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**AUDITOR-GENERAL
SPECIAL REPORT No. 44**

**MANAGING COMMUNITY SERVICE
ORDERS**

December 2002

*Presented to both Houses of Parliament in accordance with the provisions of Section 57 of the
Financial Management and Audit Act 1990*

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13 December 2002

President
Legislative Council
HOBART

Speaker
House of Assembly
HOBART

Dear Mr President
Dear Mr Speaker

**PERFORMANCE AUDIT NO. 44
MANAGING COMMUNITY SERVICE ORDERS**

This report has been prepared consequent to examinations conducted under section 44 of the *Financial Management and Audit Act 1990*, for submission to Parliament under the provisions of section 57 of the Act.

Performance audits 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 performance and enhance Parliamentary decision making to the benefit of all Tasmanians.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A J McHugh'.

A J McHugh
AUDITOR-GENERAL

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Executive summary

EXECUTIVE SUMMARY

In Tasmania, there are a number of non-custodial sentencing options available to courts. Amongst these are Community Service Orders (CSOs) that require offenders to perform unpaid work or other activity in the community under the direction of a probation officer or supervisor. The Community Corrections Service within the Department of Justice and Industrial Relations is responsible for ensuring that offenders fulfil the conditions of these orders. This report addresses the Service's management of CSOs.

SCOPE

The audit examined CSOs administered by the Department of Justice and Industrial Relations in respect of adult offenders. As a result, CSOs that were part of the youth justice portfolio of the Department of Health and Human Services were not included.

OBJECTIVE

The objective of this performance audit was to assess the effectiveness and efficiency of the management of CSOs by the Community Corrections Service. Five criteria were applied, viz:

- | | | |
|---|-------------------------------|---|
| 1 | Defined objectives of CCS | The objectives of CCS are clearly defined and measures are in place for their regular assessment. |
| 2 | Management of individual CSOs | Processes used to manage CSO cases are effective and consistent. |
| 3 | Management of CSO projects | Projects are managed to ensure a steady supply of suitable work for CSO offenders and that they are appropriately assigned. |
| 4 | Implementing CSOs | Offenders are adequately supervised on projects and records of attendance are efficiently handled. |
| 5 | Breaching of CSOs | Prompt action is taken if offenders breach the conditions of their CSO. |

AUDIT OPINION

Managing Community Service Orders (CSOs) is just one of the functions undertaken by the Community Corrections Service (CCS) at its six-fulltime locations across the state. We found that the Service does enforce orders imposed on offenders by the courts and ensures a high rate of completions (88.3% in 2000 – 2001). Tasmania's performance is the best in the Commonwealth and compares to a national average of 63.2% in the same reporting period. Community-based projects are found for offenders whose attendance and performance is monitored. When breaches occur they are followed up and matters returned to court as necessary.

However, management's ability to review its effectiveness in controlling CSOs is restricted by limited performance measures. CSO costs are not separately identifiable and statistics (e.g. recidivism rates) on CSOs as distinct from other kinds of orders are limited in their availability.

We also found some instances of inconsistent practices between CCS's offices.

1 Defined objectives of CCS

Performance information should be expanded to allow management to be better informed. At present, performance measures cannot be linked back to the principles of restorative justice that CSOs are based on.

2 Management of individual CSOs

CCS's electronic database (*Offender Information System*) is not yet adequate to give progressive hours worked against CSOs. The progress that offenders make on their orders should be more closely monitored to ensure that completion of CSOs is timely.

3 Management of CSO projects

The probation officers' assessments of offenders should be available on files. Management sign-off on new projects should be apparent. Recruitment, selection and training of CSO supervisors should be consistent in all CCS offices.

4 Implementing CSOs

CSO files should have evidence that offenders have had the conditions of their order explained to them and their understanding and acceptance of this process should be noted on file. Inequities around the re-conversion of CSOs to monetary fines should be eradicated.

5 Breaching of CSOs

Breach action should be handled consistently in all CCS offices.

Summary of recommendations

We recommend that the Community Corrections Service:

Defined objectives of CCS

- 1 Adequate performance measures should be developed to allow evaluation of the effectiveness of CSOs against the principles of restorative justice.
- 2 Statistics on recidivism should be recorded by order type (i.e. CSO, probation, parole) and supplied to the Productivity Commission in line with national guidelines.
- 3 Credit for personal development hours should be equitable throughout all CCS offices and not discounted.
- 4 CCS should consider expanding the performance measures that it applies to CSOs to include measures that incorporate feedback from offenders and supervisors.
- 5 CCS should consider the use of an activity-based management information system or alternatively more detailed chart of account reporting within the existing finance system to allow more accurate management information to be derived.

- Management of individual CSOs**
- 6 CSO files should contain enough information to indicate the type and level of assessment that has been made of the offender by CCS.
 - 7 CCS should monitor the time taken by offenders to complete their CSOs to ensure that progress made is consistent with the Service's benchmark.
 - 8 To strengthen our earlier recommendation (No 5), CCS should consider the use of a cost-tracking system so that actual costs associated with the different order types could be captured for more thorough analysis by management.
 - 9 CCS should consider retaining pensioner projects in some form to help maintain a broad range of employment options for CSO offenders.
 - 10 CCS should continue to strive for self-supervised community projects to maintain a diversity of work types and environments that will aid future placements of CSO offenders. Training should be made available to project supervisors to help them understand their rights and responsibilities in relation to the CSO scheme.

- Management of CSO projects**
- 11 Where CCS has difficulty finding project work for CSO offenders, innovative solutions should continue to be encouraged so that the court's orders are fulfilled promptly.
 - 12 To ensure that new projects do conform to CCS's criteria management sign-off should be part of the approval process.
 - 13 To ensure consistency in relation to the recruitment of CSO Supervisors the following should be implemented:
 - A common, updated position description should be drawn up for use by all offices of CCS; and
 - Any future recruitment of CSO Supervisors should include an interview for those candidates short-listed for consideration of any vacancies.

- Implementing CSOs**
- 14 CSO offenders should receive an information briefing and acknowledge it by means of the 'Memorandum of Notification' unless they have already done so within the last year.
 - 15 CCS should seek clarification of the intent of section 48(2) of the *Sentencing Act 1997* to determine whether the apparent anomalies associated with fine re-conversions were considered when the legislation was drafted.
 - 16 Fine re-conversions should be handled consistently in CCS offices

Breaching of CSOs

- 17 Uniform procedures should apply to breach action in all CCS offices so that offenders are handled equitably.
- 18 Information about breached CSOs should be reviewed centrally to determine whether systemic issues, particularly regarding the effectiveness of assessment of offenders, could be identified.

MANAGEMENT RESPONSE

I am pleased that your Report notes that, based on the COAG national data publications, Tasmania continues to consistently indicate a far higher rate of success with CSO completion than any other jurisdiction in Australia.

However, there is always room for review and improvement of service delivery. This includes developing more innovative and wide ranging projects that add value to the community by restoring some of the harm done by offenders when they commit crimes.

Your Report was prepared at a time when Community Corrections had identified Community Service Orders (CSOs) as a major focus for their 2002-2003 Business Plan, and the recommendations contained within the Report are consistent with the future direction of Community Corrections. I am advised that for the most part the recommendations reflect issues identified within Community Corrections over the past 18 months, and the Report will provide a useful reference point in the process of review and development.

I understand that the Director, managers and staff of Community Corrections recognise the value of the auditing process, and have welcomed the opportunity for external as well as internal scrutiny. They have collaborated fully with your Department by providing open access to all files, staff members, community worksites and so on.

Richard Bingham

SECRETARY

LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|------|--|
| CCS | Community Corrections Service |
| CSO | Community service order |
| DJIR | Department of Justice and Industrial Relations |
| FEU | Fines Enforcement Unit |
| IT | Information technology |
| OIS | Offender Information System |
| PSR | Pre-sentence report |

Introduction

INTRODUCTION

Sentencing options

Tasmanian courts have a number of correctional sanctions available in sentencing offenders, these are

- Secure prisons - Supervision
- Open prisons - Parole
- Community service orders (CSO)
- Fine substitution (by community service orders)
- Wholly or partially suspended prison sentence

The above sentencing options can also be used in combination at the judge's or magistrate's discretion, e.g. CSO only, CSO plus supervision, CSO plus suspended sentence, CSO plus suspended sentence and supervision, etc.

Why have non-custodial sentences?

An issues paper published by the Tasmania Law Reform Institute in August 2002 gives an insight as to the principles that influence courts in the decision as whether to impose a non-custodial sentence or a term of imprisonment. The paper stated that:

‘A sentencing principle of particular relevance to the choice of imprisonment as a sanction is that imprisonment is a punishment of last resort to be imposed only where a non-custodial sentence is inappropriate. There are four good reasons for this principle:

Doubts about the reformatory potential of custody;

Belief in its deleterious effects;

Doubts about its individual deterrent effects; and

Humanitarian concerns.’

An offender sentenced to a Community Service Order (CSO) must perform unpaid work or other activity in the community under the direction of a probation officer or supervisor. At the time of their introduction in 1972, CSOs (or work orders as they were then known) offered an alternative to imprisonment but have since become a sentencing option in their own right. The offender may be required to work on any day of the week and, in conformity with other jurisdictions, community service can include attendance at educational or personal development programs aimed at improving social attitudes and personal circumstances.

Restorative justice

CSOs reflect principles of ‘restorative justice’, a philosophy that considers the victims of crime and emphasises the consequences of crime. By returning a benefit to the community in the form of work on community projects, CSOs are compatible with restorative justice while the partial deprivation of liberty ensures an element of punishment.

Legislation

The legislative framework for CSOs is contained in part 4 of the *Sentencing Act 1997*. It states the conditions that courts must follow in applying CSOs, addresses the limits on the numbers of hours that can be imposed (240 hours per order) as well as allowing for review of CSOs and actions to be employed in handling breaches by offenders.

Many other pieces of legislation that include sentencing provisions also impinge on the working of CSOs, including the *Corrections Act 1997*, the *Criminal Code Act 1924* and the *Justices Act 1959*.

Departmental organisation

Among the many functional units that comprise the Department of Justice and Industrial Relations there are two that are concerned with corrective services. One is the Prison Service and the other is the Community Corrections Service (CCS).

CCS is responsible for administering the CSO scheme and has a statewide presence with offices at Hobart, Clarence, Bridgewater, Launceston, Burnie and Devonport. Additionally, there are out-posted offices at Huonville, George Town, Ulverstone and Queenstown that operate part-time.

