



## Community Based Orders

### What is a community based order?

A community-based order gives offenders the opportunity to put a stop to criminal behaviour. It provides the courts with options for managing offenders in the community. Not all offences are so serious that custodial sentences are the best way to protect the community.

Community based orders provides offenders with an opportunity to undergo treatment or take part in educational, vocational or personal development programs.

In some cases, a community-based order may involve a requirement to perform a community service - and that means offenders have the opportunity to help the community as well as helping themselves. Management of the Order is the responsibility of Department staff.

These staff, known as community corrections officers, ensure that the offender is meeting all the conditions the court has imposed. If the order has a supervision component, the offenders must report to these officers throughout the period of their order.

The court also has the power to make a "spent conviction" order in conjunction with the community-based order. This means that once the period of the order is successfully completed, the offender is not required to reveal the details of the conviction, except in exceptional circumstances.

### How it works

A community-based order means offenders can stay with their families and friends, continue in their current jobs, or continue to look for work. It means that their lives can continue as normally as possible, while meeting the terms of the order.

The length of the order is fixed by the court, but must be at least six months and cannot be longer than 24 months. Whenever a community based order is issued the offender must:

- Report to the nominated community corrections officer within 72 hours of the sentence being handed down
- Notify the community corrections officer of any change of address or employment
- Not leave the State without the permission of the Executive Director of the Offender Management Division, or the manager of the Community Corrections Centre
- Comply with the court order.



## Community Based Orders - continued

There are three basic requirements of a community-based order, and the court will include **at least one** of them. However, the court also has the power to impose two or even three of the requirements where the judge or magistrate sees fit.

The three requirements are:

1. **Supervision.** The offender will be supervised so that progress can be monitored and regular counselling provided. The community corrections officer will determine how often an offender reports. That may be once a week or, in some cases, more frequently
2. **A Program.** The purpose of a program is to make sure the offender's criminal behaviour is curbed by treatment and assessment. It may be treatment for substance abuse, or a requirement to attend an educational, vocational or personal development program. The court can also determine that the offender will live at a specific location so they can attend the program it believes will help.
3. **Community Service.** If community service is part of a community-based order, the number of hours to be worked will be between 40 and 120 hours. At least 12 of those hours must be worked in any seven-day period. Community service may involve working with an organisation or an offender may be required to join a group of other offenders working on outdoor community projects.

The court may order that an offender's community based order contains just one or two of the requirements. In some cases, all three requirements will be included in the community based order.

An offender may be given a community based order without the court calling for a pre-sentence report. However, to make sure the most appropriate rehabilitation program for each individual offender is chosen, it is unlikely the court would impose the program requirement without calling for a pre-sentence report.

## What happens if the order is breached?

If a community-based order is breached or another offence is committed during the term of the order, the community corrections officer will prepare a "breach report" and the case will come before the court again. Offenders may be re-sentenced on the original offences and may not receive the benefit of a community based option again. Any other offences will also be dealt with and may attract an additional sentence.

## What happens when the time of the order is up?

When the term of the order has finished with no breaches, the sentence is complete. If the court has determined that a "spent conviction" order is appropriate, no conviction will be recorded against the offender's name when the sentence is successfully completed. Otherwise, the offender will have a criminal record.