Community Service Orders and Bonds:
A comparison of reoffending

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Aim: *To compare reoffending rates between adults given a community service order (CSO) and those given a bond (both supervised and unsupervised) or suspended sentence (both supervised and unsupervised).*

Method: *Using propensity score matching, offenders who were given CSOs were matched to those given bonds and separately to those given suspended sentences. Bonds and suspended sentences were separately considered with supervision, without supervision and as a whole group (with and without supervision). The matched samples were then compared on reoffending rates with and without adjustment for potential covariates.*

Results: *The CSO group and the whole bond group were able to be matched successfully. The unsupervised bond group also was successfully matched to the CSO group. In both cases, reoffending rates were lower in the CSO group after controlling for other relevant factors. Neither the supervised bond group, nor the suspended sentence groups, could be matched successfully with the CSO group, and therefore conclusions from this analysis are not considered representative or reliable.*

Conclusion: *Adults given a CSO are less likely to reoffend than offenders given a bond, holding other relevant and available characteristics equal.*

Keywords: *Community service orders, bonds, suspended sentences, penalties, reoffending.*

INTRODUCTION

This bulletin uses propensity score matching to compare reoffending rates between adults given a community service order (CSO) and those given bonds (both supervised and unsupervised) or a suspended sentence (both supervised and unsupervised).

A CSO is an order made under the *Crimes (Sentencing Procedure) Act 1999* (NSW) (the CSPA). Under section 8 of the CSPA, instead of imposing a sentence of imprisonment, a court may order an offender to perform community service work for a particular number of hours (not exceeding 500 hours). The imposition of a CSO is also subject to Part 7 of the CSPA. The NSW Court of Criminal Appeal has indicated that, although more lenient than a sentence of imprisonment, a CSO is nevertheless a form of conditional liberty (see *R v Cicekdag* [2004] NSWCCA 357; *R v Darby* [2011] NSWCCA 52). According to data provided by the NSW Department of Attorney General and Justice

(2011), 80-84 per cent of offenders on CSOs have successfully completed their order each year since 2006-07.

Good behaviour bonds (GBBs) are available under sections 9 and 10 of the CSPA. Under section 9, a court may 'instead of imposing a sentence of imprisonment...make an order directing the offender to enter into a good behaviour bond'. Bonds of this nature are not to exceed five years (CSPA: s 9(2)). Bonds under section 10 are available where the court has decided not to convict the offender, on condition that they enter into a good behaviour bond. Section 10 orders are generally used in relation to relatively trivial offences (Odgers, 2012). Significantly, section 13 of the CSPA prohibits the imposition of a GBB and a CSO for the same offence, although this restriction has been questioned by the NSW Chief Magistrate and the Law Society of NSW (NSWLRC 2012: 5).

Suspended sentences are governed by section 12 of the CSPA, which provides that a court that imposes a sentence of imprisonment of not more than two years may suspend the

Figure 1. The use of CSOs, Bonds and Suspended Sentences as a percentage of all principal penalties in Local Courts, 1994 to 2011
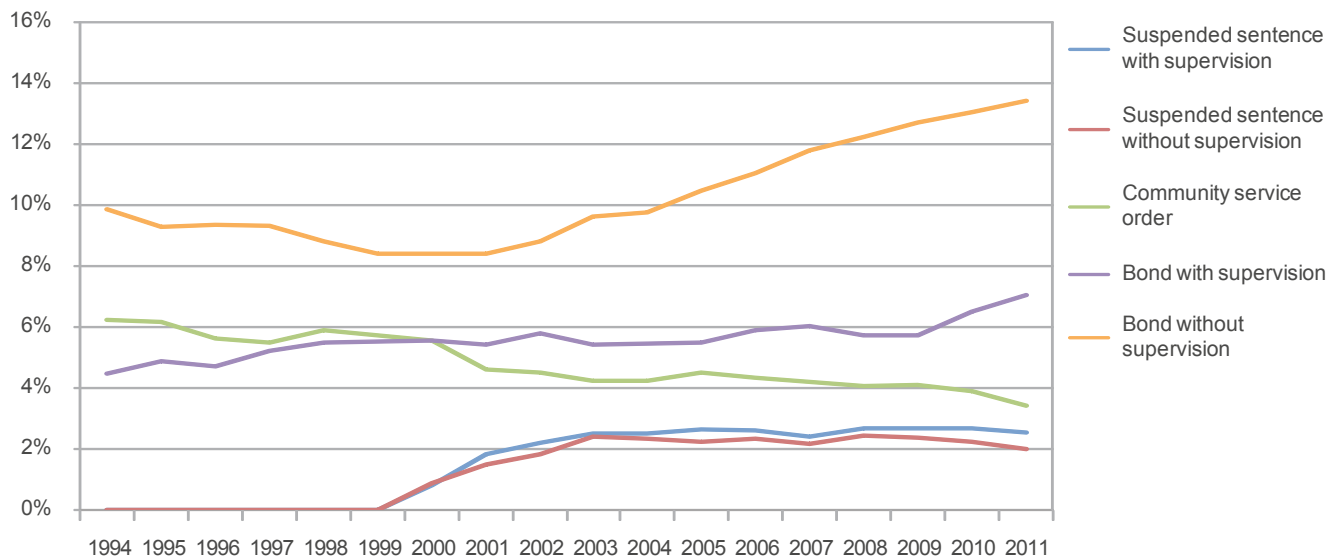
execution of the whole of the sentence for a specified period not to exceed the length of the sentence. The sentence is to be suspended on the condition that the offender enter into a GBB for a period not exceeding the term of the sentence. It should be noted that when suspended sentences were re-introduced in NSW in 2000 (having been abolished in 1974), the use of CSOs reduced in both the Local Court and the Higher Court (Brignell & Poletti, 2003; Poletti & Vignaendra, 2005). In addition, from 2000 to 2011 the use of unsupervised bonds in the Local Courts increased by five percentage points (see Figure 1).

