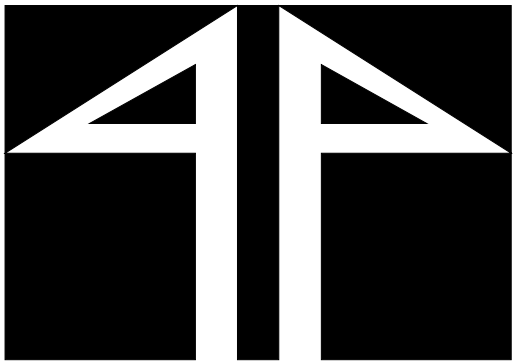
PROBATION AND PAROLE OFFICERS' ASSOCIATION OF NEW SOUTH WALES



SUBMISSION TO THE NEW SOUTH WALES LAW REFORM COMMISSION ON SENTENCING

Question 5

September 2012

TABLE OF CONTENTS

SUBMISSION ON SENTENCING

QUESTION 5

The Probation and Parole Officers' Association of NSW (referred to in this document as 'the Association') welcomes the opportunity to make a submission to the NSW Law Reform Commission's (NSWLRC) *Review of Sentencing*. This submission should be read in conjunction to the Association's submission to other questions as they are interrelated. This submission addresses question 5.

Question 5.1

1. Should the special circumstances test under s 44 of the *Crimes (Sentencing Procedure) Act 1999* (NSW) be abolished or amended in any way? If so, how?

The Association notes the Commission's introductory discussion on this matter. It particularly agrees with the comments of Justice Hunt at 5.26 largely supported by those of Chief Justice Spigelman at 5.37. These comments highlight the vagaries of special circumstances. Considering that the law examines each case on its particular merits and failings, it is no surprise that sentencers find lots of features 'special' and 'particular'. The research of the Judicial Commission indicates that the higher courts have increasingly found special circumstances as a means of rejecting the single presumptive ratio, thus effectively limiting the effectiveness of the statutory provision for the balance of non-parole and parole periods. In a sense, *Truth in Sentencing* has created the problem of limiting *Justice in Sentencing*. The courts have responded to resolve dilemma.

These factors lead the Association to support reform of the law to better reflect the sentencing practice. The Association favours fewer and lesser periods in custody for most offenders as occurs in Victoria, Tasmania and New Zealand. For reasons pertaining to history and culture, New South Wales has become a relatively frequent and excessive user of custody as a means of maintaining law and order. The Association favours the reform option, whereby the courts merely sentence the offender according to the seriousness of the crime and the circumstances of the offender, applying the principles and priorities of sentencing to the particular case. The principle of proportionality implies that the length of non-parole periods be varied by the courts according to the merits and deficiencies of the case. The Association further criticises the retention of a specified presumptive ratio in answering the question which follows.

To pursue the course of reform through public debate and the parliament would necessarily raise a political media debate likely to revolve around 'going soft on crime'. This is likely to result in criticism of the government and the Attorney-General in particular, as well as the courts. The government may be able to re-shape and fend the debate, but the courts and other justice administration agencies are effectively unable to enter the arena of public debate. So the media will continue to be able to make various unanswered allegations and unchallenged assertions to incite moral panic. Consequently, the Association considers that retention of the specified presumptive ratio may best serve

the interests of justice and politics, in which case, some form of power to depart from the specified presumptive ratio or 'special circumstances' needs to be retained.

Other and less far-reaching reform options are possible. Rather than retaining a 'special circumstances' provision, the statute could specify the reasons why the presumptive ratio do should not apply. The material of Table 5.1, reporting the Judicial Commission research, indicates an obvious concentration of reasons to reduce the non-parole periods for the particular set of offences in the study. These reasons could be used as the basis for re-defining factors that permit the court to vary the ratio of non-parole to parole periods. The five most frequently occurring reasons could be listed as reasons to vary the specified ratio, with the remainder included within a further category of 'such other special circumstances as the Court may find'. Alternatively, the 'special circumstances' provision could be retained with the same categories defining the meaning of 'special circumstances'.

