

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

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AIM

To measure if the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017* in NSW: (1) increased the percentage of adult offenders who received a supervised community order, and; (2) decreased the percentage of adult offenders who received a short-term prison sentence.

METHOD

Local, District and Supreme Court data was extracted from the Reoffending Database (ROD). The pre-reform period included the 12 months before the sentencing reforms commenced on 24 September 2018 and the post-reform period was measured until 31 January 2020. Separate analyses were conducted for cases finalised in the Local Court and the District and Supreme Courts. Multinomial logistic regression was used to examine post- versus pre-reform changes in the percentage of adult offenders who received a supervised community order and changes in the percentage who received a short-term prison sentence, controlling for other relevant factors.

RESULTS

In the Local Court, the percentage of adult offenders who received a supervised community order significantly increased from 14.6% to 22.0% after the sentencing reforms commenced. The percentage who received a short-term prison sentence of 12 months or less significantly declined from 5.2% to 4.4%. Among DV offenders in the Local Court, the percentage who received a supervised community order significantly increased from 27.4% to 43.6%, while the percentage who received a short-term prison sentence significantly declined from 8.3% to 6.7%. Among Aboriginal offenders in the Local Court, the percentage who received a supervised community order significantly increased from 25.4% to 36.7%, while the percentage who received a short-term prison sentence significantly declined from 12.9% to 10.3%. In the District and Supreme Courts, the percentage of adult offenders who received a supervised community order significantly increased from 27.9% to 37.5%. The percentage who received a short-term prison sentence of 36 months or less significantly declined from 27.3% to 22.8%.

CONCLUSION

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

KEYWORDS

sentencing

supervised community orders

prison

domestic violence

multinomial logistic regression

INTRODUCTION

Nearly two-thirds of adult offenders appearing in NSW Criminal Courts will be reconvicted of a further offence within 15 years. Most of these offenders will be reconvicted within a few years (21% reoffended within just 12 months) and will be reconvicted for a variety of offences (Holmes, 2012). In 2015 the NSW State Government nominated reducing adult reoffending as a State Priority and set a target to reduce reoffending rates by 5 percentage points by 2019 (NSW Government, 2016). Aligning with this strategy was a Premier's Priority to reduce the proportion of domestic violence perpetrators reoffending within 12 months by 25% by 2021 (NSW Government, 2020).

A key component of the government's reducing reoffending strategy was the introduction of the *Crime (Sentencing Procedures) Amendment (Sentencing Options) Act 2017* (NSW). Guided by the New South Wales Law Reform Commission's (2013) comprehensive report into sentencing, this legislation replaced existing community based sentences 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. As the Attorney General outlined in the second reading speech to the bill, the sentencing reforms would "help offenders receive the supervision and programs that address their offending behaviour, resulting in less crime and fewer victims" (Parliament of New South Wales, 2017).

Specifically, the reforms set out to achieve:

1. An increase in the proportion of offenders sentenced to supervised community-based orders, particularly domestic violence and higher risk offenders;
2. A reduction in the proportion of offenders serving short prison sentences through more flexible Intensive Corrections Orders;
3. A reduction in reoffending by extending supervision and therapeutic interventions to more high-risk offenders and managing these offenders more effectively in the community.

The *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017* commenced on 24 September 2018. Existing community sentences were replaced with three simpler sentencing options as outlined in Table 1 (i.e. a new Intensive Correction Order (ICO), Community Correction Order (CCO) and Conditional Release Order (CRO)). Suspended sentence and home detention orders were abolished and replaced with a new type of ICO. This new ICO can only be imposed in matters where a prison term of up to 2 years for a single offence or up to 3 years for an aggregate sentence is considered appropriate (Mizzi, 2018). Offenders must submit to supervision for all new ICOs and the work/Community Service Order requirements previously attached to ICOs were removed so that more offenders would potentially be eligible for intensive supervision. More specifically, it was hoped that the new ICO would be used in place of a short prison sentence or suspended sentence.

The only exclusions that apply to ICOs are offence-based. An offender is not eligible for an ICO if the court is sentencing the offender for: murder/manslaughter, sexual offences involving children under 16 years and certain sexual assault offences against adults, some terrorism offences, contraventions of serious crime prevention orders or public safety orders or discharge firearm offences (Mizzi, 2018). In the specific case of domestic violence, an offender is not eligible for an ICO unless the court is satisfied that the victim, and any person with whom the offender is likely to reside, will be adequately protected. A home detention condition (involving similar restrictions to the previous home detention order) can be attached to an ICO for offenders who are assessed as suitable by Corrective Services NSW (CSNSW). Conditions can also be placed on an ICO requiring that the offender participate in Community Service or treatment programs, or adhere to strict curfews.

Table 1. Changes to community-based sentences, *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017 (NSW)*

Type of sentence	Pre-reform sentence	New sentence	Description of new sentence
Custodial community based sentence (court decides offence merits prison term but offender can be in community)	Home detention	Intensive Correction Order (ICO)	Maximum length of 2 years for a single offence or 3 years for an aggregate sentence. Offenders are required to submit to CSNSW supervision and courts can impose additional conditions tailored to the individual offender, choosing from home detention, up to 750 hours of community service work, electronic monitoring and curfews, among others.
	ICO		
	Suspended sentence		
Non-custodial community based sentence (where court decides offence does not merit a prison term)	CSO [#]	Community Correction Order (CCO)	Maximum length of 3 years. Court selects conditions including supervision, up to 500 hours of community service work, curfews, alcohol abstention and restrictions tailored to the individual offender.
	Good behaviour bond		
	<i>Fine</i>	<i>Fine</i>	<i>No change</i>
	Non-conviction bond) ^{##}	Conditional Release Order (CRO)	Maximum length of 2 years. Courts select from a limited list of available conditions appropriate to a lower level sentence, including supervision. Can be imposed with or without recording a conviction.
	Dismissal (no penalty with conviction)	Dismissal (no penalty with conviction)	<i>No change</i>
	No conviction and no other penalty	No conviction and no other penalty	

[#] CSO = Community Service Order.

^{##} This includes penalties under s.10(1)(b) of the Crimes Sentencing Procedures Act 1999 (NSW).

The court retains discretion in imposing supervision as a requirement of a non-custodial community based sentence (i.e. a CCO or CRO). However, a presumption in favour of full-time detention or supervision for all domestic violence offences also forms part of the sentencing reforms.

For all the new sentencing options, CSNSW provides pre-sentence advice to assist the court in deciding on an offender's suitability for a community-based sanction and the conditions that should be placed on the order. Streamlined assessment and reporting procedures were introduced to facilitate this process.

The current study

The current research examines sentencing outcomes during the first 16 months after the sentencing reforms commenced. Due to the seriousness of the offences dealt with in the higher courts, separate analyses were conducted for matters finalised in the Local Courts and for matters finalised in the District or Supreme Courts.

The two evaluation questions for this study are:

1. did the probability of receiving a community-based supervised order **increase** after the sentencing reforms commenced?
2. did the probability of receiving a *short-term* prison sentence **decrease** after the sentencing reforms commenced?

These research questions were also considered separately for two offender sub-groups: (1) adults with a proven DV-related offence, and (2) Aboriginal adults.

METHOD

Data for this analysis was sourced from the NSW Bureau of Crime Statistics and Research's (BOCSAR) Reoffending Database (ROD). ROD contains information on all criminal court appearances finalised in NSW since 1994. This includes information pertaining to: offences the offender is accused of; which court their matter was finalised at; plea to the principal offence; age; gender; Aboriginality; number of concurrent offences; number of prior proven offences and custodial episodes. The study group consists of adults aged 18 years and over with proven offences finalised in NSW Local, District and Supreme Courts over the period 24 September 2017 to 31 January 2020.¹ Sentencing outcomes within the following pre- and post-reform periods are examined:

- Pre-sentencing reform period: 24 September 2017 - 23 September 2018
- Post-sentencing reform period: 24 September 2018 - 31 January 2020

Offenders were excluded from the analyses if:

- they were older than 99 years or were missing on age (n = 202)
- their gender was unknown (n = 106)
- they were in custody for a prior offence (n = 11,398)

A short-term prison sentence was defined as 12 months or less in the Local Court and as 36 months or less in the District and Supreme Courts. In the Local Court, the maximum prison penalty is 24 months for a single offence. In the 12 months before the sentencing reforms, around 6.6% of offenders were sentenced to prison in the Local Court with 4.5% receiving a sentence of 12 months or less. During the same pre-sentencing reforms period around 60% of offenders were sentenced to prison in the District and Supreme Courts with 27% receiving a sentence of 36 months or less.

Type of supervised community order after sentencing law reforms

The different types of supervised community orders imposed during the pre- and post-periods in the Local Court are summarised in Tables A1.1 and A1.2 of the Appendix. During the *pre-sentencing reform period* in the Local Court: 46.6% of supervised offenders received a Bond with supervision; 23.3% a Pre-reform or Children's Community Service Order; 17.1% a Suspended sentence with supervision; 10.6% a Pre-reform Intensive Correction Order (ICO); and 1.4% a Bond without conviction with supervision. During the *post-sentencing reform period* in the Local Court 61.1% of offenders received a CCO with supervision, 29.5% an ICO, 5.9% a CRO with conviction (with supervision) and 2.7% a CRO without conviction (with supervision).

The different types of supervised community orders imposed during the pre- and post-periods in the District and Supreme Courts are summarised in Tables A1.3 and A1.4 of the Appendix. During the *pre-sentencing reform period* in the District and Supreme Courts: 46.7% received a Pre-reform ICO; 34.7% a Suspended sentence with supervision; 14.6% a Bond with supervision; and 2.7% a Pre-reform or Children's Community Service Order. During the *post-sentencing reform period* in the District and Supreme Courts: 78.8% received an ICO; 17.2% a CCO with supervision; 1.9% a Suspended sentence with supervision; and 1.2% a CRO with conviction, with supervision.

¹ Data until 31 January 2020 was the latest available for the post sentencing reforms period.

Statistical analyses

Multinomial logistic regression was used to compare the likelihood of receiving different penalty types before and after the reforms, controlling for offender and case-level characteristics. Multinomial logistic regression allows for multiple comparisons to be made with a referent category (Hosmer, Lemeshow, & Studivant, 2013). For example, the likelihood of offenders receiving a supervised community order was compared with: (i) the likelihood of receiving a prison sentence and; (ii) the likelihood of receiving an unsupervised order, a fine, or other penalty.² Similarly, the likelihood of receiving a short-term prison sentence (e.g. 12 months or less in the Local Courts) was compared with: (i) the likelihood of receiving a longer term of prison (greater than 12 months), and; (ii) the likelihood of receiving a supervised community order, an unsupervised order, a fine or other penalty.

A wide range of covariates likely to influence penalty choice were added as controls in the multinomial regression analyses to account for any differences in the profile of offenders being brought before the court during the pre- and post-reform periods. These included socio-demographics, Aboriginality, plea, whether the principal offence was Strictly Indictable, whether any proven offence was DV-related, the number and type of proven offences, and the number of prior court appearances and prison penalties in the past 5 years. Multinomial logistic regression results are expressed in this report as relative risk ratios (RRRs) and can be interpreted as odds ratios (ORs). For example, an RRR less than 1 in value means the likelihood of being sentenced to a supervised order was reduced. By contrast an RRR greater than 1 in value means the likelihood of being sentenced to a supervised order was increased.

A major justice reform, known as the Table offences reform, coincided with the commencement of the sentencing reforms. The Table offences reform reclassified certain burglary, theft, robbery and illicit drugs offences from Strictly Indictable to Table 1 offences. This enabled this subset of offences to be dealt with in the Local Court rather than the District or Supreme Court (Parliament of New South Wales, 2016). Most of these changes took effect during the post-sentencing reform period. Finalisations that included offences impacted by the Table offences reform were flagged and accounted for in the multinomial logistic regression models.³

All adult offenders are included in the analyses examining changes in the percentage of offenders who received a supervised order. For analyses examining changes in the percentage of offenders who received a short-term prison sentence the sample was restricted to adult offenders found guilty of a principal offence where a statutory maximum prison penalty was prescribed. In the Local Court this group comprised almost 75% of all offenders and in the District and Supreme Courts over 99%.

