



# Research Bulletin

## Periodic Detention in NSW: Trends and Issues 1971-1991

**Angela Gorta**  
Chief Research Officer

**Research Bulletin No.16**  
**August 1991**  
**ISSN 0729 2422**

**NSW Department of Corrective Services**

Material published by the  
Research Division includes  
Research Digests, Research  
Bulletins, and Research  
Publications.



# Research Bulletin

Department of Corrective Services

## PERIODIC DETENTION IN NSW: TRENDS AND ISSUES 1971-1991

**Dr Angela Gorta**  
**Chief Research Officer**

**Research Bulletin No. 16**  
**Research & Statistics Branch**  
**Strategic Services Division**

**August 1991**

**ISSN 0729-2422**

## Table of Contents

1. Description and history	3
2. Use of Periodic Detention as a sentencing option	4
3. Who is sentenced to Periodic Detention?	5
a) Demographic characteristics	5
b) Changes in offence profile over time	6
4. Trends in sentence lengths	7
5. Breach rate	12
6. Benefits	12
7. Type of community work performed	13
8. Opinions about Periodic Detention	14
a) Opinions of judges and magistrates	14
b) Opinions of periodic detainees	15
c) Opinions of staff	15
9. Costs	15
10. Recent reviews of Periodic Detention in NSW	15
11. Future directions	17
a) Assessment prior to sentencing	17
b) Expansion of mid-week options	17
c) Conduct of educational courses in PDCs	17
d) Expansion of Periodic Detention Centres	18
e) Liaison with Judicial Commission of NSW	18
References	18
Appendix 1: History of Periodic Detention in NSW	20
Appendix 2: Most serious offence for periodic detainees held on 30th June	25

This paper seeks to gather information about Periodic Detention in NSW into one document. It examines trends and issues which have arisen during the first twenty years of the program's operation.

## 1. Description and history

Periodic Detention commenced as an alternative to full-time imprisonment in NSW in 1971. It is an order of the court which provides that a person serves a sentence of imprisonment on weekends (or any other two days during the week), remaining at liberty in the community during the rest of the week. Where this two day period coincides with Easter or Christmas, the Periodic Detention Centre (PDC) is closed but the period is counted as part of the sentence. If, for example, an offender were sentenced to a 12 month sentence of imprisonment to be served by way of Periodic Detention on weekends, that offender would spend 51 (or 50, depending on where Christmas fell that year) weekends in detention. Detainees report to the PDC at 7pm one night (e.g., Friday night) and remain until 4.30pm two days later (e.g., Sunday). During their two full days in detention, teams of detainees perform work in the community. Detention periods when the offender fails to attend because of sickness, etc. are added to, and hence served at, the end of the sentence. If the order is breached and subsequently cancelled, the detainee serves the unexpired portion of the sentence in full-time custody. Returning to the earlier example of an offender sentenced to 12 months periodic detention, if he were breached after attending 9 of the 12 months detention, the offender would have served approximately 39 weekends on periodic detention and the remaining 3 months (or approximately 90 days would be served in full-time custody).

Periodic Detention has its origins in New Zealand (Jenkins, 1969; New Zealand Justice Department, 1973; Stace, 1979). Jenkins (1969) noted that:

"... the Minister of Justice of New Zealand conceived the idea of a periodic detention centre for offenders of the age group 15 to

20 years, where they could be saved from a conviction and be made to work off their debt to the community in their spare time and still have to earn their own living. The first centre was established in Auckland in August 1963" (p. 94).

According to Jenkins, offenders suitable for periodic detention in New Zealand "must have been convicted of an offence punishable by imprisonment, must not have previously been sent to a detention centre or borstal, nor served a prison sentence exceeding one month". Physically or mentally retarded offenders, the emotionally unstable, the institutionalised, the vicious or persistent offenders, or those with bad work records were not considered to be suitable for periodic detention in New Zealand. In 1967 the New Zealand periodic detention scheme was extended to cater for adults as well as youths.

Australia and New Zealand are not the only countries to operate periodic detention schemes. Belgium, West Germany and Holland also operate systems of weekend imprisonment. In Holland weekend imprisonment is available only for sentences of two weeks or less, the majority of which are for drunken driving. In Belgium weekend imprisonment is an option for any offender who has a job and receives a sentence of two months or less. In West Germany courts can order the detention of young offenders aged 14-20 for between one and four weekends (Cavadino, 1985).

When it commenced in N.S.W. Periodic Detention was restricted to males, 18 years of age and over, who had not previously served a continuous term of imprisonment of more than one month's duration. Subsequently, eligibility for Periodic Detention has been broadened. Eligibility has been extended to: women (in 1977); to persons sentenced to six months of imprisonment or less in the seven years immediately prior to the date the sentence was imposed (in 1982); and in 1986 prior imprisonment was totally removed as a restriction.

Length of periodic detention imposed was initially limited to not less than three months and

not more than 12 months. In 1982 provision was made for offenders to earn remission off their sentence and the maximum term of imprisonment was extended from 12 months to 18 months. With the deduction of approximately one-third remission, it was not expected that this increase in maximum period would lead to offenders being detained for longer periods. In 1989 the Sentencing Act abolished the deduction of remission from all sentences of imprisonment, including sentences of periodic detention. In 1990 the maximum length of periodic detention was increased from 18 months to 3 years (remission was no longer deducted). The 1989 and 1990 legislative changes thus provided the first substantial increases in the maximum period of detention to be served since periodic detention was first legislated.

A second stage, Stage II of the Periodic Detention program, was established in 1978. Unlike Stage I detainees, Stage II detainees

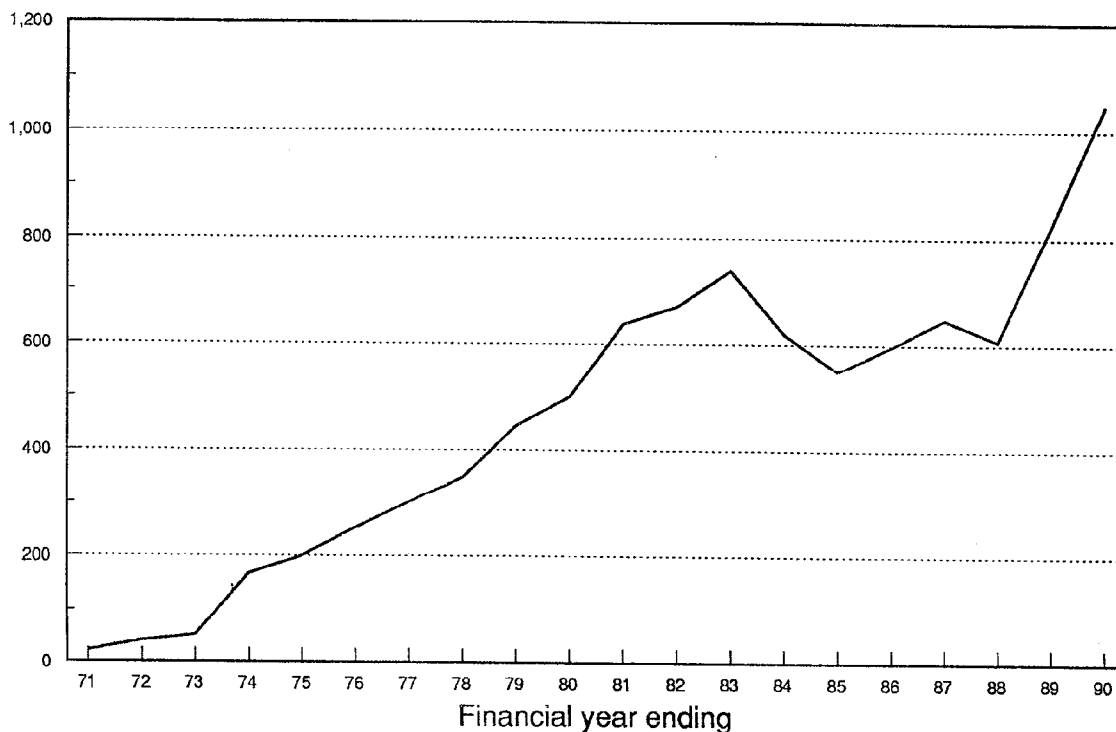
could report directly to their place of employment for community work without having to report to the PDC. Stage II is a non-residential program. To progress to Stage II a detainee must be assessed to have met certain criteria, including reliable work conduct and good behaviour during the term.

