PERFORMANCE EXAMINATION: Implementing and Managing Community Based Sentences.

This report has been prepared consequent to an examination conducted under section 80 of the Financial Administration and Audit Act 1985 for submission to Parliament under the provisions of section 95 of the Act.

Performance examinations are an integral part of my overall Performance Auditing program and seek to provide Parliament with assessments of the effectiveness and efficiency of public sector programs and activities thereby identifying opportunities for improved performance.

The information provided through this approach will, I am sure, assist Parliament in better evaluating agency performances and enhance Parliamentary decision-making to the benefit of all Western Australians.
# Contents

1 Auditor General’s Overview 3

2 Executive Summary 4
   Background 4
   Management of community based sentences 4
   This examination 5
   Findings 5
   Summary of recommendations 7

3 Introduction 9
   Background 9
   Community Based Orders and Intensive Supervision Orders 9
   Managing orders 10
   Consequences of inadequate management of offenders 13
   Examination objectives and methodology 13

4 About Offenders on Community Based Sentences 15
   Background 15
   Characteristics of offenders serving community based sentences 15
   Recommendation 16

5 Use of Community Based Sentences 17
   Background 17
   Trends in the issue of community based sentences 18
   Type of offences for which community based sentences are issued 19
   Impact of sentencing hierarchy on sentencing patterns 20
   Recommendations 20

6 Outcomes of Community Based Sentences 21
   Background 21
   Completion of orders 21
   Effectiveness of rehabilitation 24
   Recommendations 25
Managing aspects of the criminal justice system can present a complex challenge in achieving the appropriate balance between punishment and rehabilitation. The community has a keen interest in the short-term goal of justice being served, with convicted offenders being appropriately punished for the crimes that they have committed. It is also in the longer-term interests of the wider community that offenders are rehabilitated and do not ‘graduate’ through the criminal justice system to prison as a consequence of re-offending.

This report presents the findings of a performance examination of the management and implementation by the Ministry of Justice of Community Based Orders and Intensive Supervision Orders. These orders are served in the community under the Ministry’s supervision and are part of a sentencing hierarchy that aims to make imprisonment a sentence of last resort.

I recognise that community based sentences have the potential to be an effective alternative to imprisonment for some offenders only. While these options can be more cost effective than prison sentences, it is important that they are managed effectively so the full benefits are achieved.

In a demanding public sector environment where resources are constrained, it is incumbent on every manager to understand, monitor and evaluate the services they deliver to ensure these are having the required effect and that they represent the best use of resources in achieving the agency’s objectives. The Ministry has yet to develop the management reporting systems required for informed planning decisions in the delivery of community based sentences and is thus unable to demonstrate that it is providing these services in the most effective manner. It has also yet to define its objectives in relation to rehabilitation and is unable to demonstrate their effectiveness in this regard.

Public sector management is a challenging task, no more so than in those areas that touch on the criminal justice system. A more purposeful approach to planning, evaluation and management of these orders is required if the potential benefits from these sentencing options are to be realised and real improvements are to be made.

DDR Pearson
Auditor General

May 30, 2001
Background

Community based sentences were among a range of measures introduced by the Western Australian Government in the mid 1990s to address high imprisonment rates, community concerns about public safety, and other issues in the justice area.

The Sentencing Act 1995 allowed the courts a number of sentencing options including release without sentence, conditional release orders, and fines at the lower end of the scale, and community based orders, intensive supervision orders, suspended imprisonment, and imprisonment at the higher end. Imprisonment was endorsed as the sentence of last resort.

Community based orders and intensive supervision orders were introduced as genuine sentencing options to ‘… provide a more adequate basis than that which exists at present for courts to sanction offenders and to provide for their supervision in the community, without having to resort to imprisonment’. It was expected that their use would lead to lower imprisonment rates. They were also expected to be more effective in setting an appropriate punishment for offenders and in assisting in their rehabilitation.

Community based sentences are a low cost sentencing option, costing the State about $12 per day per offender compared with $180 per day for imprisonment.

Management of community based sentences

The Community-Based Services Directorate of the Ministry of Justice manages community based sentences to protect public safety, especially that of victims, by ensuring that restrictions and requirements imposed by the courts on offenders are fulfilled, and their offending behaviour is modified through relevant treatment programs.

Case management is the most frequently used model for managing offenders. Initially, offenders are categorised as ‘special-risk’, ‘high-risk’, ‘moderate-risk’, and ‘low-risk’ based on their potential for re-offending. Typically a high-risk offender is a frequent substance abuser, began offending at an early age, has several previous convictions and is unemployed. Through case management, services and rehabilitation programs are then targeted to each offender’s risks and needs.
Community Corrections Officers have primary responsibility for case management. Some services such as substance abuse counselling and psychological counselling are delivered by contracted services.

In 2000-01 $30 million of an approximate $168 million Ministry of Justice Offender Management budget was allocated to Community-Based Services.

This examination
This examination focuses on the effectiveness of Community Based Orders and Intensive Supervision Orders administered by the Ministry of Justice and provides an assessment of whether the management of community based sentences has resulted in effective rehabilitation of adult offenders. Areas for improving the management and implementation of community based sentences have also been identified.

Findings
Overall findings
- Despite the intentions of the initiatives contained in the Sentencing Act 1995 imprisonment rates have not decreased and Western Australia continues to have a higher rate of imprisonment than most other States and Territories.
- Analysis of available information suggests that community based sentences have not been issued more frequently than the probation or community service orders they superseded.
- The Ministry of Justice has not systematically assessed the impact on sentencing patterns of the various sentencing options available to the courts.

Completion of orders
- 62 per cent of Community Based Orders and 45 per cent of Intensive Supervision Orders are completed.
- 70 per cent of ‘low’ and ‘moderate’ risk offenders complete sentences.
- Only 42 per cent of ‘high-risk’ offenders complete sentences.

Rehabilitation of offenders
- Most of the Ministry’s resources are targeted to ‘high-risk’ offenders, who constitute a third of those undertaking community based sentences.
- At present the Ministry of Justice does not have reliable data to adequately assess the impact of community based sentences on the long-term rehabilitation of offenders or whether the services and rehabilitation programs provided have proven successful.
Case management

- There is considerable inconsistency in case management, with some Community Corrections Officers focusing primarily on rehabilitating offenders while others focused on community safety.
- Many factors impact on the effectiveness of case management, including:
  - little shared understanding amongst Community Corrections Officers of the purposes of case management;
  - insufficient time available for Community Corrections Officers to engage with offenders; and
  - inadequate access to some treatment programs.

Community work

- 67 per cent of community based sentences include a community work requirement, with the majority of offenders being placed in projects at non-government agencies.
- Sentences that require the offender to undertake only community work have a 66 per cent completion rate.
- Sentences that combine community work with other requirements, such as drug abuse counselling or supervision, have a completion rate of only 40 per cent, reflecting the greater number of ‘high-risk’ offenders in this group.
- It is becoming increasingly difficult to secure appropriate community work for offenders in the non-government sector.
- The current screening process for matching offenders with available community work is informal and unstructured, creating the perception that there are real risks for participating organisations, their personnel and property.
- Supervising high-risk offenders is a specialised activity which most organisations and agencies do not have experience with and for which they receive insufficient training or support.

Offender rehabilitation services and programs

- Since the implementation of the Sentencing Act, the Ministry has not systematically reviewed resource requirements despite an increase in the number of offenders and the changing complexity of the offender population. Community-Based Services has managed the workload by shifting resources between juvenile and adult supervision.
Whilst collecting some information on the characteristics of the offender population, the Ministry has made only limited attempts to systematically analyse information for planning purposes.

Improvements to service delivery are hindered by lack of information. Should this continue community based sentences are unlikely to reach their potential to reduce imprisonment rates or effectively managing offenders in the community.

The Ministry has been inconsistent and ad hoc in securing and contracting treatment programs to fulfil that requirement of community based sentences and there is little or no management or coordination of the internal and external program providers.

Little or no evaluation has been undertaken of the effectiveness of the treatment programs provided.

Impact of employment practices

While the Ministry has sound policies and guidelines in relation to human resources practices, many of them have been ignored in the management of Community-Based Services staff, resulting in a largely inexperienced and transient workforce moving from office to office on short-term contracts.

Approximately 52 per cent of Community Corrections Officers in the metropolitan area and 17 per cent in the non-metropolitan areas are on short-term contracts of four months or less.

Almost half of Community Corrections Officers holding substantive positions were acting in higher level positions throughout the Ministry.

