



Research Report 6 Oct. 1977

Published by the Department of the Attorney General & of Justice NSW Bureau of Crime Statistics & Research

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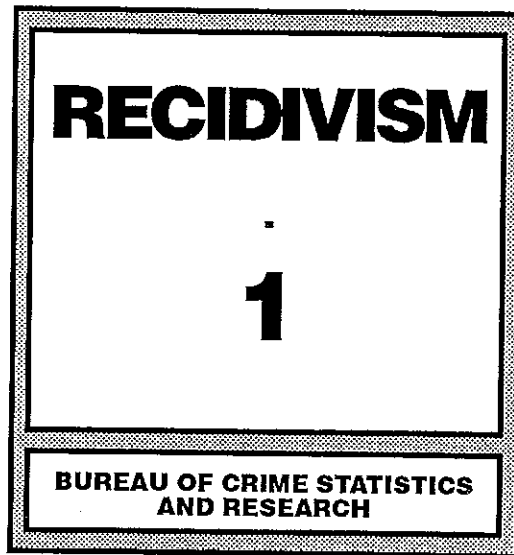
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Two Studies of Recidivism

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PREFACE

This publication contains two reports on the re-conviction of offenders. Each was conducted for a different purpose but as they concern a common theme and each contained results which have a bearing on the other, they are published for convenience in one volume.

The first study was conducted early in 1976 by the Bureau of Crime Statistics and Research at the request of the New South Wales Privacy Committee which was considering proposals relating to the recognition of rehabilitation of offenders. The practical impact of such proposals chiefly concerns the destruction or removal from active reference the criminal records of offenders. It was hoped that simple criteria for the expungement of records could be established. The statistical analysis is restricted in general to this focus and was reported to the Privacy Committee in 1976. However, it has been decided to publish the report because it provides data of general interest concerning the re-conviction rates of a sample of offenders drawn from New South Wales criminal records.

The study was designed by former members of the staff of the Privacy Committee and of the New South Wales Bureau of Crime Statistics. Some analysis of the data has been carried out by Adam Sutton. Various drafts have been written by Ken Searle, and Jeff Sutton, and the final report by Rosemary Leonard with the advice of Rosamond Wood.

The second report arose from a request by an honours year psychology student at Macquarie University, Marina Wilson, to conduct research in association with the Bureau on deterrence in a criminal justice system. In particular Marina Wilson aimed to relate behavioural theories of deterrence to the criminal justice situation by seeing if the offender is less likely to be reconvicted when the date of sentence is closer to the date of offence. Break enter and steal offenders were chosen because Higher Court Statistics suggest that they are a large and relatively uniform group of offenders with a high rate of recidivism. Where University research has a practical relevance to the operation of the criminal justice system the Bureau is glad to facilitate it through its particular access to and knowledge of the system. The Director of the Bureau was appointed as an Associate Supervisor to Miss Wilson. Consequently the thesis at the end of 1978 was submitted to the School of Behavioural Sciences at Macquarie University and an honour's degree awarded.

Subsequently Marina Wilson worked with Rosemary Leonard, a research officer of the Bureau to extract from the thesis those aspects which would be of practical relevance and which might be published in a Bureau report. Further analyses were conducted and the report contained in this publication is the result of that work. We are grateful for comments made by Ross Homel, Ms. Wilson's supervisor at Macquarie University. The final draft was written by Rosemary Leonard with the advice of Rosamond Wood and Trevor Milne.

A.J. Sutton
Director.

August 1979.

RECIDIVISM AND CRIMINAL RECORDS

INTRODUCTION

The main channel open to the justice system for recognising a person's rehabilitation is by changing the status of his or her criminal record. The change of status of the person's criminal record has been referred to as the rehabilitation of the offender and for convenience this practice will be followed in this report.

At present criminal records are used for several purposes.

1. Firstly in employment, the Public Service has access to criminal records of persons applying to join the Service so that persons with criminal records can be excluded from the police force, teaching service etc. for which ex-criminals would be undesirable. While checks such as these are necessary, knowledge of a past conviction may be used by any private sector employer as a reason to sack or not to employ a person, sometimes with no explanation to that person.
2. Similarly a criminal conviction can bar a person from holding licenses such as a liquor or builders licence; adopting children; becoming a justice of the peace or joining a professional society.
3. The police use criminal records in their criminal investigations. Few would deny that the records are essential for police work; however, old records are probably of little relevance and the police are in the process of filing them separately.
4. Criminal records are used in sentencing and in many cases first offenders are treated leniently by the courts. The defendant's entire record is handed up in court and the magistrate or judge decides how much weight to give to any previous offences.
5. Many studies into criminology use the criminal records as a basis for obtaining data on crime and recidivism.
6. The keeping of criminal records may also be considered as an indicator of society's values. The destruction or separating out of some records could be construed to mean that society had forgiven these offenders. This may be undesirable especially for serious offences.
7. The other use of criminal records is the least desirable. The unscrupulous can use a person's criminal history to blackmail or discredit him, to gain advantage in civil cases, business deals etc. While court hearings are open to the public, there is no ready means for a would-be slanderer to find out information about a particular person from the courts. Old newspapers may be a source but a lot of searching would be required. It is therefore through illegal access to the criminal records system that the information is usually obtained.

All but one of these uses contains an implicit benefit to society, but also a penalty for the individuals whose record is held. The social benefit and the individual penalty must be weighed up when deciding whether or not offenders should be rehabilitated.

In view of these varied uses of criminal records a variety of rules could be introduced to change the status of a person's criminal record. The N.S.W. Privacy Committee suggested some of the possible changes in their background paper on rehabilitation of offenders. (5 September 1975, page 14).

1. Inadmissibility of evidence of a spent conviction in court proceedings.
2. The right of a rehabilitated person to deny his spent conviction without adverse consequences.
3. A prohibition on employers, insurers and others for asking questions about spent convictions.
4. A prohibition on discrimination because of spent convictions.
5. Limiting access to records of spent convictions.
6. Prohibiting disclosure of spent convictions.

7. Expunging records of spent convictions

Any combination of these alternatives could be introduced to rehabilitate the offender. Clearly each of these changes would have slightly different consequences for the present uses of records and there is a certain risk to society involved if any of the seven suggestions were implemented. For instance number 7 would affect all of the uses of criminal records whereas suggestion 1 would mainly affect sentencing.

Apart from the problem of deciding the form of the rehabilitation there is the problem of deciding which persons should be eligible. Perhaps the best available indicator of a person's reform is length of time that a person has gone without a further conviction from the date of release.

The problem of determining a suitable rehabilitation period, involves assessing the likelihood that an offender will be reconvicted after a given time lapse and in deciding what risk to society there is in not having ready access to his criminal record. The rehabilitation period chosen is the period of time that has to pass before the likelihood of the person reoffending is lower than (or equal to) the acceptable risk.

There is also the question of whether this rehabilitation period should be varied (or abolished) for different cases. This involves finding out if the likelihood of reconviction with time is different for different types of offenders (e.g. are stealing offenders more likely than others to have a relapse after a long period). It also involves a decision as to whether in certain cases we are prepared to accept a higher (or lower) probability of a person's reoffending when officially rehabilitated. For instance it has been suggested that the period be shorter for adolescents to give them greater incentive to reform and also to help them in the years when they may be trying to get employment, marry or buy a home. On the other hand, it has been argued that serious crimes should never be forgotten, no matter how unlikely it is that they will be repeated.

The Home Office Study

The present study is modelled on one conducted by the U.K. Home Office Research Unit. In that study a random sample of 4000 males convicted of indictable¹ offences in 1957 was drawn from the files of the Criminal Records Office. The offenders were followed up to see how soon (if ever) they were reconvicted of another indictable offence. It was found that less than 4% were reconvicted after 5 conviction-free years and after 10 years the number was negligible.

