



THE UNIVERSITY OF  
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*crime*

RESEARCH

*centre*

## **Completion rates of community based orders by Indigenous women**

Data Analysis  
in relation to Mahoney Recommendation 109

Prepared for  
Planning, Policy and Review,  
Department of Corrective Services

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## Table of Contents

1.	<b>Background</b> .....	1
2.	<b>About the data</b> .....	2
3.	<b>Results</b> .....	3
3.1.	Orders completed by Indigenous women .....	3
3.2.	Completion rates, number and proportions .....	3
3.3.	Completion rates, by type of offence .....	6
3.4.	Completion rates, by type of offender (first-timer v. recidivist) .....	6
3.5.	Completion rates, by region .....	8
3.6.	Unsuccessful completions, by omission or commission of further offences 9	
3.7.	Subsequent offending .....	11
4.	<b>Summary and conclusion</b> .....	12
	<b>Appendix A: Detailed data tables</b> .....	<b>15</b>



# 1. Background

Following discussions with the Department of Corrective Services in early 2007, the Crime Research Centre undertook to provide two pieces of research to the Department to be used to inform decision-making to address Recommendation 109 of the Mahoney Inquiry, which focuses on the failure rates of Aboriginal women serving community-based orders.

To assist in determining the cause of the high failure rates of Aboriginal women serving community-based orders, two avenues of research were pursued by the Centre:

- a) data analysis – in which the Centre's data holdings of community-corrections records would be mined. Using Table 10.128 of the Mahoney Inquiry Report (p. 338) as a guide, the Centre would provide more detailed information about the following:
  - i) provision of numbers (n) as well as proportions (%) of people/orders in each category (successful completion and those who fail)
  - ii) provision of breakdown of order completion rates (success & failures) by type of order
  - iii) provision of breakdown of order completion rates (success & failures) by type of offence
  - iv) provision of breakdown of order completion rates (s & f) by offending history (nth arrest or by 1<sup>st</sup> offenders vs others)
  - v) provision of breakdown of order completion rates (s & f) by region
  - vi) provision of breakdown of order completion rates (f) by omission/commission of another offence
- b) a literature review and qualitative analysis of issues surrounding Indigenous female offending and the treatment of Indigenous female offenders.

This report relates only to the first of these items of research.

## 2. About the data

De-identified data was extracted from the Department of Corrective Services and supplied to the Centre for the project. The data included details of all orders that were completed during the calendar years, 2004 and 2005. (n=25,694). A number of records (n=1,109) were excluded on the basis of having missing gender/race details (n=67), missing date fields (n=2), missing success indicators (n=237) or being a type of order considered out of scope for the project e.g. interstate or Commonwealth orders (n=803). The final dataset thus comprised 24,585 records.

The type of orders included in the analysis were:

- CEO Parole (n=761)
- Community Based Order (CBO; n=10,194)
- Conditional Bail (n=858)
- Intensive Supervision Order (ISO; n=4,731)
- Monitored Bail (n=130)
- Parole Order (n=4,189)
- Re-entry Release Order (n=197)
- Work and Development Order (WDO; n=3,819)

Offence details pertaining to each order were classified according to the ABS Australian Standard Offence Classification (ASOC; ABS Catalogue No. 1234.0). Geographical information was derived from the location where each order was served and was classified according to ABS Statistical Divisions for Western Australia.

## 3. Results

### 3.1. Orders completed by Indigenous women

Before presenting details of the success or otherwise of orders completed by Indigenous women, we consider briefly the profile of orders actually served by Indigenous women. As Figure 1 shows, this profile is unique and differs to the kind and quantity of orders served by either non-Indigenous females or Indigenous males. About one-third of all orders completed by Indigenous women in 2004-2005 were WDOs. WDOs are orders normally served in lieu of payment of fines. However, for non-Indigenous women, the most common orders completed in the period were CBOs (with various conditions). Compared to men, few women (Indigenous or otherwise) served parole orders of any kind – this reflects their small numbers in the total prison population in WA.

WDOs also feature in the range of orders served by Indigenous men - they accounted for 27% of all orders completed by Aboriginal men in the period. Parole orders also comprised a significant proportion of orders completed by Aboriginal men (20%) and were the largest category of orders completed by non-Indigenous men (20%).