The impact of these practices on the delivery of community based sentences has been:
- differing standards of and inconsistencies in case management which adversely affect service delivery to offenders;
- continually destabilising the effectiveness of some offices;
- ad hoc and inconsistent basic staff training because of high staff turnover; and
- difficulty in retaining good staff.

Summary of recommendations

Major recommendations made in the report are that:

**The Ministry of Justice should:**

- Systematically collect and evaluate information about the characteristics of offenders to enable more informed planning.
Define the aims of rehabilitation and develop and implement appropriate performance indicators to assess the rehabilitative benefits of orders.

Develop a comprehensive rehabilitation strategy for offenders in the community.

Prioritise competing case management objectives to enable improved consistency in case management.

Reinforce the importance of effective follow-up by Community Corrections Officers of progress of offenders on treatment programs.

Develop more effective strategies for identifying and securing community work placements, so that the aims of the Sentencing Act are achieved.

Develop a more formal process for screening offenders being placed on community work projects, to ensure appropriate placements.

Provide adequate support to placement agencies, including timely and appropriate access to officers who have the specific responsibility of support for offenders on community work.

Regularly review resource allocations in relation to the demands presented by the changing characteristics of offenders.

Adequately resource Community-Based Services to enable effective forward planning for service improvement.

Evaluate the services provided to high-risk offenders with a view to ensuring the appropriateness and effectiveness of those services to the punitive and rehabilitative objectives of the Sentencing Act.

Develop and implement a human resource management plan that ensures a stable and well-trained workforce.

Develop performance indicators and measures to assess the performance of Community-Based Services as a whole.
Background

When an offender is convicted several options are available to the courts in sentencing them. These options are set out in a hierarchy contained in the Sentencing Act 1995 and include:

- No sentence and order the release of the offender;
- Conditional release orders;
- Fines;
- Community based orders;
- Intensive supervision orders;
- Suspended imprisonment; or
- Imprisonment.

The Government expected that community based sentences, that is, Community Based Orders (CBOs) and Intensive Supervision Orders (ISOs), would be used frequently and would reduce the need to place offenders in prison. It was also expected that they would be effective options in punishing and rehabilitating offenders.

Community Based Orders and Intensive Supervision Orders

Community based sentences are issued by the courts and then implemented by the Ministry of Justice. They can have one or more of the following components:

- A supervision requirement, whereby offenders are counselled and guided on a face to face basis except in the case of remote locations where telephone contact may be established;
- A program requirement, through which an offender participates in a treatment program such as psychological counselling or substance abuse counselling aimed at modifying the cause of an offender’s criminal behaviour; and
A community service requirement, whereby an offender ‘pays’ some restitution to the community for the offence committed by undertaking a number of hours of unpaid community work set by the court.

Supervision is mandatory for Intensive Supervision Orders. They can also have a fourth requirement:

A curfew requirement, which restricts an offender’s movement during periods when there is a high risk of re-offending and subjects the offender to short periods of home detention.

Managing orders

Through its Community-Based Services Directorate, the Ministry of Justice manages offenders on several types of orders: community based orders, intensive supervision orders, work and development orders, home detention and community based work release and parole. In addition it provides advice to sentencing and releasing authorities.

Figure 1: Organisational structure showing the responsibility for Community-Based Services.

Source: Office of the Auditor General

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1 A small number of probation and community service orders are also managed by Community-Based Services. These are being phased out.
Management approaches

Once a community based sentence is issued to an offender, the Ministry of Justice categorises the individual into risk categories (‘special’, ‘high’, ‘moderate’ and ‘low’) on the basis of each offender’s risks and needs. Typically the high-risk offender is less than thirty years of age, is a frequent substance abuser, began offending at an early age, has several previous convictions and is unemployed. The categorisations assist Community-Based Services to target resources to areas of greatest need. This approach is termed case management.

Offenders categorised as special and high-risk offenders will typically be subject to casework supervision with more intensive supervision and intervention by Community Corrections Officers. Other risk categories are usually subject to compliance supervision that entails a lower level of intervention and does not require the active management of a Community Corrections Officer. Community service components of sentences are primarily managed by another group of administrative officers referred to as Work Order Officers.

Figure 2 shows how the various aspects of community based sentences are managed.

![Figure 2: Responsibility for managing offenders on community based sentences. Source: Office of the Auditor General](image-url)
Cost of managing offenders

The Ministry of Justice spends $168 million annually on the management of offenders, including those who are serving community based sentences and prison sentences. Of this amount $30 million was allocated to Community-Based Services to manage offenders in the community. The rest is allocated to Prison Services.

Western Australia spends $180 per day or about $65,000 per year keeping each adult prisoner. By contrast, when ‘correcting’ an offender in the community the State spends about $12 per day or less than $5,000 per year.

If one third of offenders who currently receive either a CBO or ISO each year were instead to receive the minimum prison sentence of three months, an amount in the vicinity of an additional $14 million would be required.

Figure 3 shows that the budget allocated to Community-Based Services has increased by about 20 per cent over the last three years. By contrast, the budget allocation to Prison Services has risen by around 52 per cent over the same period. During that period, the number of offenders managed by both sections increased by about 27 per cent.

![Figure 3: Funds allocated to Prison Services have increased at a higher rate than funds to Community-Based Services.](image)

Source: Information from the Ministry of Justice.
Consequences of inadequate management of offenders

The consequences to the public of not effectively managing offenders in the community can be significant. Although offenders form a very small proportion of the Western Australian population they have a disproportionate capacity to damage public safety.

An overwhelming majority of offences are perpetrated against innocent members of the public who become the victims of crime and suffer irreparable damage in some instances.

If offenders serving community based sentences do not receive the necessary interventions and appropriate assistance to enable them to address their offending behaviour, they are at increased risk of becoming repeat offenders and remaining in contact with the criminal justice system in the long term. There is a distinct possibility of them ‘graduating’ to prisoner status.

The financial burden for their upkeep then falls on the State, not only because the State is responsible for managing offenders, but also because as non-contributing members of the community, the cost of offenders’ accommodation and living needs, and in most cases also their families’ costs, would need to be met by the State.

Successful interventions provided through the implementation of community based sentences can assist their rehabilitation. The advantages of rehabilitating offenders are that:

- There are fewer persons who threaten the safety and security of the community;
- They cease to be a cost to the State; and
- They become contributing members of the community.

Examination objectives and methodology

The objectives of the examination were to:

- Assess whether the management of community based sentences is enabling an effective rehabilitative process for adult offenders as intended in the Sentencing Act 1995; and
- Identify areas for improving the management and implementation of community based sentences.
The methodology included the following:

- Analysis of statistical data from the Ministry of Justice’s database.
- Analysis of the information in the files of 760 offenders who had served a CBO or ISO. This constitutes a statistically valid stratified sample on the basis of a standard error of ten per cent and a confidence level of 95 per cent.2
- Extensive interviews with Community Corrections Officers and regional Ministry of Justice officers on the management of CBOs/ISOs. Interviews were conducted with:
  - 60 per cent of Community-Based Services managers;
  - 50 per cent of Senior Community Corrections Officers;
  - 60 per cent of Community Corrections Officers in the metropolitan area and 30 per cent in the non-metropolitan area;
  - 60 per cent of Work Order Officers; and
  - 50 per cent of agencies providing treatment programs.
- Interviews with other stakeholders including offenders, agencies providing placements for community work (105 agencies), academics, judicial officers, community groups, justice related organisations such as the Aboriginal Justice Council, and the Crime Research Centre.
- Literature survey of published and unpublished documents to identify trends and issues internationally and nationally.

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2 The sample was designed to provide statistically valid data in relation to location (metro/country), gender (male/female) and Aboriginality/non-Aboriginality. The data revealed no statistically significant differences in the first two groups. Differences in relation to the experience of Aboriginal people are commented on in the report.
About Offenders on Community Based Sentences

- Offenders on community based sentences tend to be less than 30 years of age, unemployed and educated to year 10 or less. Most have had at least one previous conviction and many had their first contact with the criminal justice system at an early age. A significant number have a history of substance abuse.

Background
Community based sentences are issued to a variety of offenders. Some are first time offenders while others are repeat offenders who have already had considerable contact with the criminal justice system. A high proportion of them have a history of substance abuse.

