

Intermediate sanctions

While Australian state and territory sentencing legislation and case law vary in terminology and approach, there are sentencing options available in each jurisdiction that allow for suitable offenders who have committed offences involving domestic and family violence to be placed on orders requiring them to be supervised in the community and/or to abide by specific conditions. Such conditions may include performing community-based work, undertaking a rehabilitation program, or other conditions that ensure the offender complies with a current Family Court order or a protection order.

The Australian Law Reform Commission's review of legal responses to domestic and family violence [ALRC/NSWLRC 2010] notes significant support from stakeholders for **sanctions that are designed to help change the behaviour of violent offenders**, including rehabilitation programs addressing the offending behaviour, drug and alcohol misuse, counselling and psychiatric needs, and other therapeutic interventions.

The Sentencing Advisory Council Victoria [Vic Sentencing Advisory Council 2009] observes that multiple sanctions requiring community work and mandatory attendance at a **behaviour change program** may provide a constructive balance between punitive and coercive rehabilitation measures, while also ensuring the protection of the victim and community. They may also be more effective in achieving deterrence and long-term compliance with a protection order than a **fine** or term of **imprisonment**.

USA studies have shown that while a suspended sentence or fine negated the deterrent value of a conviction [Ventura & Davis 2005], specialised domestic violence probation supervision programs for lower-risk offenders [Klein et al 2008] (with conditions similar to those already identified) resulted in significantly reduced recidivism rates, improved offender accountability and greater victim satisfaction with outcomes.