Figure 1 shows that in the most recent year for which data are available, 2011, CSOs made up 3.4 per cent of all principal penalties imposed in the Local Court, while suspended sentences (with and without supervision) accounted for 4.6 per cent and bonds (with and without supervision) accounted for just over 20 per cent of penalties.

A review of sentencing practices is currently being undertaken by a number of agencies within the NSW government. As part of this review, the NSW Bureau of Crime Statistics and Research (BOCSAR) was asked to undertake a study into the use of CSOs, particularly whether they are more effective than other penalties in reducing reoffending. Previous work conducted by BOCSAR has focused on GBB, suspended sentences and imprisonment, exploring the relationship between these different penalties and rates of reoffending (Weatherburn & Bartels, 2008; Lulham, Weatherburn & Bartels, 2009). However, there has been little research on the use of CSOs in NSW and their effectiveness in reducing reoffending. The aim of this study is therefore to fill this knowledge gap by assessing whether

offenders given CSOs were more or less likely to reoffend than offenders given comparable penalties. Bonds and suspended sentences were chosen as comparisons because the increase in their use coincided with a decrease in the use of CSOs.

We are aware that CSOs are not seen formally as being comparable to suspended sentences. For example, the NSW Court of Criminal Appeal held in *R v El Masri* [2005] NSWCCA 167 that CSOs are not confined to cases which would otherwise result in a sentence of imprisonment. Suspended sentences, by contrast, are a prison sentence, and the issue of suspension is only to be considered after the court has determined that no other penalty is appropriate (see CSPA ss 5, 12; *Dinsdale v The Queen* (2000) 202 CLR 321; *R v Zamagias* [2002] NSWCCA 17). The Judicial Commission has previously stated, citing *R v JCE* (2000) 120 A Crim R 18, that 'Certainly, a suspended sentence should not be imposed if a non-custodial sentence such as a community service order is appropriate' (Brignell & Poletti, 2003). Nevertheless, the fact that the use of suspended sentences appears to be at least in part at the expense of CSOs suggests that they are seen (by some sentencers, at least) as alternative penalties.

The use of section 9 bonds as a comparator would seem to be less controversial, with the section 13 prohibition on the imposition of a CSO and a bond for the same offence suggesting that the penalties might otherwise be seen as being interchangeable. Bonds under section 10 were excluded from the analysis because section 10 bonds were not seen as comparable or alternative penalties to CSOs.

THE CURRENT STUDY

Previous studies have shown that factors such as demographic variables (age, gender and Indigenous status), current offending patterns and offending history have an impact on the likelihood of reoffending (e.g. Smith & Jones, 2008). Many of these factors are also taken into account at the time of sentencing (see CSPA: s 21A) and would therefore be associated with a higher likelihood of being given a particular penalty. To address this issue, the current study used a propensity score matching methodology to compare the reoffending rates of offenders with similar characteristics, but who received different court penalties. This technique has been successfully used in similar reoffending studies (see Smith & Weatherburn, 2011). Specifically, the current study compared reoffending outcomes for offenders given CSOs with reoffending outcomes for a matched group of offenders given bonds under section 9 of the CSPA and suspended sentences (s 12; these are also subject to a GBB: s 12(1)(b)).

DATA SOURCE

The data for this study were drawn from the BOCSAR Reoffending Database (ROD; Hua & Fitzgerald, 2006). ROD contains information on all persons whose criminal case was finalised in a NSW court from 1994 to the present. This information includes demographic characteristics, characteristics of the index court appearance and criminal histories for offenders dating back to 1994.

The dataset used in this study consisted of all adult offenders who were found guilty in a NSW Local Court between 2007 and 2009 and received a CSO, section 9 bond or suspended sentence as their principal penalty. The court appearance in which this penalty was imposed will be referred to as the index court appearance. As well as the penalty imposed, the following information was collected for each offender:

- Age
- Gender
- Indigenous status
- The principal offence at the index court appearance (using the Australian Standard Offence Classification (ASOC); ABS, 2008)
- The number of concurrent offences at the index court appearance
- The number of court appearances (since 1994) finalised in NSW prior to the finalisation date of the current case
- Whether the order included supervision (except in the case of CSOs)
- The length of the sentence (in months for suspended sentences and bonds, and in hours for CSOs)
- Year of finalisation

Because of the methodology employed (which will be outlined further in the following section), it was useful to restrict the analysis to certain offence types. The analysis included only offenders who were found guilty of the following offences: Theft and Related Offences (ASOC 811 – 841), Traffic and Regulatory Offences (ASOC 1411 – 1441) and Common Assault (ASOC 213). These offences were chosen because they were the most prevalent offences for which CSOs were given between 2007 and 2009. Between 2007 and 2009 the average proportion of proven cases where Theft and Related Offences was the principal offence was 6.5 per cent. The corresponding figures for Traffic and Regulatory Offences and Common Assault were 40.3 and 6.4 per cent respectively.

The ROD database contains only offences which eventuated in a criminal case. This means that, in the current study, reoffending is measured using reconviction as a proxy. Reconvictions within a two year follow-up period were measured to ensure adequate follow-up time, but also to ensure the data were recent. Convictions for a breach of justice procedure offence (ASOC 1511 – 1529) were not counted as reoffending in this study, due to the fact that breaches can be related both to policing activity and to the penalty imposed for the index offence, and may therefore less accurately reflect a new offending episode.

The dataset was separated into two subsets, one containing offenders who were given CSOs and bonds under section 9 (Dataset A) and the other containing offenders who were given CSOs and suspended sentences (Dataset B). It was possible for an individual offender to appear multiple times in each dataset if they met the criteria for inclusion. However, because of the methodology employed, offenders could be counted only once in each of the final datasets. Given this, where there was more than one record for the same person within a single dataset,

Table 1. Dataset A

	Frequency
Community Service Orders	6,506
Bonds	26,674
- Supervised	7,686
- Unsupervised	18,988

Table 2. Dataset B

	Frequency
Community Service Orders	6,809
Suspended Sentences	6,649
- Supervised	3,251
- Unsupervised	3,398

one record was chosen at random and the details for this court appearance included in the analysis. Tables 1 and 2 show the numbers of offenders in each of the two offender datasets, after the removal of multiple records for offenders.

