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MEDIA RELEASE

Are the courts becoming more lenient? Recent trends in convictions & penalties in NSW Higher & Local Courts

Conviction rates for most serious offences in NSW are high and courts are getting tougher on crime according to a new report released today by the NSW Bureau of Crime Statistics and Research.

In a study of convictions and penalties in NSW courts, the Bureau found that conviction rates for seven out of nine serious categories of offence dealt with by the Higher Courts exceeded 60 per cent.

In the Local Courts conviction rates exceeded 50 per cent for five out of the six major categories of offence and exceeded 70 per cent for four out of the six major categories.

Child sexual assault cases dealt with in the Local Courts were the only offence category where conviction rates fell below 50 per cent. The low conviction rate for this offence may reflect difficulties associated with establishing the reliability of children's evidence.

NSW Courts have also become increasingly inclined to imprison convicted offenders. Between 1990 and 1997 the percentage of convicted persons given a prison sentence by the Higher Criminal Courts rose for six out of nine major categories of offence.

The percentage of assault offenders convicted by the Higher Criminal Courts who were imprisoned rose by 22 per cent. The corresponding increases for sexual assault, child sexual assault, manslaughter, robbery and fraud were 21 per cent, 18 per cent, 25 per cent, 12 per cent and 16 per cent, respectively.

The increases in the percentage of convicted offenders imprisoned by the Local Courts were smaller but in some cases still significant. For example the percentage of child sexual assault offenders imprisoned by the Local Courts rose from 32 per cent in 1990 to 40 per cent in 1997, an increase of nearly 10 per cent.

The average length of prison sentences imposed on convicted offenders remained fairly stable in both the Local and Higher Criminal Courts but some small changes were observed.

The average prison sentence imposed on robbery offenders by the Higher Criminal Courts declined by 11 months from 1990 to 1997 while the average prison sentence imposed on break and enter offenders by the Local Courts declined by 1 month over the same period.

According to the Bureau report, these changes probably just reflect the fact that less serious forms of robbery and break and enter are now being dealt with by way of a prison sentence where previously they might have received a lesser penalty.

The Bureau's research also shows that the courts are much tougher on repeat offenders than on persons with no prior convictions, especially if the offence for which they are being sentenced involves violence or the threat of violence.

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Nearly 30 per cent of robbery offenders who had no prior criminal record in 1996 were given a prison sentence by the courts. However 94 per cent of robbery offenders convicted in the same year who had been previously imprisoned received a prison sentence.

Prison sentences for repeat offenders also tend to be much longer.

Persons sentenced to prison in 1996 for the most serious form of robbery who had no prior criminal record received an average prison sentence of a little over two years. By contrast, the average sentence imposed on persons convicted of the same offence who had been previously imprisoned rose to nearly six years.

The courts also discriminate sharply between less serious and more serious forms of the same offence.

In 1996 the average prison imposed on someone convicted of the least serious form of assault (common assault) who had no prior convictions was 12 months. By contrast the average prison sentence imposed on someone convicted of assault involving grievous bodily harm who had no prior convictions was over three years.

Commenting on the findings, the Director of the Bureau, Dr Don Weatherburn said that they show that, by and large, court sentencing practices accord with commonsense. Those who commit more serious forms of crime or who reoffend are dealt with more harshly than those who commit less serious forms of crime or are first offenders.

“The figures should help dispel the popular myth that the courts are getting softer on crime. In fact they are heading in the opposite direction. The increase in the percentage of convicted persons given a prison sentence is one of the factors placing pressure on the NSW prison system.”

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