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THE IMPACT OF PAROLE LEGISLATION CHANGE IN SOUTH AUSTRALIA

AUGUST 1989

DEPARTMENT OF CORRECTIONAL SERVICES
RESEARCH AND PLANNING UNIT

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PREFACE

This Social Issues study has been prepared jointly by the South Australian Office of Crime Statistics and the Research and Planning Unit, South Australian Department of Correctional Services. The study was supported in part by a grant from the Criminology Research Council which enabled the Department of Correctional Services to employ a researcher to conduct interviews with judges and magistrates, correctional staff and offenders. However, the views expressed are the responsibility of the authors and not necessarily those of the Council. The South Australian Government supported the remainder of the research through the permanent staff of the Office of Crime Statistics, the Research and Planning Unit, Department of Correctional Services and additional staffing for the Office of Crime Statistics for a period of eight months.

Sections 1 to 4 were written by Dr Adam Sutton, section 5 by Leigh Roeger and Frank Morgan and sections 6 and 7 by Frank Morgan. Interviews were conducted by Lorraine Green. Clerical work was undertaken by Scharlene Lamont and typing of the report undertaken by Maria Tassone. The researchers wish to thank the many people who participated in interviews for this project. Our appreciation is also extended to the South Australian Police Department for permission to analyse conviction records.

Leigh Roeger researched the sections on sentencing and recidivism and also assisted Lorraine Green with the computer analysis of interview data. Project directors were Dr Adam Sutton, Director of the South Australian Office of Crime Statistics, and Frank Morgan, Coordinator of Research and Planning, South Australian Department of Correctional Services (currently Acting Director, Office of Crime Statistics).

The views expressed in the report do not reflect the policies of the Attorney General's Department or the Department of Correctional Services. The purpose of the researchers has been to provide some solid factual information as a basis for discussion of a topic which has been one of some controversy.

1. INTRODUCTION

On December 20 1983, legislation which transformed patterns of sentencing and the administration of parole became effective in South Australia. The provisions, incorporated in amendments to the Prisons Act, 1936-83*, removed the Parole Board's power to decide whether or not a prisoner sentenced to a year or more in gaol would be released at the end of the non parole period, and allowed parole release dates to be brought forward by up to a third through remissions. As a result of these new laws, South Australia moved to the forefront of a national trend toward more clearcut or 'determinate' modes of sentencing. Courts now had much greater responsibility for deciding actual terms of imprisonment and prisoners had increased incentives to shorten their time in gaol by earning remissions. The role of the Parole Board also changed significantly: its main functions now were to set and monitor conditions to be observed by offenders on parole and to institute breach proceedings where appropriate.

As with all major shifts in sentencing and correctional policy, the changes were not without controversy. Historically, parole emerged as a system for returning prisoners to society before the period in custody prescribed by courts had elapsed. As a result, many people saw the 1983 legislation as little more than a mechanism for 'automatic early release', and were convinced that people found guilty of serious offences would be spending much less time in prison. Yet another concern was that in removing the Board's power to refuse parole to offenders it considered bad risks, the new legislation would trigger off the release of a flood of dangerous recidivists.

This report offers research evidence on whether or not such predictions have been fulfilled. In broad terms, it addresses two main issues: how successful the parole changes were in meeting their stated or implicit aims, and whether they had any unintended consequences. However, in the course of answering these questions, it provides data on a range of other topics, including:

- the extent to which the parole changes were explained, understood and accepted throughout the correctional system;

- the impact the changes had on court sentencing practices and prison populations; and

* Now the Correctional Services Act, 1982.

. rates of recidivism by prisoners released before and after the legislation was introduced.

Overall, such findings suggest that the 1983 legislation did achieve many of its goals and that there were fewer negative outcomes than some critics had anticipated. However, there has been at least one unforeseen consequence - a tendency for more serious offenders to spend longer in gaol and for prison populations to increase. In the researchers' view, this trend will be further accentuated by modifications to the new parole rules which were introduced after the first two years of operation. A paradox of this reform, then, is that in making sentence-lengths more predictable, it may also have laid the ground work for increases in inmate numbers and hence management problems for the prison system in the longer term. From research elsewhere in Australia and in other countries, this seems to have been an issue wherever more determinate approaches to sentencing have been introduced. For this reason alone, the results of the South Australian changes should be of importance for all jurisdictions.

2. PAROLE IN SOUTH AUSTRALIA

In analysing the contemporary law, it is essential to have a perspective both on previous legislation and the history of parole elsewhere. Although innovative, South Australia's most recent approach can by no means be seen as a complete break with previous systems. A more balanced assessment is that it accelerated a process which had been occurring ever since parole was introduced, and which was consistent with trends elsewhere in Australia and internationally.

Put briefly, the tendency has been for legislators to move from 'indeterminate' modes of parole to more 'determinate' approaches. Indeterminate sentencing puts emphasis on ensuring that offenders are released only when considered by experts to have been rehabilitated and therefore unlikely to re-offend. Determinate models, on the other hand, stress that the court imposing sentence should have primary responsibility for deciding the period of incarceration, and that the wider community should have a clear idea what terms are served for specific offences.

South Australia's first parole laws, which became effective in 1970*, exemplified the indeterminate approach: assigning all responsibility for deciding prisoners' release dates and conditions to a five member Parole Board chaired by a person with 'extensive knowledge of, and experience in, the science of criminology, penology or any other related science'. Under these provisions, unless the court had specified a minimum 'non parole' term - which in practice it rarely did - most prisoners become eligible to be considered for parole immediately they were sentenced**.

This approach was maintained for almost twelve years. In March 1981, however, Prisons Act amendments were introduced which limited the Parole Board's sovereignty over the length of prison terms by requiring that sentencing courts set a minimum sentence (or non parole period) for every person receiving three months or more or a life sentence. Until this minimum term had been served, prisoners could neither apply for parole nor earn remissions, but once the non parole period had elapsed responsibility for determining most release

* Section 42 of the Prisons Act 1936-76.

** It should be noted that in theory the Prisons Act required prisoners to apply for parole. However, the Board was automatically notified of eligible prisoners who had not applied for parole and, unless prisoners objected, their cases were considered (Dauntcn-Fear 1980, p. 123).

dates reverted to the Parole Board*. Indeed the 1981 legislation extended the range of factors which the Board could take into account in making these decisions.

It was by eliminating this final sphere of Parole Board discretion that the 1983 legislation entrenched the determinate approach. Although the latest laws retained the concept of a non parole date, its meaning changed significantly. Rather than designating the minimum a prisoner would serve, the non parole period now became a term which could be further shortened by remissions. The Parole Board no longer had authority over release-dates, concentrating instead on parole conditions and taking action on alleged breaches.

Proclamation of the 1983 legislation meant that, in just fourteen years, South Australia's parole system had run the cycle from one of the most indeterminate to the most determinate in Australia. The rapidity of these changes perhaps made it inevitable that, in their wake, there would be questioning and confusion. What this discussion seldom has acknowledged is the extent to which the shift in emphasis has been prompted by general disillusionment among Western legal theorists with the equity and effectiveness of parole and indeterminate sentencing - concern reflected in part even in the 1981 amendments. Before discussing the effects of the current legislation, the following pages will review briefly the history of parole and reasons for these misgivings. In the light of these discussions, it will be relatively easy to understand what architects of the most recent changes were trying to achieve.

* The exception was life-sentence prisoners, for whom the Board made recommendations to the Governor in Council.

3. THE ORIGINS AND HISTORY OF PAROLE

Parole has its origins in English systems of transportation which were devised in response to rapid urbanisation and perceived 'crime waves' during the seventeenth and eighteenth centuries. From 1597, the Vagrancy Act in England allowed for the deportation of 'rogues, vagabonds and beggars' and, in 1617, the Privy Council authorised its use for robbers and other felons. Initially transportation featured only as an element of executive pardon from the death penalty but, by 1717, legislation had been enacted which made transportation the standard penalty for larceny and felonious stealing (Cavender 1982, p. 6).

The initial destination for transportees was the American colonies, and most were bound under a 'property in service' system. This allowed a contractor or shipmaster to be assigned rights to use of the prisoner's labour until the expiration of the sentence. Once the offender had arrived in the colonies these rights were re-sold to the highest bidder, who could use the prisoner as an indentured servant. The government took no further interest in transportees' behaviour unless they violated pardon by returning to England prior to the end of the sentence (Parker 1975, p. 15).

With America's revolutionary war, and rejection of the convict system in favour of other sources of cheap labour such as slavery, Australia became the main recipient of transportees. However, the relative lack of free settlers meant that an alternative to indentured service was needed. A ticket-of-leave approach was adopted whereby the convict was given 'a declaration, signed by the governor or his secretary, dispensing (the convict) from attendance at government work and enabling him, on condition of supporting himself, to seek employment in a specified district' (Parker 1975, p. 17). Until 1821, tickets-of-leave were granted liberally. After that date, a formal scale was adopted whereby prisoners with sentences of seven years could obtain a ticket after four, those with fourteen could obtain them after six, and those with life sentences waited eight years.

Transportation to Australia continued until 1867, when protests by free colonists forced its abandonment. To relieve consequent gaol overcrowding, British governments gave legal status to ticket-of-leave systems operating domestically. The first legislation, enacted in England in 1853, was a failure due to 'crime waves' blamed on inadequately controlled and supervised ticket-of-leave men. More success was attributed to a scheme

introduced in Ireland in 1854, which established a civilian Inspector of Released Prisoners to supervise ticket-of-leave men resident in Dublin and which assigned responsibility for surveillance elsewhere to police (Parker 1975, pp. 18-21).

In reviewing these nineteenth century early release schemes, it is clear that relief of prison overcrowding and perceived ability to control offenders in the community were keys both to their emergence and continued use. Some researchers (for example, Cavender 1982) contend that these remain the paramount concerns, even though discussion of parole during the twentyth Century has tended to be overlayed by a newer philosophy of reform and rehabilitation. One of the first administrators to systematically articulate the rehabilitation approach was Alexander Maconochie, superintendent at the Norfolk Island Penal Colony during the early 1840s. His regime put emphasis on indeterminate sentences and programs which ensured that inmates' living conditions and release dates were dependent on their behaviour and social progress in prison. Many of Maconochie's ideas subsequently were incorporated in the Irish ticket-of-leave system which, in turn, became the model for parole in America. In 1870, a United States National Congress on Penitentiary and Reformatory Discipline endorsed the concepts of indeterminate sentencing and early release on parole, and advocated the Irish approach to community supervision. The rationale was that prisons were for reformation, and that this would be best achieved by marks for good behaviour, graded classifications and no fixed sentence lengths. The Elmira reformatory in New York opened in 1876 and was an early practical implementation of these philosophies. This institution was subsequently used as a prototype for prison and parole systems in other states.

When modern systems of parole appeared in Australia in the late 1950s*, they too were dominated by the rehabilitation ideal. As late as 1980, the Australian Law Reform Commission (ALRC) found that all Australian jurisdictions had opted for an indeterminate approach, with Parole Boards having broad powers to release

* The order of implementation of parole by Australian States and Territories was: Victoria 1957; Queensland 1959; Western Australia 1963; New South Wales 1966; the Commonwealth 1967; South Australia 1969; Northern Territory 1971; Tasmania 1975 and Australian Capital Territory 1976 (Australian Law Reform Commission 1980, p. 179). Older forms of conditional release have existed in Australia for over 100 years (Australian Law Reform Commission 1987B, p. 128 and Rinaldi F. 1974).

prisoners prior to the expiry of their maximum sentence. There was considerable variation, however, in ways of deciding the minimum time to be served before parole eligibility. In New South Wales, Victoria and Western Australia, the non parole period was set by the judiciary. In Queensland and Tasmania, it was a fixed proportion of the head sentence, specified in legislation. In South Australia, prisoners could be considered for parole immediately the sentence commenced*.

This lack of national uniformity and consequent uncertainty among federal prisoners was one factor which prompted the Australian Law Reform Commission to recommend abolition of parole and its replacement by 'a more rational, uniform, determinate and fair system' (ALRC 1980, p. 211). However, in suggesting the new approach the Commission was not simply concerned about inequality. It had also been confronted by significant evidence of disillusionment about the value of parole and indeterminate sentencing among correctional administrators and researchers. At the time the Commission drafted its report, six US States had already abolished parole and indeterminate sentencing systems. Their main reasons included pessimism about the rehabilitative potential of prison-based programs, disillusionment at experts' ability to predict 'dangerousness' or recidivism, and concern that unfettered Parole Board discretion may be undermining principles of natural justice. As Rothman (1980) has pointed out, many of these themes have been articulated in correctional 'reform' literature since the 1920s. However, the most thoroughly documented critiques have appeared during the last few decades.

Perhaps the best known is by Martinson (1974), who focussed on the issue of rehabilitation. He reviewed all evaluations of prison programs published during the preceding twenty years and concluded that 'with few and isolated exceptions', none had provided acceptable evidence of an effect in rehabilitating the offender. These findings confirmed earlier work by Bailey (1966), Robison and Smith (1971) and Ward (1973) and subsequently were supported by Lipton et al.'s (1975) analysis of more than two hundred controlled treatment programs.

Such strong indications that not even the most lavishly-funded prison-based programs can be shown to bring about a lasting reduction in antisocial behaviour have made it difficult to justify requirements that offenders be kept in gaol until 'rehabilitated'. The other rationale for

* The Commission's review was prior to the 1981 and 1983 amendments to South Australia's legislation.

indeterminate sentencing, of course, is that it enables authorities to thwart the careers of likely recidivists. However this assumption, too, has been undermined by research.

Several key studies (eg. Gottfredson 1970; O'Leary and Glaser 1971) have argued that parole boards are not capable of estimating with sufficient accuracy who will succeed upon release and who will fail. Moreover, the problem of predicting future offending patterns becomes even more difficult when violent crimes rather than all crimes are singled out. From his review of systems for predicting violent behaviour, Monahan (1981) concluded that the knowledge and clinical expertise of individuals such as parole board members are no more useful than purely actuarial systems. Even a purely statistical approach has significant drawbacks. For example, a widely cited study for the US National Council on Crime and Delinquency (Wenk et al. 1972) found that its most sophisticated prediction model would have failed to identify at least half the 104 violent recidivists in a sample of 4000 young offenders in California, and that for every violent person correctly identified a further eight young offenders would have been detained unnecessarily. A more recent review concluded: 'The prediction literature we have reviewed leads inescapably to the conclusion above: predictive accuracy is rather low' (Gottfredson and Gottfredson 1986, p. 274).

Such results*, reviewed in conjunction with the apparent failure of rehabilitation (particularly in a prison setting), render parole and other forms of indeterminate sentencing increasingly vulnerable to yet a third type of criticism, based on concepts of natural justice.

Struggle for Justice, published by the American Friends Service in 1971, was an early statement of these views, which have been developed further by such writers as Frankel (1972), Morris (1974), Fogel (1975) and Von Hirsh (1976). Among other things, these authors are concerned at the secrecy of early release procedures and the capacity for inequity and inconsistency in decisions. They point out that, because uncertain release-dates can be stressful to inmates, there is potential for precipitating individual and group violence within prisons (Park 1976; Von Hirsh 1976). In summary, critics of indeterminacy in parole and other aspects of sentencing argue strongly that it has no proven practical benefit and can create significant obstacles to justice and order within the correctional system.

* For a fuller review see Walker 1985.