² In this sample 49% of the other penalty group were 'No conviction', 31% were 'Conviction only' and 20% were 'Other penalties'.

³ This was done for research question 2 in the Local Court and research questions 1 and 2 in the District and Supreme Courts.

RESULTS

Table 2 shows the total number of offenders found guilty in the Local and District/Supreme Courts during the pre- and post-sentencing reform periods, as well as the number of offenders included in each sub-group of interest.

Table 2. Number of guilty offenders by jurisdiction pre- and post-sentencing reforms, NSW

	Pre-sentencing reforms		Post-sentencing reforms		Total	
	24 Sept 2017 - 23 Sept 2018		24 Sept 2018 - 31 Jan 2020			
<i>Offenders</i>						
Local Courts	110,396	(100.0%)	146,457	(100.0%)	256,853	(100.0%)
DV-related offender	17,405	(15.8%)	25,440	(17.4%)	42,845	(16.7%)
Aboriginal offender*	11,252	(10.2%)	16,540	(11.3%)	27,792	(10.8%)
District/Supreme Courts	3,166	(100.0%)	4,275	(100.0%)	7,441	(100.0%)
DV-related offender	268	(8.5%)	366	(8.6%)	634	(8.5%)
Aboriginal offender*	392	(12.4%)	472	(11.0%)	864	(11.6%)
<i>Offenders with possibility of prison</i>						
Local Courts	79,604	(100.0%)	109,912	(100.0%)	189,516	(100.0%)
DV-related offender	16,397	(20.6%)	23,926	(21.8%)	40,323	(21.3%)
Aboriginal offender*	8,853	(11.1%)	13,463	(12.2%)	22,316	(11.8%)
District/Supreme Courts	3,145	(100.0%)	4,251	(100.0%)	7,396	(100.0%)
DV-related offender	266	(8.5%)	366	(8.6%)	632	(8.5%)
Aboriginal offender*	392	(12.5%)	471	(11.1%)	863	(11.7%)

* Aboriginal offender as recorded by the NSW Police Force for the index contact.

Local Courts

All adult offenders

Figure 1 shows that in the Local Court there was an increase after the sentencing reforms commenced in the percentage of offenders who received a supervised community order from 14.6% prior to the sentencing reforms to 22.0% after the reforms. The percentage of offenders who received a prison sentence declined slightly from 6.6% to 6.0%, while the proportion who received an unsupervised order, a fine or other penalty also declined from 78.8% to 72.0%.

Figure 1. Percentage of offenders with a supervised community order in Local Court before and after sentencing reforms (n = 256,853)

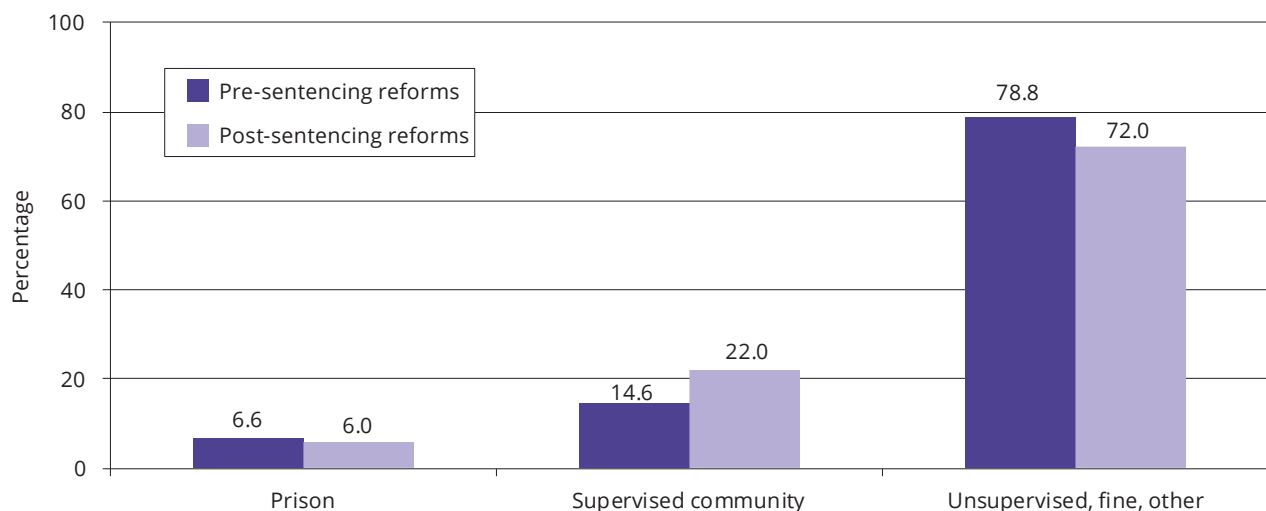


Table 3 shows the results of the multinomial logistic regressions. After the sentencing reforms commenced, offenders sentenced in the Local Court were significantly more likely to receive a community supervised order than a prison sentence (unadjusted RRR = 1.68, $p < .001$). This effect remained after controlling for covariates (adjusted RRR = 1.75, $p < .001$). Similarly, offenders were significantly more likely to receive a supervised order than an unsupervised order, fine or other penalty after the reforms commenced (unadjusted RRR = 1.65, $p < .001$; adjusted RRR = 1.69, $p < .001$).

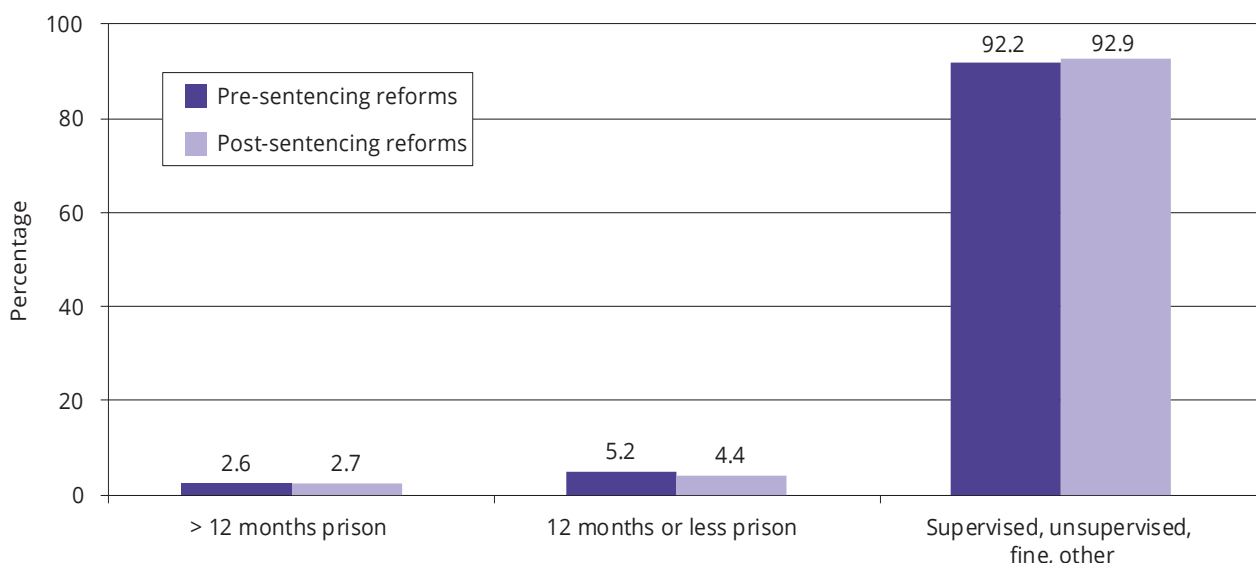
Table 3. The effect of the NSW sentencing reforms on supervised community orders, Local Court (n = 256,853)

		Relative risk ratio	95% confidence interval	p-value
Supervised vs. Prison	Unadjusted	1.68	(1.62, 1.74)	< .001 ***
	Adjusted for covariates [#]	1.75	(1.68, 1.82)	< .001 ***
Supervised vs. Unsupervised, fine, other	Unadjusted	1.65	(1.61, 1.68)	< .001 ***
	Adjusted for covariates [#]	1.69	(1.65, 1.74)	< .001 ***

[#] see Table A2.1 of Appendix
 * $p < .05$, ** $p < .01$, *** $p < .001$

Figure 2 shows changes in the percentage of adult offenders in the Local Court who received a short-term prison sentence of 12 months or less after the sentencing reforms commenced. Only adult offenders found guilty of an offence with a statutory maximum prison penalty are included. After the sentencing reforms commenced, the percentage who received a short-term prison sentence declined from 5.2% to 4.4%. The percentage who received a prison term longer than 12 months remained similar (2.6% in the pre-reform period compared with 2.7% post-reforms), while those who received a community-based penalty (supervised order, unsupervised order, fine or other penalty) increased slightly from 92.2% to 92.9%.

Figure 2. Percentage of offenders^a with a prison penalty of 12 months or less in Local Court before and after sentencing reforms (n = 189,494)^b



^a offenders found guilty of an offence with a statutory maximum prison penalty
^b 22 offenders sentenced to prison who did not have their length of imprisonment recorded in the data are excluded from the analysis.

Table 4 shows the results of the multinomial logistic regressions. Compared to the pre-reform period, offenders in the post-reform period were significantly less likely to receive a short-term prison sentence relative to a long-term prison sentence (unadjusted RRR = 0.82, $p < .001$; adjusted RRR = 0.84, $p < .001$). Similarly, after the sentencing reforms commenced, offenders were significantly less likely to receive a short-term prison sentence compared with a community-based penalty (a supervised order, unsupervised order, fine or other penalty), both unadjusted (RRR = 0.84, $p < .001$) and adjusted for covariates (RRR = 0.73, $p < .001$).

Table 4. The effect of the NSW sentencing reforms on prison sentences of 12 months or less (where prison was possible), Local Court (n = 189,494)

	Relative risk ratio	95% confidence interval	p-value	
Prison 12 months or less vs. > 12 months prison	Unadjusted	0.82	(0.77, 0.88)	< .001 ***
	Adjusted for covariates#	0.84	(0.78, 0.90)	< .001 ***
Prison 12 months or less vs. Supervised order, unsupervised, fine, other	Unadjusted	0.84	(0.81, 0.88)	< .001 ***
	Adjusted for covariates#	0.73	(0.69, 0.76)	< .001 ***

see Table A2.2 of Appendix
 * $p < .05$, ** $p < .01$, *** $p < .001$

DV offenders

Figure 3 shows the penalties imposed by the Local Court, before and after the commencement of the reforms, for the 42,845 offenders with a proven DV-related offence (16.7% of all offenders sentenced in the Local Court). The percentage of DV offenders who received a supervised community order increased from 27.4% prior to the sentencing reforms to 43.6% after the reforms, the percentage who received a prison sentence declined from 14.0% to 11.8%, and the percentage who received an unsupervised order, a fine or other penalty declined from 58.6% to 44.5%.