For more information on the history of Periodic Detention in NSW, please refer to Appendix 1.

## 2. Use of Periodic Detention as a sentencing option

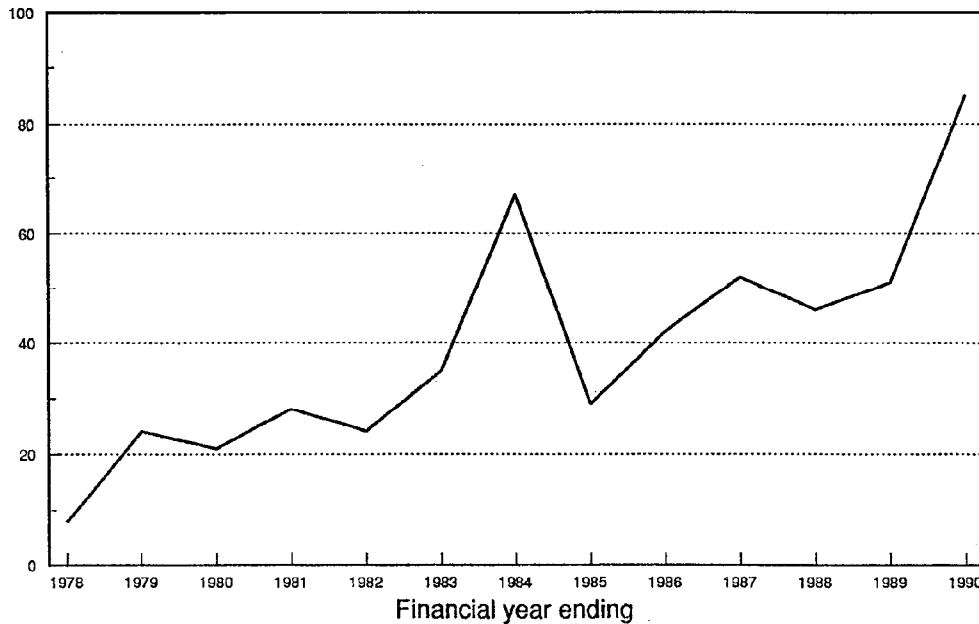
As can be seen from Figure 1 (male periodic detainees) and Figure 2 (female periodic detainees) the number of periodic detainees received into custody in NSW increased (up to 1982-83 for men and 1983-84 for women) then decreased in 1984-85 after which it increased again, with the sharpest increases occurring in

Figure 1: Number of Male Periodic Detainees Received



Source: NSW Dept. of Corrective Services Annual Reports. Prepared by Research and Statistics Branch.

**Figure 2: Number of Female Periodic Detainees Received**



Source: NSW Dept. of Corrective Services Annual Reports. Prepared by Research and Statistics Branch.

1988-89 and 1989-90 for male detainees and in 1989-90 for female detainees. The number of female periodic detainees received remains small in comparison to the number of male detainees received.

For the week ending 30th June, 1991 there were 1263 live warrants for periodic detention sentences. During this week 738 detainees attended periodic detention. Of the 525 who did not attend, 45 had lodged an appeal against their sentence, 50 were in full-time custody and 143 were in the process of being breached under Section 25 of the Periodic Detention Act. The remaining 287 were not attending through sickness, being on approved leave or being absent without leave.

The extent to which Periodic Detention is used only for offenders who would otherwise be sentenced to imprisonment is uncertain. Bray (1989) considered the extent to which "alternative options" (periodic detention and community service orders (C.S.O.) combined) were actually used as alternatives to imprisonment. When comparing the types of offenders given these alternative options he

found much greater similarity between those who were sentenced to these alternative options and those given bonds or fines than between those who were sentenced to these alternatives and those sentenced to a prison sentence of six months or less. While this suggests C.S.O. and periodic detention are not used as alternatives to imprisonment by magistrates, as Weatherburn and Bray (1990) have noted, because of the low frequency of periodic detention orders, Bray was forced to combine them with C.S.O's. The comparability of persons receiving periodic detention to those receiving C.S.O's or imprisonment remains an open question.

### **3. Who is sentenced to Periodic Detention?**

#### **a) Demographic characteristics:**

A profile of the characteristics of periodic detainees in N.S.W. was determined by interviewing detainees attending P.D.C. in January and February 1991 (Stathis and Gorta, 1991). At that time the proportions of detainees with different characteristics were as follows:

- \* **Country of birth:** 79% were Australian born.
- \* **Language:** 91% had English as their first language.
- \* **Aboriginality:** 6% were of Aboriginal or Torres Strait Island descent.
- \* **Age:** 12% were 18-24 years; 22% were 25-29 years; 66% were 30 years and over.
- \* **Marital Status:** 54% were currently single; 39% married or in a de-facto relationship; 6% were divorced or separated.
- \* **Employment:** 56% were currently employed; 34% were unemployed; 7% were on a pension and 2% were studying. 9% had been unemployed for two years or longer.
- \* **Educational background:** 48% lacked formal school qualifications. 29% had completed an apprenticeship. 11% were currently undertaking a course of study.
- \* **Prior imprisonment:** 19% had previously been committed to a juvenile institution. 27% reported having been previously sentenced to an adult gaol. Altogether 36% reported that they had previously either been committed to a juvenile institution or an adult gaol or both (Stathis and Gorta, 1991, p.1).

The annual Prison Census provides a profile of offenders incarcerated on one day of the year (30th June). With respect to periodic detention, it provides a profile of the types of offenders detained on the last weekend of the financial year. Prison Census information is available for the period from 1982 to 1990 (see Table 1). In order to examine longer term trends and to avoid annual fluctuations, the census data were categorised into three sets of 3 year periods (1982-84; 1985-87; 1988-90).

The age and marital status profile of periodic detainees appears to have changed over the three 3 year periods. The average age of detainees appears to be increasing with the average age increasing from 26.7 years in 1982-84, through 27.9 years in 1985-87 to 28.9 years in 1988-90. Fewer were married in

1982-84 (30.5%) than in later years (35.7% in 1985-87 and 35.4% in 1988-90).

There were no statistically significant differences in the proportion who were Aboriginal or who were non-Australian born over the three sets of 3 year periods.

#### **b.) Changes in offence profile over time:**

The types of offenders sentenced to Periodic Detention have changed over the years. A comparison of offence types for male periodic detainees received over a twenty year period is portrayed in Table 2. From this table it can be seen that in the early years (1971-72 and 1972-73) over half of the periodic detainees received had been sentenced for property offences (56.1% - 59.6%). During the ten financial years from 1973-74 to 1982-83, although property offenders continued to constitute a sizeable proportion (14.6% - 25.0%), over half of the male periodic detainees received were for driving or traffic offences (52.4% - 64.0%). The proportion sentenced for driving or traffic offences decreased after 1982-83. From 1982-83 to 1987-88 the proportion sentenced for drug offences increased, reaching a high of 31.2% in 1985-86.

Female detainees differ from male detainees in the types of offences for which they have been convicted. From Table 3 it can be seen that female offenders are most likely to have been sentenced to periodic detention for property offences (34.3% - 66.0%), fraud (10.7% - 38.1%) or drug offences (4.2% - 30.4%). They are less likely than their male counterparts to have been convicted of driving and traffic offences (2.4% - 9.6%). From Table 3 it can be seen that there has been a tendency for the percentage of female offenders placed on periodic detention for fraud offences to decrease and for drug offences to increase.

The above figures refer to the offences of the detainees received during each financial year. Information on the offences of those held during each census weekend is presented in Appendix 2.

