service orders (CSO)		
None	448	48.4
One	302	32.6
Two	120	13.0
Three or more	55	5.9
Periodic detention order (PDO)		
None	812	87.8
One	84	9.1
Two or more	29	3.1
Full time custody		
None	741	80.1
One	120	13.0
Two or more	64	6.9

Notes: Of the 477 offenders who had previously served one or more CSO 13.2% (n=63) had at least one CSO revocation. Three of these offenders had recorded two recorded revocations of a CSO.

Pre-sentence reports

Descriptive information on type of pre-sentence reports

This section examines whether the type of pre-sentence report (FPSR or Quick report) requested by the courts varied with demographic factors, sentencing details and sentencing history.

a) Demographic factors

Table 5 shows the type of pre-sentence report by demographic factors. When statistical tests were undertaken there was no significant differences in the type of pre-sentence report (FPSR or Quick report) based on any of the demographic factors.

b) Sentence details

Table 6 contains the type of pre-sentence report by sentence details. The 'District & other courts' were significantly more likely to request a FPSR (56.3%) than the Local court (33.5%) ($X^2= 26.86$, $df =1$, $p<0.001$). The number of FPSRs varied significantly for *Most serious offence* groups from a low of 25.4% for 'Offences against order' to a high of 64.9% for Drugs ($X^2= 42.86$, $df=5$, $p<0.001$). The likelihood of a FPSR increased with the *Length of the sentence term* from 33.5% for sentences of <6 months to a high of 69.2% for sentences of 18+ months ($X^2=39.8$, $df=4$, $p<0.001$).

Table 5: Type of pre-sentence report by demographic factors

Factors	Full pre-sentence report		Quick reports							
	FPSR		QALL		QSPEC		PDAS		Total	
	N	%	N	%	N	%	N	%	N	%
Age										
18-24	130	41.7	123	39.4	52	16.7	7	2.2	312	100
25-29	65	35.1	86	46.5	29	15.7	5	2.7	185	100
30-34	52	32.7	75	47.2	28	17.6	4	2.5	159	100
35-39	41	35.7	47	40.9	26	22.6	1	0.9	115	100
40+	55	35.7	63	40.9	32	20.8	4	2.6	154	100
Gender										
Male	327	37.6	366	42.1	156	18.1	19	2.2	869	100
Female	16	28.6	28	50.0	10	17.9	2	3.6	56	100
Indigenous status										
Indigenous	28	35.9	35	46.7	14	17.3	1	1.3	78	100
Non-indigenous	304	36.7	352	42.7	151	18.3	18	2.2	825	100
Not Known	11	50.0	7	31.8	2	9.1	2	9.1	22	100
Medical alert										
Yes	32	26.7	61	50.8	23	19.2	4	3.3	120	100
No	311	38.6	333	41.4	144	17.9	17	2.1	805	100

Table 6: Type of pre-sentence report by sentence details

Factors	Full pre-sentence report		Quick reports						Total	
	FPSR		QALL		QSPEC		PDAS		Total	
	N	%	N	%	N	%	N	%	N	%
Court type										
Local court	262	33.5	358	45.8	145	18.6	16	2.0	781	100
District & other courts	81	56.3	36	25.0	22	15.3	5	3.5	144	100
Most Serious Offence										
Violence/sexual offence	71	39.1	75	41.8	30	16.7	3	1.7	179	100
Robbery/property/deception	88	41.7	85	40.3	34	16.1	4	1.9	211	100
Drugs	48	64.9	17	23.0	7	9.5	2	2.7	74	100
Driving	107	29.0	180	48.8	73	19.8	9	2.4	369	100
Offences against order	16	25.4	28	44.4	16	25.4	3	4.8	63	100
Other	13	44.8	9	31.0	7	24.1	0	0	29	100
Length of sentence term										
< 6 months	73	33.6	99	45.6	38	17.5	7	3.2	217	100
6 < 9	112	29.6	187	49.5	74	19.6	5	1.3	378	100
9 < 12 months	68	40.7	65	38.9	31	18.6	2	1.2	167	100
12<18 months	53	47.7	34	30.6	18	16.2	6	5.4	111	100
+18 months	36	69.2	9	17.3	6	11.5	1	1.9	52	100
Jurisdiction of the sentencing court										
NSW	338	37.5	384	42.5	161	17.8	21	2.3	904	100
Federal	5	23.8	10	47.6	6	28.6	0	0	21	100

Note: To facilitate analyses sentencing court was re-defined into two groups 'Local court' and 'District & other courts'. *District & other courts* included all the courts specified previously in Table 3 except the Local Court. The *Most serious offence groups* categories are as stated in the body of the table above.

c) Previous sentencing history

Table 7 contains the type of pre-sentence report by sentencing history i.e., the number of previous community and custodial based orders. There were significant differences in the type of pre-sentence report (FPSR or Quick report) based on the number of previous CSO's ($\chi^2= 44.31$, $df =3$, $p<0.001$). A FPSR was more likely requested when there had not been a previous CSO (46.9%) and more likely if there had been three or more CSOs (45.5%).