In the context of these international trends, South Australia's adoption of a determinate approach toward parole becomes much less of a radical innovation than some have suggested. Nonetheless it was a major change: as yet no other Australian state has legislated to completely remove the Parole Board's power to set release dates. Both New South Wales and Western Australia have restricted the release power of the Parole Board in the case of prisoners with medium length terms of imprisonment. In New South Wales, release under probation supervision is automatic for prisoners with sentences of less than three years, although it is likely that legislation will be introduced soon to restructure post prison release practices. Western Australia introduced legislation in June 1988 which ensured that many prisoners become eligible for automatic parole release in accordance with a formula relating the non parole period to head sentence. Prisoners involved - those who have sentences of less than five years not involving a crime of violence - may still be denied release if an adverse report is forwarded to the Parole Board. In both States, however, there are categories of prisoner where the Parole Board retains the power to determine release after the expiry of some judicially established minimum term of imprisonment.

Yet another distinguishing feature of South Australian legislation was the context in which it was introduced. Only nine months before the law was changed, in March 1983, inmates in the State's highest security institution, Yatala Labour Prison, had rioted and destroyed two of the gaol's three divisions. For quite some time before, there had been allegations of poor management and of mistreatment of prisoners. Indeed the three years preceding the riots had seen one Royal Commission and two other major reviews of various reviews of aspects of correctional administration (Swink 1981, 1983).

While it is not possible to make a precise assessment of how critical these prison management problems were in precipitating a review of parole, undoubtedly they were important. Both before and after the Yatala riot, spokesmen for prisoners had singled out parole decisions as a major cause of unrest and, in an article published in The Advertiser newspaper, the Minister for Correctional Services identified this as one of the main causal factors. It is also clear that, compared with the developmental cycle for most legislation, the new parole laws were implemented rapidly, and that prisoners had been included in the general consultation process.

Perhaps inevitably, these background factors have tended to overshadow broader philosophical issues in political and media discussions of the 1983 laws, with some commentators even arguing that the new roles were little more than a quick compromise introduced without adequate planning or explanation. In evaluating parole, it is important to address such criticisms. No matter how well-founded a reform may have been, it is unlikely to succeed if it has been introduced too hastily and the detail of implementation has been neglected. To commence this study, therefore, the researchers surveyed people at the 'grass roots' level - both offenders and correctional staff - on their understanding and acceptance of the legislation. These 'process evaluation' results will be discussed before we consider the parole changes' effects on other aspects, such as sentencing and recidivism.

4. HOW THE PAROLE CHANGES WERE COMMUNICATED AND ACCEPTED

In determining whether a reform has succeeded at the administrative level, there can be no alternative to consulting those most affected. For the parole study, this was achieved by extensive interviews with more than 300 people - 101 prisoners, 92 prison officers, 52 parolees, 50 parole officers, 17 judges and magistrates and 7 prison managers - over an eight month period from April to November 1985. For the first four groups, stratified sampling was used to ensure that interviews were representative and that there would be respondents acquainted with the correctional system both before and after the changes. For the judiciary and senior administrators, interview numbers were too small to be considered representative. Table 1 indicates population and sample sizes for each group.

TABLE 1 POPULATION AND SAMPLE SIZES FOR INTERVIEW GROUPS

	Prison Officers	Prisoners	Parole Officers	Parolees	Prison Managers	Judges
Total population	569	374*	101	415	7	63
Interview sample	92	101	50	52	7	17

* Prisoners with sentences of 1 year or more, or with indeterminate sentences.

4.1 The Views of Correctional Staff and Offenders

In all discussions the key question was whether or not the current (i.e. post - 1983) parole system was preferable to its predecessor. Without exception, the response was that the change had been for the better. Majorities in favour varied from 59% for prison officers to 80% for parole supervisors (Table 2), although it should be noted that the lower approval rate among prison officers was, in part, brought about by the higher proportion unwilling to express any opinion. When those who had no view or felt unqualified to comment* are excluded, just under 70% of prison officers favoured the new rules.

* Generally because they had not been employed in the prison system prior to introduction of the new rules.

TABLE 2 PAROLE SYSTEM PREFERRED

System Preferred	Prison Officers (n = 92)	Prisoners (n = 101)	Parole Officers (n = 50)	Parolees (n = 52)
Current (i.e. post - 1983)	59%	77%	80%	71%
Former	26%	21%	10%	19%
No preference	15%	2%	10%	10%
Total	100%	100%	100%	100%

Although these figures indicate general satisfaction with the type of legislation enacted, close analysis suggests a quite complex set of attitudes. Few respondents rejected the new parole system but criticism of administrative detail was widespread. Not all groups were convinced that the new approach had helped bring about permanent improvement in corrections.

Prison officers were the least enthusiastic. Almost 80% could nominate administrative difficulties - the main one being that the new parole rules were not adequately explained to them (fifty six out of ninety two said that this had been the case). A substantial percentage (27%) also claimed that there had been confusion, lack of knowledge and lack of communication in prisons during the change-over period, with inmates experiencing a great deal of frustration and uncertainty. Most (55%) prison officers willing to express an opinion also thought the parole system could be improved, with many making adverse comment on remission procedures ('remissions should be earned, not a privilege'). Finally, despite hopes expressed by 'natural justice' advocates of determinate sentencing, there was at best only equivocal evidence that prison officers saw the new approach to parole as having lessened conflict and tensions within the prisons. Some 41% of the officers who had been employed before December 1983 thought the situation in gaols had improved, but a substantial minority (29%) considered it had actually worsened, with the rest perceiving little change. However, when asked specifically about the impact the new parole laws had had on prison atmosphere, less than half (45%) thought it had been positive, 11% thought the impact had been negative while the remainder thought that the laws had had no influence or were unable to comment (Table 3).

TABLE 3 PRISON OFFICERS VIEWS OF THE IMPACT OF PAROLE CHANGES ON PRISON ATMOSPHERE

Parole Impact	Number	Percentage of Respondents
Positive influence	41	44.6
Negative influence	10	10.9
No influence	39	42.4
Unable to say	2	2.2
Total	92	100.0

Compared with prison staff, parole officers generally were more consistent in support for the legislation. As mentioned earlier, eight out of ten considered the new system an improvement on its predecessor and a similar percentage saw the key aspect - release at the end of the non parole period - as a positive feature.

Very few (less than 20%) parole officers thought parolees 'had it easy' under the new rules, and a substantial majority (70%) were satisfied with their powers for supervision under the Act. Most respondents also thought that parole supervision had at least some effect in reducing recidivism (82%), and many thought it had other benefits such as being a stabilising influence or providing practical assistance (Table 4). Generally, parole officers emphasised the more personal aspects of supervision rather than those aspects relating to surveillance or behavioural change. Most also were confident that details of the new system had been explained to them.

TABLE 4 PAROLE OFFICERS VIEWS OF THE BENEFITS OF PAROLE SUPERVISION

Benefit	Number (n = 50)	Percentage of Respondents*
Provides a stabilising influence	21	42
Provides practical assistance	21	42
Helps return to community	20	40
Depends on motivation of parolee	9	18
Surveillance – accountability	9	18
Conditions give structure	6	12
Assists behavioural change	6	12
A political issue – satisfies the community	6	12

* Percentages add to more than 100 because respondents gave more than one reason for benefits.

Despite this consistency, parole staff also offered a wide range of criticisms. Indeed, less than a third thought the new system was free from initial problems, and a similarly low proportion (34%) considered prisoners were being adequately prepared for parole. Most (62%) of the officers who had observed the initial change-over period in 1983 thought that, for a variety of reasons, it may have generated confusion among offenders, the judiciary and the public. When asked whether they would like to see some changes to the current system, two out of three parole officers said they would, although there was little consensus on the nature of the desired amendment. The most frequent suggestions were for better and more frequent communication with the Parole Board (nine cases), better preparation of prisoners for parole (five cases) and a provision to allow early discharge for selected paroles under long-term supervision (five cases). Finally, at least 50% of officers could identify a condition of parole that was often imposed but was difficult to supervise effectively: conditions most frequently nominated being 'abstain from alcohol or drugs' (48% of respondents), and 'restriction on associates and places visited' (46%).

Such comments about conditions help highlight how difficult it is to implement a parole system that is acceptable from all points of view. As Table 5 shows, some parole supervisors nominated these very same restrictions, and others tailored to the situation of the individual, as useful and effective. In light of such lack of consensus, the only reasonable conclusion

is that, even though the majority of respondents could identify some aspects which they would like to see 'fine tuned', the great majority of parole officers preferred the new parole approach. Similar acceptance was evident among prisoners and parolees, many of whose prospects had been affected quite significantly by the legislation.

TABLE 5 CONDITIONS REGARDED BY PAROLE OFFICERS AS - A) USEFUL AND EFFECTIVE OR B) DIFFICULT TO SUPERVISE

Type of Condition	Number (n = 50)	Percentage*
A) Useful and Effective Conditions (highest ranked 5)		
Referral for assessment and treatment	37	74
Weekly reporting	25	50
Associates and places frequented	21	42
Residence	16	32
Abstinence from alcohol and drugs	14	28
B) Conditions difficult to supervise (highest ranked 2)		
Abstinence from alcohol and drugs	24	48
Associates and places frequented	23	46

(No other condition was mentioned by more than 6 parole officers)

* Percentages add to more than 100 because respondents gave more than one condition.

Almost three quarters of prisoners (seventy three respondents) expressed a general preference for the current system of fixed release and of those a high proportion (73%) maintained that they still would make this choice even if it meant that offenders would have to spend longer in prison. For those who preferred a determinate approach, the most positive features were its certainty (74%) and removal of the inconsistencies which had been apparent in decisions of the former Parole Board (35%).

Most prisoners interviewed also claimed they currently had no worries about parole and only a minority (less than 30%) could identify a change they would like to see made. A significant proportion of these respondents also agreed that the new remissions system was an incentive to good behaviour - an incentive more likely to be nominated spontaneously than other factors such as 'incentives within self' or the need to 'do time easy'.

TABLE 6 PRISONER VIEWS ON INCENTIVES FOR GOOD BEHAVIOUR IN GAOL

	Number (n = 101)	Percentage of Respondents*
A) Motivating factors in order nominated by prisoner		
. Remissions	38	37.6
. Incentives within self	25	24.7
. Doing time easy	20	19.8
. Better security rating	13	12.9
. Other	5	4.9
. No incentives for good behaviour	19	18.8
B) Total in agreement with proposition that remissions are an incentive	72	71.3

* Percentages add to more than 100 because respondents nominated more than one factor.

A further important point to note in this context is that, of the sixty three prisoners who had been in the system before the parole changes, no less than forty thought parole had had some bearing on the (generally poor) atmosphere which had prevailed prior to December 1983. However, even these prisoners did not see parole as the most important source of difficulties. While prisoners were far more likely than prison officers to include the former parole system and Parole Board decisions in their list of problem areas, the parole system still ranked second, behind 'personalities of officers and inmates', in the order of factors nominated.

TABLE 7 VIEWS OF LONG TERM PRISONERS ON WHETHER PAROLE SYSTEM HAD BEEN AN IMPORTANT DETERMINANT OF THE PRISON ATMOSPHERE PRIOR TO 1983

	Number (n = 63)	Percentage of Respondents*
A) Determinants of poor prison atmosphere prior to 1983 in order nominated by prisoners		
. Personalities of particular officers and inmates	26	41.3
. Parole system/former Parole Board's decisions	22	34.9
. Conditions and attitudes in gaol	16	25.4
. Management factors	16	25.4
. Prospect of a new system	12	19.0
. Interstaters wanting change	2	3.2
. Other	10	15.9
B) Total who saw parole as an important reason	40	63.5

* Percentages do not add to 100 because respondents gave more than one reason.

As had been the case with other groups, some less positive responses also came to light during the interviews with prisoners. A significant minority - about 20% - were opposed to the courts setting release dates, the main reasons being that it reduced the possibility of an 'individualised' approach to sentencing and deprived them of any hope of early release (Table 8)*. Moreover, these respondents provided further support for the view that introduction of the new parole rules had been accompanied by a degree of confusion. About a third of prisoners questioned said they still did not understand parole, and a similar percentage claimed that the new system had not been fully explained to them.

* Table 8 indicates that life sentenced prisoners were more likely to oppose the more determinate system. Patterns in the setting of non parole periods since 1983 suggest that these prisoners had good reason to believe that the new system would cause them to spend more time in custody (see discussion of sentencing later in this report).

TABLE 8 PRISONERS OPPOSED TO DETERMINATE PAROLE: REASONS

	Number	Percentage of Prisoners of this Sentence Type
A) Total opposed to determinate parole		
Life Sentenced	5	35.7
Other	16	14.9
Total	21	20.8
B) Reasons for preferring an indeterminate approach*		
Opportunity for Parole Board to take an 'individual' approach	11	52.4
Some type of an early release	8	38.1
Doesn't specify the sentence	4	19.0
Is better for lifers	4	19.0
Keeps sentences shorter	3	14.3

* Total reasons not equal to 21 because some prisoners gave more than one reason.

Parolees were the final population for whom a representative sample could be surveyed, and in many respects their responses were similar to prisoners. Although almost sixty percent of interviewees had served terms and been released under the pre - 1983 rules, most (71%) saw a determinate approach as preferable. As had been the case for prisoners, the majority of parolees (thirty seven out of fifty two) asserted that they would favour the new system even if it meant spending more of their sentence in custody, the main reason being that having a definite release date reduced anxieties among prisoners (62% of those in favour of determinate approach). Only a minority could nominate changes they would like to see made to parole. The main critical note from these respondents was that a high proportion (62%) considered they had not been adequately prepared for release, with twenty five parolees recounting that they had only become aware of their impending discharge within eight days of the event itself. It should be noted, however, that many parolees who claimed they had been inadequately prepared had been let out of prison either when the indeterminate rules applied or during the change-over period immediately after the 1983 legislation was introduced.

In all, a remarkably consistent picture has emerged from discussions with correctional officers and offenders - people at the 'grass roots' level who were most affected by the new parole system. Across the board, they accepted that a determinate approach was preferable, because it allowed certainty and planning both by prisoners and those responsible for supervision. At the same time, these respondents were sceptical of claims that the changes could resolve all tensions within prisons, pointing out that the sentencing regime was only one factor affecting gaol atmosphere. Finally, there was general agreement that, because the new rules had been implemented quickly, there had been administrative problems, with details of the new rules not always adequately communicated.

Of all these issues the last is, in many respects, the easiest to address since the Department of Correctional Services has already taken steps to improve administrative aspects of parole. More fundamental questions are raised by the finding that, although the post - 1983 approach generally is preferred, few see it as a panacea for conflict in prisons. This is consistent with more sophisticated United States research on the effects of determinate sentencing on inmate adjustment and institutional climate. In Determinate Sentencing and Imprisonment: A Failure of Reform Goodstein and Hepburn (1985) review the effects of sentencing reforms in three United States jurisdictions on the attitudes and behaviour of prisoners. All three States had implemented laws which provided inmates with certainty of release date, and which were expected to lessen associated tensions. Despite this, the research found '... no systematic support for the general hypothesis that determinate sentencing has an impact on prisoner attitudes and behaviour ... prisoner adjustment and institutional climates were not affected substantially by increased predictability and decreased inequity' (p. 157 and 164).

Goodstein and Hepburn rather pessimistically conclude that:

> 'determinate sentencing reform should perhaps be added to the growing list of recent correctional reform efforts, including participatory management, support teams, citizen involvement and prisoner unionization ... that have been largely unsuccessful in substantively changing our prisons...' (p. 171)

The authors do recognise, however, that determinate sentencing does achieve benefits in equity and release certainty which assist both prisoners and correctional management and justify continued support for determinacy (p. 173).