To fulfil these objectives, CCS currently has a staffing level of 42.6 FTEs (plus a pool of casual workers employed as CSO supervisors). The operating budget for the Service in 2002 – 2003 (identified in the State budget as DJIR’s Output Group 6.2) is \$3.262 million.

The scheme

The department’s 2000 - 01 Annual Report stated that the objective of the CSO Scheme was:

‘... to minimise the risk of offending and its effect on the community through programs which are administered and enforced in a manner that reflects the penalty imposed by the courts, and encourages offenders to achieve responsible behaviour. This is achieved by offenders performing useful tasks that provide reparation to the community, build on social attitudes and skills, and improve interaction between offenders and members of the public.’

CCS co-ordinates work, project sites and supervision for CSO offenders. The Service provides assistance to a broad range of community organisations and pensioners. In recent years, the trend has been away from individual assistance towards working with organisations that are able to provide supervision, tools and equipment.

CSOs suitable for low-, medium- and high-risk offenders

At the court's request probation officers prepare CSO suitability assessments in respect of offenders prior to sentencing. Evaluations hinge on a risk assessment process that reviews a range of factors such as the person's state of health and ability to perform certain types of work as well as the number and type of past offences. In reporting back to the court CCS may request more detailed investigation and the court could order a full pre-sentence report that furnishes a more thoroughgoing review of the offender's background. While they are a sentencing option in their own right, CSOs are also regarded as an alternative to prison, and are thus a higher tariff than probation. Offenders categorised as high-, medium- or low-risk can receive a CSO.

Legislation provides for CCS to take action when problems occur with CSOs. First, offenders' circumstances may change and he or she, or CCS, may apply to have the order reviewed by the court that imposed the sentence. Various options are open to the court in determining how to deal with the application, but it is bound to take into account the extent to which the offender had hitherto complied with the order. Second, offenders may breach the conditions of their CSO. Usually, they would receive a first and, if necessary, a second warning. Continued flouting of conditions will trigger proceedings under the *Sentencing Act 1997*. At the subsequent hearing the court may confirm or change the original penalty and/or impose a new one in respect of the breach.

Performance measurement

Performance assessment by CCS focuses on three elements. First is offenders' compliance with community-based orders, second is the efficiency of the community corrections system and third is its effectiveness. The development of national indicators in corrective services has enabled some cross - jurisdictional comparisons to be made. These statistics are compiled and published by the Productivity Commission annually in its *Report on Government Services*.

A major initiative identified in CCS's budget submission in 2002 – 03 is the further roll out of the management information system ('Offender Information System' - OIS). Its next phase of development is targeted at improving the flow of information between the different components of the Criminal Justice System. CCS maintains that this

work will boost the reliability and validity of data as consistent standards are applied.

Audit Framework

AUDIT FRAMEWORK

Standards applied

This audit has been performed in accordance with Australian Auditing Standard AUS 806 (*Performance Auditing*) which states that:

‘The objective of a performance audit is to enable the auditor to express an opinion whether, in all material respects, all or part of an entity's activities have been carried out economically, and/or efficiently and/or effectively.’

Audit procedures were confined to a review of policies and procedures at the Community Corrections Service together with a judgement sample of CSO files from offices across the State. This provides less evidence than would be available by applying more extensive and comprehensive procedures. The evidence provided by these means is persuasive rather than conclusive in nature.

Objective

The objective of this performance audit was to assess the effectiveness and efficiency of the management of CSOs by the Community Corrections Service.

Scope

The audit examined CSOs administered by the Department of Justice and Industrial Relations in respect of adult offenders. As a result, this excluded CSOs that were part of the youth justice portfolio of the Department of Health and Human Services.

Criteria used

The following criteria were used in our performance:

1 Defined objectives of CCS

The objectives of CCS are clearly defined and measures are in place for their regular assessment.

2 Management of individual CSOs

Processes used to manage CSO cases are effective and consistent.

3 Management of CSO projects

Projects are managed to ensure a steady supply of suitable work for

| | |
|---------------------|--|
| | CSO offenders and that they are appropriately assigned. |
| 4 Implementing CSOs | Offenders are adequately supervised on projects and records of attendance are efficiently handled. |
| 5 Breaching of CSOs | Prompt action is taken if offenders breach the conditions of their CSO. |

Audit methodology

Data was gathered through visits to all CCS offices. A judgement sample of 257 CSO cases was selected that encompassed a range of possible case management scenarios (reviews, breaches, absconders, warnings, concurrent CSOs, fine re-conversions, protracted cases).

Figure 1: Geographical distribution of sample

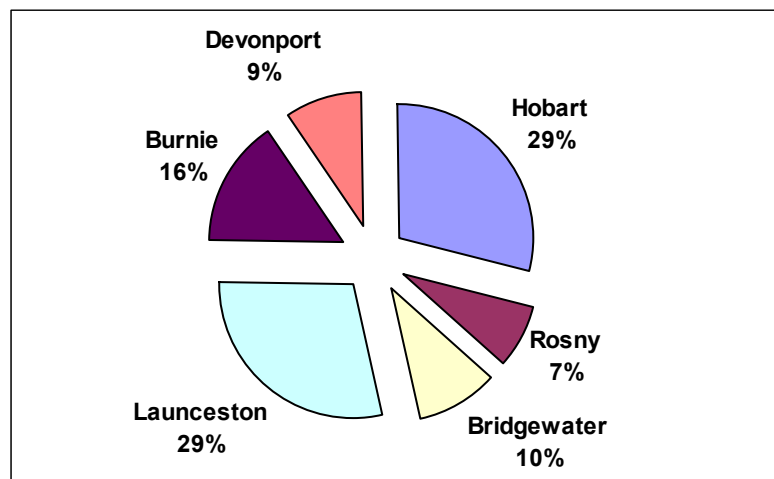


Figure 1 indicates that we drew our judgement sample from along the same lines as the State’s population distribution, i.e. South 46%, North 29%, and North West 25%.

Although we aimed to review files from July 2001 to the present, it was necessary to incorporate some older files. This was necessary to ensure that we obtained a spread of different scenarios from each office.

Stakeholder input

In line with the Audit Office’s established practice for the conduct of performance audits, an advisory committee was convened to reflect stakeholder views. The committee provided input to the audit’s methodology and reviewed the draft report upon its completion.

Nevertheless, the views expressed in this report are those of the Auditor-General, and are not necessarily shared by other members of the committee.

The Auditor-General chaired the committee and its members were drawn from the following areas:

- Community Corrections Service;
- University of Tasmania;
- Community project provider;
- Department of Premier and Cabinet; and
- Tasmanian Audit Office.

Timing

Planning for the performance audit commenced in July 2002. Field-testing commenced in August and was completed in October 2002 with the report being finalised in December 2002.

Resources

The total cost of the audit excluding report production costs was \$?

Mandate for the audit

Under the provisions of section 44(b) of the *Financial Management and Audit Act 1990* the Auditor-General may:

‘carry out examinations of the economy, efficiency and effectiveness of Government departments, public bodies or parts of Government departments or public bodies’.

The conduct of such audits is often referred to as performance auditing.

Reviews and audits in other jurisdictions

The Office of the Auditor-General of Western Australia published a performance audit report titled *Implementing and Managing Community Based Sentences* in May 2001. Principal findings were:

- That despite initiatives in the 1995 sentencing legislation, rates of imprisonment had not decreased in WA;
- Community-based sentences had not been used more frequently than the probation orders and CSOs they replaced; and

- The Ministry of Justice had not systematically assessed the impact of various sentencing options available to the courts on patterns of sentencing.

1 Guiding principles of CCS

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This section of the report deals with our findings, conclusions and recommendations made in relation to the audit criteria.

1 GUIDING PRINCIPLES OF THE COMMUNITY CORRECTIONS SERVICE (CCS)

The objectives of CCS are clearly defined and measures are in place for their regular assessment.

1.1 - PRINCIPLES OF RESTORATIVE JUSTICE ARE ENSHRINED IN DEPARTMENT OF JUSTICE AND INDUSTRIAL RELATIONS' GUIDELINES AND PROCEDURES

Restorative justice encompassed in CCS mission statement

CCS' mission statement makes mention of 'restorative justice' as a guiding principle of its work with offenders. Programs of restorative justice emphasize the consequences of crime and focus on the personal involvement of the offender in the justice process together with the victim, their families and the community.

CCS's work in allocating offenders to various community-based projects thus has the potential to address these principles. Moreover, offenders are also encouraged to attend personal development/educational courses that can address the causes of offending behaviour systematically.

1.1.1 Community expectations are encapsulated in CCS practices

CCS states in its overview statement in the 2002 - 2003 business plan that it aims:

‘to develop and apply strategies in a manner which will:

- denounce and prevent crime in a general way;
- assist victims;
- make good harm occasioned by crime; and
- maximise the effectiveness of the Justice system.

Links to ‘Tasmania Together’

Community expectations that underpin these aims are expressed in goals and benchmarks established in 'Tasmania Together'. CCS has linked its planned activities to 13 out of the 24 ‘Tasmania Together’ goals encompassing the areas of community, culture, democracy and economics. The ‘Tasmania Together’ benchmarks were listed in the business plan and aligned to CCS activities under the following topics:

- Programmes;
- Victims;
- Risk Assessment Review;
- Increase linkages to the Prison Service;
- Develop Community Service Orders;
- Collaborate in service delivery to Indigenous offenders;
- Professional development for staff;
- Information technology;
- Links with Community, other Agencies and services;
- Performance Management;
- Succession Planning;
- Partnership Against Domestic Violence project;
- Home Detention; and
- Drug Diversion project

Is restorative justice achieved?

There are limitations regarding CCS's capacity to assess its performance against some of the benchmarks, however. At present CCS does not have measures in place to determine the extent to which restorative justice is actually achieved. The business plan states the aim to

'continue with the strategic review of CSO administration and develop a strategic plan'

CCS cannot yet assess its performance against the restorative justice principles of its mission statement.

| |
|--|
| <p>Recommendation 1</p> <p>Adequate performance measures should be developed to allow evaluation of the effectiveness of CSOs against the principles of restorative justice.</p> |
|--|

1.2 - MINIMISING THE RISK OF RE-OFFENDING

Justice services exist to ensure a safe society, enhance social order and security, and uphold the rule of the law. Rates of recidivism are one mechanism that is used to measure the effectiveness of the justice sector. The Productivity Commission's statistical collection manual defines recidivism (in the context of CSOs) as an offender's return to CCS with a new correctional sanction within a 24-month period from the completion of a previous order.

