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**KEY TRENDS  
IN CRIME AND JUSTICE  
NEW SOUTH WALES  
1997**

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**Marilyn Chilvers**

**NSW BUREAU OF CRIME STATISTICS AND RESEARCH**

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## PREFACE

The criminal justice system is made up of several criminal justice agencies including the police, the courts, and corrective services. Policy coordination among these agencies is essential for effective criminal justice administration. Effective planning and policy development of the criminal justice system, in turn, requires an understanding of the demands on each agency's services, the impact of these demands on each agency's performance, and an appreciation of how activities within one agency affect the functioning of other agencies within the system.

In 1994, the Bureau released the first report of the present statistical report series *Key Trends in Crime and Justice*. The series is designed to provide an annual synthesis of the key trends in the NSW criminal justice system. The trends chosen for examination are those (a) regarded as central to criminal justice planning and policy, and (b) on which comparable and reliable data can be obtained. This report is the fifth publication in the series. Generally, the trends contained in this report extend over a five-year period. The trends in recorded crime, however, only cover a three-year period. In April 1994 there was a major change in the way in which offences are recorded in NSW resulting from the implementation of a new computerised operational policing system in the NSW Police Service. Recorded crime statistics produced from April 1994 onwards are not comparable with earlier data. Thus, whereas most other series covered in this report extend over five years, the series for recorded crime starts in January 1995, the beginning of the first full calendar year of operation of the new police computer system. In addition, for the first time, this year's report contains information about victimisation and the rate at which criminal incidents are reported to police. These data have been obtained from victimisation surveys conducted annually in NSW, and have been included in the report to enhance information about recorded crime rates.

In addition to trends in recorded criminal incidents, this report contains key trends in criminal court processes, juvenile justice and correctional processes. Where appropriate and useful, trends are presented with a gender breakdown. The trends for information which has been graphed have been tested for statistical significance. The trend tests have been confined to the most recent two years of each series in keeping with other Bureau reports, as data over that time period are considered to be most relevant to current policy and practice. This year's report also contains for the first time summary information on key trends in table form.

In this report, no attempt has been made to offer a detailed interpretation of each trend. This is because, in most instances, there are several possible explanations for the trend and insufficient data to test each possible explanation. The absence of detailed

explanation should not alter the value of the data for planning and policy purposes. Often the nature and implications of a trend are more obvious or more interesting than its explanation.

Dr Don Weatherburn

**Director**

March 1998

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Christine Coumarelos

Bronwyn Lind

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Les Kery

Jonathan Nichol

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**SECTION 1**

**TRENDS IN  
RECORDED CRIME**

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## SECTION 1: TRENDS IN RECORDED CRIME

### INTRODUCTION

Section 1 of this publication is concerned with trends in rates of recorded crime.<sup>1</sup> The remainder of the report deals with trends in New South Wales (NSW) Criminal Courts processes, Children's Courts processes and Correctional processes, in Sections 2, 3 and 4, respectively. The data in Sections 2 to 4 span five years, from July 1992 to June 1997, thus covering financial year periods (i.e., from July to June) rather than calendar years, for reasons of data availability at the time of publication.

In this section, monthly data on the number of recorded criminal incidents per 100,000 population in NSW have been presented for a selected set of offences for the three-year period January 1995 to December 1997.<sup>2</sup> In addition, for each data series which has been graphed, the annual number of recorded criminal incidents for each offence is presented in a table, along with the total annual rate, for the same time period.

A Kendall's rank order correlation test for trend has been applied to the monthly rates of recorded criminal incidents over the most recent two years of the trend period, from January 1996 to December 1997.<sup>3</sup> For those offences where a statistically significant upward or downward trend in the recorded rate was found, the percentage change between the successive twelve-month periods, January to December 1996 and January to December 1997, has been used to describe its magnitude. The trend over only the most recent two years has been tested in keeping with other Bureau reports; statistics over that time period are considered to be most relevant to current policy and practice.

The recorded criminal incident data in this section have been extracted from the NSW Police Service's Computerised Operational Policing System (COPS), which has been used by the police for record keeping purposes since April 1994. The data series for recorded crime in this report commence in January 1995, the beginning of the first full calendar year of operation of the new police system. Due to changes in recording practices, recorded crime information prior to this date is not comparable.

Figures 1.1 to 1.9 detail the trends in the number of incidents (victims in Figure 1.1) recorded for selected offences, shown as a rate per 100,000 resident NSW population, each month between January 1995 and December 1997. Table 1.3 presents a summary of the recorded number of incidents for each offence which has been graphed, as well as the total annual rate for each of the three years of the series: 1995, 1996 and 1997.