In light of the consistency between their findings and the current research, perhaps it needs to be acknowledged that, in South Australia, too, determinate sentencing can no longer be seen as a possible 'cure all' solution. Having made this point, however, it should be emphasised that both the United States and our studies provide unequivocal evidence that prisoners and prison management prefer such an approach. Taking a more realistic approach to the potential of this sentencing reform does not mean that it should be rejected outright from a policy or justice point of view. It is simply that, as with all other measures, moves toward determinacy need to be assessed carefully both for their consistency with general sentencing philosophy and for possible unintended consequences. The main task for the remainder of this report is to assess those issues. Particular attention will be given to the parole changes' effects on court sentencing patterns, prison populations and recidivism - aspects which, as mentioned earlier, have featured prominently in media and other public discussion. To set the scene for this analysis, it is appropriate briefly to review the researchers' final group of qualitative interviews with prison managers and the judiciary. They further highlight the conflicting demands that need to be reconciled by sentencers.

4.2 How Prison Managers and Judges Viewed the Parole Changes

To ascertain the views of prison managers, interviews were conducted with the heads of South Australia's seven* major gaols. Three were in the Adelaide metropolitan area; the other four were country institutions.

Generally these managers' attitudes to the new parole rules were consistent with the approach taken by prison officers and other correctional staff. When asked outright which system they preferred, all but one plumped for the post - 1983 regime. Even the dissenter could be better characterised as 'ambiguous' (i.e. he could see advantages in both systems, and expressed regret at the way determinacy had limited the potential for 'individual' sentencing) than as an opponent of the new philosophy. For all institutional heads, the main reasons for supporting a determinate approach were its greater clarity and certainty, and that it restored authority in setting gaol terms to the courts.

* In 1985 these were Adelaide Gaol, Yatala Labour Prison, Northfield Prison Complex, Port Augusta Gaol, Port Lincoln Prison, Cadell Training Centre and Mount Gambier Gaol.

This point made, the seven prison managers were sceptical about whether certainty of release date was likely to have a dramatic effect on inmates' behaviour. Among those interviewed, four were of the opinion it would make no difference, one asserted that it had improved things and the other two said it had affected some types of prisoners but not others. More positive assessments were made of the new remissions system: three prison heads said it had reduced behavioural problems 'across the board' and two said it had had an effect at least on a percentage of prisoners. Nonetheless, only one respondent was prepared to state unequivocally that the task of managing a gaol was easier in 1985 than it had been in 1983.

Generally, these findings are consistent with 'grass roots' opinion that factors other than parole are critical determinants of prison atmosphere. An advantage of these more intensive interviews, however, was that they provided an opportunity for respondents to provide more detailed reasons for their opinions. When asked to nominate the real determinants of tension in prisons, all institutional heads nominated several issues - including the size and location of a gaol and the general quality of correctional administration - which they saw as more critical than parole. According to these respondents, prison unrest in 1983 had been the product of a variety of factors which included the high turnover of superintendents in the State's largest prison, generally low morale among correctional administrators and an Australia-wide increase in prisoner militancy. Concern about parole had merely been a symptom and a rallying-point for more deep seated grievances.

The final issue explored with this group was the extent to which the new approach to parole had been communicated and understood. On this issue, the institutional heads' impressions tended to be more favourable than prisoners and officers: all seven acknowledged that Head Office had provided ample written instructions. Nonetheless, managers were aware that the change-over phase had been confusing, with prison staff required to assimilate a great deal of knowledge in limited time. Whether because of greater motivation or alleged 'contacts' within and outside the system, prisoners often seemed, at that time, to have had more command of the administrative detail of parole than the officers.

Reflecting on initial problems with implementation of the 1983 changes, several superintendents mentioned the new remissions procedures. This theme also emerged from

discussions with the twelve* Supreme and District Court judges who agreed to be interviewed.

Generally, members of the judiciary, like other groups surveyed, favoured a shift toward determinacy, and considered the court the most appropriate venue for establishing release-dates. Ten of the twelve judges agreed with the thrust of the current legislation to grant release powers to the courts rather than a parole board. One had no firm view on who should have this decision, while another saw advantages in a body with discretionary release powers. Reasons for preferring that this power be with the courts included: that they were more open to public scrutiny, that the process could be reviewed, and that courts would produce greater consistency in decisions than a parole board. Judges saw it as preferable that a prisoner know a release-date soon after sentence rather than being required to wait for a Board decision.

On the question of remissions, however, there was clear evidence that several judges perceived difficulties. Four specifically mentioned remissions as causing problems at the sentencing stage, pointing out that the legislation did not make it clear whether, and to what extent, a judge should take account of their possible effect on time spent in prison.

These comments were made even more vehemently in the Annual Report of South Australia's fourteen Supreme Court judges for the calendar year ended December 31 1985**. In this report, the Chief Justice, the Hon. L.J. King, recommended outright abolition of the practice of deducting remissions for good behaviour either from head sentence or non parole period. In theory, he pointed out, a judge is '... precluded by law from taking into account the likelihood of good conduct remissions'. Therefore:

> 'When the appropriate sentence and non parole period for the case, ... painstakingly arrived at, are reduced by administrative action by as much as one third, the sentencing exercise is rendered largely futile. Experience shows that in the overwhelming majority of cases, the sentence and non parole period are reduced

* Out of thirty.

** Report of the Judges of the Supreme Court of South Australia to the Attorney-General of the State Pursuant to Section 16 of the Supreme Court Act 1935 for the Year Ended 31 December 1985. By the Hon L.J. King, Chief Justice, on behalf of the Judges of the Supreme Court.

> by one third or almost one third. Not only is the protection of the public, which the sentence seeks to achieve, thereby impaired, but the public is misled as to the practical effect of the sentence announced in Court.' (pp. 19-20).

In quoting these comments, note should be made of changes to law which came into effect after 1985, and which have significantly altered the situation. On December 8 1986 the Governor proclaimed amendments to the Criminal Law Consolidated Act which, among other things, required sentencing courts to take account of the likelihood that a sentence will be reduced by remissions. As a result of this amendment, the Chief Justice has observed that South Australian courts now have the power to increase non parole periods by up to 50%*.

Such amendments could not, however, address all the concerns raised by the Supreme Court judges and other commentators. As long as a parole system with remissions remains in force, there will be arguments that it brings about significant reductions in sentence-lengths and to an undermining of public safety due to the premature release of dangerous offenders. The final two sections of this report address these questions by examining empirical evidence on patterns of sentencing and recidivism before and after December 1983.

* In a Court of Criminal Appeal decision. (see report in The Advertiser, 3/7/87). This judgement has been recently rejected by the High Court (Hoare and Easton v R., June 30 1989).

5. IMPACT OF PAROLE CHANGES ON SENTENCING AND CORRECTIONAL POPULATIONS

One of the public concerns about the new system was that it would operate as a form of early release and lead to prisoners serving much shorter terms of imprisonment. Research in other jurisdictions, however, has suggested that reforms which appear to shorten sentences may not in fact have this effect. Sentencers may adjust their patterns of sentencing to a new system to ensure that existing terms of imprisonment are maintained.

For example, with the advent of parole in England and Wales in 1968, it was alleged (Fitzgerald and Sim 1979) that judges increased head sentences to compensate for the likelihood of earlier release via parole. Other research (Walker 1981) indicated that although sentence lengthening may have occurred in some individual cases there was no evidence of any systematic or aggregate effect to increase sentence lengths.

A legislation change very close in its effect to the South Australian changes occurred in New South Wales in 1983. The Probation and Parole Act (1983) allowed remissions to be deducted from non parole periods in that State and its early impact was assessed by Weatherburn. This research found (Weatherburn 1985) that non parole periods increased after the legislation was introduced even though they had been decreasing steadily in the five years before this. There was no evidence that head sentences had changed, suggesting that the increase in non parole periods was not due to any escalation in offence seriousness. Weatherburn concluded instead that the increases were due to judges' efforts to take into account the effects of remission and to restore previous norms of effective prison terms. This effect seemed to occur even though such action violated sentencing principles espoused by the New South Wales Court of Criminal Appeal.

The monitoring of such an effect in South Australia, if present, would be of considerable interest. Chapter 4 noted the comments of the Chief Justice in his 1985 report to the Attorney-General. In this report, the Chief Justice urged the abolition of remissions and noted that a judge could not take into account the likelihood of remissions when sentence is set.

In a later judgement, the Chief Justice noted (see section 4.2) that further amendments to legislation, effective from December 1986, had allowed remissions to be taken into account and that courts now had the power

to increase non parole periods by 50%*. The timing of any changes in sentencing practice is of importance since data collected for the principal sentencing study extends only to the end of 1986. This means that the changes in sentencing trends will be a consequence of the original 1983 changes, not of the remissions amendment in December 1986.

In a previous judgement on January 12 1984, the Chief Justice had already made it clear that the non parole period would be expected to constitute a greater fraction of the head sentence than in the past (R v Tio and Lee, 1984, 35 SASR 146). This statement was based on the change in meaning of the non parole period, given that release was not subject to the discretion of the Parole Board, and also given previous legal precedents which indicated that some aspects of the effect of remissions on sentence should be considered when setting a non parole period. Under pre - 1983 legislation, the non parole period was not subject to remissions while the head sentence was subject to remissions of one third (but see Appendix 1 for a full discussion of remissions prior to 1983). If a judge were to disregard remissions entirely, a non parole period of greater than two thirds of sentence could be set, and this would leave a prisoner with no possibility of release on parole. Under the new remissions system, the non parole period could be any fraction of the head sentence and still have meaning.

A further problem facing judges was the lack of guidance from Parliament on the intent of the system allowing remissions to be deducted from the non parole period. Did Parliament intend by these changes to shorten effective terms of imprisonment by one third? The answer to this question seemed to be provided only in 1986 when amendments to the Criminal Law Consolidation Act directed courts to have regard to the fact that prisoners may be credited with remissions, when fixing sentences and non parole periods.

Given the changes in the parole system (detailed in Appendix 1) and experience in New South Wales, it was hypothesised that non parole periods would increase both in absolute terms and as a proportion of head sentence following the legislation's implementation on December 20 1983. The data collection outlined in sections 5.1 and 5.2 was designed to test this hypothesis.

* A recent Court judgement has rejected this interpretation of the December 1986 remissions amendment (Hoare and Easton v R., June 30 1989, matters A22 and A36 of 1989).

5.1 Method

Information was collected on all sentences passed in the Supreme and District Criminal Courts from 1/7/82 to 31/12/86. This represents three eighteen month time periods: eighteen months before the legislation changes, eighteen months immediately following the changes, and then a final eighteen month period.

In South Australia, the majority of criminal charges are determined by a magistrate or justice of the peace sitting in Courts of Summary Jurisdiction. These courts, however, do not usually deal with the more serious 'indictable' offences. An examination of the six monthly period 1/1/83 to 30/6/83 revealed that only twenty three sentences carrying a head sentence of twelve months or greater were passed in Courts of Summary Jurisdiction. This sample indicated, therefore, that a relatively small fraction of sentences involving the setting of non parole periods would be omitted from the study.

Data was collected on the major offence, the date the sentence was passed, and the length of the head sentence and non parole period for each time period.

Major offence, in the case where there is more than one conviction, is taken as the offence which attracts the longest prison sentence. The head sentence refers in this case to the aggregate effect of all sentences passed by the judge. In the hypothetical case of an offender convicted of robbery and assault, there may be sentences of four years for robbery and two years for assault which are directed to be served cumulatively. In this study, the major offence is taken as robbery (longest sentence) and the head sentence is six years. In most cases*, a single non parole period is set to cover the six year head sentence.

Data analysis was performed using SAS** running on a personal computer. To enable broad comparisons, offences have been grouped into eight major types.

* Offences covered by Commonwealth Legislation now require cumulative non parole periods for each cumulative sentence.

** Statistical Analysis System, Version 6, SAS Institute, Cary, North Carolina.

Observations relating to murder* charges or those with missing data, for example when a non parole period was not set, were not included in the analysis. Sentences passed before December 20 1983, the time of proclamation of the new legislation, were placed in the 'before' group while sentences passed on or after December 20 1983 were placed in the first or second 'after' group.

Table 9 shows the number of sentences included in each time period by offence group.

TABLE 9 NUMBER OF SENTENCES BY OFFENCE GROUP

Offence Group	Before	After 1	After 2	Total
Manslaughter	8	2	7	17
Against the Person	48	37	51	136
Sex Offences	74	62	68	204
Robbery	45	45	70	160
Drug Offences	37	57	61	155
Property Offences	19	10	15	44
Theft/Fraud	156	145	142	443
Good Order	9	14	13	36
Total	396	372	427	1195

Data was collected separately on three other topics: life sentences; time served or projected to be served in prison for some serious offences; and prison and parole populations. These data collections form the basis for sections 5.3 to 5.5 and are discussed in more detail there.

5.2 Sentencing Trends

Figure 1 illustrates the average head sentence for the three time periods by offence group. Comparing the 'before' group with the 'after 1' group, average head sentences increased in five offence categories and decreased in two offence categories. Comparing the 'after 1' group with the 'after 2' group, average head sentences increased in six offence categories and decreased in one offence category. Overall average head sentences have increased in each of the time periods.

* Non parole periods for murder are dealt with in section 5.3.

That is, average head sentences were higher in the eighteen months following the legislation changes than in the eighteen months immediately prior to the changes and increased yet again in the final eighteen month time period.

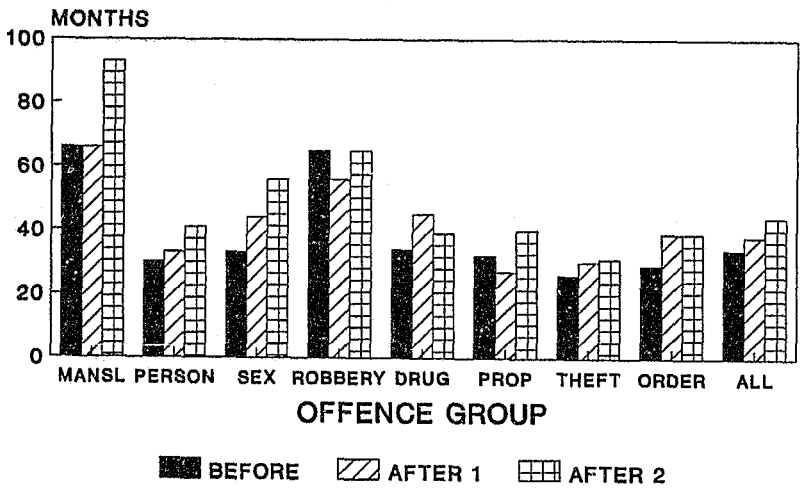
Figure 2 illustrates the average non parole period for the three time periods by offence group. Comparing the 'before' group with the 'after 1' group, it can be seen that average non parole periods increased in every offence category except manslaughter where there was a slight decrease. This category involved very few cases with only two in the 'after 1' time-period. Comparing the 'after 1' group with the 'after 2' group, average non parole periods increased in every offence category except for drug offences and offences against good order. Overall, average non parole periods increased quite markedly in the eighteen months following the legislation changes, compared to the eighteen months prior to the changes, and continued to increase in the second eighteen months after the changes but to a lesser extent.

Figure 3 depicts average head sentences and non parole periods for all offences by nine six-monthly periods. Quite clearly, following changes in legislation, non parole periods increased significantly and head sentences also increased, but to a lesser extent. In other words, since the legislation changed, the length of non parole periods has, on average, increased both in absolute terms and as a proportion of the head sentence.

