

## Re-offending in NSW

Winifred Agnew-Pauley and Jessie Holmes

**Aim:** To provide an overview of adult and juvenile re-offending over the last 10 years in New South Wales (NSW).

**Method:** Descriptive analysis of data from the NSW Re-offending Database (ROD).

**Results and conclusion:** Most offenders convicted in the NSW criminal courts were reconvicted of a further offence within 10 years of their initial offence, and this was especially so for juveniles and Indigenous offenders. Those reconvicted tended to be reconvicted for a variety of offences.

**Keywords:** Re-offending, recidivism, NSW, juveniles, adults

### Introduction and method

Re-offending is an issue of significant importance to government policy, communities, offenders and victims. For this reason research has been undertaken into both specific re-offending, for particular offenders and penalties, and general re-offending. Enquiries made by the public to the NSW Bureau of Crime Statistics and Research (BOCSAR) have tended to be more concerned with the general nature of re-offending for adults and juveniles in NSW. In response to these enquiries, this brief aims to provide a snapshot of re-offending in NSW over the last 10 years. This brief updates a previous report by BOCSAR (Holmes, 2012) on re-offending in NSW and aims to address the following questions:

- a) What percentage of offenders re-offend over the long term in NSW?
- b) What percentage of offenders re-offend for the same offence?
- c) What are the characteristics of those who re-offend?

To answer these questions the NSW Re-offending Database (ROD) was used. ROD contains information on each person who has been convicted of a criminal offence since 1994. It allows us to determine what proportion of offenders have been convicted of a further offence. In this brief, reconviction was used as a proxy for re-offending and so these terms are used interchangeably below. Adults and juveniles<sup>1</sup> convicted in 2004

were selected as the sample of interest and were examined over the following 10 years to determine whether they re-offended. For those who did re-offend, information regarding the offence type and offender characteristics was also gathered. Specific characteristics studied were age, gender and Indigenous status. The offence types examined are limited to offences with large numbers of offenders and those identified as of public interest.

The scope of this brief is general information about re-offending in NSW; therefore explanations for why offenders re-offend are not explored.

### Results

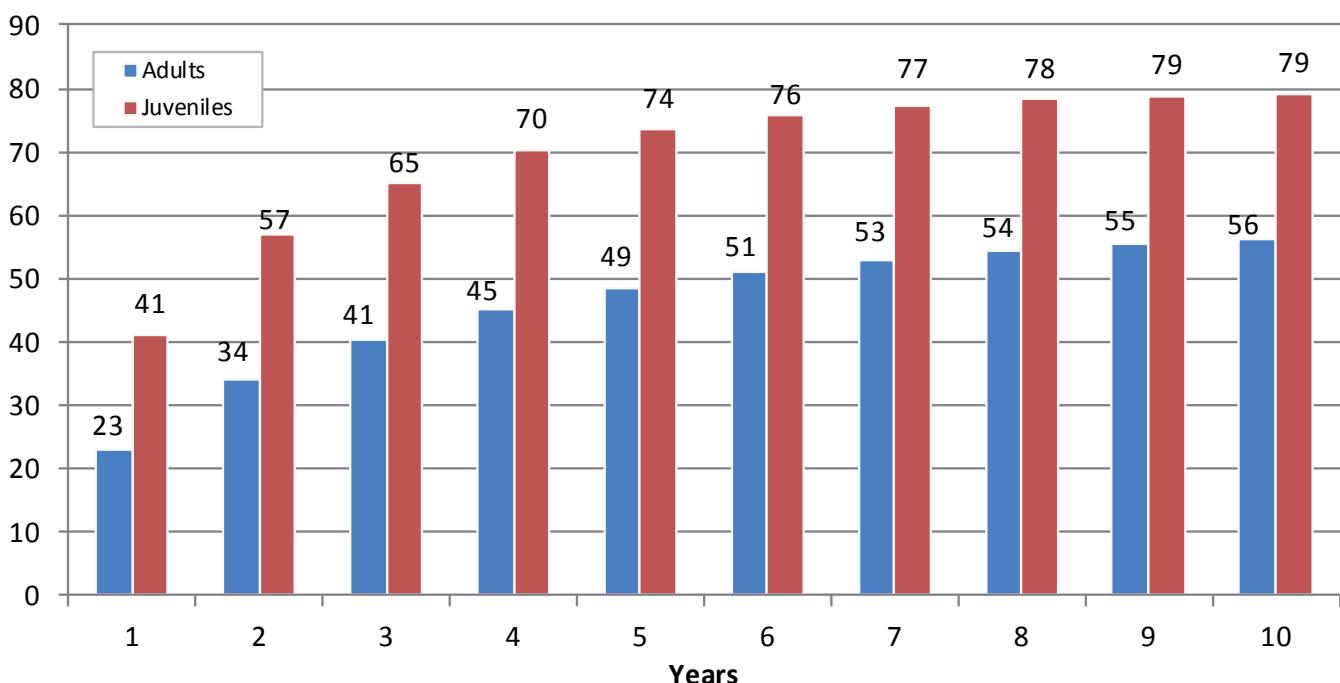
#### a) What percentage of offenders re-offend over the longer term in NSW?

