

PRISONERS AND SENTENCING OUTCOMES DATA

Under the *Sentencing Act*, a court which sentences an offender to a term of imprisonment of not more than five years may make an order suspending the sentence – how many sentences have been suspended since 1 January 2009?

From 1 January 2009 until 21 April 2010 1422 offenders were sentenced to terms of imprisonment that were partially suspended and 944 offenders were sentenced to terms of imprisonment that were fully suspended.

A further 2182 offenders were sentenced to terms of imprisonment for which an order of suspension was not made. This figure includes sentences under five years where a non-parole period rather than a suspension order was made and sentences over five years for which the courts have no power to make a suspension order, only the power to order a non-parole period.

How many sentences have been suspended immediately upon the rising of the Court since 1 January 2009?

From 1 January 2009 until 21 April 2010 nine of the 1422 partially suspended sentences of imprisonment have been suspended upon the rising of the court.

How many prisoners have been released from prison prior to their formal release date?

Pursuant to section 93 of the *Prisons (Correctional Services) Act*, the Director of Correctional Services may grant a period of remission equivalent to not more than 30 days per year of the sentence being served by a prisoner in such circumstances as the Director thinks fit.

A Northern Territory Correctional Services Directive “Early Release – Remissions” provides the framework and procedures in which the Executive Director may grant early release of a prisoner.

One of the grounds for early release is ‘to facilitate travel, particularly to remote communities, where transport is not available on a daily basis’. This allows the Agency to better address issues arising whereby a prisoner’s release date does not coincide with scheduled commercial transport to remote communities. The granting of remissions for travel is generally one or two days.

Records indicate that for the period 1 January 2009 until 27 April 2010, there have been 76 prisoners granted remissions.

How many recidivists were returned to prison within twelve months of release since 1 January 2008?

The Australian standard for the reporting of recidivism is a two year time period and Northern Territory Correctional Services (NTCS) uses this standard in all reporting activities. This means that an offender is recorded as a recidivist if he or she returns to prison as a sentenced prisoner within two years of release. NTCS collects this data for the Report on Government Services (ROGS). The reporting period for ROGS is the financial year rather than the calendar year. The most recent data from ROGS is for those prisoners released in the financial year 2006-07, 47.3% of whom returned to prison within two years of release. Recidivism rates for prisoners released since 1 January 2008 will not be available until the beginning of 2011. However, NTCS advises that the recidivism rate has been steady over the past few years and it is not anticipated that there will be much change in the forthcoming reporting period.

Within Berrimah jail, have all remand prisoners been held in the jail's remand area in the period since 1 January 2009?

The Classification and Sentence Management assessment process allows for remand prisoners to be classified as medium security and housed in the medium security area if found suitable and if their consent is obtained. However, the Superintendent can waive this recommendation on individual circumstances, including consideration of the offence and previous history, and approve a higher or lower security rating and appropriate accommodation placement.

Upon reception prisoners remanded in custody are initially housed in C Block (remand section). Remand prisoners are not housed in main stream, unless requested, until they have been medically cleared and all individual needs assessed and addressed. The consent of a remand prisoner is a requirement prior to housing with sentenced prisoners.

The placement of remand prisoners in the general population has several advantages as it allows family groups to be housed together and provides all prisoners with equitable access to educational and recreational resources.

Remand prisoners are not housed in open, unsupervised accommodation.

How many remand prisoners have been relocated to cells housing convicted criminals in the period since 1 January 2009?

In accordance with NTCS' classification and sentence management policy and with the consent of the person on remand, remandees can be housed in mainstream.

In Darwin Correctional Centre, approximately 46% of the male remandee population are held in the mainstream prison population.

In Alice Springs Correctional Centre, approximately 19% of the male remandee population are held in mainstream.

What are the current remand conditions?

The conditions and treatment of both remand and sentenced prisoners is determined in accordance with the *Prisons (Correctional Services) Act*.

Prisoners held on remand are entitled to the same access as sentenced prisoners to contact their legal representatives during normal business hours and they enjoy the same telephone access as sentenced prisoners. Remand prisoners are not required to work, and although they have access to some programs, they do not have access to the full range of programs available to sentenced prisoners. This is because:

- the length of remand is unknown; and
- it is not appropriate that people on remand, who have not been convicted of an offence, undertake programs relating to criminogenic factors and behaviour.

People on remand do have access to alcohol and other drug and stress management programs.

Remand prisoners have access to indoor recreational facilities and activities and support services such as the Indigenous Support Worker, the Welfare Worker, the Cultural and Community Liaison Office and the Chaplaincy Service which are also available to sentenced prisoners.

Are trainee apprentices permitted to have their study materials whilst in remand so as to be able to continue their traineeship obligations?

Yes. Study materials for trainee apprentices are available upon request. These materials are issued through the Education Centre.