Figure 4 indicates how non parole periods have increased as a proportion of head sentence. The graph shows the results of a simple linear regression analysis of non parole period against head sentence for the three eighteen month time periods under consideration. The non parole period prior to legislation changes was clearly a smaller proportion of the head sentence than it was in both time periods after the changes.

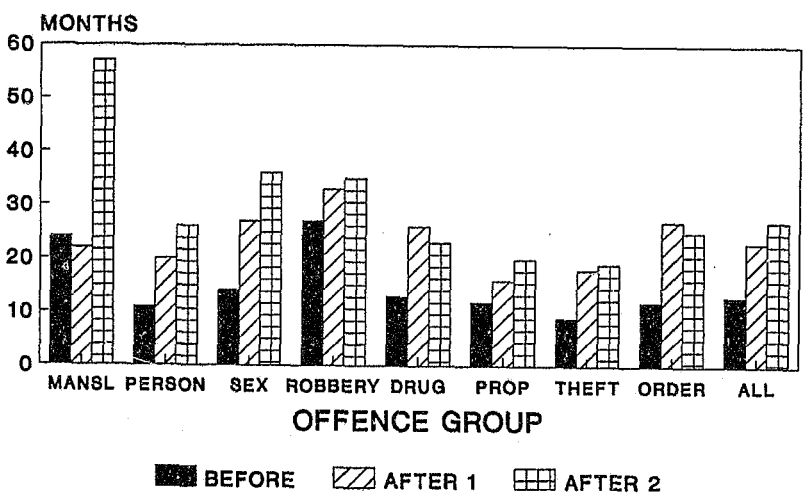
The final time period shows a slightly flatter relationship between non parole period and head sentence with the intermediate period having higher non parole periods for short sentences and lower non parole periods for longer sentences.

FIGURE 1
HEAD SENTENCE:
THREE 18-MONTH PERIODS



SOURCE-OFFICE OF CRIME STATISTICS

FIGURE 2
NON PAROLE PERIOD
THREE 18-MONTH PERIODS



SOURCE-OFFICE OF CRIME STATISTICS

If the example of a sixty month head sentence is considered, then the expected non parole periods are:

. 24.9 months before the changes;

. 37.6 months in the first eighteen months after the changes; and

. 36.5 months in the final eighteen months considered.

This example indicates that the ratio of non parole period to head sentence increased by 51% in the first eighteen months and then dropped slightly to be 46% longer than it was prior to the legislative change. Note, however, that head sentences themselves increased in the final time period as indicated in Figure 1.

Examination of a scatterplot of head sentences by non parole periods suggested that a strong linear relationship exists between these two variables and this was confirmed through a regression analysis of non parole period against head sentence.

Regression lines were produced for each of the three time periods. The regression equations using non parole period as the dependent variable and head sentence as the independent variable are of the form:

NPP = A + B x HS
and the estimates are as follows:-

Before: A = -1.85, standard error = 0.54
B = 0.445, standard error = 0.012
(R2 = 0.767)

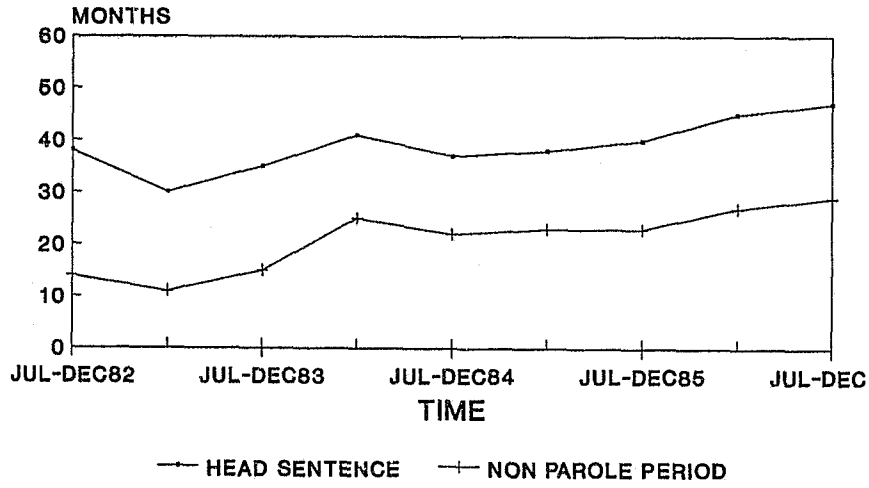
After 1: A = -2.44, standard error = 0.65
B = 0.668, standard error = 0.014
(R2 = 0.869)

After 2: A = -1.48, standard error = 0.77
B = 0.633, standard error = 0.014
(R2 = 0.821)

All regression lines fitted the data closely and the proportion of the variation in the non parole period which is explained by the regression equation was 77%, 87% and 82% respectively. Thus, immediately after the legislation change, there was a better linear association between non parole periods and head sentences, the linear association worsening a little in the final eighteen month period.

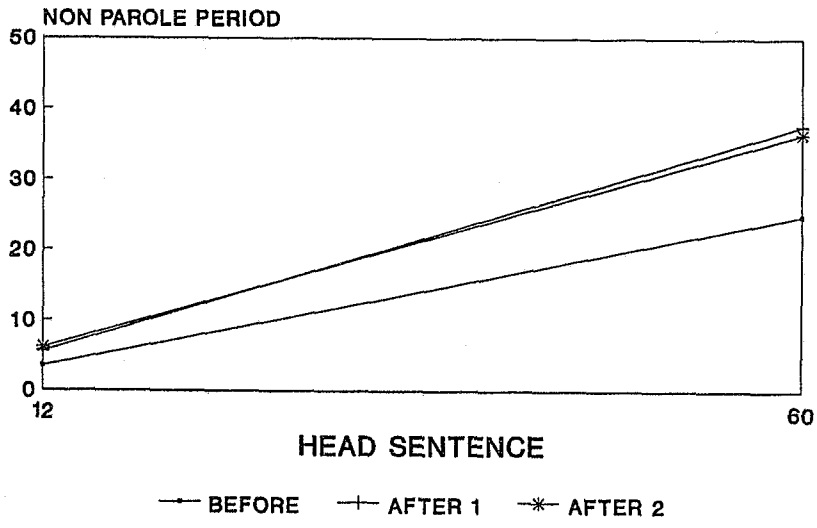
The slope of these lines (0.445, 0.668 and 0.633) is the change in predicted non parole period for a one month change in head sentence. These slopes are approximately 50% greater for both of the periods after the legislation change. The regression analysis clearly shows the increase in non parole period for a given head sentence after the changes.

FIGURE 3
HEAD SENTENCES AND NON PAROLE PERIODS: NINE 6-MONTHLY TIME PERIODS



SOURCE-OFFICE OF CRIME STATISTICS

FIGURE 4
NON PAROLE PERIOD AGAINST HEAD SENTENCE



SOURCE-OFFICE OF CRIME STATISTICS

5.3 Terms of Imprisonment of Life Sentenced Prisoners

The application of the 1983 parole legislation to life sentenced prisoners has attracted some of its most heated criticism. The legislation requires that a judge set a non parole period for a life sentence at the time of sentence but lifers already in custody on December 20 1983, and without a non parole period, have been required to return to court to have one set. This has meant that just over half of the lifers appearing before the courts since 1983 have been 'old' cases requiring the fixing of a non parole period.

The main reasons for the criticism of the parole legislation as applied to lifers seems to have been that:

1) some life sentenced prisoners awarded non parole periods prior to 1983 have been released earlier than intended by the sentencing court;
2) non parole periods set by the courts have been too short; and
3) a non parole period set by a court may be inappropriate given that the offender may or may not be 'ready for release' at a release date many years after the sentence is actually set.

In addition to the above criticisms there have been a number of other factors which have contributed to the public visibility of the system. There have been some particularly notorious cases of murder and the non parole period is set at a time when the facts of such cases are fresh in the mind of the public. This very open and immediate setting of a release date is to be contrasted with the more private mode of release under the control of the Parole Board. While this mode of operation did not prevent criticism of past Parole Board decisions, it generally delayed criticisms until after a prisoner's release.

Furthermore, the setting of a non parole period at the same time as a life sentence invites questions about the meaning of a sentence of 'life imprisonment'. Such questions are not confined to South Australia's current sentencing system, however the juxtaposition of the life sentence and non parole period highlight the apparent contradiction in sentencing terminology.

In fact, neither 'life' nor, in the past, 'death' sentences have ever been administered in a literal sense in South Australia. Griffiths (1970) points out that between 1892 and 1932 twenty seven offenders sentenced to death had their sentences commuted to life imprisonment and were later released on probation. During the same period, seventeen individuals in South Australia were executed. The average term of imprisonment of those releases originally sentenced to death was between seven and eight years - a short

average term compared with more recent release practices. In the period from 1836 (foundation of the colony of South Australia) to November 24 1964 (the date of the last hanging in the State) there were sixty five hangings and one hundred and eight commutations. Some of those with commuted death sentences were pardoned, others transported to Tasmania, while others had the sentence commuted to a fixed term (Griffiths 1970).

Greater detail on the terms of imprisonment of life sentenced prisoners is available in The Meaning of Life by Freiberg and Biles (Freiberg and Biles 1975). Data from this study has been augmented by Department of Correctional Services data since 1975 and the results are incorporated in Table 10.

TABLE 10 AVERAGE LENGTH OF IMPRISONMENT BEFORE RELEASE: COMMUTED DEATH SENTENCES AND LIFE SENTENCES (MALE*)

A. Actual Time Served			
Time Period	Number Released	Average Time Served Years	Months
1925-1929	4	4	7
1930-1939	8	11	8
1940-1949	3	10	3
1950-1959	-	-	-
1960-1969	7	15	10
1970-1974	8	9	8
1975-1979**	17	9	4
1980-19/12/83	17	8	8
20/12/83-30/6/89	16	8	4
B. Projected/Actual Time Served			
Time Period	Number awarded a Non Parole Period	Average Time Served Years	Months
20/12/83-30/6/89	44	13	7

* One female lifer was released between 1984 and 1989 after six years imprisonment, while two women were released between 1925 and 1974 after terms of seven years six months and three years six months. One woman was awarded a non parole period of fourteen years after December 20 1983 leading to a minimum projected term of imprisonment of ten years and six months.

** One prisoner was imprisoned for thirty five years and seven months. Without this case the average would reduce to seven years and eight months.

In examining releases, it should be remembered that the data for a particular time period may not necessarily reflect the release policy for that time period. An example is the high average term of fifteen years and ten months in the decade 1960 to 1969. This does not so much reflect tougher release policies in 1960 to 1969 but the fact that no life sentenced prisoners were released between 1942 and 1969.

It can be seen that the average time served by life sentenced prisoners after December 20 1983 dropped by a small amount, in line with trends from 1970 onwards. One reason for this was the application of remissions to some non parole periods which were set before December 20 1983, thus shortening the minimum term intended by the sentencing court.

A better indication of release policies under the new legislation is given by the data about non parole periods fixed since December 20 1983 (part B of Table 10). These non parole periods apply to some prisoners who have already been released and others who are yet to be released. In the case of future releases, the minimum time to serve can be calculated by assuming that lifers will earn the maximum possible remissions. If this is done, the projected (or actual as the case may be) term of imprisonment for life sentenced prisons is thirteen years and seven months. One female prisoner has had a non parole period fixed after 1984 and inclusion of this case reduces the average to thirteen years and six months.

Thus the impact of the changes in parole legislation can be divided into a short term effect, leading to a slight reduction in terms of imprisonment for lifers, and a long term effect. This long term effect is one which will lead to a substantial increase (of the order of 50%) in average terms of imprisonment. The South Australian data may be compared with figures for Australia as a whole which show that the current average term is approximately thirteen years (Potas, 1989).

Concentration only on average terms of imprisonment may lead to a neglect of some of the other features of the sentencing of lifers. Two of these features are of particular interest.

First, there is evidence of greater individuality in the setting of prison terms than would have been the case under Parole Board releases. During the time period 1980 to December 19 1983, the standard deviation in term was three years, which may be compared with a standard deviation of almost five years for projected or actual terms of imprisonment determined since December 20 1983. Non parole periods have varied from ten days (for

a 'mercy killing') to thirty six years. While the judge who set the ten day term was determined to be in error by the Court of Criminal Appeal, the non parole period was upheld. It is extremely unlikely that modern Australian parole boards would, if given unfettered discretion, set terms of imprisonment as short as ten days or as long as twenty four years (which is a thirty six year non parole period less maximum remissions).

Second, the release of life sentenced prisoners is now firmly in the hands of the courts rather than the government of the day. The current parole legislation states that the Parole Board must recommend release to the Governor within thirty days of the expiry of the non parole period less remissions, and the Supreme Court has taken a firm stance on the meaning of this section of the act. The release of one life sentenced prisoner was delayed for a period of over three months after the expiry of his non parole period. The Attorney General had indicated dissatisfaction with the length of the non parole period and the conditions of parole release, and had sought special leave to appeal to the High Court. This request was denied. The South Australian Supreme Court ruled that a prisoner is entitled to release within thirty days of expiry of non parole period and that such release is not prohibited by the failure of the Parole Board to recommend, or the failure of the Governor to approve, the conditions or period of parole*.

The effective removal of direct government involvement from the release of individual prisoners is one of the desirable aspects of the parole legislation as it applies to lifers.

The changes in release procedures for lifers have emphasised a more 'justice oriented' approach for those who have committed society's most serious crimes. All lifers released since 1975 were convicted of murder, except for one person convicted of attempted murder. All the lifers sentenced since 1978 have been convicted of murder. The emphasis of the current system is to be contrasted with others which take a more predictive approach to release and emphasise danger to the public.

Emphasis on dangerousness or the likelihood of re-offending would lead to much shorter sentences for lifers than the justice approach, since re-offending rates are low for life sentenced prisoners. The low incidence of recidivism among lifers is well known among criminologists but perhaps less well known among members of the general public. In the recidivism section of

* Mackie v State of South Australia, 1985 (126 Law Society Judgement Scheme, 97)

this project, for example, no reconvictions were recorded for released lifers, but there were only five life sentenced prisoners involved in that study. Other studies, however, have confirmed that lifers have low rates of reconviction - see for example Potas and Walker 1987; Burgoyne 1979; and Coker and Martin 1988. Prisoners convicted of murder generally have a much 'cleaner' criminal record than prisoners convicted of other offences (Office of Crime Statistics 1981, p. 58 and Wallace 1986, p. 53).

There is an irony in that the current lengthening of expected terms of imprisonment for lifers has been criticised largely on the grounds of not being severe enough. The data in this study indicate clearly that terms of imprisonment have increased. However it seems that the immediate setting of a non parole period with a 'life' sentence highlights the fact that life sentences are not what the name implies. Some observers (Potas, 1989) have suggested that life sentences be reserved only for the most serious of murders and indeed in two states, New South Wales and Victoria, the fixing of a life sentence for all murders is no longer mandatory.

