Research Publication

Attendance Patterns of Periodic Detainees

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Research Publication No. 28
May 1994
ISSN 0813 5800

NSW Department of Corrective Services

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SUMMARY

Periodic detention is a way, specified by the Periodic Detention of Prisoners Act 1981, in which a convicted offender may be ordered to serve a term of imprisonment in New South Wales. Under a periodic detention order a detainee is required to be in custody at a specific detention centre for two days of the week only. Non-attendance has always been recognised as a problem to be addressed.

This study looks for possible changes in attendance patterns due to the introduction of the Periodic Detention of Prisoners (Amendment) Acts of 1991 and 1992 and characterises current attendance patterns (up to October, 1993) during the first 13 weeks of the sentence. In addition, attendance over the first 18 months was examined for all detainees given sentences from 18 to 36 months in 1990. The main findings were as follows.

1 Effect of Amendment Acts

1.1 **Periodic Detention of Prisoners (Amendment) Act 1991.** This Amendment Act commenced on 4th November, 1991 and introduced the requirement for a report on the suitability of the convicted offender for periodic detention to be tendered to the court before a periodic detention order could be made.

Detainees sentenced after the commencement of this Amendment Act had a slightly higher percentage of good attenders than those sentenced before the Act.

1.2 **Periodic Detention of Prisoners (Amendment) Act 1992.** This Amendment Act commenced on 22nd March, 1993 and introduced stricter procedures for dealing with non-attendance.

Detainees sentenced after this Act had the same percentage of good attenders as detainees serving sentences before. However the time interval between the third absence without leave and the date of the letter sent by the Legal Branch of the Department of Corrective Services asking for a court listing to cancel the periodic detention order was much shorter after the Act.

2 Attendance Patterns from November, 1991 to October, 1993

2.1 **Relationship between Attendance and Age.** In general (taking the most serious offence, sentence length and the periodic detention centre into account) younger detainees had a lower proportion of good attenders in their first 13 weeks than did older detainees. This effect was particularly marked for detainees with most serious offences in the drug and property categories.

2.2 **Relationship between Attendance and Sentence Length.** Taking age, the most serious offence and the periodic detention centre into account there was no overall statistical relationship between attendance and sentence length. However, since longer sentences were more frequently given to detainees in groups with better attendance (more older detainees, and more

in the sexual, fraud and drug categories), taken as a group, the detainees with longer sentences had better attendance than average.

2.3 Differences between Periodic Detention Centres. Taking age, sentence length and the most serious offence into account, there was a significant difference between the percentage of good attenders received into the four periodic detention centres in this study. This could be a factor of how each centre was run or the catchment area of the detainees for each centre.

2.4 Sentences Under Three Months. Out of the eight detainees with sentences of less than 3 months in this study, each eventually completed their sentence. However only one did it in the minimum time (a sentence of 2 weeks).

3 Sentences from Eighteen Months to Three Years

3.1 Attendance Throughout the Sentence. Detainees with sentences of 18 months or over (sentenced in 1990 before the 1991 Amendment Act and attending before the 1992 Amendment Act) generally attended well throughout their sentence.

3.2 Further Offences. Of these detainees with sentences of 18 months or over, 19% were received into full-time custody for another offence during the first 18 months of their original periodic detention sentence.

Periodic Detention is regarded as a potentially useful alternative to full-time custody on both financial and economic grounds, and as this study indicates, many detainees do attend in a satisfactory manner. However, despite the measures introduced in the 1991 and 1992 Amendment Acts, there are still some detainees who do not report to periodic detention as required. Complete success in determining whether an eligible offender is in fact suitable for periodic detention can probably never be achieved. Thus continual efforts will always have to be made by the NSW Department of Corrective Services to remove unsuitable detainees from the program.

1 INTRODUCTION

Periodic detention is a way, specified by the Periodic Detention of Prisoners Act 1981, by which a convicted offender may be ordered to serve a term of imprisonment in New South Wales. Under a periodic detention order a detainee is in custody for two days of the week (the detention period) but is at liberty in the community during the rest of the week. The periodic detention program has two stages. In Stage I the detainee reports to a detention centre by 7 pm on a specified day of the week (usually Friday) and remains under the legal custody of the Officer In Charge of the centre until 4-30 pm two days later (usually Sunday). In Stage II of the program the detainee may sleep at home but must attend the designated work site on the two days at the specified time. Progression from Stage I to Stage II of the program depends upon good behaviour and good attendance. At present there are eleven periodic detention centres in NSW running programs from Friday to Sunday. Two of these centres also run mid-week programs where attendance is required from Wednesday evening to Friday afternoon.

The court may make a periodic detention order for offenders who are at least 18 years old for terms ranging from 3 months to 3 years inclusive (or less than 3 months for certain offences). Before making an order the court must be satisfied that there is accommodation in the specific periodic detention centre named in the order and that serving the sentence by periodic detention will not impose undue hardship on the offender. The court must also be satisfied, after considering a report from an authorised source, that the offender is a suitable person to serve his or her sentence by way of periodic detention.

Of the 1393 people (1370 men and 23 women) counted as being newly received into a periodic detention centre in the 1991/92 financial year (the most up-to-date published information on sentence length), 15% per cent had sentences of up to and including 3 months, 42% had sentences from 3 months up to and including 6 months, 24% had sentences from 6 months up to and including one year, and 18% had sentences of over one year (Annual Report Supplement, 1992).

Of the 1133 people (1048 men and 85 women) counted as being newly received with periodic detention warrants in the 1989/90 financial year (the most up-to-date published information for most serious offence), 15% per cent had their most serious offence in the category of homicide/assault, 5% per cent in the sexual offence category, 2% in the robbery category, 5% in the fraud category, 23% in the property offence category, 32% in the driving offence category, 6% in the category of offences against good order, 10% in the drug offences category, and 2% in the "other" grouping (Gorta, 1991).

The history of the periodic detention scheme up to mid-1991 has been summarised by Gorta (1991).

The non-attendance of detainees is a problem which has had to be dealt with since the inception of the scheme.

1.1 Attendance and Absence

Leave of absence may be granted for health reasons, on compassionate grounds, or at the discretion of the Commissioner. In each case, documentation, such as a doctor's certificate in the event of sickness, is required. A Local Court may grant leave of absence which has been refused by the Commissioner. Leave of absence may be granted either before or after the detention period to which it relates.

The detainee may also be legitimately absent when bail has been granted for an appeal lodged against the conviction or sentence, or when the detainee is in full-time custody either having had bail refused after arrest on another charge, is cutting out fines, or having been given a sentence of full-time imprisonment. The Act requires that if a detainee is sentenced to a term of imprisonment of one month or less, the court **may** cancel the periodic detention order. If a detainee is sentenced to a term of imprisonment of more than one month, the court **must** cancel the periodic detention order. In practice the detainee may not mention the existence of the periodic detention warrant to the court, and hence the warrant may not be cancelled and the consequent non-attendance figures increased.

Often the reason for an absence cannot be verified until a later date. For example, a detainee may ring up on a Friday to say he is sick, but this cannot be counted as a legitimate absence until he brings a medical certificate, probably not until he next attends which may be several weeks later. Conversely a detainee may be absent one week without giving an excuse but attend with a medical certificate the next week. Thus it is not possible to know during a detention period exactly how many of the absences are for legitimate reasons.

1.2 Action on Non-attendance

At the time of this report (mid 1994) the two main methods for dealing with the non-attendance of detainees are by Sections 21 and 25 of the Periodic Detention of Prisoners Act 1981. Under Section 21 the sentence is extended by one week for each detention period for which the detainee has failed to report. In addition, after written notice has been given to the detainee, the sentence is extended by one additional week for each detention period where this failure to report is without leave of absence (up to a total of two extra weeks for this reason).

Under Section 25 the detention order may be cancelled if the detainee has not attended three or more (not necessarily consecutive) detention periods without leave of absence. In this case the court may order that the unexpired portion of the sentence be served by full-time imprisonment. For example, the court may originally have ordered that a sentence of 6 months be served as 26 periods (26 weekends) of periodic detention. If the periodic detention order is cancelled after only 13 weekends have been served then the court may order that the inmate must serve the remaining 3 months in full-time custody.

With applications for cancellation under Section 25 several weeks may

elapse between the start of action (a letter from the Legal Branch of the Department of Corrective Services requesting a court listing date) and having the case heard. At this time the detainee may produce a reasonable excuse for the non-attendance, hence wasting the resources put into the prosecution.

A method for dealing with detainees who do not carry out the Commissioner's directions with regard to attendance at a specific periodic detention centre or place of work (or who escape during the detention period) is prosecution under Section 33. This allows for imprisonment for up to 12 months or a fine of up to $1,000.

1.3 Weekly Attendance Figures

Taking the week ending 31st October, 1993 to give an example of weekly attendances, of the 1264 people with periodic detention orders, 24 were on appeal with bail and 15 were in full-time custody (Weekly States, 1993). Of the remaining 1225 cases, breach actions were in progress (the charge had been laid but the order had not yet been cancelled) for 80, 148 had applied for leave of absence and another 79 may or may not have had legitimate reason for their non-attendance.

Thus the 918 people who actually attended for this week made up 73% of the people with warrants, 75% of the people who should have attended, and 80% of the people who should have attended and for whom the Department of Corrective Services had not applied to have the warrant cancelled. From a different perspective, there was reason to believe that of the 1225 people who should have attended, 1066 (87%) had either attended or would have leave of absence granted, and that breach actions were in progress for 80 (7%).

The number of detainees attending for any week as a percentage of the total number of people with periodic detention warrants has increased over the last few years (Figure A1 in the appendix). For example, the average percentage of people with warrants attending was 60% in November, 1991, 67% in November, 1992 and 74% in November, 1993. It is impossible to deduce from these figures alone whether the improvement is due to detainees attending better in general or to non-attenders having their orders cancelled more quickly. A possible interpretation is suggested in the discussion (Section 4.1.3).