Jurisdictions are required to separately report re-offending rates for different orders (i.e. CSOs, probation and parole). Currently CCS is

only able to collect combined figures. The 2002 – 2003 Business Plan states that CCS will:

‘continue to develop and adapt the Offender Information System, utilising information technology processes to more effectively manage case loads and increase the integrity of data collection’

Limited availability of recidivism data

At present, as a consequence of the lack of Tasmanian data it is not possible to compare this State’s performance with other jurisdictions or to compare the effectiveness of CSOs with other non-custodial sentencing options.

Statistics on the rates of recidivism for CSO offenders are not recorded.

Recommendation 2

Statistics on recidivism should be recorded by order type (i.e. CSO, probation, parole) and supplied to the Productivity Commission in line with national guidelines.

1.3 - OFFENDERS ENCOURAGED TO ACHIEVE RESPONSIBLE BEHAVIOUR

Section 32 of the *Sentencing Act 1997* provides that:

‘If an offender ... attends an educational or other program in accordance with the directions of a probation officer ... the time ... is taken to be performance of community service under the order.’

There is a range of ‘educational or other programs’ that may be useful to address offending behaviour and thus comply with the principles of restorative justice. Although the uptake of personal development appears to have been low on the basis of CSO files examined during fieldwork, there were cases where offenders identified or accepted the need for assistance and acted on it. Examples of this kind of initiative have included:

- alcohol/drug counselling;
- anger management;
- literacy;
- mental health; and
- financial management courses.

However, offenders have to be genuine in their agreement to undertake the personal development. Providers will not accept clients who are compelled to attend because their lack of sincere motivation will almost certainly lead to non-completion or low levels of achievement.

There is no subsequent evaluation as to whether a client has benefited from attendance at a course as the objectives are usually based around longer-term behaviour or attitude modification that would not readily lend themselves to measurement.

The situation where only 25% of hours spent attending personal development have been credited against CSOs does not provide an incentive to offenders to make use of this option.

1.3.1 How are hours of personal development credited?

Full credit not given for personal development and educational course attendance

In the North and Northwest regions there were instances where personal development hours had not been credited to the CSO on an hour-for-hour basis. Instead, just 25% of attendance time was accepted.

Section 32 of the Act (cited above) seems to imply that these hours should be credited at their full value. However, on this subject the draft CSO manual states:

'Any allocation of CSO hours for attendance at approved educational programs or counselling shall be assessed on an individual basis in conjunction with the risk needs factors and only upon consultation between the supervising officer and manager/senior probation officer.'

It was explained to Audit that the '25%' treatment was a hang over from earlier times and that its focus was on retributive justice. Nowadays, management view this approach as being out of step with the intent of the *Sentencing Act 1997* and with the principle of restorative justice. CCS's objectives for administering CSOs include encouraging offenders to:

- Achieve responsible behaviour;
- Improve social attitudes and skills; and
- Improve interaction between offenders and the public.

Personal development has the potential to help in attaining these goals and disincentives should be removed allowing probation officers to encourage the uptake of such courses. At a recent CCS meeting where this issue was raised, the management team reached an agreement that time for attendance at personal development programs will in future be credited on an hour-for-hour basis.

Recommendation 3

Credit for personal development hours should be equitable throughout all CCS offices and not discounted.

1.4 - PERFORMANCE MEASURES USED TO EVALUATE CCS

The CCS 2002 – 2003 Business Plan identifies the following performance indicators:

- Quantity measures**
 - Number of orders
 - Number of orders completed
 - Number of orders revoked
- Quality measures**
 - Reoffending rates
- Cost measures**
 - Daily cost per offender

1.4.1 Quantity measures

Further development of OIS needed

Data for these measures are derived from OIS but standard system reports do not provide adequate information for national reporting requirements of the Productivity Commission. Instead, an IT consultant in the departmental corporate office extracts data through customised queries. However, the extent of reporting is limited since important information (such as progressive hours worked and case notes) exists in a paper-based system and is not presently entered in OIS.

The quantity measures listed in section 1.4 are reported for CSOs and comparisons can be made over time and with other jurisdictions in the Productivity Commission's reports. However, the basis for cross-jurisdictional comparability is limited by the differing legislation in each of the states and the different kinds of orders that they use.

A further factor that can complicate measurement of the effectiveness of CSOs is that they are sometimes used in combination with one or more other non-custodial sentencing options (e.g. suspended sentences, good behaviour bonds, probation, etc). It would therefore be difficult to draw conclusions about the CSO because it is just one part of a sentencing package. From the database of CSO cases that we assembled in the audit, 51 out of 257 (19.8%) sentences involved another kind of sentencing option.

1.4.2 Quality measures

As noted in section 2.2, re-offending rates in Tasmania have not been reported separately for each kind of order.

We also considered other possible performance indicators that CCS could use. Amongst these was feedback from CSO supervisors and offenders.

Feedback from supervisors and offenders is not measured

Relations with project coordinators/supervisors are managed pragmatically. By maintaining good relations with project personnel and by being responsive to problems, probation officers try to ensure projects' ongoing availability. However, there are no formal measures to measure the satisfaction of this group.

Offenders' attitudes to a particular project can be gauged as part of ongoing case management but their feedback is not deliberately sought or measured.

Recommendation 4

CCS should consider expanding the performance measures that it applies to CSOs to include measures that incorporate feedback from offenders and supervisors.

1.4.3 Cost measures

The formula for reporting the cost measure is as follows:

No of orders (CSO, probation and parole) / Total expenditure.

Limited management information about resources used on individual orders

However, the number of orders is a combination of all kinds and does not reflect the amount of effort of the different types. There is no activity-based costing or case management system that tracks the inputs of individual probation officers to the orders they are involved with. It should be conceded though, that the complexity of implementing such a system (as well as the possible resistance of staff) would not necessarily be outweighed by the benefits that it could confer.

Like other professionals in service industries, such as accountants and lawyers, probation officers should be able to measure the time taken to manage individual files. Measuring the resources applied to individual files would provide CCS with a greater awareness of the utilisation of probation officers' time and give more accurate information.

See also section 2.6 below.

Recommendation 5

CCS should consider the use of an activity-based management information system or alternatively more detailed chart of account reporting within the existing finance system to allow more accurate management information to be derived.

2 Management of individual CSOs

2 MANAGEMENT OF INDIVIDUAL CSOS

Processes used to manage CSO cases are effective and consistent.

2.1 - POLICIES, PROCEDURES, GUIDELINES

Up until now, CCS has used a manual that was in use at 1999 but originated from a much earlier time. Although the level of procedural detail needed to administer the sections 28 - 36A of the *Sentencing Act 1997* (i.e. those sections that deal with CSOs) is not great there is a need for relevant guidelines to remove any possible ambiguities and help achieve a consistent approach.

New procedural manual being developed

At the time of the audit, a working party comprising representatives from each CCS office had been convened to produce a new manual that would unify practices throughout CCS. The resultant review of operating procedures by the working party has already given rise to some new stationery that reflected improved methods, e.g. a more comprehensive 'CSO Suitability Assessment' form.

2.2 - ASSESSMENTS AND PRE-SENTENCE REPORTS

For potential CSO recipients there are normally two assessment options: the 'CSO suitability/assessment proforma' or the 'pre-sentence report' (PSR).

When an offender has been found guilty in a magistrate's court and the imposition of a CSO is likely, the matter is normally adjourned to allow time for an assessment to be made of the offender's suitability to receive such an order. In most cases, the offender visits the closest CCS office where during the course of an interview the probation officer completes the former of the two above assessment options, 'CSO Suitability / Assessment Proforma'.

The suitability/assessment proforma is a three-page form with seven sections:

- Past CSO performance;
- Offending record;
- Personal details (including health/disability);
- Financial details;
- Client's attitude to CSOs;
- Days available/preferred; and
- Abilities/skills/qualifications/interests.

CSO Suitability / Assessment Proforma

Generally, this type of assessment is used for first-time offenders or for offences that are at the less serious end of the scale. However, there are exceptions and someone with a comprehensive offending

history and who is at any risk level might still be subject to this kind of assessment once the Court takes the view that a CSO might be the best disposition in a particular case. CCS is currently trialing a more comprehensive assessment form allowing a probation officer to collect more detailed responses from the person being assessed. The additional information collected in this expanded format allows a more informed assessment of offenders. We did not undertake a comparative analysis of the effectiveness of the new form, as it is still being trialled, also there was a lack of available data on which to base a comparative analysis.

Occasionally, probation officers are sometimes called on to make on the spot assessments at the court.

Pre-sentence reports

More serious cases, or those where an offender is known to the court, may require a greater level of detail. In such instances a pre-sentence report (PSR) is prepared. However, PSRs are not restricted to just these circumstances and magistrates can request one on any offender if they wish to gain more information to assist in sentencing. PSRs contain a detailed history of the individual and set their offending behaviour in a wider social context. It is usual for these extensively researched reports to take between two to four weeks to complete. Probation officers conclude PSRs with a recommendation about the offender’s suitability to receive a CSO.

2.2.1 Assessments and test database

While examining CSO files for input to the test database, we reviewed the level of assessment that had been applied. The rates of completion for either type of assessment (i.e. CSO assessment or PSR), shown below in Table 1:

Table 1: Assessment of Offenders provided by CCS

| | |
|---|------------|
| Fully completed assessment form | 43% |
| Partially completed assessment form | 18% |
| PSR | 21% |
| Sub-total | 82% |
| The remaining 18% had neither type of assessment document on file. These were categorised as follows: | |
| Known to CCS / Oral report | 8% |
| Unclear | 8% |
| Supreme Court | 2% |
| Sub-total | 18% |

Of the assessment forms that we examined 18% had not been fully completed. This meant that one or more sections of form lacked notation.

Oral reports had been provided for 8% of our sample. These were provided either because the report had to be given to the court at very short notice and/or the offender was known to CCS and their circumstances had not changed.

Just 2% of the CSO cases in the sample originated from the Supreme Court where it had been usual practice to impose CSOs without first seeking any information from CCS beforehand. It was explained that this was a practice that had been subject to discussion and that the court had agreed to seek assessments in future before imposing CSOs.

We flagged 8% of assessments as 'unclear'. This term covered a number of situations such as there being no reference to an assessment on the CSO file, incomplete probation assessment papers or insufficient documentation to determine what level of assessment had been performed or if courts had handed down sentences without seeking assessments.

2.2.2 Assessment preparation

When preparing an assessment, previous offences were taken into account. Where an individual had had a previous CSO the documents were kept on the one file. In some cases, depending on the age and or history of the offender, files dated back well over ten years.