The task of managing such offenders is made challenging by the attitude of some offenders towards these orders contributing to:
- Frequently failing to keep appointments;
- Arriving at Community-Based Services offices outside the appointment time and day;
- Having frequent crises in their lives which Community Corrections Officers have to help solve;
- Little respect for direction and counsel;
- Being indifferent to the law and law enforcement and being argumentative; and
- Being generally difficult to engage with.

Characteristics of offenders serving community based sentences
The examination found that about 74 per cent of offenders serving community based sentences were 30 years of age or younger. Of those whose employment and education status were recorded, 80 per cent were unemployed and 85 per cent had a year 10 level of education or less.³

³ 32 per cent or 241 files reviewed had not recorded an offender’s education level and 8 per cent or 56 of the files reviewed had not recorded an offender’s employment status.
The review of offenders’ files also showed that many did not have support networks and were members of dysfunctional families. Many frequently encounter other associated issues such as accommodation problems, lifestyle difficulties and financial hardship.

Case files show that a sizeable proportion of offenders display characteristics that increased their likelihood of re-offending, such as:

- Early commencement of offending. Overall about 60 per cent were 18 years or younger when they first came into contact with the criminal justice system. (74 per cent of Aboriginal offenders and 50 per cent of non-Aboriginal offenders).
- Previous convictions. About 85 per cent had at least one previous conviction. (92 per cent of Aboriginal offenders and 78 per cent of non-Aboriginal offenders).
- Substance abuse. About 64 per cent had a frequent substance abuse problem. (65 per cent Aboriginal offenders and 63 per cent of non-Aboriginal offenders).
- Long-term offending history. About 37 per cent have been in contact with the criminal justice system for over 10 years and 49 per cent for over 7 years.

The general consensus among service providers is that the management of these offenders is becoming more complex. One typical view was that offenders are ‘... more aggressive and more violent than five years ago and have more serious personality disorders, combined with acute drug and substance abuse and excessive offending’.

While data about offenders are kept on individual files and some is then transferred to a database, little is readily available to managers to assist them in planning services. The Ministry of Justice has acknowledged this shortfall and has advised that a business plan is being developed to address this issue.

To ensure that services are tightly targeted, it is important in planning them that the characteristics of offenders are known and are taken into account.

**Recommendation**

- Community-Based Services should systematically collect and evaluate information about the characteristics of offenders.
Use of Community Based Sentences

- The number of community based sentences issued each year was relatively stable until 2000 when a 16 per cent increase occurred.
- Community based sentences are not being utilised more frequently than the Community Service Orders and Probation they superseded.
- Available data suggests that the establishment and utilisation of the sentencing hierarchy has not resulted in reducing imprisonment rates.

Background

In 2000 Community-Based Services managed over 12 000 offenders in the community. Of the total on community orders, about 8 600 were adult offenders of whom 3 900 were subject to community based sentences. At any one time about 5 000 offenders are managed in the community compared with about 3 000 offenders in prisons.

![Figure 4: Community based sentences constitute about 45 per cent of adult orders.](image)

Source: Information from the Ministry of Justice database.
Trends in the issue of community based sentences

Over 3,000 CBOs and ISOs are issued each year in Western Australia. Table 1 shows that since the implementation of the Sentencing Act, the number of orders issued was relatively stable until an increase of 16 per cent from the previous year occurred in 2000.

<table>
<thead>
<tr>
<th>Order Type/Year</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Based Orders (CBOs)</td>
<td>2383</td>
<td>2234</td>
<td>2436</td>
<td>2800</td>
</tr>
<tr>
<td>Intensive Supervision Orders (ISOs)</td>
<td>1045</td>
<td>894</td>
<td>937</td>
<td>1129</td>
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<tr>
<td>Total</td>
<td>3428</td>
<td>3128</td>
<td>3373</td>
<td>3929</td>
</tr>
</tbody>
</table>

Table 1: Number of CBOs and ISOs issued (1997-2000).

Source: Information from the Ministry of Justice database.

Between 80 and 85 per cent of CBOs and ISOs are issued by Courts of Petty Sessions. The remainder are issued by the District Court and the Supreme Court.

Utilisation of order requirements

Until 2000 community service was the most frequently issued requirement (67 per cent). In 2000 supervision was more frequently issued than other requirements (68 per cent). In that year about 63 per cent of orders included a program requirement, constituting an increase of 33 per cent from the previous year.

Orders that included all three requirements of supervision, program and community service or the two requirements of supervision and program made up over half of all orders issued in 2000.

<table>
<thead>
<tr>
<th>Requirements/Year</th>
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<td>6.1</td>
<td>6.7</td>
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<td>7.1</td>
<td>6.1</td>
<td>4.6</td>
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<tr>
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<td>6.7</td>
<td>6.8</td>
<td>6.2</td>
</tr>
<tr>
<td>Community service &amp; Supervision</td>
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<td>15.1</td>
<td>12.8</td>
<td>12.6</td>
</tr>
<tr>
<td>Supervision &amp; Program</td>
<td>18.6</td>
<td>18.0</td>
<td>19.5</td>
<td>25.4</td>
</tr>
<tr>
<td>Community service, Supervision &amp; Program</td>
<td>22.4</td>
<td>20.9</td>
<td>21.9</td>
<td>25.2</td>
</tr>
</tbody>
</table>

Table 2: Percentage of court orders by order requirement (1997-2000).

Source: Information from the Ministry of Justice database.

4In terms of supervised offenders including those on community based sentences, the numbers increased from 4,328 in February 2000 to 5,452 in April 2001.
Concerns of Magistrates

Magistrates determine the broad order requirements with Community-Based Services having discretion in implementing the detail.

While it was apparent from the examination that there is general support amongst magistrates for community based sentences as a credible sentencing option, a majority have concerns about their implementation. These include:

- The spirit of the order was not always carried out;
- Large caseloads and the geographical areas that Community Corrections Officers in the non-metropolitan areas have to cover prevent supervision from being as thorough as intended;
- Breach action was not firm and timely;
- Community work was difficult to find in some locations;
- Programs may not be suitable and effective; and
- There was limited information relating to outcomes of community based sentences.

Type of offences for which community based sentences are issued

CBOs and ISOs are issued for a variety of offences. They range from very few orders for armed robbery, to greater numbers for assault with actual or grievous bodily harm, break and enter, shoplifting and drink driving offences.

![Figure 5: Community based sentences are primarily issued for offences relating to burglary and theft.](image)

Source: Information from the Ministry of Justice database.
Impact of sentencing hierarchy on sentencing patterns

The examination attempted to assess the impact of the sentencing hierarchy on sentencing patterns. Two sets of data from different sources were utilised: one from the Western Australian Police Service via the Australian Bureau of Statistics, for sentencing outcomes prior to the Sentencing Act and the other from the Ministry of Justice for sentencing outcomes since the Sentencing Act. This was necessary because the Ministry did not have reliable data for both periods. An analysis of a sample of records from the two datasets in a year when both agencies collected the same data found considerable incompatibility.

The need for reliable data is particularly important to assess the relationship between sentencing patterns under the current and former legislation because separate probation and community service orders were commonly made in respect of the same offender and for the same offence. Some caution is therefore necessary in the use of the trends identified.

The datasets indicate that the rate at which community based sentences are currently being utilised is not higher than the rate of utilisation of Probation and the Community Service Orders they superseded. Furthermore, Western Australia continues to have one of the highest imprisonment rates of all States and Territories. In 1999, it was 216 per 100,000, which is higher than the national average of 143.6 per 100,000 and second only to the Northern Territory.

Recommendations

- The Ministry of Justice should collect and analyse reliable data to measure the impact of the sentencing hierarchy on imprisonment rates and rates of other sentencing options.
- Community-Based Services should ensure that regular reports on trends in the use and outcomes of orders should be made available both to Community-Based Services offices and to sentencing authorities.
6 Outcomes of Community Based Sentences

- The completion rate for Community Based Orders issued each year since 1997 has been steady at just over 60 per cent, while the completion rate for Intensive Supervision Orders is now less than 50 per cent.
- Offenders who are assessed as being of ‘high risk’ have a completion rate of 42 per cent, while other offenders have a completion rate of 70 per cent.
- The rehabilitative benefits of community based sentences are not known.
- Community-Based Services have not identified indicators through which the rehabilitative benefits of community based sentences can be measured.

Background

A sanction is imposed on convicted offenders primarily as a punishment. A form of restitution can be sought through the imposition of a community service requirement. There is an expectation by the court responsible for sanctioning convicted offenders, and the community against whom these offences are committed, that justice would be restored through sentences being carried out.

The interventions provided during the course of a community based sentence are also expected to rehabilitate offenders.