2. Should a single presumptive ratio be retained under s 44 or should a different ratio be applied for different types of offences or difference types of offender; and, if so, what ratio should apply to different offences or different offenders?

The Association regards the statutory ratio of three parts non-parole and one part parole as an arbitrary and odd recipe, concocted for the sake of overt consistency. It reflected the NSW Parliament's desire to be 'tough on crime' and to limit the Court's discretion.[1] But the reality of sentence computation is far more complex and difficult. Terrible acts can be committed by terrible people, but often they are committed by people acting impulsively, recklessly or compulsively. The statutory ratio limits the court's discretion to determine a balance that reflects both the crime and the offender, thus promoting findings of 'special circumstances' in order to redress the obvious inequity.

There is no research to suggest that serving three parts of a sentence in custody and one part on parole benefits the community in specific ways. As Table 5.2 indicates, various jurisdictions arrive at ratios, some contingent upon the offence type (Qld, NT, SA), others the sentence length (Vic, Qld, WA, NZ). In the comparison of jurisdictions, NSW is at the higher, more punitive end. Its presumptive ratio of 75% merely ensures that the larger part of the overall sentence is spent within prison walls. This may satisfy media-driven community fears, but it generates considerable cost for questionable benefits.[2] It

[1] The Jackson Inquiry conducted by Justice Slattery (1983-1984) and the subsequent convictions of those involved in corrupting the early release to licence scheme resulted in 'Truth in Sentencing' legislation that removed both prisoner and departmental abilities to reduce the length of sentences through remissions for good behaviour etc. This began a trend whereby prisoners rights and entitlements were eroded in favour of a 'tougher' approach to crime and criminals. A perhaps unintended consequence of this trend has been to fetter judicial discretion.

[2] There is a considerable amount of research and evidence that prolonged periods of imprisonment promote rather than reduce recidivism. See, for example, Wan, W.-Y., Moffatt, S., Jones, C. and Weatherburn, D. 2012, 'The effect of arrest and imprisonment on crime', *Crime and Justice Bulletin*, No 158 February 2012. Foucault argues that psychiatric hospitals and prisons promote mental illness and crime, see Foucault, M.

reflects an emphasis on retribution and punishment to the detriment of compensation, restitution, rehabilitation and restoration. Prison is the most expensive form of justice and should be retained for the most serious offences committed by the worst offenders.[3] If a presumptive ratio is retained, then the Association supports reducing the ratio towards the mode amongst Australian jurisdictions of 50% and New Zealand's ratio of 33.3% of the head sentence. A lower ratio would bring NSW closer to an Australian jurisdictional consensus and change the decision-model from finding reasons to reduce the ratio (as occurs at present) to finding reasons to increase the ratio (eg severity of the crime and circumstances of the offender). The present ratio negates and devalues the role of parole supervision, which has an overall effectiveness of around 70%.[4]

Parole has a high rate of order completion that contrasts and counteracts the effects of imprisonment to increase recidivism.[5] But, contrary to research, the current legislation promotes lengthy non-parole periods rather than parole periods. This imbalance needs to be redressed.

Parole supervision is an essential and necessary part of sentences. Parolees experience various difficulties following release from prison. Parole supervision is intended both to assist offenders re-settle and protect the community from further offending. Effective parole supervision requires re-settlement, re-integration and rehabilitation. Effective parole supervision takes time.

The Association regards any parole period in excess of six months to be sufficient for an offender to undertake significant changes and demonstrate some rehabilitative effects. Parole periods of less than six months provide for initial re-settlement but limit re-integration issues being addressed. It is possible to re-connect offenders to community-based counseling, drug and alcohol services, etc within the early weeks of parole supervision, but not to effectively deal with the various hurdles, setbacks and failures that inevitably occur. Some parolees are released to drug and other rehabilitation programs which take months, even years, to complete. All parolees have considerable obstacles to employment and therefore income and lifestyle. They often experience a form of 'culture shock' and other forms of disorientation within the first month of release.