A FPSR was also significantly more likely to be requested if there had not been a previous PDO than in those cases in which there had been one or more PDO ($\chi^2= 13.85$, $df =2$, $p<0.01$). However, there was not a significant difference in the type of pre-sentence report based on the number of previous *Full-time custody* episodes.

Table 7: Type of pre-sentence report by number of previous community and custodial based sentences (n=925)

Previous order	Full pre sentence report		Quick reports							
	FPSR		QALL		QSPEC		PDAS		Total	
	N	%	N	%	N	%	N	%	N	%
Community service orders (CSO)										
None	210	46.9	162	36.2	67	15.0	9	2.0	448	100
One	80	26.5	149	49.3	65	21.5	8	2.6	302	100
Two	28	23.3	63	52.5	26	21.7	3	2.5	120	100
Three or more	25	45.5	20	36.4	9	16.4	1	1.8	55	100
Periodic detention orders (PDO)										
None	319	39.3	332	40.9	141	17.4	20	2.5	812	100
One	18	21.4	47	56.0	18	21.4	1	1.2	84	100
Two or more	6	20.7	15	51.7	8	27.6	0	0	29	100
Full time custody										
None	283	38.2	313	42.2	128	17.3	17	2.3	741	100
One	44	36.6	46	38.3	28	23.3	2	1.7	120	100
Two or more	16	25.0	35	54.7	11	17.2	2	3.1	64	100

d) Content of pre-sentence reports

Pre-sentence reports are a legislative requirement before a court can impose a PDO. A three percent random sample of pre-sentence reports included in this study was down-loaded from OIMS. In each pre-sentence report there is a list of the 'Sources of Information' which is used to compile that report. As can be seen in Table 8, whilst both FPSRs and Quick reports made considerable use of official sources of information, FPSRs made greater use of family, employment

and medical sources than Quick reports.

With regard to the number of pages in pre-sentence reports (not counting the undertaking) the majority of FPSRs were three pages in length and the majority of Quick reports were two pages in length (Table 15 in Appendices). Also FPSRs contained a more extensive list of headings than the Quick reports (Table 16 Appendices). However, some of the Quick reports had included information about social/family and employment matters under the 'Summary' heading.

Table 8: Sources of information in pre-sentence reports				
Sources of information	Full pre-sentence report (n=14)		Quick report (n=17)	
	N	%	N	%
Interview with offender	14	100	17	100
Official sources				
Court depositions & police facts	11	78.6	12	70.6
Probation & Parole Service records	8	57.1	13	76.0
Educational documents	1	7.1	0	0
Periodic Detention Administration	0	0	1	5.9
Family members - interviews				
Offenders mother	5	35.7	3	17.6
Offenders father	4	28.6	0	0
Partner	6	42.9	1	5.9
Other family member	1	7.1	1	5.9
General community				
Minister of religion	1	7.1	0	0
Family friend	1	7.1	0	0
Employment - interviews				
Offenders employer	6	42.9	1	5.9
JPET (Employment Program)	0	0	1	5.9
Medical -reports & contact				
Medical report	1	7.1	0	0
Psychology report	2	14.3	0	0
Mental health team	1	7.1	0	0
Counselling service	1	7.1	0	0
Doctor	1	7.1	1	0
Drug & Alcohol clinic	1	7.1	1	5.9
Notes: The sources of information include only those explicitly stated in the report.				

Outcomes for periodic detention orders

a) Overall completion outcomes

This section of the results contains information on PDO outcomes. The outcomes were divided into successful (released to parole or sentence served) and unsuccessful (revoked).

This dichotomous grouping was used to test for differences in success based on the factors included in this study.

Table 9 contains overall completion outcomes for the PDOs in this study. It can be seen that by far the majority of the offenders 67.9% successfully completed their PDO orders by being released to parole or by having served the period of the order.

b) Factors independently predicting periodic detention completion outcomes

This section looks at outcomes (successful/unsuccessful) for periodic detention orders by demographic factors, sentencing details and previous sentencing history. Descriptive information is

available in Tables 17, 18 & 19 in Appendices.

Uni-variate (Chi-square) analyses were conducted on the factors. There were significant differences ($p < 0.01$) in outcomes based on eight of the factors. These were:

- Age
- A medical alert on file
- Court type
- Most serious offence,
- Type of pre-sentence report
- Jurisdiction of the sentencing court
- Number of Community Service Orders, and
- Number of episodes of Full-time custody.

There was no significant difference in outcomes between offenders that had breached a prior CSO (n=63) and those that had successfully completed a CSO. (n=414).

Sometimes in uni-variate analyses the factors which are found to be significant are not due to those factors but to closely related factors.