1.4 Legislative Changes Affecting Attendance and Eligibility for Periodic Detention

Some factors possibly influencing the attendance rate of detainees are the sentence length, the criteria used for selecting suitable convicted offenders, and the way with which non-attendance is dealt. Since the Periodic Detention of Prisoners Act, 1981 commenced on 1st April 1982 there have a number of changes regarding these factors. The most important recent amendments are as follows:

> the Periodic Detention of Prisoners (Amendment) Act 1989 which commenced on 11th February, 1990,
>
> the Periodic Detention of Prisoners (Amendment) Act 1991

which commenced on 4th November, 1991, and

the Periodic Detention of Prisoners (Amendment) Act 1992 which commenced on 22nd March, 1993.

There was also a Supreme Court decision (Regina vs Nolan) on 17th July, 1992 which had a marked effect on procedures for dealing with non-attendance. The major changes likely to affect attendances introduced by these Amendment Acts are summarised in Tables A1 and A2 in the appendix.

Prior to 11th February, 1990, under the Periodic Detention of Prisoners Act 1981, a periodic detention order might be made for a convicted offender 18 years or older, for a sentence of not less than 3 months and not more than 18 months. (Shorter terms might be served for specific offences.) In addition, the court had to be satisfied there was accommodation in a periodic detention centre and that it was appropriate for the sentence to be served as periodic detention.

After 11th February, 1990 (the commencement of the 1989 Amendment Act) the upper limit for sentences which might be served by way of periodic detention increased from eighteen months to three years, and after 4th November, 1991 (the commencement of the 1991 Amendment Act) there was an additional requirement for the court to obtain a written or verbal assessment prepared by an officer of the Probation Service (at the time called the Probation and Parole Service) or other authorised person regarding the suitability of an offender for periodic detention.

Prior to July 1992 (the Regina vs Nolan Supreme Court decision) any detention period where the detainee did not attend was added to the end of the sentence. Thus a detainee who was sentenced to 6 months (26 detention periods) would not be discharged as having finished the sentence until he or she had attended on 26 occasions (not counting any public holidays in that time) even though these were spread out over more than 6 months.

However, from the time of the Supreme Court decision by Justice David Hunt in Regina v Nolan on 17th July, 1992 until the commencement of the 1992 Amendment Act on the 22nd March, 1993, periods of non-attendance were not added to the end of the sentence unless the detainee had a valid excuse for not attending. Thus, during this time, a detainee with a sentence of 6 months who was absent without excuse for some periods would still be discharged as having served the sentence after 6 months.

After 22nd March, 1993 (the commencement of the 1992 Amendment Act) the sentence was once more extended by one week for each detention period for which the detainee failed to report. In addition the sentence was extended by one additional week for each detention period where this failure to report was without leave of absence (up to a total of two extra weeks for this reason). Thus a detainee with a sentence of 6 months would not be discharged sentence expired until he or she had served at least 26 periods,

extended to 27 or 28 periods if the detainee had been absent without leave on one or two occasions.

The detention order might also be cancelled if the detainee was absent without leave for three or more (not necessarily consecutive) detention periods.

1.5 Previous Studies on Periodic Detention Attendance

A previous unpublished study of periodic detention attendance patterns (Thompson, 1992) looked at the attendance of detainees sentenced directly before and after the 1991 Amendment Act for the first 12 weeks of their sentence.

It was found that a slightly higher proportion of detainees sentenced after the commencement of the 1991 Amendment Act attended 11 or 12 times during the first 12 periods of their sentence than detainees sentenced before the Act (35% before compared to 47% afterwards). This increase was statistically significant. However there was no statistically significant difference in average attendance (an average of 8.5 periods attended out of the first 12 before the Amendment Act compared to 9.1 periods after it). Thus the 1991 Amendment Act appeared to have a small but positve effect on periodic detention attendance patterns.

A secondary finding of this study was that attendance rates for the first 12 periods of the sentence tended to be higher for detainees with longer sentences and for older detainees. This raised the question of whether detainees with longer sentences continued to attend well throughout their sentence.

A study by Potas et al (1992) included an examination of periodic detention attendance for detainees received into periodic detention centres between 1st January, 1988 and 30th June, 1991. The authors calculated that 16.4% of detainees had failed to successfully complete their sentences and found that for males, the highest risk of failure was for those aged under 21 years, who were unattached and who had committed property or good order offences.

They also found that those with shorter sentences (ie 6 months or less) had lower failure rates. Overall 85% of the detainees in their study completed their sentences within one and a half times the term of their sentences.

1.6 Aims of This Report

The aim of this report is to amalgamate data from several departmental studies on the attendance patterns of periodic detainees in order to characterise the attendance situation up to October, 1993.

Firstly the attendance of detainees in the first thirteen weeks (three months) of their sentence is dealt with. The effect of the last two Amendment Acts on attendance is examined, comparing detainees sentenced after 22nd March, 1993 with detainees sentenced before and after the 1991 Amendment Act. These last two groups were the same detainees whose attendance for the first 12 weeks was reported in a previous (unpublished) study (Thompson, 1992). Possible

relationships with sentence length, age and most serious offence are also investigated.

Secondly, to show how detainees with long sentences attended throughout their sentences, attendance patterns are examined during the first 18 months for detainees starting sentences of between 18 months and three years in 1990, and also during the first two years for those detainees starting sentences of two years or over in 1990.

2 METHODOLOGY

Information on date of birth, sentence length, most serious offence and attendance was obtained from the Offender Record System through the Information Technology Branch of the Department of Corrective Services for the groups of detainees detailed below. This data was used to calculate the age at the start of the sentence and to group the most serious offence for each detainee into one of eight categories: homicide or assault, sexual offences, robbery, fraud, property offences, driving offences, offences against good order, and drug offences.

When counting attendances, detention periods including Christmas and Easter were ignored as these are automatically credited to the sentence although the detainee does not actually attend. From the method of entering attendance records into the Offender Record System for part of the time period of the study there was no reliable way of distinguishing legitimate absences (for sickness etc) with absences without leave. Therefore only attendances are reported in this study.

2.1 Representative Sentence Length Groups

Three groups of detainees were selected. Each group consisted of approximately 50 detainees received into each of four periodic detention centres (Malabar, Silverwater, Tomago and Windsor). These centres were chosen as they were considered to be the ones with the highest reception rates over the time periods of the study.

Table 1: Numbers in Study - Representative Length Groups

PDC	Number of Detainees		
	Group 1 Sent'd Before Nov 91	Group 2 Sent'd Nov 91-Apr 92	Group 3 Sent'd after Mar 93
Malabar	46	55	66
Silverwater	52	54	74
Tomago	51	51	60
Windsor	49	47	59
Total in study	198	207	259
Full-time custody for other offences	4	3	4
Warrant cancelled for non-attendance	0	0	4
Total after 13 weeks	194	204	251
Sentences under 3 months	2	1	5
Total warrants after 13 weeks with Sentences 3 months or over	192	203	246

Group 1 members were selected so that their sentences started as soon as possible before the commencement of the 1991 Amendment Act on 4th November, 1991. These sentences started in the period April to October, 1991. Group 2 members were selected so that their sentences started as soon after 18th November, 1991 as possible (allowing two weeks after the commencement of the 1991 Amendment Act). These sentences started in the period November, 1991 to April, 1992. Group 3 members were selected so that their sentences started as soon as possible after the commencement of the 1992 Amendment Act on 22nd March, 1993. These sentences started in the period April to July, 1993.

Since the reception rate was higher at some detention centres than others, in order to make up the numbers the receptions covered different periods of time at each centre. For example, group 2 at Malabar comprised all detainees whose sentences started between 22nd November, 1991 and 2nd March, 1992 while group 2 at Windsor comprised all detainees whose sentences started between 29th November, 1991 and 24th April, 1992.

Detainees who had been granted appeal bail or who had died during

the first 13 periods of their sentence were deleted from the data set since it was either unnecessary or impossible for them to have attended each period. The actual numbers in each group are given in Table 1.

The computerised attendance record on the Offender Record System for each detainee was printed out at least 14 weeks after the last sentence commenced, and a count made of the number of attendances recorded for the first 13 detention periods after the first computer entry for that sentence.

The distribution of the number of attendances, sentence length and age at start of sentence were compared for each group using Kruskal-Wallis tests, and the distribution of most serious offence category was compared for each group using a chi square test.

Excluding sentences of less than 13 weeks, relationships between attendance and the other variables were examined for groups 2 and 3 using a loglinear model with the continuous variables grouped into the following categories:

(i) attendance: 13 or 12 attendances in the first 13 periods; 11 or 10 attendances; up to 9 attendances or the detention order cancelled,

(ii) age: 18 or 19 years old at the start of their sentence; 20 to 24 years; 25 to 29 years; 30 to 39 years; 40 years or older,

(iii) sentence length: 3 months; more than 3 and up to and including 6 months; more than 6 and up to and including 9 months; more than 9 and up to and including 12 months; more than 12 months.

2.2 Long sentence group

Data was obtained for all people starting periodic detention sentences of 18 months or over (that is, between 18 months and 3 years) in 1990.

The distribution of age at the start of the sentence was compared with data for groups 1, 2 and 3 above using a Kruskal-Wallis test and the distribution of most serious offence was compared using a chi square test.

For the 101 detainees who had finished their sentence or were still attending after 18 months, counts were made of the number of attendances for 6 successive groups of 13 weeks and the total number of attendances for the 78 weeks (18 months) for each detainee from the computerised Offender Record System. For the 53 of these detainees who started sentences of 2 years or more in 1990, attendance was counted for a total of 104 weeks (2 years).

Possible trends of increasing or decreasing attendance in successive 13-weekly periods were investigated.

Relationships between the attendance result after 78 weeks and age and the most serious offence category were examined using a loglinear model with age grouped as above and attendance grouped into categories of those who attended 72 or more times out of 78, those who attended between 59 and 71 times, those who attended fewer than 59 times or were received into full-time custody for breach of the periodic detention order and those received into full-time custody for another offence.