1988, originally published in 1965), *Madness and Civilization: A History of Insanity in the Age of Reason*, Random House, New York.

[3] CSNSW calculates the daily cost of open custody as $182.28 and secure custody as $209.29 which equates to $5,544 and $6,366 per month, and $66,532 and $76,391 per year (*Fact and Figures*, 12th Edition, March 2012, Corporate Research, Evaluation and Statistics, CSNSW, Sydney). While police and legal costs for a case can escalate into thousands and tens of thousands of dollars, the costs of custody over months and years can easily exceed these.

[4] Claims as to the efficacy of parole supervision vary depending on the method of calculation. 70% is a conservative estimate based on Norman, B., Bosley, L. and Baldry, E. 2011, 'Community Base Offender Management NSW: Is NSW adopting the discredited probation and parole model that Americans are abandoning?', *Crime and Justice Reform Fact Sheet*, http://www.crimeandjustice.org.au/sites/cjrc/files/Community%20Based%20Offender%20Management.pdf Accessed 18/11/2011, State Parole Authority Annual Reports (various years) and other research reported in Pearse, M. 'The effectiveness of Probation and Parole supervision in NSW', *Judicial Officers' Bulletin of NSW*, Vol 24 No 7, August 2012, Judicial Commission of NSW, Sydney.

[5] See notes 2 and 4.

Many revocations occur during the first three to six months of parole after which time, the breach rate tapers off. This has important implications both for sentencing and supervision practice. Early support, monitoring and resource allocation is warranted to maintain and improve survival rates.

A local study of recidivism indicated that 44% of offenders re-offended within five years, 53% re-offended within ten years and almost 60% re-offended within fifteen years. So 40% of offenders didn't offend within fifteen years. The study also found varying rates of re-offending for various offence types.[6] Thus the overall picture of parole has inherent complexities and varying outcomes over time. Parole has lasting effects in some cases, but demonstrates better effects in the short-term, particularly while orders remain in-force.

Similarly, the Association regards three years of parole supervision as the maximum effective period. Probation and Parole Officers have developed a simple of practice maxim for parolees of: "One year to adjust, one year to establish and one year to consolidate". Periods of supervision in excess of three years commit the Probation and Parole Service to supervise cases that demonstrate stability, when its resources would be better deployed to less stable cases.

Thus a single presumptive ratio disregards the evidence for minimum and maximum periods of supervision. Under the current legislation, head sentences between six months and two years imply a parole period of less than six months, countering the minimum effective term of supervision. Head sentences between two years and four years imply parole periods between six months and one year. An offender serving a non-parole period of twelve months is probably better served by a year (or more) on parole. Similarly, an offender serving a non-parole period of two years is probably better served by at least a year (or more) on parole.

The Association submits that effective minimum and maximum supervision periods should shape the structure of sentences, following the court's initial determination of the severity of offence and seriousness of the offender, applying the principles and priorities of sentencing to the particular case. The principle of proportionality implies that the length of non-parole periods be varied by the courts according to the merits and deficiencies of the case.

It is possible to establish a table of head sentence, non-parole and parole periods as follows:

[6] Holmes, J. 2012, 'Re-offending in NSW', *Crime and Justice Statistics*, Issue paper no. 56 January 2012, NSW Bureau of Crime Statistics and Research, Sydney.