Table 9: Completion outcomes of periodic detention orders commenced in 2003-2004 (n=925)

Parole		Served		Sub-total		Revoked		Total	
N	%	N	%	N	%	N	%	N	%
241	26.1	387	41.8	628	67.9	297	32.1	925	100

Notes: Twelve offenders in the revoked column were revoked due to being sentenced to a full-time sentence greater than one month. No offenders in this data set were found to have had an order revoked under S163 (1) (1A) *Crimes (Sentence Administration) Act 1999*, i.e., for health or compassionate reasons.

Table 10: Logistic regression model predicting factors associated with unsuccessful completion					
Demographic & offending history covariates	Comparison	Odds Ratio	95% Confidence interval		p-value
			Lower	Upper	
Age	18-24 v 40+	3.34	2.00	5.57	<0.001
	25-29 v 40+	3.18	1.86	5.46	<0.001
	30-34 v 40+	2.25	1.28	3.93	0.005
	35-39 v 40+	1.36	0.72	2.57	0.346
Medical alert	Yes v No	2.38	1.44	3.93	0.001
Court type	Local v District & other	2.24	1.33	3.80	0.003
Most serious offence	Violence/sexual v mean	0.93	0.65	1.35	0.715
	Robbery/property/deception v mean	1.73	1.24	2.41	0.001
	Drug v mean	1.15	0.68	1.97	0.601
	Driving v mean	0.92	0.68	1.23	0.561
	Offences against order v mean	1.09	0.66	1.82	0.735
Community service Order	Other v mean	0.54	0.24	1.18	0.121
	One v 0	1.48	1.04	2.11	0.029
	Two v 0	2.47	1.53	3.99	<0.001
Prior full-time Custody	Three or more v 0	1.09	0.55	2.18	0.807
	1 v 0	1.47	0.94	2.20	0.089
	2 or more v 0	2.50	1.39	4.49	0.002

The multi-variate logistic regression procedure tests each factor whilst holding the other factors constant in order to identify those factors that independently predict outcomes.

The factors that achieved significant results in the logistic regression analyses are shown in Table 10. The Odds Ratios in this table tell us how much more likely one group of offenders is to be unsuccessful (revoked) than the comparison group.

As seen in Table 10 the Odds Ratios show that offenders aged 18-24 and 25-29 are more than three times more likely to have an

unsuccessful outcome that the 40+ group ($p < 0.001$). The 30-34 age group was more than twice as likely to have an unsuccessful outcome when compared the 40+ group ($p < 0.001$).

Other significant ($p < 0.01$) risk factors for unsuccessful outcomes of PDOs included:

- a medical alert on file
- sentenced in the Local Court
- a most serious offence category of Robbery/property/deception
- two previous CSO's
- two or more episodes of full-time custody.

c) The time taken to finalise orders

This section will look at the time it took offenders to actually complete the term of their sentence. In the case of orders that were revoked the time period to revocation will be examined.

As discussed earlier, it is only once an offender eliminates both their 'total periods' and any 'penalty periods' that their PDO is discharged. A small number of offenders took much longer than the majority to complete their sentence term, thus inflating the mean time to complete. The median is included in this section and later sections as it is a more useful measure of central tendency when the distribution is highly skewed. A ratio was created using the equation: *time taken to complete/length of sentence term*. Time taken to complete represents the entire

period from the sentence commencement date to the date the order was finalised.

The offenders who successfully completed their sentences took a median time of 1.12 times the sentence term (i.e., 12% longer). The average time was 1.26 times the sentence term. As seen in Table 11, column a, 68.9% of the successful offenders completed within 1.25 times the sentence term. Eighty five percent completed within 1.5 times the sentence term. Nearly all (91.4%) of the successful completers, completed within 1.75 times the sentence term. However, six percent had not completed by 2.00 times (double) the sentence term.

The median time to revocation was 0.77 of the sentence term (i.e., offenders had only completed 77% of their sentence by the date of revocation).

Table 11: Number of periodic detention orders finalised at ratios of sentence term

Ratio of sentence term	a)Successful n=628		b)Unsuccessful (revoked) n=297	
	N	%	N	%
<0.25			45	15.2
<0.50			104	35.0
<0.75			145	48.8
<1.00			196	66.0
<1.12	327	52.2	224	75.4
<1.25	433	68.9	241	81.1
<1.50	535	85.2	263	88.6
<1.75	573	91.4	273	91.9
<2.00	588	93.6	284	95.6
<3.00	621	98.9	289	97.3
<4.00	626	99.7	292	98.3
<5.00	628	100	296	99.7
<6.00			297	100

Table 12 Likelihood of future revocation at ratio of sentence term			
Ratio of sentence term	a) Number revoked after this time	b) Number of un-finalised orders	c) Percentage revoked after this ratio of sentence term (c=a÷b)
	N	N	%
0	297	925	
<0.25	252	880	28.6
<0.50	193	821	23.5
<0.75	152	780	19.5
<1.00	101	729	13.8
<1.12	73	374	19.5
<1.25	56	251	22.3
<1.50	34	127	26.8
<1.75	24	79	30.4
<2.00	13	52	25.0
<3.00	8	15	53.3
<4.00	5	7	71.4
<5.00	1	1	100
<6.00	0		

Notes: Column c refers to the percentage of un-finalised orders at this ratio that proceeded to revocation.