**Figure 1: Profile of orders completed by the various offender sub-groups**

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### 3.2. Completion rates, number and proportions

Table 1 provides details of the *number* of successful *and* unsuccessful orders completed in 2004 and 2005. Orders have been disaggregated by type of order and by the gender and Indigenous status of the offender who served the order. As the table shows, a total of 1,312 (50.6%) orders were successfully completed by Indigenous women in that period. However, 1,207 (46.5%) orders were not successfully completed by Indigenous women. There were a further 75 (2.9%) orders completed by Indigenous women where the success indicator was unknown.

**Table 1: Number of orders completed in 2004 and 2005, by type of order and success indicator**

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Table 1 also classifies orders into categories defined by supervision and work conditions. The category 'Orders-no supervision & no work' comprises re-entry

release orders and CBOs without supervision or work; 'Orders-work and no supervsn' comprise WDOs and CBOs with work and no supervision; 'Orders-supervsn and no work' comprise ISOs without work, CBOs with supervision but not work, parole orders and monitored/conditional bail; 'Orders-supervsn & work' comprise ISOs with work and CBOs with supervision and work conditions.

The *proportion* of orders successfully completed in 2004-2005 is presented in Table 2. As the table shows, Indigenous women successfully completed about half (52%) of all orders (excluding orders with unknown success indicators). The success rate for Indigenous males (54%) is comparable to that of Indigenous females, however, both of these figures are significantly below the success rates of orders completed by non-Indigenous offenders (66% for non-Indigenous females; 64% for non-Indigenous males).

Table 2 also shows that success rates vary with order type (these are also illustrated in Figure 2). For Indigenous women, and indeed across all the gender-race sub-groups, CEO Parole orders had the highest successful completion rate (68%). WDOs and other parole orders also had higher successful completion rates for Indigenous women (58%). Orders with the lowest success rates were those with the highest levels of supervision and conditions – specifically, ISOs with work conditions (31%) and CBOs with supervision and work requirements (35%). This pattern of success was the repeated across the board i.e. for Indigenous males *and* for both non-Indigenous sub-groups of offenders.

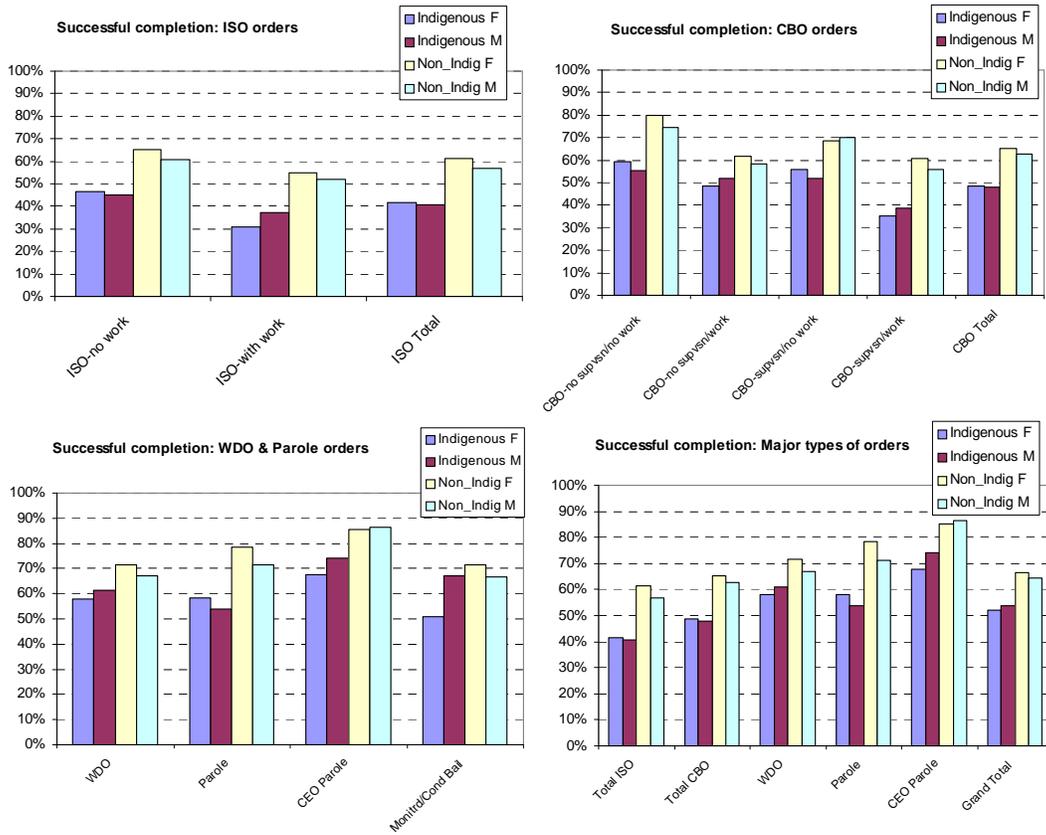
**Table 2: Proportion of orders successfully completed in 2004 and 2005, by type of order, gender and Indigenous status**

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\* Note that due to the small number of cases in this category, rates vary markedly.