The British legislation, based partly on the results of the Home Office Study, allows for a rehabilitation period of

- (a) five years where no custodial sentence had been imposed;
- (b) seven years where a custodial sentence of not more than 6 months had been imposed; and
- (c) ten years where a custodial sentence of more than six months but not more than 2 years had been imposed.

If the Home Office figures are accurate, then clearly the risk in Britain that a rehabilitated offender will commit a further offence is only 4 in 100 for those with non-custodial sentences and much less for those with severe sentences.

The chairman of the British committee set up to investigate the problem of rehabilitation adds: "The reconviction rates, age for age, of those who have survived ten conviction-free years, after a conviction for a serious offence are significantly lower than the first conviction rates of their fellow citizens in the same age groups"

1. Offences which may be heard before a judge and jury. Some indictable offences are heard before a magistrate with the consent of both the defendant and the magistrate

The Home Office Researchers also made an estimate of the number of rehabilitated persons in England and Wales as follows; 45 percent of their sample were first offenders. Five years later 64 percent of the first offenders and 33 percent of the remainder had had no further convictions. Ten years later these percentages were 60 and 30 percent respectively. On the basis of these figures and from the total number of Criminal Records Office files they estimated that there were 1 million people in England and Wales who had a criminal conviction but had not been reconvicted for 10 years.

Method

The Bureau's study of reconvictions was designed to assess, at different time intervals, the likelihood of an offender's having a further conviction after having stayed out of trouble for the whole of that time interval. The maximum interval was 10 years. Because the data was collected from Police records, no information on the date of release from prison was obtained. Time intervals referred to are time intervals between successive convictions.

The study also looks at the factors that may affect reconviction rates such as the age and sex of the convicted person, the person's previous convictions, the person's sentence and the offence with which the offender was charged.

In contrast to the English study, this study includes a random sample of offenders who were convicted in New South Wales, so that both indictable and summary offences and both male and female offenders are included. This leads to some differences in the overall figures for the two studies as discussed later. The records of offenders are held in the finger print section of the New South Wales Police Department, classified alphabetically. As from 1965, requests for records have also been filed. Such requests come from the Police in relation to each arrest. The sample of offenders in this study was drawn from the set of 1965 requests for records. A total of 1365 was selected.

Results

More than half (52.6%, 717 persons) of the study group had not been convicted of a further criminal offence in the ten year period to December, 1975.

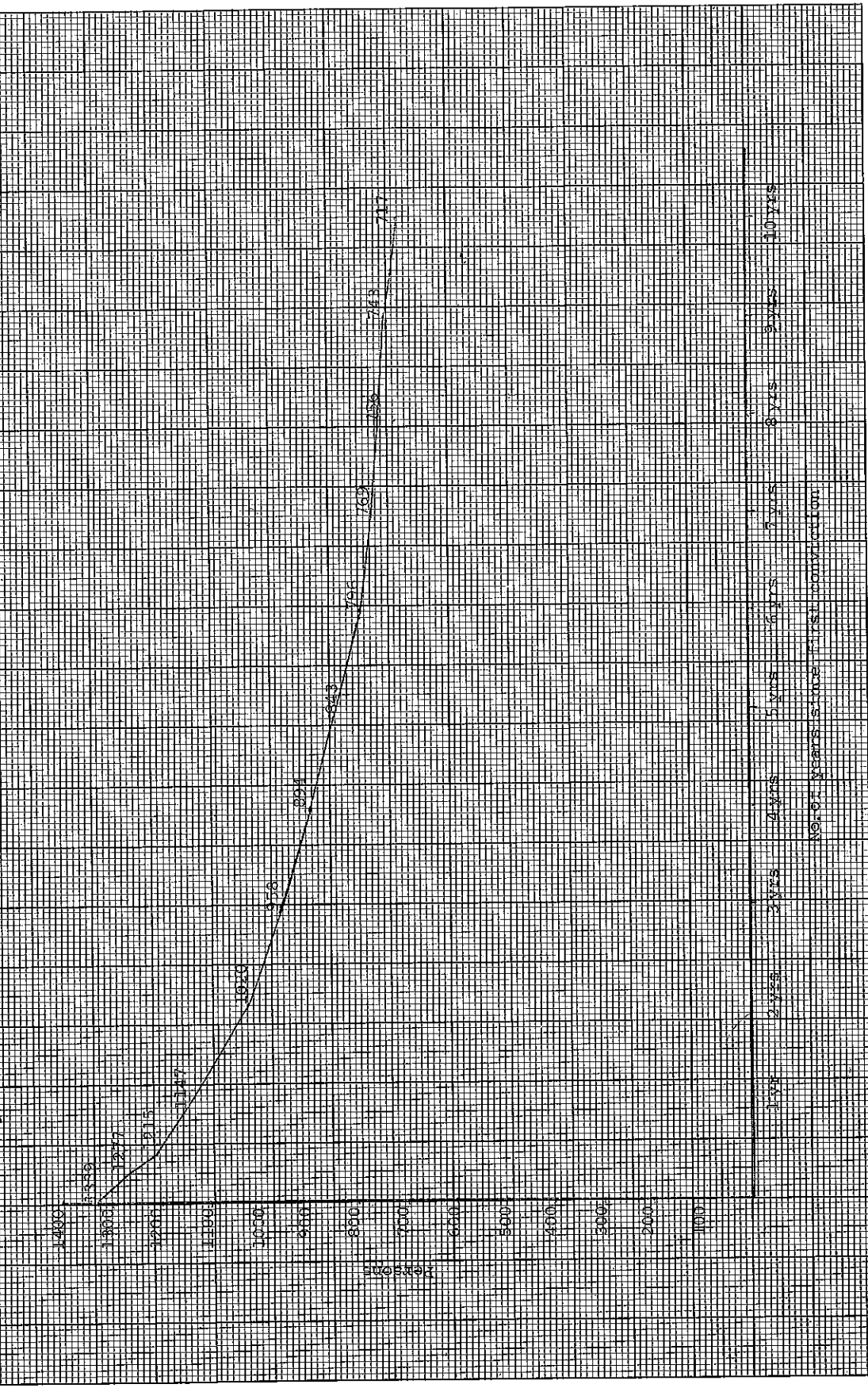
Figure 1 on the page opposite shows the number of offenders who had not been convicted in each of the time periods. The graph shows a gradual decrease over time as more persons are reconvicted. As might be predicted there are more people who had a further conviction shortly after the first one than who went for some time without a conviction and then were reconvicted. For instance, 218 persons were reconvicted within one year but only 47 were reconvicted between the fifth and sixth years.

TABLE 1: NUMBERS OF PERSONS RECONVICED

Time to reconviction	No.	%
Less than 2 years	345	25.3
2 years or more, less than 5	177	13.0
5 years or more, less than 7	74	5.4
7 years or more, less than 10	52	3.8
Not reconvicted in 10 years	717	52.5
	1365	100.0

The table indicates that if, say, a blanket ruling of 5 years for the rehabilitation period was made, then at least 126 (9.2%) persons in the sample who were decreed to be rehabilitated, would have been convicted again.

Figure 1 - Number of Persons not Reconvicted at Various Stages of the Post-Prison Period



NOTE: Years since first conviction.

SENTENCE

The Privacy Committee states that "The basic principle would seem to be that the length of the rehabilitation period should reflect the seriousness of the offence. To measure rehabilitation periods by seriousness rather than simply by statistical evidence of the likelihood of conviction is to recognise the retributive element in punishment". As sentence is the most reliable single indicator of offence seriousness it is an important factor in any decision on setting a rehabilitation period. The Act covering rehabilitation in the United Kingdom distinguishes between custodial and non-custodial offenders by setting a shorter period for the latter.

Table 2 sets out the numbers of persons given each of these types of sentence and the time taken for them to be convicted.