Table 12 presents the percentage of all revocations occurring in the future once a ratio had been reached. As can be seen in column c) once offenders had passed twice their sentence length (<3.00) they were more likely to be revoked than successfully complete. By the median time of completion for successful completers (1.12), 75.4% of the revocations had occurred. A small (4%) number were revoked after a period of twice their sentence term. Most revocations (66%) occurred within the time period (<1.00) of the offenders sentence term. As can be seen in Table 11, column b, 15% (n=45) of the revocations occurred in the first quarter of revoked offenders sentences.

Factors associated with time taken by successful completers

Statistical tests (ANOVA) were undertaken to test for differences in mean time taken to successfully complete based on demographic factors, sentence details and previous sentencing history. There were significant differences on five factors (median times are in brackets).

Age - There was a significant difference in time taken to successfully complete based on age group (p<0.01). The older the age group the quicker offenders were to complete. The oldest age group 40+ (n=128) (the quickest to successfully complete) took a mean of 1.15 (median =1.08) times the sentence term to complete. The youngest age

group 18-24 (n=199) was the slowest to complete taking a mean time of 1.27 (median=1.15) times the sentence term.

Medical alert - Those offenders with a medical alert (n=60) took a mean of 1.4 (median=1.33) times their sentence term compared with a mean time for those who did not have a medical alert (n=568) of 1.25 (median=1.11) (p<0.01).

Court type - There was a significant difference in time taken to successfully complete based on court type (p<0.01). Offenders sentenced in the District & other court (n=118) took a mean of 1.15 (median=1.06) times their sentence term to successfully complete. Those sentenced in the Local Court (n=510) took a mean time of 1.28 (median=1.12).

Length of sentence term - There was a significant difference on time to successfully complete based on the *length of sentence term* (p<0.001). Offenders in the shortest sentence term category <6 months (n=157) took a mean time 1.36 (median=1.17) times their sentence term to complete. Whereas offenders with a sentence term of 18+ months (n=39) took a mean time of 1.05 (mean=1.04) times their sentence term to complete.

Number of CSO's - Offenders with a higher number of prior CSO's (i.e., three or more) took a significantly longer mean time to successfully complete than offenders without CSOs or fewer CSOs (p<0.01). Offenders without prior CSOs (n=329) took a mean time to complete of 1.21 (median=1.08) times their sentence term whilst offenders

with three or more prior CSOs (n=39) took a mean time of 1.46 (median=1.28) times their sentence term to successfully complete. When analyses was undertaken comparing the offenders who had their prior CSO revoked (n=36) with those that had successfully completed a prior CSO (n=263) there was a significant difference in time taken to complete. Offenders with a prior CSO revocation took a mean time to complete of 1.64 (median=1.43) times their sentence term whereas, those that had successfully served a CSO took a mean time of 1.27 (median=1.13) times the sentence term to complete.

d) Approved sick leave

Overall

The number of episodes of sick leave, approved by either Periodic Detention Administration or the NSW State Parole Authority, was aggregated. The number of episodes overall ranged from none to a maximum of 33 episodes with median of one episode (mean=2.3) per offender.

Table 13 presents completion outcomes of PDOs (successful or unsuccessful) by the number of approved sick leave categories. It can be seen that a total of 42.6% of the offenders in this study did not have any episodes of approved sick leave. When a statistical test (Chi-square) was conducted there was no significant difference in successful/unsuccessful outcomes based on the number of episodes of approved sick leave.

Table 13: Completion outcomes of periodic detention orders by number of episodes of approved sick leave (n=925)

Number of episodes of approved sick leave	Successful		Unsuccessful (revoked)		Total	
	N	%	N	%	N	%
0	256	40.8	138	46.5	394	42.6
1	109	17.4	39	13.1	148	16.0
2-3	124	19.7	54	17.2	178	18.9
4-8	96	15.3	54	18.2	150	16.2
9+	43	6.8	15	5.1	58	6.3
Total	628	100	297	100	925	100

Note: Sick leave includes both that approved by Periodic Detention Administration and the NSW State Parole Authority.

Factors associated with numbers of episodes of approved sick leave

To adjust for the difference between offenders on length of a sentence term, sick leave episodes as a percentage of the sentence term were used in the analyses below. Statistical tests (ANOVA) were undertaken to test for differences in the mean percentage sick leave for *Age, Gender, Medical alert* and *Length sentence term*. Significant results were found for *Gender, Medical alert* and *Length of sentence term*. The median number of sick leave episodes is given in brackets.

Gender-Females (n=56) took significantly more sick leave than males (n=860) as a percentage of their sentence term.

Females had spent a mean 13% (median=5.1%) of their sentence term on sick leave whilst males had spent 7.7% (median=2.6%) of this time on sick leave. (p<0.01). However, the percentage of time on sick leave varied widely for both groups ranging from 0% to 75% for

females and 0% to 150% for males. Thirty nine percent of females (n=22) and 43% of males (n=372) did not have any sick leave episodes.