3 RESULTS

3.1 Description of Detainees

3.1.1 Sentence Length

There was no difference in sentence length distribution between groups 1, 2 and 3. (A Kruskal-Wallis test was not significant at the 95% level.) Thus the requirement for a suitability report introduced in the 1991 Amendment Act did not seem to result in selecting more or fewer detainees with long or short sentence lengths than before.

Overall 18% of detainees had sentences of 3 months or less, 43% of over 3 months and up to 6 months, 24% of over 6 months and up to 12 months, and 14% of over 12 months (Figure 1). This is similar to the distribution quoted in the introduction for all detainees received in the 1991/92 financial year.

Of the 134 detainees starting periodic detention sentences of 18 months or over in 1990, 66 (49%) had sentences of 18 months, 31 (23%) of 2 years, 15 (11%) between 2 and 3 years, and 22 (16%) of 3 years.

3.1.2 Age at Start of Sentence

There was no difference in the distribution of age at the start of the sentence between groups 1, 2 and 3. (A Kruskal-Wallis test was not significant at the 95% level). Thus the requirement for a suitability report introduced in the 1991 Amendment Act did not seem to result in selecting more or fewer very young or very old detainees than before.

Overall 11% of the detainees were under 20 years old at the start of their sentence, 29% were between 20 and 24, 24% were between 25 and 29, 24% were between 30 and 39, and 11% were 40 or over (Figure 2).

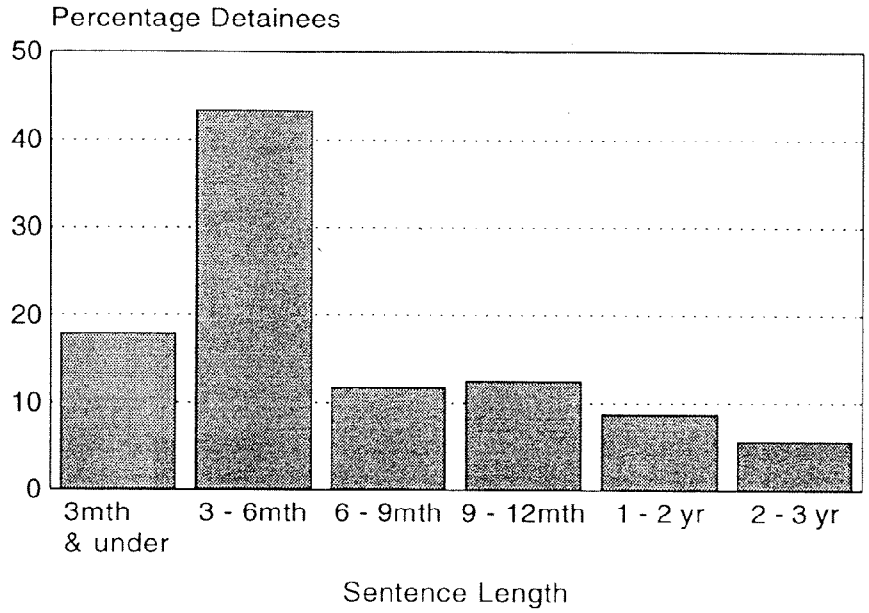
The distribution of age was different for the detainees with long sentences. (A Kruskal-Wallis test was significant at the 1% level.) A lower proportion of the detainees with long sentences were under 20 years old at the start of their sentence than in the groups which included all sentence lengths (6% compared to 11% in the combined groups 1, 2 and 3), and a higher proportion were over 35 years (31% compared to 21%) (Figure 2).

3.1.3 Most Serious Offence

There was a slightly lower proportion of detainees with a most serious offence in the property category in group 2, who had started sentences after the 1991 Amendment Act (17% compared to 23% overall). (A chi square test was significant at the 5% level.) Thus the requirement for a suitability report seemed to result in slightly fewer detainees for property offences being selected, although this trend seemed to diminish over time.

Overall 29% of the most serious offences were in the driving offence category, 23% in the property category, 15% for homicide or assault, 13% for drug offences, 9% for offences against good order, 6% for fraud, 4% for sexual offences, and 2% for robbery (Figure 3). This is similar to the distribution quoted in the introduction for all detainees received in the 1989/90 financial year.

Figure 1: Sentence Length Distribution



Groups 1, 2 and 3 combined (n=664)

Figure 2: Age Distribution

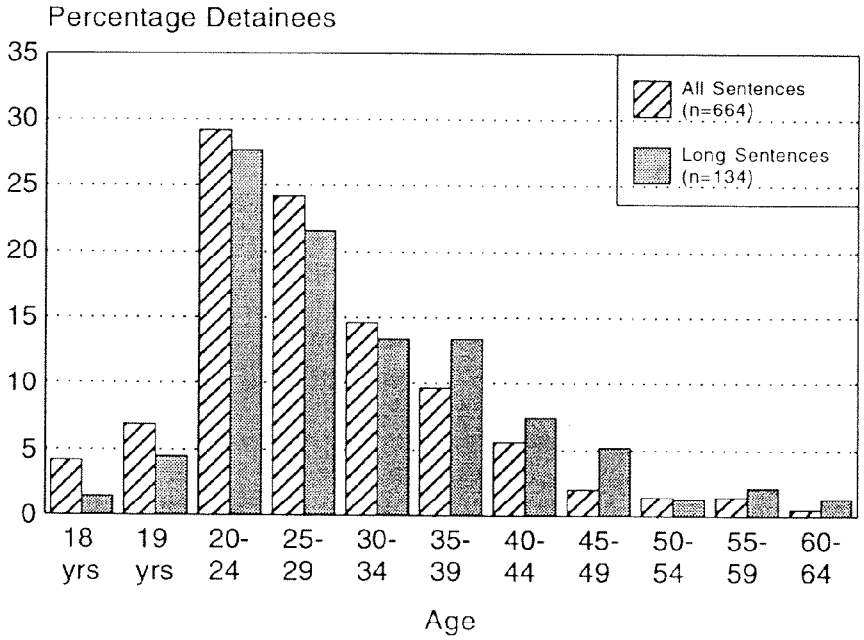
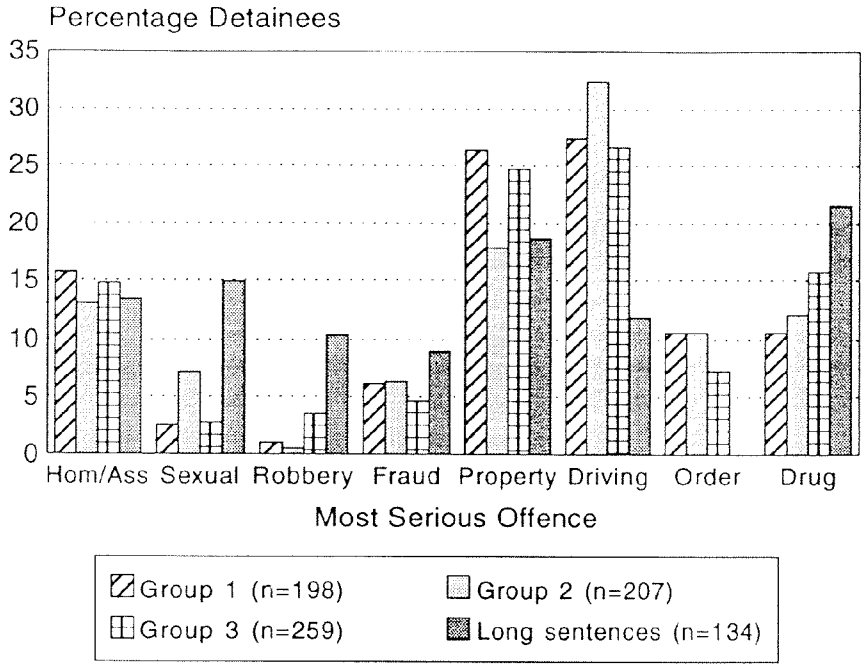


Figure 3: Most Serious Offence Distribution



The distribution of ages and sentence lengths differed for each MSO grouping as shown in Figures 4 and 5. For example, the robbery and property categories had comparatively high proportions of detainees under 20, while the sexual offence and fraud categories had comparatively high proportions of detainees aged 40 or over. Similarly comparatively high proportions of the detainees in the driving, homicide/assault and order categories had sentences not longer than 6 months, and comparatively high proportions of detainees in the sexual, robbery and fraud categories had sentences of one year or longer.

In 1990, periodic detention sentences of 18 months or over were given for offences in all the most serious offence categories except for offences against good order (See Figure 3). The predominant categories were for drug offences (22%) and property offences (19%). Most of the drug offences were "supply prohibited drug" and most of the property offences were "break, enter and steal", "larceny", "steal a motor vehicle", "possess implements capable of breaking into a motor vehicle", "receiving" and "goods in custody".

Compared to detainees as a whole (groups 1, 2 and 3 combined) there were higher proportions of detainees with long sentences in the most serious offence categories of drug offences (22% compared to 13%), sexual offences (15% compared to 4%), and robbery (10% compared to 2%). (A chi square test was significant at the 1% level.)