It is notable that, irrespective of order type, the rates of success of Indigenous offenders were consistently *below* those of non-Indigenous offenders. The success rates of Indigenous males and Indigenous females were roughly equivalent, although women offenders tended to be less successful than men when orders included work conditions.

**Figure 2: Proportion of orders successfully completed in 2004 and 2005, by type of order, gender and Indigenous status**



### 3.3. Completion rates, by type of offence

A breakdown of the number of orders completed by Indigenous women is presented in Table 3. As the table shows, just under one-quarter (534 or 21%) of orders completed by Indigenous women were for offences intended to cause injury; a further 15% (383) of orders were for other offences endangering persons. Theft and burglary offences comprised 19% (480) orders, while offences against justice procedures and road traffic/vehicle offences comprised 14% (366) and 12% (299) of orders respectively. For a more detailed breakdown of the *number* of orders completed within each offence category, refer to Table A1 in Appendix A.

**Table 3: Number of orders completed in 2004 and 2005, by type of offence and offender gender-race group**

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Table 4 presents the successful completion rates of orders based on type of offence for all of the gender-race groups. These are also illustrated in Figure 3. For Indigenous women, success rates were lowest for orders relating to burglary and theft offences (37% respectively) and were highest for drug offences (69%) and public order offences (62%). As Figure 3 shows, there is some similarity in the success patterns of other gender-race groups across offence types.

**Table 4: Proportion of orders successfully completed in 2004 and 2005, by type of offence**

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\* Due to the small number of cases in some categories, some percentages have not been computed.

**Figure 3: Proportion of orders successfully completed in 2004 and 2005, by type of offence**

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### 3.4. Completion rates, by type of offender (first-timer v. recidivist)

Table 5 & Figure 4 illustrate how success rates vary depending on the type of offender who completed the order. Irrespective of gender or Indigenous status, first-time offenders generally completed orders more successfully than recidivist offenders. In the case of Indigenous women, 67% (59/88) of first-time offenders successfully completed orders in 2004-2005, as compared to 52% (1,123/2,160) of recidivist

offenders. However, it is noticeable that the success rate of first-time Indigenous offenders (male or female) was still substantially lower than the success rates of their non-Indigenous counterparts: the success rate of first-time non-Indigenous offenders (male and female) was 82%, compared with 67% (for Indigenous females) and 72% (for Indigenous males).

**Table 5: Number of orders successfully completed in 2004 and 2005, by type of offender**

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**Figure 4: Proportion of orders successfully completed in 2004 and 2005, by type of offender**

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Success rates also varied depending on the length of the prior criminal record of recidivist offenders. As Table 6 & Figure 5 both show, success rates generally decline as the criminal history of offenders increases. For a more detailed breakdown of the *number* of orders completed by offenders with different lengths of criminal records, refer to Table A2 in Appendix A.

**Table 6: Proportion of orders successfully completed in 2004 and 2005, by length of criminal record**

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**Figure 5: Proportion of orders successfully completed in 2004 and 2005, by length of criminal record**

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### 3.5 Completion rates, by region

Table 7 and Figure 6 both illustrate how the success rates of orders vary with geographic region, particularly in relation to Indigenous offenders. For Indigenous men and women, orders administered in Perth had the lowest success rate (42% and 38% respectively), while those served in the Great Southern region had the highest rates of success (65% and 77% respectively). In some regions, specifically the Gascoyne, Great Southern, the Mid-West, Pilbara and Wheatbelt areas, Indigenous women appeared to be more successful than their male counterparts at completing orders.

**Table 7: Proportion of orders successfully competed in 2004 and 2005, by region**

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A strong regional effect on Indigenous success rates was confirmed by a Spearman's rank test. Indigenous male and female success rates were highly correlated across regions ( $r=0.66$ ), while non-Indigenous male and female rates were weakly associated with region ( $r=-0.17$ ).<sup>1</sup>

For a more detailed breakdown of the *number* of orders completed in different regions, refer to Table A3 in Appendix A.