Medical alert - The mean percentage of sick leave for offenders with a medical alert (n=120) was 10.9% (median=5.6%). In the case of offenders that did not have a medical alert (n=805) the mean percentage time on sick leave was 7.6% (median=2.6%). This was a significant difference (p<0.05). However, again the percentage of sick leave varied widely ranging from 0% to 75% for offenders with a medical alert and 0% to 150% offenders that did not have a medical alert. Thirty five percent of offenders with a medical alert (n=42) and 44% (n=352) of those without a medical alert did not have any episodes of sick leave.

Length of sentence term -There was a significant difference in the percentage of approved sick leave based on the *Length of the sentence term* (p<0.01). Offenders with short sentences <6 months (n=217) had

the highest percentage of approved sick leave with a mean of 10.3% (median=0%). Offenders with the longest sentences 18+ months (n=52) had the lowest percentage of approved sick leave with a mean of 4.1% (median=2.5%).

Whilst half (53.9%) the offenders in <6 months group had no episodes of approved sick leave a small number (n=10) had a percentage of more than 50% of their sentence term as sick leave.

e) Sick leave and time taken to successfully complete

Table 14 contains the mean and median time to complete by sick leave categories. There was a significant difference in the mean time it took to complete based on sick leave categories ($p < 0.001$). It can be seen the higher the level of sick leave the longer the time to complete the sentence term.

Table 14 Time taken to successfully complete by number of episodes of approved sick leave (n=628)			
Number of episodes of approved sick leave	Time taken as a ratio of sentence term		
	N	Mean	Median
0	256	1.15	1.04
1	109	1.19	1.10
2-3	124	1.25	1.13
4-8	96	1.45	1.32
9+	43	1.65	1.50
Total	628	1.26	1.12
Note: Sick leave includes both that approved by Periodic Detention Administration and the NSW State Parole Authority.			

Critical Comments on the results in this study

At the date of data extraction for this study, 30 May 2006, the PDOs of 13 offenders had still not been finalised. Therefore these offenders were not included in this study. Due to this the results in this study may not *fully* reflect results for offenders sentenced to lengthy terms of periodic detention. Additionally, as explained in the Research Plan section the results on pre-sentence reports lack precision as there was a 10% error rate when a sample of this data was examined manually.

4. DISCUSSION

Overall outcomes

The principal point to make in this study is that the majority of the offenders (67.9%) sentenced to periodic detention successfully completed their sentences. This success rate is slightly higher than the 64.6% found in the most recent NSW study (Barila 1999). This difference in results may reflect differences in the offender populations between the two studies or it may also reflect changes in legislation, policy or practice which have led to improved outcomes. For example, since the Barila study home visits have been introduced to counsel offenders who are believed to be at risk of being revoked.

Whilst earlier studies (Gorta 1991 & Potas et al 1992) into periodic detention found higher levels of successful outcomes (i.e., 82% & 84%) some of this success may have occurred due to the then slowness of the revocation process. Additionally methodological problems reduce the reliability of the Potas et al study.

The success rate achieved by PDOs does not seem out of line when compared with that of Community Service Orders (CSO), the sentencing option which PDOs most closely resemble (Potas et al 1992). A recent study on outcomes for supervised orders found that CSOs had a successful completion rate of 76.5% (Potas, Eyland & Munro 2005). Offenders serving CSOs should be expected to do a little better than offenders serving a PDO. This is because generally offenders serving a CSO

have committed more minor offences and/or have less of an offending history than offenders serving PDOs. Additionally, serving a PDO is likely a more onerous task for many offenders than serving a CSO. This is because, unlike a CSO, a PDO requires offenders in Stage 1 to remain in custody for two full days including overnight.

As seen in this study the offenders who successfully completed their sentences did so in a median time of 1.12 times the court imposed term. This study, as did an earlier NSW study (Potas 1992) found that 85% of the offenders had completed their sentence within one and a half times the term of their sentence.

The number of episodes of approved sick leave was not significantly associated with successful/unsuccessful completion. This result may reflect that revocations are usually finalised earlier than successful completions reducing the time period in which such leave can be taken. Approved sick leave was significantly associated in the time it took offenders with successful outcomes to complete their sentences.

Factors associated with outcomes

This study used demographic factors, sentencing details and sentencing history in order to identify factors associated with periodic detention outcomes. Analyses revealed that some groups of offenders were at greater risk than other groups of revocation. Of the offenders who did successfully complete their sentence some

groups of offenders took significantly longer to complete than other groups.

The younger age groups were much more likely to be revoked than the 40+ age group ($p < 0.001$). Previous NSW studies (Barila 1999, Thompson 1994, & 2001) also found younger age groups associated with more unsuccessful outcomes or lower attendance than the older age groups. Age was also a significant factor in time to successfully complete. The youngest age group (18-24) was the slowest to successfully complete taking a median time of 1.15 times the sentence term compared to the 40+ age group of 1.08 times the sentence term.

