

Have the 2018 NSW sentencing reforms reduced the risk of re-offending?

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SUMMARY

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BACKGROUND

The *Crime (Sentencing Procedures) Amendment (Sentencing Options) Act 2017* (NSW) replaced existing community-based sentences with new, potentially more flexible sentencing options. This resulted in an increase in the number of offenders sentenced to supervised community orders and a decrease in the number sentenced to short-term prison sentences or unsupervised community orders in NSW.

The aim of this study was to evaluate the impact of the NSW sentencing reforms on the risk of re-offending. Re-offending outcomes for offenders with a finalised matter in the Local Court in the 13 weeks before and after the 2018 reforms were compared, adjusting for relevant offender and offence characteristics.

A supplementary method using an instrumental variables (IV) approach was also undertaken to examine the impact of the sentencing changes on those most likely to have received a supervised order because of the reforms.

KEYWORDS

sentencing

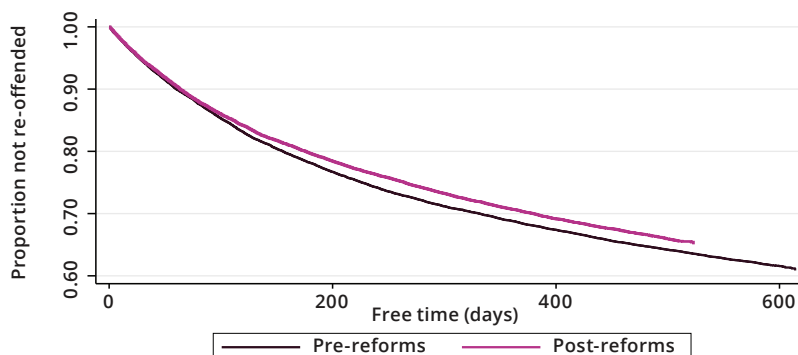
re-offending

supervised community orders

Cox regression

KEY FINDINGS

Proportion of all offenders who have not re-offended over free days, by group



Although the reforms significantly increased the proportion of individuals sentenced to a supervised community sentence (relative to short-term prison and unsupervised community sentences), we find no evidence to suggest that this change was associated with reduced re-offending rates. Specifically, there was no statistically significant difference between those sentenced before and after the reforms in terms of:

- the proportion reoffending within 12 months free time (OR = 0.98; $p = .339$);
- the time to first new offence of any type (HR = 0.98; $p = .296$);
- the time to first new serious violent, property, or illicit drug offence (HR = 1.00, $p = .862$);
- the proportion returning to custody within 12 months of finalisation (OR = 1.01; $p = .763$).

Similar results were also observed when outcomes were examined separately for domestic violence (DV) offenders and offenders sentenced to short prison sentences or community-based custodial alternatives.

These findings were corroborated by instrumental variable estimates which identified no significant differences in re-offending outcomes for offenders who received a supervised community order due to the sentencing reforms.

CONCLUSION

The sentencing reforms have not reduced short-term re-offending rates. However, there has been no adverse impact on rates of offenders returning to custody.