Access to
offenders' previous
history

When offenders not already known to CCS appeared after conviction but prior to sentencing, OIS was used to determine whether there was a previous record. Probation officers can also obtain criminal histories from the Police Information Bureau. Where offenders may have resided elsewhere in Australia, requests for interstate information can also be made but authorisation is required by the regional manager.

Offenders' willingness to accept a CSO was routinely covered by the currently used assessment form. However, it was evident from breach cases, or those CSOs where multiple warnings had been issued, that the reliability of the data received was limited. It appeared likely that no offender would explicitly refuse a CSO - and risk a custodial sentence - regardless of their actual intentions about honouring its obligations. Moreover, offenders' circumstances can change suddenly making their reliability uncertain.

Table 2: CSO assessments made in 2001 - 2002

| Outcome | No of Assessments | Percent |
|---------------------------|--------------------------|----------------|
| CSO Imposed | 438 | 87.2% |
| CSO and Probation Imposed | 13 | 2.6% |
| Absconded | 9 | 1.8% |
| No order imposed | 42 | 8.4% |
| Total | 502 | 100% |

Very low rate of 'not recommended' assessments made by CCS

Table 2 details what subsequently happened to the 502 offenders that were assessed as to their suitability to receive a CSO during 2001 - 2002. Of the 42 assessments completed that did not result in an order being imposed, we determined that only five were explicitly 'Not recommended' by CCS and these were predominantly on medical grounds, i.e. a physical incapacity to work. The remaining 37 assessments (of the original 42) that did not result in a CSO were presumably cases where the magistrates exercised their discretion. A more detailed CSO suitability assessment form is currently being introduced and is likely to provide better indications of potentially unreliable CSO workers than the currently used form.

From the sample that we selected, it was unclear in 8.2% of cases as to what kind of assessment action had been taken to determine an offender's suitability to receive a CSO.

Recommendation 6

CSO files should contain enough information to indicate the type and level of assessment that has been made of the offender by CCS.

2.3 - SENTENCES HANDED DOWN WITHOUT REFERENCE TO CCS

As indicated in the previous section, the sample of cases reviewed showed that there was a low incidence of CSOs being imposed without some prior input from CCS. The level of Supreme Court sentencing (without assessments) is low – 1.9% – but action has been taken to 'close the loop' with this exception.

2.4 - LOGGING ATTENDANCE/PERFORMANCE BY OFFENDERS

Probation officers rely on project supervisors to provide attendance data for CSO offenders working on their project. In the case of self-supervising projects such as Salvation Army, Camp Clayton etc this information is phoned or faxed to the local CCS office. At the

Salvation Army, the project manager demonstrated the system used to track CSO offenders' attendance. He maintained records of the hours worked by each employee and phoned them through to CCS each week for transcription onto Attendance Records held on the CSO file.

For pensioner projects, the CSO supervisor contacts the individual pensioners to ascertain the attendance (and work standard) of the client. Details are entered directly on to the 'CSO Attendance Record'.

Attendance record cards are usually kept with the CSO file by the probation officer managing the case. As advice is received from project managers about an offender's progress - or problems of attendance - notes are made on the card. Where records from project supervisors were received in paper form (notes, faxes etc) these were also retained on CSO files. A facility for recording progressive hours already exists on OIS and CCS expects it to be implemented as part of a system upgrade during the 2002-2003 financial year (see also section 4.4).

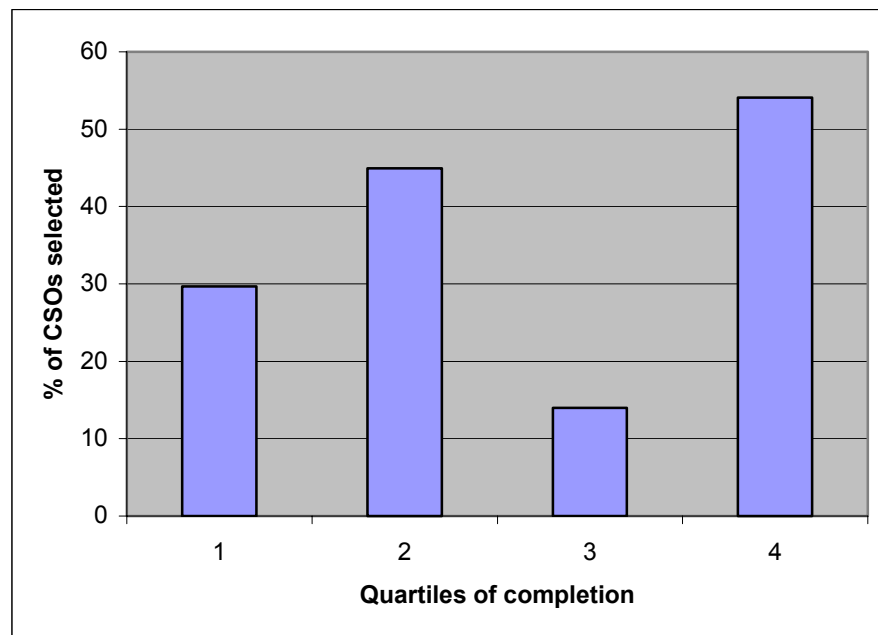
2.4.1 Time taken to complete CSOs

Benchmark of reasonable progress for CSO workers

As to how long it should take an offender to complete his or her CSO, CCS have an informal benchmark of desirable progress that is 6 hours per week. In the Act a 'standard' working day is taken to be 7 hours. Thus, CCS's expectation is slightly below 1 day of community work per week, a situation that recognises that some offenders have family or other responsibilities that restrict their availability to work in any given 7-day period.

From our database of selected files we analysed the rate of progress made by offenders in completing their CSOs. To determine whether actual performance was consistent with the 6-hours per week benchmark we reviewed cases at different stages of completion and for this purpose the measures that we used were the quartiles, i.e. quarter, half, three quarters and fully completed. We excluded files that dealt with breaches since we had deliberately sought breached cases from each CCS office and thus prior to their exclusion our sample reflected a higher than normal proportion of such instances.

For CSOs that were a quarter completed 30% had not reached the 6 hours per week target. For CSOs that were half completed the proportion not meeting the benchmark was 45%. Of cases that had reached the three quarters completed stage the number had dropped to 14% but for finalised CSOs the number with unsatisfactory progress had risen to 54%. These rates are shown below in Figure 2.

Figure 2: CSOs not meeting the benchmark of 6 hours per week

The dip shown in Figure 2 in the third quartile appears to be due to warning notices issued to offenders. Supporting evidence for this contention is that of those offenders who had made unsatisfactory progress at the half-completed stage, almost half had received a first warning notice. However, for offenders making satisfactory progress less than one quarter had received a warning notice. Thus, it appeared that a warning notice was able to produce a positive effect on the rate of completion of CSO hours but that its impact was short lived. To confirm the reliability of the pattern in the above graph, we conducted the same analysis with the breach files included and a similar result was observed.

What remains clear from Figure 2 is that more than half the CSO offenders in the sample exceeded the benchmark in time taken to complete their orders.

Recommendation 7

CCS should monitor the time taken by offenders to complete their CSOs to ensure that progress made is consistent with the Service's benchmark.

2.5 - AUDIT TRAIL REGARDING DECISION MAKING ON CASES

For CSOs where the offender worked steadily through his or her order without incident or adverse comment from the project supervisor, no decision-making was needed. It was merely a matter of the offender continuing to report to the assigned project and working off the balance of hours until the terms of the order were completed.

Case notes provide information about the course of the CSO

The situation was different, however, for CSOs when problems arose (e.g. unwillingness to work, unauthorised absences, poor reports from supervisors, etc). Then, it was necessary to be able to follow a decision-making trail. Our fieldwork included an examination of CSO files in detail.

The principal means by which CSO files addressed issues of accountability and transparency were the case notes. Generally, they were maintained in diary format and made in response to problems as they had occurred. Case notes detailed contact from and with clients or their families and also described actions taken by probation officers. Where notes were sparse, copies of warning notices, notes to file, annotations on attendance record cards, letters or other documents (such as summonses or affidavits) were present on file and were adequate to indicate actions that probation officers had either taken or planned.

Minor differences were noted in the styles used between the six CCS offices regarding the method or level of documentation preferred. Nonetheless, decision-making steps taken on CSO case management were readily identifiable.

2.6 - COST OF CSO SCHEME

As noted in section 1.4, there is no activity-based cost accounting system or equivalent professional office management system in use at CCS to allow probation officers to account for their time spent on individual CSOs (or other orders).

Similarly, the chart of accounts set up in Finance One (the department's accounting system) for CCS does not allow activities to be recorded at that level of detail. Hours worked by probation officers can be identified to separate cost centres (i.e. the six offices across Tasmania) but there is no cost account structure to separate the various duties that comprise the individual workloads of staff. Probation officers do not separately record the time that they spend on cases, whether they were CSOs, probation or parole or other matters.

No cost differentiation between CSOs, probation and parole

If the various activities undertaken by CCS are viewed as commercial services, there is at present insufficient data to manage them reliably. The finance system as it currently exists does not generate information about the 'unit' individually. Instead, all the activities are rolled up into one unit and the cost-per-service data is simply obtained by dividing the total costs by the total number of services. Parole and probation orders apply to higher-risk offenders and require a greater level of administrative effort to supervise but these are not differentiated. The present method of cost calculation does not appear adequate to recognise these differences.

Tasmania's range of non-custodial sentencing options is not as extensive as those used in other states. However, if other options were employed here, and home-based detention appears likely to be introduced, it would be useful for the costs to be separately identified.

If such a system were to be implemented by CCS it would provide management with more accurate information on resource utilisation. In turn, this would allow for better-informed strategies and more effective decision-making processes.

Recommendation 8

To strengthen our earlier recommendation (No 5), CCS should consider the use of a cost-tracking system so that actual costs associated with the different order types could be captured for more thorough analysis by management.

2.7 - MANAGEMENT DECISION MAKING

Limited management information currently available from OIS

Management oversight of probation officers' caseloads occurs regularly at the regional level. Information that outlines CSOs assigned to probation officers in their office is available for managers from OIS. Although OIS does not yet contain details of progressive hours worked against a CSO (because these details are held in a paper-based system), it does report the date of the order and the total number of hours ordered. Thus, at any time it is possible to ascertain the number of CSOs being controlled and the amount of time that they have been active. For probation officers to give management reports on the state of completion of CSOs they currently would need to go through the attendance record cards on each active file. As noted previously, the next phase of OIS's development will allow progressive hours to be input to the system. Limited management information is available although it is difficult to obtain more detailed data.

