

MEDIA RELEASE

NEWS FROM THE UNIVERSITY OF TASMANIA

DATE: THURSDAY 6 DECEMBER 2007

ATTENTION: Chiefs of Staff, News Directors



Suspended sentences an effective deterrent

New research into suspended sentences in Tasmania suggests people on suspended sentences are less likely to reoffend than those who receive jail or other penalties.

This is one of the key findings from a study by a University of Tasmania researcher, Faculty of Law PhD candidate Lorana Bartels, which explored the use of suspended sentences in the State.

As part of her research, Ms Bartels analysed all sentencing decisions in the Tasmanian Supreme Court in the 2002-04 financial years and compared reconviction rates for those who received a suspended sentence, against imprisonment and non-custodial orders.

In the two-year period, there were 246 wholly suspended and 105 partly suspended sentences imposed by the Supreme Court.

Ms Bartels also analysed more than 10,000 cases in the Magistrates' Court in the 2003-04 financial year.

The research, found:

- both partly and wholly suspended sentences had lower reconviction rates than other sentencing options. For example, 62 per cent of people sentenced to jail and 52 per cent on non-custodial orders were later reconvicted, compared to 42 per cent who received a wholly suspended sentence and 44 per cent on a partly suspended sentence;
- those offenders on a wholly suspended sentence who did reoffend were less likely to be convicted for serious offences than other groups.

“Many people think that offenders are not likely to be deterred by a suspended sentence, but my research suggests that such offenders are less likely to continue offending than offenders with any other sentencing disposition,” Ms Bartels said.

“This finding is particularly surprising in respect of offenders on non-custodial orders, for example, probation or community service, where 52 per cent of people – or 55 out of 106 people - were later reconvicted for another offence.”

From the reconviction analysis data, the research looked at 81 partly suspended sentences and 229 wholly suspended sentences to examine how many of these offenders breached their suspended sentence. It was found that 40 per cent of those on a partly suspended sentence and 41 per cent on a wholly suspended sentence committed one or more imprisonable offences during the suspension period. Of these, offenders serving a wholly suspended sentence committed less serious crimes compared with those on partly suspended sentences.

Ms Bartels also investigated the principles behind imposing a suspended sentence and interviewed all six Tasmanian Supreme Court judges and 10 of the 12 magistrates, in what is believed to be the highest interview response on sentencing in the common law world.

Factors identified as relevant to suspension included prior criminality, good character, rehabilitation, adverse circumstances, supportive relationships and physical or mental illness.

The Director of Public Prosecutions, Tasmania Police and the judiciary have all expressed interest in the thesis, which was funded by the Australian Research Council and the Tasmanian Department of Justice, and is due early next year.

Ms Bartels is available for interview today (Thursday) on 0422 729 283.

Information Released by:

**Media Office, University of Tasmania
Phone: 6226 2124 Mobile: 0417 517 291
Email: Media.Office@utas.edu.au**