

# REDUCING REOFFENDING

## Sentencing and Parole Reforms



# Context

- The reforms build on the recommendations of the NSW Law Reform Commission reports on *Sentencing* and *Parole*.
- Sentencing and parole measures are part of government action to reduce reoffending.
- The Government has set targets to reduce domestic violence reoffending by 25% and general adult reoffending by 5%
- In developing the legislation a range of stakeholders have been consulted, such as:
  - Judiciary and legal profession
  - Law enforcement stakeholders
  - NSW Government agencies
  - Victims' and advocacy groups



## Announcement of reforms on 9 May 2017

- Attorney General Mark Speakman
- Minister for Police Troy Grant
- Minister for Corrections David Elliott
- CSNSW Commissioner Peter Severin
- Police Commissioner Mick Fuller

# Reducing Reoffending Reforms 2016 – 2020 delivery



<https://www.justice.nsw.gov.au/Pages/Reforms/reducing-reoffending/reducing-reoffending.aspx>

# Issues with current community based sentences

- Purpose of community orders: alternative to short prison terms so offenders can address behaviour in community.
- Supervised orders that target risks and needs are more effective at reducing reoffending than short prison terms.
- LRC found that current NSW orders don't promote effective supervision and not reducing short prison terms.
  - Suspended sentences are used as alternatives to non-custodial orders and increase the rate of imprisonment.
  - Intensive Correction Orders work well, but have structural flaws that limit offender access to supervision.
- LRC recommended new flexible sentences to increase supervision and reduce reoffending & short prison terms.

# Community based sentences – overview of change

Previous orders	Strengthened orders	Optional conditions
<ol style="list-style-type: none"> <li>1. Home detention</li> <li>2. Suspended sentences</li> <li>3. Intensive Correction Order</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>Intensive Correction Order</b> <ul style="list-style-type: none"> <li>• Available for prison sentences of up to 2 years, except for certain serious offences</li> <li>• Paramount consideration of community safety</li> <li>• Supervision requirement</li> <li>• Breach and revocation dealt with by SPA</li> <li>• Sanctions regime available to deal with lower level breaches in community</li> </ul> </li> </ol>	<ul style="list-style-type: none"> <li>➤ Home detention</li> <li>➤ Electronic monitoring</li> <li>➤ Curfew</li> <li>➤ Community service work</li> <li>➤ Programs, treatment</li> <li>➤ AOD abstention</li> <li>➤ Non-association restriction</li> <li>➤ Place restriction</li> </ul>
<ol style="list-style-type: none"> <li>4. Community Service orders</li> <li>5. Good behaviour bonds (section 9)</li> </ol>	<ol style="list-style-type: none"> <li>2. <b>Community Correction Order</b> <ul style="list-style-type: none"> <li>• Non-custodial order for up to 3 years</li> <li>• Standard conditions: not to commit an offence and attend court when called on</li> <li>• Can be supervised or unsupervised</li> <li>• Breach and revocation dealt with by courts</li> </ul> </li> </ol>	<ul style="list-style-type: none"> <li>➤ Supervision</li> <li>➤ Community service work</li> <li>➤ Curfew</li> <li>➤ Programs, treatment</li> <li>➤ AOD abstention</li> <li>➤ Non-association restriction</li> <li>➤ Place restriction</li> </ul>
<ol style="list-style-type: none"> <li>6. Non-conviction bonds (section 10)</li> </ol>	<ol style="list-style-type: none"> <li>3. <b>Conditional Release Order</b> <ul style="list-style-type: none"> <li>• Same standard conditions as CCO</li> <li>• Non-custodial order for up to 2 years</li> <li>• Can be supervised or unsupervised</li> <li>• Available with or without a conviction</li> <li>• Breach and revocation dealt with by courts</li> </ul> </li> </ol>	<ul style="list-style-type: none"> <li>➤ Supervision</li> <li>➤ Programs, treatment</li> <li>➤ AOD abstention</li> <li>➤ Non-association restriction</li> <li>➤ Place restriction</li> </ul>

# Legislation

- Schedules 1 & 3 of the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017 contains the relevant amendments
- They amend the Crimes (Sentencing Procedure) Act 1999 and the Crimes (Administration of Sentences) Act 1999.
- The new legislation will commence by October 2018.

# Intensive Correction Order

- **Sentencing procedures:** Part 2 Divisions 1 & 2 and Part 5 of the Crimes (Sentencing Procedure) Act 1999
- **Administration and management:** Part 3 of the Crimes (Administration of Sentences) Act 1999
- **Breach and revocation:** Part 7 Division 1 of the Crimes (Administration of Sentences) Act 1999

# Community Correction Order

- **Sentencing procedure:** Part 2 Divisions 1 & 2 and Part 7 of the Crimes (Sentencing Procedure) Act 1999
- **Administration, management, breach and revocation:** Part 4B of the Crimes (Administration of Sentences) Act 1999



# Conditional Release Order

- **Sentencing procedure:** Part 2 Divisions 1 & 2 and Part 8 of the Crimes (Sentencing Procedure) Act 1999
- **Administration, management, breach and revocation:** Part 4C of the Crimes (Administration of Sentences) Act 1999

# Parole reforms

Increased supervision

Focusing decision making on community safety

Other parole reforms

- Reintegration home detention: offenders can serve last six months of non-parole period in community on home detention
- 12 month rule: amendments to manifest injustice provisions give greater flexibility for SPA to reconsider parole after revoking an order or refusing to grant parole
- Supervision will be mandatory for all parolees
- New test for release on parole: SPA must not make a parole order unless satisfied it is in the interests of the safety of the community
- Breaches: sanctions regime for SPA and Community Corrections to deal with lower level breaches of parole
- Additional power to revoke: if satisfied the offender poses a serious and immediate risk to community safety that cannot be sufficiently mitigated by directions from a parole officer or by changing parole conditions
- Statutory parole replaces court based parole
- SPA to take into account whether an offender has disclosed the body of the victim when making a parole decision
- Victims: clearer authority for Victims Register to disclose information about offenders to victims
- Juveniles: separate parole legislative framework

# Parole Legislation

- **Reintegration home detention:** Part 5A of the Crimes (Administration of Sentences) Act 1999
- **Manifest injustice:** - sections 137B & 143B of the Crimes (Administration of Sentences) Act 1999 and clause 223 of the Crimes (Administration of Sentences) Regulation 2014
- **Community Safety test:** section 135 of the Crimes (Administration of Sentences) Act 1999
- **Statutory parole:** section 158 of the Crimes (Administration of Sentences) Act 1999

# Parole Legislation

- **Sanctions regime:** sections 170 & 170A of the Crimes (Administration of Sentences) Act 1999
- **Revoke without breach:** section 170B of the Crimes (Administration of Sentences) Act 1999
- **Information for victims:** sections 256A & 256B of the Crimes (Administration of Sentences) Act 1999
- **Juvenile parole:** Part 4C of the Children (Detention Centres) Act 1987