

The impact of the 2018 NSW sentencing reforms on supervised community orders and short-term prison sentences

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SUMMARY

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BACKGROUND

In September 2018, existing community-based sentences were replaced with new potentially more flexible sentencing options, in order to maximise opportunities for offenders to be supervised and to engage in rehabilitative and therapeutic programs. Two of the aims of the sentencing reforms were to:

1. increase the proportion of offenders sentenced to supervised community-based orders;
2. reduce the proportion of offenders serving short prison sentences.

We examine whether these aims have been achieved by comparing sentencing outcomes in the 12 months prior to the legislative changes with sentencing outcomes in the 16 months after.

KEYWORDS

sentencing

supervised community orders

prison

domestic violence

KEY FINDINGS

In the Local Court:

- the percentage of adult offenders who were sentenced to a supervised community order increased from 14.6% to 22.0%.
- the percentage of adult offenders who were sentenced to a short-term prison sentence of 12 months or less declined from 5.2% to 4.4%.
- changes in sentencing outcomes were also seen for two offender sub-groups: DV offenders and Aboriginal offenders.

Percentage of offenders with a supervised community order in the Local Court before and after the 2018 sentencing reforms (n = 256,853)



In the District and Supreme Courts:

- the percentage of adult offenders who were sentenced to a supervised community order increased from 27.9% to 37.5%.
- the percentage of adult offenders who were sentenced to a short-term prison sentence of 36 months or less declined from 27.3% to 22.8%.

These increases in supervised community orders and declines in short-term prison sentences remained statistically significant after controlling for other factors such as offence type, number of concurrent offences, plea and prior offending.

CONCLUSION

The sentencing reforms have resulted in a substantial increase in the percentage of supervised orders imposed for adult offenders and a small decline in short-term prison sentences.