Completion of orders

Figures collected centrally in Australia show that Western Australia has a lower completion rate for all community orders and for supervision orders than most other States and Territories. Some offenders are issued multiple orders. Measured in terms of individual offenders rather than total orders, Western Australia’s completion rate is higher than for most other States and Territories.

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5 Central figures include juveniles and are not strictly comparable with the statistics on completions presented in this report. In addition States can differ in the laxity or severity of order enforcement and in their definitions of what constitutes a ‘breachable’ event.

The completion rates for CBOs in Western Australia have remained stable, with over 60 per cent completed each year. The completion rates for ISOs have decreased each year since 1997 and is now less than 50 per cent.

The completion rate of orders issued to high-risk offenders is considerably lower (42 per cent) than those issued to other offenders (70 per cent). Lower completion rates are also found in orders issued to offenders who:
- are frequent substance abusers (40 per cent);
- began their offending in the juvenile justice system (43 per cent);
- have over ten convictions (40 per cent); and
- had not completed a previous community based sentence (37 per cent).

Orders that comprise a single requirement have a higher completion rate (66 per cent) than orders that comprise more than one requirement (48 per cent).

**Completion of program requirement**

Enormous difficulty is encountered in convincing repeat offenders to attend programs, such as drug counselling or anger management counselling.

Of those who were required to fulfil a program requirement:
- 41 per cent completed the program requirement;
- 25 per cent participated in a portion of the program requirement; and
- 34 per cent did not participate at all in a program.

Offenders who were frequent substance abusers, were most reluctant to participate in treatment programs. Amongst those who did not participate at all in the program requirement, 75 per cent were frequent substance abusers.
Completion of community work

Completion of sentences with only a community work requirement has been stable at about 66 per cent since 1997. The completion rates for orders that combined community work with other requirements was 40 per cent in 1999.

Each year about 70 per cent of the number of community work hours issued are completed.

<table>
<thead>
<tr>
<th>Year</th>
<th>CBO</th>
<th>ISO</th>
</tr>
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<tbody>
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<td></td>
<td>Community hours issued</td>
<td>Completed</td>
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<tr>
<td>1997</td>
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<td>101 627</td>
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<tr>
<td>1998</td>
<td>132 498</td>
<td>93 285</td>
</tr>
<tr>
<td>1999</td>
<td>134 498</td>
<td>96 069</td>
</tr>
</tbody>
</table>

Table 3: Most of the community work hours issued by the courts are completed.
Source: Ministry of Justice database

Figure 7 shows the proportion of community work that offenders had completed at the time the order was breached. Forty nine per cent of Aboriginal offenders and 35 per cent of non-Aboriginal offenders who breached their orders did so without completing any of the required community work hours.

Figure 7: A considerable number of offenders who breach the community work requirement do so without completing any of the hours issued.

Source: Information from the Ministry of Justice database
Completion of supervision

The completion rate for orders with a supervision requirement has gradually declined since 1997 and was 52 per cent in 1999. Over 70 per cent of orders with a supervision requirement are breached after 50 per cent of the order duration has been completed.

The completion rates for orders with a supervision component for offenders who are assessed as low or moderate risk have consistently been over 75 per cent while the completion rates for high-risk offenders are considerably lower at about 42 per cent.

Figure 8: Orders with supervision issued to low and moderate-risk offenders have a considerably higher completion rate than similar orders issued to high-risk offenders.

Source: Information from the Ministry of Justice database

Effectiveness of rehabilitation

Rehabilitation can be partial or complete. Complete rehabilitation can occur where offenders refrain from re-offending as a result of the interventions received. The rate of recidivism of offenders who served a community based sentence is a meaningful indicator of this level of rehabilitation.

Partial rehabilitation can result in a reduction in their level of re-offending. Indicators of partial rehabilitation can include a reduction in the seriousness of offence committed or longer time spans between offences.

Given the nature of some offenders, partial rehabilitation can represent a positive outcome for many offenders, and potentially for the community.
Although rehabilitation is clearly an expected outcome, the Ministry of Justice has not developed a comprehensive strategy for rehabilitating offenders including meaningful indicators for measuring the rehabilitation impact of orders. The rehabilitation impact is therefore not known.

Some divisional data on the return of offenders to the criminal justice system indicate that:

- Community-Based Services are aware that in the previous year, 26 per cent of offenders who served an order, returned to them under a new order. This is the highest in Australia and higher than the national rate which is 18 per cent.
- Prison Services know that 44 per cent of offenders who were previously in prison returned to prison.

However, the Ministry of Justice is not able to provide information regarding the return of offenders to the criminal justice system and has advised that this is due to difficulties in linking data from the police, the courts and offender management.

In the absence of system-wide data, available information suggests that:

- 20 per cent of all offenders on community based sentences breach their orders by re-offending;
- 31 per cent of offenders who breached their orders received a prison sentence and a further 15 per cent received suspended imprisonment indicating that their progression to the prison population has not been halted by a community based sentence.

**Recommendations**

- The Ministry of Justice should define the aims of rehabilitation and develop and implement appropriate performance indicators in relation to the rehabilitative effects of orders.
- Community-Based Services should evaluate the appropriateness of the services provided to offenders most at risk of not completing orders.
Breach of Orders

- Community Based Orders are most frequently breached by omission (the failure of the offender to comply with an order requirement), whereas Intensive Supervision Orders are most frequently breached by the offender re-offending. High-risk offenders typically breach by re-offending.
- Where an offender breaches an order, there is often delay and inconsistency in placing the matter before a court.
- When offenders who breached their orders were re-sentenced, fines were the most frequently issued sentence.
- Breaches constitute a considerable financial cost to the State.

Background

Where an offender breaches an order by re-offending or by failing to comply with the order requirements (referred to as breach by omission), a court can confirm, amend or cancel the order.

If an offender is already before the court in relation to a new offence the court can summarily determine the matter. Alternatively, Community-Based Services can initiate breach action and place the matter before the court for determination.

Breaches of orders

CBOs are breached more frequently by omission while ISOs are breached more frequently by re-offending. However, in both situations most high-risk offenders breached by re-offending.

- 44 per cent of breaches of CBOs resulted from re-offending, while 56 per cent of breaches of ISOs resulted from re-offending; and
- 60 per cent of CBO breaches and 55 per cent of ISO breaches by high-risk offenders were as a result of re-offending.

Sentences issued for breaches

When a court cancels an order because of a breach, the offender can be issued with another sentence in its place for the offence committed. Offenders who
breach orders as a result of re-offending are more frequently issued a prison sentence than those who breach by omission. Seventy five per cent of high-risk offenders who breached their orders by re-offending were issued a prison sentence.

### Sentences received for breach of an order by cause of breach

<table>
<thead>
<tr>
<th>Sentences</th>
<th>Re-offending</th>
<th>Omission</th>
<th>Total Non-compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBO</td>
<td>10</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>Fine</td>
<td>30</td>
<td>4</td>
<td>34</td>
</tr>
<tr>
<td>Imprisonment</td>
<td>20</td>
<td>3</td>
<td>23</td>
</tr>
<tr>
<td>ISO</td>
<td>15</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Suspended imprisonment</td>
<td>10</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

**Figure 9: Offenders who breach community based sentences are most frequently issued fines.**

Source: Extracted by OAG from Ministry of Justice files

### Consequences of breaches

Breaches impact negatively on the individual offender and the community as well as the State:

- Community confidence in the criminal justice system being diminished where orders are not completed and punishment and restitution is not achieved.
- Further offending can impact on the community’s safety and security.
- The offender may not reap maximum benefits from the order, in terms of rehabilitation.
- The expectation from the Sentencing Act that community based sentences would result in fewer offenders being imprisoned is not realised.
- Additional cost to the State is incurred.

Breaches negate the cost-efficiency of community based sentences as illustrated in the following case studies.  

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7 While the case studies show the differences in costs in the administration of the sentence to the State as a result of breaches, additional court costs have not been taken into account. Early release from prison has been accounted for in the calculation of the minimum cost of sentence administration.
Case A: A 20-year-old non-Aboriginal man was convicted of a break and enter charge and was issued an 18 months ISO with supervision, community work and program requirements. He was unemployed, had a year 10 level of education, received his first conviction at 16 years of age, had several previous convictions and frequently confronted drug abuse issues. The offender kept three supervision appointments, attended one appointment with the psychologist and completed 65 of the 150 community work hours with a work party. Once contact with the offender ceased, several attempts were made by the Community Corrections Officer to re-establish contact with the offender by phone and letter but the effort was to no avail. The goals listed in the offender’s Individual Management Plan stated that the offender would ‘get involved in sport again, look into a TAFE College course and stop gambling and try to be a better person’. Although one case review was held, no reference was made to these goals. By the time breach action was taken, the offender had re-offended. Breach action was upheld and a twelve months prison sentence was then imposed on the offender.