Over 96,000 people (92,082 adults, 4,122 juveniles) were convicted of at least one offence in a NSW court in 2004. Figure 1 shows the percentage of adults and juveniles who had a conviction in 2004 who were reconvicted each year to 2014. The key findings were:

- Almost 60 per cent (57%) of offenders (both adults and juveniles together) convicted in 2004 were reconvicted within 10 years.
- Juvenile offenders have a higher rate of re-offending than adult offenders. Almost 80 per cent (79%) of juvenile offenders were reconvicted within 10 years, compared with 56 per cent of adult offenders.

**Figure 1. Cumulative percentage of persons convicted in 2004 who were reconvicted each year to 2014, NSW**

**Percentage reconvicted**



- Re-offending occurred mostly within a few years of the reference offence. For adult offenders, 23 per cent were re-convicted within one year, another 11 per cent were reconvicted with two years, and a further 7 per cent were re-convicted within three years. Similarly, for juvenile offenders 41 per cent were re-convicted within one year, another 16 per cent were re-convicted within two years, and a further 8 per cent were reconvicted within three years. The cumulative percentage, for both adults and juveniles, increased at a lower rate after three years.

- The next lowest re-offending for adults occurred for sexual assault and related offences (42% re-offended) and fraud, deception and related offences (47% re-offended).

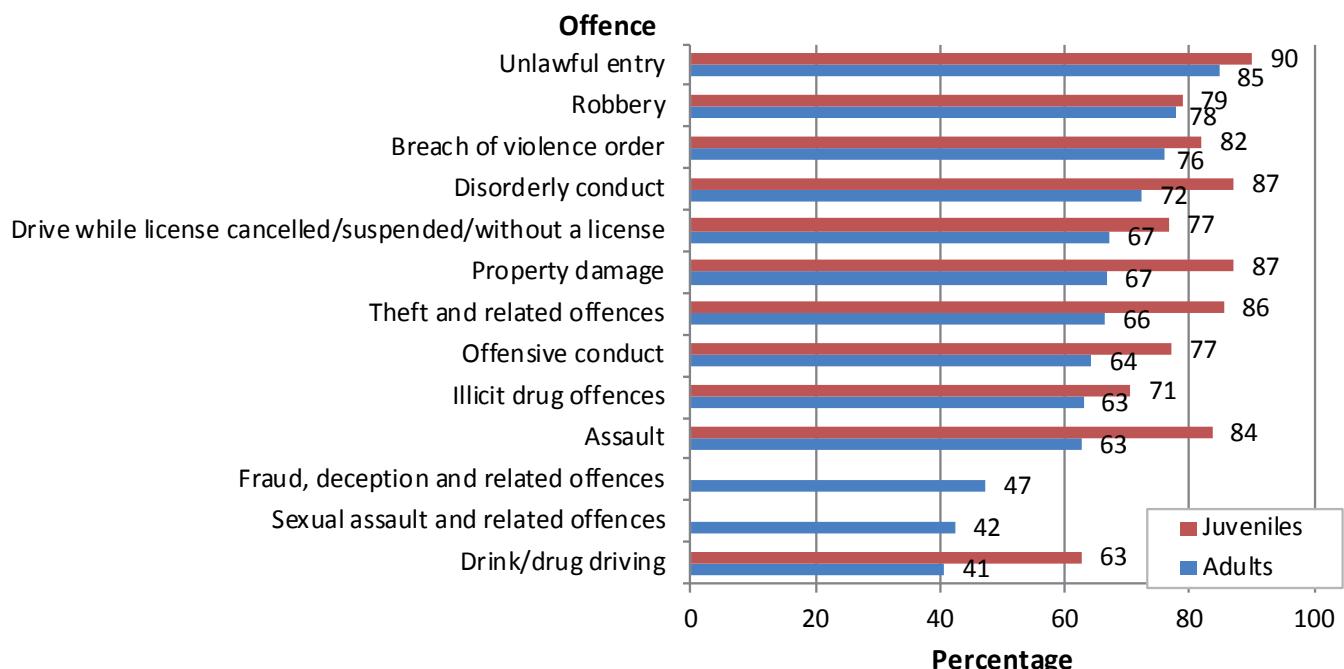
**b) What percentage of offenders re-offend for the same offence?**