**Table 1: PERIODIC DETAINEES: PROFILE OF CHARACTERISTICS OF DETAINEES IN CUSTODY ON LAST WEEKEND OF FINANCIAL YEAR, 1982-1990**

Characteristic	1982 (n = 253)	1983 (n = 245)	1984 (n = 261)	1985 (n = 272)	1986 (n = 297)	1987 (n = 383)	1988 (n = 422)	1989 (n = 525)	1990 (n = 829)
% known to be Aboriginal	2.8%	2.4%	1.9%	2.9%	2.0%	3.9%	4.0%	5.0%	3.5%
% married/ de facto	30.4%	33.1%	28.0%	36.0%	37.4%	33.4%	32.0%	26.1%	36.9%
% Australian born	74.3%	80.4%	82.4%	78.3%	76.1%	78.6%	80.1%	72.2%	80.0%
Average age (years)	26.5	26.8	26.9	26.7	28.6	28.3	28.6	28.3	29.4
% with known prior imprisonment	11.5%	22.9%	30.3%	27.6%	29.6%	21.7%	37.7%	N.A.	5.8%
% sentenced by higher (supreme or district) court	35.6%	44.1%	42.5%	48.2%	45.1%	38.4%	52.8%	44.6%	42.8%

N.A. = Not available

#### 4. Trends in sentence lengths

As stated earlier, a legislative amendment in 1990 extended the maximum potential term of periodic detention from 18 months to 3 years and the Sentencing Act 1989 had previously abolished the deduction of remissions from the period to be served.

Tables 4 (male periodic detainees) and 5 (female periodic detainees) portray trends in sentence lengths awarded to periodic detainees who commenced their sentences in different years. Comparison of sentencing patterns across the years is made difficult by the fact that approximately one-third remission was deducted from the time to be served for sentences handed down between April 1982 and September 1989. No remission was deducted from sentences awarded either before or after this time.

From Table 4 it can be seen that between 1974/75 and 1980/81 approximately half of the male detainees were given sentences of six months or less. From 1987/88 to 1989/90 less than one-quarter of the male detainees received such short sentences (remembering that for 1988/89 and until September 1989 approximately only two-thirds of the sentence would be served).

To date few offenders have been awarded the maximum detention period of three years. It is too early to be able to determine whether offenders awarded such lengthy sentences will complete their sentences.



**Table 2: OFFENCES OF MALE PERIODIC DETAINEES**

**Received during financial year ending 30th June:**

<b>Offence category</b>	<b>1971</b> (n=22) %	<b>1972</b> (n=41) %	<b>1973</b> (n=52) %	<b>1974</b> (n=166) %	<b>1975</b> (n=199) %	<b>1976</b> (n=252) %	<b>1977</b> (n=300) %	<b>1978</b> (n=347) %	<b>1979</b> (n=445) %	<b>1980</b> (n=500) %
Homicides	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Assaults & like offences	22.8	0.0	9.6	4.2	9.0	2.4	4.0	5.2	6.3	6.0
Sexual	4.5	4.9	1.9	3.0	1.0	1.2	1.0	1.2	1.1	0.9
Robbery & extortion	*	-	*	4.2	1.5	0.8	0.0	0.9	1.3	0.5
Fraud	0.0	0.0	0.0	3.0	3.0	4.0	5.7	4.0	4.5	6.5
Property offences	31.8	56.1	59.6	25.9	19.1	19.0	18.3	21.9	18.7	16.9
Driving, traffic, etc offences	31.8	29.3	21.2	53.1	57.4	57.9	64.0	55.3	60.1	60.1
Drug offences	**	**	**	**	**	12.5	5.3	7.5	5.1	5.9
Breach of recog/ C.S.O./P.D.	**	**	**	**	**	**	**	**	**	**
Other offences	9.1	9.8	7.8	6.6	9.0	2.2	1.7	4.0	2.9	3.2
<b>Offence category</b>	<b>1981</b> (n=638) %	<b>1982</b> (n=670) %	<b>1983</b> (n=738) %	<b>1984</b> (n=620) %	<b>1985</b> (n=549) %	<b>1986</b> (n=597) %	<b>1987</b> (n=648) %	<b>1988</b> (n=608) %	<b>1989</b> (n=825) %	<b>1990</b> (n=1048) %
Homicides	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.9
Assaults & like other offences	6.3	5.7	6.6	11.8	10.6	6.8	7.7	11.6	12.4	13.4
Sexual	2.2	1.2	0.9	1.1	0.5	3.6	3.7	4.3	6.1	5.2
Robbery & extortion	3.6	0.7	0.9	1.3	1.7	2.3	0.5	0.5	1.0	1.6
Fraud	5.5	4.6	4.2	4.2	3.2	4.4	3.5	5.8	4.9	4.1
Property offences	14.6	19.6	24.2	24.0	26.2	21.8	25.2	20.1	21.0	22.1
Driving, traffic, etc offences	59.6	58.8	52.4	40.0	35.4	22.8	26.9	26.6	33.1	34.3
Drug offences	6.4	6.1	7.8	11.5	16.1	31.2	25.6	24.2	14.0	9.5
Breach of recog/ C.S.O./P.D.	**	**	1.5	1.6	4.1	4.6	5.4	4.6	5.4	5.7
Other offences	1.9	3.3	1.5	4.5	2.2	2.5	1.5	2.3	2.1	2.2

Source: N.S.W. Department of Corrective Services Annual Reports 1971-72 to 1989-90.

\*Figures not separated, may have been included in "Assaults and like offences" category.

\*\* Figures not separated, may have been included in "Other offences" category.

**Table 3: OFFENCES OF FEMALE PERIODIC DETAINEES**

Received during financial year ending 30th June

Offence category	1979 (n=24) %	1980 (n=21) %	1981 (n=28) %	1982 (n=24) %	1983 (n=35) %	1984 (n=67) %	1985 (n=29) %	1986 (n=42) %	1987 (n=52) %	1988 (n=46) %	1989 (n=57) %	1990 (n=85) %
Homicides	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Assaults and like offences	4.2	4.8	0.0	4.2	2.9	4.1	3.1	2.3	0.0	6.6	0.0	11.8
Sexual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.9	0.0
Robbery and extortion	0.0	0.0	0.0	0.0	5.7	2.7	9.4	2.3	5.8	0.0	1.9	2.4
Fraud	12.5	38.1	25.0	33.3	14.3	23.3	23.3	18.6	11.5	10.9	17.3	10.7
Property offences	66.6	38.1	53.6	45.8	45.7	39.8	34.3	48.8	42.3	39.1	42.3	38.9
Driving, traffic, etc offences	8.3	9.4	3.6	4.2	5.7	9.6	3.1	4.7	5.8	8.7	5.8	2.4
Drug offences	4.2	4.8	10.7	12.5	11.4	13.7	21.9	20.9	21.1	30.4	25.0	21.2
Breach of recog/ C.S.O./P.D.	*	*	*	*	5.7	4.1	0.0	2.3	7.7	4.3	3.8	9.4
Other offences	4.2	4.8	7.1	0.0	8.6	2.7	6.3	0.0	5.8	0.0	1.9	3.2

Source: N.S.W. Department of Corrective Services Annual Reports 1978-1979 to 1989-1990.

\* Figures not separated, may have been included in "Other offences" category.

**Table 4: SENTENCE LENGTHS FOR MALE PERIODIC DETAINEES**

Received during financial year ending 30th June:

	1971 (n=22) %	1972 (n=41) %	1973 (n=52) %	1974 (n=166) %	1975 (n=199) %	1976 (n=252) %	1977 (n=300) %	1978 (n=347) %	1979 (n=445) %	1980 (n=500) %
3 mths & under 6 mths	27.3	22.0	21.2	41.0	52.3	58.0	58.0	49.9	51.9	49.9
6 mths & under 12 mths	31.8	31.7	34.6	41.0	27.6	24.2	22.3	33.4	31.1	38.0
9 mths & under 12 mths	9.1	7.3	11.5	7.8	9.0	8.3	11.0	5.5	8.7	6.0
12 mths & under 15 mths	31.8	39.0	32.7	10.2	11.1	9.5	8.7	11.2	8.3	6.1
15 mths & under 18 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
18 mths & under 21 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
21 mths & under 24 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
24 mths & under 27 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
27 mths & under 30 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
30 mths & under 33 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
33 mths to 36 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

**Table 4: SENTENCE LENGTHS FOR MALE PERIODIC DETAINEES - Continued**  
**Received during financial year ending 30th June:**

	1981 (n=638) %	1982 (n=670) %	1983 (n=738) %	1984 (n=620) %	1985 (n=549) %	1986 (n=597) %	1987 (n=648) %	1988 (n=608) %	1989 (n=825) %	1990 (n=1048) %
3 mths & under 6 mths	48.4	41.6	38.4	26.9	22.3	19.8	47.1	22.1	16.8	20.1
6 mths & under 9 mths	39.3	43.0	42.3	34.8	32.1	39.5	33.6	35.4	33.0	34.0
9 mths & under 12 mths	5.9	6.5	7.1	14.7	12.8	14.5	13.1	9.7	11.9	13.6
12 mths & under 15 mths	6.3	8.4	9.6	15.3	16.1	13.2	15.1	16.3	14.9	14.0
15 mths & under 18 mths	N.A.	0.1	0.8	2.3	2.9	2.7	2.9	2.1	4.4	2.7
18 mths & under 21 mths	N.A.	0.3	2.0	6.0	13.6	10.0	10.1	14.4	19.0	12.3
21 mths & under 24 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0.2
24 mths & under 27 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	1.2
27 mths & under 30 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0.0
30 mths & under 33 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0.7
33 mths to 36 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	1.4

Source: N.S.W. Department of Corrective Services Annual Reports 1971-72 to 1989-90.