The offences examined are restricted to those where the recorded offence trend provides a good indication of the actual offence trend. For some offences, changes in

the number of incidents recorded by the police provide a poor guide to actual changes in the incidence of offending. Drug offences, for example, are usually only discovered by police when an offender is apprehended; the number of drug offenders apprehended is affected not only by the number of persons using or selling drugs, but also by policing policy and resources.

Furthermore, it should be noted that this report shows information only about those crimes recorded by police, not all crimes which are committed. Results of victim surveys, such as *Crime and Safety, New South Wales*<sup>4</sup> indicate that, for some offences, only a small proportion of crimes are reported to, and hence recorded by police. As a result, care must be taken when interpreting changes in crime rates based solely on police statistics. Such changes may reflect not only changes in actual crime rates, but also changes in either recording or reporting practices. For this reason, this year's *Key Trends* publication also includes details of victimisation rates and rates of reporting to police from Crime and Safety Surveys over the past five years. These rates are shown in Tables 1.1 and 1.2, respectively, and the information from them is integrated into the discussion where appropriate. A brief overview of these victimisation trends is presented below, before moving on to trends in recorded crime.

## VICTIMISATION SURVEYS

In addition to the data on recorded crime obtained from police records, this report provides details of the victimisation rate (see Table 1.1) and the rate of reporting to police (see Table 1.2) for a selection of offences, as obtained from the Crime and Safety victim surveys conducted by the Australian Bureau of Statistics (ABS).<sup>5</sup> The data in these tables are for twelve-month periods only, and no trend tests have been applied.

A summary of the trends in victimisation is shown in Table 1.1 for the selected personal and household crimes covered by the ABS Crime and Safety Survey in NSW each year. Personal offences covered by the survey are the offences of assault, sexual assault and robbery. Household offences covered are break and enter (dwelling) and motor vehicle theft. It should be noted that the survey is victim-based (rather than offence-based) and counts a victim only once for each type of offence, regardless of the number of victimisations of that type which occurred during the counting period.

Table 1.1 shows that the most prevalent personal offence each year was assault, and the more prevalent household offence, break and enter. This accords generally with comparative trends in recorded crime rates shown in Table 1.3. However, the information presented in Table 1.1 differs from the recorded criminal incident data for several reasons.

**Table 1.1: Summary of trends in percentage rate of victimisation**

<i>Type of offence</i>	<i>Year</i>				
	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>
Assault	2.6	2.4	2.7	3.0	3.2
Sexual assault	0.8	0.7	0.5	0.4	0.6
Robbery	n.a.	n.a.	n.a.	0.4	0.3
Break and enter	3.7	4.5	5.3	4.6	5.6
Motor vehicle theft	2.0	2.1	2.1	2.0	2.0

*n.a. not available due to change in definition*

Firstly, the information presented in Table 1.3 and Figures 1.2 to 1.9 (the police data) are based on counts of criminal incidents, while the rates presented in Table 1.1 are based on the number of victims, that is, the number of victimised persons for the offences of assault, sexual assault and robbery, and the number of victimised households for break and enter and motor vehicle theft. It is possible that one victim may have been involved in more than one incident of the same type, in which case each incident, if it was reported to police, would be counted in the recorded crime statistics, but the victim would only be included once in the victimisation data.

Secondly, the time periods of data collection differ between the two sources. Recorded criminal incident data, as shown in Table 1.3, relate to calendar year time periods, from January to December of the reporting year, while victimisation survey results relate to the twelve months up to and including April of the survey year.

Thirdly, the police data are based on actual counts of recorded incidents, while the survey figures are estimates of population rates based on the results of a sample survey. All rate calculations for the data provided in Table 1.3 and the associated figures are based on the entire NSW population, and are expressed per 100,000 persons (of all ages) in the population. Table 1.1, however, shows rates as a percentage of only a subset of the NSW population, this subset being defined by the range of ages which constitute the eligible participants sampled for the survey.<sup>6</sup>

Finally, official crime rates as presented in Table 1.3 and Figures 1.1 to 1.9 include only those incidents detected by or reported to police, and subsequently recorded onto the COPS database. An incident is recorded only after (1) a witness or a victim decides that the incident constitutes a crime and makes a conscious decision to report the incident, and (2) the police who record the data are then satisfied that the event reported was a genuine criminal incident. The victim survey offences, on the other hand, are self-reported, and may not strictly comply with the offence definitions under legislation, and are not necessarily reported to police.