METHODOLOGY

In order to compare the effect of the penalty types on reoffending, propensity score matching was used. Propensity score matching is used to enable a comparison between 'like' subjects. Offenders were matched on characteristics known to influence their penalty as well as their likelihood of reoffending. The reoffending rates of 'like' offenders were then compared to determine the effect of the penalty type after controlling for other factors.

Propensity score matching was conducted in Stata/IC using the PSMATCH2 module. One-to-one nearest neighbour matching without replacement with a calliper of 0.01 units was used. Propensity scores represent the predicted probability of receiving treatment (in this case, the penalty received) obtained from a logistic regression model. The matching rule used in this analysis meant that an offender who was given a CSO was considered to be matched to an offender given one of the other penalties if their propensity scores were within 0.01 units of each other.

The explanatory variables used in the model were the variables listed above, with the exception of supervision and length of penalty. Supervision could not be used because CSOs are all defined as unsupervised. Length of penalty could not be used because CSOs are measured in hours, while bonds and suspended sentences are measured in months.

To take into account possible differences in supervision, the following comparisons were made:

● CSOs vs. All bonds
● CSOs vs. Unsupervised section 9 bonds
● CSOs vs. Supervised section 9 bonds
● CSOs vs. All suspended sentences
● CSOs vs. Unsupervised suspended sentences
● CSOs vs. Supervised suspended sentences

Only the results for the first four comparisons will be included in this report because different results were obtained for comparisons between CSOs and the 'All bonds', 'Unsupervised bonds' and 'Supervised bonds' groups. However, the results for suspended sentences did not differ on the basis of whether the order was subject to supervision.

The balance between the CSO and comparison groups was assessed for each of the explanatory variables expected to be related to the penalty imposed and reoffending. This was done before and after matching,using Rosenbaum and Rubin's (1985) standardised bias (SB). A SB with an absolute value of less than

10 was deemed optimal (Apel & Sweeten, 2010) and indicated good balance across the CSO and comparison groups for the variables of interest. The number of offenders in the CSO and comparison groups that were matched and unmatched across the distribution of the propensity scores was also examined.

The outcome variable is whether the offender was reconvicted of an offence (excluding a justice breach offence, as outlined above) within two years of the finalisation date of the index case. Only offenders who were matched were included in the reoffending models. To obtain robust treatment effect estimates that accounted for the matched nature of the data, the *vce(cluster)* option in Stata/IC was used.

RESULTS

The results section has been divided into four sections, each comparing CSOs with another penalty option. The propensity score matching diagnostics are presented first and then the logistic regression reoffending models. While the results for bonds as a whole and separated into unsupervised and supervised groups are included, only the results for the total suspended sentence group comparison are presented here. This is because the results differed across bond groups but did not differ across suspended sentence groups.

Table 3. Logistic regression modelling of penalty type, CSOs vs. Bonds

Characteristic	Parameter estimate (and standard error)	p-value
Aged 18-24	0.435 (0.05)	<0.000
Aged 25-34	0.310 (0.05)	<0.000
Aged 35-44	0.252 (0.05)	<0.000
Male	0.550 (0.04)	0.467
Indigenous	-0.124 (0.04)	0.006
Indigenous unknown	-0.427 (0.09)	<0.000
Theft	-1.178 (0.05)	<0.000
Assault	-1.734 (0.05)	<0.000
One concurrent offence	0.338 (0.04)	<0.000
Two concurrent offences	0.410 (0.05)	<0.000
Three concurrent offences	0.499 (0.07)	<0.000
Four or more concurrent offences	0.769 (0.08)	<0.000
Prior appearances	0.124 (0.09)	<0.000
Finalised in 2008	-0.800 (0.04)	0.026
Finalised in 2009	-0.142 (0.04)	<0.000
Constant	-2.120 (0.06)	<0.000

COMMUNITY SERVICE ORDERS vs. ALL BONDS

The results of the logistic regression modelling, predicting penalty type, are contained in Table 3.

Figure 2 presents the distributions of the propensity scores across the offenders in the bond (left hand side (LHS)) and CSO (right hand side (RHS)) groups and indicates whether the person was matched or unmatched. In total, 6,501 offenders in the CSO group could be matched with an offender in the bond group,based on their propensity score. Only five offenders in the CSO group could not be matched. Conversely, in the much larger bond group, 20,173 offenders were unmatched.

Figure 3 shows the balance between the CSO and bond groups before and after matching by comparing the percentage point