N.A. = Penalty length not available at this time.

Sentences handed down prior to April 1982 or from 25th September 1989 were not subject to the deduction of remission. Sentences handed down between these dates were subject to the deduction of remission.

**Table 5: SENTENCE LENGTHS FOR FEMALE PERIODIC DETAINEES**  
**Received during financial year ending 30 June:**

	1978 (n = 8) %	1979 (n=24) %	1980 (n=21) %	1981 (n=28) %	1982 (n=24) %	1983 (n=35) %	1984 (n=67) %	1985 (n=29) %	1986 (n=42) %	1987 (n=52) %	1988 (n=46) %	1989 (n=51) %	1990 (n=85) %
3 mths & under 6 mths	37.5	66.6	66.6	67.8	50.0	60.0	44.8	16.6	28.5	36.5	39.6	17.6	24.8
6 mths & under 9 mths	12.5	29.2	23.8	25.0	45.8	17.1	32.8	33.3	33.3	34.6	29.2	25.5	37.6
9 mths & under 12 mths	12.5	0.0	4.8	3.6	4.2	5.7	7.5	16.6	11.9	7.7	12.5	9.8	7.1
12 mths & under 15 mths	37.5	4.2	4.8	3.6	0.0	17.1	10.5	13.3	11.9	5.8	8.3	27.5	9.4
15 mths & under 18 mths	N.A.	N.A.	N.A.	N.A.	0.0	0.0	0.0	3.3	0.0	1.9	0.0	5.9	1.2
18 mths & under 21 mths	N.A.	N.A.	N.A.	N.A.	0.0	0.0	4.5	16.6	14.3	13.5	10.4	13.7	17.6
21 mths & under 24 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0.0
24 mths & under 27 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	2.4
27 mths & under 30 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0.0
30 mths & under 33 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0.0
33 mths to 36 mths	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0.0

Source: N.S.W. Department of Corrective Services Annual Reports 1977-78 to 1989-90.

N.A. = Penalty length not available at this time.

Sentences handed down prior to April 1982 or from 25th September 1989 were not subject to the deduction of remission. Sentences handed down between these dates were subject to the deduction of remission.

## 5. Breach rate

A periodic detention order can be completed either by satisfactory attendance or by being breached for non-attendance, conviction for further offences or breaches of regulations. Of the 2755 people who had completed their periodic detention orders by 30th June 1981, only 488 had breached the conditions of the orders, comprising a failure rate of 18% (N.S.W. Department of Corrective Services, 1981). Breach rates varied between 12.8% and 25.0% during the first ten years of Periodic Detention, see Table 6 for more detail. Breach rates for those completing their periodic detention orders are not available after 1981. Hence it is not known what the effect of increasing the length of the maximum term of periodic detention has had on the proportion of detainees who breach their orders.

There have been no studies, to date, examining the reoffending patterns of offenders who have completed a term of periodic detention in N.S.W.

When comparing the criminal histories and reconvictions of those sentenced to community service and periodic detention in New Zealand, Leibrich (1984) concluded that: "... for people who have the same likelihood of reoffending prior to sentencing, there is unlikely to be any difference in reconviction rates following community service as opposed to periodic detention. ... Moreover since several factors other than the sentence received were shown

to be strongly related to whether or not a person was reconvicted, reconviction rates are unlikely to provide a sensitive measure of a sentence's effectiveness" (p. 194).

In a study to determine the relative effectiveness of residential versus non-residential periodic detention in New Zealand, 29 pairs of juvenile periodic detainees, half of whom were in a residential periodic detention program, and the other half were in a non-residential periodic detention program, were matched on 15 demographic and criminal history variables (New Zealand Department of Justice, 1979). From this study it was concluded that overall "neither the residential nor the non-residential setting could be regarded as more effective in preventing or limiting reconvictions" (p. 11). It is not known how well the findings based on a small number of New Zealand juveniles would generalise to adults in N.S.W.

## 6. Benefits

Prior to its introduction in N.S.W., Ward (1970) suggested that Periodic Detention would have both economic gains and a deterrent effect. Ward suggested that the offender would be able to earn his living during the week, thus contributing to society, instead of being an economic loss and that the offender would be "given a 'taste' of life inside without being kept there for a sufficient period to form any friendships with inmates" (p. 238).

Year ending 30th June	Prior to 30.6.73	1974	1975	1976	1977	1978	1979	1980	1981	Total to 30.6.81
Total no. discharged	78	120	187	215	296	312	419	547	581	2755
No. successful completion *	62	90	161	185	258	242	355	436	478	2267
No. breached	16	30	26	30	38	70	64	111	103	488
% breached	20.5	25.0	13.9	14.0	12.8	22.4	15.3	20.3	17.7	17.7

\* Had not been convicted of further offences or breaches of regulations.  
Sources: N.S.W. Department of Corrective Services Annual Reports; N.S.W. Department of Corrective Services Grapevine, 1981.

Dewdney (1973) listed six social, economic and psychological aspects of Periodic Detention with overall benefits to the community:

- “1. it is economic to the taxpayer - the offender’s family is not a burden on the state and need not be forced into a lower standard of living;
2. family life is not disrupted;
3. the family need not be stigmatised;
4. the offender contributes to community projects and is afforded the opportunity of making a useful contribution to society;
5. periodic detention may act as a useful deterrent;
6. there is little, if any, disruption to employment or apprenticeship.” (p. 1).

There have not been any recent studies in NSW in which detainees or their families or staff of detention centres have been asked about the benefits that they attribute to Periodic Detention.

When reviewing various sentencing options in New Zealand, Asher and O’Neill (1990) found that “Periodic Detention was viewed as one of the major successes of the penal system .... The main strength of the sentence was seen as being that the offender remains part of the community and useful work gets done for that community, but at the same time an element of penalty is retained” (p. 27).

## **7. Type of community work performed**

Periodic Detention provides benefits not only for the detainees and their families but also for other members of the community for whom the detainees perform work.

Broad outlines of the type of community work performed are given in the Annual Reports of the N.S.W. Department of Corrective Services. In these reports examples of community work frequently include clean-ups, ground maintenance and landscaping, painting, renovations and general maintenance work for schools, churches, scout and guide groups, child-care centres and police boys clubs. Specific examples of work projects carried out by periodic detainees include:

- \* Stripping off old paint and repainting outside of Police Boys Club
- \* Mowing grass at local police stations
- \* Mowing grass at local churches
- \* Maintenance of local convent including tree lopping and scrub clearing for fire break
- \* Construction of a playground and barbeque at a centre for handicapped children
- \* Rewiring, cleaning and painting of a State Emergency Services premises
- \* Painting local scout hall

In the 1978-79 and 1979-80 Annual Reports it was noted that: “inmates from Merinda worked at a retirement village and two children’s homes, providing assistance in areas such as helping with meals, sewing and other general duties”. In the 1981-82 Annual Report, it was estimated that: “over 200 pensioners (aged and handicapped) receive regular help in the form of lawn mowing and ground maintenance, thereby assisting them to continue to live in their own homes”. In the 1987-88 Annual Report it was noted that “groups of supervised detainees were also involved in several Bicentennial Projects both in Newcastle and in Sydney”.

In the 1987-88 and 1988-89 Annual Reports it was recorded that detainees were also used for gaol building renovation and construction of new PDC accommodation. In 1987-88 it was stated that: “to overcome financial restraints and rising detainee numbers, officers and groups of detainees carried out building renovation work on several maximum security gaols and constructed new buildings for use by the Department of Corrective Services”. In 1988-89 in addition to performing a greater volume of community work, detainees were described as being involved in the prison maintenance and building program at the low security St Helliers Correctional Centre at Muswellbrook, renovating a building to become a PDC at Windsor and the complete construction of the PDC at Campbelltown.