Figure 4: Age/Most Serious Offence

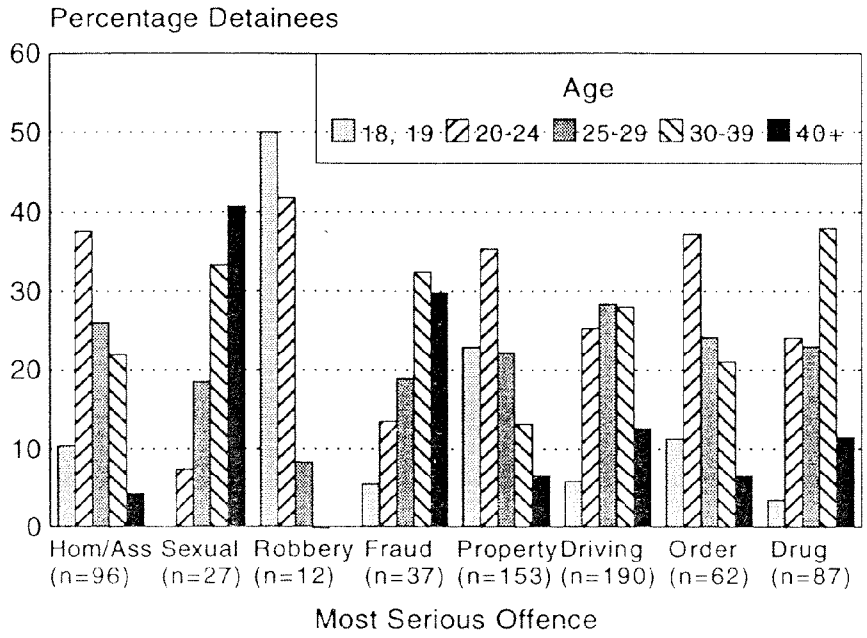
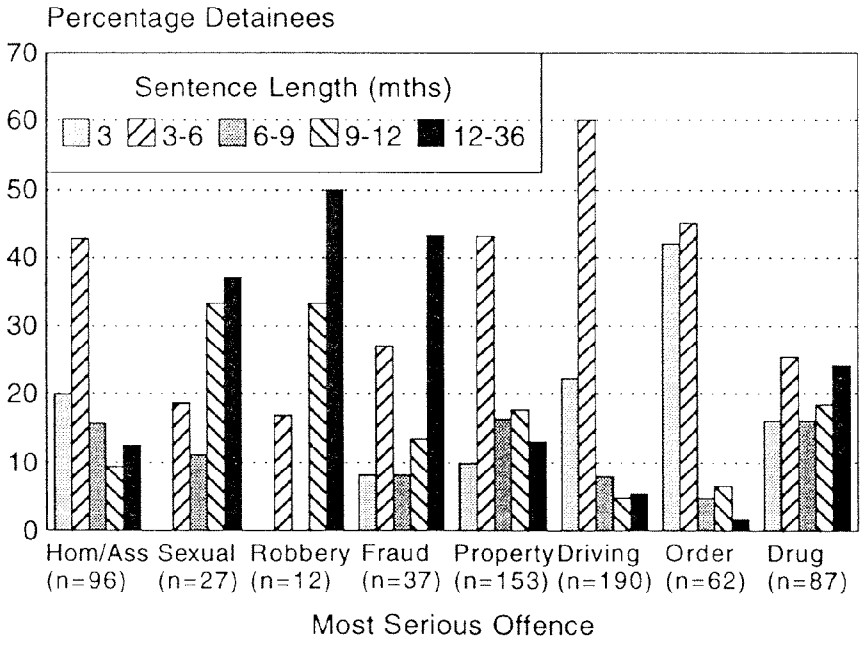


Figure 5: Sentence Length/Most Serious Offence



3.2 Cancellation of Periodic Detention Order

During the first 13 weeks of their sentence, 4 (2%) of group 1, 3 (1%) of group 2 and 4 (2%) of group 3 had their periodic detention order cancelled and were received into full-time custody because of an additional offence. As well, 4 (2%) of group 3, the group attending under the more stringent system for dealing with non-attendance, had their order cancelled in the first 13 weeks because of non-attendance.

The speed of action against detainees with three or more absences without leave recorded was examined. Within two months of the third absence, for 60% of these cases in group 3 either a letter had been written to the court asking that the detention order be cancelled or the detainee had been received into full-time custody or the detainee had been discharged after finishing his or her periodic detention sentence. In comparison, this action had been taken after two months of the third absence without leave for only 10% of the detainees in group 2.

Of the 134 detainees given sentences of 18 months or over in 1990, only 101 had finished their sentence or were still on the Offender Record System (ORS) as attending 78 weeks (18 months) after the start of their sentence. (Because public holidays, ignored in this study, count towards the sentence even though the periodic detention centres are closed, it was possible to complete a 78 week sentence with fewer than 78 actual attendances).

Of the other 33 detainees,

3 had had their periodic detention sentence changed to full-time custody as the result of an appeal,

5 had been received into full-time custody for a breach of periodic detention order only or for a breach of periodic detention order combined with fine default,

25 had been received into full-time custody for other offences, and hence had their periodic detention warrant cancelled. (It was unclear whether these offences were committed prior to the periodic detention sentence or not). The time between the start of the sentence and the date entered into the ORS for the first receival into full-time custody varied from 11 days to 18 months with a mean of 9 months.

3.3 Attendance

3.3.1 First Thirteen Weeks

3.3.1.1 Sentences under Three Months

Two detainees in group 1, one in group 2 and five in group 3 had sentences less than 13 months: one for 2 weeks, one for 4 weeks, three for 6 weeks, one for 8 weeks, and two for 9 weeks.

Four sentences were for failure to report to periodic detention. Only one of these detainees had any "away without leave" or "sick without certificate" entries on the computer attendance record.

Although the 8 detainees with sentences under 3 months all

eventually completed their periodic detention sentences, only one completed his sentence in the minimum time (the detainee with a sentence of 2 weeks).

Three out of the 8 detainees had an 'absent without leave' recorded on the computer.

Table 2: Attendance in First 13 Weeks for Groups 1, 2 and 3*

Attendances in First 13 Weeks	Percentage of 192 Detainees in Group 1	Percentage of 203 Detainees in Group 2	Percentage of 246 Detainees in Group 3
0	2.6	1.5	1.6
1	0.0	2.0	0.4
2	3.1	1.5	2.0
3	4.2	3.9	1.2
4	2.6	3.9	0.8
5	2.1	2.0	2.0
6	6.8	4.9	3.3
7	6.3	2.5	4.5
8	9.4	3.9	5.3
9	8.3	7.9	8.1
10	10.9	8.4	7.7
11	12.5	12.3	17.5
12	11.5	21.2	18.7
13	19.8	24.1	26.8
11 or 12	31.3	45.3	45.5
Mean Attendances	9.2 (70%)	9.8 (75%)	10.3 (79%)

* Group 1 started sentence April to October, 1991
Group 2 started sentence November, 1991 to April, 1992
Group 3 started sentence April to July, 1993

3.3.1.2 Sentences Three Months and Over

Omitting the 8 detainees with sentences under 3 months and those 15 detainees whose detention order had been cancelled in the first 13 weeks (shown in Table 1), the proportion of the remaining detainees in groups 1, 2 and 3 who attended 0, 1, 2, 3 etc times during their first 13 weeks is shown in Table 2. Groups 2 and 3 (starting sentences after the 1991 Amendment Act) had a small but significantly better attendance than group 1. (A Kruskal-Wallis test was significant at the 1% level). For example, 31% of group 1 attended 12 or 13 times in their first 13 weeks, compared to 45% of group 2 and 46% of group 3. However there was no significant difference between the attendance for groups 2 and 3.

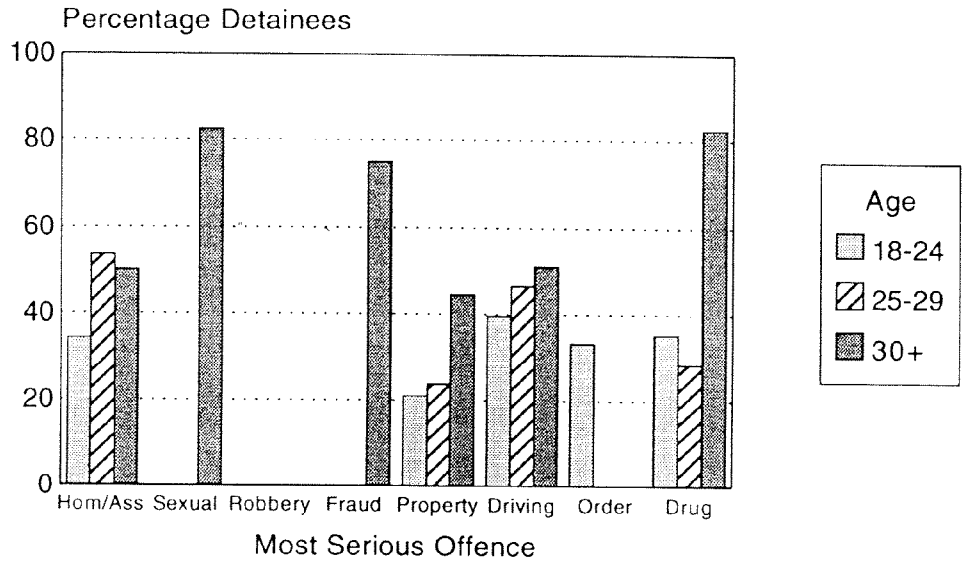
Of the 131 detainees starting sentences of 18 months or over in 1990 who completed 13 weeks without having their order cancelled, 62% attended 12 or 13 times in their first 13 weeks (Table 3). This confirms the previous finding that overall the detainees with long sentences attended better at the start of their sentence than detainees in general. (A Kruskal-Wallis test was significant at the 1% level.)

3.3.1.3 Relationship between Attendance and Other Variables

Looking at groups 2 and 3, there was a significant relationship between attendance rate and age, with younger age groups tending to have a lower percentage of good attenders than the older age groups. (The attendance/age interaction was significant at the 1% level in the loglinear analysis.) This overall effect of age also varied according to the most serious offence category. (The attendance/age/MSO interaction was significant at the 1% level in the loglinear analysis.) The effect of this is illustrated in Figure 6 for the percentage of detainees attending 12 or 13 times, grouping the ages into 18-24, 25-29 and 30 and over and ignoring MSO/age categories with fewer than 10 detainees. For example, in the drug category, 82% of the 34 detainees 30 years or older attended 12 or 13 times in their first 13 weeks compared to 35% of the 17 detainees aged under 25, a big difference between the age groups. In contrast, there was a much smaller difference between the age groups for detainees in the driving category where 40% of the 38 detainees under 25 attended 12 or 13 times, compared to 51% of the 55 detainees 30 or over.