Figure 2. Distributions of the propensity scores predicting penalty before and after matching
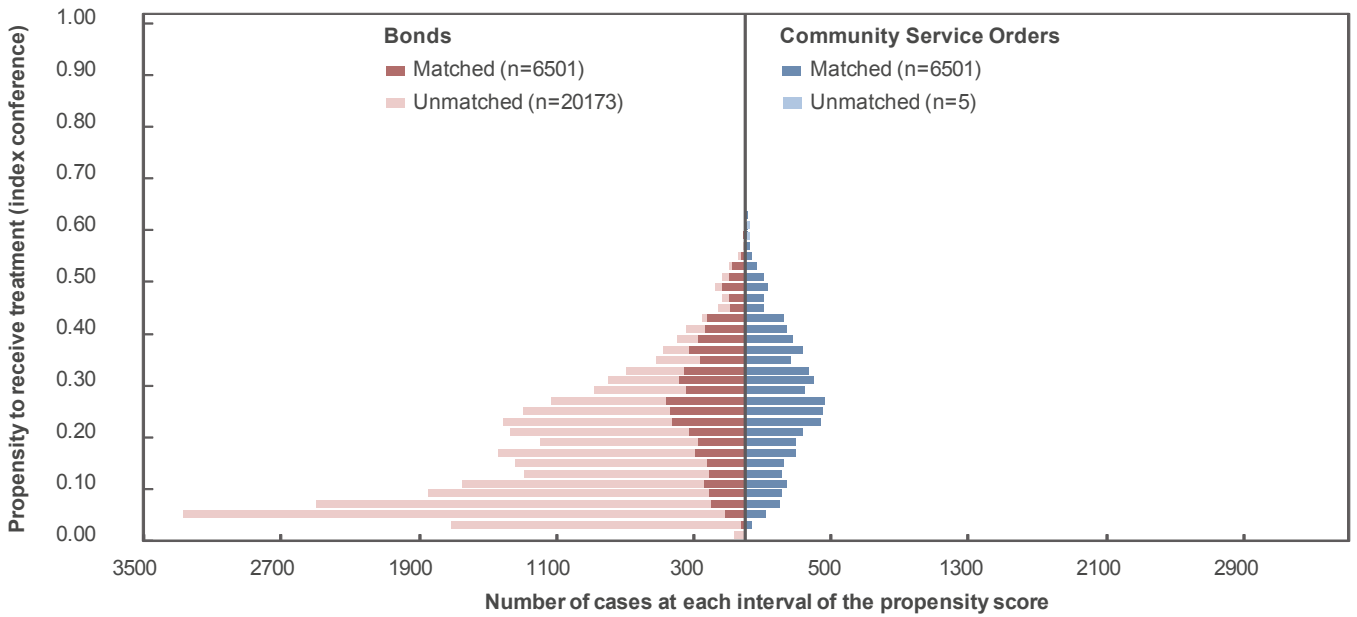
Figure 3. Difference in proportion of characteristics in the CSO and bond groups before and after matching
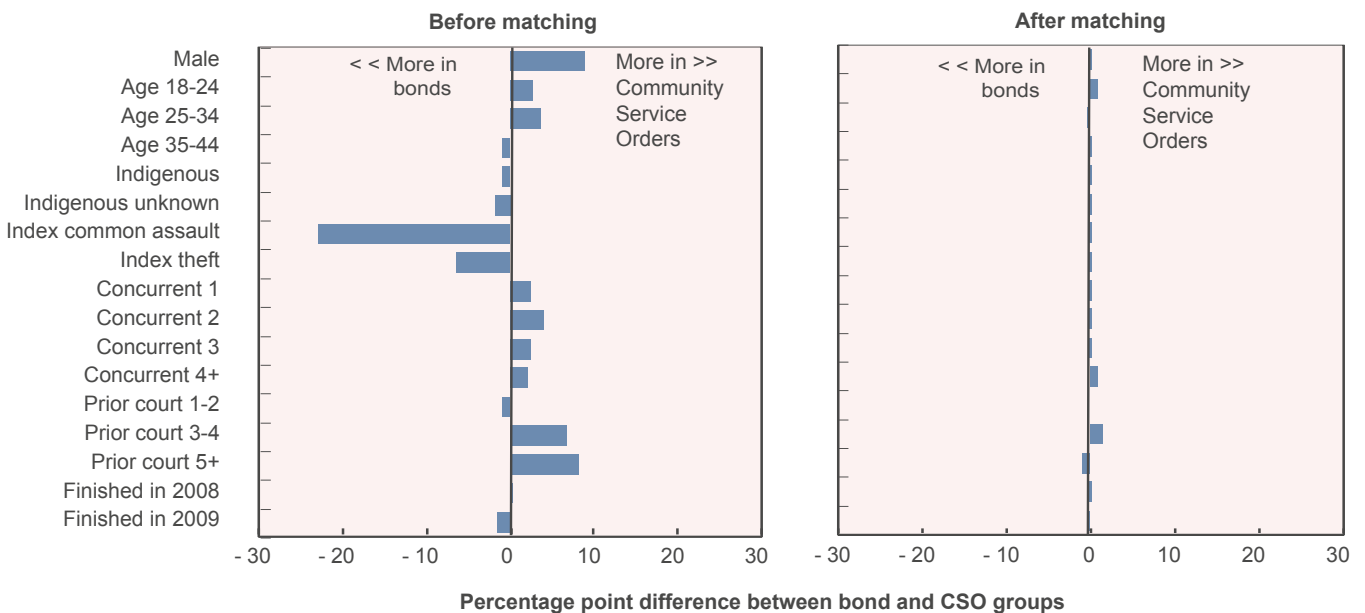
Table 4. Logistic regression modelling of likelihood of reoffending, CSOs vs. Bonds

Characteristic	Odds ratio (and 95% confidence interval)	p-value
Community Service Order	0.847 (0.791, 0.906)	<0.001
Aged 18-24	0.829 (0.768, 0.895)	<0.001
Aged 25-34	1.351 (1.180, 1.547)	<0.001
Aged 35-44	1.419 (1.226, 1.643)	<0.001
Male	1.127 (1.000, 1.270)	0.050
Indigenous	1.537 (1.371, 1.722)	<0.001
Indigenous unknown	0.263 (0.170, 0.410)	<0.001
Theft	1.502 (1.325, 1.704)	<0.001
Assault	1.335 (1.172, 1.521)	<0.001
One concurrent offence	1.215 (1.103, 1.337)	<0.001
Two concurrent offences	1.329 (1.183, 1.493)	<0.001
Three concurrent offences	1.328 (1.124, 1.570)	<0.001
Four or more concurrent offences	1.650 (1.376, 1.980)	<0.001
Prior appearances	1.246 (1.227, 1.266)	<0.001
Constant	0.116 (0.097, 0.138)	<0.001

Table 5. Logistic regression modelling of penalty type, CSOs vs. Unsupervised Bonds