5.4 Time Served or Projected to be Served for Selected Serious Offences

In addition to the data on sentencing practices discussed in section 5.2 of this report, additional material was collected to determine time actually spent in prison prior to December 1983 and time projected to be served in prison for sentences passed after 1983. In order to restrict offence variability, data was collected on three categories - armed robbery, rape and drug offences - at the most serious end of the offence spectrum. Drug offences included in the survey included only the cultivation, manufacture and trade of drugs and not simply drug use offences. The rape category also included attempted rapes. The data for the 18 months prior to December 20 1983 was measured as actual time spent in custody. Data was also collected for sentences passed in the thirty six months after December 20 1983. For this time period, a projected period of imprisonment was calculated by assuming that all prisoners would earn maximum remissions and elect to choose release on parole, thereby spending two thirds of the non parole period in prison. As was the case with life sentenced prisoners, this will provide a conservative estimate of the time to be spent in prison after December 20 1983. Despite this limitation, the method used is the only satisfactory way of estimating longer term impacts of the effects of changes in sentencing practice. The only way to make completely accurate comparisons would be to wait many more years until all sentences covered in the two time periods had expired. The above limitations and the inevitable

variability of offence severity, even within each offence category, make the comparisons in this section more precarious than the analysis in section 5.2.

The data for each offence category is given in Table 11.

TABLE 11 SENTENCES AND TIME SERVED IN MONTHS FOR RAPE, ARMED ROBBERY AND DRUG OFFENCES

	Time Period	
	Before	After
Rape		
Number of Cases	27 *(15)	56
Mean Head Sentence	57.6	70.6
Mean Non Parole Period	10.6	45.8
Mean Time Served	27.0	30.5
Armed Robbery		
Number of Cases	29 *(12)	73
Mean Head Sentence	52.9	69.8
Mean Non Parole Period	13.2	41.9
Mean Time Served	27.5	27.9
Drug Offences		
Number of Cases	43 *(29)	82
Mean Head Sentence	33.8	41.5
Mean Non Parole Period	8.2	24.3
Mean Time Served	14.7	16.9

* In the 'before' time period, not all sentences were accompanied by non parole periods. Figures in brackets indicate the number of sentences which did have them.

Table 11 shows that the mean projected time to be served for all offences was greater than the actual time served prior to December 1983. In the rape category, there was an increase of three and a half months while sentences in the drug and armed robbery categories increased by 2.2 months and 0.4 months respectively.

The increases reported here pre-date the remission legislation amendments in December 1986 and this is particularly important when examining penalties for armed robbery. A Court of Criminal Appeal judgement (R v Dube and Knowles, 1987, 46 SASR 118) set the scene for significant further increases in penalties for the crime of armed robbery. These further increases are, however outside the scope of the current study.

For all three offence types there was an increase in the mean head sentence after December 1983 which means that the part of the sentence to be spent under parole supervision increased significantly for offenders in each of the three offence categories.

5.5 Trends in the Number of Prisoners and Parolees

The impact of the parole changes on the monthly average population of sentenced prisoners in South Australia is shown in Figure 5. There was a significant drop in the number of sentenced prisoners during and after December 1983 and this decline was arrested only after June 1984. This pattern is evident because the full impact of the 1983 parole changes on prison populations was only exhausted after the proclamation of the remissions sections of that legislation on June 1 1984.

From July 1984 onwards, the number of sentenced prisoners has risen substantially but the growth pattern has been uneven. Figure 5 indicates the actual number of prisoners in custody but, after 1986, an additional number of prisoners was diverted from custody by new release procedures such as home detention, and administrative release to minimise prison crowding. In June 1989, there were thirty prisoners on home detention, and administrative release was also reducing numbers by an estimated forty prisoners. The total number of sentenced prisoners was therefore reduced by approximately seventy as a result of these measures.

Figure 6 indicates, for completeness, the number of South Australian prisoners on remand since 1981. The number of remandees also rose after July 1984 although the reasons for such an increase are unclear. The prison population in South Australia dropped by almost 300 prisoners to its lowest total for over thirty years in July 1984, but the respite for prison administrators was short lived. Lengthening sentences and non parole periods drove prison numbers back to previous levels within the space of three years.

Table 12 shows the distribution of sentence lengths of sentenced prisoners at the June 30 Census date for the years 1982 to 1988. The data is extracted from the Australian Institute of Criminology Census for 1982 and 1983 and from the South Australian Department of Correctional Services prisoner database from 1984 onwards.

The census tabulations show clearly the initial decline in the number of long term prisoners from 1983 to 1984 and then the build up in numbers in these categories since 1984. The number of prisoners with sentences greater than or equal to five years, for example, has grown from 77 in 1984 to 237 in 1988. Conversely there has been a reduction in the number of short term prisoners since 1984, these categories of prisoner being more significantly affected by release procedures such as home detention and administrative release.

A final point concerns the number of offenders supervised on parole. Figure 7 shows that parole numbers have grown significantly since 1983. When the parole and prison populations are considered together, it is evident that the 1983 parole legislation has led to a substantial increase in the aggregate correctional caseload, evidence of a significant 'net widening' effect.

TABLE 12 SENTENCE LENGTHS FOR SENTENCED PRISONERS INCLUDING FINE DEFAULTERS

Date	Fine Defaulters *	< 3M	3<6	6<12m	1<2y	2<5y	>5y	Indeterminate	Total Sentenced
30/06/82	37	76	38	91	129	189	128	59	710
30/06/83	43	75	46	63	106	159	134	62	645
30/06/84	40	81	24	61	60	93	77	59	455
30/06/85	39	90	49	80	80	142	96	58	595
30/06/86	44	102	29	68	93	138	135	58	623
30/06/87	40	58	40	63	106	152	185	61	665
30/06/88	15	26	34	61	67	150	237	67	642

* These prisoners are also included in the columns to the right, mostly in the 'less than 3 month' category.

Source: Department of Correctional Services

FIGURE 5

SENTENCED PRISONERS FROM JAN '81

FIGURE 6

UNSENTENCED PRISONERS FROM JAN '81

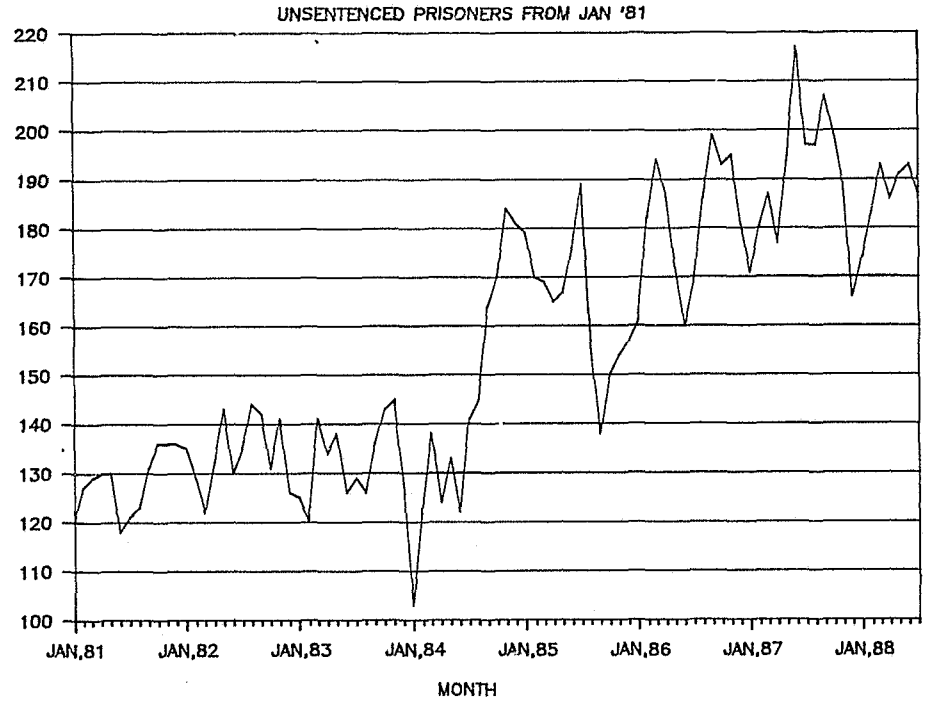
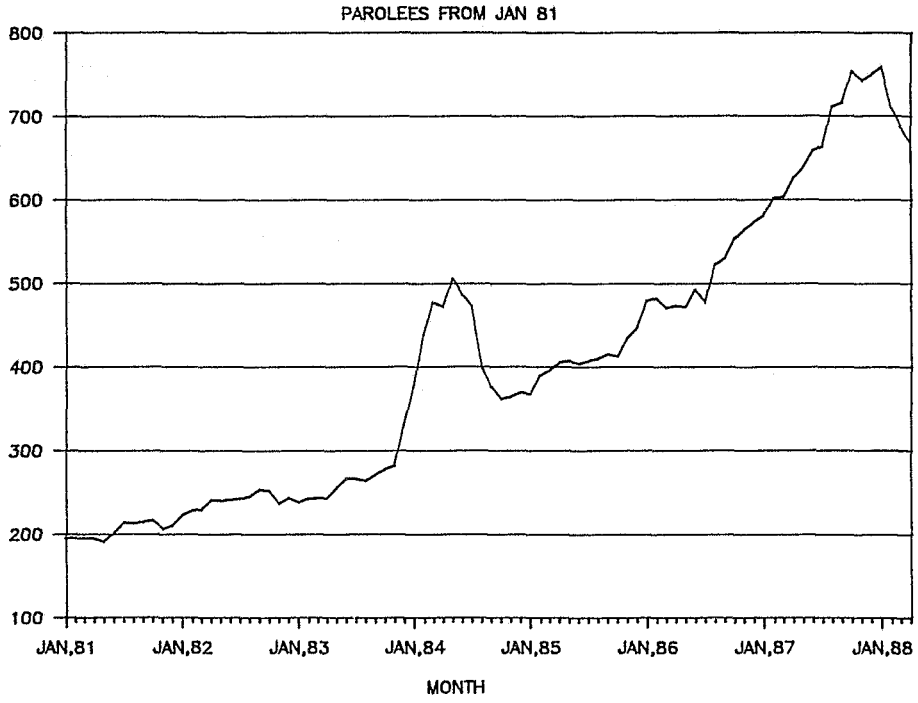


FIGURE 7



5.6 Summary

The data analysis in Chapter 5 provides a coherent picture of the impact of the parole legislation on sentencing practices, time served in prison and prison and parole populations. After the 1983 legislation, judges increased non parole periods in absolute terms, and as a proportion of the head sentence. Average head sentences increased in each of the time periods considered. There was an initial drop in the State's prison population which was substantial but short lived. Within three years, the number of prisoners had risen to pre-legislation levels and, in addition, the number of offenders supervised on parole had risen by approximately six hundred.

Thus the parole legislation has been associated with a significant degree of 'net widening' now that almost all prisoners released with sentences of one year or more are subject to parole supervision. The impact of this greater incidence of parole supervision on recidivism rates is examined in Chapter 6.

6. RECIDIVISM ANALYSIS

The final matter of interest was the impact of the changes on the recidivism rates of released offenders. Prior to December 1983, some prisoners were released selectively onto parole, while others were released unconditionally at the end of their sentence, less earned remissions.

Under the current system, almost all prisoners with sentences of twelve or more months are released on parole under conditions set by the Parole Board but at a date (subject to earned remissions) determined by the courts.

The comparative recidivism rates of these groups of prisoners are of considerable interest. The primary comparison of interest for the researchers was the performance of all released prisoners before and after the change. Another important comparison was between the three groups consisting of selected parolees (before 1984), unselected parolees (1984 and after), and unconditionally released prisoners (before 1984).

The working hypotheses adopted were that there would be no difference in the recidivism rates of the 'befores' and the 'afters' as a whole, but that prisoners released by the Parole Board before December 1983 would perform better than unselected parolees who, in turn, would have a lower reconviction rate than prisoners who were unconditionally released. This effect would be expected due to the selection process, rather than any strong effects due to supervision.

Of additional interest was the comparison of the various subgroups of prisoners on the basis of age, previous convictions, sex, marital status, race and several other variables.

6.1 Groups of Prisoners Studied

The 866 prisoners in this study had served sentences of twelve months or more and were released on parole or unconditionally between July 1982 and June 1985. 437 prisoners were released prior to December 20 1983 (the 'befores'), 177 of whom were paroled and 260 released unconditionally. A further 429 prisoners were released on or after this date, (the 'afters'). Of these 379 were paroled and 50 were released after serving their full sentence. Only 2.3% of the prisoners were female and 63% were aged between eighteen and thirty at release. Married prisoners made up 18% with 12% having lived in defacto relationships and the same percentage being separated, divorced, or widowed. The remainder had never married. 11.4% of the prisoners were Aboriginal. The overwhelming majority had convictions

prior to the one for which they had been imprisoned. 23% had between zero and five prior convictions, 26% between six and fourteen, 26% between fifteen and twenty eight and a further 25% had over twenty nine prior convictions. Only 4.4% had no convictions prior to the offence leading to their imprisonment. Full tabulations of these factors are included in Appendix 2.

Recidivism has the dictionary meaning of 'relapsing into crime' (Oxford) but must be defined in operational terms to be useful in an empirical study. The principal criterion for recidivism used in the study is reconviction as recorded in records held by the South Australian Police. Police records have the advantage of recording the date at which the offence was committed rather than the date of conviction and this is a bonus for researchers involved in recidivism studies. Issues involved in the selection of a recidivism criterion are discussed thoroughly by Maltz (1984) and Schmidt and Witte (1988). For example, if time between release and return to prison is used, then our measurement of the behaviour of the offender is distorted by delays introduced by a series of criminal justice agencies. In general, the closer we can get to the behaviour of the offender the better.

Of course no commonly used measure of recidivism is free from error. There are undetected crimes and also offences which may be detected in other jurisdictions apart from South Australia. The assumption made in this study is that these factors introduce no systematic variation in the pattern of recidivism measured between the different comparison groups. Choosing reconviction as the recidivism criterion also ensures that there is no systematic differentiation between different types of released prisoners (for example, parolees and unconditionally released prisoners) since technical breaches of parole conditions are not counted as recidivism. In this study, however, any time spent by parolees in prison for technical breaches is subtracted from the 'time at risk' of parolees so that parolees guilty of technical breaches are not credited with good behaviour when they are effectively incapacitated.

A final advantage of reconviction as a measure of recidivism is that it is a definition commonly accepted by the layperson and professional researchers. The cut-off date for re-offending was the end of July 1987. This data was collected in November 1987 to allow four months for court processes to be completed and for the data to be added to police records. This method allows a follow up period of at least two years and at most five years, depending on the actual release date of each prisoner.

It is not possible to justify direct comparisons of recidivism rates of offenders in different studies because of a variety of factors. The principal points of relevance are:

. the criterion used for recidivism;

. the length of the follow up period;

. the characteristics of offenders in each study;

. the relative efficiency of different police in detecting offenders; and

. the completeness of the criminal records in any jurisdiction.

The importance of the first three of these factors is illustrated by Table 13, which summarises the results of a selection of recidivism studies. Choosing arrest as the recidivism criterion yields higher rates of recidivism than conviction which, in turn, leads to higher rates than imprisonment. Similarly, longer follow-up periods must yield higher rates than short periods even though most studies show that re-offending tends to level off after an initial risk period of two to three years. Finally there are the effects of different characteristics of offender groups. Samples of convicted offenders will comprise many more low risk offenders than a sample of imprisoned offenders (NSW Bureau of Crime Statistics 1979; Phillpotts and Lancucki 1979). Samples of young adult offenders will tend to have higher rates of recidivism than samples of older offenders. A sample of parolees generally has a lower recidivism rate than a sample of unconditionally released offenders. The principal reason is that parolees are generally selected for early release whereas unconditional releases have often been passed over for release by parole boards.