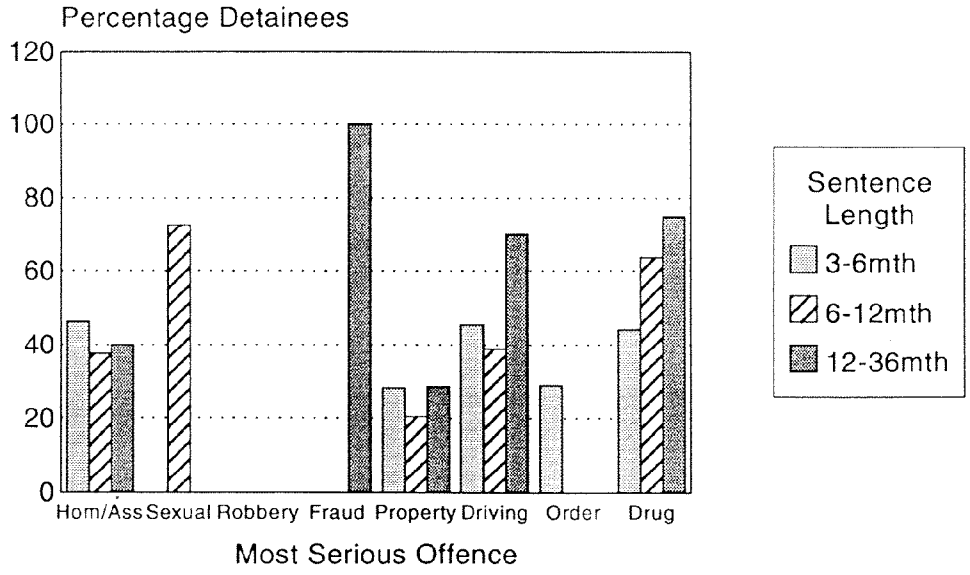
Analysis of groups 2 and 3 showed no overall relationship between attendance and sentence length when other variables were taken into account. However there was a relationship between attendance and sentence length for some of the most serious offence categories. (The attendance/sentence length/MSO interaction was significant at the 5% level in the loglinear analysis.) This is illustrated in Figure 7 which shows the percentage of detainees attending 12 or 13 times divided into sentence length groups of 3-6, 6-12 and 12 and over months, again omitting MSO/length groups with less than 10 detainees. For example, in the driving category, a higher percentage of detainees with sentences 12 months or more attended 12 or 13 times than the group of detainees with sentences

Figure 6: Percentage Attending 12 or 13 Times In Age/Most Serious Offence Categories



Groups 2 and 3 only. Age/MSO categories with less than 10 detainees omitted.

Figure 7: Percentage Attending 12 or 13 Times In Sentence Length/Most Serious Offence Categories



Groups 2 and 3. Sentence/MSO categories with less than 10 detainees omitted.

Figure 8: Percentage Attending 12 or 13 Times
In Age/PDC Categories

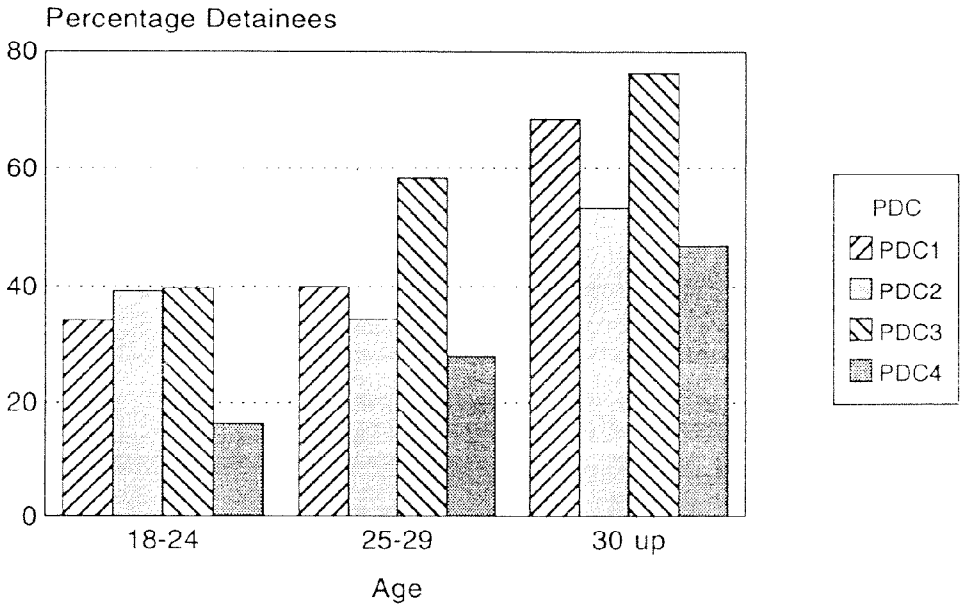


Figure 9: Percentage Attending Fewer than 10 Times
In Age/PDC Categories

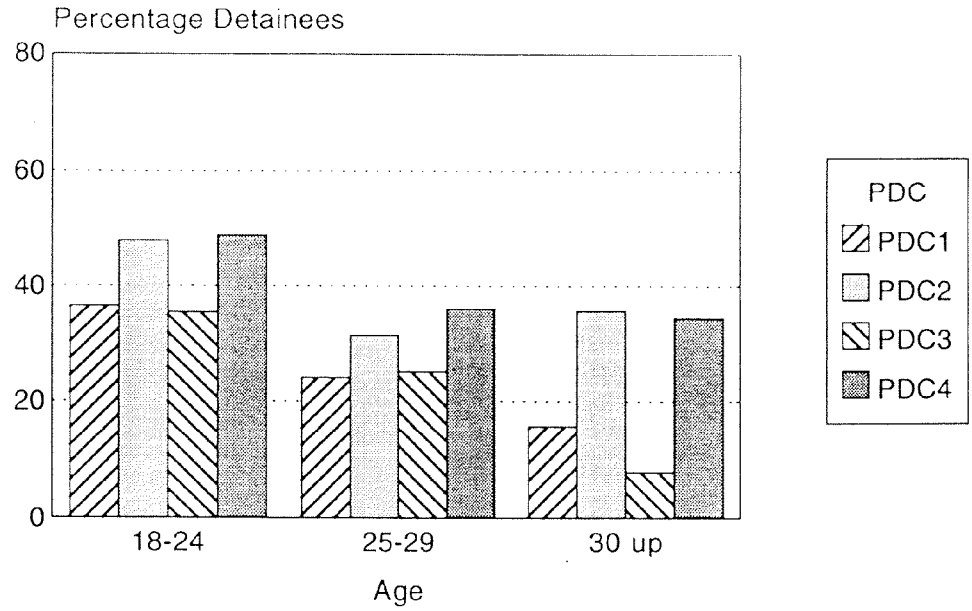
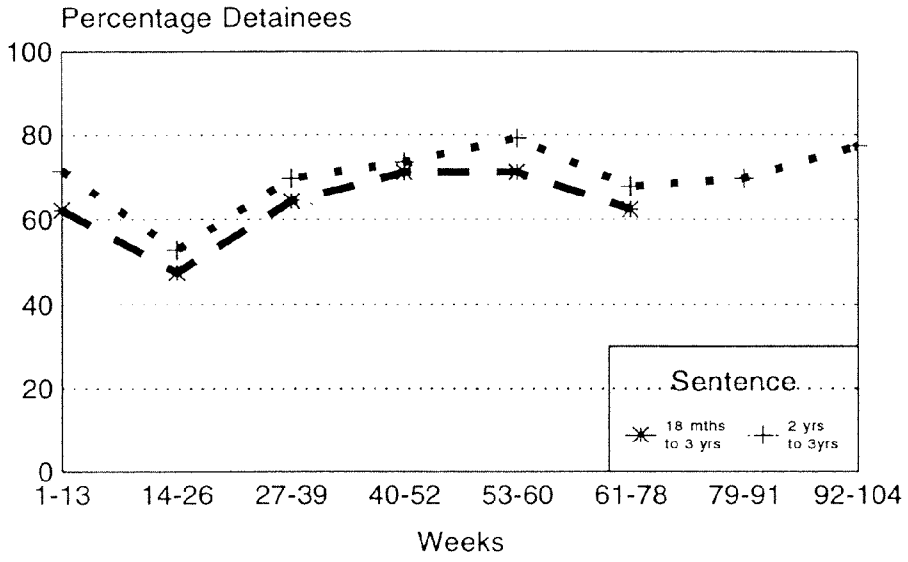
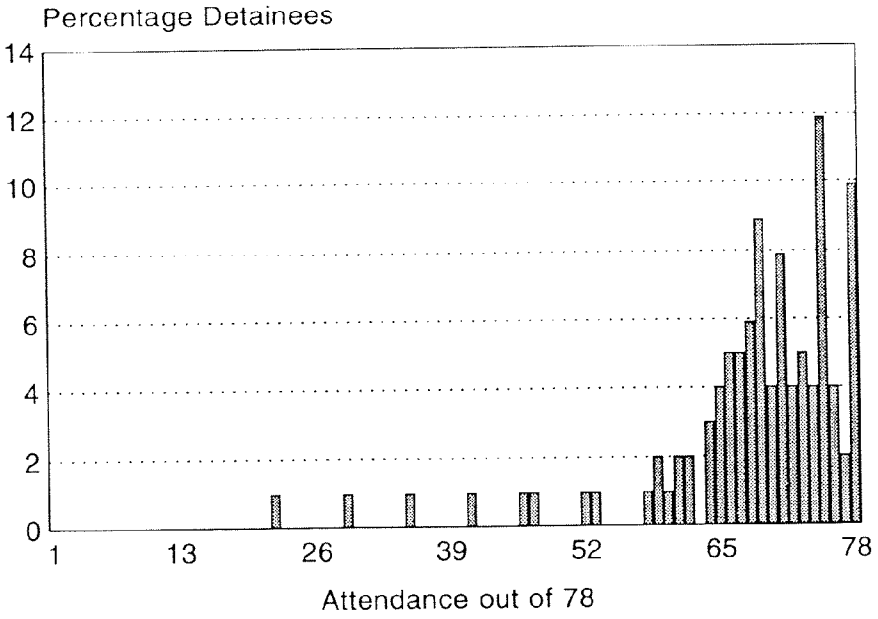


Figure 10: Percentage Attending 12 or 13 Times Successive 13-Weekly Periods



Periodic detention orders not cancelled after 18 mths or 2 yrs respectively.