Costs in sentence administration increased from approximately $6,500 to a minimum of $23,500.

Case B: A 20-year-old Aboriginal man in the country was convicted of theft and issued a CBO with 70 hours of community work. He had a year 10 level of education, was employed part-time, had started his offending career at 13, frequently confronted substance abuse issues and had several previous convictions. He had previously been issued a CBO with 120 hours of community work, which he had breached after completing 44 hours of community work. The offender led a very transient lifestyle moving from one Aboriginal community to another without advising the Work Order Officer of his movements. This made it difficult for the Work Order Officer to keep a check on him and on the fulfilment of the order requirements. The instability continued for well over 6 months but the Work Order Officer failed to take breach action. The offender was arrested for another offence and was brought to court where the Magistrate summarily determined a breach had occurred and sentenced him to 3 years imprisonment.

Costs in sentence administration increased from around of $4,300 to a minimum of $71,300.

Taking breach action

The examination found that there are two areas of concern in relation to breach action being taken by Community Corrections Officers; inconsistency and long delays.
Inconsistency in breach action

While some Community Corrections Officers take prompt breach action, others give the offender more latitude, allowing as many as 7-8 missed appointments without reasonable cause before action is taken. The breach rate varies significantly between offices and between officers in the same office.

The Ministry of Justice has not clearly articulated to staff its position on the often-competing priorities of community protection and offender rehabilitation. As a consequence it was clear in the examination that some staff emphasise community protection and take prompt breach action while others favour rehabilitation and allow many opportunities for the offender to comply prior to taking breach action. Some strategies are currently being developed by the Ministry to address this inconsistency, including a standards manual to cover all aspects of operations.

Delays in breach action

Breach action must be taken in accordance with legislation. The process adopted by the Ministry of Justice to achieve this is lengthy. Factors that contributed to the delays in breach action include:

- Many Community Corrections Officers give offenders many chances to complete their orders and hence giving them additional opportunities to make up for missed appointments;
- Expediency resulting from work schedules relegates the paperwork associated with breach action to a lower priority;
- Delays experienced in issuing summons and warrants and follow up action on them. The Police Service has confirmed that except in ‘high profile cases’ they do not have the resources to follow up on all warrants. The Police strategy is to inform its personnel of all warrants and pick up the offenders in their routine police duties; and
- Difficulties experienced in tracking down some of the key documents necessary for taking breach action, including the Statement of Material Fact held by the Police Service and the original Complaints held by Court Services. The Statement of Material Fact can be particularly difficult to obtain as it is retained by the charging officer, rather than in a central location.
Recommendations

The Ministry should:

- Develop policy guidelines for initiating breach action to enable the competing interests of community protection and rehabilitation to be prioritised.
- Implement measures to ensure that all required documentation such as the Statement of Material Fact and the original Complaints can be obtained in a timely way to facilitate breach action.
- Review administrative procedures required to take breach action and implement improvements.
Case Management

- Significant improvements have been made by Community-Based Services to increase the accuracy of risk assessments of offenders.
- Little shared understanding exists amongst Community Corrections Officers of the purposes of case management and the merits of case management tools.
- Current workloads restrict Community Corrections Officers from spending adequate time in offender supervision and management.
- Case management is not integrated sufficiently to achieve its potential towards effective management of offenders.
- While accessibility to some treatment programs has improved, others are in short supply.
- There are frequent personnel changes amongst Community Corrections Officers without proper case handover procedures.

Background

Case management is a management model that allows a case-by-case approach to the management of offenders in the community.

Assessments of offenders result in them being categorised into ‘special-risk’, ‘high-risk’, ‘moderate-risk’ and ‘low-risk’ on the basis of their potential for re-offending.\(^8\)

Following assessment, special-risk and high-risk offenders are usually provided with the more intensive casework supervision through Community Corrections Officers. Moderate and low-risk offenders are usually subject to compliance supervision, which involves the monitoring of offenders at a much less intensive level by compliance officers.

\(^8\) Less than three per cent of those on community based sentences are categorised as ‘special risk’. Most special risk offenders are parolees and are therefore outside the scope of this examination.
Objectives of case management

The Ministry of Justice has the following objectives in its use of case management:

- To ensure a duty of care to the community (especially victims of offending) and contribute to public safety;
- To restrict an offender’s behaviour by recognising the role of sanctions; and
- To provide targeted treatment programs to offenders through which they can address their offending behaviour.

They can in some instances represent competing interests, particularly where considerable time is required to enable offenders to address their offending behaviour. To enable consistency in service delivery competing interests need to be prioritised.

The role of the Community Corrections Officer

While Community Corrections Officers are responsible for case management of offenders, a variety of service providers may be involved in delivering other interventions, such as treatment programs. They are also responsible for providing advice to sentencing and releasing authorities.

Case management requires the Community Corrections Officers to undertake the following tasks:

- Understand offenders and criminal behaviour;
- Assess the offender to determine his/her major offending triggers;
- Motivate the offender to participate in a variety of positive activities that they might not normally undertake;
- Encourage the offender to participate in positive activities and refrain from negative activities in which they might usually engage;
- Establish goals to be achieved during the course of an order and develop strategies for achieving them;
- Refer offenders to the relevant agencies that provide treatment programs to address the issues identified (a knowledge of agencies’ availability and location is vital);
- Gather information continuously from the many agencies which provide services to offenders, not only in terms of offenders’ attendance, but also in terms of their progress; and
- Reassess the progress of offenders to determine whether programs and supervision are impacting positively on the offenders’ criminal behaviour.
Factors impacting on case management

The examination found that a variety of factors impact on the effectiveness of case management. They include:

- Little shared understanding amongst Community Corrections Officers of the purposes of case management;
- Inconsistent application of case management tools;
- Insufficient time available for Community Corrections Officers to engage with offenders;
- Inadequate access to some treatment programs;
- Insufficient integration of services provided to offenders resulting in limited information flow between service providers and Community Corrections Officers;
- Frequent personnel changes in Community Corrections Officers; and
- Insufficient and inefficient supervision of Community Corrections Officers.

Little shared understanding of the purposes of case management

Some Community Corrections Officers are able to integrate the various components of the order to achieve maximum benefit for the offenders they manage.

Others appear not to appreciate the primary purpose of case management, and manage the components of the order and the interventions in isolation from each other.

This leads to:

- Minimal information being available on progress made by the offender as a result of the treatment program.
- Joint case management being virtually non-existent owing to the limited or lack of information flow between service providers.
- Reliance at times on offenders to provide feedback on programs. While some of the service contracts provide for regular feedback to Community-Based Services, in practice there is little regular feedback on individual offenders.

However, contractors providing psychological services have frequent informal and formal exchanges on progress with Community Corrections Officers, owing to the good rapport that exists between them.
Inconsistent application of case management tools

The aim of the case management process is to achieve certain milestones during the course of an order. Milestones are:

- A risk and needs assessment which assesses an offender’s needs and risks.
- The development of an Individual Management Plan which sets out the short and long-term goals to be achieved during the course of an order; and
- Case reviews and reassessments to determine whether the goals of the Individual Management Plan have been achieved.

Community Corrections Officers varied in their utilisation of case management tools and in their assessment of the benefits of these tools. This is illustrated by the following data:

- 24 per cent of the offenders were assessed as requiring case management supervision without risk and needs assessments having been undertaken;
- 31 per cent of offenders who were on casework supervision did not have an Individual Management Plan; and
- The monthly report generated on case reviews showed that centres varied in conducting case reviews in a timely way. While 3 per cent of case reviews were outstanding in some centres, over 40 per cent were outstanding in others.

The examination found variation in the purposes for which Individual Management Plans were used. While some plans focused on achievable goals, others focused on less concrete goals unlikely to be achieved and difficult to measure.

There is also some concern about the appropriateness of the current format of Individual Management Plans for certain groups of clients, especially Aboriginal offenders in the more remote locations due to language and cultural differences.

The contribution of the Community Corrections Officer was hardly visible in some plans. There was also limited coordination between the plans and case reviews. Many case reviews were carried out without reference to the plans, and the files of offenders deemed to have completed their orders were closed without an assessment of the goals in the plans.

