

## Re-offending in NSW

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**Aim:** To provide an overview of adult and juvenile re-offending over the longer term in 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 15 years of their index offence, and this was especially so for juveniles. Those reconvicted tended to be reconvicted for a variety of offences.

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

### INTRODUCTION AND METHOD

Re-offending by adults and juveniles is an issue of critical importance to government policy, communities, offenders and victims alike. For this reason much research has been undertaken into re-offending by specific groups of offenders (e.g. drink drivers) or offenders who have received specific penalties (e.g. those conferenced, cautioned or who participated in Forum Sentencing). Most enquiries the NSW Bureau of Crime Statistics and Research (BOCSAR) receives from the public regarding re-offending, however, are of a more general nature. In response to these enquiries, this brief aims to provide a snapshot of re-offending in NSW by addressing the following research questions:

- What percentage of offenders re-offend over the longer term in NSW?
- What percentage re-offend for the same offence?
- What are the gender and age 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 1994 were selected as the cohort of interest and were followed up

for the next 15 years to determine whether they re-offended. Where offence types were examined, these were limited to offences having large numbers of offenders and those in the public spotlight.

While this brief provides general information about re-offending in NSW, explanations for why offenders re-offend are beyond its scope.

### RESULTS

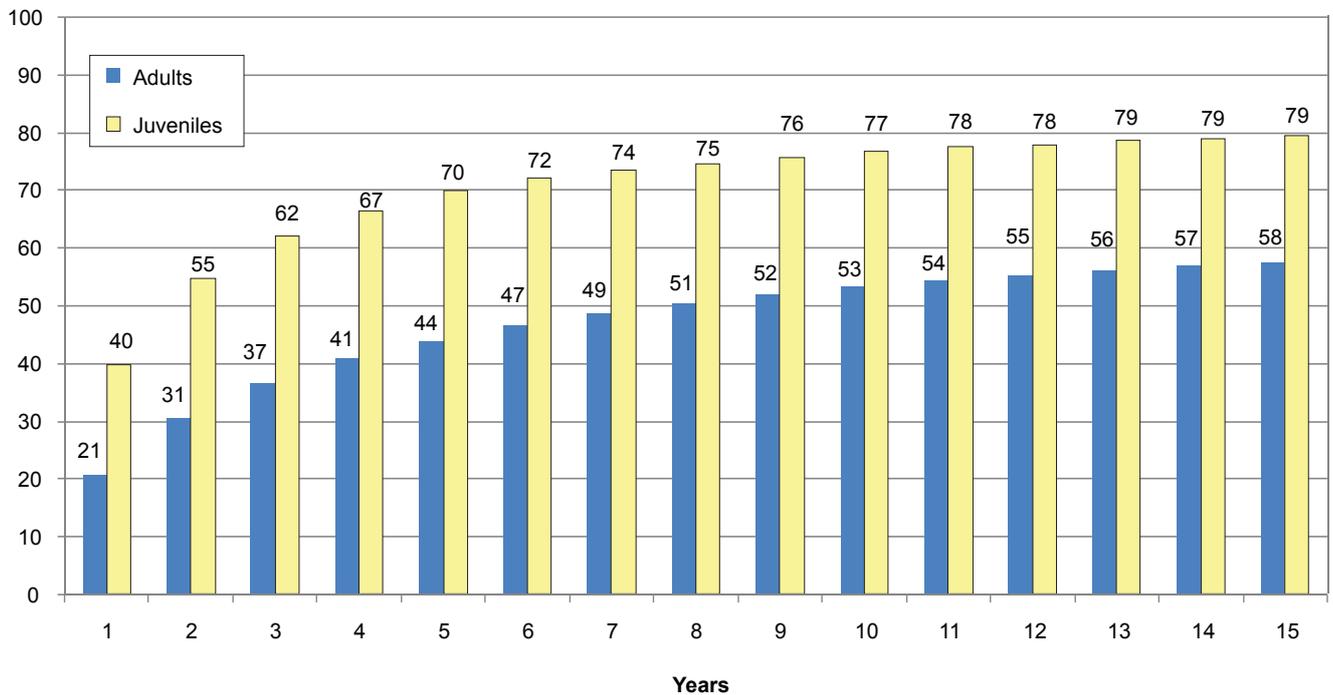
#### (a) What percentage of offenders re-offend over the longer term in NSW?