Characteristic	Parameter estimate (and standard error)	p-value
Aged 18-24	0.432 (0.05)	<0.000
Aged 25-34	0.305 (0.047)	<0.000
Aged 35-44	0.271 (0.05)	<0.000
Male	0.520 (0.04)	0.000
Indigenous	-0.056 (0.05)	0.243
Indigenous unknown	-0.384 (0.09)	<0.000
Theft	-1.011 (0.05)	<0.000
Assault	-1.596 (0.05)	<0.000
One concurrent offence	0.394 (0.04)	<0.000
Two concurrent offences	0.453 (0.05)	<0.000
Three concurrent offences	0.665 (0.07)	<0.000
Four or more concurrent offences	0.905 (0.01)	<0.000
Prior appearances	0.148 (0.00)	<0.000
Finalised in 2008	-0.115 (0.04)	0.026
Finalised in 2009	-0.195 (0.04)	<0.000
Constant	-1.888 (0.06)	<0.000

difference between the groups for each explanatory variable. Where a variable has a negative difference (on the left hand side of the graph), that suggests that offenders in the bond group were more likely to possess that particular characteristic than offenders in the CSO group. Where a variable has a positive difference, the converse is true. It is clear from Figure 3 that the percentage point difference between the two groups for each explanatory variable was greatly reduced after matching. Similarly, examining the SB values for the matched samples shows that no variable examined had an SB absolute value of more than 10, indicating that the groups could be considered to be balanced.

Overall, the diagnostics presented here suggest that the matched groups are similar in terms of those explanatory variables which were expected to be related to both penalty assignment and reoffending.

The results of the logistic regression modelling of reoffending rates on the matched samples are presented in Table 4. The odds ratio of the penalty type variable is statistically significant and less than one. This suggests that CSOs are associated with a lower likelihood of reoffending than bonds, holding other relevant characteristics equal.

CSOs vs. UNSUPERVISED BONDS

The results of the logistic regression modelling, predicting penalty, are contained in Table 5. Here the parameter estimates are reported rather than odds ratios in order to show the formula used in the propensity score calculation.

Figure 4 presents the distributions of the propensity scores across the offenders in the unsupervised bond group (LHS) and the CSO group (RHS), and indicates whether the person was matched or unmatched. In total, 6,438

Figure 4. Distributions of the propensity scores predicting penalty before and after matching
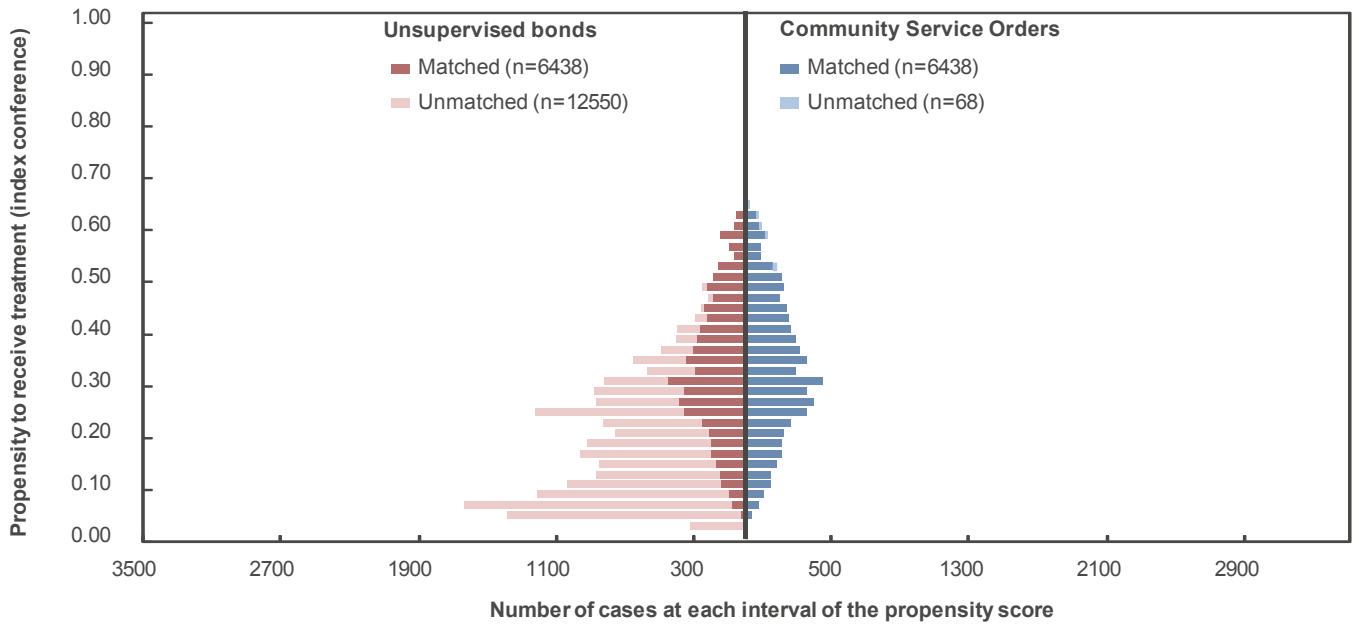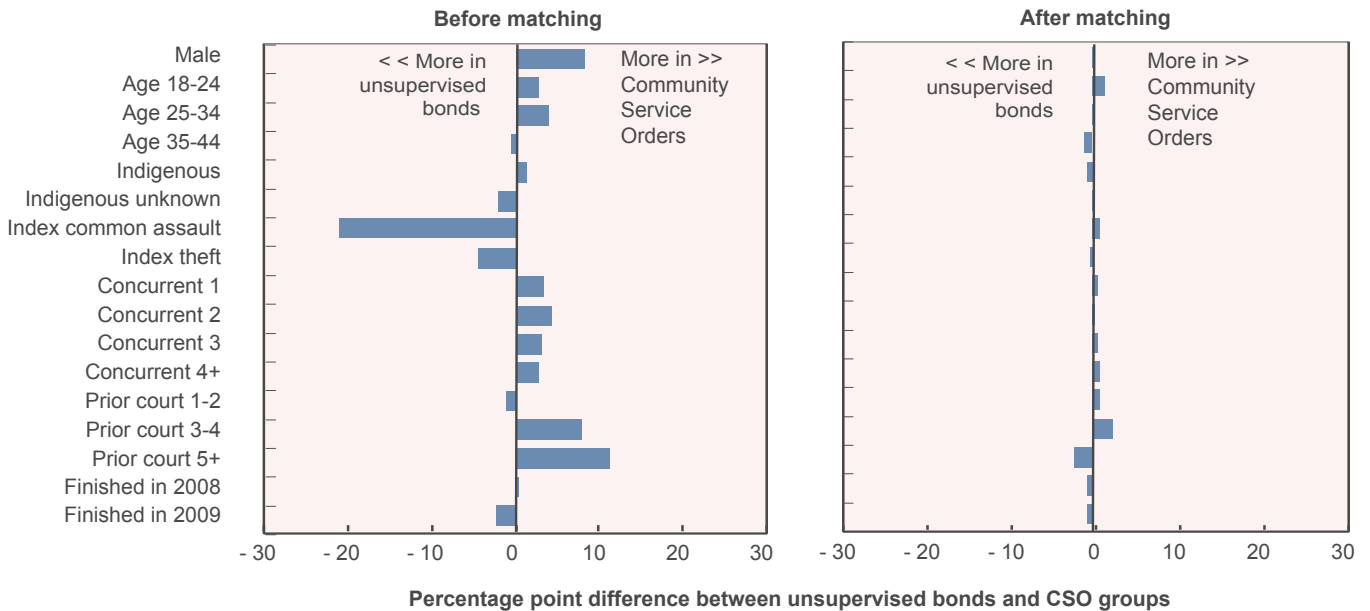