There are three different ways to answer this question depending on the categorisation of offences. Offences can be grouped by violent and property offences<sup>2</sup>, summary and indictable offences<sup>3</sup> or the same offence category. These three different results are displayed below.

Table 1 shows that offenders were more likely to re-offend within the same category as their initial conviction. For persons convicted of violent offences in 2004 and reconvicted within 10 years, over a quarter (26%) were reconvicted of another violent offence as their next offence. Ten per cent of persons convicted of a violent offence were reconvicted of a property offence as their next offence. Similarly, for persons who were initially convicted of a property offence and were reconvicted within 10 years, just over 30 per cent (31%) were reconvicted of another property offence as their next offence and smaller percentage (13%) were reconvicted of a violent offence as their next offence.

This pattern, however, differed when offences were categorised into indictable or summary offences. Table 2 shows that those initially convicted of a summary or indictable offence in 2004 who re-offended within 10 years were both more likely to be reconvicted of a summary offence as their next offence, rather

**Figure 2. Percentage of persons convicted in 2004 who were reconvicted of any offence within 10 years, NSW**



Note. Only offence categories where there were 100 or more offenders convicted in 2004 are included in this figure. As such, juvenile offenders for sexual assault and fraud, deception and related offences are excluded.

**Table 1. Persons convicted in 2004 of a violent or property offence and reconvicted within 10 years, NSW**

	Reconviction							
	Violent offence		Property offence		Other offence		Total	
Initial conviction	Number	%	Number	%	Number	%	Number	%
Violent offence	2,867	26	1,127	10	7,256	65	11,250	100
Property offence	1,458	13	3,604	31	6,591	57	11,653	100

Note. The initial conviction was the violent or property offence with the most severe penalty at the first appearance finalised in 2004.

The reconviction was the offence with the most severe penalty at the first appearance finalised up to 10 years after the initial conviction.

Violent offences were murder, assault, robbery, and sexual offences. Property offences were break and enter, theft, and fraud. Other offences were drug offences, weapons offences, property damage, public order offender, traffic and driving offences and other miscellaneous offences.

**Table 2. Persons convicted in 2004 of an indictable or summary offence and reconvicted within 10 years, NSW**

	Reconviction							
	Summary offence		Indictable offence		Total			
Initial conviction	Number	%	Number	%	Number	%	Number	%
Summary offence	51,988	97	1,536	3	53,524	100	53,524	100
Indictable offence	1,533	87	231	13	1,764	100	1,764	100

Note. Offences which are both summary and indictable have been included with 'Summary offences' when finalised in the Local/Children Court and with 'Indictable offences' when finalised in the Higher Courts.

The initial conviction was the offence with the most severe penalty at the first appearance finalised in 2004.

The reconviction was the offence with the most severe penalty at the first appearance finalised up to 10 years after the initial conviction.