Over 78,500 people were convicted of at least one offence in a NSW court in 1994. Figure 1 shows the percentage of adults and juveniles who had a conviction in 1994 who were reconvicted each year to 2009. The noteworthy results were:

- Almost 60 per cent of offenders (adults and juveniles together) convicted in 1994 were reconvicted within 15 years.
- Juvenile offenders have a higher rate of re-offending than adult offenders. Almost 80 per cent of juvenile offenders were reconvicted within 15 years, compared with 58 per cent of adult offenders.
- Most re-offending occurred within a few years of the reference offence. For example, for adult offenders, 21 per cent re-offended within one year, another 10 per cent re-offended within two years and a further 6 per cent

**Figure 1. Cumulative percentage of adults and juveniles convicted in 1994 who were reconvicted each year to 2009, NSW**

**Percentage reconvicted**



re-offended within three years. Similarly, for juvenile offenders, 40 per cent re-offended within one year, another 15 per cent re-offended within two years and a further 7 per cent re-offended within three years. Beyond three years, as each year passed, fewer and fewer offenders were reconvicted.

Figure 2 shows the percentage of adult and juvenile offenders reconvicted within 15 years by offence type for a selection of common offences. The most significant results were:

- Re-offending among adults was highest for those convicted of break and enter (81% re-offended), robbery (75% re-offended), disorderly conduct (68% re-offended) and property damage (67% re-offended).
- Re-offending was lowest among adults convicted of sexual assault and related offences (42% re-offended), abduction, harassment and other offences against the person (43% re-offended), prohibited/regulated weapons and explosives offences (44% re-offended), drink/drug driving (46% re-offended), and fraud, deception and related offences (48% re-offended).
- Re-offending was highest among juveniles convicted of disorderly conduct (86% re-offended), break and enter (85% re-offended), robbery (84% re-offended), property damage

(83% re-offended), offensive conduct (82% re-offended) and assault (81% re-offended).

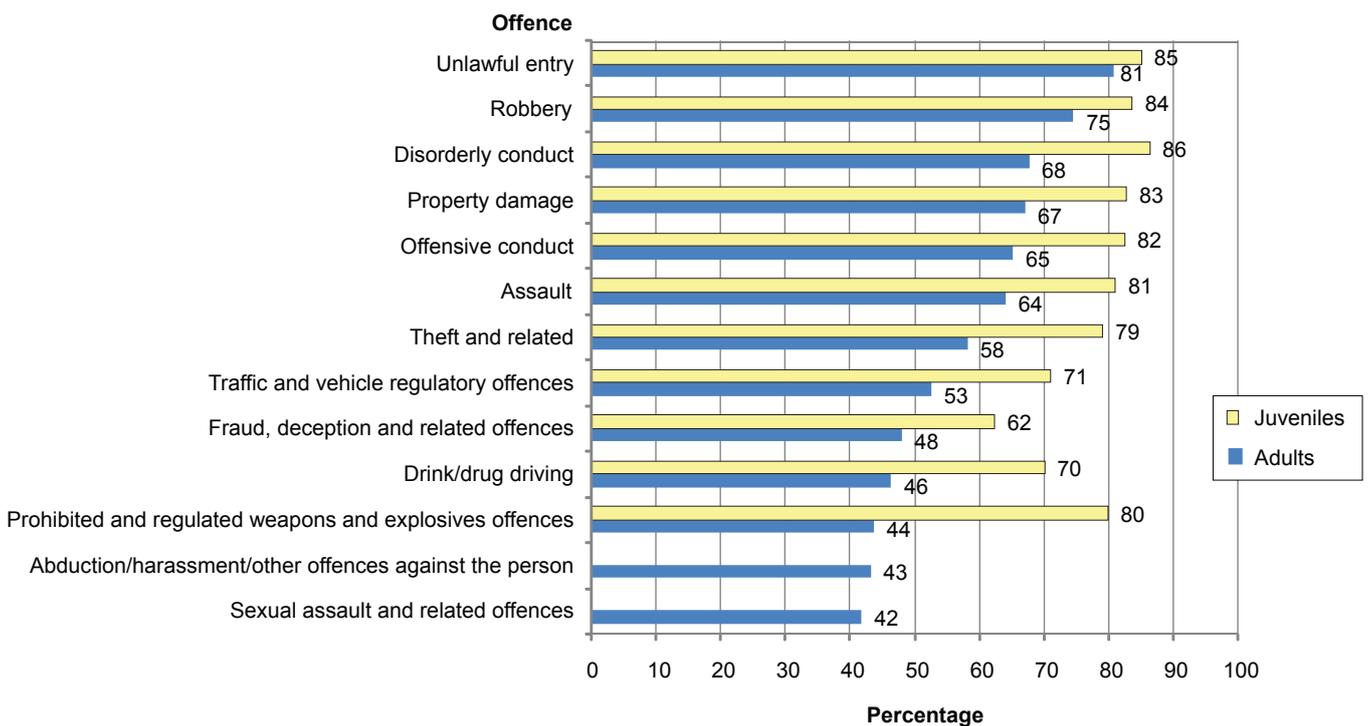
**(b) What percentage of offenders re-offend for the same offence?**