## 8. Opinions about Periodic Detention

### a) Opinions of judges and magistrates

There have been two studies of the attitudes of judges and magistrates to Periodic Detention in NSW. The first study (NSW Department of Corrective Services, 1973) was conducted by the Research and Statistics Division of the NSW Department of Corrective Services. In August 1973 questionnaires were mailed to the then 149 judges and stipendiary magistrates in NSW. Seventy-five of these (50.3%) completed and returned their questionnaires. Most of the judicial officers who returned their questionnaires stated that Periodic Detention was "useful" (69.3%) or of "limited use" (26.7%). Only two considered that Periodic Detention was not useful (2.7%) and one other did not complete this question.

Judges and magistrates gave four main reasons for considering Periodic Detention to be useful:

1. to preserve family cohesion and eliminate unnecessary economic hardship on the offender's family (35 respondents)
2. to provide an effective individual deterrent (22 respondents)
3. to allow flexibility in sentencing (21 respondents)
4. to allow the offender to retain his employment (15 respondents)"

(NSW Department of Corrective Services, 1973, p.9).

The most frequent reasons given by those who considered that Periodic Detention was limited in its use were:

1. the general restrictions in terms of sex, background etc. on offender to be sentenced
2. the length of sentence which may be imposed
3. the lack of accommodation available
4. the deterrent effect of Periodic Detention is limited" (p.10).

Approximately half of the judges and magistrates, at this time, considered that the legislation should be amended. A wide range of amendments were suggested, the most frequent of which were:

- \* that the sentence range be widened;
- \* the abolition of the restriction that Periodic Detention be limited to offenders who had not previously served a term of imprisonment for more than one month;
- \* that remission provisions for good behaviour be incorporated into the Act;
- \* that the jurisdiction of the Act be extended to all District and Petty Sessions courts.

It is of interest to note that each of these different suggested amendments has been incorporated, at different times during the history of the scheme.

The second study (Bray and Chan, 1991) was conducted by staff of the Judicial Commission of NSW. Between February and September 1989, Bray and Chan interviewed eighteen District Court judges and twenty-two magistrates concerning their use of and attitudes towards both Community Service Orders and Periodic Detention. In this study it was found that:

"Judicial officers did not appear to view PD (Periodic Detention) as favourably as CSOs (Community Service Orders). While 73 per cent of those interviewed held a 'favourable' attitude towards CSOs, only 45 per cent held a favourable attitude toward PD ... Most of the magistrates who were questioned tended to be ambivalent or negative about the option (75%). While judges seemed more likely to regard PD favourably, a substantial proportion (41%) were either ambivalent or did not like the option." (p.42).

The authors considered that "(one) of the reasons for this was a perception that PD did not involve any worthwhile activity, that it merely involved 'sitting around' unlike CSOs where some form of constructive work is required. Another source of dissatisfaction was a supposed lack of proper supervision of periodic

detainees" (p. 56). It should be noted that this is in direct contrast with material presented on the nature of work performed by periodic detainees, described in the preceding section.

At the time of this second study, the legislative change which was most frequently suggested was "to make PD available in rural New South Wales" (p. 49). Another suggested reform was to have Periodic Detention available on weekdays, rather than only on weekends. As pointed out in Bray and Chan's report (p. 49) the legislative basis for this already exists, the "only barrier to implementing this measure appears to be a lack of resources within the Department of Corrective Services".

### **b) Opinions of periodic detainees**

Only one study could be found which sought offenders' perceptions of Periodic Detention. Dewdney (1973) describes the results of interviews with sixteen participants who were interviewed during the early stages of the scheme. Dewdney reported:

"Periodic detention was seen as a humane form of punishment superior to imprisonment and less likely to result in stigma. It offered an opportunity to save money and cut down on drinking which usually occurred during the weekend" (p. 5).

She continued:

"On the debit-side, some felt it was a pointless exercise considering they had been 'rehabilitated' at court, i.e. would not have offended again regardless of the sentence. A common complaint was the fact that the seven-day working week was too long. Other criticisms included:

- i.) tension caused by the polarisation of life styles, i.e. a normal existence in the community from Monday to Friday and imprisonment during the weekend
- ii.) tension caused by not informing employers and/or friends of the conviction and weekend imprisonment
- iii.) loss of overtime opportunities
- iv.) the lack of reward for good behaviour (p. 5).

### **c) Opinions of staff**

There have been few reports documenting staff opinions about Periodic Detention. A NSW Department of Corrective Services (1981) article stated that periodic detention officers considered the scheme to be "of greatest benefit to married men whose families avoid the economic hardships and stigma of full-time imprisonment while the offender himself is punished by loss of liberty every weekend. They feel that young, unemployed single men benefit least from the scheme and that drug addicts pose the greatest problem in running a centre" (p. 7).

### **9. Costs**

Based on 1989/90 figures, the daily cost of having an offender on Periodic Detention (\$28.24/day) is substantially less than having the offender in any category of full-time imprisonment (maximum security \$87.85/day; medium security \$66.47/day; and minimum security \$53.91/day) (NSW Department of Corrective Services, 1990).

### **10. Recent reviews of Periodic Detention in NSW**

Following the unprecedented increase in numbers of detainees, the NSW Periodic Detention Scheme has been the subject of a number of reviews in late 1989 and throughout 1990 (Weston, 1989; Berman, Christopher, Fenton, Kelly, & Norton, 1990; Matenga, 1990).

These reviews have highlighted the changes in the numbers and types of offenders sentenced to Periodic Detention since the scheme commenced in 1971. As Weston (1989) noted:

"originally recidivists were not eligible but now some ex-maximum security prisoners are serving periodic detention sentences .... These relaxations plus the high proportion of detainees sentenced for drug and alcohol related offences has created an entirely different environment in periodic detention centres in latter years" (p. 4).

In mid-1990 Matenga conducted a complete administrative review for all Periodic Detention



Centres. While he stated that it was "not the intention of this review to single out any specific problem" (p. 10) he suggested that the problems faced by Periodic Detention Centres stemmed from four causes:

- \* the increase in numbers of detainees;
- \* the calibre of detainees sentenced (drug and alcohol affected);
- \* lack of staff;
- \* no solid management infrastructure (p. 11).

A range of problems were identified in these reviews. Weston (1989) identified the following problems:

- \* the sentencing of offenders to Periodic Detention who have little hope of fitting into the scheme (p. 4);
- \* the centres being overcrowded (p. 4);
- \* accommodation being well below an acceptable level both in terms of health and fire standards (p. 6);
- \* the high proportion of detainees with a drug or alcohol problem causing behavioural and trafficking incidents in all centres (p. 6).

Matenga (1990) highlighted that, at the time of his review,:

- \* increased workloads placed on staff in all centres (was) leading to the prioritising of responsibilities. This practice is considered dangerous as it leads to the eventual neglect of important issues (p. 11);
- \* staff in all centres (were) working at stressful levels, as they attempt(ed) to cope with the increased workload thrust on them by the present explosion of the detainee population (p. 10);
- \* management (was) unable to provide sufficient work for all detainees (p. 10);
- \* centres were unsupported and isolated from existing resources, training, etc. (p. 7).

He suggested that the increase in numbers of detainees being sentenced to periodic detention exposed a weakness in the

management infrastructure that had little tolerance to expansion or change.

The non-attendance of offenders for periodic detention has been a major concern to the Department of Corrective Services. As stated previously, for the week ending 30th June, 1991 there were 1263 live warrants for periodic detention sentences. During this week 738 detainees attended periodic detention. Of the 525 who did not attend, 45 had lodged an appeal against their sentence, 50 were in full-time custody and 143 were in the process of being breached under Section 25 of the Periodic Detention Act. The remaining 287 were not attending through sickness, being on approved leave or being absent without leave. Such non-attendance rates are not unusual. The consequent requirements for breach action to be taken against detainees who fail to report has placed a substantial burden on both Departmental resources as well as the judiciary. The volume of, and delays in effecting, breach actions led to criticism of the Department and adverse media reports in August, 1990 (e.g., Moore, 1990).