This table excludes some offences with insufficient information to determine if they were summary or indictable.

than an indictable offence. Of those offenders initially convicted of a summary offence in 2004 and reconvicted within 10 years almost all (97%) were reconvicted of another summary offence as their next offence, and only three per cent were reconvicted of an indictable offence as their next offence. Similarly, for offenders convicted of an indictable offence in 2004, 87 per cent were reconvicted of a summary offence as their next offence as opposed to 13 per cent reconvicted of another indictable offence as their next offence.

The results differ again when specific offences are examined. In contrast to Table 1 and 2 which classified reconviction by an offender's next offence after their reference offence, Figure 3 shows the percentage of adult and juvenile offenders reconvicted any time within 10 years for the same offence they were convicted of in 2004. The key findings were:

- A quarter (25%) of offenders (juveniles and adults combined) were reconvicted of the same offence they were convicted of in 2004 (24,103 re-offenders of the 96,204 offenders convicted in 2004).
- Re-offending for the same offence was highest among adults convicted of unlawful entry (39% re-offended), theft and related offences and drive while license cancelled/suspended/without a license (38% re-offended, respectively) and breach of violence order (37% re-offended).

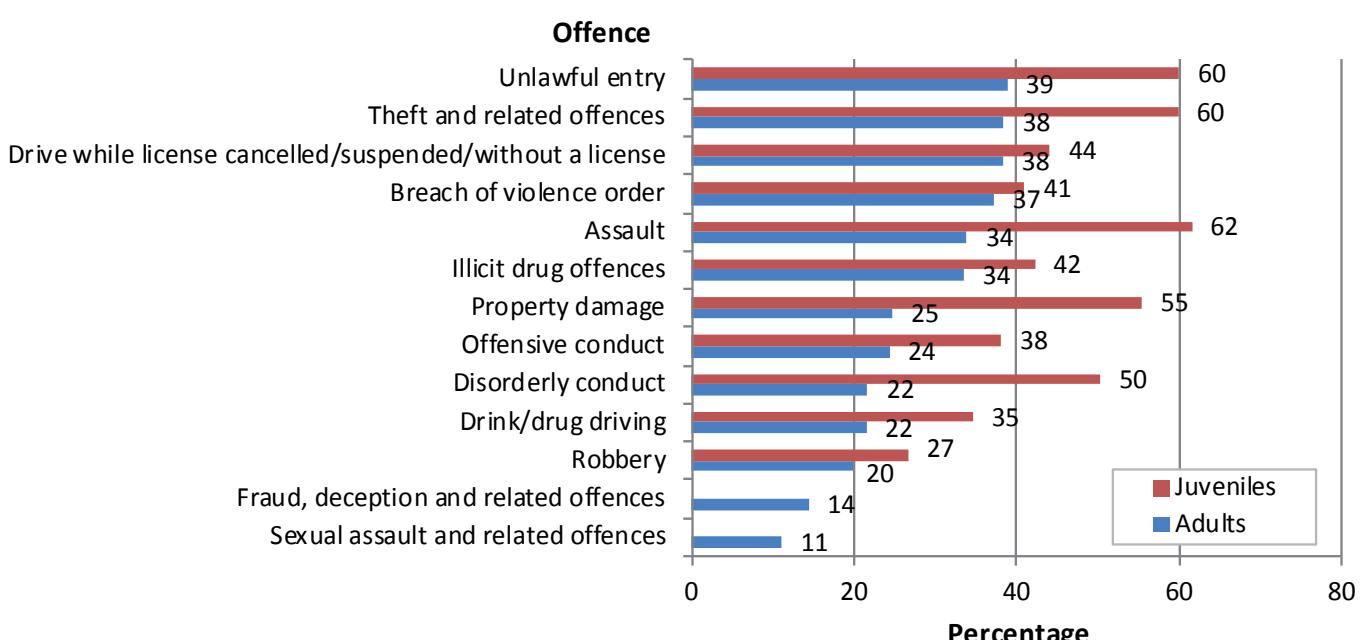
- Re-offending for the same offence was lowest among adults convicted of sexual assault and related offences (11% re-offended) and fraud, deception and related offences (14% re-offended).
- For juveniles, re-offending was highest among those convicted of assault (62% re-offended), unlawful entry and theft and related offences (for both, 60% re-offended) and property damage (55% re-offended).
- For juveniles, re-offending was lowest among those convicted of robbery (27% re-offended), drink/drug driving (35% re-offended) and offensive conduct (38% re-offended).