The answer to this question varies depending on how offences are grouped. Below are three different ways of addressing this question, and each provides a different result.

Table 1 shows that offenders tended to re-offend for the same category of offence as their index offence. For example, of persons convicted of violent<sup>2</sup> offences in 1994 and reconvicted within 15 years, over a quarter (26%) were reconvicted of another violent offence as their next offence. A smaller percentage (14%) were reconvicted of a property<sup>3</sup> offence as their next offence. In contrast, of persons convicted of property offences in 1994 and reconvicted within 15 years, almost 40 per cent (38%) were reconvicted of another property offence as their next offence and a smaller percentage (12%) were reconvicted of a violent offence as their next offence.

A similar pattern, however, did not emerge when the offence types were divided into indictable and summary offences.<sup>4</sup> Table 2 shows that of those convicted of indictable offences in 1994 and reconvicted within 15 years, the majority (88%)

**Figure 2. Percentage of adults and juveniles convicted in 1994 who were reconvicted of any offence within 15 years by offence, NSW**



Note. Only offence categories where there were 100 offenders or more convicted in 1994 are included in this figure. As such, juvenile offenders for sexual assault and related offences and abduction, harassment and other offences against the person are excluded.

**Table 1. Persons convicted in 1994 of a violent or property offence and reconvicted within 15 years**

Initial conviction	Reconviction							
	Violent offence		Property offence		Other offence		Total	
	Number	%	Number	%	Number	%	Number	%
Violent offence	2,305	26	1,218	14	5,414	61	8,937	100
Property offence	1,664	12	5,128	38	6,826	50	13,618	100