On 13th August, 1990 a Departmental Task Force was established to:

- \* effectively manage PDCs for a period of 3 months;
- \* establish and implement systems/procedures and controls for PDC management;
- \* ensure procedures complied with relevant legislation and that the Department's obligations under the Periodic Detention of Prisoners Act were met;
- \* develop selection criteria, training requirements and performance standards for PDC staff;
- \* identify, in conjunction with other Departmental officers, legal (legislative) and policy problems associated with the conduct of PDC and the Periodic Detention of Prisoners Act;
- \* develop appropriate performance criteria and management information

systems to allow the continued monitoring of PDCs;

- \* provide regular progress reports (including data on improvements) to the Deputy Director-General and ministerial briefing papers.

This Task Force identified problems in the areas of administration, security, attendance, staffing, accommodation and legislation which it sought to address.

## 11. Future directions

The Periodic Detention of Prisoners (Amendment) Bill, 1991 passed through both Houses of Parliament without alteration in late August 1991. This Bill is designed to amend the Periodic Detention of Prisoners Act, 1981 in order to:

- i) include a provision requiring the Court to obtain an assessment prepared by the Community Corrections (Probation and Parole) Service regarding the suitability of an offender for periodic detention;
- ii) remove the restriction on the variation of the days of the week on which a periodic detention order may be carried out; and
- iii) provide a regulation-making power with respect to the appointment and conduct of sessional supervisors.

### a) Assessment prior to sentencing

The Periodic Detention of Prisoners (Amendment) Bill, 1991 requires that all potential detainees be assessed as to their suitability for Periodic Detention by Community Corrections (Probation and Parole) officers prior to sentencing. This legislation "represents one strategy aimed at combating the unacceptable non-attendance levels of detainees" (NSW Parliamentary Debates, 1991, p. 2942) by screening out inappropriate offenders. Such assessment is already practice for potential Community Service Order offenders in NSW. In New Zealand "before a person is sentenced to Periodic Detention a probation officer's report has to be considered by the court, and likewise a

medical practitioner must examine the offender and report upon the person's medical suitability for undergoing a programme of work and training" (New Zealand Justice Department, 1973, p. 7).

### b) Expansion of mid-week options

Following Weston's (1989) recommendation that mid-week detention should be introduced as soon as possible to reduce the critical overcrowding at weekends, a mid-week detention centre was opened at Long Bay in May 1990.

With changing economic circumstances, fewer of the detainees are employed Monday to Friday, enabling some to serve their Periodic Detention during the week. A recent study (Stathis & Gorta, 1991) revealed that 38% of those presently attending Periodic Detention on weekends would be available for mid-week Periodic Detention.

As described above, the Periodic Detention of Prisoners (Amendment) Bill, 1991 proposes that the Director-General of the Department of Corrective Services should be able to vary the days of the week on which an order may be carried out. It is considered that this amendment will "further improve the periodic detention program by enhancing the utilisation of the resources allocated to the program and increasing the flexibility of administering the periodic detention program" (NSW Parliamentary Debates, 1991, p. 2942).

Such an expansion of the mid-week program is also consistent with trends in New Zealand. Asher and O'Neill (1990) argue that in New Zealand "sentences could be carried out between Monday and Friday in smaller groups, for very little additional cost. This was seen as a positive way of discouraging the build up of criminal subcultures" (p. 27).

### c) Conduct of educational courses in PDCs

Asher and O'Neill (1990) foreshadow the development of Periodic Detention in New Zealand to include elements of social skills training and personal growth opportunities (p. 27).

Weston (1989) suggested that "anti-social behaviour needs more than removal from the community and it is expected that the Department will provide therapy and other programs to change anti-social behaviour and attitudes. The importance of well-designed programs cannot be over looked ..." (p. 9). The conduct of educational programs on, say, Saturday evenings in NSW PDCs is currently under consideration (Smyth, 1991; Stathis & Gorta, 1991). The availability of sessional supervisors, as proposed in the Periodic Detention of Prisoners (Amendment) Bill, 1991, to provide specific training and educational courses to detainees should enable greater opportunity for the Department of Corrective Services to offer specialist services.

#### **d) Expansion of Periodic Detention Centres**

During the past two and a half years there has been an expansion both in the numbers of periodic detention centres and in the capacity of existing centres, in metropolitan and non-metropolitan areas. New centres have opened at St Heliers, Windsor and Campbelltown and capacity has been increased at Long Bay (refer to Appendix 1 for more details). It is intended that further centres will "be opened at Wollongong, Grafton and Silverwater" (NSW Parliamentary Debates, 1991, p. 2941).

#### **e) Liaison with Judicial Commission of NSW**

Continued liaison between staff of the Department of Corrective Services and staff of the Judicial Commission of NSW is planned in order to enhance judicial awareness of the program.

#### **REFERENCES**

- Asher, B. & O'Neill, R. (1990) Community Involvement with Offenders: A Discussion Paper. New Zealand Department of Justice, Policy and Research Division.
- Berman, P., Christopher, M., Fenton, D., Kelly, T., & Norton, J. (1990) Periodic Detention Legislative Review Committee Report. November 1990.
- Bray, R. (1989) The use of custodial sentences and alternatives to custody by New South Wales magistrates. Paper presented at the Fifth Annual Conference of the Australian and New Zealand Society of Criminology, Sydney, July 1989.
- Bray, R. & Chan, J. (1991) Community Service Orders and Periodic Detention as Sentencing Options. A survey of Judicial Officers in New South Wales. Judicial Commission of New South Wales, Monograph Series Number 3.
- Cavadino, P. (1985) The overseas experience of intermittent custody and temporary restriction of liberty. In R. Shaw & R. Hutchison (eds). Periodic restriction of liberty. University of Cambridge, Institute of Criminology. Cropwood Conference Series No. 17.
- Dewdney, M. S. (1973) Periodic Detention in NSW - 1973 - A Statistical Report. NSW Department of Corrective Services, Research and Statistics Division, Publication No. 1.
- Jenkins, D. T. (1969) Periodic Detention Centres in New Zealand. Probation, 15(3), 94-95.
- Leibrich, J. (1984) Community Service Orders in New Zealand - Three Research Reports. New Zealand Department of Justice, Planning and Development Division.
- Matenga, R. (1990) NSW Department of Corrective Services Administrative Review of Periodic Detention Centres. June/July 1990. Unpublished report, NSW Department of Corrective Services.
- Moore, M. (1990) "200 weekend jail shirkers go scot-free". Sydney Morning Herald, 13th August, 1990.
- NSW Department of Corrective Services. (1973) Views on Periodic Detention of Prisoners in NSW. A Study of Attitudes of Judges and Magistrates. Research and Statistics Division, NSW Department of Corrective Services. Unpublished report.
- NSW Department of Corrective Services. (1981) Periodic Detention. Grapevine 3(4), 6-7.

- NSW Department of Corrective Services.  
(1990) NSW Department of Corrective Services Facts and Figures.
- New South Wales Parliamentary Debates (Hansard). (1986) pp. 6462-6482.
- New South Wales Parliamentary Debates (Hansard). (1991) pp. 2940-2944.
- New Zealand Justice Department (1973) Periodic Detention in New Zealand. Research Series No. 4 Research Section, Justice Department, New Zealand.
- New Zealand Department of Justice (1979) Periodic Detention: A comparison of residential and non-residential centres. Study Series No. 4. Planning Development Division, Department of Justice, New Zealand.
- Stace, M. (1979) Periodic Detention Work Centres. Australian and New Zealand Journal of Criminology, 12, 3-18.
- Stathis, H., & Gorta, A. (1991) Profile of NSW Periodic Detainees, 1991. NSW Department of Corrective Services, Research Bulletin 15.
- Smyth, T. (1991) The case for periodic detention. The Newcastle Herald, March 28, 1991, p. 7.
- Ward, P. G. (1970) Weekend Detention. Australian and New Zealand Journal of Criminology, 3, 238-239.
- Weatherburn, D., & Bray, R. (1990) Non-custodial sanctions, prison costs and prison overcrowding. Paper presented at the Australian Institute of Criminology Conference on Keeping People Out of Prison, Hobart, 27-29th March, 1990.
- Weston, W. L. (1989) Periodic Detention Review - December 1989. Unpublished report, NSW Department of Corrective Services.

## APPENDIX 1

### HISTORY OF PERIODIC DETENTION IN NSW\*\*

- \* 9/12/70 Periodic Detention of Prisoners Act, 1970, No. 90 was assented to.