Table 2 - Reconviction rates for offenders under different sentences

	Non-custodial		Less than 6 months prison		6 months to 2 yrs.prison		Over 2 yrs. prison		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Reconvicted in less than 2 yrs.	258	22	62	50	23	47	2	18	345	25
Reconvicted in 2 & less than 5yrs.	140	12	23	19	11	21	3	27	177	13
Reconvicted in 5 & less than 10yrs.	113	9	7	6	3	5	2	18	125	9
Not reconvicted in 10 yrs.	669	57	31	25	14	27	4	36	717	53
	1179	100	123	100	51	100	11	100	1364	100

Sentence was not known in one case

It should be noted that as there were only 11 cases in which a person was sentenced to over 2 years imprisonment and it is not known how long they actually spent in gaol, no conclusions can be drawn about this group.

The table shows that those given non-custodial sentences were much less likely to be reconvicted within the 10 years than those given prison sentences of less than 2 years. Nearly half of the offenders given short prison sentences (under 2 years) were convicted of a further offence within 2 years of the first case being determined despite their spending part of the time in prison. On the other hand only little over one fifth of those given non-custodial sentences were reconvicted within 2 years. It therefore appears that persons given non-custodial sentences differ from those given short prison sentences in two ways: 1, fewer non-custodials are reconvicted and 2, they re-convict more slowly.

TYPE OF OFFENCE

While sentence is probably the best indicator of seriousness, the type of offence is closely related.

Table 3 - Reconviction (for any offence) rates for persons convicted of different types of offences

	Offences against the person		Sexual offences		Robbery		Fraud & Deceptive Practices		Other Property Offences		Driving Offences		Miscellaneous		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Reconvicted in less than 2 yrs.	25	28	10	32	1	20	10	28	141	29	52	16	106	28	345	25
Reconvicted in 2 & less than 5 yrs.	23	25	9	30	2	40	4	12	52	11	47	14	40	10	177	13
Reconvicted in 5 & less than 10 yrs.	5	6	2	6	1	20	3	9	40	7	44	13	31	8	126	9
Not reconvicted in 10 yrs.	37	41	10	32	1	20	18	51	260	53	185	57	206	54	717	53
	90	100	31	100	5	100	35	100	493	100	328	100	383	100	1365	100

Appendix II contains a listing of the offences in each of these offence categories.

There were also variations in the likelihood of reconviction with the type of offence. Table 3 shows that the reconviction rate for persons convicted of robbery, assault and sexual offences was higher (78 in 126) than the rate of other property, driving and fraud offenders (393 in 856). However, almost all (70 in 78) of these subsequent offences occurred in the first 5 years. It appears that the classes of offender who are most likely to have subsequent convictions in the ten year period are also the ones who will be reconvicted soon after their original conviction.

This result for the different types of offenders is similar to that for sentence. These results are not independent as there was a relationship between type of offence and sentence imposed. The more serious offences robbery, assault and sexual offences tended to have the custodial penalties.

Previous Convictions

The offender's past record is perhaps another factor which could be used in determining a rehabilitation period because it is currently being used in bail decisions and sentencing. Previous convictions, therefore, will also be correlated with sentence. In fact Table 4 shows that offenders with criminal records in this sample did reconvict more often and they reconvict more rapidly, so that if an offender with previous convictions can stay out of trouble for five years, that offender is no more likely to reconvict afterwards than a first offender.

Table 4 - Reconviction rates for previous offenders and first offenders

	Previous Offenders		First Offenders		Total	
	No.	%	No.	%	No.	%
Reconvicted in less than 2 yrs.	250	36	87	13	345	25
Reconvicted in 2 & less than 5 yrs.	116	16	61	10	177	13
Reconvicted in 5 & less than 10 yrs.	68	9	58	9	126	9
Not reconvicted in 10 years	275	39	442	68	717	53
	717	100	648	100	1365	100

AGE OF OFFENDER

As pointed out by the Privacy Committee in their background paper adolescents form a somewhat special case as they make up a large section of the offenders but in many cases the adolescent has been through a difficult period of adjustment which he has quickly out-grown. In order to help young people at a time when they are looking for a job and trying to establish themselves, the U.K. Act provides that a person under 18 would be rehabilitated:

- (a) for all non-custodial sentences in 2½ years
- (b) for custodial sentences of less than 2 years - 5 years
- (c) for custodial sentences of greater than 2 years on application only.

Table 5 - Age of Reconvicted Persons

	Less than 16 years	16-18 years	19-24 years	25-29 years	30-34 years	35-39 years	More than 40 years	TOTAL
	No.	No.	No.	No.	No.	No.	No.	No.
	%	%	%	%	%	%	%	%
Further Conviction in 10 years	34	161	207	60	70	35	79	646
No Further Conviction in 10 years	10	86	195	88	79	70	188	716
	44	247	402	148	149	105	267	1362

Age was not known in three cases.

This study shows that young defendants were more likely than those in older age groups to be convicted of a further criminal offence. Almost four out of five under the age of 16 incurred a further conviction in the 10 year period and just over half of the 19-25 year olds had a further conviction. Less than a third of those over 40 years were reconvicted.

These results are in line with those found for courts of Petty Sessions.¹ Over 40% of appearances in courts of Petty Sessions are persons under 25 years of age. As young persons commit more offences than older ones, it is not necessarily surprising that they have a higher reconviction rate.

Table 6 - comparison of reconviction rates for persons over and under 18 years of age

	18 yrs. & under		Over 18 years		Total	
	No.	%	No.	%	No.	%
Reconvicted in less than 2 yrs.	117	40	227	21	344	25
Reconvicted in 2 & less than 3yrs.	16	5	46	4	62	4
Reconvicted in 3 & less than 4yrs.	23	8	41	4	64	5
Reconvicted in 4 & less than 5yrs.	13	4	38	4	51	4
Reconvicted in 5 & less than 10yrs.	26	9	99	9	125	9
Not reconvicted after 10 yrs.	96	34	620	58	716	53
	291	100	1071	100	1362	100

Table 6 shows that juveniles reconvict sooner than adults. A much higher proportion of juveniles reconvict in the first 2 years whereas there is only a slight difference between the 2 groups in the following 2 years and no difference between them after 4 years. When considering rehabilitation periods of between two and ten years there is no need to discriminate against juveniles as after 2 years juveniles have a similar proportion of reconvictions to adults.

SEX OF OFFENDER

This variable differs from the others in that it is not a likely basis for varying the rehabilitation period. It is nevertheless interesting as there is a marked difference between males and females in both the number in the sample and in the proportion that had a further conviction within 10 years. This result roughly corresponds to that found in court statistics² where only 10% of offenders are female and those females, with the exception of prostitutes, are less likely than males to have previous convictions.

1. Bureau of Crime Statistics and Research: Court Statistics 1975.

2. Bureau of Crime Statistics and Research: Court Statistics 1976.

Table 7 - Sex of Reconvicted Persons

	Males		Females		Total	
	No.	%	No.	%	No.	%
Further convictions	600	49.6	47	30.5	647	47.4
No further convictions	610	50.4	107	69.5	717	52.6
	1210	100.0	154	100.0	1364	100.0

The sex of one person was not known.

COMPARISON WITH RESULTS OF THE HOME OFFICE STUDY

Table 8 - Numbers of reconvicted persons in the Home Office study and this study

	Bureau Study	Home Office Study
	1365 cases	4000 cases
	%	%
Reconvicted within 5 years	38.2	52.7
Reconvicted in 5 & less than 10 yrs.	9.2	4.0
Reconvicted after 10 years	Unknown	Negligible

Overall a lower proportion (38.2%) of persons were reconvicted in the first five years

9.2% of persons in the Bureau study were reconvicted between 5-10 years after the first offence. The proportion was less than 4% in the Home Office study.