Table 1 Overall Sentence, Non-parole and Parole Periods

Overall Sentence Length	Non-parole period	Parole Period
1 day to three months	One day to three months	Three months
Three months to six months	One day to three months	Three months to six months
Six months to 12 months	Three months to six months	Three months to six months
12 months to 2½ years	Six months to 12 months	Six months to two years
Two years to 3½ years	12 months to 18 months	12 months to two years
18 months to four years	18 months to two years	18 months to two years
Four years +	Two years +	Two years to three years
Six years +	Three years +	Three to five years*

* Probation and parole supervision limited to a period of three years

This table outlines a more complex model than a single presumptive ratio, focusing the sentencer's attention on setting an adequate parole period as well as the non-parole period within the overall sentence. It articulates the points at which the parole period should increase from three months to six months, to twelve months, to 18 months to two years and three years. The current legislation insists on a lengthy non-parole period compared to the parole period, but permits the courts to vary the single presumptive ratio (as occurs frequently at present) because it is inherently restrictive and punitive. The Association strongly supports the Court's authority to vary the balance of the non-parole period from the statutory proportion, particularly to give effect to minimum and maximum effective periods of supervision. The above table could be simplified (eg by removing the Non-parole period column) or modified to increase or decrease the number of rows.

It also supports the adoption of different ratios for different offenders as canvassed in the LRC introductory material in paragraphs 5.47 and 5.48. It notes and concurs with 5.53 and 5.54 but recommends that the current working be revised according to the interpretation outlined in 5.53 in order to remove ambiguity.

However, the political reality may well be that the parliament is unable to depart from the current legislative prescription for fear of criticisms of going 'soft on crime'. In such circumstances, the retention of the courts' power to vary from the single presumptive ratio remains critical to equity and justice. Unnecessarily lengthy periods of incarceration invoke the adverse consequences of expense and higher recidivism.

Question 5.2

1. Should the order of sentencing under s 44 of the *Crimes (Sentencing Procedure) Act 1999* (NSW) return to a 'top down' approach?

The Association's holistic submission is that sentencing proceeds to adjudicate the severity of the offence and the circumstances of the offender to initially determine

whether community-based penalties or imprisonment should be imposed. If community-based penalties are rejected and imprisonment must be imposed, the Court should determine the length of the overall sentence (top-down) having regard to the interests of the victim, the community and the offender. It should then have regard to the interests of the victim and the particular circumstances of the offender to determine the lengths of the non-parole and parole periods. In specifying the length of the parole period, the court must consider that a minimum parole period is three months, preferably six months and that a maximum parole supervision period is three years. Parole periods that exceed three years would limit the Probation and Parole supervision period to three years.

2. Could a 'top down' approach work in the context of minimum non-parole periods?

The Association submits that minimum non-parole periods make little sense in the broader scheme of things. Current sentencing practice tends to honour specified ratios more in the breach than the observance. Retaining standard non-parole periods would thus continue to operate in the present manner if a 'top down' model was formally in place.

Question 5.3

1. Should sentences of six months or less in duration be abolished?

The Association would welcome a society where all sentences of six months or less could be satisfied through community-based programs penalties where offenders were able to compensate and restitute victims and re-orient their lives away from offending towards pro-social activities. Such an idealized position is clearly desirable, but considerably different from the current reality, particularly the current political reality. The Association also holds concerns that such a measure would result in 'sentence creep' and unduly fetter judicial discretion.

Setting the probability of media attack to one side, the Association argues that the principle of proportional punishment according to the seriousness of the crime and the circumstances of the offender make short sentences necessary. Short sentences are imposed often when crime is serious or persists beyond the point of judicial and community tolerance and/or community penalty options have been exhausted.

It further submits that many of the concerns and problems that arise in relation to imposing sentences of imprisonment stem from the manner in which those sentences are administered by CSNSW. If the nature of custody for short term inmates was demonstrably less brutal and damaging, many of those concerns would be ameliorated. The experience of inmates serving short sentences can vary considerably, but they, like all sentenced prisoners, are received into a maximum security reception gaol prior to possible dispatch to a gaol of classification. It is conceivable that inmates serving short sentences could be processed in a different manner that avoids possible contact with long-term inmates and other criminalizing associations.