TABLE 13 RESULTS OF SELECTED RECIDIVISM STUDIES

Study	Country	Offender Characteristics	Recidivism Measure	Follow-Up Period	Recidivism Rates	Comments
Broadhurst R (1986)	Australia (WA)	Released prisoners	Return to prison	1 to 9 years	80% (male, Aboriginal) 50% (male, Non-Aboriginal) 75% (female, Aboriginal) 30% (female, Non-Aboriginal)	The WA study produced lifetime estimates of recidivism using parametric statistical methods
Beck A G Shipley B (1987)	USA	Parolees between the ages of 17 and 22	1) Arrest 2) Conviction for new offence 3) Reimprisonment	6 years	1) 69% 2) 53% 3) 49%	Authors considered that there was an under reporting of reconviction data
Burgoyne P H (1979)	Australia (Vic)	Serious offenders released from prison or youth training centres	Conviction for a new offence	5 years	30.1% (Homiciders) 58.3% (Rapists) 63.1% (Robbers) 65.1% (Serious Assaulters)	The Offence groupings refer to the <u>original</u> offence not to the type of reconviction
Hoffman D Stone-Meierhofer (1979)	USA	Sample of Federal (US) prisoners with sentences of one year or more	Arrest	6 years	60%	
Illinois Criminal Justice Authority (1986)	USA	Prisoners released from Illinois prisons in 1983	Arrest Reimprisonment	27 to 29 months	60% 42%	
Jackson P (1983)	USA	Juveniles randomly assigned to parole or unsupervised release	Arrest	4 years	85% Unsupervised Release 82% Paroled	

Study	Country	Offender Characteristics	Recidivism Measure	Follow-Up Period	Recidivism Rates	Comments
Lerner M J (1977)	USA	Prisoners released on parole and unconditionally	Arrest	2 years	62% (Unconditionally) 45% (Parole)	
NSW Bureau of Crime Statistics (1979)	Australia	Convicted offenders	Reconviction	10 years after conviction	52% general sample 73% prisoner sub sample	Follow up did not account for time spent in prison
Petersilia J (1986)	USA California	Matched sample of 'felony probationers' and released prisoners	Arrest Filed Charge	2 years	72% (PR) Arrest 63% (FP) Arrest 53% (PR) Filed Charge 38% (FP) Filed Charge	PR refers to the prison sample whereas FP refers to the felony probation sample
Phillpotts G J O Lancucki L B (1979)	England and Wales	A one in six sample of persons convicted in January 1971	Reconviction	5 year period after conviction	50% (males) 22% (females)	
Waller I (1974)	Canada	Prisoners released from Federal prisons by discharge or parole	Arrest	2 years	65% (discharge) 44% (parole)	
Ward P with Keller L (1982)	Australia (NSW)	Prisoners released in NSW with a 'loading' of armed robbers in sample	Conviction and return to prison for 2 months or more	3 years	30.4% (parole) 46.3% (discharge)	

6.2 Method of Analysis

The method used to analyse recidivism is called failure rate analysis (or, alternatively, survival analysis).

The approach used is to break down the period that an offender is 'at risk' in the community into a number of shorter units - in this study, a period of two months. An offender is either successful (no reconviction) or fails in each time period of risk. Additionally, the method has a means of treating so called 'censored' observations which are withdrawn from the analysis when the period of observation is complete. An example of this is an offender who was released from prison just over twenty four months from the cut off date for follow up. This offender is included in the analysis for twelve time periods and is 'censored' during the thirteenth if no reconviction has been registered. An offender who is reconvicted during a particular time period is counted as a failure and is also withdrawn from the analysis.

The method allows the researcher to use all available data up until a set date. Traditional methods using a fixed time period for follow up would discard data which is available after the end of that time period, or discard cases which have a smaller than specified follow up time. For discussion of the advantages of failure rate methods see Maltz (1984), Schmidt and Witte (1988), Harris et al. (1981) and Blumstein et al. (1986).

Two of the principal statistics generated by the failure rate method are the hazard rate and the cumulative failure rate. The hazard rate gives the probability that an offender who has survived to the beginning of a time period will fail during that period. There has been some debate in the criminological literature about how best to estimate the risk of offending after a specified time (see Berecochea et al. 1972), but the hazard rate provides a well defined measure of this risk.

The cumulative failure rate measures the probability of failure at the end of a specified time period. If a fixed follow up period for all individuals were to be chosen, then the final cumulative failure rate would be equal to the proportion of the whole group reconvicted.

There are several alternative methods of failure rate analysis. Maltz (1984) and Schmidt and Witte (1988) have produced the most definitive reviews to date on their use in recidivism research. Parametric models attempt to fit well defined curves to recidivism data but there is no universal agreement at present on which

model or family of curves provide the best 'fit'. The first use of a parametric model appears to have been by Carr-Hill and Carr-Hill (1972) who estimated an exponential model. Stollmack and Harris (1974) explicitly considered an exponential survival model, while Maltz and McCleary (1977) extended this work by considering a split population model leading to the incomplete exponential distribution. Harris and Moitra (1978) introduced the Weibull model while Schmidt and Witte (1988) have tested a variety of models including the log-normal, log-logistic and La Guerre models.

It is not surprising that several different models have been proposed given the different recidivism criteria which have been used. US studies using re-imprisonment as the criterion need a model that allows the hazard rate to increase at first before declining as time at risk increases. This is because there is very little chance that the criminal justice system will detect, re-convict and re-imprison a guilty offender and transfer that prisoner back to a State or Federal Prison very soon after release - even if the prisoner were to re-offend almost immediately. If the time to re-offend is used as the criterion, it is much more likely that a model with a continually decreasing hazard rate will be required.

The absence of a dominant model provides a problem for the data in this study where the two principal groups for comparison were at risk for different time periods. The 'before' group was at risk for between three years six months and five years, while the 'after' group was at risk for between two years and three years six months. The choice of an inappropriate curve could bias the results for one group against the other.

The alternative approach is to use a <u>non-parametric</u> method of failure rate analysis. This approach generates an estimate for each point on a recidivism curve, instead of fitting a curve of any particular shape. This method was chosen as more appropriate for the current study since the point estimates are not forced into any predetermined pattern. The use of non parametric models is discussed by Cox (1984), Barton and Turnbull (1981) and Schmidt and Witte (1988). The analysis was carried out using the 'Lifetest' procedure in the SAS package.

The key results of the recidivism study are presented here. They include the pattern of recidivism for the whole sample, the degree of recidivism risk over time after release, the before/after comparison and a comparison of some special subgroups of released offenders.

6.3 The Whole Sample

The pattern of recidivism for the whole sample is presented in Figure 8. This graph indicates a steeply rising curve of reconviction in the early months after release and a gradual flattening out of the curve as time goes on, particularly after a period of about thirty months.

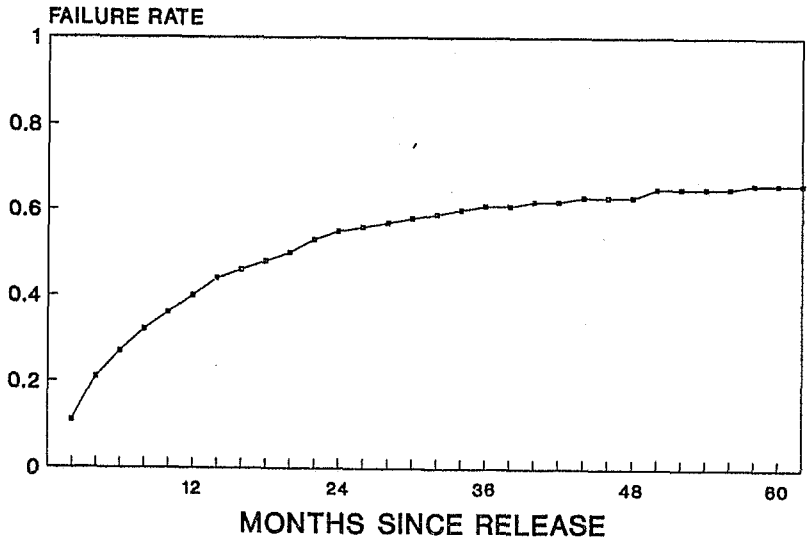
The estimate of the five year reconviction rate is 65%. The criterion of any reconviction is a relatively tough one and it should be pointed out that, under the alternative criterion of reconviction and return to prison, the five year recidivism estimate is 38%.

The difference between the reconviction rate and the re-imprisonment rate indicates that a large proportion of the reconvictions were judged by the courts as not being serious enough to warrant a further custodial sentence. In many cases, the sentence arising from the new conviction was a fine.

Figure 9 illustrates more clearly the variation in the risk of failure of the complete sample over time. The graph shows that, during the early months of freedom, released prisoners are at far greater risk of failure than in later months. An alternative interpretation is that one or more subgroups of the population are highly likely to be reconvicted and that the early reconviction of such groups leaves behind a far less risky population with lower probability of reconviction.

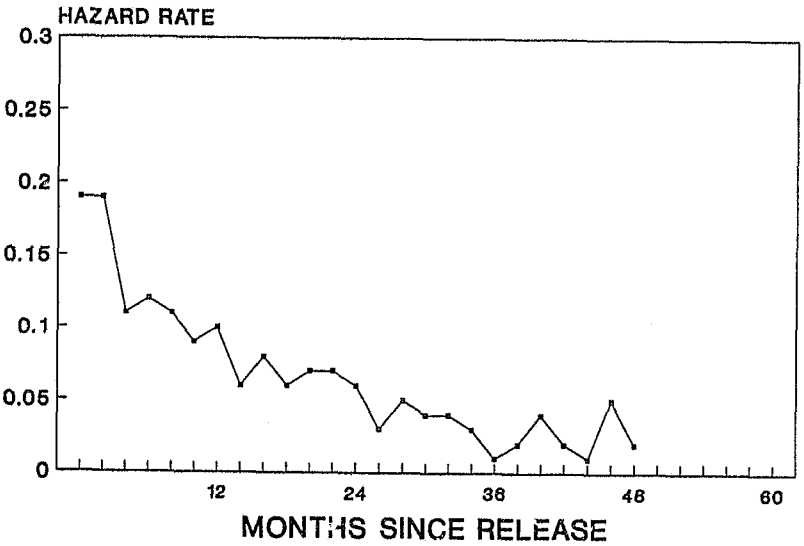
This graph indicates the particular importance of monitoring and assisting released prisoners in the early months after release.

FIGURE 8
RECIDIVISM RATE OF ALL RELEASES



SOURCE-DEPT OF CORRECTIONAL SERVICES

FIGURE 9
HAZARD RATE OF ALL RELEASES



SOURCE-DEPT OF CORRECTIONAL SERVICES

6.4 The 'Befores' and 'Afters'

The results of the principal comparison are presented in Figure 10. This shows that those released on or after December 20 1983 had slightly lower recidivism rates than those released before this date. The three year six month failure rate estimate is 63% for the 'befores' and 61% for the 'afters', but the difference between the groups is not statistically significant.

The 'befores' comprised selected parolees and prisoners released unconditionally and without supervision, while the bulk (88%) of the 'afters' were released on parole and hence with mandatory supervision. The results here are consistent with a number of other studies on the effects of parole on recidivism rates. These studies give results which lead to a somewhat less pessimistic interpretation than much of the 'treatment' literature, and it is perhaps ironic that Robert Martinson, one of the most trenchant critics of treatment programs, put in a plea to 'save parole supervision' on the basis that parole was more successful in terms of recidivism than unconditional release (Martinson and Wilks 1974).

Gottfredson et al. (1982) reviewed a number of studies which compared recidivism rates of prisoners released on parole and those released unconditionally. They summarised the results as indicating that there is a small but non permanent effect of parole supervision on recidivism. The results of the research undertaken by Gottfredson et al. are themselves complex since the researchers used three different criteria for recidivism. The third criterion - any new court commitment during a five year follow up period - was the most even handed in comparing parolees with prisoners released unconditionally. These results indicated an advantage for parolees over unconditionally released prisoner even when statistical controls for different risk groups were used.

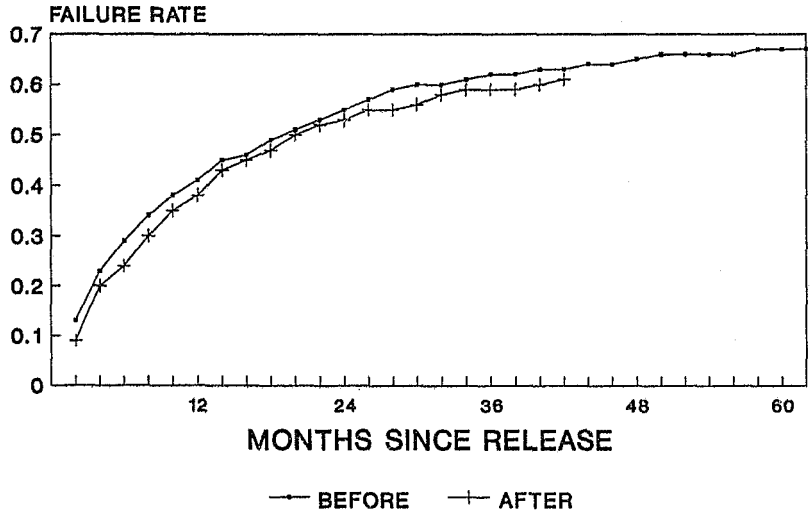
The present study does not present a pure comparison of parolees with unconditionally released prisoners, but it does suggest that increasing the proportion of parolees among released prisoners reduces overall recidivism rates by a small amount. There is no suggestion that this small effect is limited to the period of parole supervision.

Another interest of the research was to look at the performance of selected parolees and unconditionally released prisoners prior to the parole changes and to compare each of these groups with the unselected parolees after December 1983. These results are presented in Figure 11. The graph shows that, by

selecting approximately 40% of eligible long term prisoners, the Parole Board was able to achieve a difference in recidivism rates of 30% after both three years six months and five years.

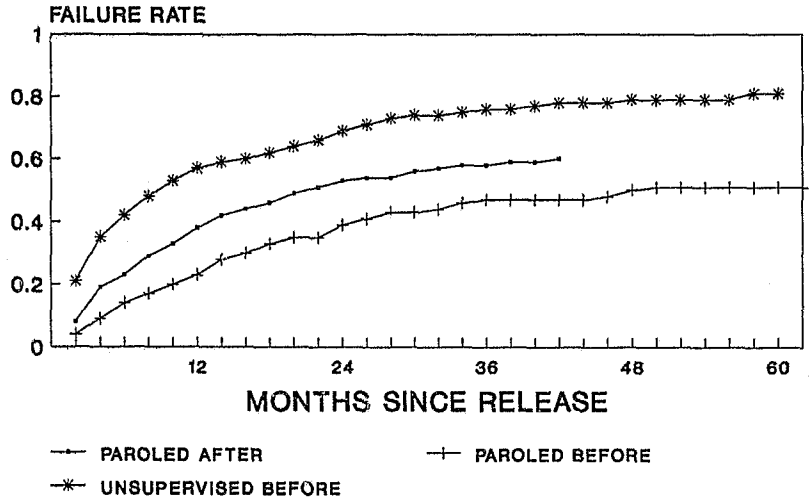
The performance of the selected parolees was better than that of unselected parolees, followed by those released unconditionally. Reconviction rates at three years six months were 47%, 60% and 77% respectively.

FIGURE 10
RECIDIVISM RATE BY TIME PERIOD



SOURCE-DEPT OF CORRECTIONAL SERVICES

FIGURE 11
RECIDIVISM BY RELEASE TYPE



SOURCE-DEPT OF CORRECTIONAL SERVICES

6.5 Subgroups of the Released Prisoners

The research being described did not have a major focus on individual factors or combinations of factors which were particularly related to recidivism. It is interesting to note, however, that there are associations between recidivism and age, sex, previous convictions and original offence which have been found in many previous studies. (Maltz 1984; Schmidt and Witte 1988; or any of the selected recidivism studies outlined in Table 13).