### c) What are the characteristics of those who re-offend?

The characteristics examined in this brief were age, gender and Indigenous status. Table 3 shows that of offenders convicted in 2004, re-offending was higher for males compared to females (59% and 48% respectively), and for young offenders. Re-offending was highest among juveniles aged 10 to 17 years (79%), followed by offenders aged 18 to 25 years (63%) and then those aged 26 to 35 years (61%).

Table 3 also shows that re-offending was substantially higher for Indigenous offenders. Almost 90 per cent (87%) of Indigenous offenders convicted in 2004 were reconvicted within 10 years. By comparison, 58 per cent of non-Indigenous offenders convicted in 2004 were reconvicted within 10 years.

**Figure 3. Percentage of persons convicted in 2004 who were reconvicted of the same offence within 10 years, NSW**



Note. Only offence categories where there were 100 or more offenders convicted in 2004 are included in this figure. As such, juvenile offenders for sexual assault and fraud, deception and related offences are excluded.

**Table 3. Age and gender of those reconvicted within 10 years, NSW**

		All persons convicted in 2004		Persons reconvicted within 10 years	
		Number	%	Number	%
Total persons		96,204	100	55,236	57
Gender	Male	78,403	82	46,631	59
	Female	17,801	19	8,605	48
	Total	96,204	100	55,236	57
Age	10-17	4,122	4	3,265	79
	18-25	31,847	33	20,026	63
	26-35	28,393	30	17,207	61
	36-45	18,698	19	10,129	54
	46+	13,144	14	4,609	35
	Total	96,204	100	55,236	57
Indigenous status	Indigenous	13,119	14	11,474	87
	Non-Indigenous	72,615	76	42,422	58
	Unknown	10,470	11	1,340	13
	Total	96,204	100	55,236	57

Note. If a person was convicted more than once, the earliest conviction and the most serious penalty was selected

## Conclusion

The aim of this brief was to provide an overview of re-offending by adults and juveniles in NSW. Overall, it is clear the majority of offenders who are convicted in NSW are eventually convicted of another offence. Juveniles and Indigenous offenders, in particular, are more susceptible to re-offending. Moreover, those who are reconvicted tend to be reconvicted for a variety of offences, not necessarily the same offence. This, however, depends on how offences are categorised.

There were three main limitations with the data analysed in this brief. Firstly, the data did not consider whether offenders had convictions prior to their 2004 conviction. Secondly, it did not consider whether offenders had spent time in custody during the 10 year period investigated (that is, by adjusting for 'free time' spent out of custody).<sup>4</sup> A final limitation was that the data only included criminal convictions. This is problematic for offences which are not reported to police, in particular for offences like assault and sexual assault, which not only have low reporting rates but also have generally low charge and conviction rates when reported. The findings outlined above should therefore be considered and interpreted with these limitations in mind.

## Acknowledgements

Special thanks to Stephanie Ramsey for helpful feedback on earlier versions of this report, Mai Ho for extracting the data used in the current analysis and Florence Sin for desktop publishing the report.

## Notes

- 1 The age of the offender at the time of their 2004 conviction determined whether they were categorised as an adult or juvenile. Adults were 18 years and over; juveniles were aged 10 to 17 years. Although juveniles in 2004 were adults 10 years later, they remained in the juvenile category across time.
- 2 Violent offences were murder, assault, robbery and sexual offences. Property offences were unlawful entry/break and enter, theft and fraud.
- 3 Summary offences are dealt with before a magistrate without a jury in the NSW Local Court. They include less serious offences, such as traffic offences, and can be punishable by shorter custodial sentences and smaller fines. Indictable offences are more serious and are dealt with by the NSW District Court or Supreme Court before a judge and jury. Some indictable offences are 'tried summarily' which means they can be heard in the Local Court instead of by a judge and jury.
- 4 For example, if a person was convicted of a crime and sentenced to imprisonment for five years of the examination period. During those five years, they would be prevented from committing certain crimes (e.g. break and enter or motor vehicle theft) and their ability to commit crime would generally be reduced. The data presented in this brief does not adjust for such factors.