2.8 - AVAILABILITY OF SUPERVISORS AS A LIMIT ON WORK BY OFFENDERS

Supervisor availability has not inhibited CSO project work

Based on the CSO files examined during field visits to the CCS offices around the state, the availability of project supervisors did not appear to have restricted or inhibited the assignment of offenders. Projects were either pensioner- or community-based and with very limited exceptions work for offenders was found. Peaks occur occasionally, as in Devonport where a particularly diligent bailiff had managed to find a number of fine defaulters and had summonsed them to appear in court. At the time of the field visit to Devonport, this situation had caused an oversupply of offenders (or undersupply of projects) but this was a 'point in time' situation that would be cleared up as existing offenders finished their obligations and made space for the new offenders.

Where there had been delays in placing offenders on projects, it was not so much related to difficulties with finding supervisors as to finding actual projects.

Again, based on examination of the multiple entries on each of the 'CSO Attendance Record' cards that were checked during the course of fieldwork, there was no evidence of offenders being stood down due to the lack of a project on the day.

2.9 - OPERATION OF A CSO

We chose two projects in the CCS Hobart office to observe how CSO projects actually work from the supervisor's point of view. First, we accompanied the coordinator who controls pensioner projects in the Hobart area. His role was broader than just pensioner projects and the coordinator was also involved in those community projects (e.g. community houses funded in part by local government) that are unsupervised or partially supervised.

The coordinator was a permanent employee who usually works three days per week (with occasional Saturday duty depending on the CSO workload). To support his role there was a dedicated utility vehicle used to transport passengers and equipment (e.g. whipper-snippers, lawn mowers etc). Transport was not provided for all offenders but there were cases where public transport was not available or unsuitable.

The coordinator prepared his round before leaving the office. Accordingly, he was able to organise a pick up time with offenders and inform the pensioners as to when they should arrive at their homes. Generally, CCS prefers its pensioner clients to supply their own equipment - as a cost containment strategy - but there are situations where CCS will supply the necessary items.

At the beginning of the round, an offender was dropped at the pensioner's home where introductions are made and the work explained. Where offenders are supposed to make their own way to the job, the coordinator called by to confirm their presence and to speak to the pensioner or, in the case of community houses, the project leader.

In the case of absences, the coordinator noted the 'CSO attendance record' card that he carried with him so that follow up action could be taken when he returned to the CCS office.

Reasons against
pensioner projects

CCS is currently winding down pensioner projects for a number of reasons, including:

- The need to reduce costs since supervisors have to be hired to coordinate the pensioner program;

- The scale of the tasks may be very small requiring frequent shifting of offenders from site to site;
- Extra costs associated with the acquisition, maintenance and transportation of equipment such as lawn mowers and whipper snippers;
- By its nature, garden work is seasonal and the colder months see a reduction of available tasks;
- There is unease about exposing a vulnerable section of the community to a potential risk (i.e. offenders or their associates may return at some future time to commit offences);
- Offenders may injure themselves while using equipment; and
- There is the perception that the work is not highly valued and may be boring and/or demeaning for offenders. This could aggravate attendance problems.

Factors in support of pensioner projects

However, there are counter arguments that could be put in defence of pensioner project schemes. First, careful matching of offenders to projects could minimise several of the above risks. Pensioners should only be assigned offenders with low-risk profiles. Second, training and adequate equipment could preclude injuries to CSO workers. Third, the scheme could be limited to pensioners who possess their own equipment. And finally, working with pensioners has the ability to achieve restorative justice principles by giving something back to society and by creating links between people that may benefit both parties.

2.9.1 Pensioner projects

We accompanied a CSO supervisor from the Hobart office on his round of pensioner projects. It was apparent that this kind of work had value and details of one case are outlined below.

PENSIONER PROJECT – HOBART: CASE STUDY

One pensioner, whom we visited in the course of our observations, had been associated with CCS for many years. Her particular case demonstrated how the system works and what its strengths can be. She was a widow who lived in her own home in Hobart's northern suburbs. Her home, and particularly her large garden, required more effort to maintain than she could manage unaided. Having no one else available to help with these domestic tasks, she approached CCS to see whether her name could be added to the list of pensioners. During the years of her involvement with CSO workers, she had had a variety of offenders work at her home. Men usually performed outdoor work in the garden while women have helped out with cleaning and other

domestic duties inside her home. Over the years that people have had contact with this pensioner some friendships have evolved with former CSO workers returning for social visits.

Although there is a case for reducing the scale of pensioner projects, they do offer benefits and appear to be consistent with restorative justice principles. By carefully tailoring the criteria that it applies to the selection of interested pensioners and then matching them to suitable offenders CCS should be able to achieve an outcome that is quite satisfactory while keeping costs and risks to a minimum.

Recommendation 9

CCS should consider retaining pensioner projects in some form to help maintain a broad range of employment options for CSO offenders.

2.9.2 Community projects

We also visited a community project to meet the supervisor and discuss the operation of the CSO scheme as it affected his organisation.

COMMUNITY PROJECT - SALVATION ARMY – HOBART: CASE STUDY

The Salvation Army's commitment to CSO projects is of relatively long standing and comes from the corporate level of the organisation. There is capacity at the New Town site to utilise up to 10 CSO workers per week but presently demand outstrips supply and at the time of our visit there were just 6 CSO offenders with the Salvation Army. The undersupply situation was partly caused by the unreliability of the workers who may or may not turn up on their appointed day and even then may work short hours, sometimes not returning after their midday break. Ideally, the Salvation Army would like to have one male and one female on site every day during the week.

Tasks on offer include warehousing functions (such as making pick-ups and deliveries of goods, sorting and storing clothing and household items donated), and retail-related activities like preparing items for display as floor stock or helping out in the shop. Male offenders are sometimes reluctant to take on tasks that they characterise as 'women's work'.

The policy of the Salvation Army is to accept any kind of offenders other than those who have committed crimes of dishonesty. In the main, this leaves people who are either fine defaulters or who have convictions for traffic offences. Even so, these people may lack commitment for various reasons or an understanding of what is expected in the work place.

In matching offenders to the Salvation Army's requirements, CCS tried to select people who felt comfortable working in a regimented, well-defined structure. While this may suit those with diminished self-discipline and need a level of external control, it would not suit people who are rebellious or who prefer individual tasks.

The Salvation Army maintained records of the hours worked by each employee and these were phoned through to CCS each week for transcription onto the 'CSO Attendance Record' cards. In the course of the telephone contact brief mention was also made about the performance and attitude of the individuals. Where problems of poor attendance or work standard were noted probation officers may instigate warnings and/or re-assign the employee elsewhere.

During discussions, the manager at the Salvation Army stated that he was happy with the way that the scheme worked, although he did recognise that the efficacy of the CSO work force was limited by the characteristics of the individual workers. Dealing with unreliable people was part of the job although it could be frustrating and made managing the organisation's workflow more difficult.

Occupational health and safety issues were also raised with the manager. He advised that this was not a serious concern there. Although there was occasional lifting involved (e.g. moving furniture), there had been no problems with offenders being injured.

CCS adequately managed CSO projects and maintained good communications with project staff. From the Service's perspective, it is important to actively manage the relationship with the Salvation Army. If this source of project work evaporated it would leave a gap that would be hard to fill in the short-term.

Self-supervising community projects are an essential element of CCS's strategies in placing CSO offenders. They represent the potential for a 'win-win' that benefits the Service, the project provider and the offender while also being aligned with restorative justice principles. As stated in the Salvation Army case study, it is essential that the relationship with such community projects be sensitively managed in order to retain the project for future placements. Further, the negative consequences of ineffective management could be damaging to CCS and reduce its likeliness in attracting new community projects.

Recommendation 10

CCS should continue to strive for self-supervised community projects to maintain a diversity of work types and environments that will aid future placements of CSO offenders. Training should be made available to project supervisors to help them understand their rights and responsibilities in relation to the CSO scheme.

3 Management of CSO projects

3 MANAGEMENT OF CSO PROJECTS

Projects are managed to ensure a steady supply of suitable work for CSO offenders and that they are appropriately assigned.

3.1 - REMOTE LOCATIONS OR GEOGRAPHICAL ISSUES

We were interested to know if offenders who resided in areas considered to be remote, could be found suitable projects close to where they resided.

Hobart CCS

On the whole, there seemed to be little difficulty in obtaining projects for offenders supervised by Hobart. In discussions with the probation officer who co-ordinates CSOs from the Bridgewater office, which was attached to the Hobart CCS, projects could be secured. However, in the more remote areas covered by Bridgewater securing a site could entail considerable effort. To secure a particular site for one offender, staff from Bridgewater had to travel to the western extremities of the district.

Launceston CCS

Currently, there are two probation officers exclusively dealing with CSOs within greater Launceston. Country districts administered by CCS Launceston do not have separate probation officers exclusively handling CSOs. Rather, a probation officer is responsible for all probationary matters including any CSOs within that district.

To ascertain community attitudes towards CSOs, we spoke to two probation officers about CSOs in their districts, viz West Tamar and Scottsdale.

The probation officer responsible for the West Tamar district, which includes Beauty Point and Beaconsfield, indicated that there was no shortage of projects for offenders in her district. The probation officer listed projects with the Beaconsfield Gold Museum, Tresca Community Centre and the Beauty Point Community Yacht Club. If CSO recipients were found to be unsuitable for other available project work, something suitable could still be obtained. Even though it could be menial tasks such as washing police cars, a CSO project could nearly always be arranged for an offender.

In addition to community based CSO projects, there were also a number of pensioners registered with CCS in the region who would provide CSO projects.

In contrast, CCS Launceston has had some difficulties in setting up projects in the Scottsdale district. In early 2001, Launceston CCS, in trying to attract new CSO projects in the Scottsdale region, sent out

Project allocation
problems can see
CSOs drag on

35 letters to groups and individuals resulting in just one additional CSO position. There were only a very limited number of CSO places available in the Scottsdale district. The Scottsdale community as a whole, compared to many other districts in the state, was less supportive of the CSO program. In one case an offender living in that area was returned to court under Section 35 of the Act (Review of a CSO) because no suitable project could be secured in the locale. However, the court re-imposed the CSO. Consequently, a 56-hour CSO that was imposed in September 1998 has still not been completed.

Recommendation 11

Where CCS has difficulty finding project work for CSO offenders, innovative solutions should continue to be encouraged so that the court's orders are fulfilled promptly.

Northwest

Although remote locations had presented difficulties occasionally, solutions had been found. Sometimes car-pooling was arranged to allow offenders to get transport with other offenders or CSO supervisors. Alternatively, work was found as close as possible to the client's residence to minimise the need for longer journeys. An example was given of a recent offender who lived at Kimberley, inland from Elizabeth Town. Initially, there was some uncertainty as to whether work could be found but by networking a suitable job was found and allocated.