Figure 5. Differences in proportion of characteristics in penalty groups before and after matching

offenders in the CSO group could be matched with an offender in the unsupervised bond group, based on their propensity score. Only 68 offenders in the CSO group could not be matched.

Figure 5 shows the balance between the CSO and bond groups, before and after matching, by comparing the percentage point difference between the groups for each explanatory variable.

Again, it is clear from this graph that the percentage point difference for each explanatory variable between the two groups was greatly reduced after matching. Similarly, examining the SB values for the matched samples shows that no variable examined had an SB absolute value of more than 10, indicating that the two groups were balanced.

Table 6. Logistic regression modelling of likelihood of reoffending, CSOs vs. Unsupervised Bonds

Characteristic	Odds ratio (and 95% confidence interval)	*p*-value
Community Service Order	0.840 (0.778, 0.907)	<0.001
Aged 18-24	2.485 (2.166, 2.851)	<0.001
Aged 25-34	1.397 (1.222, 1.598)	<0.001
Aged 35-44	1.447 (1.253, 1.671)	<0.001
Male	1.128 (1.000, 1.273)	0.050
Indigenous	1.574 (1.409, 1.758)	<0.001
Indigenous unknown	0.239 (0.149, 0.384)	<0.001
Theft	1.373 (1.216, 1.551)	<0.001
Assault	1.295 (1.138, 1.474)	<0.001
One concurrent offence	1.202 (1.093, 1.322)	<0.001
Two concurrent offences	1.272 (1.131, 1.431)	<0.001
Three concurrent offences	1.281 (1.083, 1.515)	0.004
Four or more concurrent offences	1.632 (1.344, 1.981)	<0.001
Prior appearances	1.242 (1.222, 1.262)	<0.001
Constant	0.116 (0.097, 0.138)	<0.001

Overall, the diagnostics presented here suggest that the matched groups are similar in terms of the explanatory variables related to penalty and reoffending.

The results of the logistic regression modelling of reoffending rates on the matched samples are presented in Table 6. The odds ratio of the penalty type variable was significant and less than one. This suggests that CSOs are associated with a lower likelihood of reoffending than unsupervised bonds, holding other relevant characteristics equal.

CSOs vs. SUPERVISED BONDS

Figure 6 presents the distributions of the propensity scores across the offenders in the supervised bond (LHS) and CSO groups (RHS), and indicates whether the person was matched or unmatched. The distribution of propensity scores for the two groups was not similar. In total, 2,162 or over one-third of offenders in the CSO group could not be matched with an offender in the supervised bond group, based on their propensity scores.

Figure 6. Distributions of the propensity scores predicting penalty before and after matching
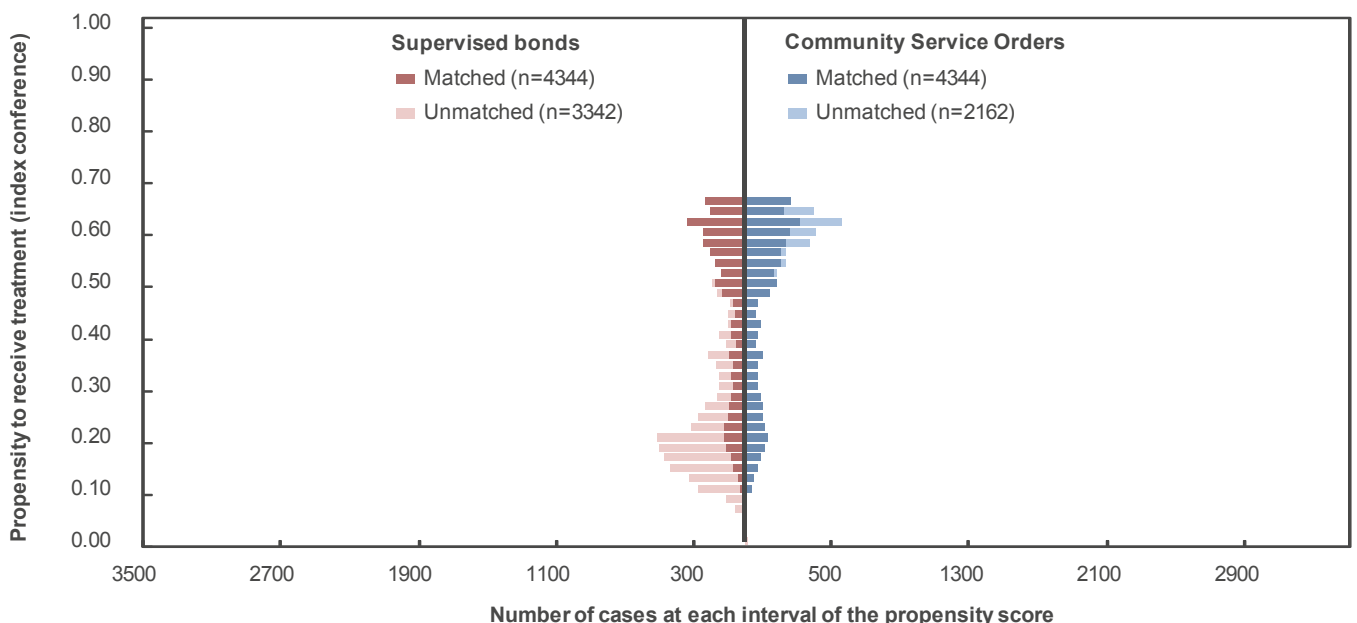
Figure 7. Differences in proportion of characteristics in penalty groups before and after matching