Table 1.2 shows the estimated rate at which victimisations are reported to police for the five years 1993 to 1997. The crimes which involve households rather than persons show the highest reporting rates. For each year of the survey shown in Table 1.2, more than 70 per cent of break and enter victims (households) reported the incident to police, and more than 90 per cent of motor vehicle thefts were likewise reported. Apart from the desire to recover stolen property, one probable reason for this is the requirement for insurance claim purposes that the offence has been reported to police.

**Table 1.2: Summary of trends in percentage rate of reporting to police**

<i>Type of offence</i>	<i>Year</i>				
	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>
Assault	31.9	38.9	30.4	32.2	43.1
Sexual assault	28.8	25.6	n.a.	n.a.	18.8
Robbery	n.a.	n.a.	n.a.	61.3	53.6
Break and enter	73.4	76.0	73.5	77.3	70.8
Motor vehicle theft	95.6	94.5	91.4	97.3	96.9

*n.a. not available due to change in definition*

## RECORDED CRIMINAL INCIDENTS FOR SELECTED OFFENCES

### *Summary of trends*

Table 1.3 provides annual summaries of the data which have been graphed in Figures 1.1 to 1.9, below, displaying trends in the rate of recorded crime for selected offences. Trend tests have been applied to each data series to look for a statistically significant upward or downward movement during the most recent two years of the three-year time period presented, that is, between January 1996 and December 1997. A statistically significant trend has been observed during this time period in the recorded crime rate for the following offences:

- assault (up by 7.5%; see Figure 1.2)
- robbery without a weapon (up by 28.1%; see Figure 1.4)
- robbery with a firearm (up by 31.9%; see Figure 1.4)
- robbery with a weapon not a firearm (up by 74.8%; see Figure 1.4)
- break and enter – dwelling (up by 5.3%; see Figure 1.5)

- break and enter – non-dwelling (up by 2.3%; see Figure 1.5)
- motor vehicle theft (up by 11.3%; see Figure 1.6)
- steal from motor vehicle (up by 9.6%; see Figure 1.6)
- steal from retail store (down by 6.7%; see Figure 1.7).

The other offence categories for which rates of recorded crime were graphed (i.e., the rate of recorded crime for the offences of murder (Figure 1.1), sexual assault and indecent assault/other sexual offences (Figure 1.3), steal from dwelling and steal from person (Figure 1.7), fraud (Figure 1.8) and malicious damage to property (Figure 1.9)) did not display statistically significant upward or downward trends. Each trend in recorded crime by offence category is discussed in more detail later in the appropriate individual section below.

**Table 1.3: Summary of trends in recorded criminal incidents, by offence type**

<i>Type of offence</i>	<i>Number of recorded incidents</i>			<i>Rate per 100,000 population</i>		
	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>
Murder*	119	106	110	1.9	1.7	1.8
Assault	39132	48869	53118	640.2	787.6	846.6
Sexual assault	2272	2973	3295	37.2	47.9	52.5
Indecent assault, other sexual offences	4337	5211	5729	71.0	84.0	91.3
Robbery without a weapon	4518	4952	6414	73.9	79.8	102.2
Robbery with a firearm	677	824	1099	11.1	13.3	17.5
Robbery with a weapon, not a firearm	1465	1894	3348	24.0	30.5	53.4
Break and enter – dwelling	61336	74546	79388	1003.5	1201.4	1265.3
Break and enter – non-dwelling	40393	43551	45046	660.9	701.9	717.9
Motor vehicle theft	47093	49206	55375	770.5	793.0	882.6
Steal from motor vehicle	55896	63771	70693	914.5	1027.8	1126.7
Steal from retail store	22957	22619	21337	375.6	364.5	340.1
Steal from dwelling	25390	28420	28382	415.4	458.0	452.3
Steal from person	9827	9939	10823	160.8	160.2	172.5
Fraud	17490	21702	22265	286.1	349.8	354.9
Malicious damage to property	71817	78853	79126	1175.0	1270.9	1261.1