Table 9 - Reconviction rates of first offenders vs other offenders in the Home Office study and this study

	Bureau Study		Home Office Study	
	Previous offenders	First offenders	Previous offenders	First offenders
	717 cases	648 cases	2,200 cases	1,800 cases
	%	%	%	%
Reconvicted in less than 2 yrs.	52	23	67	36
Reconvicted in 5 & less than 10 yrs.	9	9	3	4
Not reconvicted in 10 years	39	68	30	60
	100	100	100	100

Both studies found a large difference in numbers of reconvictions between first and multiple offenders in the first five years, but little difference between the two groups between 5 and 10 years.

The rehabilitation periods calculated for Britain cannot be simply adopted for N.S.W. For instance, in Britain the risk that an officially rehabilitated person will commit an offence was calculated to be less than 4% for those with non-custodial sentence. Table 2 shows that 782 non-custodial offenders could be rehabilitated after 5 years and that at least 113 would be reconvicted. The corresponding risk in N.S.W. is therefore at least 15%.

The differences in the results of the two studies are probably more attributable to differences in sampling than to the differences in the criminal populations of the two countries. The main differences in sampling were that the Bureau's study included females and offences heard in Magistrates Courts. The results showed that females have a lower reconviction rate than males and so their exclusion would slightly increase the overall proportion reconvicted. The results on the effect of sentence and type of offence indicate that the more serious the first offence, the more likely the person was to be reconvicted and the sooner he was likely to be reconvicted. This suggests that the exclusion of summary offences from the Bureau study would increase the overall reconviction rate but decrease the proportion reconvicted in the later part of the rehabilitation period and make the results more comparable with those from the British study.

Two other factors may have contributed to the higher reconviction rate for N.S.W. The N.S.W. population from 1965-1975 had a higher proportion of young persons than the British population seven years earlier and young persons have higher reconviction rates. The other is the introduction of the breathalyser in N.S.W. in 1969. Approximately 16,000 breathalyser convictions are made each year. With many more convictions being made in the court in the latter part of the period being studied there is likely to be a higher reconviction rate in these years especially among young males.

If this assessment is correct then rehabilitation periods calculated from summary and indictable offences will prove a more accurate guide for legislation which is designed to cover both sorts of offenders.

DISCUSSION

The study showed that just under half (48%) of the offenders were convicted of a further offence within 10 years. The majority of the reconvictions occurred soon after the original offence and the number of reconvictions tapered off so that between the 9th and 10 years only 1% of the sample were reconvicted. The analysis of factors affecting reconviction rates produced four main results.

- . Sentence and type of offence both indicate that the more serious the first offence the more likely the person was to be reconvicted and the sooner he is reconvicted after this first offence. There is therefore no need to follow up people given custodial sentences for longer than those given non-custodial sentences. However it may be argued that in view of the more serious nature of the offence or the offenders criminal history, he does not deserve to be rehabilitated so soon.
- . The section on previous convictions showed that while a much smaller proportion of first offenders were reconvicted in the first five years, there was no difference between the two groups in the 5-10 years period. There is, therefore, no statistical reason for distinguishing between first offenders and others in respect of rehabilitation periods greater than five years. However, arguments based on incentive or retribution may suggest a shorter period for first offenders.
- . Younger offenders were more likely to be reconvicted than older offenders. However they also reconvicted faster so that the main differences in the two reconviction patterns occurred in the first 2 years. There is a case for having a shorter rehabilitation period for juveniles, based on the fact that they reconvict more rapidly than adults and their need for extra help and incentive at a time of life when many juvenile offenders reform.
- . Females were much less likely to be reconvicted than males

The N.S.W. Privacy Committee has been considering the overall question of the recognition of the rehabilitation of offenders in the light of the demands of the major users of criminal records ie. Police, the Public Service, Statutory bodies etc. including the various licensing boards and Courts.

PATTERNS OF RECIDIVISM FOR BREAK ENTER AND STEAL OFFENDERS

INTRODUCTION

In contrast to the first study which dealt with recidivism of a large sample covering a wide spectrum of offenders, this study looks at a smaller, more uniform group of offenders.

The first study showed that offence seriousness, previous convictions, age and sex were related to recidivism. Martin & Webster (1) analysed patterns of recidivism for different types of offence and found that (for the same offence) recidivism rates for the categories of breaking and entering, larceny and fraud were relatively higher than the recidivism rates for the categories of sexual and violent offenders. These latter groups were least likely to be reconvicted for offences of the same kind. They also found that, for their sample as a whole, there was a direct relationship between number of previous convictions and reconviction rates.

If patterns of recidivism do differ across criminal types then it may be useful to investigate the relationship between reconviction patterns and selected factors, such as prior convictions, age and court action, for a specific type of offence.

As indicated in the preface this study originated from a request for the Bureau's assistance with a study of deterrence for an honours degree thesis in psychology. The deterrence study aimed to relate behaviourist theories of deterrence to the criminal justice situation by seeing whether the offender is less likely to be reconvicted if the date of sentence is closer to the date of his offence. Break enter and steal offenders were chosen because the statistics for the higher courts suggest that they form a large relatively uniform group of offenders with a high rate of recidivism.

The data was collected for the thesis. However, it may also be used to study patterns of recidivism of break, enter and steal offenders and it is the purpose of this report to give the results of that analysis.

Data Collection

The sample consists of the first 200 male persons, aged 18 to 25 registered with the Office of the Clerk of Peace, Sydney, as from February, 1972, for trial or sentence at the Court of Quarter Sessions, Sydney (now the District Court), for the offence of break, enter and steal (B E S). The total population of B E S offenders convicted in 1972 numbered 1,392 of which approximately 900 were males aged 18-25.

Note that in 1972 all B E S charges were heard in the higher courts. Since August 1974 the Crimes Act has been amended so that B E S charges may be heard in the Courts of Petty Sessions. The Questionnaire used (see Appendix III) contained, for each offender, background variables followed by three tables relating to recidivism for offences up to August 1977.

- (1) Martin, J.P. and Webster, D. 'Social consequences of Conviction' Heinemann Educational Books, London, 1971.
- (2) Wilson, M., Unpublished fourth year honours thesis, School of Behavioural Sciences, Macquarie University, Sydney, 1978.

RESULTS

144 of the 200 offenders (72%) reoffended before August 1977. In comparison to the overall reconviction ratio (48%) found in the first study, this rate in five years is high. However this sample consists of young males convicted of indictable offences, a large proportion of whom had previous convictions. While these four conditions (age, sex, seriousness of offence and previous convictions) are not all independent, they are all factors which were found in the first study to be associated with a higher reconviction rate within a short period of time.

In four of the remaining 56 cases no records could be found. Only 41 of the 144 committed another B E S offence while 135 committed offences of other sorts (32 committing both B E S and other offences).