Figure 3. Percentage of DV offenders with a supervised community order in Local Court before and after sentencing reforms (n = 42,845)

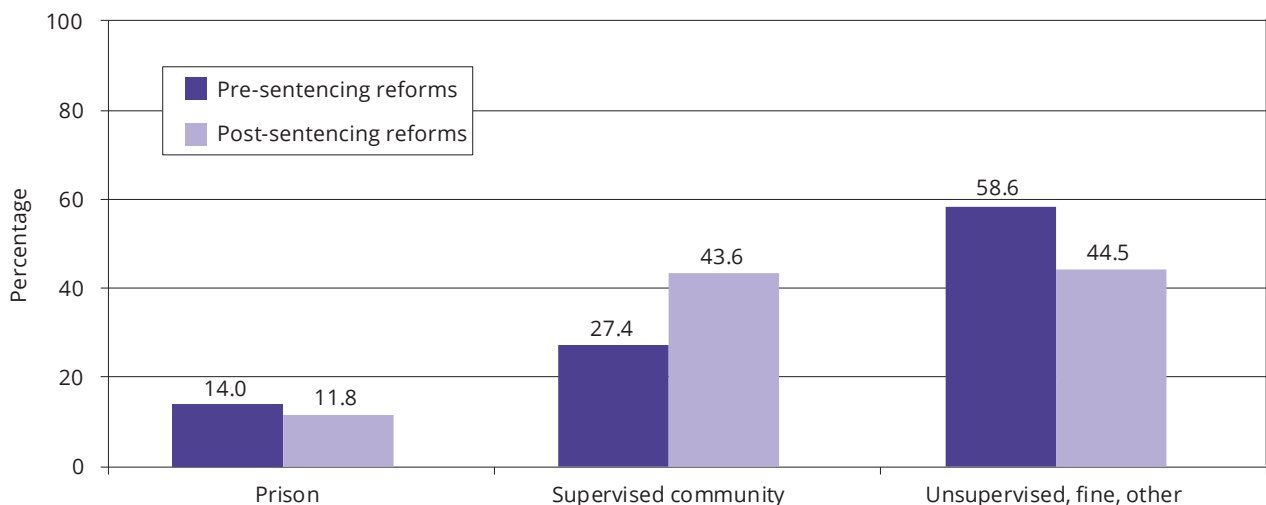


Table 5 shows the results of the multinomial regression comparing supervised orders with other penalty types for DV offenders sentenced in the Local Court. Compared with the pre-reform period, DV offenders in the post-reform period were significantly more likely to receive a supervised order than a prison sentence (unadjusted RRR = 1.88, $p < .001$), even after controlling for covariates (adjusted RRR = 1.83, $p < .001$). Similarly, in the post- versus the pre-reform period, DV offenders were significantly more likely to receive a supervised order than an unsupervised order, fine or other penalty (unadjusted RRR = 2.09, $p < .001$; adjusted RRR = 2.45, $p < .001$).

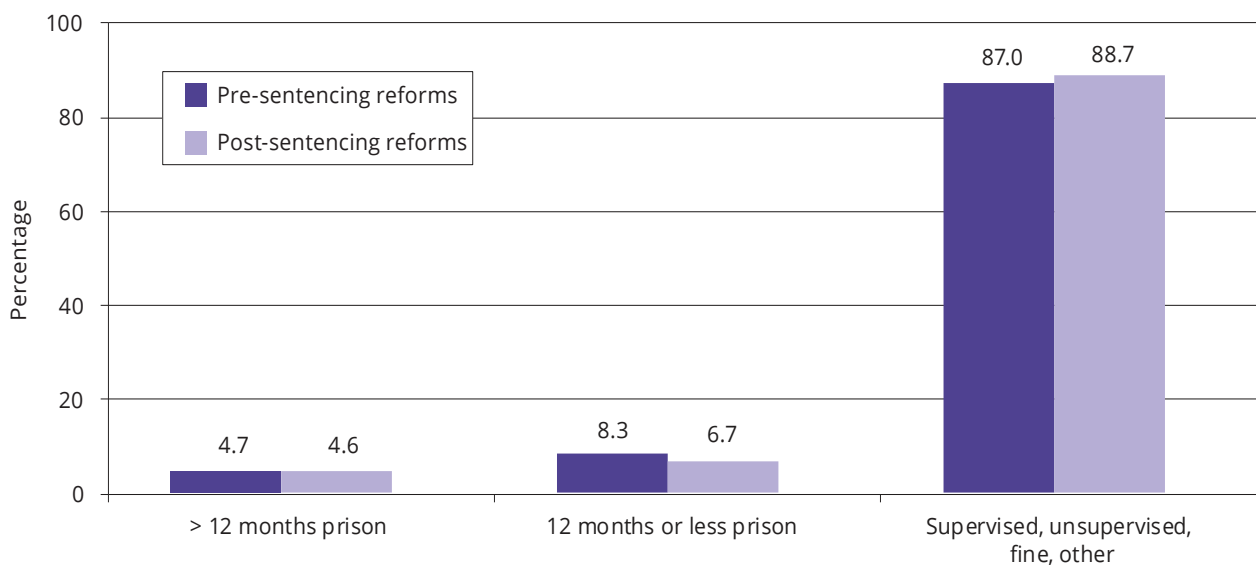
Table 5. The effect of the NSW sentencing reforms on supervised community orders, DV offenders, Local Court (n = 42,845)

		Relative risk ratio	95% confidence interval	p-value
Supervised vs. Prison	Unadjusted	1.88	(1.77, 2.00)	< .001 ***
	Adjusted for covariates [#]	1.83	(1.70, 1.96)	< .001 ***
Supervised vs. Unsupervised, fine, other	Unadjusted	2.09	(2.01, 2.19)	< .001 ***
	Adjusted for covariates [#]	2.45	(2.33, 2.57)	< .001 ***

[#] see Table A2.3 of Appendix
 * $p < .05$, ** $p < .01$, *** $p < .001$

Figure 4 shows the percentage of DV offenders who received a short-term prison sentence of 12 months or less after the sentencing reforms commenced, restricted to those sentenced in the Local Court who were found guilty of any offence with a statutory maximum prison penalty. There was a decline in the percentage of DV offenders who received a short-term prison sentence after the sentencing reforms commenced from 8.3% to 6.7%. The percentage who received a prison penalty greater than 12 months remained similar (around 4.7%), while the percentage who received a community-based penalty (supervised order, unsupervised order, fine or other penalty) increased from 87.0% to 88.7%.

Figure 4. Percentage of DV offenders^a with a prison penalty of 12 months or less in Local Court before and after sentencing reforms (n = 40,313)^b



^a offenders found guilty of an offence with a statutory maximum prison penalty.
^b 10 DV offenders sentenced to prison who did not have their length of imprisonment recorded in the data are excluded from the analysis.

Table 6 shows the results of the multinomial logistic regressions for the DV offender sub-group. After the sentencing reforms commenced, DV offenders were significantly less likely to receive a short-term prison sentence compared with a prison sentence of greater than 12 months (RRR = 0.83, $p = .002$). This effect held after adjusting for covariates (RRR = 0.81, $p = .001$). DV offenders were also less likely to receive a short-term prison sentence relative to a community-based penalty (supervised order, unsupervised order, fine or other penalty) (RRR = 0.80, $p < .001$), even after adjusting for covariates (RRR = 0.72, $p < .001$).

Table 6. The effect of the NSW sentencing reforms on prison sentences of 12 months or less (where prison was possible), DV offenders, Local Court (n = 40,313)

		Relative risk ratio	95% confidence interval	p-value
Prison 12 months or less vs. > 12 months prison				
	Unadjusted	0.83	(0.74, 0.93)	= .002 **
	Adjusted for covariates [#]	0.81	(0.72, 0.92)	= .001 **
Prison 12 months or less vs. Supervised, unsupervised, fine, other				
	Unadjusted	0.8	(0.74, 0.86)	< .001 ***
	Adjusted for covariates [#]	0.72	(0.66, 0.78)	< .001 ***

[#] see Table A2.4 of Appendix
 * $p < .05$, ** $p < .01$, *** $p < .001$

Aboriginal offenders

Figure 5 shows the penalties imposed for the 27,792 adult Aboriginal offenders sentenced in the Local Court (10.8% of all offenders in the Local Court). The percentage of Aboriginal offenders who received a supervised community order increased from 25.4% prior to the sentencing reforms to 36.7% after the reforms. Aboriginal offenders who received a prison sentence declined from 18.7% to 15.5%, while the percentage who received an unsupervised order, a fine or other penalty declined from 55.8% to 47.8%.

Figure 5. Percentage of Aboriginal offenders with a supervised community order in Local Court before and after sentencing reforms (n = 27,792)

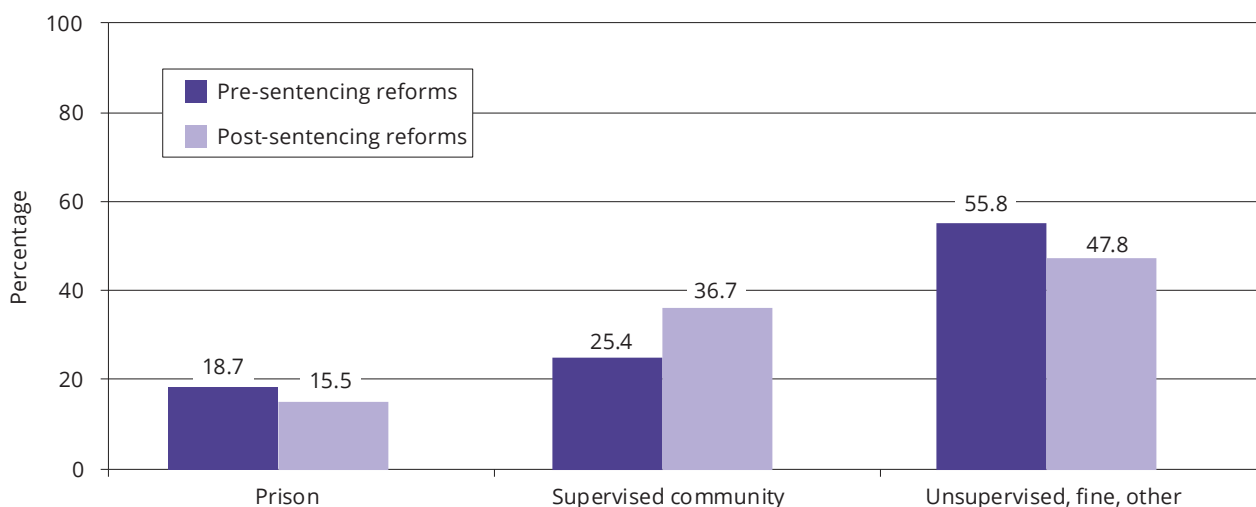


Table 7 shows the results of the multinomial regression comparing supervised orders with other penalty types for Aboriginal offenders sentenced in the Local Court. Aboriginal offenders were significantly more likely to receive a supervised order than a prison penalty after the sentencing laws reforms commenced (unadjusted RRR = 1.74, $p < .001$). This remained the case after controlling for covariates (adjusted RRR = 1.82, $p < .001$). Aboriginal offenders were also significantly more likely to receive a supervised order compared with an unsupervised order, fine or other penalty (unadjusted RRR = 1.68, $p < .001$; adjusted RRR = 1.68, $p < .001$).⁴

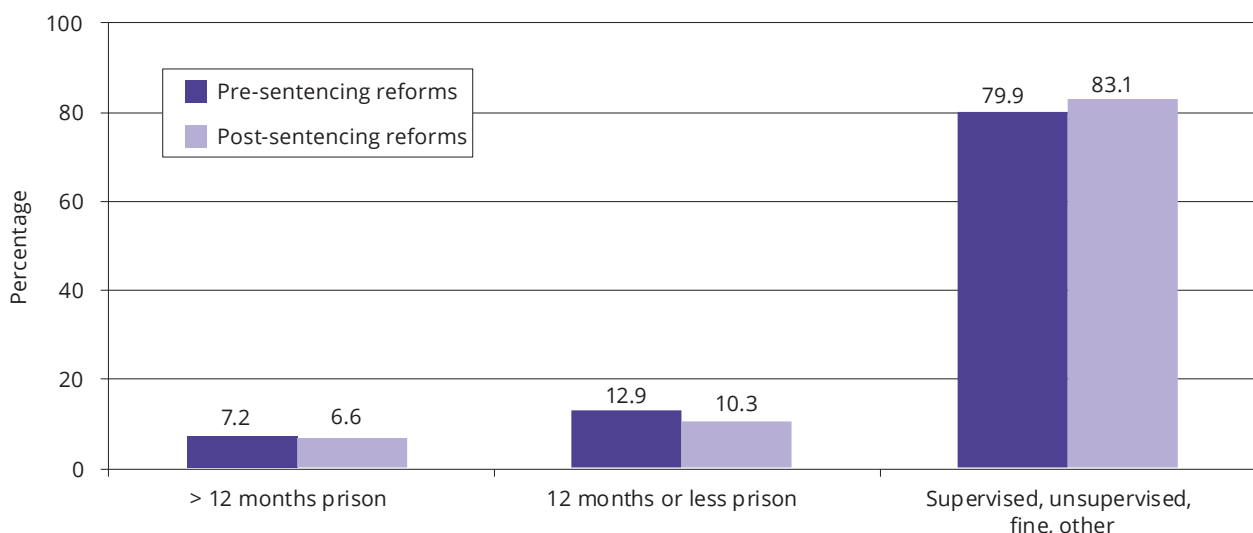
Table 7. The effect of the NSW sentencing reforms on supervised community orders, Aboriginal offenders, Local Court (n = 27,792)