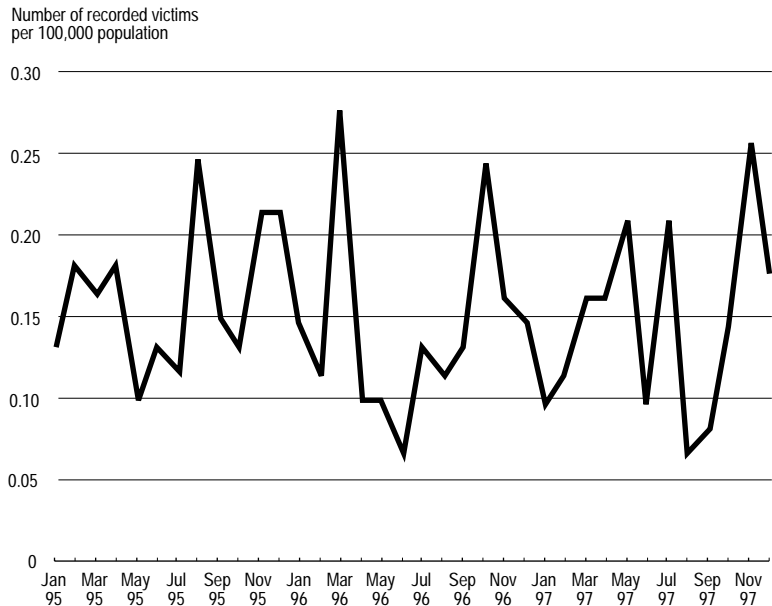
\* For murder, the data are counts of recorded victims, not incidents.



## ***Murder***

Figure 1.1 shows the monthly rate of murder victims as recorded by the police. There was no statistically significant upward or downward trend in the rate of recorded murder victims for the period January 1996 to December 1997. The pattern of the monthly rate of murder victims, as shown in Figure 1.1, displays marked month to month variations. This is because, as murder is a relatively infrequent event, several incidents in one particular month or an incident involving multiple victims can have a comparatively large effect on the monthly rate.

**Figure 1.1: Murder**



## ***Assault***

The monthly rate of recorded assault incidents is shown in Figure 1.2 for the three years from January 1995 to December 1997. Over the most recent two years of the series, between January 1996 and December 1997, there was a statistically significant upward trend in the rate of recorded assault incidents. Between 1996 and 1997, the recorded rate of assault increased by 7.5 per cent. It is evident from Figure 1.2 that there is a seasonal pattern of assault; that is, the assault rate is elevated during the summer months.

When considering the recorded rate of assault, it should be noted that this rate is strongly influenced by both the exercise of police discretion and by the level of reporting to police. Table 1.2 shows that only 43.1 per cent of victims of assault are estimated to have reported the incident to police during the most recent Crime and Safety Survey period. The main reasons for not telling police about the alleged incident of assault were that the incident was too trivial or unimportant (cited as the reason by approximately 27 per cent of victims who did not report the assault) or that it was a private matter which would be dealt with independently (also cited by 27 per cent).<sup>7</sup>