Table 1 - Convictions after the target offence

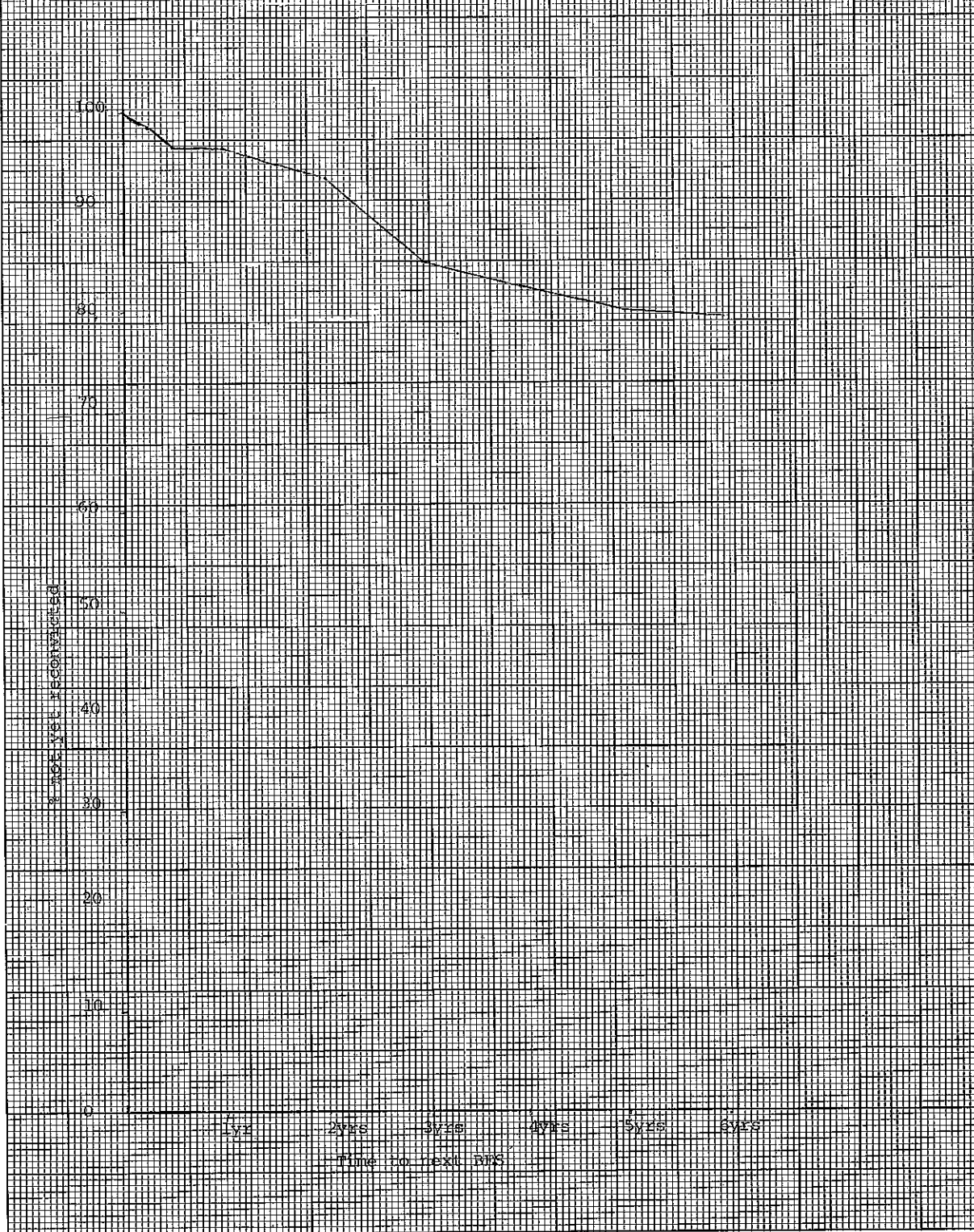
		Future B E S Offences		
		Yes	No	Unknown
Future offences of other kinds	Yes	32	103	- 135
	No	9	52	- 61
	Unknown	-	-	4 4
		41	155	4 200

The number of times the person reoffends after the target offence must be considered in the light of the amount of time for which the offender was free to commit further offences in the period being studied. Any times known to have been spent on remand or in prison were deducted from the time period from the 1st offence (or February 1972, whichever was later) to August 1977. The risk period calculated could be too long if the offender had further offences, as remand periods were not known for offences after the target.

Table 2 - Time Exposed to risk

	Number	%
0-1 year	13	6.5
1-2 years	8	4.0
2-2½ years	4	2.0
2½-3 years	12	6.0
3 -3½ years	19	9.5
3½-4 years	22	11.0
4-4½ years	21	10.5
4½ - 5 years	33	16.5
5-5 years 8 months	64	32.0
Unknown	4	2.0
	200	100.0

Figure 1. Time from release to next BPS offence.



In three cases the offender was deported or died shortly after the target offence. Only about a third of the sample were free for the whole period under study.

Data was collected on the date of the next break enter and steal offence so that the time to the next offence could be calculated. The figure (figure 1) shows the time to the next break enter and steal offence from either the date of sentence or the date of release from prison for those with custodial sentences. It indicates a trend for more persons to reoffend soon after they are released and then for fewer to be reconvicted with time. However there are a relatively large number reconvicted 2-3 years after their release.

Offender Characteristics and Recidivism

Data was collected on five characteristics of the offenders. The offender's suburb of residence and occupation did not appear to be related to recidivism. The other three variables, marital status, age and previous convictions are discussed below. For the purposes of discussion, simplified tables are presented in this section; further details are presented in Appendix IV.

Marital Status

The offenders were divided into three categories, single, married or living together, separated or divorced.

Table 3 - Marital Status

	Sample		H.C. 1972 BES offenders	
	No.	%	No.	%
Single	169	85	952	68
Married or living together	23	11	357	26
Separated or divorced	8	4	83	6
	200	100	1392	100

The vast majority (85%) of offenders in the study had never been married. This was higher than the overall proportion for higher court BES offenders for 1972 almost certainly because only young men were chosen for the sample.

Marital status was analysed with recidivism as it might be predicted that married persons would be less likely to reoffend. There appeared to be no difference between the groups in their likelihood of committing further break enter and steal offences. However, Table 4 shows that there was such a difference for later offences other than break enter and steal.

Table 4 - Marital Status and Recidivism

	Single Separated*		Married Living Together		Total No.
	No.	%	No.	%	
Not reconvicted for a non BES offence	49	28	12	52	61
Reconvicted for a non BES offence	124	70	11	48	135
Unknown	4	2	-	-	4
	177	100	23	100	200

* As there only 8 persons in this category they were grouped with the single offenders.

Age of offender

The sample was chosen to be made up of 18 to 25 year olds. Table 5 shows that the 18 and 19 years age groups were much larger than the others and together made up 41% of the sample.

Table 5 - Age of Offender

Age	Sample	H.C. 1972 male BES	H.C. 1972 all males
18	42	197	594
19	40	170	500
20	21	142	388
21	22	89	272
22	22	95	270
23	17	84	232
24	26	62	213
25	8	grouped with other ages	grouped with other ages
Unknown	2		
Total	200		

Table 5 A - Age and Subsequent Other Offence

	Under 20		Over 20		Unknown	Total
Subsequent other offence	65	79.3	69	59.5	1	135
No subsequent other offence	14	17.1	43	37.1	1	58
Unknown	3	3.6	4	3.4	0	7
Total	82	100.0	116	100.0	2	200

Table 5 B - Age and Subsequent B E S

	Under 20		Over 20		Unknown	Total
Subsequent other offence	19	23.2	22	19.0	0	41
No subsequent other offence	61	74.4	92	79.4	2	155
Unknown	2	2.4	2	1.6	0	4
Total	82	100.0	116	100.0	2	200

Table 5 A shows that younger offenders have a much higher probability of reconviction for offences of all sorts, and is probably related to the facts that young persons commit more offences than older ones (Table 5) and that they reconvict more quickly (see first study). However, this tendency is not evident for subsequent BES offences (Table 5 B) where there is no obvious difference between younger and other older offenders. This suggests young persons are more likely to be reconvicted for a non- BES offence than are older ones.

Table 6 shows that the younger offenders were more likely to receive non-custodial sentences so that greater opportunity may also contribute to a higher probability of reconviction during the following 5 years.

Table 6 - Age and court outcome at target offence

	Under 20		20 over		Unknown	Total
	No	%	No	%	No	No
Non custodial sentence	42	51	43	37	1	86
Custodial sentence	40	49	72	62	-	112
Unknown	-	-	1	1	1	2
	82	100	116	100	2	200

Previous convictions

Of the 200 offenders, 155 had 1 or more previous convictions and 94 of the 155 had at least 1 previous BES conviction. 155/200 or 77% is only slightly higher than the proportion for all males appearing at higher courts in 1972 with 1 or more previous convictions i.e. 73%.