"Periodic detention" was defined as "detention in a prison for such number of consecutive week-ends as there may be in the period of imprisonment to which he has been sentenced" (Section 2).

"Weekend" was defined as "the number of consecutive hours commencing at seven o'clock in the evening on a Friday and ending at half-past four o'clock in the afternoon on the following Sunday or such other hours on such days as may from time to time be prescribed but does not include a week-end during which Christmas Day or Easter Sunday falls" (Section 2).

Periodic Detention was restricted to males, 18 yrs of age & over, who had not previously served a continuous term of imprisonment of more than 1 month's duration. Length of periodic detention imposed was limited to not less than three months and not exceeding 12 months.

- \* 19/3/71 First Periodic Detention Centre (Long Bay) opened, able to accommodate up to 35 detainees.
- \* 2/7/73 Intake of periodic detainees from western courts became effective. Parramatta Periodic Detention Centre opened.
- \* 3/10/74 Silverwater Periodic Detention Centre opened.
- \* 17/10/74 Bathurst Periodic Detention Centre opened.
- \* 2/4/76 Emu Plains Periodic Detention Centre opened with accommodation for 24.
- \* 29/4/76 Tomago Periodic Detention Centre opened with accommodation for 16.
- \* 1/4/77 Periodic Detention (Amendment) Act 1977, No. 12, made provision for sentencing women to periodic detention.

- \* 11/1/78 Merinda, Periodic Detention Centre for Women, proclaimed.

- \* 28/4/78 First women sentenced to periodic detention were received into Merinda.

- \* 20/5/78 Stage II (a non-residential program) of the periodic detention program was established on 20/5/78 as a pilot program at Malabar Periodic Detention Centre. Inmates who had served two-thirds of their sentence and had a satisfactory attendance and work record could apply to a selection committee for entry into Stage II. Successful applicants were then allowed to report directly to their place of employment for community work on Saturdays and Sundays at 8am and return to their residences in the evenings, thereby eliminating time spent at the P.D.C. on Friday and Saturday nights.

- \* 1/4/82 The Periodic Detention of Prisoners Act, 1981, No. 18, was assented to on 22nd April, 1981 and was proclaimed to commence on 1st April, 1982. The new Act repealed the Periodic Detention of Prisoners Act, 1970.

The main changes which resulted from the new Act were -

- All courts in New South Wales could now sentence offenders to periodic detention, subject to -

(a) accommodation being available for that purpose; and

(b) travel by the offender to and from the prison not imposing undue inconvenience, strain or hardship on the offender.

(Previously only certain proclaimed courts in the vicinity of periodic detention centres could sentence offenders to periodic detention.)

- The maximum term of imprisonment was extended from 12 months to 18 months. The minimum of 3 months remained. (With the deduction of remission, refer to next point, it was not expected that offenders would be detained for longer periods.)
  - Provision was made for offenders to earn remission off their sentence (Section 19).
  - Persons sentenced to a period of imprisonment of more than 6 months in the 7 years immediately prior to date sentenced, were ineligible for periodic detention. (This was considered to be a more liberal approach than previous legislation, to assist in the rehabilitation of offenders.)
  - Provision was made for granting leave of absence in special circumstances, e.g. health reasons or compassionate grounds, with the time lost to be made up in the remission period.
  - Removed "weekend" stipulation. Instead a "detention period" defined which commenced 7pm on day court specified and ended 4.30pm on the second day after the day on which the sentence commenced but did not include any such period which includes the whole or any part of Christmas Day, Good Friday or Easter Sunday (Section 4).
  - Provided legislative basis (Section 11) for Stage II P.D.C.
- \* 7/12/82 Periodic Detention of Prisoners (Domestic Violence) Amendment Act, 1982, No. 117 was assented to on 7/12/82. This extended Periodic Detention to those found guilty of a domestic violence offence even if the term of imprisonment was less than 3 months (Section 5A).
  - \* 12/12/82 Merinda Periodic Detention Centre renamed as Women's Periodic Detention Centre.
  - \* 31/12/83 Periodic Detention of Prisoners (Probation and Parole) Amendment Act, 1983, No. 197, which was assented to on 31/12/83, ensured that the provisions of the Probation and Parole Act 1983 applied to the cancellation of a Periodic Detention Order.
  - \* 4/83 A mid-week program designed for unemployed detainees commenced at Silverwater. This eight week non-residential program consisted of one day of community work and one day of classroom sessions where participants received information about the resources and concessions available to the unemployed, and were taught how to apply for jobs, how to conduct themselves at interviews, after completing their 8 week course, participants then continued with normal Saturday and Sunday community work like other periodic detainees.
  - \* 24/4/83 Parramatta Periodic Detention Centre closed.
  - \* 5/6/83 Women's Periodic Detention Centre closed.
  - \* 5/6/83 Silverwater Weekend Periodic Detention program began to include female detainees.
  - \* 10/7/83 Bathurst Periodic Detention Centre closed.
  - \* 9/11/84 Parramatta Periodic Detention Centre reopened.
  - \* 14/2/85 Silverwater mid-week Periodic Detention Centre was closed.
  - \* 17/2/85 Women's Periodic Detention Centre was reopened as Merinda. Silverwater Weekend Periodic Detention program stopped including female detainees.
  - \* 29/3/85 Periodic Detention of Prisoners (Amendment) Act 1985 No. 17 was

assented to on 29/3/85. This amendment sought to overcome an anomaly whereby detainees had been able to serve a lesser period of weekend detention than that imposed by the courts. Prior to this amendment, had the leave taken for health or other grounds exceeded the remission entitlement, the situation could arise whether the number of weekends served in gaol was less than that intended by the court when passing the sentence on the offender. This amendment provided that prisoners who failed to serve a weekly detention through absence or leave granted for health reasons would be required to make up the time at the end of their period of detention by loss of remission or through an extension of the sentence on a continuous basis.

- \* 27/11/86 Periodic Detention of Prisoners (Amendment) Act, 1986, No. 115 was assented to. It removed the restriction that a court could not order periodic detention where a person had, in the past seven years, been sentenced to a term of imprisonment of more than six months. The purpose of this Act was to extend the availability of periodic detention as a sentencing option. It had been considered to be an anomaly that a person, by reason of his or her antecedent history, should be disentitled to the benefits of this Act, but not from less onerous sentencing options, such as community service. It was argued that the discretion of the sentencing court should not be restricted in this way.
- \* 22/4/89 St. Heliers Periodic Detention Centre opened.
- \* 25/8/89 Windsor Periodic Detention Centre opened.

- \* 25/9/89 The Sentencing Act, which abolished the deduction of remission from all sentences of Imprisonment - including sentences of periodic detention - was introduced on 25th September, 1989.
- \* 11/2/90 The Periodic Detention of Prisoners (Amendment) Act, 1989, No. 186 increased the maximum length of sentence from 18 months to 3 years; provided that cumulative sentences might be served by way of periodic detention and specified circumstances in which an order for periodic detention might be cancelled.  
  
The purpose of the Act was to extend the availability of the program by both extending the maximum period to be served and allowing sentences to be either concurrent or cumulative; and to streamline the procedures for cancelling the order.
- \* 22/4/90 Campbelltown Periodic Detention Centre opened.
- \* 9/5/90 Long Bay mid-week Periodic Detention Centre opened.
- \* 29/6/90 Windsor Periodic Detention Centre began to hold female as well as male detainees.
- \* 12/10/90 Windsor Periodic Detention Centre ceased including female detainees.
- \* 14/10/90 Long Bay Annexe Periodic Detention Centre opened.
- \* 4/91 Periodic Detention of Prisoners (Amendment) Bill, 1991 passed through the Legislative Assembly on 21/8/91 and Legislative Council on 28/8/91 without amendment.

This Bill was designed to amend the Periodic Detention of Prisoners Act, 1981, in order to:

- i) include a provision requiring the Court to obtain an assessment prepared by the Community Corrections (Probation and Parole) Service regarding the suitability of an offender for periodic detention;

- ii) remove the restriction on the variation of the days of the week on which a periodic detention order may be carried out; and
- iii) provide a regulation-making power with respect to the appointment and conduct of sessional supervisors.

**\*\* Sources:** N.S.W. Department of Corrective Services Annual Reports; Weekly states statistical reports maintained by the Research and Statistics Branch; legislation; Hansard.