		Relative risk ratio	95% confidence interval	p-value
Supervised vs. Prison	Unadjusted	1.74	(1.62, 1.87)	< .001 ***
	Adjusted for covariates [#]	1.82	(1.68, 1.97)	< .001 ***
Supervised vs. Unsupervised, fine, other	Unadjusted	1.68	(1.59, 1.78)	< .001 ***
	Adjusted for covariates [#]	1.68	(1.58, 1.79)	< .001 ***

[#] see Table A2.5 of Appendix
 * $p < .05$, ** $p < .01$, *** $p < .001$

Figure 6 shows changes in the percentage of Aboriginal offenders who received a short-term prison sentence of 12 months or less after the sentencing reforms commenced, amongst those found guilty of an offence with a maximum statutory prison penalty. After the sentencing reforms, there was a decline in the percentage of Aboriginal offenders who received a prison sentence of 12 months or less from 12.9% to 10.3%. The percentage who received a prison penalty of more than 12 months also declined slightly from 7.2% to 6.6%, while the percentage who received a supervised order, unsupervised order, fine or other community-based penalty increased from 79.9% to 83.1%.

Figure 6. Percentage of Aboriginal offenders^a with a prison penalty of 12 months or less in Local Court before and after sentencing reforms (n = 22,309)^b



^a offenders found guilty of an offence with a statutory maximum prison penalty.
^b 7 Aboriginal offenders sentenced to prison who did not have their length of imprisonment recorded in the data are excluded from the analysis.

⁴ Among 'ever recorded' Aboriginal offenders (n = 50,017): supervised orders increased from 21.3% to 31.0%; prison decreased from 14.5% to 12.3%; unsupervised, fine or other penalty decreased from 64.3% to 56.7%. Compared with prison the increase in supervised orders was significant (unadjusted RRR = 1.71, $p < .001$; adjusted RRR = 1.82, $p < .001$). Compared with unsupervised order, fine or other penalty the increase in supervised orders was significant (unadjusted RRR = 1.65, $p < .001$; adjusted RRR = 1.63, $p < .001$).

Table 8 shows the results of the multinomial logistic regressions comparing short-term prison with other penalty types for Aboriginal offenders. Aboriginal offenders were significantly less likely to receive a short-term prison penalty after the sentencing laws commenced compared with a prison penalty of more than 12 months (RRR = 0.87, $p = .037$). However, this effect was not significant after adjusting for covariates (RRR = 0.88, $p = .064$). Aboriginal offenders were also significantly less likely to receive a short-term prison sentence compared with a supervised order, unsupervised order, fine or other penalty. This effect was found both unadjusted (RRR = 0.77, $p < .001$) and adjusted for covariates (RRR = 0.67, $p < .001$).⁵

Table 8. The effect of the NSW sentencing reforms on prison sentences of 12 months or less (where prison was possible), Aboriginal offenders, Local Court (n = 22,309)

	Relative risk ratio	95% confidence interval	p-value	
Prison 12 months or less vs. > 12 months prison	Unadjusted	0.87	(0.77, 0.99)	= .037 *
	Adjusted for covariates [#]	0.88	(0.77, 1.01)	= .064
Prison 12 months or less vs. Supervised, unsupervised, fine, other	Unadjusted	0.77	(0.71, 0.84)	< .001 ***
	Adjusted for covariates [#]	0.67	(0.61, 0.74)	< .001 ***

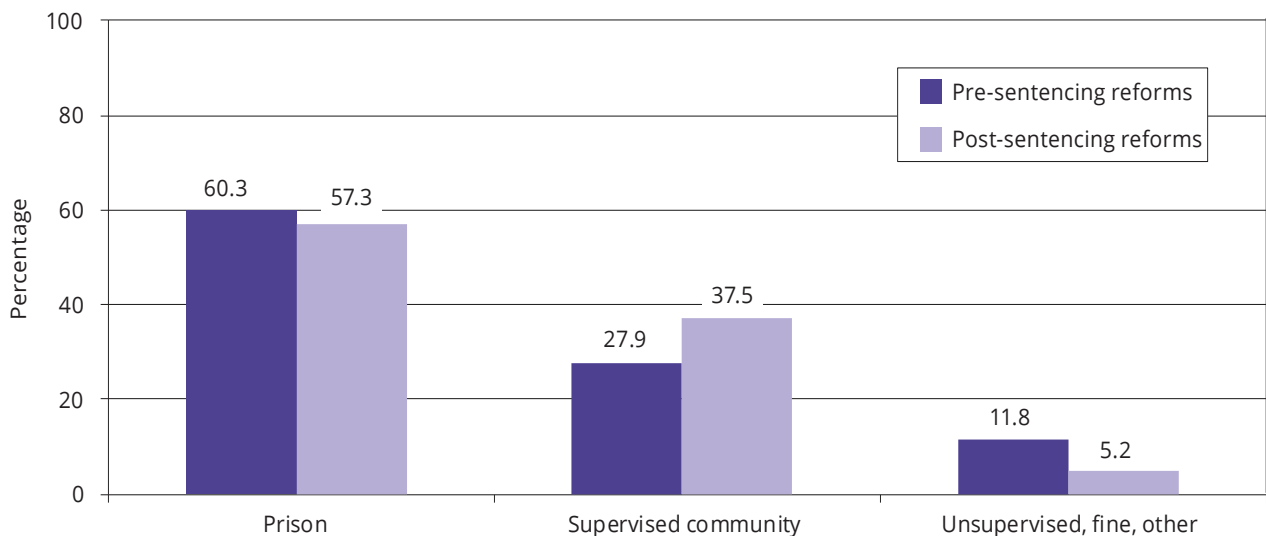
[#] see Table A2.6 of Appendix
 * $p < .05$, ** $p < .01$, *** $p < .001$

District and Supreme Courts

All adult offenders

Figure 7 shows that in the District and Supreme Courts there was an increase in the percentage of offenders who received a supervised community order, from 27.9% prior to the sentencing reforms to 37.5% after the reforms. The percentage of offenders who received a prison sentence declined from 60.3% to 57.3% over the same period, while the percentage who received an unsupervised order, a fine or other penalty declined from 11.8% to 5.2%.

Figure 7. Percentage of offenders with a supervised community order in District and Supreme Courts before and after sentencing reforms (n = 7,441)



⁵ Among 'ever recorded' Aboriginal offenders who had the possibility of a prison sentence (n = 38,838): prison 12 months or less decreased from 10.9% to 8.8%; > 12 months prison decreased from 5.4% to 5.1%; supervised order, unsupervised, fine or other penalty increased from 83.7% to 86.1%. Compared with > 12 months prison the decrease in prison 12 months or less was significant (unadjusted RRR = 0.85, $p = .004$; adjusted RRR = 0.88, $p = .020$). Compared with supervised order, unsupervised order, fine or other penalty the decrease in in prison 12 months or less was significant (unadjusted RRR = 0.79, $p < .001$; adjusted RRR = 0.68, $p < .001$).

Table 9 shows the results of the multinomial logistic regressions for offenders sentenced in the District/Supreme Courts and whether they were sentenced to a supervised community order. After the sentencing reforms commenced, offenders were significantly more likely to receive a supervised order in the District and Supreme Courts compared with prison (unadjusted RRR = 1.42, $p < .001$) even after controlling for covariates (adjusted RRR = 1.66, $p < .001$). Post-sentencing reforms effects were also found when those who received supervised orders were compared with those who received unsupervised orders, fines or other penalties (unadjusted RRR = 3.04, $p < .001$; adjusted RRR = 3.15, $p < .001$).

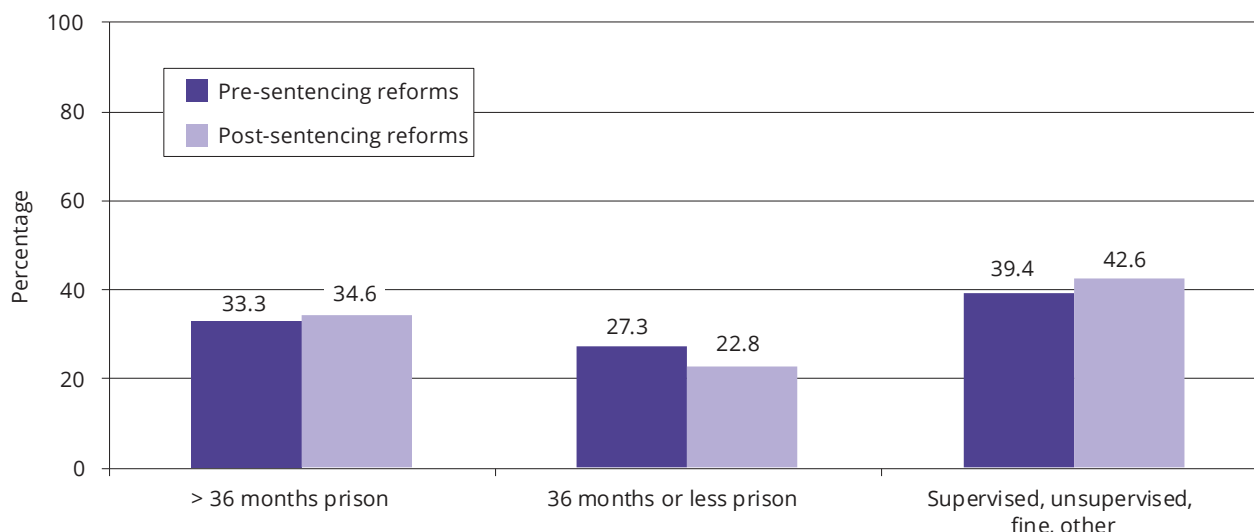
Table 9. The effect of the NSW sentencing reforms on supervised community orders, District and Supreme Courts (n = 7,441)

		Relative risk ratio	95% confidence interval	p-value
Supervised vs. Prison	Unadjusted	1.42	(1.28, 1.57)	< .001 ***
	Adjusted for covariates#	1.66	(1.48, 1.86)	< .001 ***
Supervised vs. Unsupervised, fine, other	Unadjusted	3.04	(2.52, 3.66)	< .001 ***
	Adjusted for covariates#	3.15	(2.60, 3.83)	< .001 ***

see Table A2.7 of Appendix
 * $p < .05$, ** $p < .01$, *** $p < .001$

Figure 8 shows the change in the percentage of offenders in the District and Supreme Courts sentenced to a prison term of 36 months or less, before and after the sentencing reforms commenced. Only adult offenders found guilty of an offence with a statutory maximum prison penalty are included. There was a decline in the percentage who received a prison sentence of 36 months or less after the sentencing reforms commenced from 27.3% to 22.8%, while the percentage sentenced to a prison term of more than 36 months increased slightly from 33.3% to 34.6%. The percentage of offenders sentenced to community-based orders (i.e. supervised orders, unsupervised orders, fines or other penalties) in the District and Supreme Courts increased after the reforms from 39.4% to 42.6%.

Figure 8. Percentage of offenders^a with a prison penalty of 36 months or less in District and Supreme Courts before and after sentencing reforms (n = 7,392)^b



^a offenders found guilty of an offence with a statutory maximum prison penalty.
^b 4 offenders sentenced to prison who did not have their length of imprisonment recorded in the data are excluded from the analysis.