Table 7 - Previous convictions (any sort) and further convictions

A. Further non break enter and steal offences

Future Convictions	Previous convictions		No previous convictions		Total
	No	%	No	%	No
Not BES					
Yes	109	70	26	58	135
No	44	28	17	38	61
Unknown	2	2	2	4	4
	155	100	45	100	200

B. Further break enter and steal offences

Future BES Convictions	Previous BES convictions		No previous BES convictions		Total
	No	%	No	%	No
Yes	28	30	13	12	41
No	65	69	90	85	155
Unknown	1	1	3	3	4
	94	100	106	100	200

People with previous BES offences are more likely than others to recidivate with a BES offence (Table 7 B). People with previous convictions of any sort are extremely likely to recidivate (70%) with a non BES offence (Table 7A).

Court Procedure and Recidivism

Four factors relating to the progress of an offender's case through the court were examined. Time to arrest and bail were found to be related to recidivism. These are discussed below.

Practically all (191/200) the offenders pleaded guilty to having committed the target offence so there was no opportunity to analyse the effect of plea on recidivism or other variables.

Court Action

Table 8 sets out court action for the target offence.

Table 8 Court Action

Recognizance only	4
Recognizance with fine	11
Recognizance with probation	29
Recognizance with probation and fine	42
Under 1 year prison	15
1 and under 2 years prison	29
2 and under 3 years prison	51
4 and under 5 years prison	14
5 and under 10 years prison	2
Committed to an institution	1
Unknown	2
	200

Over half (112) or 56% of the offenders were sentenced to prison for their offence. The others were given a recognizance. This corresponds to the sentencing pattern for B E S offenders generally in 1972 where 52% were sent to prison.

The recognizances took the form of suspended sentences so that if an offender broke the terms of his recognizance by committing another offence he would be sent to prison. The recognizances were usually accompanied by supervision by the probation and parole service or a fine.

Table 8 (A) - Court Action and Subsequent other offences

	Custodial		Non-Custodial		Total
		%		%	
Subsequent other offences	74	66.1	61	69.3	135
No subsequent other offences	33	29.4	25	28.4	58
Unknown	5	4.5	2	2.3	7
Total	112	100.0	88	100.0	200

Table 8 (B) - Court Action and Subsequent BES

	Custodial		Non-Custodial		Total
Subsequent B E S offences	27	24.1	14	15.9	41
No subsequent B E S offences	82	73.2	73	83.0	155
Unknown	3	2.7	1	1.1	4
Total	112	100.0	88	100.0	200

Custodial sentences were no more likely than others to be related to lower recidivism, see Tables 8(A) and 8(B). In fact, if anything, custodial sentences for BES offences were likely to precede future BES offences. It should be remembered that both recidivism and sentence are related to previous criminal history.

The offender's previous convictions appear to be an important factor in the decision to give custodial sentence as only 11 first offenders received custodial sentences.

Time from target offence to arrest

Most offenders were arrested very shortly after the offence. 56 were arrested on the same day as the offence - most probably caught at the scene of the crime.

Table 9 - Time from Target Offence to Arrest

Within 1 day	56
Over 1 day to 1 week	60
Over 1 week to 1 month	37
Over 1 month to 2 months	21
Over 2 months to 3 months	8
Over 3 months to 6 months	9
Over 6 months to 1 year	6
Over 1 year to 2 years	2
Over 2 years	1
	200

It appears that those arrested within a day were less likely to commit further offences than those arrested after one day.

Table 10 - Time to Arrest and Reconviction for Non B E S Offences

	Arrested within a day		Arrested after a day		Total
	No.	%	No.	%	
No further conviction	22	39	39	27	61
Further conviction	32	57	103	72	135
Unknown	2	4	2	1	4
	56	100	144	100	200

People caught after the day of the crime are slightly more likely to have previous convictions than those caught on the day. Whether their criminal record assists in their detection, or whether perhaps the first offenders are easier to catch at the scene of the crime can only be speculated on.

This effect was not in evidence for subsequent BES offences. (See Appendix 4).

Table 11 - Time to Arrest and previous convictions (all sorts)

	Arrested within 1 day		Arrested after 1 day		Total
	No	%	No	%	No
No previous convictions	18	32	27	19	45
Previous convictions	38	68	117	81	155
	56	100.0	144	100.0	200

The combined effect on recidivism of time to arrest and previous convictions was examined. It was found that 74% of the 117 persons with both previous convictions and more than one day to their arrest had further convictions for non-B.E.S. offences and 27% had further B.E.S. convictions. The proportion was only 59% for non B.E.S. and 12% for B.E.S. for the other offenders studied. No further breakdown of the combined group could be made because of the small numbers involved.

Bail at Target Offence

Table 12 - bail and reconviction for non B E S offences

	Bail		Remand		Unknown	Total
	No.	%	No.	%	No	No
Further conviction	57	62	77	72	1	135
No further conviction	33	36	28	26	-	61
Unknown	2	2	2	2	-	4
	92	100	107	100	1	200

Less than half of the offenders were released on bail. Those released on bail were less likely to reconvict for a non break enter and steal offence. However the bail decision showed no relationship with the offender's likelihood of committing another break enter and steal offence. See Appendix IV.

Some correlation between the bail decision and the person's likelihood of reconvicting might be expected because one of the criteria for denying bail has been the person's previous convictions, which also altered the offender's likelihood of being reconvicted. In fact of the 45 persons with no previous convictions, only 7 were denied bail.

TYPES OF OTHER CONVICTIONS

Types of convictions prior to the Target

135 offenders in the sample had committed a total of 822 previous offences. 14 offenders had at least 10 previous convictions even though they were under 26 years old. (See Table 13)

25% of the 822 were BES, a further 32% were for larceny and 9% were for other types of property offences. Altogether 66% of previous convictions were for property crimes. Table 15 shows that property offences only make up about 22% of all convictions in a year.

Driving offences (10%) were the next most frequent types of previous convictions. However, it must be remembered that driving offences make up about 30% of court convictions. The assault category includes sexual offences and is made up of a wide variety of offences including minor scuffles, carnal knowledge, or serious bashing.

The 'victimless' crimes (drunkenness, drugs, vagrancy) with 7%, and offensive behaviour with 5%, were the other main categories of offences. Only 10 of the offenders had records under the Child Welfare Act which covers neglected and uncontrollable children.

The results show the sample offenders concentrated their activities on property offences, mainly larceny and break enter and steal.

Table 13 - Number and Type of Previous Convictions

	Conv just prior to target	Conv before that	3rd prior conv.	4th prior conv.	5th prior conv.	6th prior conv.	7th prior conv.	8th prior conv.	9th prior conv.	10th prior conv.	11th-15th prior conv.	16th-20th prior conv.	TOTAL No. % of convs. before the courts in 1976	Approximate* distribution
Break enter and steal	48	33	32	25	20	17	13	7	4	3	6	-	208	25
Larceny	52	52	42	40	21	12	14	11	7	2	6	4	263	32
Other offences/property enter without cause evade fare	13	13	7	5	6	12	3	5	2	3	4	1	74	9
Sub total	113	98	81	70	47	41	30	23	13	8	16	5	545	66
Driving offences	16	18	14	10	12	3	2	2	5	-	3	1	86	10
Offences against the person/sexual	7	9	9	7	6	6	3	2	1	1	-	-	51	6
"Victimless"- Drugs														
Drunk Vagrancy	9	10	5	10	5	4	5	2	2	2	4	-	58	7
Begging Betting	6	2	4	4	8	4	3	2	-	1	1	1	36	5
Offensive behaviour	4	3	3	-	-	-	-	-	-	1	-	-	11	1
C.W.A.	-	4	6	7	5	4	3	2	1	1	1	1	35	4
Other	-	4	6	7	5	4	3	2	1	1	1	1	35	4
													822	100

* The Bureau of Crime Statistics and Research has four separate collections of offences from the Courts of Petty Sessions offences from the Courts of Petty Sessions: drugs, drunks, drink/drive and other Petty Sessions offences (excluding traffic violations and some other minor offences). The Australian Bureau of Statistics collects data on appearances before the District and Supreme Courts. These five collections should strictly not be amalgamated; this distribution therefore is only an estimate of the proportions of convictions for the various types of offences.