Being sentenced by the Local Court, rather than the District Court, was statistically a risk factor for revocation. Those sentenced in the Local Court were also significantly slower to successfully complete taking median time of 1.12 times their sentence compared to 1.06 of those sentenced in the District & other courts. These results are most likely a reflection of the District Court dealing with different types of offences and offenders than the Local Courts.

In this study offences related to dishonesty i.e., a most serious offence category of Robbery/property/ deception, was associated with a greater risk of an unsuccessful outcome. Property offences were also a factor found to be a risk factor in previous studies (Potas et al 1994, Thompson 1994 & 2001). The reason for this may be that a high number of these offenders have had drug/alcohol histories and have relapsed whilst serving their PDO.

Having a *Medical alert* was found to be a significant risk factor ($p < 0.01$) for an unsuccessful outcome. In addition, offenders with a medical alert took significantly longer to successfully complete (median=1.33) compared to offenders without a medical alert (median=1.11).

Whilst there was no significant difference in risk for an unsuccessful outcome based on *Length of sentence term*, this factor was significantly associated with the time it took offenders to successfully complete. The longer the sentence term the lower the median time, expressed as a percentage of the sentence term, to complete. The median time to complete decreased from 1.17 for sentences of <6 months to a 1.04 for sentence of 18+ months.

As seen in Table 10, offenders with two prior CSOs or two or more full-time custody episodes were twice as likely to not successfully complete their PDO compared to those who had no episodes. The number of prior CSOs was also a significant factor in time to successfully complete with offenders with three or more prior CSOs' taking a median time to complete of 1.28 times their sentence term compared to 1.08 for those without prior CSOs. The time was even longer for offenders ($n=36$) who had a prior CSO revoked. These offenders took a median time of 1.44 times their sentence term to successfully complete their sentence.

Unlike the Barila (1999) study this study did not find a significant difference in outcomes based on

indigenous status. This is surprising because Barila found that indigenous offenders were four times more likely to have unsuccessful outcomes than non-indigenous offenders.

As discussed above there were significant differences between age, medical alert, sentencing court, most serious offence and sentence length groups on completion outcomes and/or time to complete. However, this study also found that those outcomes varied widely within the groups. Whilst some categories of offenders, have clearly been identified at risk, compared with a comparison group, the majority of the offenders in most groups, (as seen in Tables 17, 18 & 19 presented in Appendices) did successfully complete. For example, whilst the younger age groups were at far greater risk than the older age groups of revocation, 63.8% of the youngest group (18-24) still successfully completed their sentence.

Pre-sentence reports

The type of pre-sentence report did not vary significantly with demographic factors but it did vary according to sentencing details and previous sentencing history. Whilst Full pre-sentence reports had been requested in 37% of the cases overall, they were more likely to be requested when the *Most serious offences* were Drugs (64.9%), Robbery/property/ deception (41.7%) rather than Driving (29.0%) or Offences against order (25.4%). Full pre-sentence reports were also more likely where the sentencing court was the District &

other court (56.3%) and where longer sentences were imposed (eg. 69.2% for sentences of 18+ months). Full pre-sentence reports were also more likely in cases in which the offender had not previously been sentenced to a CSO (46.9%).

The uni-variate analysis found that offenders assessed using a Full pre-sentence report were significantly more likely than those assessed using a Quick report to successfully complete their sentence. However, when the multi-variate logistic regression analyses were conducted the *Type of pre-sentence report* was excluded as a factor that independently predicted PDO outcomes. The most likely explanation for this is that differences in outcomes based on *Type of pre-sentence report* are accounted for by other factors in the analysis i.e., offenders more likely to be unsuccessful due to the nature of their offence and previous sentencing history are also the offenders that would more likely be assessed by a Quick report.

When copies of the pre-sentence reports were examined it was found that the level of detail contained within the reports was not uniform for Quick reports or Full pre-sentence reports. In addition there was some overlap in the level of detail included in the two types of reports. In some cases the level of detail in the Quick Reports was on a par with that found in some of the Full pre-sentence reports. There is a view that the courts need greater information so as to detect and exclude offenders unlikely to complete a PDO. It would seem that if this is the case that such

information should be specified and included in the pre-sentence report, regardless of the type of report.

Periodic detention as a sentencing option

Periodic detention is a valuable sentencing option as it has reparative and rehabilitative merit. Offenders serving a PDO contribute to the general community through their work on environmental improvement projects such as the Georges River Keeper Program, the Upper Parramatta River Catchment Trust, Kokoda Track Memorial Walkway etc (NSWDCS Annual Report 2004-2005). In terms of rehabilitation, periodic detention has advantages over full-time custody as offenders are allowed to remain in the general community. Whereas full time custody entails, not only a loss of freedom and the psychological effects of incarceration, but often the loss of employment, housing, personal property and relationships etc. The loss of these can pose problems for the reintegration of offenders after release and their successful rehabilitation.