Nonetheless, the Association favours specific attempts to reduce the number of persons receiving sentences of six months of less through targeted community-based or custody-based[7] options, but not to abolish the court's authority to impose such sentences. In fact, it proposes changes that better address the situation of offenders serving short sentences. Contrary to the current legislation which excludes parole supervision, better use could be made of short sentences by including periods of parole supervision with a minimum of three months for the purposes of community re-settlement and re-integration.

A large number of offenders, including a disproportionate number of indigenous men and women, currently receive sentences of six months or less. Some preliminary submissions indicate that this number could be reduced if community-based alternatives were readily available throughout NSW. Certainly periodic detention was not readily available across NSW, but CSNSW has made considerable gains in extending the availability of both home detention and ICOs. It also needs to be borne in mind that both home detention and community service options are effectively underutilized. The popularity of both options has declined over the recent five years.

Many offenders receive short sentences because of ongoing offending, breaches of community-based penalties or the seriousness of offences. Imprisonment is the penalty of last resort and requires sentencers to eliminate lesser penalties as adequate. Many offenders receiving short sentences are the subjects of community-based orders and Pre Sentence Reports. The problem is not so much that community-based options are not attempted, but more that they have not prevented further breaches or offences.

In discussing the question of short sentences, we should also consider the impacts for those offenders remanded in custody for reasons other than likelihood of non-appearance or interference with witnesses or re-offending. Lengthy remand in custody can often result in an offender being released from court or having his/her sentence back-dated to render release immediate or imminent. As a consequence, the remanded inmate does not have access to programs and services that may reduce recidivism.

The Association thus argues that a two-faceted approach is needed to address the high number of inmates serving sentences of six months or less. CSNSW needs to develop specific targeted community-based programs for men and women. These should be culturally relevant and place-based. CSNSW should also develop low-security custodial programs for indigenous men and women as well as offenders serving their first period of incarceration and other low level offenders such as those incarcerated for driving offences. In other words, it needs to develop forms of custody that are less concerned with security and more with indigenous culture, offending and rehabilitation. Placing offenders serving their first custodial sentence in maximum or medium security with recidivists is contra-indicated by research. Placing short-term inmates in maximum or medium security with long-term inmates similarly raises serious questions about recidivist effects. The Association argues that CSNSW perpetuates a narrow and prohibitive definition of custody to the detriment of many offenders.

[7] The Association argues elsewhere in this submission that CSNSW could provide alternate forms of custody for short-term inmates.

2. Should sentences of three months or less in duration be abolished?

Again the Association welcomes this proposition, but questions the political viability, community support and media tolerance of such a proposal, however worthy it may be. It also holds concerns that such a measure would result in 'sentence creep' and unduly fetter the judicial discretion.

The Association favours the Scottish presumption against sentences of three months or less for low level offenders. Any sentence of three months could be presumed to be served by home detention, unless reasons were found that prevented its administration in this manner. Home detention sits within the penalty hierarchy as a means of serving a sentence of imprisonment. It requires various conditions and criteria be assessed and satisfied prior to making an order. Revocation results in the sentence being served in prison.

Such an option may be politically viable and capable of withstanding media criticism. The Association notes, however, that the courts have not filled the home detention program with detainees and thus appear to question its broad application. So there may be valid practical problems for both sentencers and sentence administrators.

Again, the Association favours attempts to reduce the number of persons receiving sentences of three months of less through targeted community-based or custody-based options, but not to abolish the court's authority to impose such sentences. Given that the Association regards the period of three months as the minimum period to assist community re-settlement and re-integration, a period of parole supervision is rendered impractical. Consequently, the onus falls to custodial authorities to prepare these men and women for release through forms of custody that permit and enhance community ties and relationships that will be pursued upon release. But even the best efforts of custody-based staff will continue to be negated if offenders spend significant portions of their sentences remanded in custody before receiving back-dated sentences and imminent release.