Figure 11: Attendance over first 78 Weeks (18 months)



Detainees with sentences 18 mths to 3 yrs with PD orders not cancelled after 18 mths.

less than 6 months (70% compared to 45%) while there was little difference in attendance between the sentence length groups for property offenders.

There was no overall relationship between attendance and most serious offence for groups 2 and 3 when other variables were taken into account. (The attendance/MSO interaction in the loglinear analysis was not significant at the 5% level.)

For groups 1, 2 and 3 there was a relationship between attendance and the detention centre where the detainee was first received. (The attendance/PDC interaction in the loglinear analysis was significant at the 1% level.) Thus, taking the other variables into account, at least one of the four centres had received a consistently higher proportion of good attenders than the others. It should be noted that only the detention centre where the detainee was received was recorded. Sometimes detainees are moved during their sentence. For example about 10% of group 2 in the study were transferred during their first 3 months. Figure 8 illustrates the differences in the percentage of detainees in different age groups at each of the four centres in this study who attended 12 or 13 times in their first 13 weeks and Figure 9 shows the percentage who attended fewer than 10 times or had their warrants cancelled for non-attendance.

Comparing the relative attendance patterns of the detainees received into the four detention centres in this study, for detainees less than 25 years old PDC4 had a smaller percentage of good attenders (attending 12 or 13 times) than the other centres, but a similar percentage of bad attenders (attending less than 10 times) to PDC2. In contrast, PDC1 and PDC3 both had a lower percentage of bad attenders than the other two. That is, a higher percentage of young offenders attended badly at PDC2 and PDC4 than at the other two centres and there were more good attenders in PDC1 and PDC3, but the detainees in PDC4 attended only slightly less well than in PDC2. For detainees 30 and over there were more good attenders and fewer bad attenders in PDC1 and PDC3 than in PDC2 and PDC4 which again had similar attendance patterns.

3.3.2 Long Sentence Group

3.3.2.1 Attendance each Thirteen-week Period

Omitting those 33 detainees whose detention order had been cancelled, the percentage of the remaining detainees who attended 13, 12, 11 etc times is given in Table 3 for six successive 13 week periods.

Examining the percentage of detainees who attended 12 or 13 times for successive 13 week periods showed no trend of increasing or decreasing percentages of good attenders as their sentence progressed, although the second period of 13 weeks had a lower attendance than the rest (Figure 10). During this second 13 week period, 46 detainees had a poorer attendance than for their first 13 weeks, 20 detainees had a better attendance, and 35 had the same attendance rate. In addition, during the third 13 week period 20 detainees had a poorer attendance than their second 13 week period, 48 detainees had a better

attendance and 33 had the same attendance rate. Thus, although the average attendance was lower during this second 13 week period (a t-test was significant at the 5% level), over half the detainees did not attend worse than previously, and over half did not attend better over the next 13 weeks.

Similarly there was no trend with mean or median attendance.

It was apparent from the raw data that the very bad attenders for each 13 week period were not necessarily the same people each time.

Table 3: Attendances for Successive 13-weekly (3-monthly) Periods
Detainees with Sentences 18 mths to 3 yrs
(Orders not cancelled within 18 months)

Attendance out of 13	Percentage of 101 Detainees					
	1 -13 Weeks	14 - 26 Weeks	27 - 39 Weeks	40 - 52 Weeks	53 - 60 Weeks	61 - 78 Weeks
0	0.0	0.0	1.0	2.0	2.0	3.0
1	0.0	0.0	0.0	0.0	2.0	0.0
2	0.0	1.0	0.0	0.0	0.0	0.0
3	1.0	0.0	0.0	0.0	0.0	0.0
4	0.0	2.0	0.0	1.0	0.0	1.0
5	0.0	1.0	0.0	0.0	0.0	0.0
6	0.0	0.0	2.0	1.0	1.0	4.0
7	5.9	2.0	1.0	1.0	0.0	0.0
8	1.0	2.0	2.0	4.0	1.0	1.0
9	10.9	8.9	3.0	4.0	2.0	8.9
10	5.9	11.9	6.9	1.0	8.9	5.9
11	12.9	23.8	19.8	14.9	11.9	11.9
12	25.7	21.8	23.8	35.6	29.7	20.8
13	36.6	25.7	40.6	35.6	41.6	43.6
12 or 13	62.3	47.5	64.4	71.2	71.3	64.4
Mean	11.4 (88%)	11.0 (85%)	11.6 (89%)	11.5 (88%)	11.5 (89%)	11.2 (86%)

3.3.2.2 Attendance after Seventy-eight Weeks for Detainees with Non-cancelled Warrants

The total attendance for the 78 weeks for people still attending or having completed their sentence after 78 weeks is shown in Figure 11. Seven out of the 101 detainees who were still attending or had finished their sentence had attended every week, and 41 (41%) had attended for 72 or more weeks, the equivalent of 12 or 13 each 13 week period. Only 9 people (9%) had attended less than three quarters of the time.

3.3.2.3 Overall Performance after Seventy-eight Weeks

Overall, 31% of the detainees starting a periodic detention sentence which was not changed to full-time custody on appeal attended 72 times or more in their first 78 weeks, with 39% attending between 59 and 71 weeks, 11% attending fewer than 59 times or having their order breached, and 19% being received into full-time custody for other offences.

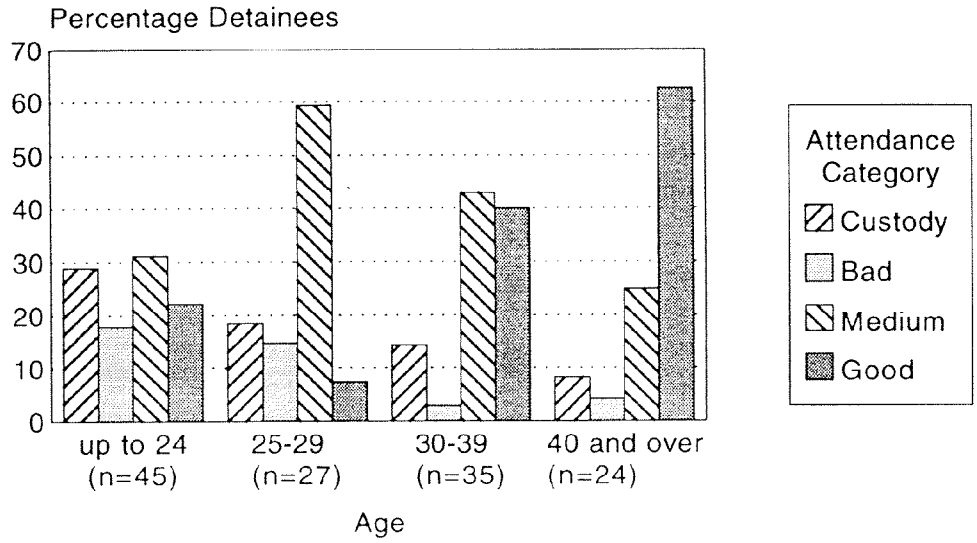
There was a significant relationship between the pattern of attendance for the first 78 weeks and age. (The attendance/age interaction was significant at the 5% level in the loglinear analysis.) This is illustrated in Figure 13. For example, a comparatively high percentage of detainees under 24 years at the start of their sentence were received into full-time custody for other offences.

There was no relationship between attendance and sentence length or most serious offence when other variables were taken into account. (The attendance/sentence length and attendance/MSO interactions were not significant at the 5% level in the loglinear analysis.) However over all the detainees the MSO category with the highest percentage of detainees received into full-time custody for another offence was the property category (Figure 13).

3.3.2.4 Attendance after Two Years for Detainees with Non-cancelled Warrants

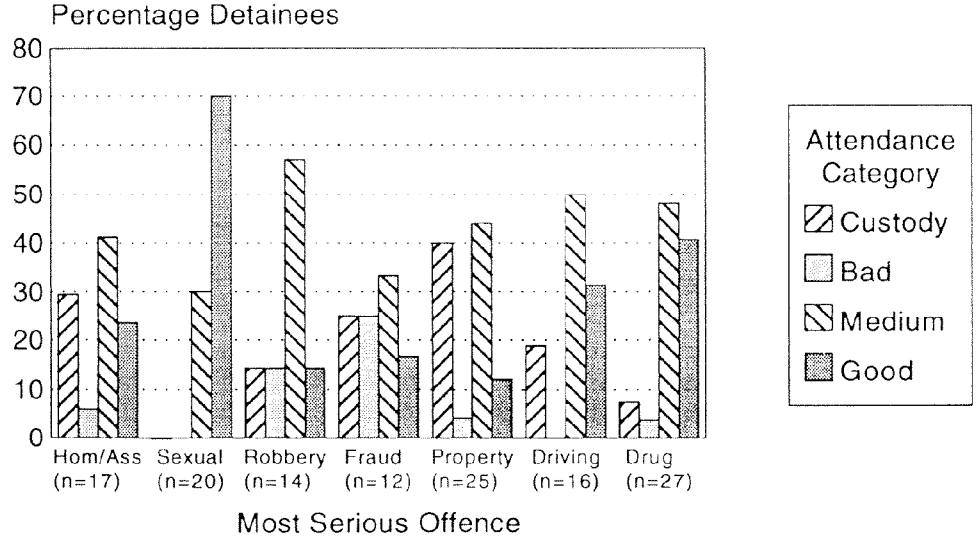
The total attendance after 2 years for those detainees with sentences of two years or over is shown in Figure 14. Out of the 53 detainees, 6 (11%) had attended every week and 27 (51%) had attended at least every 96 weeks out of the 104. The percentage of these detainees who had attended 12 or 13 times in successive 13 week (3 month) periods is included in Figure 10. As for the 18 month figures, there was no trend of decreasing attendance through the period of the sentence.