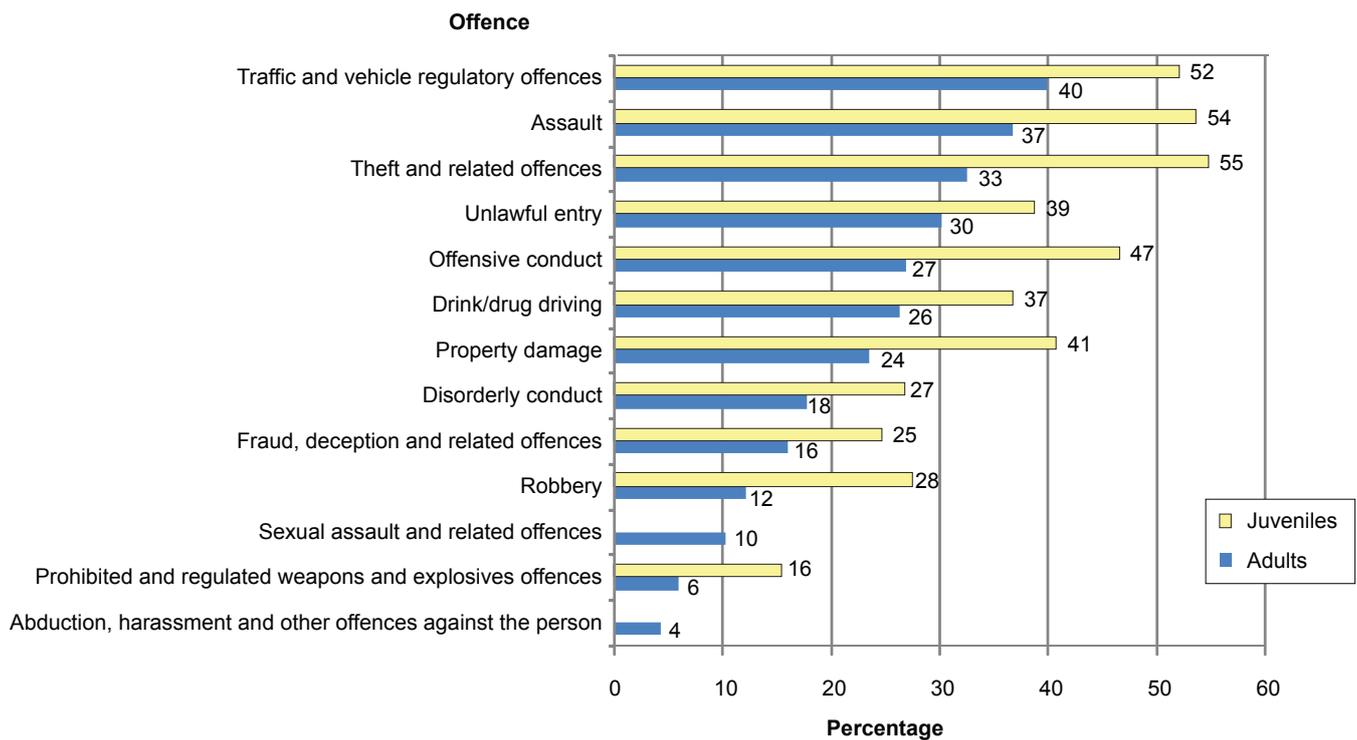
Note. The initial conviction was the violent or property offence with the most severe penalty at the first appearance finalised in 1994. The reconviction was the offence with the most severe penalty at the first appearance finalised up to 15 years after the initial conviction. Violent offences were murder, assault, robbery, and sexual offences. Property offences were break and enter, theft, and fraud.

**Table 2. Persons convicted in 1994 of an indictable or summary offence and reconvicted within 15 years**

Initial conviction	Reconviction					
	Summary offence		Indictable offence		Total	
	Number	%	Number	%	Number	%
Summary offence	43,239	97	1,487	3	44,726	100
Indictable offence	1,771	88	243	12	2,014	100

Note. Offences which are both summary and indictable have been included with 'Summary offences' when finalised in the Local/Children's Courts 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 1994. The reconviction was the offence with the most severe penalty at the first appearance finalised up to 15 years after the initial conviction. This table excludes a small number of offences with insufficient information to determine if they were summary or indictable.

**Figure 3. Percentage of adults and juveniles convicted in 1994 who were reconvicted of the same offence within 15 years by offence, NSW**



Note. Only offence categories where there were 100 offenders or more convicted in 1994 are included in this figure. As such, juvenile offenders for sexual assault and related offences and abduction, harassment and other offences against the person are excluded.