Percentage point difference between supervised bonds and CSO groups
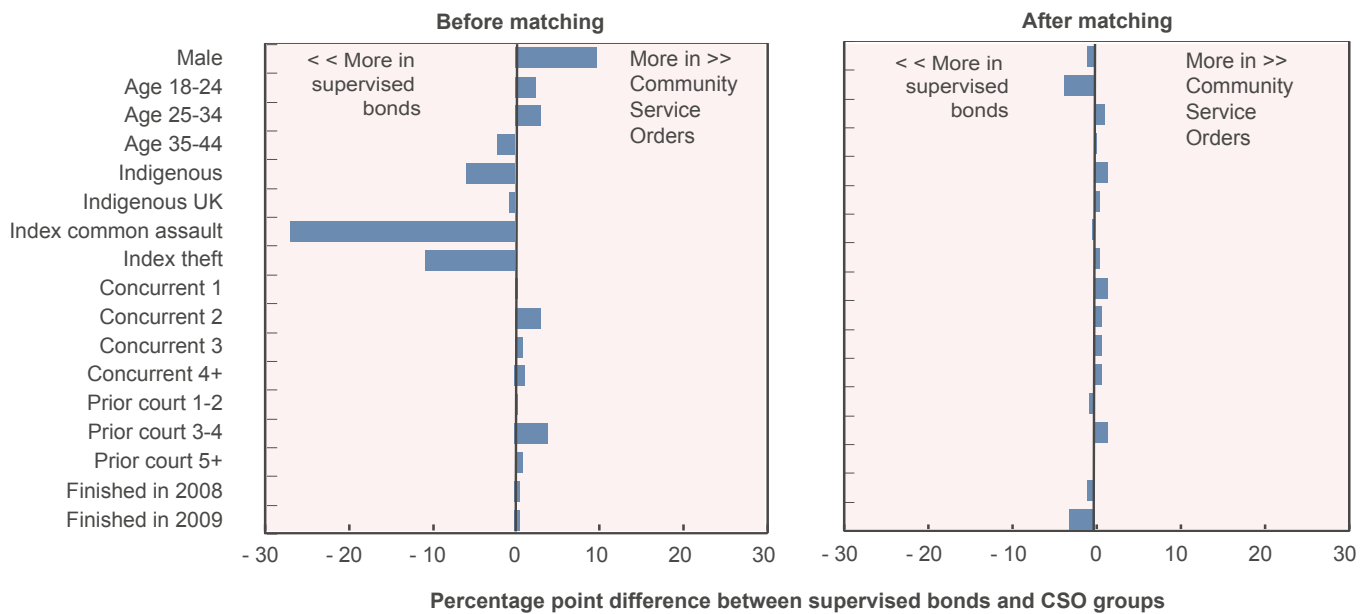
DISCUSSION

Figure 7 shows the balance between the CSO and supervised bond groups, before and after matching, by comparing the percentage point difference between the groups on each explanatory variable. It is clear here that the percentage point difference between the two groups for each explanatory variable was greatly reduced after matching. Similarly, examining the SB values for the matched samples shows that no variable examined had an SB absolute value of more than 10, indicating that the two groups were balanced.

Although balance on the measured covariates has been achieved between the two groups, the large numbers in the smaller CSO group who were unmatched suggest that an analysis of reoffending rates would not be representative in this case and would not yield valid results.

CSOs vs. SUSPENDED SENTENCES

The distribution of propensity scores for the matched CSO (n = 4,881) and suspended sentence (n = 4,881) groups was not similar. In total, 1,928 offenders (28.3%) in the CSO group were not matched. In the suspended sentence group, 1,768 offenders (36.2%) were not matched. The large numbers of offenders unmatched in both groups, as well as the significant differences in the propensity score distributions, suggest again that the reoffending analysis would not be reliable.

This study sought to determine whether there was a difference between the reoffending behaviour of offenders receiving a CSO and offenders receiving a section 9 bond or suspended sentence. In order to deal with issues of selection bias, offenders given bonds or suspended sentences were matched with offenders given CSOs on a large range of characteristics known to be related to penalty imposition and/or reoffending. This was to ensure that any differences in reoffending rates could be attributed to the penalty imposed, rather than being the result of differences in demographic or offending characteristics across the different offender cohorts.

After matching on the measured covariates, the reoffending analysis showed that offenders who received a CSO had lower levels of reoffending than offenders who received a section 9 bond. This result held even after controlling for other factors known to influence reoffending. The reoffending rates of offenders given CSOs were also compared with the reoffending rates of offenders given unsupervised bonds. Again, a significant effect was found, which suggests that offenders in the CSO cohort were less likely to reoffend than otherwise comparable offenders who received a bond.

