

**ATTACHMENT CB 3**

This is the attachment marked "**CB 3**" referred to in the witness statement of Christine Bond dated 4 August 2015.

SENTENCING DV OFFENDERS TO  
NONCUSTODIAL ORDERS



**Alternatives to Prison:**  
Exploring non-custodial sentencing of domestic  
violence offenders in NSW's lower courts

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**Background**

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- Shifts in criminal justice responses to domestic violence
  
- Scarcity of research on sentencing domestically violent offenders

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Key research question

Are domestic violence offences sentenced differently from other violent offences?

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Unique opportunity

- NSW provides a unique opportunity in Australia
- Domestic violence "flag"

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### Prior research

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- Limited comparative studies of sentencing domestic vs other violence
  - » Absence of multivariate studies (in/out)
  - » Restrictive samples (length of term)
- Limited studies of non-custodial sentencing more generally

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### Current data

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- 64,201 convictions
- 17.6% Indigenous  
18.7% female  
27.1% domestic violent-related

New South Wales adult lower court administrative data  
January 2009 – June 2012  
Most serious charged personal offence

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### Measuring sentencing outcomes

	Domestic violence cases (%)	Non-domestic violence cases (%)	Total Cases (%)
Imprisonment	9.7	10.5	10.3
Intensive/other detention	0.6	1.0	0.8
Supervised community-based	20.7	16.9	18.0
Unsupervised community-based	31.6	25.5	27.1
Community service	3.5	4.9	4.6
Monetary	11.1	26.1	22.0
Minor/nominal	22.8	15.1	17.2
Total	100.0	100.0	100.0

All between-group differences significant  
at  $p < 0.05$  (N=64,201)

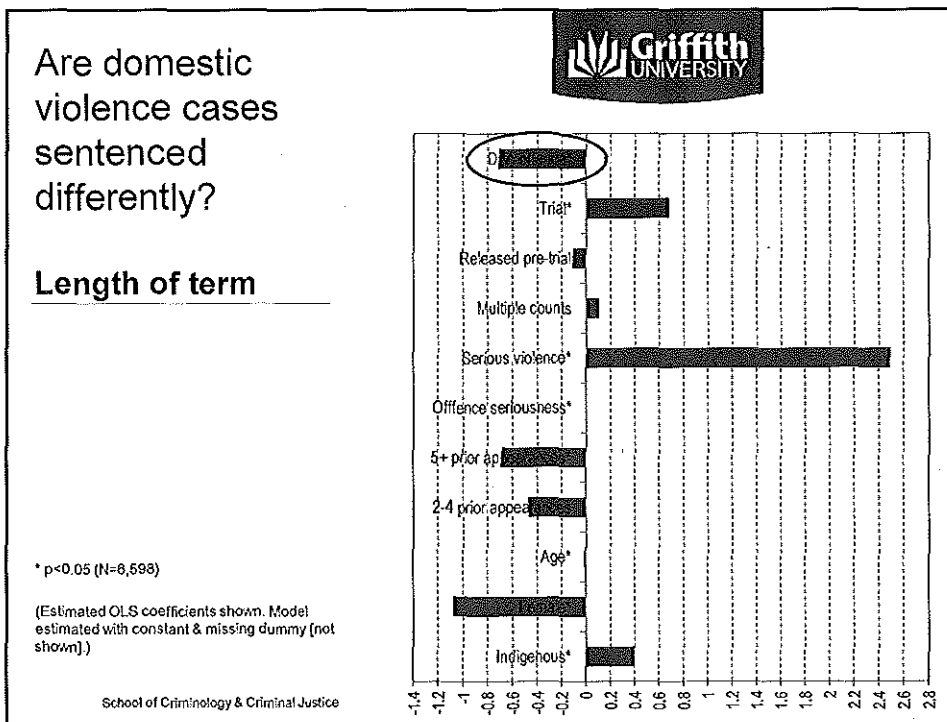
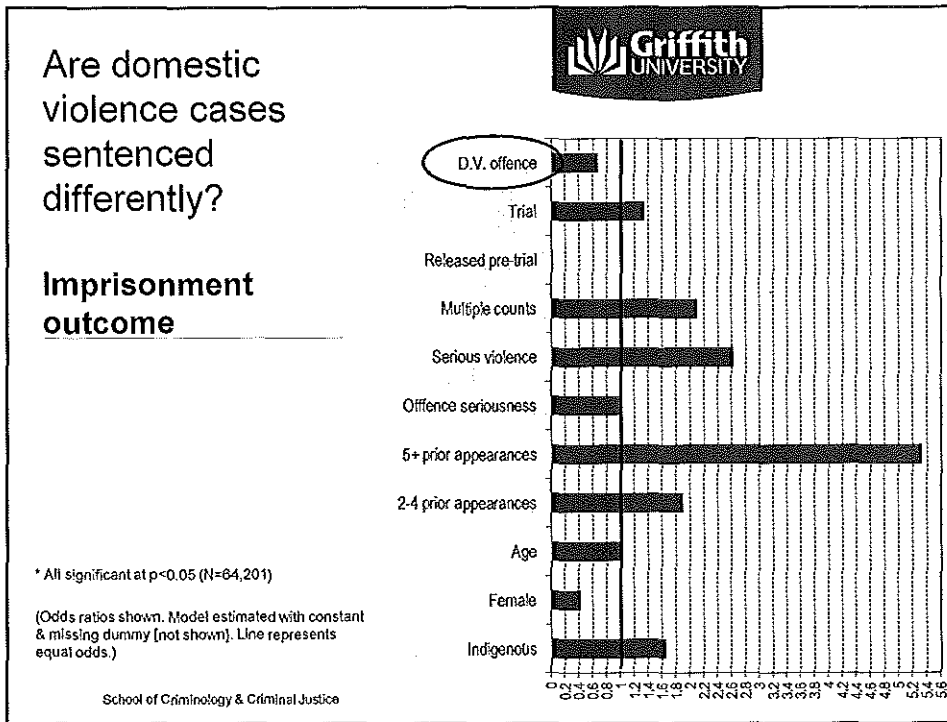
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### WHAT DO WE KNOW ABOUT SENTENCING TO PRISON?