Insufficient time available to engage with offenders

To be effective, Community Corrections Officers need to engage with the offender, but this is a complex task that requires time and effort.
A Community Corrections Officer’s job has two major aspects:

- Case managing and supervising offenders, and
- Advising sentencing and releasing authorities.

The deadlines associated with reporting to sentencing and releasing authorities usually take priority over case management of offenders. Community Corrections Officers quoted ratios of 60:40 and 70:30 as representing the division of their time between the advice function and the supervision function.

A Community Corrections Officer in the metropolitan area carrying a typical caseload of 50 and spending approximately 40 per cent of time during a week on offender management has approximately half an hour per week for casework supervision of an offender. This may not be adequate for high-risk offenders who have low completion rate of orders.

During the examination staff expressed concern about the level of interventions they are able to provide to offenders due to insufficient time being spent with offenders. The following statements by staff reflect this concern:

- ‘the level of supervision we provide is minimal’;
- ‘it’s more administrative than interventionist’;
- ‘more reactive than proactive’;
- ‘we are doing what we can rather than what we should’;
- ‘we are not doing the work we are employed to do’;
- ‘it’s nothing more than a monitoring role’; and
- ‘nowhere near enough time to manage high-risk offenders’.

**Frequency of supervision of offenders**

The regularity of supervision of offenders is set by the Ministry for the different categories of offenders. High-risk offenders are expected to be supervised more frequently than others. The examination focused on the first three months of supervision, when high-risk offenders are expected to be supervised once a week. This showed that:

- 41 per cent of high-risk offenders were supervised weekly;
- 23 per cent were supervised fortnightly;
- 73 per cent of non-Aboriginal people were supervised either weekly or fortnightly; and
- 57 per cent of Aboriginal people were supervised either weekly or fortnightly.
Although high-risk offenders are supervised more frequently, they would usually be the group least able to comply with these requirements. The impact of supervision and indeed the impact of the regularity of supervision need to be assessed to determine whether they contribute to positive outcomes.

Inadequate access to some treatment programs

The three most frequently used programs for offenders subject to CBOs and ISOs are:
- Substance abuse counselling (31 per cent);
- Psychological counselling (28 per cent); and
- Psychiatric services (15 per cent).

Less frequently used programs include the sex offender treatment program, domestic violence perpetrators program, skills training for aggression control, financial management, parenting skills, and gambling related counselling.

Access to some treatment programs has improved while some others are in short supply. These include:
- Programs relevant to motor vehicle offences.
- Mental health programs. Because such programs are in short supply, Community Corrections Officers are forced to persevere with very difficult and often seriously disturbed offenders where they do not have specialised training.
- Anger management programs for more violent offenders.
- Programs of all kinds are limited outside of the metropolitan area.

Waiting times

Most benefit is achieved through treatment programs commencing close to the order being issued. However, waiting times of up to three months were not infrequently found for most programs.

Reasons for delay in commencing programs include:
- Some programs, which are held periodically, can only be accessed without delay when the commencement of the program coincides with the issue of orders. Program providers are reluctant to allow late entry to treatment programs because they consider that the full benefit of a program can only be realised if the entire course of treatment is realised.
- The commencement of some programs is determined by the Program Branch of Prison Services in order to coincide with the release of prisoners.
This can have an adverse impact on offenders on community based sentences by delaying their entry into necessary treatment programs.

- Demand for some services such as psychological counselling exceeds the availability of programs. Waiting periods for programs can be up to 8 weeks or more. Considerable juggling by the psychologists is required thereafter to accommodate subsequent counselling sessions.
- Limited places in some programs, such as the Domestic Violence Perpetrators Program, mean there is competing demand from other agencies referring clients to the same programs.

**Restrictions relating to sessions**

The examination found that the number of treatment sessions allocated to offenders is strictly limited. For example, one office that referred 102 offenders to psychological services in a six-month period averaged about two sessions per client for that period.

Since treatment programs are an integral part of rehabilitating offenders, participation in them is not limited to offenders for whom a program requirement is part of the order. However, the limited availability of programs usually restrict programs to those whose orders include a program requirement.

For instance, although 60 per cent of offenders had a frequent substance abuse problem, only about half were referred to substance abuse counselling. A short-term focus on compliance with order requirements may also contribute to a lack of attention to the rehabilitative benefits of participation in programs.

The most recent research on what works in managing offenders in the community shows that targeted treatment programs are the most important factor towards rehabilitating offenders. Owing to the issues relating to their access and availability, the impact of supervision could also be reduced. These aspects too should be evaluated to determine their effectiveness.

**Frequent personnel change**

Stability in the implementation of an order and a good rapport between the offender and the Community Corrections Officer are likely when the same Community Corrections Officer supervises an offender throughout the order. The examination found that over 45 per cent of high-risk offenders had more than one officer during the course of their order. This makes engaging with offenders difficult and has the effect of reinforcing the instability of an offender’s life.

A case review is required to be undertaken prior to a case being handed over from one Community Corrections Officer to another. Owing to frequency of handovers the case reviews required to precede a handover do not usually happen.
Insufficient and inefficient supervision of Community Corrections Officers

Senior Community Corrections Officers are responsible for the task of supervising Community Corrections Officers. There are 29 Senior Community Corrections Officers across the State, 17 in the metropolitan area and 12 in the non-metropolitan area. For supervision to be effective, it needs to be provided on two levels:

- Supervision of milestones, such as preparation of Individual Management Plan and closure of files; and
- Mentoring and guidance in the day-to-day operations of offender management.

The file review showed that in the greater number of cases, Senior Community Corrections Officers are involved in the supervision of case management milestones. For example:

- 75 per cent of Individual Management Plans carried a Community Corrections Officer’s comments or signature of a supervisor; and
- 80 per cent of files were signed by a supervisor prior to being closed or ‘filed away’.

Supervision is provided usually on a needs basis, but there was no consistency in the quality of supervision provided across offices. A majority of Community Corrections Officers had concerns about making difficult decisions without adequate supervision on a day-to-day basis.

The ratio of Senior Community Corrections Officers to Community Corrections Officers varies between offices. In some offices it is 1:3 while in others it is considerably lower. The uneven distribution of Senior Community Corrections Officers also impacts on the level of supervision provided.

Offices varied in their practices relating to the caseloads of Senior Community Corrections Officers. While some carried none, others supervised up to 25 of the more complex cases, leaving little time for on-going mentoring or guidance of staff under their supervision.

A recent initiative has seen the establishment of a Professional Practice Standards Unit, which has developed a framework for professional standards within Community-Based Services. This initiative will need to be given priority if more effective standards are to be implemented in day-to-day case management.

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Some Senior Community Corrections Officers in the non-metropolitan areas do not have supervisory responsibilities.
Recommendations

- Competing case management objectives should be prioritised to enable improved consistency in case management.
- Community-Based Services should develop a common understanding and application of case management amongst staff.
- Community-Based Services should enable flexibility in the format of Individual Management Plans for different groups of offenders.
- Community-Based Services should reinforce the importance of effective follow-up by Community Corrections Officers of progress on treatment programs by offenders.
- Strategies for providing supervision of staff at Community-Based Services offices should be reviewed.
The Ministry of Justice has established minimum standards for implementing the community work requirements.

Community work placements are increasingly difficult to find.

The screening process for placing offenders on projects for community work is informal and unstructured, increasing the reluctance of agencies to provide placement opportunities.

The Ministry of Justice provides little or no support to placement agencies to assist with the supervision of offenders on community work.

Background

Offenders undertake community work in reparation for the offence they have committed by fulfilling the community work requirement.

Some agencies providing community work placements have documented their satisfaction with the quality of the work by some offenders. A small number of offenders are even successful in obtaining employment with the agency once the order is completed, while some have continued working with the agency as volunteers.

Offenders whose orders combine community work with other requirements are case managed by Community Corrections Officers but are referred to Work Order Officers for placing on community work projects. At some offices there is effective liaison between Community Corrections Officers and Work Order Officers. At others however, there is little liaison after the referral is made.
Types of community work

The Ministry has two ways in which offenders can fulfil the community work requirement of an order, namely:

- An offender can be placed in a project provided by an individual agency that is willing to supervise the offenders during the course of the placement. The majority of offenders meet the requirement this way. Not-for-profit agencies, churches, and local government provide the bulk of the projects for placing offenders on community work.