Convictions at the same time as the Target offence

107 of the 200 offenders were convicted for a total of 211 other offences at the same time as the target offence. 149 of the convictions were for B E S offences.

Table 14 - Number of other convictions at the same time as the target

	No. of offenders
None	93
1	48
2	27
3	23
4	6
5	2
6	1
	200

Table 15 - Types of other convictions

	No. of offences	%
B E S	149	71
Larceny	44	21
Other property	9	4
Driving	3	1
Assault	3	1
Escape custody	2	1
Betting	1	1
	211	100

Almost all the offences were property related. The driving, assault and escape custody offences may also have occurred in connection with the property offences.

Type of convictions after the Target Offence

Table 16 shows that the offenders committed a further 533 offences before August, 1977. While 208 BES convictions made up 25% (See Table 13) of those committed before the target, they only made up 9% of those committed afterwards (See Table 16).

Again property offences made up the largest groups of convictions after the target offence as B.E.S., larceny and other property offences made up 39% of the total. In comparison with the offences committed before the target offence a smaller proportion of the offences committed after the target offence were for property crimes.

Driving offences made up 23% of convictions after the target and only 10% of those committed before the target. This change may be a result of the increased use of the breathalyser since 1970. In 1970 there were only 9557 breathalyser convictions whereas by 1976 this had jumped to 16,000. Breathalyser offences make up the vast majority of driving convictions recorded at the Criminal Records Office.

Table 16 - Convictions after the Target for non B E S Offences

	Next offence after target	2nd		3rd		4th		5th		6th		7th		8th		9th		10th		11th-15th		16th-21st		TOTAL	
		offence after target	target	offence after target	target	offence after target	target	offence after target	target	offence after target	target	offence after target	target	offence after target	target	offence after target	target	offence after target	target	offence after target	target	offence after target	target		No
B.E.S.	41	5	2	7	2	7	2	6	3	3	3	3	3	4	4	5	5	2	2	9	9	-	-	18	9
Larceny	18	18	11	7	11	7	6	3	3	3	3	3	3	4	4	5	5	2	2	9	9	-	-	86	16
Other offences/ property	25	12	10	3	10	3	3	4	4	5	4	5	4	4	4	1	1	3	3	5	5	2	2	77	14
Driving	32	27	16	11	16	11	10	7	7	5	4	5	4	4	4	3	3	3	3	3	3	3	3	124	23
Offences against the person	13	9	3	9	3	9	4	3	3	3	3	3	3	1	1	1	1	-	-	4	4	1	1	51	10
Victimless	2	12	8	9	8	9	4	3	4	3	3	1	1	2	2	1	1	1	1	3	3	-	-	46	9
Offensive behaviour	11	7	6	2	6	2	-	2	1	1	2	1	1	1	1	1	1	-	-	1	1	-	-	32	6
Law enforcement	11	9	7	5	7	5	5	1	1	1	1	1	1	-	-	-	-	1	1	3	3	2	2	45	9
Other	6	3	3	5	3	5	1	-	1	-	-	-	1	1	1	1	1	1	1	3	3	-	-	24	4
	159	102	66	51	66	51	33	23	19	17	13	11	11	31	31	8	8	533	100						

The category of offences against the enforcement of order includes resisting police escaping custody and breaking a recognizance. There were so few of these convictions before the target that they were included with a miscellaneous group of other offences. They made up 8% of those committed after the target offence.

DISCUSSION

Age, sex, marital status and sentence were the four variables on which the sample could be compared to the population of break enter and steal offenders for 1972. Most differences between the sample and the population could be accounted for by the fact that the sample was restricted to males aged 18-25. In particular there were more single men in the sample than in the population. The proportion of offenders from the sample sent to prison was similar to that in the population.

As in the first study, this one showed that younger persons are more likely to be reconvicted. In addition, the first one showed that males were more likely to be reconvicted than females. Hence it is probable that the reconviction rate in the sample is higher than that of the population of B E S offenders, and should not be used incautiously as a general indicator of reconviction rates. The result of lower age being associated with increased likelihood of subsequent conviction is interesting as this tendency was not evident for subsequent B E S offences.

The offender's previous history of B E S offences was the variable most strongly related to the offender's reconviction for a future B E S offence. Two factors may be involved here. One is the tendency for the offenders in this study to concentrate on property offences. The other is police methods of detection; suspects for an offence may be narrowed down by examining the records for persons who have committed similar offences in the past, in which cases offenders are more likely to be reconvicted for a similar offence.

The variables which appeared to be related to recidivism for non B E S offences were, age, previous convictions, bail and time of arrest. Some of these variables, for instance bail and previous convictions were also related to each other. The results for age and previous convictions were in line with the general results found in the first study. A shorter time from offence to arrest corresponded to a lesser likelihood of reconviction. This may be explained by the fact that a shorter time to arrest also corresponded to no previous criminal history. However other factors, such as quick arrest having a deterrent effect may play a part.

The examination of the number and type of convictions committed before and after the target offence showed that property offences made up 66% of offences committed before the target and 40% of those committed after the target. In particular B E S offences made up 25% of those committed previously and only 9% of those afterwards. While the offenders concentrate on property offences this tendency is not strong enough to support the theory that a person's next offence can be predicted from his past behaviour.

While a sample of 200 cases is too small to draw any firm conclusions, the major results showing relationships with recidivism only for previous conviction, age, bail and time to arrest, suggest several hypotheses about the criminal process and the prediction of recidivism.

It is interesting that custodial sentences did not appear to have a deterrent effect. In fact, if anything, custodial sentences for B E S offences were more likely than other sentences to be followed by further B E S offences. This result is in line with the findings of the first study. (Page 5 Table 2). It should be remembered however that both recidivism and sentence are related to previous criminal history.

The strong relationship between previous conviction and the probability of reconviction may partly be an artifact of police detection methods. The more information the police can build up about an offender the greater is the chance that the offender will be caught if he commits a further offence, especially if that further offence is similar in nature to the ones already on the file. This effect may also partly account for the result that the sample offenders concentrated their activities on property offences.

The results showing a relationship between time of arrest, previous convictions and recidivism (Table 11) suggest that first offenders are easier to detect at the scene of the crime or that those with previous convictions are more easily detected after the day of the offence, by virtue of police records. The most likely reason for the correlation between time to arrest and recidivism appears to be that those arrested on the day of the offence are usually first offenders and hence less likely to reconvict. Whether the quick arrest acts as a deterrent or not can only be speculated upon.

The results of this study of break enter and steal offenders are generally in concurrence with the findings of the first study, regarding the relationships between previous convictions, age, court action, and recidivism. A further study, however, geared more specifically to these and other hypotheses discussed in this section, would be needed to establish the results more definitely.

APPENDIX I

RECIDIVISM AND CRIMINAL RECORDS STUDY

1. Serial number.....
2. Name of offender.....
Alias if any.....
3. Sex of offender: Male 1, Female 2.....
4. Date of Birth.....
5. Country where born.....
6. Year of arrival in Australia.....
7. Previous history before 1/1/'65 (Yes 1, No 2)
Dealt with by Children Court for
Indictable offence.....
Summary offence.....
Dealt with by Other Courts for
Indictable offence.....
Previous convictions (Before 1/1/65)
Yes 1, No 2.....
8. Date of conviction (i.e. 1965).....
9. Principal offence.....
10. Total number of convictions by court on that date (in 1965).....
11. Action taken on principal offence.....
12. Jurisdiction of court.....
1. Supreme Court
2. District Court (Quarter Sessions)
3. Petty Sessions
4. Children's Court.

