



Council of Social Service of New South Wales

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NSW Sentencing Council
BOX 6 GPO
Sydney NSW 2001

Dear Madam/Sir

Re: Review of the Periodic Detention Scheme

Thank you for the invitation to make a submission to the Review of the Periodic Detention Scheme.

Unfortunately, due to resource constraints the Council of Social Service of NSW (NCOSS) is unable to make a full submission to the review. However, we would like to place on record our views regarding the value and constraints of the Periodic Detention model as it operates in NSW.

As the peak body for the non-government human services sector in NSW we have a strong interest in law and justice issues. We are concerned that sentencing policy and practice should ensure that people from disadvantaged population groups have equal access to positive sentencing options that can contribute to effective rehabilitation.

NCOSS comes from the perspective that custodial sentences need to be appropriate, rehabilitative in intent, and focused on securing the best outcomes for the offender and the community. Unfortunately in NSW, custodial sentences rarely meet that standard, as evidenced by the relatively high recidivism rate (44%) compared to the national average.

NCOSS notes that daily average periodic detention population in NSW in 2005-06 was 802. This is a very small proportion of the total prison population in NSW of 9,101, which is projected to increase to over 10,000 in 2007-08.

NCOSS supports periodic detention in so far as it permits offenders to maintain their ties to their families, community and employment. NCOSS is of the view that periodic detention should be retained as a sentencing option as it provides the Courts with the necessary flexibility to match the sentence with the seriousness of the offence, however, we also submit that non custodial/community sentencing should be used in favour of periodic detention whenever possible.

NCOSS notes that periodic detention is often presented in the media as some sort of soft option. NCOSS does not support this view and notes the comments of the NSW Law Reform Commission (Discussion Paper 33):

“It is a sentence that represents a significant dislocation of ordinary life of the typical working person. The offender is deprived of his or her liberty by having to reside in prison, and is forced to undertake work in the community”.

NCOSS considers that periodic detention is punitive and comes at considerable cost to the offender and their family. Whilst detainees are required to work on community projects, other time is spent in the cells, yard or common areas. This may be traumatic for the offender with associated impacts upon their mental health, reliance on substances etc. The traumatized offender is then returned to their family for the remainder of the week.

Whilst NCOSS supports periodic detention as a flexible sentencing option, it should also be noted that NCOSS supports community sentencing options over custodial sentences as an appropriate form of punishment for many less serious crimes.

NCOSS considers that non custodial sentencing and community based sentencing options are a more effective means of promoting rehabilitation, maintaining family and community links, minimizing disruption to offender's families, maintaining continuity in employment or education and minimizing the costs to the state of incarcerating offenders.

NCOSS notes that in 2005-06 the daily cost per full time prisoner was \$189.69 compared to \$10.37 per day for community based sentences.

NCOSS recognizes that community based sentencing options are punishments in their own right and are effective sanctions. It is important to place value upon the social benefits of community sentencing options. In this regard non-custodial options deliver added value. They stand on their own merits, are proportionate to the offence, may be potentially more effective in terms of rehabilitation and re-integration with community, as well as delivering a cost benefit to the state.

NCOSS submits that in order to maximize outcomes under the State Plan (specifically around reducing re-offending) further policy and fiscal adjustments need to be made across government to reduce the incidence of disadvantaged people coming into contact with the criminal justice system in the first place.

Thank you for the opportunity to make a submission to the Inquiry.

Yours sincerely

Michelle Burrell
Acting Director