## APPENDIX 2

### **MOST SERIOUS OFFENCE FOR PERIODIC DETAINEES HELD ON 30TH JUNE**

In the attached table which indicates Most Serious Offence for Periodic Detainees held on 30th June each year for the years 1982-1990, individual offences were categorised into broader categories. The categories, and the offences they include are described below.

- "Homicide": Driving causing death; Manslaughter.
- "Assault": Assault occasioning grievous bodily harm; Assault occasioning actual bodily harm; Other assault (e.g. Minor assault, Assault police).
- "Sexual offence": Indecent assault; Rape; Carnal knowledge; Other sexual offences
- "Other against person": Other offences against the person (e.g. Arson person therein threat of violence); Kidnapping and abduction.
- "Robbery": Other robbery (e.g. Assault with intent to rob whilst unarmed, Assault & robbery whilst unarmed).
- "Extortion": Extortion.
- "Break & enter": Break, enter and steal; Break, enter dwellings; Break, enter other buildings; Break, enter shops.
- "Fraud & misappropriation": Fraud; Forgery; False pretences, Misappropriation.
- "Receiving": Receiving; Unlawful possession of stolen goods.
- "Other theft": Other theft (e.g. Stealing from motor vehicle, Stealing boat); Larceny of motor vehicle, Steal from the person.
- "Property damage": Other property damage (e.g. malicious damage, damage or injure government or private property); Arson (person not therein).
- "Government security": Offences against government security and operations (e.g. treason, bribery, corruption of Public Officers).
- "Justice procedure": Breach of court order; Breach of maintenance; Breach of family

law; Breach of CSO; Pervert the course of justice; Contempt of court; Conspiracy.

- "Prostitution": Prostitution (e.g. Soliciting, loitering).
- "Offensive behaviour": Drunkenness; Offensive behaviour.
- "Unlawful weapon": Unlawful possession of weapons (e.g. possess unlicensed firearm).
- "Other good behaviour": Other offences against good order (e.g. Bigamy, disturbing the peace); Trespassing; Vagrancy.
- "Possess/use drug": Possession/use of drugs; Possession/use of marijuana/Cannabis; Possession/use of narcotics.
- "Traffic drug": Dealing & trafficking in drugs.
- "Manufacture/grow drug": Manufacturing/growing of drugs.
- "Driving offence": Drive under the influence of alcohol or drugs; Dangerous driving; Negligent driving; Other driving offences.
- "Admin/traffic offence": Licence offences (e.g. Driving without a licence, Drive whilst disqualified); Registration & insurance offences (e.g. Drive an unregistered motor vehicle, no third party insurance); Other motor vehicle, traffic and related offences (e.g. failing to wear seatbelts, parking offences).
- "Other": Other offences (e.g. hire purchase, taxation, immigration).

When the years were categorised into three sets of 3 year periods, differences in the proportions of periodic detainees held for the following categories of most serious offence were found:

- Assault;
- Sexual offence;
- Justice procedure;
- Traffic drug; and
- Driving.

Although the percentage of detainees who had a "sexual offence" as their most serious offence was very small, this percentage increased from 1.3% in 1982-84 to 5.6% in

1988-90. The percentage with a "Justice procedures" offence as their most serious offence also increased, from 2.5% in 1982-84 to 4.8% in 1988-90. In contrast, the percentage with a "Driving" offence as their most serious offence decreased from 18.8% in 1982-84 to 12.7% in 1988-90. The trends in percentage with "Assault" offence or "Traffic drug" offence as their most serious offence were not as clear. There were fewest detainees serving sentences for "Assault" in 1985-87 (8.8%) and most in 1988-90 (14.8%). By comparison, there were fewest serving sentences for "Traffic Drug" in 1982-84 (7.8%) and most in 1985-87 (13.1%).

When all those whose most serious offence fell into any of the categories of "Homicide", "Assaults", "Sexual offence" or "Other against person" were combined into an "Offences against the person" category, it was found that while the percentage serving such offences was similar in 1982-84 (15.9%) and 1985-87 (14.4%), detainees serving sentences for offences against the person had increased in 1988-90 (23.5%).

There was no evidence of significant statistical differences over the three sets of 3 year periods in the proportions of periodic detainees serving sentences for the following categories of most serious offence:

Homicide;

Robbery;

Other theft;

Possess/use drug; or

Licence/registration offences.

Table A2.1: PERIODIC DETAINEES, N.S.W.: 30 JUNE - MOST SERIOUS OFFENCE																		
Most serious offence (DANCO)**	1982		1983		1984		1985		1986		1987		1988		1989		1990	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Homicide	16	6.3	5	2.0	6	2.3	10	3.7	3	1.0	7	1.8	14	3.3	16	3.0	21	2.5
Assault	25	9.9	26	10.6	32	12.3	28	10.3	20	6.7	36	9.4	52	12.3	90	17.1	120	14.5
Sex offence	3	1.2	3	1.2	4	1.5	4	1.5	13	4.4	14	3.7	14	3.3	27	5.1	59	7.1
Other against person	1	0.4	-	-	-	-	2	0.7	-	-	-	-	3	0.7	1	0.2	1	0.1
Robbery	2	0.8	7	2.9	5	1.9	6	2.2	11	3.7	8	2.1	10	2.4	9	1.7	13	1.6
Extortion	1	0.4	1	0.4	-	-	1	0.4	1	0.3	-	-	1	0.2	-	-	2	0.2
Break and enter	21	8.3	21	8.6	34	13.0	34	12.5	24	8.1	31	8.1	35	8.3	37	7.0	61	7.4
Fraud & misappropriation	12	4.7	16	6.5	19	7.3	12	4.4	17	5.7	22	5.7	32	7.6	21	4.0	40	4.8
Receiving	1	0.4	10	4.1	4	1.5	9	3.3	11	3.7	14	3.7	7	1.7	18	3.4	23	2.8
Other theft	32	12.6	41	16.7	42	16.1	27	9.9	38	12.8	56	14.6	64	15.2	67	12.6	89	10.7
Property damage	2	0.8	3	1.2	4	1.5	6	2.2	3	1.0	10	2.6	8	1.9	6	1.1	13	1.6
Environment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Government security	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	0.2	1	0.1
Justice procedure	6	2.4	5	2.0	8	3.1	10	3.7	9	3.0	16	4.2	12	2.8	27	5.1	46	5.5
Prostitution	-	-	-	-	1	0.4	-	-	-	-	1	0.3	-	-	-	-	-	-
Offensive behaviour	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	0.6
Unlawful weapon	-	-	-	-	-	-	3	1.1	2	0.7	2	0.5	3	0.7	5	1.0	2	0.2
Other good behaviour	1	0.4	-	-	-	-	-	-	7	2.4	5	1.3	2	0.5	4	0.8	5	0.6
Possess/use drug	5	2.0	4	1.6	4	1.5	7	2.6	11	3.7	8	2.1	17	4.0	8	1.5	11	1.3
Traffic drug	9	3.6	17	6.9	33	12.6	39	14.3	42	14.1	44	11.5	35	8.3	54	10.3	71	8.6
Manufacture /grow drug	3	1.2	2	0.8	4	1.5	11	4.0	7	2.4	7	1.8	10	2.4	11	2.1	19	2.3
Driving offence	70	27.7	43	17.6	30	11.5	31	11.4	40	13.5	53	13.8	48	11.4	59	11.2	118	14.2
Admin/traffic offence	43	17.0	40	16.3	31	11.9	31	11.4	35	11.7	46	12.0	55	13.0	64	12.2	109	13.1
Other	-	-	1	0.4	-	-	1	0.4	3	1.0	3	0.8	-	-	-	-	-	-
<b>TOTAL</b>	<b>253</b>	<b>100.0</b>	<b>245</b>	<b>100.0</b>	<b>261</b>	<b>100.0</b>	<b>272</b>	<b>100.0</b>	<b>297</b>	<b>100.0</b>	<b>383</b>	<b>100.0</b>	<b>422</b>	<b>100.0</b>	<b>525</b>	<b>100.0</b>	<b>829</b>	<b>100.0</b>

\* Source: Research & Statistics Branch, Strategic Services Division, N.S.W. Dept of Corrective Services, Annual Prison Census.

\*\* These categories of offence are explained at the beginning of Appendix 2. They are not directly comparable with those used in Tables 2 and 3 in the body of the text.