On the West Coast, jobs could also be found and examples were given of projects at Rosebery where a CSO Supervisor had been previously employed.

3.2 - ACQUIRING / DEVELOPING PROJECTS FOR OFFENDERS

In the northwest offices a proforma was used to assess new CSO projects. It elicited information about the scope and length of the work as well as indicating what kind of supervision would be required. There was also provision for the CCS regional manager to approve or reject the project. Where the project was declined, the manager stated the reason. Forms reviewed had been correctly authorised

Management sign off on new projects in Launceston was not evident

In Launceston, probation officers assessed and acquired new projects. They were not required to obtain formal approval from the regional manager. However, in practice the regional manager was consulted if a new CSO project was being considered for acquisition. Criteria covered in the form were complete and appeared to be valid in dealing with potential projects. Copies of completed forms examined

during the implementation phase indicated that probation officers adhered to the form's requirements.

Projects were not necessarily selected on the basis of their capacity to develop skills in offenders. More often, it was simply a matter of finding work that would be suitable for semi- or unskilled workers.

From our observations and discussions with staff in all CCS offices it was apparent that the Service did not take on new projects that would take away work from paid employees or contractors. There was no evidence that projects undertaken could have been paid for. The emphasis was clearly on community work or, in the case of pensioner projects, only assisting those people who had no other means, financial or otherwise, of getting work done.

Generally, there was a balance between the supply (i.e. projects) and demand (i.e. numbers of CSO offenders). At the time of our review, there was no shortage of projects to choose from in Launceston. In Hobart there were a few major projects that accommodate the bulk of offenders together with a number of smaller projects including pensioners' projects.

However, at the time of the field visit to Devonport there was a waiting list of about 10 clients who were awaiting assignment to a CSO project. The longest time period was between three to four weeks. The probation officer explained that the situation was not of major concern and was mainly caused by seasonal factors.

Recommendation 12

To ensure that new projects do conform to CCS's criteria management sign-off should be part of the approval process.

3.3 - MATCHING OFFENDERS' ABILITIES TO JOBS AVAILABLE

The assessment process does address these issues and seeks to match the offender to the project as closely as possible. This is in the interests of all parties, viz:

- The supervisor needs an engaged, willing worker;
- The offender must have a capacity for and or interest in the task to commit to it; and
- CCS does not want to alienate supervisors or cultivate difficulties with offenders.

As described in section 2.2, both the 'CSO suitability/assessment proforma' and the PSR are adequate to determine offenders' personalities, experience, personal interests, and their skills and abilities.

The induction process that precedes allocation to a project at each CCS office includes a component on occupational health and safety issues. This aspect of induction covers such issues as:

- Work site safety;
- Working with hand tools;
- Lifting and carrying; and
- Operating machinery.

A videotape is shown to offenders to ensure that safe procedures are demonstrated for them. They are also encouraged to contact their supervisor if they have any safety concerns whilst working on their project site. Offenders are required sign a declaration stating that they have participated in the above program.

While there are offenders who subsequently reveal a poor level of commitment this does not necessarily reflect inadequate matching. Offenders may misrepresent themselves deliberately, or feign initial enthusiasm, to avoid a gaol sentence then later refuse to attend.

The allocation interview is not recorded. File notes or 'CSO Attendance Record' cards indicate which project/s have been allocated. If it is necessary to later change the project the reasons are usually clear from the case notes.

3.4 - CSO SUPERVISORS

CSO supervisors are part-time employees who are hired to work directly with CSO offenders. Their duties encompass:

- Transporting people and equipment to work sites;
- Supervising work done by offenders;
- Maintaining contact with project owners;
- Keeping attendance records; and
- Liaising with probation officers.

To determine the consistency of supervisors we reviewed CCS's criteria for their recruitment. Position descriptions were in use in Launceston and Burnie offices. They were not exactly the same but did cover similar points in describing the primary tasks and level of responsibility. In Hobart we found that CCS utilised two position description documents. The first was a little-used document described as technical and out of date. The second was based on a partnership agreement with the Circular Head Council.

Selection process
of CSO supervisors
should be
strengthened

The selection process was based around the criteria referred to above. From our discussions, applicants would have to attend a selection interview before gaining employment.

Generally, supervisors are given limited induction training when they commence. Statewide, induction training is largely hands on, i.e. one-on-one with a more experienced supervisor. This usually involves the new supervisor accompanying the more experienced supervisor on his/her rounds on one or more occasions. Thereafter, as mentioned above, they are in close contact with the probation officer who manages the respective CSO offenders. Any issues that arise are dealt with at the time.

Probation officers who deal with supervisors monitor their effectiveness as part of the ongoing relationship. Through allocating new clients and getting information about progressive completion of hours probation officers also manage their CSO supervisors. As an example, the Burnie office cited an instance some years previously where a supervisor had been dismissed for inefficiency.

In Burnie and Devonport, supervisors are sought that have experience in handling people in practical situations. To date, this has included people with a background in policing or the defence forces, or who may have worked with work gangs in industry.

Position descriptions were in use throughout CCS. While not exactly the same, they did cover similar points in describing the primary tasks and level of responsibility.

RECOMMENDATION 13

To ensure consistency in relation to the recruitment of CSO Supervisors the following should be implemented:

A common, updated position description should be drawn up for use by all offices of CCS; and

Any future recruitment of CSO Supervisors should include an interview for those candidates short-listed for consideration of any vacancies.

3.5 - MARKETING THE SCHEME

Probation officers seek to balance the needs of both the project owner or proponent and the circumstances and abilities of offenders.

There have been instances in the past where problems of mismatching have occurred. As examples, CCS Hobart made mention of an offender who had worked at the Dogs' Home, but who was cruel to an animal resulting in the withdrawal of the project: with hindsight, this may have been preventable. The assessment of clients cannot be made foolproof, although a high degree of filtering can be achieved. As an example, some project managers specify that they will not accept particular types of client. The Salvation Army will not accept CSO offenders with convictions for crimes of dishonesty. This policy

still leaves the way open for clients who may be traffic offenders, fine defaulters etc.

Considerable efforts are made by probation officers to identify new projects. The long-term success of this searching depends in part on properly managing existing projects to avoid their loss and the subsequent negative perceptions that could ensue.

4 Implementing CSOs

4 IMPLEMENTING CSOS

Offenders are adequately supervised on projects and records of attendance are efficiently handled.

4.1 - NOTIFICATION OF DETAILS TO OFFENDER

When an offender is sentenced, it is a requirement of the Act that he or she must report to CCS within one day. At this first meeting the probation officer explains the conditions of the CSO to the offender and also gives them an information sheet. The offender signs a form acknowledging that they have received this information and that they understand the obligations. The form ('Memorandum of Notification of Obligations to Community Service Order') should be counter-signed by the probation officer.

Not all CSO files had evidence of the offender's acknowledgement of the conditions

We regarded this as an important step in the process because the offender acknowledges their understanding of the conditions that applied to their CSO. Accordingly, we verified whether a copy of this form was held on the CSO file. Where an offender had signed a notification memorandum within the previous 12 months no new form was necessary. Out of 257 cases, in 197 the memorandum had been signed and was present on file. Across the 6 CCS offices, the 60 missing memos breakdown as shown in the Table 3 below.

Table 3: CSO files without memo evidence

| | |
|-------------------|--------------|
| Hobart | 18.7% |
| Rosny | 52.6% |
| Bridgewater | 16.0% |
| Launceston | 16.2% |
| Devonport | 16.7% |
| Burnie | 37.5% |
| State-wide | 23.0% |

Recommendation 14

CSO offenders should receive an information briefing and acknowledge it by means of the 'Memorandum of Notification' unless they have already done so within the last year.

4.2 - PROCEDURES FOR NEW OFFENCES DURING CURRENT CSO

Section 30(1)b of the *Sentencing Act 1997* provides that:

'A court may make a community service order in respect of an offender who is already subject to a community service order'.

Concurrent CSOs administered without problems

The files that we sampled included instances of offenders who incurred a second penalty while a previous CSO remained incomplete. Where this occurred, no special intervention, such as stand down or notification was necessary. The subsequent CSO was discretely administered on the same file where relevant papers concerning both court cases were held. An audit trail existed on these files to be able to determine actions taken and progress made towards completion of each CSO without any confusion. This was managed by means of a new 'CSO Attendance Record' being prepared for each order. When the hours were completed on the first order, subsequent hours then were credited to the later attendance card as they were worked and recorded.

The case study in section 5.2 exemplifies *inter alia* how an offender with two concurrent CSOs worked in practice.

4.3 - PRIVACY CONSIDERATIONS IN HANDLING OFFENDER INFORMATION

No evidence was sighted during the audit that would indicate that offenders' personal information was not handled securely and sensitively by CCS staff. Probation officers expressed the view that any enquiries from project managers or staff about offenders' histories would be turned away.

4.4 - ACCURATE RECORD KEEPING OF OFFENDER ATTENDANCE

Only minor evidence was found of arithmetic or computational errors in logging CSO hours on attendance records. As an example, at the Launceston CCS, an offender who had a CSO of 178 hours imposed was let off 10 hours due to a computational error on his CSO Attendance Record. In another example, an offender at the Bridgewater CCS, with 112 hours imposed, only ever completed 110 hours. These types of errors were extremely rare and should disappear after the next stage of OIS is implemented later in the 2002 – 2003 financial year.

As noted above (see section 4.2) no problems were noted where an offender had two CSOs concurrently. The practice of probation officers was to have offenders complete one order and sign off the 'CSO Attendance Record' before crediting any future hours worked on the next record.

4.5 - PAYMENTS FOR FINE DEFAULTERS WHO 'PAY OFF' CSO

The Department of Justice and Industrial Relations' Fines Enforcement Unit (FEU) is responsible for the collection and enforcement of monetary penalties imposed by State government

bodies and courts. If a person defaults on a fine payment then a warrant of apprehension is issued for their arrest and he or she will subsequently appear in court. The *Sentencing Act 1997* provides for fines to be converted to CSOs and contains a formula for converting monetary amounts into hours of service. If the magistrates impose a CSO the FEU is advised. FEU cancels the fine in their management information system and it is withdrawn.

For fine defaulters, fines can be re-instated and CSOs paid out

However, there is also provision for offenders to later re-convert a CSO to the original fine, with allowance made for any progress that may have been made by work already performed. If offenders wish to pay off their original fine, they have to pay it in multiples of \$100 (CSO day equivalent) and the hours are taken off the end of the order, i.e. they cannot turn up and pay \$100 instead of working that day.