**Figure 6: Proportion of orders successfully competed in 2004 and 2005, by region**

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<sup>1</sup> Spearman rank coefficients were:  $r(\text{indig female, indig male}) = 0.66$ ;  $r(\text{indig female, non-indig female})=0.36$ ;  $r(\text{indig female, non-indig male})=0.35$ ;  $r(\text{indig male, non-indig female})=0.20$ ;  $r(\text{indig male, non-indig male})=0.51$ ;  $r(\text{non-indig male, non-indig female})=-0.17$ .

### 3.6 Unsuccessful completions, by omission or commission of further offences

In this section, we present data on *unsuccessful* completions, that is, orders that were terminated or 'breached' before their due completion date. In Figure 7, unsuccessful orders have been disaggregated on the basis of whether they were terminated by commission (i.e. re-offending during the period of the order) or because of administrative breaches (omission) such as failing to meet the conditions of an order. As the figure shows, most of the orders breached in 2004-2005 were the result of omission.<sup>2</sup> Overall (i.e. combining all gender-race groups), about 56% of unsuccessful orders were terminated for reasons of omission. A further 28% are terminated because of further offending<sup>3</sup>; however, in 17% of cases, the reason for the termination was not known or not recorded. Indigenous women, in particular, had the highest rate of breach by omission (68%). Less than one in four (24%) Indigenous women failed to complete orders because of further offending while serving the order. Non-Indigenous women resembled their Indigenous counterparts: they too had a high rate of omission (64%) and 26% re-offended while serving their order.

For a more detailed breakdown of the *number* of orders breached by omission or commission during the period, refer to Table A4 in Appendix A.

#### Figure 7: Proportion of unsuccessful completions, by reason for termination (omission or commission)

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Although breach rates for Indigenous and non-Indigenous women were comparable, the *time taken* for Indigenous women to have orders terminated was much less than for non-Indigenous women. As Table 8 shows, the average time taken for Indigenous women to have orders terminated was 6.4 months, compared with 9.1 months for non-Indigenous women.

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<sup>2</sup>Categories of omission included the following: Cancelled – Omission; Completed - Suspended Until Expiry; Expired - Breach Pending – Omission; Revoked - Bench Warrant.

<sup>3</sup> Categories of terminations for re-offending included the following: Cancelled - Re-offended; Expired - Breach Pending - Re-offending.

**Table 8: Average time taken to breach or terminate an order (in months), by gender and race**

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It is notable that Indigenous women unsuccessfully terminated orders much sooner than all other gender-race groups. Both Table 9 and Figure 8 illustrate this point further.

**Table 9: Time taken to breach or terminate an order, by gender and race**

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**Figure 8: Time taken to breach an order – Indigenous women compared with i) Non-Indigenous women and ii) Indigenous males**

i)

ii)

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The breaching or termination of orders issued to Indigenous women also varied by region. As Figure 9 shows, orders served outside the Perth metropolitan area tended to be breached *sooner than* breaches of orders administered in Perth. For a more detailed breakdown of these figures, refer to Table A5 in Appendix A.

The time taken to breach orders issued to Indigenous women also varied with the reason for termination. As Figure 10 shows, breaches for omission tended to occur *earlier in the order* than breaches for re-offending. Note, also, that a significant proportion of orders with 'unknown termination reason' tended to be breached or terminated early in the piece. A more detailed breakdown of time taken to breach orders, by reason for termination, can be found in Table A6 in Appendix A.

**Figure 9: Time taken to terminate an order by Perth/Other Region –orders served by Indigenous women only**

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**Figure 10: Time taken to terminate an order, by reason for termination – orders served by Indigenous women only**

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### 3.7 Subsequent offending

Finally, we provide some information about the subsequent offending patterns of offenders who completed orders in 2004-2005. The data is sourced from linked police records (as made possible through the INOIS system) and describes *the most serious charge laid by police at the next arrest following the order*. Note that arrest data was only available to 31 December 2005, thus the offences included in the tables and figures below are said to be censored. Of the offenders serving the 24,585 orders completed in 2004-2005, only one-third (7,416) were found to have been subsequently arrested by police by the end of 2005. Figure 11 describes the types of offences committed by these offenders at next arrest. (For a more complete breakdown of this data, refer to Table A7 in Appendix A.)

Of offenders who were found to have breached orders through re-offending (as described in Section 3.6), 957 were identified as being re-arrested by the police by the end of 2005. Table 10 describes *the offences committed by these offenders at this arrest*. Please note that although there is a temporal ordering of events, it cannot be stated definitively that the arrest offence described here relates to the offences for which the order was breached.

As the table shows, the most common offences committed by these offenders after the termination of their orders were theft and burglary offences (27% combined), offences against justice (17%) and offences causing injury (16%). Indigenous offenders were also more likely than non-Indigenous offenders to be re-arrested for public order offences.