The reoffending rates of offenders given CSOs could not be compared with the reoffending rates of offenders given

supervised bonds because these two groups of offenders could not be adequately matched on the covariates measured in this study. Similarly, difficulties in matching offenders given CSOs with offenders given suspended sentences (regardless of whether or not they were supervised) prevented the reoffending rates of these two groups from being compared.

The results of this research suggest that offenders who receive CSOs are less likely to reoffend than offenders given section 9 bonds. Clearly a significant limitation of the propensity score method used in this analysis is that the CSO and bond groups were only matched on variables that were available at the time of analysis. It is possible that there are other variables which are related both to an offender receiving a CSO or bond and to reoffending, which have not been included in the models presented here. If this is true, then the effect of CSOs on reoffending rates found in the current study could be due to omitted variable bias, rather than being an effect of the penalty imposed. For example, if there were a higher proportion of offenders with a drug or alcohol problem (a variable not measured in this study) receiving bonds than CSOs, then balance on this variable would not have been achieved in the matched sample, rendering the reoffending results questionable in this instance. However, the effect here is strong and is highly significant. Although introducing other variables could reduce its size, it would be difficult to argue that the effect would disappear completely.

We believe that there are characteristics of CSOs which make this effect plausible and the fact that the effect is significant suggests that the omitted variables could not explain it completely and there is therefore some true effect as a result of penalty type.

CONCLUSION

In the case of *Khoury v R* [2011] NSWCCA 118, Simpson J (with whom Davies J and Grove AJ agreed), noted at [11]: 'a community service order as an alternative to a sentence of imprisonment is a valuable sentencing option, and one that potentially provides enormous benefits to offenders who otherwise might face a term of full or part-time imprisonment'. Our results indicate that offenders on CSOs may be less likely to reoffend than those on section 9 bonds. This would seem to support the ongoing – and potentially expanded – use of CSOs in NSW. As discussed above, the NSWLRC is currently in the process of reviewing CSOs (and other sentencing options more generally). The NSWLRC posed the following questions: 'Are community service orders working well as a sentencing option and should they be retained?' and 'What changes, if any, should be made to the provisions governing community service orders or to their operational arrangements?'(NSWLRC, 2012: Question 7.1).

The submissions provided to the NSWLRC appear to be overwhelmingly positive – all 12 of the submissions which directly considered the issue supported the retention of CSOs as a sentencing option (see Corrective Services NSW, 2012; Henson, 2012; Law Society of NSW, 2012; Legal Aid NSW, 2012; NSW Bar Association, 2012; NSW Police Force, 2012; Office of the Director of Public Prosecutions, 2012; Police Association of NSW, 2012; Public Defenders, 2012; Public Interest Advocacy Centre, 2012; Shopfront Youth Legal Centre, 2012; Women in Prison Advocacy Network (WIPAN), 2012). In particular, it was noted that a CSO 'gives the person the opportunity to actively engage with their local community and make a positive contribution' (WIPAN, 2012: 12). The Public Defenders (2012: 13) suggested that:

> Offenders are generally motivated when they have a purpose in which to constructively occupy their time. This is particularly evident in indigenous communities in rural NSW where offenders are given an opportunity, through community service work, to be useful in their community.

Corrective Services NSW (2012: 17) commented on the 'considerable benefits to the community'. In an earlier submission to the NSWLRC, Corrective Services NSW noted that the 4,600 offenders on CSOs supervised by Corrective Services 'perform around $12 million worth of unpaid community work for 1,600 non-profit organisations' (NSWLRC 2012: 2). The Police Association of NSW (2012: 21) likewise commended the positive community benefit of CSOs, observing that:

> Community service orders have been used as an alternative to imprisonment for quite some time due to a number of benefits both to the offender and to society… This sentencing option, while providing a means to punish offenders, also assists their rehabilitation…

> Offenders learn new skills that help their re-integration into society and reduce the likelihood of recidivism. Community service orders allow society to reduce prison costs. Moreover, the recipients of the service to be rendered by the offender, such as non-profit organisations, charities, nursing homes, children's homes and community centres, benefit in numerous ways from the penalty. Further, this mode of punishment addresses society's need to attain a sense of justice, especially in cases where the resulting harm transcends an individual victim and affects an entire community. Requiring the offender to perform some service to the community as a penal sanction not only underlines the community's disapproval of the offence, but may also help towards repairing the harm done to society.

However, there were also some criticisms of the current operation of CSOs. Significantly, the NSW Bar Association (2012) and Law Society of NSW (2012) called for weekend work to be made available across NSW. The Chief Magistrate (Henson, 2012: 6) also noted that '[a]lthough CSOs are available across the State, logistical difficulties such as there not being community work available for an offender to complete continue

to be reported in a number of areas'. Corrective Services NSW (2012: 17) agreed that there was a 'lack of community agencies in some rural and remote locations', but described this as 'unavoidable'.The NSW Police Association also expressed concern about resourcing issues, stating that 'Community based sentencing options need to be better funded, more culturally appropriate and with a greater focus on integration in the community' and that '[m]ore programs are needed to assess effectiveness and the outcomes of community based sentencing options'(2012: 21).

Finally, some stakeholders called for an extension to the eligibility criteria for assessing the suitability for CSOs. Legal Aid NSW (2012: 18) suggested that 'consideration should be given to the lack of places available to those who are elderly and physically unwell' .The Public Interest Advocacy Centre (2012: 12) argued that the homeless, and offenders with a mental illness or drug or alcohol problem are usually deemed unsuitable for a CSO and that the process for determining eligibility 'needs urgent review'. This would likely be supported by the Shopfront Youth Legal Centre (2012: 2), which 'would like to see the eligibility and suitability criteria broadened, and more support systems put in place, so that more disadvantaged offenders may participate in the scheme'.

Notwithstanding the foregoing criticisms of CSOs, we recognise their popularity among key stakeholders. On the basis of the present findings, it might be inferred that CSOs also provide a promising alternative to bonds in terms of reoffending.

NOTES

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