Fine re-conversions seldom occur but they can be a problem. We found inconsistent treatment in the examples we reviewed, see below.

4.5.1 Hobart

We reviewed a current case in the Hobart office. Originally, the offender received CSOs totalling 480 hours in December 1998 for 23 instances of fine non-payment. Each of the fines, with costs included, was approximately \$230. Consistent with the Act, the court rounded the complaints upwards to the next \$100 (i.e. to \$300) and thus, based on the formula of \$100 being equal to 7 CSO hours, each complaint became a CSO of 21 hours. During 1999 the offender completed 9 of these CSOs and partially completed a tenth. However, at that time his circumstances changed so that he found himself able to pay off the balance of the original outstanding fines and opted to do so.

Problems with processing cheques that he used caused lengthy delays and the offender is still making staged payments. At the time of writing an amount of \$700 remained unpaid.

On his file, the fine re-conversions were not done on the basis of total remaining hours per CSO divided by 7. Instead, amounts to be paid by the offender were related back to the original amounts cited in the complaints. Due to this action, the sum was reckoned by CCS at \$3 130. If the fine re-conversions had been done on the rounded amounts for each separate complaint, the total would have been \$4 200 (i.e. $\$300 \times 14 = \$4\ 200$) rather than \$3 130.

Basis for conversion not compliant with Act

While restoration of the sums from the original complaints appears reasonable, it is at odds with section 48(2) of the Act and inconsistent with the method used in a case examined at the CCS Devonport office (see section 4.5.2 below).

4.5.2 Devonport

An offender was sentenced to a CSO of 91 hours CSO for unpaid fines as follows:

- 1st complaint - \$218.16 = 21 hrs
- 2nd complaint - \$138.16 = 14 hrs
- 3rd complaint - \$168.16 = 14 hrs
- 4th complaint - \$303.16 = 28 hrs
- 5th complaint - \$168.16 = 14 hrs
- **Total** **\$995.80 = 91 hrs**

Inequity in the way that fine re-conversion treats hours worked by offender

After completing 25 hours the offender opted to pay the CSO out. One payment of \$300 was made for which a credit of 21 hours was given. This amount was paid to the Court and credited against the first complaint as paid in full, and the balance of the \$81.84 (i.e. \$300 - \$218.16) credited against the second complaint. It was envisaged that there would be two future payments each of \$300 (42 hrs) and a final payment of \$42.85 representing the 3 remaining hours i.e. \$100 divided by 7 = \$14.2857 x 3 = \$42.85.

The offender's proposed input represents a cash payment of \$942.85 together with the 25 hours already worked. Since the original total of fines was \$995.80, so from one perspective the 25 hours worked by the offender have a financial value of \$52.95.

4.5.3 What the Sentencing Act 1997 prescribes

Section 48 of the Act deals with the calculation of a CSO made for defaulting on a fine. Subsection 2 states:

‘The amount of community service ... to be performed ... is calculated at the rate of 7 hours for each prescribed unit [i.e. \$100] of the pecuniary sum or the balance outstanding...’

Usually, fine defaulters appear in court on more than one complaint. Sentence is imposed for each complaint rounded up to the next \$100. Thus, a fine of \$230 is treated as \$300 and is converted on the basis of 3 prescribed units times 7 hours or 21 hours in total. So, in the cases described above offenders who wish to avail themselves of the opportunity to pay off their original fines appear to be unfairly treated by the accumulation of individually rounded penalties.

We approached the Office of Legislation Development and Review at DJIR to get an opinion as to whether these difficulties caused by rounding were an unintended effect of the wording of the *Sentencing Act 1997*. The response that we received stated:

‘[There is] no inequity if an offender subsequently wishes to pay out a CSO and has to pay more than the original fine. The offender

defaulted on the original fine and the CSO is a penalty for this default.

The CSO was not imposed in lieu of the fine it was imposed for defaulting on the fine. Therefore it is not correct to make a financial comparison between the original fine, which will have been increased by warrant fees anyway, and paying out a CSO.’

Fine re-converters get an extra penalty

The above interpretation pivots on the notion that fine defaulters should ‘pay more’, a concept that does not seem to be sustained by the legislation.

Where a CSO was imposed for fine defaulting, the subsequent conversion of payments made into credits for CSO hours may be disadvantageous.

Further, CSOs re-converted to fines were not treated consistently. The method used in Devonport ‘rounded up’ the total of CSO hours. A different approach was followed in Hobart where the financial conversion was based on the amounts as per the original complaints.

Recommendation 15
CCS should seek clarification of the intent of section 48(2) of the *Sentencing Act 1997* to determine whether the apparent anomalies associated with fine re-conversions were considered when the legislation was drafted.

Recommendation 16
Fine re-conversions should be handled consistently in CCS offices.

4.6 - *REVIEWS WHERE AN OFFENDER'S CIRCUMSTANCES CHANGE*

Section 35 of the *Sentencing Act 1997* allows for CSOs to be reviewed by the court. Subsection 6 of the legislation specifies that the court must not vary or cancel the order unless it is satisfied that the offender:

- Is either unwilling to complete the order; or
- Has changed his or her circumstances since the order was made rendering them unable to comply.

In interpreting this part of the Act, CCS needs to apply a balanced approach so that offenders are encouraged to complete their orders but without excessive leniency that would amount to a diminution of the penalty imposed.

Based on cases examined at CCS offices statewide, it seemed that judicial review was not entered into lightly. So long as offenders

demonstrated willingness to complete their orders in the face of changed circumstances, CCS was prepared to cooperate and reschedule or temporarily suspend projects without the need for section 35 reviews.

However, in those instances where section 35 reviews were made, the level of documentation was adequate in terms of an audit trail of decision-making and management oversight. Mostly, reviews resulted in a different sentencing option being applied such as re-imposition of a fine or a suspended prison sentence. However, in one case the court disallowed the review and instead re-confirmed the original order despite the difficulty of finding suitable project work in the area (see section 2.2.2) that had prompted the review in the first place.

5 Breaching of CSOs

5 BREACHING OF CSOS

Prompt action is taken if offenders breach the conditions of their CSO

5.1 - PROPORTION OF CSOS THAT ARE BREACHED

The Productivity Commission's annual report on government services provides some measurements on the effectiveness of community corrections. A data collection manual lists the items to be included and specifies the counting rules for the respective tables. Data templates are also provided to assist States in reporting their performance.

According to the definition in the statistical manual, a 'successfully completed reparation order' is one where:

- The obligations have been completely discharged; or
- The offender died during the term of the order; or
- There was a failure to complete through no fault of the offender (e.g. long illness resulting in inability to complete the order).

Based on the published data, the numbers of CSOs breached in the last two years are:

- 1999 - 2000 Breached CSOs: 12.4%
- 2000 - 2001 Breached CSOs: 11.7%

5.2 - BREACHES OF PD SESSIONS OR WORK ORDERS ARE DETECTED

We examined a total of 35 files relating to CSOs that were breached. As well as completed files, the sample included active cases that were at various stages of completion.

The role of CSO supervisors in relation to breached orders is that of front-line managers who advise the respective probation officer of the non-attendance of the offender as soon as the absence occurs. We found that cases where offenders did not turn up for work were promptly reported to CCS.

When unauthorised absences occurred it was the responsibility of the probation officer to follow up with the offender and initiate action where it was warranted. The form this action took was determined by the circumstances of the situation, i.e. where the explanation was unsatisfactory a (first, second or final) warning was issued. Alternatively, when attempts to trace the offender were unsuccessful and if it seemed that he or she had absconded the probation officer had to try to confirm this. Once the breach was confirmed, which

could be a lengthy process, the probation officer applied for an arrest warrant to be issued.

The following case study illustrates how breach action is managed and other aspects of CSOs as well.

BREACH OF A CSO: CASE STUDY

At the time of the audit, the offender had had two CSOs imposed: The first, for 126 hours, was imposed on 28 November 2001 for non-payment of fines that related to traffic offences; the second CSO, for 40 hours, was made on 13 December 2001 for charges of resisting and threatening police, together with using abusive language. As a resident of the Eastern Shore the offender was directed to report to the Rosny office of the CCS where he was assigned to the probation officer responsible for the management of CSOs.

Initially, the offender made acceptable progress in working on his CSO. The attendance record on the file indicated that he attended five 7-hour sessions without any difficulties being noted in the period from 8 December 2001 to 9 February 2002 inclusive. An absence was recorded 16 February 2002 but a further 14 hours had been worked by 2 March 2002. From there, however, the offender completed no further hours.

The first warning notice was issued 23 March 2002, after two unjustified absences were recorded. Between then and 27 April 2002, when the offender was stood down and breach proceedings commenced, a further four absences were noted.

From the time that the offender ceased performing his CSO hours until he was stood down, the probation officer attempted to make contact with him several times. The following comments were recorded in the file:

- | | |
|---------------|---|
| 17 April 2002 | Phone call <i>I reminded him that he must not be absent again from CSO and to report to the [location] as per his notice</i> |
| 20 April 2002 | Visit <i>[CSO supervisor] called at his residence at 3 PM. He was drinking a stubbie, working for a friend. Said he was going to get his CSO changed back to fines</i> |
| 24 April 2002 | Visit <i>Called at the offender's address, would not answer door.</i> |
| 27 April 2002 | Phone call <i>Absent. Will not do any more CSO hours.</i> |

The matter was first heard in the magistrate's court on 2 May 2002. However, the offender failed to appear resulting in a warrant for his arrest being issued. Police finally apprehended the offender on 24 July 2002 and he was bailed to appear in court 16 August 2002.

At the court hearing the offender sought to have the outstanding hours re-converted to fines. Since the second CSO did not relate to a fine it could not be re-converted. Because the offender did not have the funds to finalise the fines then and there, the magistrate held him over on remand to reappear the next day. The time spent in custody was to be deducted from any penalty ultimately imposed (i.e. one day's incarceration credited at 7 hours against the CSO).

On the following afternoon (i.e. 20 August 2002) the offender re-appeared before the same magistrate. Again, he was unable to secure the money to pay off the outstanding fines if the CSO were to be re-converted. At this appearance, a relative appeared before the court to advise that he was trying to borrow the sum from another family member currently serving overseas with the Australian Defence Forces. The matter was held over a further 24 hours to allow the offender time to arrange the loan. The offender was released on a surety given by his relative that they would re-appear in court the next day. This arrangement prevented the offender from spending another night on remand.