- A group of offenders can be placed on a work party supervised by a common supervisor. Thus far, this option is only available in the metropolitan area. A majority of work parties are organised in conjunction with local government. Cost to the State involves the supervisor’s fee and, in some instances, transport costs.

Work parties are becoming increasingly popular not only because of the difficulties associated with finding individual placements for offenders and their attractiveness for placing the more difficult and complex offenders, but also because of their high visibility to the community.

Placing offenders on community work

It is becoming increasingly difficult to place offenders on community work. One reason for this is that the demand for community work placements has increased as a result of competing interest groups wishing to place other types of clients on projects. The competing interests include:

- Work for the Dole scheme;
- Work Release Order, Home Detention Order, Parole Order; and
- Work experience for people with disabilities.

Although the demand for placements from competing interests has increased, there has not been a corresponding increase in the number of placements available.

Most agencies providing community work placements believe there are reciprocal benefits from community work for both the agency and the offender. They nevertheless emphasise the difficulties associated with the supervision of some offenders, including:

- Frequent absenteeism;
- Not completing the work assigned;
- Being slack and unwilling to work;
- General apathy of most offenders; and
- The perception that offenders are more aggressive than before because of substance abuse.
As a result, agencies are either reluctant to offer placements or, when they do, place several ‘restrictions’ on the type of offenders they will accept. The most frequent restrictions are those on sex offenders and offenders convicted for break and enter and stealing offences.

However, priority is not given to matching placements with the nature of the offence because of the difficulty associated with finding community work placements.

Isolated attempts have been made by the Ministry of Justice centrally to find community work projects. Most community work placements are found through the endeavours of Work Order Officers as a result of their local knowledge and networks.

Finding placements for specific groups of offenders, such as offenders with disabilities, and female offenders with family responsibilities, is particularly difficult.

The Ministry of Justice expects to initiate a project at one office for placing female offenders with children.

**Concerns of agencies providing placements**

Two major concerns were raised during the review by agencies providing placements for community work.

**Inadequate screening of offenders being placed for community work**

Many agencies are concerned that offenders being placed with them for community work are not being properly screened for their suitability for specific places of work, thereby endangering an agency’s property, personnel and potentially clients.

Work Order Officers attempt to screen offenders informally but are concerned about the unstructured screening process because of the type of the offenders they are required to place. Of those whose orders combined community work and other requirements, 52 per cent are offenders assessed as high-risk.

Many offenders on orders with community work only also display high-risk characteristics such as frequent drug abuse (33 per cent), offending behaviour commencing in the juvenile justice system (33 per cent), over ten years of offending (32 per cent) and several previous convictions (25 per cent).

A more structured approach should lessen the threat felt by agencies providing community work placements.
Limited support for agencies providing placements

The Branch Plan of one of the Community-Based Services office stated that there is a ‘... constant struggle with the workload of allocating adult offenders to community work projects and monitoring their progress along with organising work parties of larger groups of offenders to projects involving local government authorities. With a diverse number of community work projects throughout the catchment area, maintaining regular contact with the supervisors at each project has been problematic.’

While most agencies were appreciative of the contact they have with the Work Order Officers, many of them would like more regular discussions about program level concerns, rather than those concerned with individual offenders. These meetings would provide forums for agencies to discuss and address common issues.

Supervising offenders displaying high-risk characteristics is a specialised function which most agencies providing community work placements do not possess.

Currently, individual agencies providing community work placements do not receive any assistance with or training in the supervision of offenders on community work. Agencies would have more confidence in providing opportunities for placements if this assistance was forthcoming.

Recommendations

The Ministry of Justice should:

- Develop more effective strategies for identifying and securing community work placements, so that the aims of the Sentencing Act are achieved.
- Develop a more formal process for screening offenders being placed on community work projects, to ensure appropriate placements.
- Provide adequate support to placement agencies, including timely and appropriate access to officers who have the specific responsibility of support with offenders on community work.
Community-Based Services has not systematically reviewed its resource allocation, despite the profile of offenders being substantially different to that which was anticipated when the Sentencing Act took effect.

Management has not given sufficient attention to forward planning for improved services.

Despite resources being concentrated on high-risk offenders, this group has a lower completion rate of orders.

The management of programs is ad hoc with little or no management or coordination of the internal and external program providers, to the detriment of effective program delivery.

Current management practices have led to a workforce that is largely inexperienced and transient, contributing to inconsistency in case management practices.

Meaningful measures for assessing the performance of Community-Based Services and its case managers have not been established.

Background

When the Sentencing Act was first implemented the process of managing offenders was revamped to achieve more accountability and effectiveness and to rationalise resources.

The revamped process provides a more structured approach to the management of offenders and focused on resources being directed to areas of most need, particularly to offenders assessed as high-risk.

It was expected that high-risk offenders would comprise about 15 per cent of all offenders enabling a manageable caseload for Community Corrections Officers.

However, since 1997, both the proportion of high-risk offenders and the overall number of offenders have risen markedly. The number of offenders with multiple
order requirements has also risen, leading to more complexity in the orders being managed.

- As early as 1997, 28 per cent of offenders on community based sentences were high-risk offenders.
- In 2000, the proportion of high-risk offenders on community based sentences was about 33 per cent with about 38 per cent of all offenders in the community being categorised as high-risk.
- From 1997 to 2000 the number of offenders on community based sentences has increased by 15 per cent and the overall number of all offenders in the community has also risen by 28 per cent since 1997.

The volume increase in the number and complexity of offenders being managed in the community has been accompanied by an increase in the number of reports being requested by sentencing and releasing authorities.

Whilst the merits of the Sentencing Act were generally acknowledged, some concerns were expressed in 1996 that the benefits of the Sentencing Act would not be achieved if the management of non-custodial sentences were not adequately resourced.10 Until recently, Community-Based Services has been able to manage the workload by adjusting staff allocations between juvenile and adult supervision. Due to the increase in adult supervision numbers over the past year it is no longer an adequate strategy.

Planning for service improvement

Overall responsibility for Community-Based Services rests with a small Directorate. Although the Directorate is involved in day to day operational matters, its size, resources and attention to external pressures have restricted its involvement in planning and improving services.

Understanding the client base

While some information on the characteristics of offenders is collected, limited attempts have so far been made to analyse information for purposes of planning services. If services are to be delivered effectively, they must take into account the requirements of the offender population.

It is evident from this examination that lower completion rates of orders are found in respect to those areas in which resources are targeted. High-risk offenders are the principal focus of resource consumption and service provision and yet have the poorest completion rate. This suggests that more needs to be known about the make-up of this large group and strategies developed to target sub-groups within that population. The Ministry’s plan to further develop the current risk assessment model is likely to contribute to an improved understanding of the client base.

Given the increase in the number of offenders in the community, it is likely that the overall resource allocation also needs to be considered.

Management of programs

A total of $650,000 is allocated by Community-Based Services for treatment programs for offenders on all community-based sentences across the State.

In the metropolitan area most centres allocate approximately 5 per cent of their budget to treatment programs. Centres in the non-metropolitan area allocated a smaller proportion of their budgets to programs because of the limited availability of treatment programs in those areas.

Despite some improvements in program provision the major issues relating to program provision are succinctly summed up in one of the latest Branch Plans:

‘While [there is an] emphasis on working with high-risk offenders the ability to provide the range of services and supports required to facilitate change within individuals with entrenched behaviours continues to be eroded through the lack of funds. Continuing budget constraints or reductions tend to reduce access to contingency funds as the majority of costs in administering the Branch are comprised of salaries and fixed costs such as rent, telephone and power’

and

‘Little or no evaluation occurs at a local level, to the success or otherwise of service delivery.’

Management of treatment programs is ad hoc

Currently management of programs is ad hoc, with little ‘coordination of the internal and external program providers’. Community-Based Services ‘have taken a relatively passive role with both internal and external program providers’ to the detriment of effective program delivery.
As a result of the manner in which it is currently managed:

- Managers differ in the priority they place on programs. While there is commitment to the importance of programs for rehabilitation, some were content to ‘do without’ due to budgetary constraints.

- The attitude of the officers reflects those of the managers. They too were content to refer offenders to some programs only when it was imperative.

- Offices with comparable caseloads had differing budget allocations for treatment programs, varying from $30,000 to $64,000 for specific treatment programs. The contracted hours of psychological services also vary between similar sized offices from 3 hours a week for the office to 8 hours per week and substance abuse counselling from half a day per week in some centres to whole day in others.

Rehabilitation of offenders, a primary intention of community based sentences, is not given adequate focus and success in this area is unlikely to be achieved.