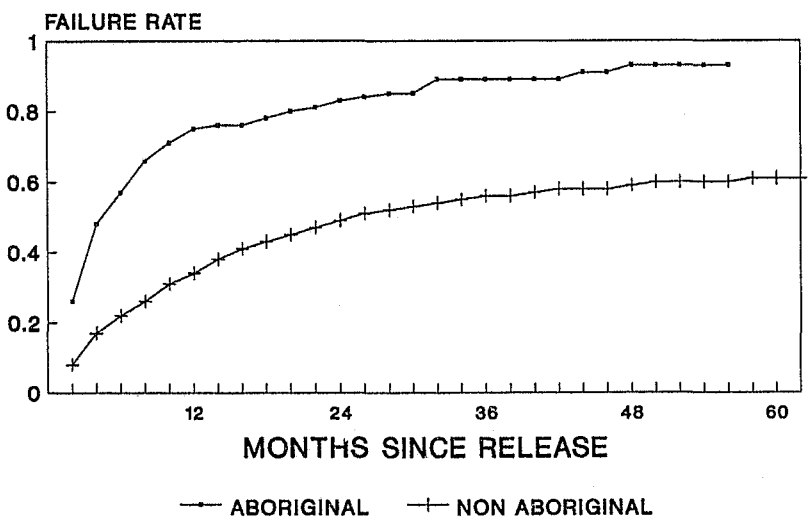
Male offenders have higher reconviction rates than females (64% compared with 35%), while younger offenders are more likely to be reconvicted than older offenders. The reconviction rates range from 77% for those twenty or under at release to 25% for those over forty five. 30% of offenders with zero to five previous convictions were reconvicted compared with 86% of these with over forty five previous convictions. Offenders imprisoned for theft (77%) were more likely to be

reconvicted than those imprisoned for robbery (67%), sex offences or offences against the person (51%) and drug offences (43%). All of the figures quoted are five year rates. The independent effect of each variable is the subject of continuing research using multivariate methods.

The final graph to be presented is Figure 12. This shows the recidivism rates of Aboriginal offenders against those of non-Aboriginal offenders. The results demonstrate a very similar pattern to those found recently in Western Australia (Broadhurst et al. 1988), although the recidivism criterion used in Western Australia was re-imprisonment.

The graph shows the very high reconviction rates of Aboriginal ex-prisoners, particularly in the first twelve months after release. The five year reconviction rate for Aboriginal offenders is 93% compared with the non-Aboriginal rate of 61%.

FIGURE 12
RECIDIVISM RATE BY ABORIGINALITY



SOURCE - DEPT OF CORRECTIONAL SERVICES

The Western Australian study by Broadhurst and others estimated a lifetime rate of return to prison for Aboriginal men of 80%, and for non-Aboriginal men of 50%. The median time of return to prison for Aboriginal men was 11 months compared with nineteen months for non-Aboriginals.

The South Australian data show that 50% of the Aboriginal ex-prisoners have been convicted within six months, but this is based on re-conviction rather than re-imprisonment.

6.6 Summary

The results of the recidivism research show that the recidivism rate of all released prisoners is now slightly lower than it was before, but the difference is not statistically significant. Now that a new 'steady state' has been reached, it appears that prisoners are serving similar, if not longer terms, of imprisonment than before but their recidivism rates are slightly lower.

The research has drawn attention to the particularly high risk of reconviction in the early months after release and the relatively low probability of relapse for released offenders who have remained free of conviction for thirty months or more.

The recidivism result in itself does not show a significant advantage for the new system, nor were any expectations created that this would be the case. The results do show, however, that the new system is marginally better than the old in this regard.

A speculation, unanswered by the current research, concerns the effectiveness or otherwise of imprisonment itself. While the five year reconviction rate in this study was 65%, there were many less serious offences included in that measure. The courts decided that 38% of released prisoners had, within five years, committed crimes serious enough to warrant re-imprisonment. Yet it is difficult to isolate the effect of one prison term when the average number of previous convictions was twenty two. Nor does the evidence from our study support a case for the effectiveness of imprisonment. Given that our sample of released prisoners had been released after serving a sentence of one year or more, it was to be expected that, purely by a 'regression to the mean' effect, there would be fewer serious offences among the reconvictions than the original convictions. A prison sentence of twelve months or more indicates that the offenders in our sample had committed serious offences, however the majority of such prisoners, even

if reconvicted, are less likely to be reconvicted of such a serious offence in the follow up period.

Adequate analysis of the detrimental effects of imprisonment in Australia, compared with other sentencing alternatives, awaits future research of a different nature. Research in California (Petersilia 1986) has, however, indicated that recidivism rates may be lower for offenders placed on probation than for similar offenders given a prison sentence.

7. SUMMARY AND DISCUSSION

This study of the impact of the 1983 parole legislation has focussed on its implementation, its acceptance by key groups of individuals involved with sentencing and parole, and its effects on sentencing and recidivism. It was not the intention of the study to systematically analyse the legislative process or media and public reactions. These items are also of substantial interest, but what the authors believed to be of critical concern was documentation of the empirical information emerging from the implementation of the new parole system.

The system did not represent a sudden break with past parole legislation. In fact, it further reduced Parole Board discretion which had previously been cut back in 1981. The legislation did, however, go further towards removing indeterminacy in sentencing in this State than has been achieved in any other Australian jurisdiction. The move has been towards greater certainty of release dates for prisoners, and the placement of greater power with the courts in determining these release dates. This thrust seemed to the researchers to be the most important aspect of the parole legislation, yet it has tended to be ignored amid publicity given to lengths of imprisonment, recidivism of individual parolees, and remissions.

Evidence from this study suggests that the determinate style of sentencing introduced by the 1983 parole legislation is preferred by most groups with direct contact with prisons and the administration of sentences. Prison officers, prisoners, parole officers and parolees all preferred the new system to the old by margins ranging from two to one to eight to one. Longer term offenders, for example life sentenced prisoners, were less enthusiastic about the new system, correctly perceiving that they would serve longer terms in prison under the new regime. None of these groups believed that the new parole system was a panacea which would finally 'fix' the problems in prisons. All of the groups concerned recognised various problems in the way in which the new system was communicated and implemented. In fact, while long term prisoners recognised the negative impact of the previous parole system, they rated personalities of prisoners and officers as more important than parole in determining a poor prison climate prior to 1983. Prison managers also perceived concerns about parole to be a symptom of more deep seated grievances within the prison system and a rallying point for growth in militancy which had been imported from other States.

Judges who were interviewed also indicated support for various elements of the parole legislation, particularly the increased judicial power to determine release dates, and the greater certainty available to prisoners. Problems were expressed about the operation of remissions and the difficulty thus created for judges in fixing a sentence. Indeed, at the time of completion of this report, there was renewed judicial pressure to abolish remissions. It should be noted however, that prisoners spontaneously nominated remissions as the most important factor in promoting good behaviour in prisons and 71% agreed with the proposition that remissions are an incentive to good behaviour.

Sentencing practices of judges changed as soon as the new legislation was introduced. Non parole periods increased by 50% after 1983 and became a greater proportion of the head sentence. The increase in non parole period was sufficient to maintain effective terms of imprisonment at the same, or higher, levels as those before the changes, even allowing for the earning of maximum remissions. These increases in non parole periods occurred prior to December 1986, when further legislation was introduced which specified that remissions were to be considered by a judge when fixing sentence.

Other evidence from the study indicated that the long term effect following the legislation was for offenders convicted of serious crimes to spend longer terms in prison. For life sentenced prisoners in particular, the projected terms of imprisonment are now 50% greater than they were before the legislation was introduced. Projected terms of imprisonment also rose for offenders convicted of rape, armed robbery and serious drug offences. The data quoted above provides a different picture from that portrayed in much media reporting of the system. There was an obvious short term impact which reduced sentence lengths as remissions became available on non parole periods set before December 1983. This impact reduced South Australian prison populations to their lowest levels in thirty years. Nevertheless, this reductive effect was temporary and, as effective sentence lengths were extended, the prison population grew rapidly and the State prison system is again pushed to the limits of its capacity.

In the long term, there has been a clear tendency for sentences, non parole periods, and effective terms of imprisonment to increase. Shorter term sentencing impacts have, however, caused a severe public image problem for the system. This is because the system of automatic parole release and, later, remissions deducted from the non parole period, was allowed to apply to

prisoners who were already in custody on December 20 1983. These prisoners had been sentenced under a different regime where no remissions were deducted from the non parole period and parole release was subject to the discretion of the Parole Board.

As a result of this change in regime it can be said that many prisoners in custody on December 20 1983 were released early. They were of course released according to the current law, but served shorter terms of imprisonment than had been intended by the sentencing judge. In aggregate terms, such 'early releases' did not increase the overall recidivism rate of South Australian prisoners but they did create a serious credibility problem for the new system. The image of 'early release' has distracted attention from the reality of longer average sentence lengths and it is a distortion to suggest that prisoners sentenced after 1983 are now released on parole 'early'. However, in order to achieve longer terms of imprisonment there has been a considerable 'inflation' in non parole periods and, to a lesser degree, sentences.

The growth of the prison population was one of the unintended consequences of the 1983 legislation. Although reduction in prisoner numbers was not a specific aim of the new system, prison administrators hoped that some limitation on population could be achieved. The impact of crowding is one negative effect of a system which provides benefits to both prison administrators and prisoners in some key aspects of prison life and management. These aspects include:

. the ability of administrators to plan a progressive reduction in security level, leading to release;

. reduction in prisoner 'game playing' to secure favourable Parole Board consideration; and

. the possibility of prisoners and families to make their own preparations for release based on a definite time frame.

These and other advantages of determinate sentencing approaches are discussed in more detail by Goodstein 1986, pp. 173-175.

While the new system of parole fits most comfortably with a 'just deserts' approach to sentencing, it does not inhibit other sentencing aims such as rehabilitation or social protection. Chapter 3 has argued that the rationale for linking rehabilitation with selective release on 'expert' recommendation has been discredited. Certainty of release date is more likely

to allow both prisoners and prison program staff to prepare constructively for the prisoners' return to society.

Similarly, the setting of a release date at the beginning of a prisoner's sentence does not inhibit the consideration of future risk of re-offending. This report has presented evidence that the prediction of future offending, particularly violent offending, is a difficult task. Nevertheless, the principal predictive factors, for example, past offending history, are available at the time of sentence no less than at the time of release. The consideration of prison behaviour, for example by a parole board, adds little to the precarious task of predicting future offending.

The final part of the study considered the recidivism of prisoners released before and after the introduction of the legislation. Again, this showed a benefit for the new system with a small reduction in recidivism which did not achieve statistical significance. This result was consistent with much previous research showing modest benefits of parole supervision in reducing recidivism. Further analysis of the recidivism data is being conducted to identify any independent benefit of parole supervision. It is an irony of a selective parole approach, such as the pre - 1983 system, that prisoners who earn parole may be those who are least in need of supervision on release, while those who are denied parole may most need it.

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APPENDIX 1

Parole Legislation in South Australia 1969 - 1989

In December 1969, the Prisons Act Amendment Act (No. 2) was assented to by the South Australian Parliament. The Act which became effective on April 1 1970, introduced a formal system of parole into South Australia under the administration of a five member Parole Board. Prior to this, there was a mechanism for release of a prisoner on probation and the term "probationary release" was still used for Parole Board releases under the 1969 legislation. The new Parole Board was chaired by a person with "extensive knowledge of and experience in, the science of criminology, penology or any other related science". In fact the first two persons to chair the Board were Supreme Court judges: Sir Roderick Chamberlain and Dame Roma Mitchell.

All sentenced prisoners were potentially eligible for parole release upon application to the Parole Board but, in practice, because of the necessary administrative constraints, few prisoners with sentences of less than three months were released. This applied even though the regulations allowed the Chief Parole Officer to identify eligible prisoners to the Parole Board every month. The sentencing judge was given the power of setting a minimum term, or non parole period, but in practice non parole periods were rarely set. Remissions applied to the head sentence but were not applied to the non parole periods, even though there was legislative power to do this.

Modifications to the parole system were enacted in March 1981 (and came into operation on August 1 1981). These changes made the setting of a non parole period mandatory for prison sentences greater than three months. The qualifications required of the Board Chairman were altered, specific mention being made of the option to appoint a judge or retired judge. The next appointment was, however, not a judge: Queen's Counsel Mr David Angel.

The 1983 parole legislation was enacted as an amendment to the Prisons Act (1936-1975) and its provisions are now incorporated in the Correctional Services Act (1982). The legislation came into operation on December 20 1983 but the section of the Act dealing with remissions was not proclaimed until June 1 1984.

The legislation:

. allowed for earned remissions of up to 15 days per month served to be deducted from the non parole period;

. determined that prisoners must be released on parole at the expiry of the non parole period, less earned remissions, provided they accepted conditions of release set by the Parole Board; and

. removed the possibility of parole for prisoners with sentences of less than twelve months.

A point by point comparison of the key elements of the parole legislation from 1969 to 1983 is contained in Table 1.1.

A point of interest concerning the legislative changes from 1969 onwards concerns the operation of the remissions system. An unintended consequence of the 1983 legislation was that it drew attention to the wording of the regulations covering remissions which were gazetted along with the 1969 legislative changes. These regulations replaced others which allowed for unconditional release of a prisoner who had served two thirds of sentence. The new wording, however, allowed for the awarding of ten days remission for every month served. Since the new regulation was unheralded, it was assumed for administrative purposes that the ten days were to be awarded for every month of sentence, that is, remissions were to be approximately one third of sentence. In fact ten days per month served amounts to approximately ten days remission for forty days of sentence, or one quarter of sentence.

The misinterpretation by prison administrators was confirmed in several key judgements and was operational until January 1984 when the anomaly was pointed out by Justice Sangster, who provided a brief history of remissions legislation since 1870. The problem was addressed by an amendment to prison regulations gazetted on March 1 1984, which allowed remissions of up to one third of sentence to be credited to prisoners. This amendment restored the legality of remissions credited to prisoners already in custody and was recognition of the fact that there had been errors in administering the letter, if not the spirit, of the law for the past thirteen years.

Following the initial changes to legislation in 1983, a number of further amendments were made in subsequent years which, broadly speaking, 'toughened up' the parole system, in addition to fixing some minor anomalies. The principal amendments are outlined below.

Non parole periods were to be set for sentences of one year, not just for sentences of more than one year (by an amendment to the Prisons Act in November 1984).

TABLE 1.1 SUMMARY OF PAROLE LEGISLATION 1969 – 1983

1969	1981	1983
1. Parole Board		
The Board was to consist of 5 members and be chaired by a person with "extensive knowledge of and experience in, the science of criminology, penology, or any other related science." At least one of the members had to be a woman, one had to be a medical practitioner with a knowledge of psychology or psychiatry and one needed to have knowledge of sociology or a related science. One member was to be selected from a panel of two nominated by the South Australian Chamber of Manufactures and a further member from a panel of two nominated by the United Trades and Labour Council.	The Board was now to consist of six members. The two members nominated by the Chamber of Manufactures and the United Trades and Labour Council were replaced by three persons nominated by the Minister	The Board was again to consist of six members. It was to be chaired by a judge or retired judge or a person with the qualifications specified in 1969. The medical practitioner needed knowledge only of psychiatry. Criminology was added to 'sociology or a related science' to complete the range of qualifications for the other specialist member. One member of the Board was to be of Aboriginal descent.
2. Sentencing		
The sentencing judge was able to set a non parole period. In practice a non parole period was rarely set .	The sentencer was now required to set a non parole period for all sentences exceeding three months.	The sentencer was required to set a non parole period for sentences exceeding one year.