The following day, 21 August 2002, the offender was able to advise that funds had arrived and were available to discharge the re-imposed fines that the magistrate reckoned at \$730. This amount is noted on the CSO file as having been paid. For the other offences (that the 40-hour CSO was imposed for), and for the charge of breaching his CSO, the magistrate penalised the offender with a one-month wholly suspended gaol term plus a good behaviour bond of three months. The magistrate explained that his sentence of the suspended imprisonment and the good behaviour bond were kept to a minimum to assist the offender in joining the Australian Defence Forces as soon as possible as was the offender's stated intention.

The CSOs were cancelled with a notation made that the offender would not be suitable for future CSOs in the event that he is re-convicted later.

5.3 - ACTION TAKEN IS TIMELY

We examined a number of files to ascertain whether irregularities in carrying out the terms of CSOs received prompt attention from CCS.

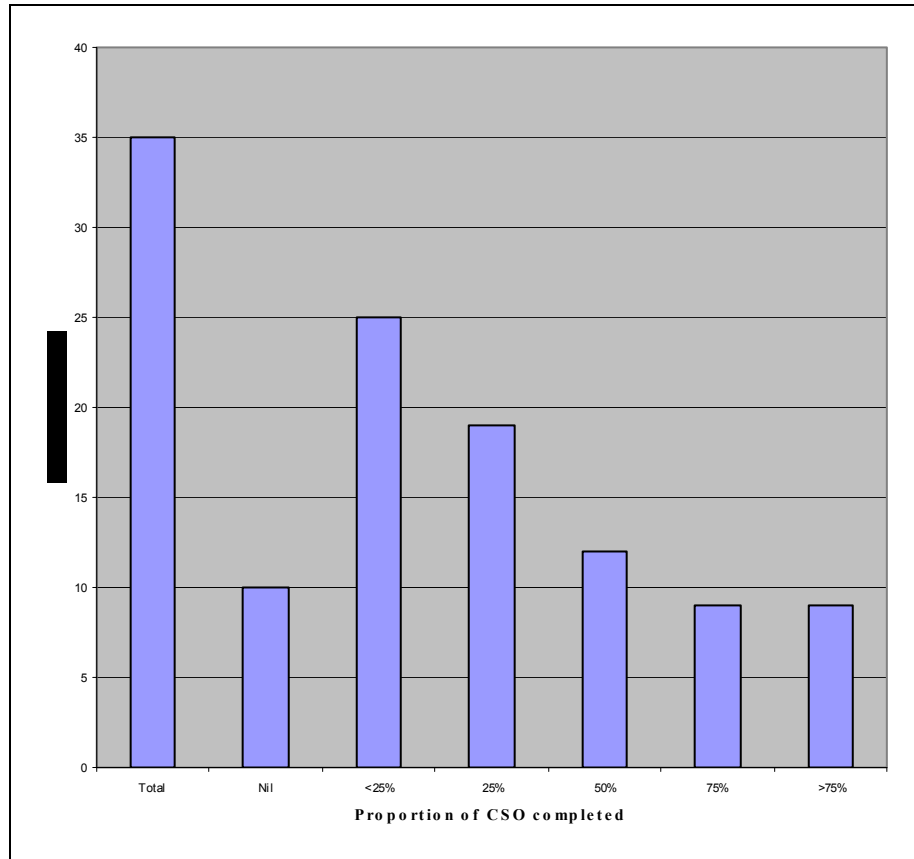
Circumstances
surrounding
breaches makes
performance
measurement hard

The variety of circumstances that surround breached orders makes it difficult to apply a fixed measure when assessing the responsiveness of probation officers. The following situations were observed:

- An offender made steady progress but reached a point and did not continue working so that investigations were made before warnings were issued and breach action instigated;
- An offender showed an unwilling attitude intermittently so that progress continued to be made but was interspersed with warnings;
- An offender had not commenced his/her CSO nor attended the compulsory induction course; and
- Alternatively, offenders absconded and as a result were untraceable. When their disappearance was confirmed, breach action was commenced immediately (re-enforced by the fact that changing address without notifying CCS is treated as a further contravention of the Act - section 28(e)).

The handling of warnings and prosecutions for breaching CSOs was not always consistent across different CCS offices.

- In Devonport when breach action was taken the offender was encouraged to continue with the CSO to complete the remaining hours. As well as ensuring that the order would be finished this also gave the offender a chance to try and merit more lenient treatment when the breach action was heard in court. In one case examined, the offender did appear in court on a breach charge although they had subsequently completed the CSO hours. In this particular case a conviction was recorded but no further penalty was applied.
- In Launceston the policy was strictly three warnings followed by breach action. Once this was in train it was usual for the offender to be stood down.
- At the Rosny office the view was held that when prosecuting breaches it was necessary to provide the court with a decisive record of warnings and unsatisfactory behaviour. Because of this, it was not unusual for offenders to get more than three warnings, a situation that was inequitable vis à vis cases handled in other CCS offices.

Figure 3: Selected CSOs – when breaches occurred

In selecting our sample of 35 files we examined breach files at each CCS office. The oldest sampled CSO was imposed in June 1998 while the most recent dated from May 2002. Figure 3 indicates the point at which the breaches occurred in the CSO as a proportion of the degree of completion. Predictably, the rate of breached orders tapered off as CSO offenders worked through their orders. However, it was perhaps surprising that in 9 cases (26%) offenders breached their orders after completing more than 75% of their obligation.

CSOs breached with no hours worked at all

Of our sample, 28.5% of breached CSOs had had no hours worked at all. Some of these cases concerned absconders, i.e. offenders who had left their last known address and who could not be traced. Thus it was not possible to serve warning notices and breach action was initiated once their absence had been confirmed. For the other ‘non-absconder’ CSOs with no hours worked, the average amount of time to issue a warning or initiate breach action was 57 days according to the cases we reviewed.

Due to the variety of conditions that can trigger breach action, and the different circumstances of the individual cases, it is difficult to

determine hard and fast targets as to what a 'timely' response would be.

The matter of when and how to respond to breaches is not handled consistently in CCS offices.

Recommendation 17

Uniform procedures should apply to breach action in all CCS offices so that offenders are handled equitably.

5.4 - ACTIONS IN ACCORDANCE WITH SECTION 36 OF THE ACT

Breach action was usually approved by a manager or senior probation officer although there did appear to be instances in the Hobart region where this had not been so.

Court appearances are a routine part of a probation officer's duties and in the files examined it appeared that there was no difficulty associated with preparing the documentation that is required under section 36 of the Act. This extended to instances where offenders failed to appear in court and it was necessary for probation officers to initiate arrest warrants.

5.5 - IDENTIFICATION OF FACTORS THAT PREDICT BREACHING OF ORDERS

The assessment process done before sentences were handed down was, *inter alia*, supposed to prove an offender's suitability and willingness to accept a CSO from the court. Assessment forms completed as a result of the interview process indicate that this is done (refer to section 2.2).

However, assessment cannot be infallible and even when the offender gives information in good faith a probation officer cannot be completely confident that someone will not subsequently breach his or her CSO. This is particularly so given the circumstances of some offenders (substance abuse, unemployment, homelessness, turbulent relationships). Consequently, there are those offenders who will prove unreliable and for them the possibility of breach action, or the issue of an arrest warrants against them is not a strong disincentive.

Nevertheless, as a non-custodial sentencing option, a CSO remains a very attractive option to an offender who is likely to do their best to try and obtain such an outcome from the justice system.

As part of the overhaul of administrative procedures CCS is expanding the range and depth of information obtained from offenders before reporting to magistrates. This should improve the effectiveness of assessments but an element of uncertainty will remain.

Systemic issues
regarding orders
breached not currently

The small scale of breached CSOs in CCS offices limits the extent to which the circumstances in one office are applicable to CSO files generally. Nonetheless, systemic issues may emerge if the data from breached CSOs were to be examined systematically.

Recommendation 18

Information about breached CSOs should be reviewed centrally to determine whether systemic issues, particularly regarding the effectiveness of assessment of offenders, could be identified.

5.6 - ADDITIONAL COSTS TO THE STATE ARE READILY IDENTIFIABLE

As mentioned above in section 2.6, there is no activity-based costing system to go down to the level of detail that would furnish this information. Productivity Commission reporting of CSO-related costs is done by a macro-level exercise, which involves the division of the CCS's annual expenditure by the number of orders processed in the year. This evens out the costs of managing CSOs as simple and complex cases are viewed as like units in the overall analysis.

5.7 - CASE PREPARATION FOR COURT OF PETTY SESSIONS

Where probation officers had to present matters to the court in respect of breaches or reviews, the cases appeared to be adequately prepared. CSO files contained copies of matters brought before the court including the facts that would be addressed to the magistrate. Depending on the particulars of the case, a variety of documents could be found including facts for the prosecutor, complaints, applications for summons, affidavits, correspondence with the Director of Public Prosecutions (for Supreme Court matters), summonses, warrants for issue, etc.

A number of CSO cases were observed in the Hobart Court of Petty Sessions and it was apparent that probation officers were competent in handling courtroom procedures.

Audit opinion

AUDIT OPINION

Managing Community Service Orders (CSOs) is just one of the functions undertaken by the Community Corrections Service at its six-fulltime locations across the state. We found that the Service does enforce orders imposed on offenders by the courts and ensures a high rate of completions (88.3% in 2000 – 2001). Tasmania's performance is the best in the Commonwealth and compares to a national average of 63.2% in the same reporting period. Community-based projects are found for offenders whose attendance and performance is monitored. When breaches occur they are followed up and matters returned to court as necessary.

However, management's ability to review its effectiveness in controlling CSOs is restricted by limited performance measures. CSO costs are not separately identifiable and statistics (e.g. recidivism rates) on CSOs as distinct from other kinds of orders are limited in their availability.

We also found some instances of inconsistent practices between CCS's offices.

1 Defined objectives of CCS

Performance information should be expanded to allow management to be better informed. At present, performance measures cannot be linked back to the principles of restorative justice that CSOs are based on.

2 Management of individual CSOs

CCS's electronic database (*Offender Information System*) is not yet adequate to give progressive hours worked against CSOs. The progress that offenders make on their orders should be more closely monitored to ensure that completion of CSOs is timely.

3 Management of CSO projects

The probation officers' assessments of offenders should be available on files. Management sign-off on new projects should be apparent. Recruitment, selection and training of CSO supervisors should be consistent in all CCS offices.

4 Implementing CSOs

CSO files should have evidence that offenders have had the conditions of their order explained to them and their understanding and acceptance of this process should be noted on file. Inequities around the re-conversion of CSOs to monetary fines should be eradicated.

5 Breaching of CSOs

Breach action should be handled consistently in all CCS offices.

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