NEXT CONVICTION

13. Was offender convicted of another offence/s after date shown in question 8?
Yes 1; No 2;.....
14. If YES date of conviction of next offence.....
15. Elapsed time between date in question 8 and date in question 14
16. Principal offence.....
17. Action taken in relation to principal offence.....
18. Jurisdiction of court.....
1. Supreme Court
2. District Court (Quarter Sessions)
3. Petty Sessions
4. Children's Court
19. Where was this conviction recorded?.....
1. New South Wales
2. Outside New South Wales.

APPENDIX II- OFFENCE CATEGORIZATION

OFFENCE AGAINST THE PERSON

Murder	1
Attempted murder	2
Manslaughter	5
Assault with actual bodily harm	6
Apprehended violence	1
Assault child	2
Common assault	35
Assault constable	11
Assault female	25
Assault railway worker	1
Attempted abortion	1
	<u>90</u>

SEXUAL OFFENCES

Carnal knowledge - girl under 10	1
" " girl 10-16	15
" " procured by drugs	1
Indecent assault on female	6
Indecent assault on male	1
Indecent act with male	3
Solicit or procure indecent act with male	4
	<u>31</u>

ROBBERY

Robbery whilst armed	2
Robbery with violence	2
Robbery with wounding	1

FRAUD - DECEPTIVE PRACTICES

Forge - utter	7
Fraud	<u>28</u>
	35

DRIVING OFFENCES

Dangerous driving	78
Drive whilst disqualified	7
Drunken driving	<u>243</u>
	328

(...Appendix II)

MISCELLANEOUS OFFENCES

Prostitution and related offences	22
Accessory after the fact	1
Escape from lawful custody	1
Bribery	1
Resisting arrest etc.	12
Trespassing etc.	19
Unlawful procession	1
Obstruction	2
Drunk in public place,	2
Indecent or obscene exposure	24
Unseemly words	45
Offensive behaviour etc.	86
Publish indecent article etc.	1
Found with intent	3
Beg for alms	1
Vagrancy	23
Betting offences	47
Bigamy	1
Fare evasion	1
Offences against liquor laws	9
Smuggling/illegal import	1
Unlicensed firearms etc.	21
Unknown	9
	<hr/>
	383

APPENDIX III

Defendant _____
Surname Initial

- 1. Date of birth
- *2. Residence (suburb) (No fixed abode 1).....
- *3. Occupation (Labourer 1; Unemployed 2; Others state fully)...
- *4. Marital status (Single 1; Married/ living together 2; Others 3; Separated/Divorced 4).....

I TARGET OFFENCE AND RECONVICTIONS FOR B.E.S.

Convictions	Target Offence	1	2	3	4																																																												
5. Date of arrest.....	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																												
6. Date of offence	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																												
7. Bail 1 remand 2.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																												
8. Plea entered Guilty 1 Not guilty 2 No plea 3.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																												
9. Date of sentence.....	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																												
10. Action taken (insert code)....	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																												
11. Prison sentence (months).....	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																												
12. Non-parole period (months)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																												
13. List of other charges for which also convicted at the same time as conviction for B.E.S (code or state fully above).....	<table border="1"> <tr><td>1</td><td>2</td><td>3</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td>4</td><td>5</td><td>6</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> </table>	1	2	3	<input type="text"/>	<input type="text"/>	<input type="text"/>	4	5	6	<input type="text"/>	<input type="text"/>	<input type="text"/>	<table border="1"> <tr><td>1</td><td>2</td><td>3</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td>4</td><td>5</td><td>6</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> </table>	1	2	3	<input type="text"/>	<input type="text"/>	<input type="text"/>	4	5	6	<input type="text"/>	<input type="text"/>	<input type="text"/>	<table border="1"> <tr><td>1</td><td>2</td><td>3</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td>4</td><td>5</td><td>6</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> </table>	1	2	3	<input type="text"/>	<input type="text"/>	<input type="text"/>	4	5	6	<input type="text"/>	<input type="text"/>	<input type="text"/>	<table border="1"> <tr><td>1</td><td>2</td><td>3</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td>4</td><td>5</td><td>6</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> </table>	1	2	3	<input type="text"/>	<input type="text"/>	<input type="text"/>	4	5	6	<input type="text"/>	<input type="text"/>	<input type="text"/>	<table border="1"> <tr><td>1</td><td>2</td><td>3</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td>4</td><td>5</td><td>6</td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> </table>	1	2	3	<input type="text"/>	<input type="text"/>	<input type="text"/>	4	5	6	<input type="text"/>	<input type="text"/>	<input type="text"/>
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14. Date of imprisonment	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																												
15. Date of release	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																												

II ALL CONVICTIONS PRIOR TO THE TARGET OFFENCE

Convictions	1	2	3	4	5
16. Principal offence	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
17. Action taken (insert code)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

III ALL CONVICTIONS AFTER THE TARGET OFFENCE (EXCLUDING CONVICTIONS FOR B.E.S.)

APPENDIX III CONTINUED

<u>Convictions</u>	1	2	3	4	5
18. Principal offence.....					
19. Action taken (insert code)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
20. Date of sentence					
21. Date of imprisonment					
22. Date of release					

* = At the time of the target offence

APPENDIX IV - DATA SUMMARY FOR SUBSEQUENT CONVICTIONS

	Bail Remand	Single Separated	Married	Under 20	20 & over	<1 day to arrest	Arrest after 1 day	Non Custodial	Custodial	No Prev. Conv. (all sort)	Prev. Conv. (all sort)	No Prev. BES	Prev. BES
No subsequent BES													
Subsequent other convictions	44	58	96	7	48	54	25	78	49	54	23	63	40
No subsequent BES and no other convictions	29	23	41	11	13	38	20	32	22	28	17	27	25
Subsequent BES and subsequent other convictions	13	19	28	4	17	15	7	25	12	20	3	12	20
Subsequent BES and no subsequent other convictions	4	5	8	1	2	7	2	7	2	7	-	1	8
Unknown	2	2	4	-	2	2	2	2	1	3	2	3	1
Total	92	107	177	23	82	116	56	144	88	112	45	106	94

APPENDIX V

NOTES ON THE STATISTICAL ANALYSIS OF "RECIDIVISM AND CRIMINAL RECORDS"

The study, designed some years ago, was geared very much towards the potential recommendations of the Privacy Committee. The underlying presumption was that the criteria for destruction of records would be simple, possibly only univariate (e.g. time since last offence). The design of the study, in reflecting this concern, limited the potential to analyse the data collected to obtain a more theoretical understanding of factors affecting recidivism.

It would have been interesting, for instance, to explore further the interrelationships among the variables of age, sex, offences, previous convictions and action taken, all of which seemed to relate to the time taken to re-offend. At one stage it was hoped to explore these relationships using regression techniques, and see if the dependent variable, time elapsing before reconviction, would fit some sort of waiting time distribution.

A preliminary investigation of this possibility was in fact made. The data as a whole did not fit an exponential waiting time distribution.

It looked, visually, as if the data could have been a mixture of two distributions - one falling away quickly and one more like a background "noise". This would fit the N.S.W. Privacy Committee's concern for the "rare" offender, rather than the "regular". Taking the other factors mentioned above into account could help us to make this distinction more accurately. However since the data was a sample of offences rather than offenders, there was a bias towards the more frequent offenders, and the graph of waiting times could be skewed. For the purpose of studying recidivism patterns, a structured sample of offenders within a few major classes of offences would have been much more useful.

Two further and insurmountable problems with the raw data existed. There was no allowance for deaths, which over a ten year period could account for several of the people who appeared not to re-offend. More significantly, there was no record of the time spent in gaol (See P.3). It is obviously crucial, in any theoretical exploration of patterns of recidivism, to have a valid measure of "exposure to risk" of reconviction. The above two factors made such a measure unattainable.

With all these qualifications on the data, it was decided not to attempt a theoretical analysis. The analysis was restricted to the administrative purposes for which the data was obviously designed.