**Table 3. Gender and age characteristics of persons convicted in 1994 who were reconvicted within 15 years**

		All persons convicted in 1994		Persons reconvicted within 15 years	
		Number	%	Number	%
Total persons		78,589	100	47,055	60
Gender	Male	65,888	84	41,027	62
	Female	12,699	16	6,028	47
	Total	78,589	100	47,055	60
Age	10 - 17	8,441	11	6,705	79
	18 - 25	30,021	38	19,487	65
	26 - 35	21,613	28	13,099	61
	36 - 45	11,291	14	5,627	50
	46+	7,223	9	2,137	30
	Total	78,589	100	47,055	60

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

were reconvicted of a summary offence as their next offence and just over a tenth (12%) were reconvicted of another indictable offence as their next offence. In comparison, almost all (97%) offenders convicted of summary offences in 1994 and reconvicted within 15 years were reconvicted of another summary offence as their next offence. Only three per cent were reconvicted of a indictable offence as their next offence.

Another pattern emerges when we look at specific offences. In contrast to Tables 1 and 2 which classified reconviction by an offender's next offence after their index offence, Figure 3 shows the percentage of adult and juvenile offenders reconvicted any time within 15 years for the same offence they were convicted of in 1994. The notable results were:

- A third of offenders were reconvicted by 2009 of the same

offence they were convicted of 15 years earlier (or 26,618 re-offenders of 78,589 offenders convicted in 1994).

- Re-offending for the same offence was highest among adults convicted of traffic and vehicle regulatory offences (40% re-offended), assault (37% re-offended), theft and related offences (33% re-offended), and break and enter (30% re-offended).
- Re-offending for the same offence was lowest among adults convicted of abduction, harassment and other offences against the person (4% re-offended), and prohibited/regulated weapons and explosives offences (6% re-offended).
- Ten per cent of adults convicted of sexual assault and related offences in 1994 were reconvicted within 15 years of the same offence (62 re-offenders of 600 convicted in 1994). The percentage of adult sex offenders reconvicted for later sexual assault and related offences increased by 1 per cent per year for the first seven years after their 1994 conviction (that is, 1 per cent re-offended within one year, another 1 per cent re-offended within two years and so on until 7 per cent had re-offended within seven years of their reference conviction). Beyond seven years, the percentage re-offending continued to increase but at a lower rate.
- For offenders who were juveniles in 1994, more than half were reconvicted of the same offence for offences of theft and related offences (55% re-offended), assault (54% re-offended), and traffic and vehicle regulatory offences (52% re-offended).

### (c) What are the gender and age characteristics of those who re-offend?

Table 3 shows that of offenders convicted in 1994 (78,589 offenders), re-offending was higher among males compared with females (62% and 47% respectively) and younger people. Re-offending was highest among juveniles (79%), followed by offenders aged 18 to 25 years (65%) and then those aged 26 to 35 years (61%).

## CONCLUSION

This brief aimed to provide an overview of re-offending by adults and juveniles in NSW. Overall, it is clear that the majority of those who are convicted in the NSW criminal courts are eventually reconvicted of a further offence, and this is especially so for juveniles. Moreover, those who are reconvicted tend to be reconvicted for a variety of offences. Notwithstanding

these findings, there were three main limitations with the data analysed in this brief. The data did not consider whether offenders had convictions prior to their 1994 conviction. Nor did it consider whether offenders had spent time in custody during the 15 year period investigated (that is, by adjusting for 'free time' spent outside of custody).<sup>5</sup> A final limitation was that the data only included criminal convictions. This is problematic for offences like assault and sexual assault which are often not reported to police, and even when they are, they generally have low charge and conviction rates. Given these limitations, the findings outlined above should be interpreted cautiously.

## ACKNOWLEDGEMENTS

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## NOTES

1. The age of the offender at the time of their 1994 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 1994 were adults 15 years later, they remained in the juvenile category across time.
2. 'Violent' offences were murder, assault, robbery and sexual offences.
3. 'Property' offences were break and enter, theft and fraud.
4. 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 'triable summarily', which means they can be heard in the Local Court instead of by a judge and jury.
5. 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 offences (e.g. break and enter or motor vehicle theft) and their ability to commit crime generally would be reduced. The data presented in this brief does not adjust for such factors.