This study found that young offenders, particularly those serving sentences for Robbery/property/ deception, were more likely not to successfully complete a PDO. Some of these offenders may be in the early stages of commencing criminal careers. As knowledge increases on "what works" with young offenders it maybe worthwhile to target this group for programs aimed at increasing the likelihood of successful PDO completion and to reduce re-offending.

Conclusion

As Periodic detention is an important and continuing part of the NSWDCS responsibilities it would be to the advantage of senior management to be informed of outcomes on a more regularly basis than has occurred in the past. An annual study would achieve this as well as being more efficient in terms of the NSWDCS resources. The systems developed for this study could be refined and developed in future studies with an eye to the eventual automation of the process.

Hopefully this report has provided information that will contribute to the continuing good management of periodic detention in NSW.

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Legislation

Crimes (Administration of sentences) Act 1999 No. 93

Crimes (Sentencing Procedure) Act 1999 No 92.

Periodic Detention of Prisoners (Amendment) Act 1992

Periodic Detention of Prisoners (Amendment) Act 1992.

Crimes (Sentencing Procedure) Regulation 2000).

Senior Assistant Commissioners Memorandum (SACM) 07/2004.

APPENDICES

Table 15 Number of pages in pre-sentence reports

Number of pages	Full pre-sentence report (n=14)		Quick report (n=17)	
	N	%	N	%
One page	0	0	7	41.2
Two pages	2	14.3	8	47.0
Three pages	11	78.6	2	11.7
Four pages	0	0	0	0
Five pages	1	7.1	0	0

Table 16: Most common headings in pre-sentence reports

Full pre-sentence report	Quick report
Prior contact with this Service	Prior contact with this service
Relevant social/family factors	Summary & sentencing options
Factors relating to offending	
Employment/education	
Additional issues	
Summary and sentencing options.	

Table 17a: Completion outcomes of periodic detention orders by demographic factors								
Factors	Successful				Unsuccessful		Total	
	Parole		Served		Revoked			
	N	%	N	%	N	%	N	%
Age								
18-24	77	24.7	122	39.1	113	36.2	312	100
25-29	44	23.8	64	34.6	77	41.2	185	100
30-34	34	21.4	71	44.7	54	34.0	159	100
35-39	38	33.0	50	43.5	27	23.5	115	100
40+	48	31.2	80	51.9	26	16.8	154	100
Gender								
Male	225	26.1	359	41.6	278	32.3	862	100
Female	12	21.8	25	45.5	18	32.7	55	100
Indigenous status								
Indigenous	12	15.4	32	41.0	34	43.5	78	100
Non-indigenous	222	26.9	347	42.0	257	30.4	826	100
Marital status								
Married	89	28.4	129	41.2	95	30.3	313	100
Not married	148	25.1	245	41.5	197	33.4	590	100
Employment								
Employed	156	29.5	215	40.6	158	29.8	529	100
Not employed	85	21.5	172	43.4	139	35.1	396	100
Medical alert								
Yes	20	16.7	40	33.3	60	50.0	120	100
No	221	27.5	347	43.1	237	29.4	805	100

Table 17b: Completion outcomes for periodic detention orders by indigenous status and gender

Factors	Successful		Unsuccessful		Total	
	N	%	N	%	N	%
Non-Indigenous						
Male	534	68.5	245	31.5	779	100
Female	34	73.9	12	26.1	46	100
<i>Sub-total</i>	568	68.8	257	31.2	825	100
Indigenous						
Male	41	58.6	29	41.1	70	100
Female	3	37.5	5	62.5	8	100
<i>Sub-total</i>	44	56.4	34	43.6	78	100
Total	612	67.9	291	32.1	903	100

Notes: This table is presented for descriptive purposes only. The factors of Gender and Indigenous Status were not found to be independently predictive of successful completion. There were 22 cases in which the indigenous status was unknown so these cases were not included in this table.

Table 18: Completion outcomes of periodic detention orders by sentence details

Factors	Successful				Unsuccessful		Total	
	Parole		Served		Revoked		N	%
	N	%	N	%	N	%		
Court type								
Local court	157	20.1	353	45.2	271	34.7	781	100
District & other courts	84	58.3	34	23.6	26	18.1	144	100
Most serious offence								
Violence/Sexual offence	51	29.3	73	42.0	50	28.8	174	100
Robbery/ Property/Deception	44	20.9	77	36.5	90	42.7	211	100
Drugs	33	44.6	24	32.4	17	23.0	74	100
Driving	91	24.7	165	44.7	113	30.6	369	100
Offences against order	10	15.9	33	52.4	20	31.7	63	100
Other	7	24.1	15	51.7	7	24.1	29	100
Sentence length								
< 6 months	26	12.0	131	60.4	60	27.7	217	100
6 < 9 months	74	19.6	173	45.8	131	34.6	378	100
9 < 12 months	58	34.7	46	27.5	63	37.7	167	100
12<18 months	53	47.7	28	25.2	30	27.0	111	100
+18 months	30	57.7	9	17.3	13	25.0	52	100
Type of Pre sentence report								
Full pre-sentence report	124	35.9	127	37.1	92	26.9	343	100
Quick reports:								
QALL	72	18.3	191	48.5	131	33.2	394	100
QSPEC	40	24.0	65	38.9	62	37.2	167	100
PDAS	5	23.8	4	19.0	12	57.1	21	100
Jurisdiction of the sentencing court								
NSW	239	26.4	368	40.7	297	32.8	904	100
Federal	2	9.5	19	90.5	0	0	21	100