1969	1981	1983
3. Role of the Parole Board		
The role of the Parole Board was to determine release date (if granting parole), and release conditions for prisoners who applied for parole. In practice and as stipulated in regulations the Board considered all prisoners eligible for parole release, unless the prisoner did not wish this. The Board was also responsible for monitoring parole performance and if necessary cancelling parole.	As in 1969 but prisoners were eligible to apply only after the expiry of the non parole period.	The Board was no longer responsible for determining release dates of fixed term prisoners, but retained the right to determine conditions of parole release, and monitor parole performance.
4. Life Sentenced Prisoners		
The Board had the power to determine release dates and conditions for life sentenced prisoners.	The Board could now only <u>recommend</u> to the Governor that a prisoner sentenced to life imprisonment be released upon expiry of the non parole period or after three months if no non parole period has been set.	Lifers sentenced after 1981 had a non parole period set by the court. Lifers sentenced earlier had to return to court to have one set. The Board was to recommend release to the Governor at the expiry of the non parole period, and appropriate conditions of release.
5. Prisoners with an Indeterminate Sentence		
The Board recommended to the Governor a release date for prisoners with indeterminate sentences.	No change.	No change.

1969	1981	1983
6. Remissions		
Remissions of up to 10 days per month served could be deducted from sentence. This was interpreted (mistakenly) by prison administrators, and also in some key judgements, to be 10 days per month of sentence. Remissions of up to 6 days per month served could be deducted from the non parole period. This power seems not to have been used and was of little general significance given that few non parole periods were set.	No change to the remissions on sentence but the possibility of reducing non parole periods was removed by regulation. The power to grant remissions on head sentence was originally omitted from regulations. This problem was rectified by an amendment to regulations gazetted in 1982 but backdated to August 1, 1981.	The remissions section of the 1983 Act was not proclaimed until June 1, 1984. This legislation allowed remissions to be deducted from either the non parole period or the head sentence. Remissions were awarded each month up to a maximum of 15 days per month served, or approximately one third. It is not clear whether it was intended for remissions to apply to both the non parole period and the head sentence. Remissions applied to life sentenced prisoners as well as those with fixed terms.
7. Time Spent on Parole		
Prisoners with fixed sentences terminated their parole period at the time of expiry of the sentence less remissions (in practice this was two thirds of sentence). Life sentenced prisoners spent the rest of their life on parole, although not necessarily under supervision.	No change for fixed sentences. Life sentenced prisoners were to remain on parole for a period fixed by the Governor.	Prisoners with fixed sentences terminated parole at the expiry of the head sentence with no shortening due to remissions. Life sentenced prisoners were to remain on parole for a period fixed by the Governor, up to a maximum of 10 years.

1969	1981	1983
8. Cancellation of Parole		
The Board had the power to cancel parole for any reason it considered sufficient, and was required to cancel parole if the parolee was re-imprisoned for any offence committed while on parole. The parolee was required to be returned to prison for the unexpired period of sentence at time of parole release.	As in 1969 but the case of breach of parole conditions was treated separately. In this case the parolee could be returned to prison, but the term was specified as time from the breach to the end of sentence less remissions.	When parole was cancelled because of a breach of condition the parolee could be returned to prison for a maximum of three months. In the case of a parolee given a prison sentence for an offence committed while on parole the length of imprisonment was determined to be the difference between the date of offence and the end of the head sentence (combined with the new prison sentence). There was, therefore, recognition of "clean street time".

Amendments were made to the Correctional Services Act and to the Criminal Law Consolidation Act through the statutes Amendment (Parole) Act, of November 1986. These amendments:

- required courts to consider the fact that a prisoner may be credited with a maximum of fifteen days remission for every month served;

- required courts to make any new sentence of imprisonment cumulative on the original sentence, for all parolees convicted and imprisoned for a new offence committed while on parole;

- empowered the Parole Board to set 'designated conditions of parole', the breach of which would result in automatic cancellation of parole and return to prison for the remainder of the sentence;

- lengthened to six months the period of time for which the Parole Board could return to prison a parolee who had breached a non designated condition of release; and

- gave more detail on the reasons why a court could decline to set a non parole period for any sentence of imprisonment.

APPENDIX 2

Characteristics of Released Offenders

TABLE 2.1 RELEASE GROUP BY SEX (*)

	Sex		
Release Group	Male	Female	Total
Before	380 (98.2)	7 (1.8)	387 (100.0)
After	466 (97.3)	13 (2.7)	479 (100.0)
Total	846 (97.7)	20 (2.3)	866 (100.0)

TABLE 2.2 RELEASE GROUP BY EMPLOYMENT STATUS

	Employment Status				
Release Group	Employed	Unemployed	Other	Not Known	Total
Before	96 (24.8)	208 (53.7)	26 (6.7)	57 (14.7)	387 (100.0)
After	122 (25.5)	277 (57.8)	35 (7.3)	45 (9.4)	479 (100.0)
Total	218 (25.2)	485 (56.0)	61 (7.0)	102 (11.8)	866 (100.0)

* In all tables the figures in brackets are percentages of row totals. Numbers in brackets may not add to 100 due to rounding.

TABLE 2.3 RELEASE GROUP BY AGE AT RELEASE

	Age at Release							
Release Group	Under 21	21–25	26–30	31–35	36–40	41–45	46 plus	Total
Before	26 (6.7)	128 (33.1)	87 (22.5)	58 (15.0)	40 (10.3)	26 (6.7)	22 (5.7)	387 (100.0)
After	58 (12.1)	153 (31.9)	96 (20.0)	66 (13.8)	46 (9.6)	21 (4.4)	39 (8.1)	479 (100.0)
Total	84 (9.7)	281 (32.4)	183 (21.1)	124 (14.3)	86 (9.9)	47 (5.4)	61 (7.0)	866 (100.0)

TABLE 2.4 RELEASE GROUP BY MARITAL STATUS

	Marital Status							
Release Group	Single	Married	Separated	Divorced	DeFacto	Widow	Unknown	Total
Before	218 (56.3)	67 (17.3)	19 (4.9)	30 (7.8)	45 (11.6)	3 (0.8)	5 (1.3)	387 (100.0)
After	283 (59.1)	84 (17.5)	23 (4.8)	26 (5.4)	59 (12.3)	1 (0.2)	3 (0.6)	479 (100.0)
Total	501 (57.9)	151 (17.4)	42 (4.8)	56 (6.5)	104 (12.0)	4 (0.5)	8 (0.9)	866 (100.0)

TABLE 2.5 RELEASE GROUP BY JUVENILE RECORD

	Juvenile Record			
Release Group	Yes	No	Unknown	Total
Before	247 (63.8)	131 (33.9)	9 (2.3)	387 (100.0)
After	312 (65.1)	150 (31.3)	17 (3.5)	479 (100.0)
Total	559 (64.5)	281 (32.4)	26 (3.0)	866 (100.0)

TABLE 2.6 RELEASE GROUP BY RACE

	Race					
Release Group	Caucasian	Aboriginal	Asian	Other	Unknown	Total
Before	343 (88.6)	42 (10.9)	0 (0.0)	0 (0.0)	2 (0.5)	387 (100.0)
After	413 (86.2)	56 (11.7)	3 (0.6)	2 (0.4)	5 (1.0)	479 (100.0)
Total	756 (87.3)	98 (11.3)	3 (0.3)	2 (0.2)	7 (0.8)	866 (100.0)

TABLE 2.7 RELEASE GROUP BY RELEASE TYPE

	Release Type		
Release Group	Sentence Served	Paroled	Total
Before	210 (54.3)	177 (45.7)	387 (100.0)
After	50 (10.4)	429 (89.6)	479 (100.0)
Total	260 (30.0)	606 (70.0)	866 (100.0)

TABLE 2.8 IMPRISONMENT OFFENCE BY RELEASE GROUP (*)

	Release Group		
Major Offence	Before	After	Total
Homicide	11 (2.8)	8 (1.7)	19 (2.2)
Against the Person	41 (10.6)	51 (10.6)	92 (10.6)
Sex Offences	64 (16.5)	79 (16.5)	143 (16.5)
Robbery	37 (9.6)	62 (12.9)	99 (11.4)
Drug Offences	38 (9.8)	44 (9.2)	82 (9.5)
Property Damage	7 (1.8)	13 (2.7)	20 (2.3)
Theft/Fraud	164 (42.3)	205 (42.8)	369 (42.6)
Good Order	8 (2.1)	6 (1.3)	14 (1.6)
Breach of Parole	17 (4.4)	11 (2.3)	28 (3.2)
Total	387 (100.0)	479 (100.00)	866 (100.00)

* Percentages are expressed as proportion of the column totals.

APPENDIX 3

Recidivism Offence

TABLE 3.1 IMPRISONMENT OFFENCE BY MOST SERIOUS RE-OFFENCE: NUMBERS

Imprisonment Offence	Most Serious Re-Offence: Homicide	Against Person	Sex Offence	Robbery	Drug Offence	Property Damage	Theft/ Fraud	Against Good Order	Minor Offences	Unconvicted	Total
Homicide		2					1	1	1	14	19
Against Person		13	2		5	2	7		17	46	92
Sex Offence	2	16	8	2	2	3	17	1	22	70	143
Robbery		15	1	8	9	2	14		15	35	99
Drug Offences		5			16		6		8	47	82
Property Damage		3			2	2	1		2	10	20
Theft/Fraud		63	2	5	26	8	106		60	99	369
Against Good Order		3			2		2		1	6	14
Parole Breach		8	1	1	2		5		5	6	28
All Offences	2	128	14	16	64	17	159	2	131	333	866

TABLE 3.2 IMPRISONMENT OFFENCE BY MOST SERIOUS RE-OFFENCE: PERCENTAGES

Imprisonment Offence	Most Serious Re-Offence: Homicide	Against Person	Sex Offence	Robbery	Drug Offence	Property Damage	Theft/ Fraud	Against Good Order	Minor Offences	Unconvicted	Total
Homicide	0.0	10.5	0.0	0.0	0.0	0.0	5.3	5.3	5.3	73.7	100.0
Against Person	0.0	14.1	2.2	0.0	5.4	2.2	7.6	0.0	18.5	50.0	100.0
Sex Offence	1.4	11.2	5.6	1.4	1.4	2.1	11.9	0.7	15.4	49.0	100.0
Robbery	0.0	15.2	1.0	8.1	9.1	2.0	14.1	0.0	15.2	35.4	100.0
Drug Offences	0.0	6.1	0.0	0.0	19.5	0.0	7.3	0.0	9.8	57.3	100.0
Property Damage	0.0	15.0	0.0	0.0	10.0	10.0	5.0	0.0	10.0	50.0	100.0
Theft/Fraud	0.0	17.1	0.5	1.4	7.0	2.2	28.7	0.0	16.3	26.8	100.0
Against Good Order	0.0	21.4	0.0	0.0	14.3	0.0	14.3	0.0	7.1	42.9	100.0
Parole Breach	0.0	28.6	3.6	3.6	7.1	0.0	17.9	0.0	17.9	21.4	100.0
All Offences	0.2	14.8	1.6	1.8	7.4	2.0	18.4	0.2	15.1	38.5	100.0

(1) Percentages are expressed as a fraction of the overall total of those originally imprisoned for that offence.
(2) Row totals may not add to 100 because of rounding.

APPENDIX 4

Publications of the Office of Crime Statistics

Series 1: Crime and Justice in South Australia - Quarterly Reports (Discontinued)

Vol. 1 Report for the Period Ending 31st December, 1978 (February, 1979)

Vol. 1 Report for the Period Ending 31st March, 1979 (June, 1979)

Vol. 1 Report for the Period Ending 30th June, 1979 (September, 1979)

Vol. 2 Report for the Period Ending 30th September, 1979 (December, 1979)

Vol. 2 Report for the Period Ending 31st December, 1979 (March, 1980)

Vol. 2 Report for the Period Ending 31st March, 1980 (July, 1980)

Vol. 2 Report for the Period Ending 30th June, 1980 (September, 1980)

Vol. 3 Report for the Period Ending 30th September, 1980 (December, 1980)

Vol. 3 Report for the Period Ending 31st December, 1980 (May, 1981)

Vol. 3 Report for the Period Ending 31st March, 1981 (July, 1981)

Vol. 3 Report for the Period Ending 30th June, 1981 (September, 1981)

Series 11: Summary Jurisdiction and Special Reports (Discontinued)

No. 1 Homicide in South Australia: Rates and Trends in Comparativ Perspective (July, 1979)

No. 2 Law and Order in South Australia: An Introduction to Crime and Criminal Justice Policy (First Edition) (September 1979).

No. 3 Robbery in South Australia (February, 1980)

No. 4 Statistics from Courts of Summary Jurisdiction: Selected Returns from Adelaide Magistrate's Court: 1st January - 30th June, 1979 (March, 1980)

No. 5 Statistics from Courts of Summary Jurisdiction: Selected Returns from South Australian Courts: 1st July - 31st December, 1979 (September, 1980)

No. 6 Statistics from Courts of Summary Jurisdiction: Selected Returns from South Australian Courts: 1st January - 30th June, 1980 (December, 1980)

No. 7 Statistics from Courts of Summary Jurisdiction: Selected Returns from South Australian Courts: 1st July - 31st December, 1980 (September, 1981)

No. 8 Statistics from Supreme Court and District Criminal Courts: 1st July 1980 - 30th June, 1981 (November, 1981)

No. 9 Homicide and Serious Assault in South Australia (November, 1981)

Series A: Statistical Reports

Odd numbered reports (1-23): Statistics from Criminal Courts of Summary Jurisdiction (covering 6 monthly periods from 1 January, 1981 through to 31 December, 1986)

Even numbered reports (2-22): Crime and Justice in South Australia (Police, Corrections, Higher Criminal Court and Juvenile Offender statistics) (covering 6 monthly periods from 1 July, 1981 through to 31 December, 1986)

No. 24 Crime and Justice in South Australia (Police, Courts of Summary Jurisdiction, Supreme and District Criminal Courts, Correctional Services and Department for Community Welfare statistics.) From 1 January 1987 Crime and Justice reports cover twelve monthly periods and include Courts of Summary Jurisdiction statistics (prior to 1987 these statistics were published separately in the odd numbered reports).

Series B: Research Bulletins

No. 1 Shoplifting in South Australia (September, 1982)

No. 2 Law and Order in South Australia, An Introduction to Crime and Criminal Justice Policy (Second Edition) (October, 1986)

No. 3 Bail Reform in South Australia (July, 1986)

No. 4 Decriminalising Drunkenness in South Australia (November, 1986)

No. 5 Criminal Injuries Compensation in South Australia (February, 1989)

Series C: Research Reports

No. 1 Sexual Assault in South Australia (July, 1983)

No. 2 Evaluating Rehabilitation: Community Service Orders in South Australia (May, 1984)

No. 3 Victims of Crime: An Overview of Research and Policy (November, 1988)

No. 4 Cannabis: The Expiation Notice Approach (July, 1989)

Series D: Social Issues Series

No. 1 Random Breath Tests and the Drinking Driver (November, 1983)

No. 2 The Impact of Parole Legislation Change in South Australia (August, 1989)