Table 10 shows the results of the multinomial logistic regressions comparing short-term prison with other penalty types for adult offenders sentenced in the District and Supreme Courts. After the sentencing reforms commenced, offenders were significantly less likely to receive a short-term prison term of 36 months or less compared with a prison term of more than 36 months. This result was significant in both the unadjusted (RRR = 0.81, $p < .001$) and adjusted models (RRR = 0.87, $p = .035$). Offenders were also significantly less likely to receive a short-term prison sentence compared with community-based penalties (i.e. supervised order, unsupervised order, fine or other penalty). This result was statistically significant in both the unadjusted (RRR = 0.77, $p < .001$) and adjusted models (RRR = 0.70, $p < .001$).

Table 10. The effect of the NSW sentencing reforms on prison sentence of 36 months or less (where prison was possible), District and Supreme Courts (n = 7,392)

	Relative risk ratio	95% confidence interval	p-value	
Prison 36 months or less vs. > 36 months prison	Unadjusted	0.81	(0.71, 0.91)	< .001 ***
	Adjusted for covariates [#]	0.87	(0.76, 0.99)	= .035 *
Prison 36 months or less vs. Supervised order, unsupervised, fine, other	Unadjusted	0.77	(0.69, 0.87)	< .001 ***
	Adjusted for covariates [#]	0.7	(0.62, 0.79)	< .001 ***

[#] see Table A2.8 of Appendix

* $p < .05$, ** $p < .01$, *** $p < .001$

DV offenders

The total number of DV offenders sentenced in the District and Supreme Courts was very small over the study period (n = 634) and only 26 received the least serious penalty of an unsupervised order, fine or other penalty. For this reason, DV offenders who received a supervised order were compared only with those who were sentenced to prison using logistic regression. After the sentencing reforms there was a decline in the percentage of DV offenders who received a supervised community order (from 20.1% to 16.4%), and an increase in the percentage who received a prison sentence (from 79.9% to 83.6%). However, this post-reform change was not statistically significant in either the unadjusted (OR = 0.78, $p = .242$) or adjusted models (OR = 0.90, $p = .651$).^{6,7}

There was also a small decline in the percentage of DV offenders (with an offence where prison is applicable; n = 631) who received a prison sentence of 36 months or less (from 23.7% to 21.6%), and an increase in the percentage of DV offenders sentenced to a prison term greater than 36 months (from 51.9% to 59.2%) after the reforms commenced. Meanwhile the percentage of DV offenders who received a supervised order, unsupervised order, fine or other penalty declined (from 24.4% to 19.2%). The multinomial regression model found no statistically significant post- versus pre-reform differences for DV offenders in the likelihood of a prison sentence of less than 36 months compared with longer prison sentences (unadjusted RRR = 0.80, $p = .270$; adjusted RRR = 0.90, $p = .640$) or community-based penalties (unadjusted RRR = 1.16, $p = .528$; adjusted RRR = 1.11, $p = .676$).^{8,9}

⁶ Only 25 of the 634 DV offenders in the District/Supreme Courts had a Table reforms offence. It was not included in the final adjusted logistic regression given the small number of offenders with this characteristic.

⁷ See Tables A2.9 and A2.10 of Appendix

⁸ Again, due to the small number of DV offenders in the District and Supreme Courts who had a Table reforms offence this variable was not included in the final multinomial logistic regression. 631 DV offenders were included in this analysis rather than 632 because one offender did not have data on the length of their prison sentence.

⁹ See Tables A2.11 and A2.12 of Appendix.

Aboriginal offenders

The number of Aboriginal offenders sentenced in the NSW District and Supreme Courts was comparatively small ($n = 864$). After the sentencing reforms commenced, the percentage of Aboriginal offenders who received a supervised community order increased from 27.0% to 32.0%, while the percentage who received a prison sentence decreased from 66.1% to 63.6%. The percentage who received an unsupervised order, fine or other penalty decreased from 6.9% to 4.5%. The post-reform increase in the percentage of Aboriginal offenders sentenced to a supervised order versus sentenced to prison was not statistically significant in either the unadjusted (RRR = 1.23, $p = .175$) or adjusted (for other relevant covariates) models (RRR = 1.29, $p = .133$). The post-reform increase in the percentage of Aboriginal offenders who received a supervised order was also not significant when compared with unsupervised orders, fines and other penalties (unadjusted RRR = 1.83, $p = .057$; adjusted RRR = 1.92, $p = .053$).^{10,11} The small number of Aboriginal offenders who received the least serious penalty ($n = 48$) is likely to have reduced the statistical power of this regression model.¹²

Among Aboriginal offenders (with an offence where prison is applicable; $n = 862$) the percentage who received a prison sentence of 36 months or less declined from 36.5% to 32.6% after the sentencing reforms commenced, while the percentage who received a prison sentence more than 36 months increased from 29.6% to 31.1%.¹³ The percentage of Aboriginal offenders who received a supervised order, unsupervised order, fine or other penalty increased from 33.9% to 36.4%. The post-reform decline in the likelihood of Aboriginal offenders receiving a prison sentence of 36 months or less was not statistically significant when compared with changes in the likelihood of receiving a prison sentence of greater than 36 months (unadjusted RRR = 0.85, $p = .340$; adjusted RRR = 0.94, $p = .725$). Nor was it statistically significant when compared with community-based penalties (unadjusted RRR = 0.83, $p = .263$; adjusted RRR = 0.81, $p = .246$).^{14,15,16}

10 Whether Aboriginal offenders had a Table reform offence was included as a variable in the adjusted multinomial logistic regression.

11 See Tables A2.13 and A2.14 of Appendix.

12 Among 'ever recorded' Aboriginal offenders ($n = 1,258$): supervised orders increased from 28.2% to 33.1%; prison decreased from 65.6% to 63.4%; unsupervised, fine or other penalty decreased from 6.3% to 3.5%. Compared with prison, the increase in supervised orders was not significant in the unadjusted model but was significant in the adjusted model (unadjusted RRR = 1.21, $p = .119$; adjusted RRR = 1.36, $p = .026$). Compared with unsupervised order, fine or other penalty the increase in supervised orders was significant (unadjusted RRR = 2.09, $p = .009$; adjusted RRR = 2.18, $p = .009$).

13 862 Aboriginal offenders were included in this analysis rather than 863 because one offender did not have data on the length of their prison sentence.

14 Whether Aboriginal offenders had a Table reform offence was included as a variable in the adjusted regression.

15 See Tables A2.15 and A2.16 of Appendix.

16 Among 'ever recorded' Aboriginal offenders who had the possibility of a prison sentence ($n = 1,256$): prison 36 months or less decreased from 35.3% to 32.3%; > 36 months prison increased from 30.3% to 31.1%; supervised order, unsupervised, fine or other penalty increased from 34.4% to 36.6%. Compared with > 36 months prison the decrease in prison 36 months or less was not significant (unadjusted RRR = 0.89, $p = .407$; adjusted RRR = 0.95, $p = .739$). Compared with supervised order, unsupervised order, fine or other penalty the decrease in prison 36 months or less was not significant (unadjusted RRR = 0.86, $p = .275$; adjusted RRR = 0.83, $p = .267$).

DISCUSSION

This study set out to examine whether the sentencing reforms introduced in NSW in September 2018: (1) increased the percentage of adult offenders sentenced to supervised community-based orders, and; (2) reduced the percentage of adult offenders receiving short-term prison sentences.

In the Local Court the percentage of adult offenders who received a supervised order significantly increased from 14.6% to 22.0% after the sentencing reforms commenced. The impact of the sentencing reforms with respect to supervised community-based orders was found to be even greater for DV and Aboriginal offenders sentenced in the Local Court. For DV offenders, the percentage who received a supervised community-based order increased significantly from 27.4% in the pre-reform period to 43.6% post-reforms, and for Aboriginal offenders, the percentage significantly increased from 25.4% to 36.7%. The Local Court effects held even after controlling for any changes in the profile of offenders coming before the courts. Adult offenders sentenced in the District and Supreme Courts were also more likely to be sentenced to supervised community-based orders after the sentencing reforms were introduced. The percentage of offenders who received a supervised community-based order in the District and Supreme Courts increased significantly from 27.9% in the pre-reform period to 37.5% post-reforms. While the overall effects for supervision in the District and Supreme Courts held after controlling for any changes in the profile of offenders, there were no significant changes observed amongst DV offenders or Aboriginal offenders after relevant covariates were taken into account.

Turning to imprisonment, the analysis found that the percentage of offenders who received a short-term prison sentence of 12 months or less in the Local Court declined significantly after the reforms from 5.2% to 4.4%. As with supervised orders, the impact of the reforms on the likelihood of a short-term prison penalty was found to be greater amongst DV and Aboriginal offenders. The percentage of DV offenders sentenced to a prison sentence of 12 months or less in the Local Court declined significantly from 8.3% in the pre-reform period to 6.7% post reform and for Aboriginal offenders, declined from 12.9% to 10.3%. In the District and Supreme Courts, the percentage of adult offenders who received a short-term prison sentence of 36 months or less also significantly decreased from 27.3% in the pre-reform period to 22.8% post-reforms. Again, this effect remained statistically significant after relevant covariates were taken into account. There were no statistically significant differences in prison length after the reforms for DV offenders or Aboriginal offenders sentenced in the District and Supreme Courts once other factors were controlled for.

An important finding of this evaluation is that the increase in supervised orders and decrease in short-term prison sentences remained statistically significant after controlling for other factors influencing sentencing outcomes, such as offence type, number of concurrent offences, plea and prior offending. This was the case for all offenders, DV offenders and Aboriginal offenders sentenced in the Local Court and all offenders sentenced in the District and Supreme Courts. The other variable taken account of statistically was whether any of the proven offences were related to the Table offence reforms which were enacted just prior to the sentencing reforms (with many taking effect during the post-sentencing reform period). Inclusion of the Table offence reforms in the regression analyses did not have any meaningful effect on the overall results.

While significant effects of the reforms were evident for DV offenders and Aboriginal offenders sentenced in the Local Court this was not the case in the District and Supreme Courts. This finding, however, is likely due to the comparatively small number of DV and Aboriginal offenders sentenced in these jurisdictions during the study period. There were only 634 DV offenders with a proven appearance finalised in the District and Supreme Courts (8.5% of all offenders) compared with 42,845 in the Local Court (16.7% of all offenders), and only 864 Aboriginal offenders with a proven appearance finalised in the District and Supreme Courts compared with 27,792 in the Local Court (though this as a percentage of all offenders was similar in each jurisdiction, at around 11%).

The analysis presented here confirms that the 2018 sentencing reforms were successful in increasing supervised community-based orders and reducing short prison sentences in NSW Criminal Courts. However, the long-term objective of extending community supervision to more offenders, particularly those at higher risk, is to reduce reoffending rates. This will be the focus of the next sentencing reforms evaluation to be undertaken by the NSW Bureau of Crime Statistics and Research once sufficient time has elapsed for reoffending to be measured.