Table 19: Completion outcomes for periodic detention orders by number of previous community and custodial based sentences								
Previous order	Successful				Unsuccessful			
	Parole		Served		Revoked		Total	
	N	%	N	%	N	%	N	%
Community service orders								
None	147	32.8	182	40.6	119	26.6	448	100
One	63	20.9	133	44.0	106	35.1	302	100
Two	16	13.3	48	40.0	56	46.6	120	100
Three	15	27.3	24	43.6	16	29.1	55	100
Periodic detention orders								
None	223	27.5	332	40.9	257	31.6	812	100
One	14	16.7	42	50.0	28	33.4	84	100
Two or more	4	13.8	13	44.8	12	41.3	29	100
Full time custody								
None	202	27.3	328	44.3	211	28.5	741	100
One	33	27.5	38	31.7	49	40.8	120	100
Two or more	6	9.4	21	32.8	37	57.8	64	100

Table 20: Completion outcomes of periodic detention orders by correctional centres

Centre	Successful		Unsuccessful		Total	
	N	%	N	%	N	%
Bathurst (Male)	11	50.0	11	50.0	22	100
Bathurst (Female)	3	75.0	1	25.0	4	100
Campbelltown	48	64.0	27	36.0	75	100
Grafton	31	72.1	12	27.9	43	100
Manus	22	91.7	2	8.3	24	100
Metropolitan mid-week	1	100.0	0	0	1	100
Metropolitan weekend	3	60.0	2	40.0	5	100
Norma Parker mid-week	4	50.0	4	50.0	8	100
Norma Parker weekend	20	69.0	9	31.0	29	100
Parklea	58	65.9	30	34.1	88	100
Silverwater midweek	46	70.8	19	29.2	65	100
Silverwater weekend	214	72.5	81	27.5	295	100
Tamworth (Male)	13	86.7	2	13.3	15	100
Tamworth (Female)	7	63.6	4	36.4	11	100
Tomago	100	69.4	44	30.6	144	100
Wollongong (Male)	35	62.5	21	37.5	56	100
Wollongong (Female)	5	83.3	1	16.7	6	100
Not available	7	20.5	27	79.0	34	100
Total	628	67.9	297	32.1	925	100

Notes for Table 20.

Correctional centres listed are the first centre an offender attended for their PDO.

The results in this table need to be interpreted with caution. Firstly the results lacked precision because the correctional centre could not be identified in 34 cases mostly because the computerised record keeping had transferred those offenders to the Breach category (n=26). Thus the number of unsuccessful offenders is understated for some correctional centres.

Secondly the numbers in some centres are small and drawing conclusions on the basis of small numbers can be misleading. Thirdly the level of success is likely to reflect more on the type of offenders within the catchment area of the centres rather than factors operating within centres.

Table 21: Percentage of approved episodes of sick leave by age, gender, medical alert and length of sentence term

Factors	Approved by Periodic Detention Administration					Approved by State Parole Authority				
	None %	one %	2-3 %	4-8 %	9+ %	Total %	None %	One %	+ %	Total %
Age										
18-24	47.1	15.4	18.6	15.1	3.8	100	81.7	10.9	7.3	100
25-29	41.6	21.1	19.5	13.0	4.9	100	84.3	7.6	8.1	100
30-34	42.1	14.5	18.2	19.5	5.7	100	81.1	10.7	8.2	100
35-39	47.8	13.9	17.4	14.8	6.1	100	80.9	9.6	9.6	100
40+	50.0	18.2	17.5	11.0	3.2	100	91.6	5.8	2.6	100
Gender										
Male	46.1	16.9	18.5	14.4	4.0	100	83.8	9.0	7.2	100
Female	39.3	12.5	16.1	19.6	12.5	100	82.1	12.5	5.4	100
Medical alert										
Yes	37.5	16.7	19.2	19.2	7.5	100	76.7	13.3	10.0	100
No	47.0	16.6	18.3	14.0	4.1	100	84.7	8.6	6.7	100
Length sentence term										
< 6 months	57.1	17.1	14.7	8.8	2.3	100	87.1	5.5	7.4	100
6 < 9 months	45.5	15.3	17.7	16.1	5.3	100	85.2	8.2	6.6	100
9 < 12 months	38.9	19.2	22.2	16.8	3.0	100	82.0	10.8	7.2	100
12<18 months	40.5	20.7	17.1	15.3	6.3	100	73.9	17.1	9.0	100
+18 months	32.7	7.7	28.8	21.2	9.6	100	84.6	9.6	5.8	100