**Figure 11: Most serious offence committed at *next arrest*, by completion status of original order**

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**Table 10: Most serious offence at next arrest committed by offenders who breached orders by re-offending**

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## 4 Summary and conclusion

The main findings to emerge from the study are:

- It is important to recognise from the outset that the profile of community-based orders served by Indigenous women differs from that of Indigenous men and that of non-Indigenous women. Work and Development Orders, which are issued predominantly for non-payment of fines (or in lieu of payment of fines), are the main types of orders served by Indigenous women - accounting for more than a third of all orders completed by Indigenous women in 2004-2005.
- The success rate of orders varies with order type. Orders with the greatest level of supervision and with the conditions (e.g. ISOs with work and CBOs with supervision and work) had the lowest level of successful completion. This pattern of success/failure was observed for Indigenous women as well as amongst other gender-race groups.
- However, even after controlling for order type, the rates of success of Indigenous offenders were consistently *below* those of non-Indigenous offenders. Success rates of Indigenous women were well below the success rates of non-Indigenous women.
- The success rates of Indigenous males and Indigenous females were roughly equivalent, although Indigenous women tended to be *less* successful than their male counterparts on orders involving work conditions.
- There was some variation in success rates based on offence type, and this too extended across gender-race groups. Indigenous women had the lowest success rate for burglary and theft-related offences.
- Irrespective of gender or Indigenous status, first-time offenders generally completed orders more successfully than recidivist offenders. In the case of Indigenous women, 67% of first-time offenders successfully completed orders in 2004-2005, as compared to 52% of recidivist offenders. However, the Indigenous first-timer success rate is significantly lower than the success rate of non-Indigenous first-timers (compare 67% and 72% against 82%).

- Success rates generally declined as the criminal history of offenders increased. This trend applied to Indigenous women and to all other gender-race sub-groups of offenders.
- For both Indigenous men and women, orders served in Perth had the lowest success rate (42% and 38% respectively). The Great Southern region had the highest success rates (65% and 77% respectively).
- Greater regional differences were observed in Indigenous success rates than in non-Indigenous rates. In some regions (Gascoyne, Great Southern, the Mid-West, Pilbara and Wheatbelt), Indigenous women were more successful than their male counterparts at completing orders.
- In terms of the unsuccessful or early termination of orders, most Indigenous female offenders breached orders through omission (i.e. failing to meet the conditions of an order) rather than commission (i.e. committing further offences while on an order).
- Generally, female offenders (Indigenous *and* non-Indigenous) breach orders through omission more so than male offenders. However, Indigenous women breach their orders much earlier than non-Indigenous offenders - indeed, earlier than all other gender-race groups. The average time taken for Indigenous women to breach an order was 6.4 months, compared with 9.1 months for non-Indigenous women.
- Breaches of orders served by Indigenous women who live outside the Perth metropolitan area tended to occur *earlier* than the breaching of orders administered in Perth. Moreover, among Indigenous women, the breaching of orders through omission tended to occur *earlier* than the breaching of orders as a result of re-offending.

Overall, both Indigenous male and Indigenous female success rates were significantly lower than the success rates of non-Indigenous offenders. The success rate of orders completed by Indigenous women tended to be 'on a par' with those of Indigenous males. Variations in the success rates of Indigenous women more closely resembled those of Indigenous males than those of non-Indigenous females, particularly in relation to regional differences. These findings suggest that Indigenous status appears to play a more significant role than gender in the success of community-based orders. However, the influence of gender should not be entirely discounted. As the results on terminated orders show, Indigenous and non-Indigenous women share one common

trait - they are much more likely than male offenders to breach orders through omission.

## **Appendix A: Detailed data tables**

**Table A1: Number of orders completed in 2004 and 2005, by success indicator and offence type**

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**Table A2: Number of orders completed in 2004 and 2005, by success indicator and by type of offender and criminal history status**

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**Table A3: Number of orders completed in 2004 and 2005, by success indicator and by region**

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**Table A4: Number of orders unsuccessfully completed in 2004 and 2005, by the reason for termination**

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**Table A5: Number of orders served by Indigenous women that were unsuccessfully completed (breached) in 2004 and 2005, by the Perth/Other Region**

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**Table A6: Number of orders served by Indigenous women that were unsuccessfully completed (breached) in 2004 and 2005, by reason for termination**

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**Table A7: Most serious offence committed at *next arrest*, by completion status of original order**

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