3. How should any such abolition be implemented and should any exceptions be permitted?

The Association does not make the case for abolition at this time and makes no submission.

4. Should sentences of imprisonment of six months or less continue to be available as fixed terms only or are there reasons for allowing non-parole periods to be set in relations to these sentences?

The Association has earlier submitted that courts should be able to impose parole supervision periods of three months or more for sentences between three and six months. Please refer to the material presented above that supports this submission.

Question 5.4

1. How is the aggregate sentencing model under s 53A of the *Crimes (Sentencing Procedure) Act 1999* (NSW) working in practice and should it be amended in any way?

The Association makes no submission on this question at this time.

2. Should a court be required to state the individual sentences that would have been imposed if an aggregate sentence had not been imposed by the court:

The Commission's introductory material pertaining to this question raises many relevant concerns. The Chief Judge of the District Court rightly points out that introducing a requirement to specify what sentence would have been imposed (when it clearly has not) serves only to create unnecessary complexity. Courts have too many available approaches to sentencing – aggregate, in totality, top-down, bottom-up. It seems impossible to reconcile these competitors without pursuing complex inter-relationships and calculations. Instead, they need to be reconciled into a single approach and a single decision-making model.

The Association takes the view that offences often occur in criminal episodes and that offending often continues until it is detected by others, particularly authorities like police employers, auditors, etc or family members. The contiguous rewards of some crimes are often much stronger than an offender's desire to desist. Totality or aggregation makes sense because it recognizes the difference between an offender who commits five crimes in a week and an offender who commits five crimes in two years. The accumulation of sentences should not occur in a mechanical actuarial manner or like a supermarket checkout. It needs to recognize both the repetition and escalation of offending.

While not holding a strong view on this question, the Association favours the simpler approach of imposing an overall sentence, though the calculation of the overall sentence from the particular crimes warrants some clarity.

Question 5.5

1. Should a court be required to state reasons if the effective sentence does not reflect the special circumstances finding on the individual sentences?

The Association makes no submission on this question at this time.

2. Are there any other options to deal with these cases?

The Association makes no submission on this question at this time.

Question 5.6

What limit should be applied to the automatic release of offenders to parole on expiry of a non-parole period?

The Association considers the current statutory provisions to be sensible and adequate. While the limit could theoretically be extended to four or five years, the court is limited in its ability to assess an offender's suitability for parole years into the future. Automatic release makes sense for shorter sentences as it provides certainty of release and because the processes of consideration for release require time and thought. But for longer sentences, parole consideration provides a degree of incentive and pressure for an inmate to avoid poor behaviour in prison and make some efforts to present a favourable case through participation in services and programs.

For these reasons, the Association argues for retention of the current provisions and against extending the limit.

Question 5.7

1. Should back-end home detention be introduced in NSW?

The Association supports the current home detention sentencing option as an alternate means of serving a sentence of imprisonment. These arrangements permit the whole of the sentence to be served in home detention.

Home detention was introduced following an extended Intensive Community Supervision pilot program, administered and staffed by the Probation and Parole Service. The pilot scheme employed teams of Probation and Parole Officers using Service case management approaches. It was subjected to formal evaluation and endorsed by the Parliamentary Cabinet by proceeding to draft and implement home detention legislation.

However, five years ago,[8] the administration of home detention orders was taken over by the Commissioner's Compliance Group. From that point, it has operated in a quite different manner, notably in the orientation, qualifications and case management practices of the staff. The Association does not regard the current operation of home detention case management as consistent with research-based practice because it is largely concerned with compliance rather than case management.