Figure 12: Attendance/Age Sentences 18 mths to 3 yrs



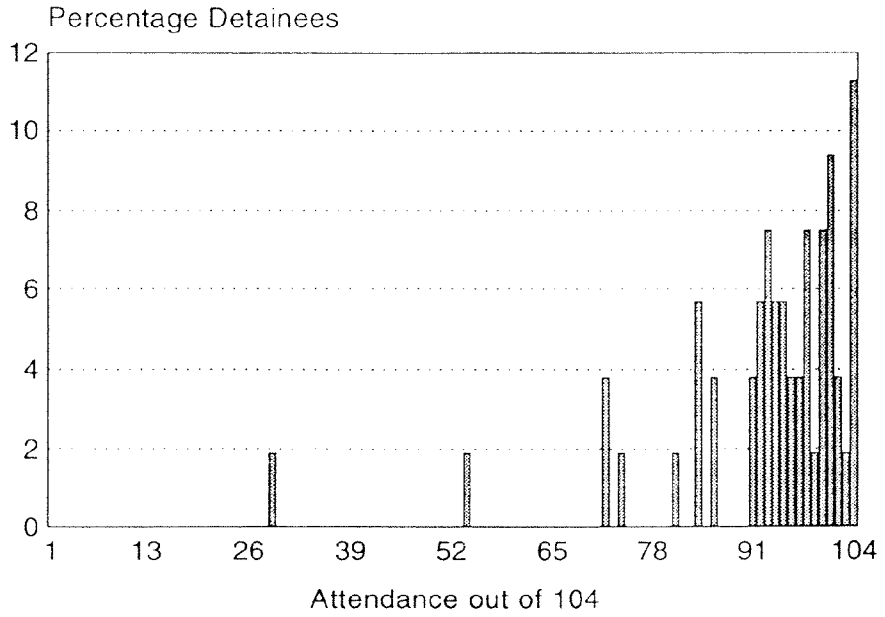
Custody=Custody for other offences; Bad=Custody for breach PD only or less than 75% attendance
Medium=75-92% attendance; Good=Higher than 92% attendance

Figure 13: Attendance/Most Serious Offence Sentences 18 mths to 3 yrs



Custody=Custody for other offences; Bad=Custody for breach PD only or less than 75% attendance
Medium=75-92% attendance; Good=Higher than 92% attendance

Figure 14: Attendance over first 104 Weeks (2 years)



Detainees with sentences 2 years to 3 years with PD orders not cancelled after 2 years

4 DISCUSSION

4.1 Changes Due to Legislation

4.1.1 The 1991 Amendment Act

The results of this study indicate that the 1991 Amendment Act (which required a report on the suitability of the offender for periodic detention) had only a small effect on the proportion of periodic detainees who attended well. For example, for the group in the study sentenced before the Act, 31% of those with non-cancelled warrants after 13 weeks had attended 12 or 13 times compared to 45% of the group sentenced immediately after the Act.

Although older detainees in this study attended better than the younger detainees in general and especially in some offence categories, there was no change in the ages of the detainees received after this Act. The group in this study received just after the Act had a slightly lower proportion of property offenders. This may or may not indicate a perception that property offenders are bad attenders. In any case, this effect was not found for detainees received in the following year.

4.1.2 The 1992 Amendment Act

The main thrust of the 1992 Amendment Act was to deal more strongly with non-attendance. For the detainees in this study the time interval between the third absence without leave and the date of the letter sent by the Legal Branch asking for a court listing was much shorter after the Act.

For example, for the detainees in group 3 (after the Act) with three or more absences without leave recorded, in 60% of the cases a letter had been written to the court asking that the detention order be cancelled or the detainee had been received into full-time custody or the detainee had been discharged after finishing his or her periodic detention sentence within two months of the third absence. In comparison, this action had been taken after two months of the third absence without leave for only 10% of the detainees in group 2 (before the Act).

However dealing with non-attendance more strictly did not increase the proportion of detainees who attended well. It could be argued that increasing threats will not cause most detainees to attend better.

4.1.3 Changes in Weekly Attendance

The most readily available data on periodic detention attendance is the number of detainees actually attending each week. However it is difficult to relate this number or the percentage attending on any one day to the attendance of individual detainees (for example, to the percentage of good attenders). As described in the introduction, on any one day the people with periodic detention warrants can be grouped into people who do not have to attend periodic detention (in full-time custody or on appeal bail), people who should attend but have been given leave of absence, people who do attend, and people who are absent without leave. The people in the last category can be divided into those for whom a breach action has been

initiated (since the 1992 Amendment Act chiefly those who have had three or more illegal absences) and the others (chiefly those who have had fewer than three illegal absences). The number with a breach action pending depends on the number of people with too many illegal absences and also on the time it takes the court to cancel the periodic detention warrant. This time may vary between detention centres and times of the year.

The percentage of attenders can be calculated in several ways. As a percentage of the total number of people with warrants it includes people who should not have been in custody. As a percentage of the number of people who should have attended (that is ignoring those in full-time custody or on appeal bail) it will disadvantage situations where the court takes a long time to cancel a warrant. As a percentage of the number of people who should have attended without those for whom breach action has been initiated it will only take into account the better attenders. None of these ratios are comparable to the average attendance of a detainee over a set number of weeks.

The graph in Figure A1 in the Appendix shows the number of people attending as a percentage of the total number of people with warrants each week. This method of calculating the percentage of attenders was chosen as data was available for the longest time period.

The sharp increase after July 1993 occurred when it was ruled that illegal absences need not be served at the end of the sentence, thus terminating the sentences of many detainees who had ceased to attend. The next increase occurred directly at the end of March 1993, the time of the commencement of the 1992 Amendment Act. This percentage has dropped slightly since Christmas 1993. (The poor attendance on the first weekend after Christmas for the last two years is very evident.)

It should be noted that even if breach action is initiated against more poor attenders this will not show as an increased percentage on the graph until the court has actually cancelled the warrants.

4.2 Choice of Detainees

While it would be desirable to produce a comprehensive chart of potential good and bad attenders, the numbers in this study are generally too small. Nevertheless the following groups of detainees in this study (as sentenced under the present system) had a comparatively high percentage of people attending 12 or 13 times in their first 13 weeks.

- older detainees in the sexual, fraud and drug offence categories
- detainees with sentences of 1 year or more in the fraud, driving and drug offence categories
- detainees with sentences from 6 months up to 1 year in the sexual offences category

In contrast, the following groups of detainees (as sentenced under the present system) had a comparatively low percentage of people attending 12 or 13 times in their first 13 weeks.

- younger detainees in the property offence category

- detainees with any sentence length in the property offence category
- detainees with sentences less than 6 months in the against good order offence category

For those detainees with sentences 18 months and over and for the attendance/MSO groupings in the study, property offenders had the largest proportion of detainees received into full-time custody for another offence in their first 18 months, and the sexual and drug offence categories had the largest percentage of detainees attending more than 92% of the time in their first 18 months.

The relationship between attendance and other variables can be looked at from two different angles. Firstly the effect of the variable can be examined as if all the other variables were constant. Secondly the population of detainees can be grouped according to that variable, ignoring the existence of other variables.

Looking at the variable of age, for example, the statistical test showed a significant relationship between age and attendance when other variables were taken into account, with the older detainees generally attending better than the younger ones. Thus every grouping of detainees in this study with a comparatively large proportion of older detainees had a comparatively high attendance rate. For example, in this study the most serious offence categories of sexual offences, and fraud, which had a comparatively high proportion of people over 40 years also had a relatively high proportion of good attenders. In contrast, the property offenders comprised a comparatively high proportion of young detainees, and also had the lowest proportion attending 12 or 13 times in the first 13 weeks. In addition, among detainees with long sentences, property offenders also had the highest proportion received into full-time custody for other offences.

Looking at a second example, the statistical test indicated that once other variables such as age had been taken into account, there was no overall relationship between attendance and sentence length for the results of this study, although there was a weak relationship for some offence groups. However, when the detainees in this study were grouped according to sentence length, the detainees with longer sentences attended better in general than those with shorter sentences. This occurred because longer sentences were more frequently given to detainees in groups with higher attendance (more older detainees, and more in the sexual, fraud and drug categories).

Using the results of this study to improve the selection of good attenders for periodic detention is difficult without knowing more about the offenders who were **not** given periodic detention orders. If the detainees in groups 2 and 3 of the study under 30 had not been given periodic detention, the percentage attending 12 or 13 times in their first 13 weeks would have been 62% instead of 44% (47% omitting offenders under 20 and 53% omitting offenders under 25). But if more offenders over 30 had been given periodic detention orders during this time the result is more problematic. One would query whether there were

any eligible offenders in that age bracket not given periodic detention, and if so, why they had not been given periodic detention in the first place.

Similarly it cannot be deduced that increasing the sentence length would improve the attendance for these offences. The longer sentence may indicate a different type of offence or a different type of offender, or one could suggest that more rigorous consideration is given before a periodic detention order is made for offenders with longer sentences.

That is, findings about detainees in this study relate to offenders, offences and sentence lengths under the current sentencing system. Age is the most likely variable related to attendance in this study that might be used to help indicate whether the offender is likely to be a good attender or not, but even age should be treated with caution. The results obtained in this study should be used only as pointers to possible good attenders, not as definite predictors.

4.3 Attendance Differences between Periodic Detention Centres

The consistent difference in attendance patterns (taking other variables into account) between the detainees received into the four different detention centres in the study seems worthy of follow-up by departmental staff.

Only the detention centre where the detainee was received was recorded and sometimes detainees are moved during their sentence. (For example, about 10% of group 2 in the study were transferred during their first 3 months.) In theory offenders are supposed to attend a centre near their homes, but this factor can be overridden for a number of reasons.