**Issues related to contracted services**

Treatment programs are provided by a variety of service providers including contracted services.

The examination found several issues either directly or indirectly related to contracted services that need to be addressed if the programs are to be effective in achieving the rehabilitation of offenders.

**Some contracted services are not required to provide progress reports on offenders**

Service specifications are not clearly defined in some contracts. As a result some contracted services are not required to report on the progress of individual offenders participating in their program either during the program or at its termination. In addition, Community Corrections Officers are frequently unaware of the contract provisions, restricting their capacity to monitor progress.

Considerable difficulties are encountered in obtaining progress reports of individual clients referred to these services for participation in treatment programs.

**Little evaluation is undertaken at the operational level of contracted services**

Regular evaluation of programs is essential to ensure their appropriateness for the needs of offenders on community based sentences and to ensure they achieve maximum results. Evaluations are not regularly undertaken, and some evaluations attempted by offices have been cancelled because of a lack of resources.
Inter and intra-agency coordination

While the Ministry of Justice has primary responsibility for managing offenders, Mental Health Services of the Western Australian Health Department and the Western Australian Drug Abuse Strategy Office are also associated with the provision of services to offenders. In addition, Prison Services provides some treatment programs.

Psychiatric counselling and treatment

In the metropolitan area approximately $100,000 is spent by Community-Based Services on psychiatric assessments, principally for reports to sentencing and releasing authorities.

Considerable difficulty is encountered in accessing mental health treatment programs after orders have been issued.

Independently of the Ministry of Justice, Mental Health Services have developed a response to this acknowledged issue by funding the development of a strategy to deal with forensic patients (patients from the criminal justice system), who are not well serviced under the present arrangements. The provision of services to patients as part of the strategy is likely to commence in mid-2001 and should represent a useful step forward.

For the initiative to properly support and integrate with the management of offenders currently serving community-based sentences, it will be important for the Ministry of Justice to establish effective communication channels with Mental Health Services. In addition, the new service should be subject to on-going evaluation to ensure that the services provided are appropriate for offenders in the community and are sufficient to cater for demand.

Substance abuse programs

Alcohol and drug treatment programs for clients of Community-Based Services are primarily accessed through programs provided by not-for-profit agencies and funded by the Western Australian Drug Abuse Strategy Office (WADASO).

Whilst a good rapport exists between WADASO and the Ministry centrally, joint case management of offenders between Community Corrections Officers and substance abuse program providers is ad hoc. Substance abuse program providers are funded through WADASO and are not required to provide progress or completion reports for individual clients participating in programs.
Since effective case management requires a free flow of information from program providers to Community Corrections Officers, it is important that the two agencies work collaboratively at all levels to ensure services are more client focused.

**Sex offender program and skills training and aggression control program**

Programs for sex offenders and for skills training and aggression control are run by the Programs Branch of Prison Services. While they are available to offenders on community based sentences as an ‘add-on’, their primary focus is on prison clients. There is concern whether these programs are appropriate for offenders in the community.

While negotiations have occurred in the past between Prison Services and Community-Based Services about the design and delivery of the programs, the programs presently delivered remain focused principally on prison requirements.

**Managing the workforce**

There are 87 Community Corrections Officers in the State, 52 in the metropolitan area and 35 in non-metropolitan areas. Approximately 52 per cent of Community Corrections Officers in the metropolitan area and 17 per cent in the non-metropolitan areas were on short-term contracts of four months or less. In some offices in the metropolitan area only one Community Corrections Officer held a substantive position, with all others being employed on short-term contracts.

This examination requested a range of basic human resource management statistics from the Ministry of Justice in order to determine the issues and potentially to suggest some remedies. The Ministry took considerable time to provide this information. This suggests that basic management statistics about the workforce are neither routinely produced nor analysed.

The information eventually provided revealed that 47 per cent of Community Corrections Officers holding substantive positions were acting in other positions throughout the Ministry. Twenty-seven per cent of those acting had been in their acting positions for over 12 months.

While the Ministry has sound policies and guidelines in relation to human resources practices, many of them have been ignored in the management of Community-Based Services staff, resulting in a largely inexperienced and transient workforce moving from office to office on short-term contracts.
Branch Plans have described the service delivery implications of these employment practices as:

- ‘services [being] adversely affected by untrained staff with inexperienced supervisors, resulting in differing standards of case management of offenders’,
- having ‘a continuous destabilising effect on the branch’, and
- ‘on the job training has been both ad hoc and of an inconsistent quality’.

This has placed added pressure on already limited supervision of offenders.

There is also a risk that inexperienced staff can make poor judgements, which could impact negatively on the offender and the community. In addition, by not ensuring permanency to staff, Community-Based Services will struggle to retain skilled staff attracted by permanency in other agencies.

Completion rates of orders for Aboriginal clients are lower than for non-Aboriginal clients. Despite a large proportion of its clients being Aboriginal, the Ministry of Justice is experiencing considerable difficulty in attracting and retaining Aboriginal Community Corrections Officers.

Some Centres do not have any Aboriginal staff. There are many cultural differences that make it important for each Centre to have at least some Aboriginal Community Corrections Officers to ensure a better recognition and understanding of Aboriginal issues and to assist colleagues in more appropriate service provision to Aboriginal offenders. This is particularly vital in the light of the lower completion rate of orders by Aboriginal people.

Community-Based Services recently completed a review related to human resource matters. It is likely that some of these issues will be addressed when the Review’s recommendations are implemented.

**Training provided to operational staff**

The specialist training provided to Community Corrections Officers has improved considerably over the last few years and include:

- Accredited Substance Abuse Training;
- Action Learning and Practice Development Training in relation to Substance Abuse;
- Competency Based Domestic Violence Perpetrators Training (Level 1 Awareness and Level 2 Assessment and Intervention); and
- Competency Based Sex Offender Treatment Training.

Community Corrections Officers also receive training on day-to-day operational matters to assist them in managing their workload. This is important to achieving operational consistency across offices.
Two factors that compromise the positive impact of training on case management are:

- A predominance of inexperienced Community Corrections Officers being appointed on short-term contracts. While some offices gently eased new and inexperienced officers into a caseload, others were less discerning and allocated a caseload of 40-50 on commencement. Because basic training is held three times a year, new officers can carry this caseload prior to being trained; and

- The volume of a Community Corrections Officer’s work does not allow sufficient time for supervising individual offenders and thus prevents the officers utilising the training to provide more meaningful interventions during supervision.

The relatively high proportion of Aboriginal offenders makes it important that staff recognise and understand the impact of cultural differences on effective management of offenders. Many Community Corrections Officers would have had little exposure to Aboriginal culture and issues prior to taking up their current positions. Although some attempt has been made in recent years to improve the provision of cross cultural training for operation staff, a more concerted effort should be made to improve this area of training in an on-going way because of the high proportion of Aboriginal offenders.

Performance measures for Community-Based Services

Performance indicators and measures ensure transparency and accountability in service provision and enable both the community and service providers to assess service quality and outcome. Currently, Community-Based Services have two performance indicators, namely, completion of orders and cost of managing orders.

While these two indicators are useful for assessing aspects of performance, they are not useful measures for assessing the rehabilitative effect of offenders. Indicators that can report on these aspects need to be developed.

There is also limited capacity for measuring the performance of staff. A first step is to establish caseload benchmarks. Attempts have been made to set benchmarks for caseloads, but the Ministry of Justice has not yet endorsed such benchmarks. In the absence of benchmarks the performance of staff cannot be measured meaningfully.
Recommendations

- The Ministry of Justice should regularly review resource allocations in relation to the demands presented by the changing characteristics of offenders.

- Community-Based Services should be adequately resourced so as to enable effective forward planning for service improvement.

- The Ministry of Justice should evaluate the services provided to high-risk offenders with a view to ensuring the appropriateness and effectiveness of those services to the punitive and rehabilitative objectives of the Sentencing Act.

- The Ministry of Justice should develop a comprehensive rehabilitation strategy for offenders in the community, which includes:
  - A needs assessment in terms of program location, volume, type, and service standards;
  - Regular monitoring and evaluation of programs to ensure their suitability and effectiveness; and
  - Meaningful performance indicators for measuring levels of rehabilitation.

- The Ministry of Justice should develop and implement a human resource management plan that ensures a stable and well-trained workforce.

- Appropriate benchmarks should be established for the workloads for Community-Based Services staff and for Community-Based Services as a whole and measures developed to assess their performance.
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