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APPENDIX

**Table A1.1 Local Court: type of supervised community order before sentencing reforms
(September 24, 2017 - September 23, 2018)**

Type of principal penalty	Number	Percentage
Bond with supervision	7,517	46.6%
Pre-reform or Children's Community Service Order	3,765	23.3%
Suspended sentence with supervision	2,760	17.1%
Pre-Reform Intensive Correction Order	1,715	10.6%
Bond without conviction with supervision	229	1.4%
Home detention	140	0.9%
Juvenile probation order	3	0.0%
Total	16,129	99.9%

**Table A1.2 Local Court: type of supervised community order after sentencing reforms
(September 24, 2018 - January 31, 2020)**

Type of principal penalty	Number	Percentage
Community Correction Order with supervision	19,703	61.1%
Intensive Correction Order	9,512	29.5%
Conditional Release Order with conviction, with supervision	1,897	5.9%
Conditional Release Order without conviction, with supervision	875	2.7%
Bond with supervision	129	0.4%
Pre-reform or Children's Community Service Order	102	0.3%
Suspended sentence with supervision	28	0.1%
Bond without conviction with supervision	7	0.0%
Juvenile probation order	1	0.0%
Total	32,254	100.0%

**Table A1.3 District/Supreme Courts: type of supervised community order before sentencing reforms
(September 24, 2017 - September 23, 2018)**

Type of principal penalty	Number	Percentage
Pre-Reform Intensive Correction Order	412	46.7%
Suspended sentence with supervision	306	34.7%
Bond with supervision	129	14.6%
Pre-reform or Children's Community Service Order	24	2.7%
Bond without conviction with supervision	10	1.1%
Juvenile probation order	2	0.2%
Total	883	100.0%

**Table A1.4 District/Supreme Courts: type of supervised community order after sentencing reforms
(September 24, 2018 - January 31, 2020)**

Type of principal penalty	Number	Percentage
Intensive Correction Order	1,264	78.8%
Community Correction Order with supervision	276	17.2%
Suspended sentence with supervision	30	1.9%
Conditional Release Order with conviction, with supervision	20	1.2%
Conditional Release Order without conviction, with supervision	11	0.7%
Juvenile probation order	3	0.2%
Total	1,604	100.0%

Table A2.1 The effect of the NSW sentencing reforms on supervised community orders, Local Court (n = 256,853)

	Supervised orders vs. prison			Supervised orders vs. unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	1.75	(1.68, 1.82)	<.001 ***	1.69	(1.65, 1.74)	<.001 ***
Gender						
Female	1.00			1.00		
Male	0.53	(0.50, 0.56)	<.001 ***	1.12	(1.08, 1.15)	<.001 ***
Age group						
18 - 24	1.00			1.00		
25 - 34	0.72	(0.68, 0.76)	<.001 ***	1.15	(1.11, 1.19)	<.001 ***
35 - 44	0.71	(0.66, 0.75)	<.001 ***	1.22	(1.18, 1.27)	<.001 ***
45 plus	0.68	(0.63, 0.72)	<.001 ***	1.09	(1.05, 1.13)	<.001 ***
Aboriginality (Index)						
Non-Aboriginal offender	1.00			1.00		
Aboriginal offender	0.80	(0.77, 0.84)	<.001 ***	1.20	(1.16, 1.24)	<.001 ***
Not recorded	1.31	(1.21, 1.41)	<.001 ***	0.55	(0.54, 0.57)	<.001 ***
Plea						
Guilty	1.00			1.00		
No plea	1.03	(0.98, 1.09)	=.286	0.44	(0.42, 0.45)	<.001 ***
Not guilty	0.77	(0.72, 0.83)	<.001 ***	0.88	(0.83, 0.92)	<.001 ***
No. court appearances past 5 years						
0	1.00			1.00		
1	1.01	(0.94, 1.09)	=.731	1.92	(1.86, 1.99)	<.001 ***
2+	0.75	(0.70, 0.80)	<.001 ***	2.84	(2.75, 2.93)	<.001 ***
No. times prison past 5 years						
0	1.00			1.00		
1	0.36	(0.34, 0.38)	<.001 ***	1.47	(1.40, 1.53)	<.001 ***
2+	0.18	(0.17, 0.19)	<.001 ***	1.41	(1.34, 1.48)	<.001 ***
No. concurrent offences						
0	1.00			1.00		
1	0.82	(0.77, 0.88)	<.001 ***	2.04	(1.98, 2.10)	<.001 ***
2+	0.42	(0.40, 0.44)	<.001 ***	4.35	(4.22, 4.48)	<.001 ***
Offence type/s at index case						
DV-related offences(s)	0.97	(0.92, 1.01)	=.162	2.60	(2.52, 2.68)	<.001 ***
Serious assault	0.53	(0.50, 0.56)	<.001 ***	3.31	(3.16, 3.46)	<.001 ***
Theft and related offences	0.62	(0.59, 0.65)	<.001 ***	1.84	(1.77, 1.91)	<.001 ***
Deal/manufacture illicit drugs	1.12	(0.98, 1.27)	=.087	3.64	(3.36, 3.95)	<.001 ***
Possess or use illicit drugs	2.49	(2.07, 2.99)	<.001 ***	0.29	(0.27, 0.31)	<.001 ***
Drive license disqualified	0.70	(0.66, 0.74)	<.001 ***	1.03	(0.99, 1.07)	=.151
Exceed PCA	1.43	(1.31, 1.56)	<.001 ***	1.69	(1.63, 1.75)	<.001 ***
Breach community based order	1.18	(1.12, 1.24)	<.001 ***	2.00	(1.93, 2.07)	<.001 ***

Likelihood ratio $\chi^2_{46} = 102124.79, p < .001$ ***; Akaike information criterion (AIC) = 259576.2* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.2 The effect of the NSW sentencing reforms on prison sentences of 12 months or less (where prison was possible), Local Court (n = 189,494)

	12 months or less prison vs. greater than 12 months prison			12 months or less prison vs. supervised orders, unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	0.84	(0.78, 0.90)	< .001 ***	0.73	(0.69, 0.76)	< .001 ***
Gender						
Female	1.00			1.00		
Male	0.66	(0.58, 0.74)	< .001 ***	1.81	(1.69, 1.95)	< .001 ***
Age group						
18 - 24	1.00			1.00		
25 - 34	0.95	(0.85, 1.05)	= .320	1.52	(1.41, 1.63)	< .001 ***
35 - 44	1.00	(0.90, 1.12)	= .983	1.66	(1.55, 1.79)	< .001 ***
45 plus	1.02	(0.91, 1.16)	= .719	1.68	(1.55, 1.82)	< .001 ***
Aboriginality (Index)						
Non-Aboriginal offender	1.00			1.00		
Aboriginal offender	0.95	(0.87, 1.03)	= .192	1.35	(1.27, 1.43)	< .001 ***
Not recorded	1.52	(1.28, 1.80)	< .001 ***	0.67	(0.62, 0.73)	< .001 ***
Plea						
Guilty	1.00			1.00		
No plea	1.20	(1.03, 1.39)	= .016 *	0.47	(0.43, 0.51)	< .001 ***
Not guilty	0.85	(0.77, 0.95)	= .004 **	1.15	(1.07, 1.24)	< .001 ***
No. court appearances past 5 years						
0	1.00			1.00		
1	1.25	(1.08, 1.44)	= .003 **	1.54	(1.40, 1.70)	< .001 ***
2+	1.73	(1.52, 1.96)	< .001 ***	2.63	(2.43, 2.86)	< .001 ***
No. times prison past 5 years						
0	1.00			1.00		
1	0.98	(0.89, 1.09)	= .758	3.62	(3.38, 3.87)	< .001 ***
2+	1.06	(0.96, 1.16)	= .260	7.37	(6.92, 7.86)	< .001 ***
No. concurrent offences						
0	1.00			1.00		
1	0.73	(0.63, 0.84)	< .001 ***	2.00	(1.87, 2.15)	< .001 ***
2+	0.37	(0.33, 0.42)	< .001 ***	4.30	(4.03, 4.58)	< .001 ***
Offence type/s at index case						
DV-related offences(s)	1.07	(0.99, 1.17)	= .089	1.51	(1.43, 1.60)	< .001 ***
Serious assault	0.42	(0.38, 0.46)	< .001 ***	2.16	(2.01, 2.32)	< .001 ***
Theft and related offences	1.01	(0.93, 1.10)	= .805	1.91	(1.80, 2.03)	< .001 ***
Deal/manufacture illicit drugs	1.05	(0.84, 1.32)	= .655	1.13	(0.96, 1.33)	= .146
Drive license disqualified	0.79	(0.71, 0.87)	< .001 ***	1.25	(1.17, 1.34)	< .001 ***
Exceed PCA	0.90	(0.76, 1.07)	= .235	0.96	(0.86, 1.07)	= .466
Breach community based order	1.04	(0.96, 1.14)	= .354	1.16	(1.09, 1.23)	< .001 ***
Table reforms offences	0.35	(0.29, 0.41)	< .001 ***	2.01	(1.73, 2.33)	< .001 ***

Likelihood ratio $\chi^2_{46} = 33297.11, p < .001$ ***; Akaike information criterion (AIC) = 85113.8* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.3 The effect of the NSW sentencing reforms on supervised community orders, DV offenders, Local Court (n = 42,845)

	Supervised orders vs. prison			Supervised orders vs. unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	1.83	(1.70, 1.96)	< .001 ***	2.45	(2.33, 2.57)	< .001 ***
Gender						
Female	1.00			1.00		
Male	0.41	(0.36, 0.46)	< .001 ***	1.70	(1.60, 1.80)	< .001 ***
Age group						
18 - 24	1.00			1.00		
25 - 34	0.75	(0.68, 0.84)	< .001 ***	1.18	(1.10, 1.26)	< .001 ***
35 - 44	0.64	(0.58, 0.72)	< .001 ***	1.18	(1.10, 1.27)	< .001 ***
45 plus	0.65	(0.58, 0.74)	< .001 ***	1.00	(0.93, 1.08)	= .970
Aboriginality (Index)						
Non-Aboriginal offender	1.00			1.00		
Aboriginal offender	0.81	(0.74, 0.87)	< .001 ***	1.27	(1.20, 1.35)	< .001 ***
Not recorded	1.24	(0.96, 1.61)	= .099	0.88	(0.78, 0.99)	= .037 *
Plea						
Guilty	1.00			1.00		
No plea	0.91	(0.82, 1.01)	= .081	0.74	(0.68, 0.80)	< .001 ***
Not guilty	0.75	(0.67, 0.84)	< .001 ***	0.81	(0.75, 0.87)	< .001 ***
No. court appearances past 5 years						
0	1.00			1.00		
1	0.75	(0.66, 0.86)	< .001 ***	1.92	(1.80, 2.05)	< .001 ***
2+	0.51	(0.45, 0.57)	< .001 ***	2.79	(2.62, 2.98)	< .001 ***
No. times prison past 5 years						
0	1.00			1.00		
1	0.31	(0.28, 0.34)	< .001 ***	1.55	(1.39, 1.72)	< .001 ***
2+	0.15	(0.14, 0.17)	< .001 ***	1.43	(1.27, 1.61)	< .001 ***
No. concurrent offences						
0	1.00			1.00		
1	0.70	(0.62, 0.80)	< .001 ***	2.15	(2.03, 2.28)	< .001 ***
2+	0.32	(0.28, 0.36)	< .001 ***	5.05	(4.73, 5.40)	< .001 ***
Offence type/s at index case						
Serious assault	0.37	(0.34, 0.40)	< .001 ***	2.47	(2.31, 2.63)	< .001 ***
Theft and related offences	0.49	(0.42, 0.56)	< .001 ***	1.44	(1.19, 1.73)	< .001 ***
Possess or use illicit drugs	0.37	(0.08, 1.64)	= .190	0.16	(0.05, 0.52)	= .002 **
Drive license disqualified	0.62	(0.53, 0.73)	< .001 ***	1.11	(0.90, 1.37)	= .312
Exceed PCA	0.97	(0.75, 1.24)	= .799	1.33	(1.04, 1.69)	= .022 *
Breach community based order	1.17	(1.07, 1.28)	< .001 ***	1.60	(1.47, 1.74)	< .001 ***
Breach of violence order	0.65	(0.61, 0.71)	< .001 ***	0.80	(0.76, 0.84)	< .001 ***

Likelihood ratio $\chi^2_{44} = 20613.51, p < .001$ ***; Akaike information criterion (AIC) = 63108.9

* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.4 The effect of the NSW sentencing reforms on prison sentences of 12 months or less (where prison was possible), DV offenders, Local Court (n = 40,313)