Detention centres differ in living facilities and jobs. Control of each detention centre was handed over to the governor of the parent institution (correctional centre) between December, 1991 and March, 1992 and thus detention centres also differ in general management. The results seem to imply that either a consistently higher proportion of good attenders is received at some centres than others, some areas are more healthy, or that the conditions at some centres encourage a higher attendance rate.

If the centres in New South Wales with the highest number of good attenders can be identified this may suggest improvements to the other centres. Unfortunately, for the reasons discussed in section 4.2.3, determining which of the eleven detention centres in New South Wales have the highest percentages of good and bad attenders will be difficult to deduce from the weekly attendance figures (the only regularly collected attendance data).

4.4 Attendance for Short Sentences

With only eight detainees in this study with sentences of less than 13 weeks it was not possible to draw any conclusions about attendance patterns for short sentences. However it was interesting that, while all the detainees eventually finished their sentences, only one out of the eight served his sentence in the minimum time (a sentence of 2 weeks).

4.5 Attendance Throughout Long Sentences

During 1991/92, 197 detainees were received with sentences of 18 months or more (Annual Report Supplement, 1992) and on 30th June, 1993 there were 118 detainees with 18 months or more still to serve (Eyland, 1993). Thus whether detainees with long sentences continue to attend well throughout their sentence is of some relevance.

Periodic detention orders for long sentences (18 months or over) were made out to fewer young people (under the age of 20) than detention orders in general, and to more offenders over the age of 35. This seems desirable in view of the higher percentage of younger detainees who attended badly or who were received into full-time custody for other offences, and the higher percentage of good attenders among the older age group.

Similarly periodic detention orders for long sentences were made out to fewer people with a most serious offence in the categories of against good order (none in this study) or property, and to more people with most serious offences in the categories of drugs, sexual offences and robbery. Again this seems desirable in view of the high percentage (40%) of property offenders in the study who were received into full-time custody for another offence, and the low percentages of drug, sexual and robbery offenders who had a very low attendance or were received into full-time custody for another offence or for breach of the periodic detention order.

A practical difficulty in looking at attendance patterns over a long period of time is that there have been several changes in the way non-attendance has been dealt with in the last few years. However since the long sentences examined all started during 1990, the detainees were all sentenced before the 1991 Amendment Act requirement for a report on their suitability for periodic detention. As another consequence of this starting date, the attendance periods for the first 18 months occur prior to July, 1992, when illegal absences temporarily ceased to have to served at the end of the sentence. Thus detainees serving long sentences at the end of 1993 will be doing so under more stringent attendance conditions than those in the study and the results may be taken as showing a pessimistic view of attendance patterns since 22nd March, 1993.

Even so, this study showed that 70% of detainees with sentences 18 months or over attended for at least 59 of their first 78 periods (75% of the time) and 31% had attended for at least 72 periods (92% of the time). It should be remembered that some of the absences were for valid reasons.

For the 76% of the detainees who did not have their order cancelled within 18 months, 91% attended at least 75% of the time and 41% attended at least 92% of the time. There was no indication that attendance dropped as the sentence progressed for these detainees.

Similarly, for the detainees with sentences of two years or over and who had not had their order cancelled within two years, there was

no indication that the attendance rate dropped with time. When looking at the attendance during the first 2 years, in some cases the final weeks of the two years may have been after July 1992, and therefore under different attendance conditions. However this did not seem to have any significant effect on the people in this study.

The results indicate that most of the people in the study with long periodic detention sentences attended consistently throughout their sentence. A minority ceased to attend for substantial periods, but because of the time sometimes involved in cancelling a periodic detention order, the detainee may remain on the books for some time even though the Department has initiated the breach action. A more common reason for a detainee with a long sentence not finishing his or her sentence as periodic detention was their being received into full-time custody for another offence. This was the case for 19% of detainees in this study. This percentage was particularly high for younger detainees (up to 24 years at the start of their sentence) and for detainees with a most serious offence in the property group. This is consistent with the Potas et al (1992) finding that for males, those aged under 21 and those who had committed property or good order offences had the highest failure rate.

4.6 General

Periodic detention is regarded as a potentially useful alternative to full-time custody on both financial and economic grounds, and as this study indicates, many detainees do attend in a satisfactory manner. However, despite the measures introduced in the 1991 and 1992 Amendment Acts, there are still some detainees who do not. An additional drawback to the program is that offenders are at liberty in the community during most of their sentence, able to commit more offences if they wish. It could be argued that complete success in determining whether an eligible offender is in fact suitable for periodic detention can never be achieved. It could also be argued from the results of this study that increased threats of punishment for non-attendance will not increase the number of good attenders above the present level. Thus continual efforts will always have to be made by the Department of Corrective Services to identify and remove unsuitable detainees from the program.

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Periodic Detention of Prisoners (Amendment) Act 1991.
Periodic Detention of Prisoners (Amendment) Act 1992.
Summary Offences Act 1988

6 ACKNOWLEDGMENTS

Clerical help from Vicki Johnston and Sarah McCabe of the Periodic Detention Administration Unit and Nai Ling Wang of the Malabar Periodic Detention Centre is gratefully acknowledged, also the printing of attendance records from the Offender Record System by Gerard Van Doorn of the Information Technology Branch.

Table A1: Changes in Legislation Affecting Eligibility for Periodic Detention Since 10/1/90

	Under Periodic Detention of Prisoners Act 1981 as at 10/2/90	Introduced by Periodic Detention of Prisoners (Amendment) Act 1989 (Commenced 11/2/90)	Introduced by Periodic Detention of Prisoners (Amendment) Act 1991 (Commenced 4/11/91)	Introduced by Periodic Detention of Prisoners (Amendment) Act 1992 (Commenced 22/3/93)
Age at sentencing date (Section 5(2))	18 years or over			
Length of sentence (Section 5(1))	3 mths to 18 mths (inclusive)	3mths to 3yrs (inclusive)		
Permitted offences under 3 months (Section 5A)	Domestic violence under section 4(1) Crimes Act 1900 or under section 547AA Crimes Act 1900	Summary offence under Summary Offences Act 1988 Offence against section 562I Crimes Act 1900 Domestic violence offence under section 4 (1) Crimes Act 1900		In addition An offence against PD Act
Power to order periodic detention (Section 5(1))	Periodic detention deemed appropriate Accommodation in PDC available No undue hardship from travel		In addition report by authorised person required	
Cumulative sentences (Section 5 (4))	Not allowed	Cumulative sentences may be served by periodic detention		

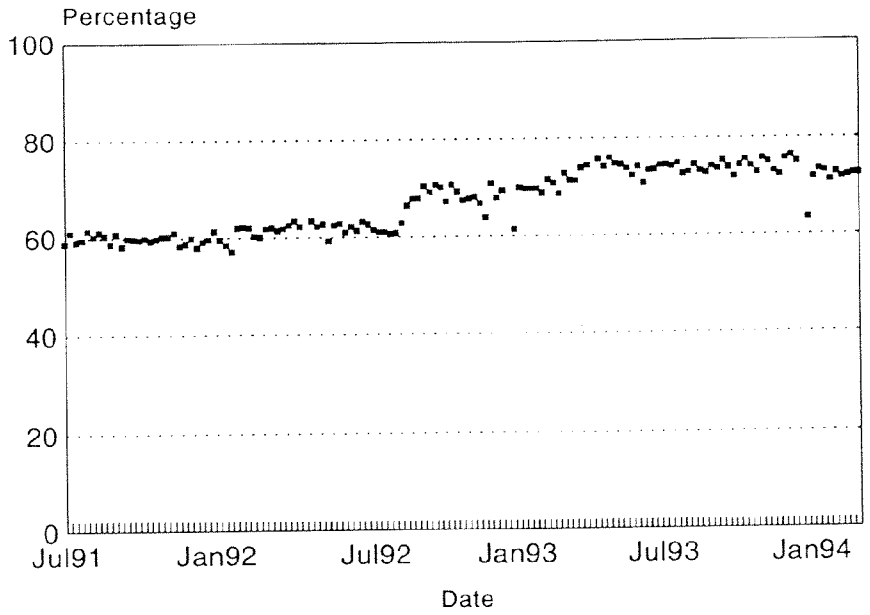
Note: Tables A1 and A2 do not give a comprehensive listing of all the changes introduced by the Amendment Acts.

Table A2: Changes in Legislation Affecting Methods for Dealing with Non-Attendance Since 10/1/90

	Under Periodic Detention of Prisoners Act 1981 as at 10/2/90	Introduced by Periodic Detention of Prisoners (Amendment) Act,1989 (Commenced 11/2/90)	Introduced by Periodic Detention of Prisoners (Amendment) Act 1991 (Commenced 4/11/91)	Regina vs Supreme Court judgement on 17/7/92	Introduced by periodic Detention of Prisoners (Amendment) Act 1992 (Commenced 22/3/93)
Leave of absence (Section 20)	Health reasons or compassionate grounds				In addition at discretion of Commissioner If detainee in custody.
Failure to report (Section 21)	Non-served detention period added to end	Non-served detention period added to end of sentence		Non-served detention period added to end of sentence only if for leave of absence	Detention period added to end of sentence for all absences. Up to 2 extra days added for absences without leave
Additional custodial sentence of over 1 month (Section 24)	Order must be cancelled New sentence cannot be periodic detention Periodic detention sentence served concurrently with new sentence	Order must be cancelled unless new term is also periodic detention but new term need not be served concurrently			
Other cancellation of order (Section 25)	Court may cancel order on application	If application made by the Commissioner reasonable efforts must have been made to serve notification on detainee.			In addition the court must cancel the order if the Commisioner applies and the detainee has 3 non-attendances without leave of absence
Offences (Section 33 (1) (a))	Failing to report at the required place and time liable for a term of imprisonment up to 12 months or fine not exceeding $1,000				Only applies when failing to report to outside job or different PDC

Note: Tables A1 and A2 do not give a comprehensive listing of all the changes introduced by the Amendment Acts.

Figure A1: Percentage of People with Warrants Attending



From Weekly States Report, Research and Statistics Unit