The proposal to operate as a back-end sentence raises some obvious possible problems. *Truth in Sentencing* principles imply that a sentence of imprisonment is served in a prison. The legislative provisions for home detention enable courts to direct that the sentence be served by way of home detention and the orders of the court are then demonstrably carried out without compromise. A back-end home detention scheme would similarly need to operate in a manner consistent with *Truth in Sentencing*

[8] In July 2007 the then Commissioner for Corrective Services removed the home detention program operations from the Probation and Parole Service and assigned it to the new Commissioner's Compliance Group. The Association regarded this decision as unfounded and largely negating the favourable evaluation and Cabinet decision to implement a legislation-based home detention scheme.

principles. So release to the home detention program would need to ordered by or permitted by the court at the time of sentence. It could not be applied to existing sentences of imprisonment. Nor, the Association argues, could it simply become a form of custody open to any suitable inmate. In a sense, *Truth in Sentencing* implies *Truth in Sentence Administration.*

The Association considers that public and media opinion does not support the concept of a sentence of imprisonment being served in the home.[9] As a consequence, it considers that advancing a back-end home detention scheme countenances strong public and media opposition.

Whereas the current home detention scheme diverts offenders from custody to the community, a back-end scheme would see them serve a period in custody, then home detention (as parts of the sentence), then possibly being released to parole. Thus the Association regards the introduction of back-end home detention as confusing the purpose of the existing program (diversion), and introducing additional complexity via a three component sentence. These are not insurmountable problems, but they highlight the need to argue and articulate the advantages and benefits of commencing a second scheme. Would it not be better to divert 300 offenders from prison under one scheme than have two schemes, in a sense, competing for candidates? If a second scheme was introduced, some offenders would go directly to home detention and others would serve a custodial sentence before being assessed to be released to home detention. Would the two programs be ostensibly the same, or should they be different? If so, how should they differ? Would the back-end scheme need to have extended electronic monitoring and curfew provisions to mimic the elements of custody? Would breaches of back-end home detention effect release to parole?

Consequently, the Association does not consider a back-end home detention scheme to be viable or sufficiently well-articulated at this time. In fact, it has the distinct potential to confuse and antagonize the media, the general public and the administration of justice.[10]

2. If so, should a person's eligibility and suitability for back-end home detention be determined and by whom?

The Association has argued that *Truth in Sentencing* principles require that the back-end home detention is either:

a) ordered by the court as part of a sentence of imprisonment; or

b) permitted by the court in the orders made.

One difficulty for the court would be the timing of the assessment and the commencement of the home detention period. In the current scheme, these two events are contiguous, but if an offender is sentenced to a term of imprisonment, even for as little as two or three months, the proposed residential situation may have changed and/or

[9] This essentially reflects the Victorian position, though not to the extent of abandoning all forms of home detention

[10] This problem of conceptual imprecision is also raised in relation to Intensive Corrections Orders which amounts to an unarticulated combination of home detention, community service and probation.

the consent of occupants rendered valid. A Probation and Parole Officer could assess eligibility and suitability, but usually some other body or authority makes the determination. This could be the sentencing court, the State Parole Authority, or the Commissioner for CSNSW. There are a number of possible models here.

REFERENCES

Annual Report (various years), State Parole Authority, Sydney.

Fact and Figures, 12th Edition, March 2012, Corporate Research, Evaluation and Statistics, CSNSW, Sydney.

Foucault, M. 1988, (originally 1965), *Madness and Civilization: A History of Insanity in the Age of Reason*, Random House, New York.

Norman, B., Bosley, L. and Baldry, E. 2011, 'Community Base Offender Management NSW: Is NSW adopting the discredited probation and parole model that Americans are abandoning?', *Crime and Justice Reform Fact Sheet*, http://www.crimeandjustice.org.au/sites/cjrc/files/Community%20Based%20Offender%20Management.pdf Accessed 18/11/2011.

Pearse, M. 'The effectiveness of Probation and Parole supervision in NSW', *Judicial Officers' Bulletin of NSW*, Vol 24 No 7, August 2012, Judicial Commission of NSW, Sydney.

Wan, W.-Y., Moffatt, S., Jones, C. and Weatherburn, D. 2012, 'The effect of arrest and imprisonment on crime', *Crime and Justice Bulletin*, No 158 February 2012.