	12 months or less prison vs. greater than 12 months prison			12 months or less prison vs. supervised orders, unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	0.81	(0.72, 0.92)	= .001 **	0.72	(0.66, 0.78)	< .001 ***
Gender						
Female	1.00			1.00		
Male	0.53	(0.41, 0.69)	< .001 ***	2.56	(2.19, 2.98)	< .001 ***
Age group						
18 - 24	1.00			1.00		
25 - 34	0.84	(0.70, 1.01)	= .058	1.35	(1.19, 1.53)	< .001 ***
35 - 44	0.84	(0.70, 1.02)	= .078	1.64	(1.44, 1.87)	< .001 ***
45 plus	0.82	(0.66, 1.01)	= .067	1.48	(1.28, 1.71)	< .001 ***
Aboriginality (Index)						
Non-Aboriginal offender	1.00			1.00		
Aboriginal offender	0.85	(0.75, 0.97)	= .014 *	1.29	(1.18, 1.42)	< .001 ***
Not recorded	1.19	(0.73, 1.93)	= .478	0.81	(0.61, 1.09)	= .162
Plea						
Guilty	1.00			1.00		
No plea	1.02	(0.77, 1.34)	= .907	0.86	(0.71, 1.03)	= .109
Not guilty	0.94	(0.80, 1.11)	= .456	1.21	(1.07, 1.37)	= .002 **
No. court appearances past 5 years						
0	1.00			1.00		
1	1.17	(0.91, 1.50)	= .216	1.91	(1.61, 2.26)	< .001 ***
2+	1.51	(1.22, 1.88)	< .001 ***	3.47	(2.99, 4.03)	< .001 ***
No. times prison past 5 years						
0	1.00			1.00		
1	0.89	(0.76, 1.05)	= .175	3.65	(3.24, 4.11)	< .001 ***
2+	0.93	(0.79, 1.09)	= .390	7.43	(6.60, 8.37)	< .001 ***
No. concurrent offences						
0	1.00			1.00		
1	0.61	(0.46, 0.80)	< .001 ***	1.97	(1.72, 2.25)	< .001 ***
2+	0.29	(0.22, 0.36)	< .001 ***	4.36	(3.86, 4.91)	< .001 ***
Offence type/s at index case						
Serious assault	0.35	(0.31, 0.40)	< .001 ***	2.40	(2.17, 2.65)	< .001 ***
Theft and related offences	0.97	(0.80, 1.17)	= .719	2.14	(1.81, 2.52)	< .001 ***
Drive license disqualified	0.76	(0.61, 0.96)	= .022 *	1.47	(1.20, 1.79)	< .001 ***
Exceed PCA	0.71	(0.47, 1.07)	= .103	0.93	(0.67, 1.30)	= .677
Breach of violence order	1.29	(1.14, 1.46)	< .001 ***	1.57	(1.44, 1.72)	< .001 ***
Table reforms offences	0.51	(0.33, 0.78)	= .002 **	2.31	(1.49, 3.57)	< .001 ***

Likelihood ratio $\chi^2_{42} = 10518.65, p < .001$ ***; Akaike information criterion (AIC) = 25642.1

* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.5 The effect of the NSW sentencing reforms on supervised community orders, Aboriginal offenders (Index), Local Court (n = 27,792)

	Supervised orders vs. prison			Supervised orders vs. unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	1.82	(1.68, 1.97)	< .001 ***	1.68	(1.58, 1.79)	< .001 ***
Gender						
Female	1.00			1.00		
Male	0.54	(0.49, 0.60)	< .001 ***	1.26	(1.17, 1.34)	< .001 ***
Age group						
18 - 24	1.00			1.00		
25 - 34	0.71	(0.64, 0.79)	< .001 ***	1.12	(1.03, 1.21)	= .006 **
35 - 44	0.71	(0.63, 0.79)	< .001 ***	1.15	(1.06, 1.25)	= .001 **
45 plus	0.81	(0.71, 0.93)	= .002 **	1.08	(0.98, 1.19)	= .131
Plea						
Guilty	1.00			1.00		
No plea	1.07	(0.97, 1.19)	= .190	0.51	(0.48, 0.56)	< .001 ***
Not guilty	0.80	(0.70, 0.91)	= .001 **	0.87	(0.77, 0.97)	= .015 *
No. court appearances past 5 years						
0	1.00			1.00		
1	0.94	(0.78, 1.14)	= .533	1.61	(1.44, 1.79)	< .001 ***
2+	0.77	(0.65, 0.91)	= .002 **	2.09	(1.90, 2.30)	< .001 ***
No. times prison past 5 years						
0	1.00			1.00		
1	0.39	(0.35, 0.44)	< .001 ***	1.28	(1.16, 1.40)	< .001 ***
2+	0.19	(0.17, 0.21)	< .001 ***	1.18	(1.07, 1.30)	= .001 **
No. concurrent offences						
0	1.00			1.00		
1	0.91	(0.79, 1.04)	= .160	2.09	(1.93, 2.27)	< .001 ***
2+	0.44	(0.39, 0.49)	< .001 ***	4.67	(4.31, 5.07)	< .001 ***
Offence type/s at index case						
DV-related offences(s)	1.06	(0.94, 1.18)	= .341	3.00	(2.76, 3.27)	< .001 ***
Serious assault	0.44	(0.39, 0.49)	< .001 ***	3.44	(3.08, 3.84)	< .001 ***
Theft and related offences	0.59	(0.53, 0.65)	< .001 ***	2.29	(2.09, 2.50)	< .001 ***
Deal/manufacture illicit drugs	1.17	(0.84, 1.62)	= .358	5.03	(3.85, 6.57)	< .001 ***
Drive license disqualified	0.63	(0.56, 0.72)	< .001 ***	1.22	(1.09, 1.37)	< .001 ***
Exceed PCA	1.39	(1.12, 1.74)	= .003 **	1.47	(1.27, 1.69)	< .001 ***
Breach community based order	1.18	(1.08, 1.30)	< .001 ***	1.72	(1.59, 1.87)	< .001 ***
Breach of violence order	0.70	(0.62, 0.79)	< .001 ***	0.89	(0.80, 0.99)	= .027 *

Likelihood ratio $\chi^2_{42} = 13152.30, p < .001$ ***; Akaike information criterion (AIC) = 42955.8

* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.6 The effect of the NSW sentencing reforms on prison sentences of 12 months or less (where prison was possible), Aboriginal offenders (Index), Local Court (n = 22,309)

	12 months or less prison vs. greater than 12 months prison			12 months or less prison vs. supervised orders, unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	0.88	(0.77, 1.01)	= .064	0.67	(0.61, 0.74)	< .001 ***
Gender						
Female	1.00			1.00		
Male	0.58	(0.48, 0.71)	< .001 ***	1.77	(1.57, 1.99)	< .001 ***
Age group						
18 - 24	1.00			1.00		
25 - 34	1.01	(0.85, 1.21)	= .874	1.51	(1.33, 1.71)	< .001 ***
35 - 44	1.16	(0.95, 1.40)	= .139	1.66	(1.45, 1.90)	< .001 ***
45 plus	1.20	(0.94, 1.52)	= .136	1.46	(1.25, 1.72)	< .001 ***
Plea						
Guilty	1.00			1.00		
No plea	1.16	(0.88, 1.53)	= .281	0.52	(0.44, 0.61)	< .001 ***
Not guilty	0.84	(0.69, 1.02)	= .081	1.08	(0.93, 1.25)	= .326
No. court appearances past 5 years						
0	1.00			1.00		
1	0.93	(0.66, 1.33)	= .709	1.24	(0.98, 1.57)	= .068
2+	1.15	(0.84, 1.58)	= .376	1.71	(1.39, 2.09)	< .001 ***
No. times prison past 5 years						
0	1.00			1.00		
1	0.94	(0.78, 1.13)	= .493	3.06	(2.69, 3.49)	< .001 ***
2+	0.99	(0.83, 1.17)	= .897	6.52	(5.78, 7.36)	< .001 ***
No. concurrent offences						
0	1.00			1.00		
1	0.87	(0.66, 1.16)	= .343	1.75	(1.51, 2.04)	< .001 ***
2+	0.48	(0.38, 0.61)	< .001 ***	3.93	(3.44, 4.49)	< .001 ***
Offence type/s at index case						
DV-related offences(s)	0.88	(0.73, 1.06)	= .178	1.30	(1.14, 1.49)	< .001 ***
Serious assault	0.35	(0.30, 0.41)	<.001	2.12	(1.86, 2.41)	< .001 ***
Theft and related offences	1.02	(0.87, 1.20)	= .772	1.96	(1.75, 2.20)	< .001 ***
Drive while disqualified	0.61	(0.50, 0.74)	< .001 ***	1.34	(1.15, 1.56)	< .001 ***
Exceed PCA	0.78	(0.53, 1.15)	= .212	0.76	(0.57, 1.01)	= .061
Breach community based order	1.04	(0.89, 1.21)	= .621	1.13	(1.01, 1.27)	= .032 *
Breach of violence order	1.09	(0.90, 1.34)	= .376	1.29	(1.11, 1.49)	= .001 **
Table reforms offences	0.32	(0.24, 0.43)	< .001 ***	1.76	(1.34, 2.31)	< .001 ***

Likelihood ratio $\chi^2_{42} = 6279.75, p < .001$ ***; Akaike information criterion (AIC) = 20345.4* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.7 The effect of the NSW sentencing reforms on supervised community orders, District and Supreme Courts (n =7,441)

	Supervised orders vs. prison			Supervised orders vs. unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	1.66	(1.48, 1.86)	< .001 ***	3.15	(2.60, 3.83)	< .001 ***
Gender						
Female	1.00			1.00		
Male	0.47	(0.40, 0.55)	< .001 ***	1.12	(0.88, 1.41)	= .353
Age group						
18 - 24	1.00			1.00		
25 - 34	0.51	(0.43, 0.59)	< .001 ***	1.07	(0.84, 1.37)	= .566
35 - 44	0.47	(0.40, 0.56)	< .001 ***	1.30	(0.97, 1.75)	= .079
45 plus	0.43	(0.36, 0.51)	< .001 ***	0.99	(0.75, 1.30)	= .922
Aboriginality (Index)						
Non-Aboriginal offender	1.00			1.00		
Aboriginal offender	0.78	(0.65, 0.94)	= .009 **	1.00	(0.70, 1.42)	= 1.000
Not recorded	0.83	(0.66, 1.03)	= .093	0.73	(0.53, 1.00)	= .047 *
Plea						
Guilty	1.00			1.00		
No plea/Not guilty	0.57	(0.46, 0.71)	< .001 ***	1.11	(0.73, 1.67)	= .628
No. court appearances past 5 years						
0	1.00			1.00		
1	1.11	(0.95, 1.31)	= .177	1.85	(1.41, 2.42)	< .001 ***
2+	1.02	(0.89, 1.18)	= .742	2.89	(2.22, 3.78)	< .001 ***
No. times prison past 5 years						
0	1.00			1.00		
1	0.46	(0.37, 0.57)	< .001 ***	1.13	(0.67, 1.91)	= .635
2+	0.27	(0.21, 0.36)	< .001 ***	0.66	(0.36, 1.22)	= .187
No. concurrent offences						
0	1.00			1.00		
1	0.71	(0.62, 0.81)	< .001 ***	1.86	(1.46, 2.38)	< .001 ***
2+	0.30	(0.26, 0.35)	< .001 ***	2.57	(1.89, 3.50)	< .001 ***
Offence type/s at index case						
Strictly Indictable	0.37	(0.32, 0.44)	< .001 ***	2.45	(1.92, 3.14)	< .001 ***
DV-related offences(s)	0.79	(0.61, 1.00)	= .054	1.09	(0.68, 1.74)	= .735
Serious assault	1.16	(0.95, 1.40)	= .144	2.63	(1.82, 3.81)	< .001 ***
Robbery, extortion	1.08	(0.85, 1.38)	= .515	3.20	(1.73, 5.93)	< .001 ***
Burglary, break & enter	3.49	(2.81, 4.35)	< .001 ***	2.12	(1.42, 3.15)	< .001 ***
Deal/manufacture illicit drugs	2.45	(2.07, 2.91)	< .001 ***	2.52	(1.87, 3.39)	< .001 ***
Table reforms offences	3.16	(2.73, 3.66)	< .001 ***	0.67	(0.52, 0.87)	= .002 **