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## SENTENCING DV OFFENDERS TO NONCUSTODIAL ORDERS



### WHAT DO WE KNOW ABOUT SENTENCING TO NONCUSTODIAL ORDERS?

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Are domestic  
violence cases  
sentenced  
differently?

**Compared to  
Imprisonment**

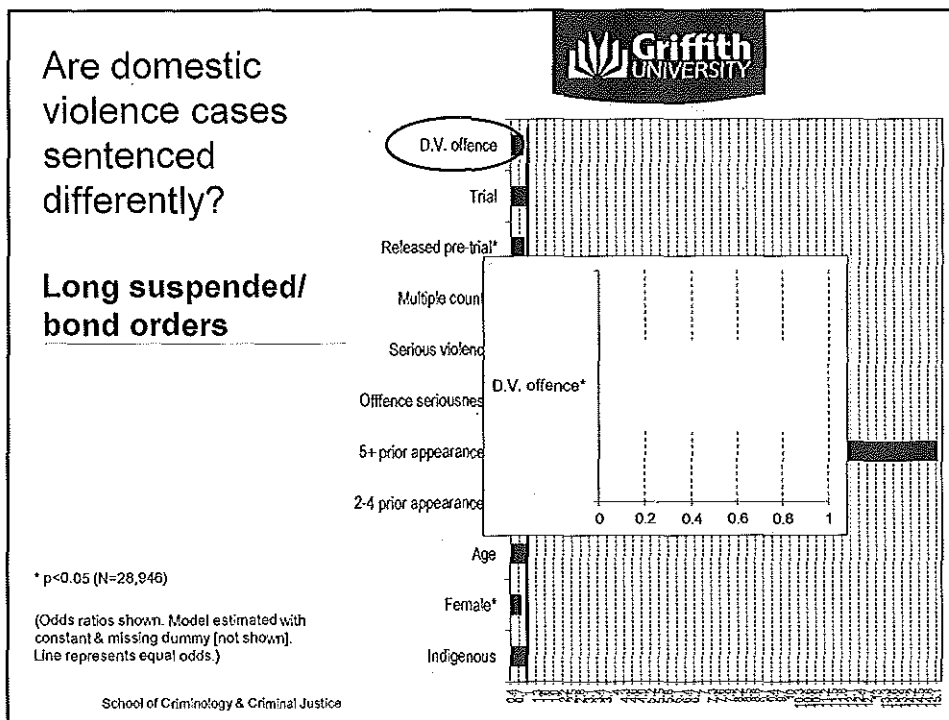
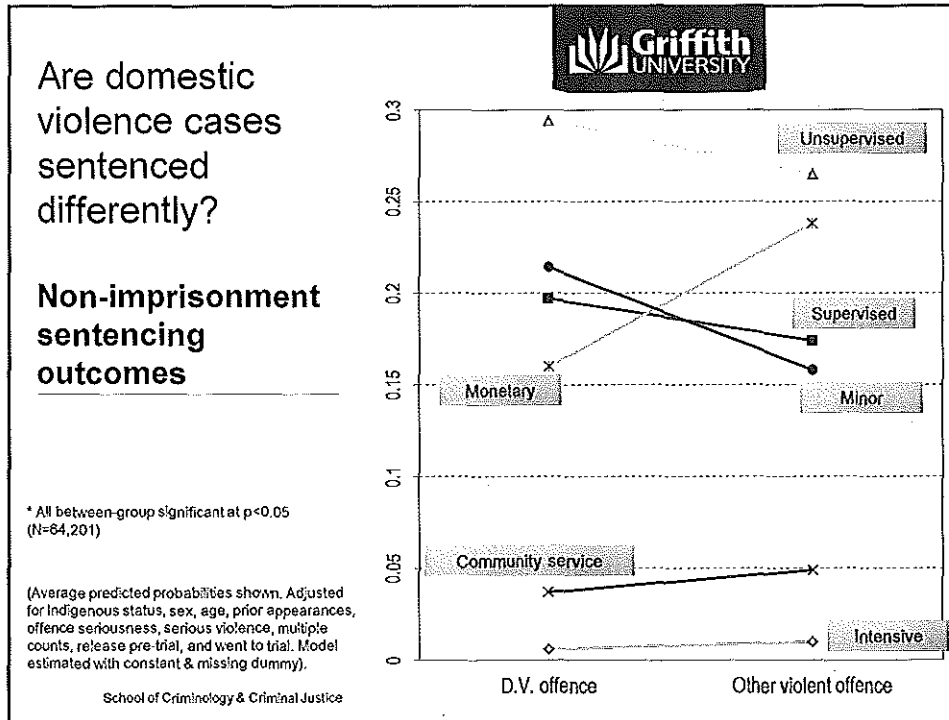
	Domestic violence vs other violence
Intensive/other detention (vs imprisonment)	0.746*
Supervised community-based (vs imprisonment)	1.455*
Unsupervised community-based (vs imprisonment)	1.446*
Community service (vs imprisonment)	0.952
Monetary (vs imprisonment)	0.839*
Minor/nominal (vs imprisonment)	1.810*

\* p<0.05 (N=64,201)

(Relative risk ratio shown. Adjusted for Indigenous status, sex, age, prior appearances, offence seriousness, serious violence, multiple counts, release pre-trial, and went to trial. Model estimated with constant).


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## SENTENCING DV OFFENDERS TO NONCUSTODIAL ORDERS



### Summary (compared to similarly-situated other violent offences)

Imprisonment	Length of term
On average, less likely to be sentenced to prison	On average, shorter prison terms
Noncustodial	Length of noncustodial
On average, more likely to receive suspended/bond (vs imprisonment) sentences	On average, less likely to receive "long" suspended/bond terms

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### So what?

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- Does this mean can conclude leniency?
  - » Complex process → social/contextual factors?
  - » Expectations around rehabilitation?
  - » Misunderstandings of the nature of domestic violence offending?
- Adequacy of explanations of sentencing patterns?

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