Likelihood ratio $\chi^2_{42} = 2597.94, p < .001$ ***; Akaike information criterion (AIC) = 10683.4

* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.8 The effect of the NSW sentencing reforms on prison sentences of 36 months or less (where prison was possible), District and Supreme Courts (n = 7,392)

	36 months or less prison vs. greater than 36 months prison			36 months or less prison vs. supervised orders, unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	0.87	(0.76, 0.99)	= .035 *	0.70	(0.62, 0.79)	< .001 ***
Gender						
Female	1.00			1.00		
Male	0.60	(0.48, 0.76)	< .001 ***	1.80	(1.50, 2.15)	< .001 ***
Age group						
18 - 24	1.00			1.00		
25 - 34	0.62	(0.51, 0.75)	< .001 ***	1.61	(1.37, 1.91)	< .001 ***
35 - 44	0.58	(0.47, 0.72)	< .001 ***	1.74	(1.44, 2.10)	< .001 ***
45 plus	0.65	(0.52, 0.80)	< .001 ***	1.92	(1.59, 2.33)	< .001 ***
Aboriginality (Index)						
Non-Aboriginal offender	1.00			1.00		
Aboriginal offender	1.17	(0.95, 1.43)	= .136	1.37	(1.13, 1.66)	= .002 **
Not recorded	0.71	(0.56, 0.91)	= .006 **	0.99	(0.78, 1.27)	= .965
Plea						
Guilty	1.00			1.00		
No plea/Not guilty	0.45	(0.36, 0.55)	< .001 ***	1.12	(0.87, 1.45)	= .372
No. court appearances past 5 years						
0	1.00			1.00		
1	1.18	(0.98, 1.43)	= .084	1.11	(0.93, 1.33)	= .257
2+	1.59	(1.33, 1.90)	< .001 ***	1.43	(1.22, 1.68)	< .001 ***
No. times prison past 5 years						
0	1.00			1.00		
1	1.14	(0.90, 1.42)	= .273	2.31	(1.85, 2.90)	< .001 ***
2+	0.88	(0.68, 1.15)	= .349	3.23	(2.44, 4.29)	< .001 ***
No. concurrent offences						
0	1.00			1.00		
1	0.59	(0.50, 0.70)	< .001 ***	1.24	(1.06, 1.44)	= .007 **
2+	0.30	(0.26, 0.35)	< .001 ***	2.07	(1.76, 2.44)	< .001 ***
Offence type/s at index case						
Strictly Indictable	0.23	(0.19, 0.27)	< .001 ***	1.53	(1.29, 1.81)	< .001 ***
DV-related offences(s)	0.77	(0.60, 0.97)	= .030 *	1.11	(0.85, 1.45)	= .455
Serious assault	0.88	(0.71, 1.09)	= .231	0.98	(0.79, 1.20)	= .816
Robbery, extortion	1.35	(1.05, 1.72)	= .018	1.35	(1.04, 1.76)	= .024 *
Burglary, break & enter	2.90	(2.21, 3.79)	< .001 ***	0.55	(0.43, 0.69)	< .001 ***
Deal/manufacture illicit drugs	1.73	(1.42, 2.11)	< .001 ***	0.67	(0.56, 0.82)	< .001 ***
Table reforms offences	1.93	(1.60, 2.34)	< .001 ***	0.40	(0.34, 0.48)	< .001 ***

Likelihood ratio $\chi^2_{42} = 2943.49, p < .001$ ***; Akaike information criterion (AIC) = 13075.6* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.9 The unadjusted effect of the NSW sentencing reforms on supervised community orders, DV offenders, District and Supreme Courts (n = 608)

	Supervised orders vs. prison		
	Odds ratio	95% confidence interval	p-value
Sentencing reforms			
Pre-reforms	1.00		
Post-reforms	0.78	(0.51, 1.18)	= .242

Likelihood ratio $\chi^2_1 = 1.36, p < .243$; Akaike information criterion (AIC) = 574.5* $p < .05$, ** $p < .01$, *** $p < .001$ **Table A2.10 The effect of the NSW sentencing reforms on supervised community orders, DV offenders, District and Supreme Courts (n = 608)**

	Supervised orders vs. prison		
	Odds ratio	95% confidence interval	p-value
Sentencing reforms			
Pre-reforms	1.00		
Post-reforms	0.90	(0.58, 1.41)	= .651
Gender			
Female	1.00		
Male	0.22	(0.11, 0.42)	< .001 ***
Age group			
18 - 24	1.00		
25 - 34	0.71	(0.38, 1.34)	= .295
35 - 44	0.59	(0.32, 1.10)	= .096
45 plus	0.42	(0.22, 0.82)	= .011 *
Plea			
Guilty	1.00		
No plea/Not guilty	0.34	(0.16, 0.70)	= .004 **
Offence type/s at index case			
Strictly Indictable	0.37	(0.32, 0.44)	< .001 ***

Likelihood ratio $\chi^2_7 = 70.59, p < .001$; Akaike information criterion (AIC) = 517.3* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.11 The unadjusted effect of the NSW sentencing reforms on prison sentences of 36 months or less (where prison was possible), DV offenders, District and Supreme Courts (n = 631)

	36 months or less prison vs. greater than 36 months prison			36 months or less prison vs. supervised orders, unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	0.80	(0.54, 1.19)	= .270	1.16	(0.73, 1.87)	= .528

Likelihood ratio $\chi^2_2 = 3.72, p < .155$; Akaike information criterion (AIC) = 1253.4

* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.12 The effect of the NSW sentencing reforms on prison sentences of 36 months or less (where prison was possible), DV offenders, District and Supreme Courts (n = 631)

	36 months or less prison vs. greater than 36 months prison			36 months or less prison vs. supervised orders, unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	0.90	(0.57, 1.41)	= .640	1.11	(0.68, 1.82)	= .676
Gender						
Female	1.00			1.00		
Male	0.58	(0.23, 1.43)	= .235	3.43	(1.54, 7.66)	= .003 **
Age group						
18 - 24	1.00			1.00		
25 - 34	0.28	(0.14, 0.56)	< .001 ***	0.70	(0.35, 1.41)	= .324
35 - 44	0.30	(0.15, 0.59)	< .001 ***	1.00	(0.50, 2.00)	= .996
45 plus	0.23	(0.12, 0.45)	< .001 ***	0.86	(0.43, 1.71)	= .665
Plea						
Guilty	1.00			1.00		
No plea/Not guilty	0.31	(0.16, 0.57)	< .001 ***	1.07	(0.48, 2.42)	= .861
No. times prison past 5 years						
0	1.00			1.00		
1+	1.76	(1.00, 3.08)	= .048 *	2.67	(1.37, 5.21)	= .004 **
No. concurrent offences						
0	1.00			1.00		
1	1.44	(0.76, 2.72)	= .267	0.84	(0.45, 1.61)	= .614
2+	0.47	(0.27, 0.83)	= .010 *	1.17	(0.63, 2.17)	= .613
Offence type/s at index case						
Strictly Indictable	0.16	(0.10, 0.26)	< .001 ***	1.23	(0.74, 2.04)	= .422

Likelihood ratio $\chi^2_{20} = 249.53, p < .001$ ***; Akaike information criterion (AIC) = 1043.6

* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.13 The unadjusted effect of the NSW sentencing reforms on supervised community orders, Aboriginal offenders (Index), District and Supreme Courts (n = 864)

	Supervised orders vs. prison			Supervised orders vs. unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	1.23	(0.91, 1.66)	= .175	1.83	(0.98, 3.41)	= .057

Likelihood ratio $\chi^2_2 = 4.26, p < .119$; Akaike information criterion (AIC) = 1391.2

* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.14 The effect of the NSW sentencing reforms on supervised community orders, Aboriginal offenders (Index), District and Supreme Courts (n = 864)

	Supervised orders vs. prison			Supervised orders vs. unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	1.29	(0.93, 1.80)	= .133	1.92	(0.99, 3.73)	= .053
Gender						
Female	1.00			1.00		
Male	0.31	(0.20, 0.46)	< .001 ***	0.90	(0.43, 1.89)	= .778
No. court appearances past 5 years						
0	1.00			1.00		
1+	0.94	(0.62, 1.44)	= .792	4.13	(1.93, 8.84)	< .001 ***
No. times prison past 5 years						
0	1.00			1.00		
1+	0.22	(0.14, 0.33)	< .001 ***	0.37	(0.15, 0.91)	= .030 *
No. concurrent offences						
0	1.00			1.00		
1+	0.52	(0.37, 0.73)	< .001 ***	5.21	(2.13, 12.71)	< .001 ***
Offence type/s at index case						
Strictly Indictable	0.59	(0.39, 0.87)	= .008 **	4.43	(2.14, 9.15)	< .001 ***
Serious assault	1.19	(0.78, 1.82)	= .416	3.69	(1.40, 9.72)	= .008 **
Table reforms offences	3.15	(2.15, 4.62)	< .001 ***	1.49	(0.67, 3.30)	= .326

Likelihood ratio $\chi^2_{16} = 240.45, p < .001$ ***; Akaike information criterion (AIC) = 1183.1

* $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.15 The unadjusted effect of the NSW sentencing reforms on prison sentences of 36 months or less (where prison was possible), Aboriginal offenders (Index), District and Supreme Courts (n = 862)

	36 months or less prison vs. greater than 36 months prison			36 months or less prison vs. supervised orders, unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	0.85	(0.61, 1.19)	= .340	0.83	(0.60, 1.15)	= .263

Likelihood ratio $\chi^2_2 = 1.48, p < .478$; Akaike information criterion (AIC) = 1897.0
 * $p < .05$, ** $p < .01$, *** $p < .001$

Table A2.16 The effect of the NSW sentencing reforms on prison sentences of 36 months or less (where prison was possible), Aboriginal offenders (Index), District and Supreme Courts (n = 862)

	36 months or less prison vs. greater than 36 months prison			36 months or less prison vs. supervised orders, unsupervised orders, fine or other penalty		
	Relative risk ratio	(95% confidence interval)	p-value	Relative risk ratio	(95% confidence interval)	p-value
Sentencing reforms						
Pre-reforms	1.00			1.00		
Post-reforms	0.94	(0.65, 1.35)	= .725	0.81	(0.57, 1.15)	= .246
Gender						
Female	1.00			1.00		
Male	0.31	(0.16, 0.58)	< .001 ***	2.19	(1.43, 3.36)	< .001 ***
Age group						
18 - 24	1.00			1.00		
25 - 34	0.59	(0.37, 0.95)	= .028 *	1.11	(0.72, 1.71)	= .631
35 - 44	0.87	(0.50, 1.50)	= .616	0.99	(0.60, 1.64)	= .974
45 plus	0.34	(0.19, 0.62)	< .001 ***	0.88	(0.50, 1.53)	= .643
Plea						
Guilty	1.00			1.00		
No plea/Not guilty	0.23	(0.12, 0.47)	< .001 ***	0.77	(0.35, 1.67)	= .500
No. times prison past 5 years						
0	1.00			1.00		
1+	0.96	(0.66, 1.40)	= .824	4.21	(2.81, 6.31)	< .001 ***
No. concurrent offences						
0	1.00			1.00		
1	0.34	(0.21, 0.55)	< .001 ***	0.97	(0.63, 1.49)	= .881
2+	0.24	(0.15, 0.37)	< .001 ***	2.31	(1.44, 3.71)	= .001 **
Offence type/s at index case						
Strictly Indictable	0.29	(0.19, 0.46)	< .001 ***	1.46	(0.99, 2.15)	= .055
Table reforms offences	3.34	(2.02, 5.51)	< .001 ***	0.50	(0.33, 0.74)	= .001 **

Likelihood ratio $\chi^2_{22} = 339.06, p < .001$ ***; Akaike information criterion (AIC) = 1599.4
 * $p < .05$, ** $p < .01$, *** $p < .001$