**Figure 1.2: Assault**

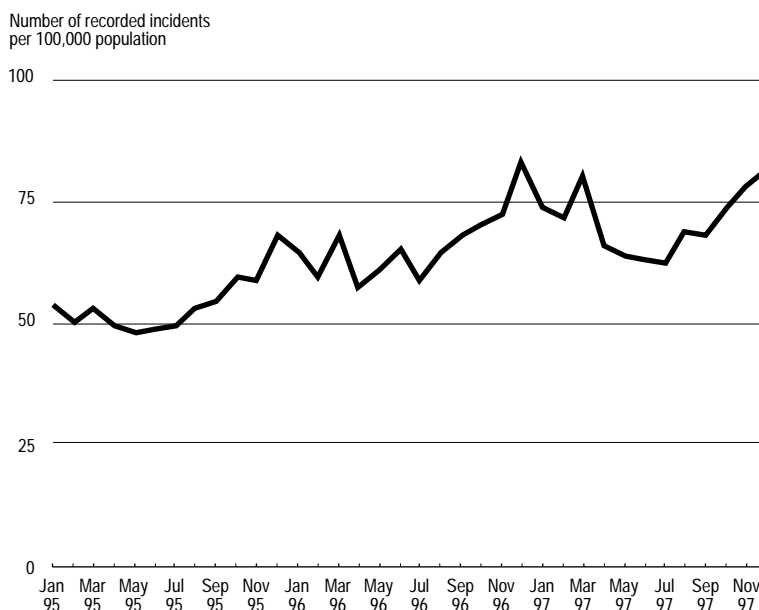


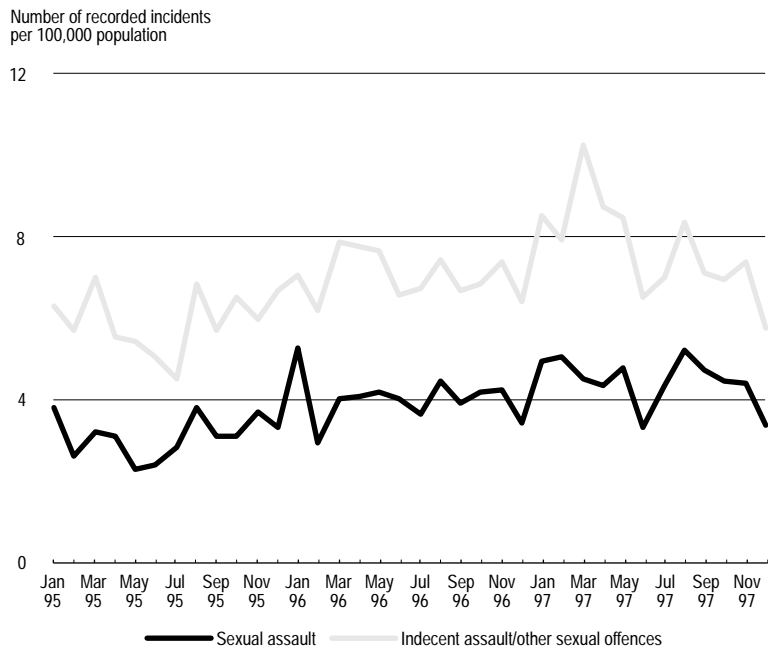
Table 1.2 also shows a substantial increase in the proportion of victims reporting assault incidents to police (from 32.2 per cent of victims in 1996 to 43.1 per cent in 1997). It is likely that some of the increase in the rate of recorded crime evident in Figure 1.2 may be due to this increase in reporting.

There was no comparable increase in the rate of assault between 1996 and 1997 in the self-reported victimisation survey data presented in Table 1.1. This difference may be partly due to the different time frames and counting methods employed, as noted earlier.

### ***Sexual offences***

Figure 1.3 presents the rate of recorded incidents of sexual assault offences separately for sexual assault and for indecent assault/other sexual offences for the three-year period January 1995 to December 1997. There was no statistically significant upward or downward trend in either category of sexual offence over the most recent two years of the trend period. Crime and Safety Survey results, as shown in Table 1.1, also show no trend over this period.

**Figure 1.3: Sexual assault and indecent assault/other sexual offences**

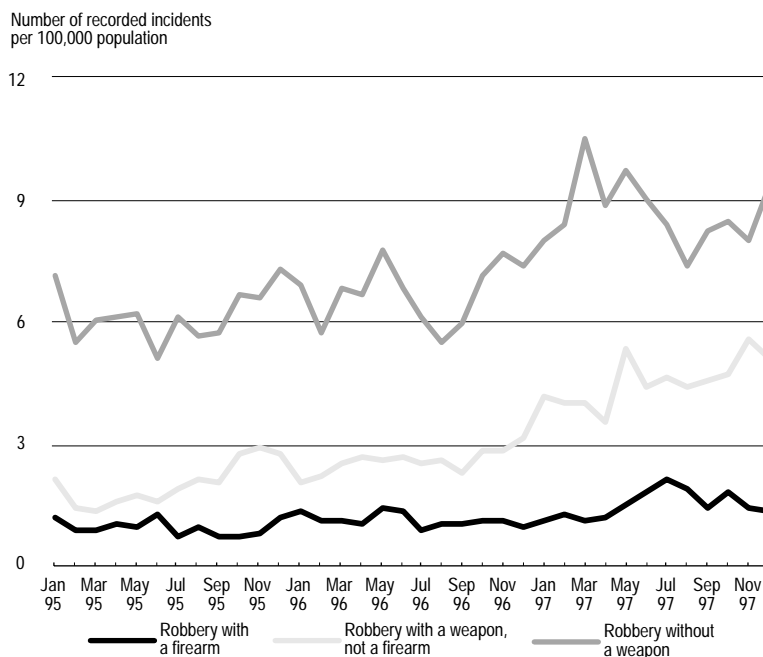


Victim surveys indicate that the level of reporting of sexual assault is even lower than that of non-sexual assault. As shown in Table 1.2, only about one-quarter of sexual assault victims reported their victimisation to the police in the earliest cited years of the survey, with an estimated 18.8 per cent of victims reporting the incident to police in the 1997 survey.

## ***Robbery***

Figure 1.4 shows the monthly rates of recorded robbery separately for robbery without a weapon, robbery with a firearm and robbery with a weapon not a firearm for the three-year period January 1995 to December 1997. Over the most recent two years of the series, there were statistically significant upward trends for each of these offences. The rate of robbery without a weapon showed a 28.1 per cent increase between 1996 and 1997 and robbery with a weapon not a firearm increased by 74.8 per cent during the same period. Robbery with a firearm, the least prevalent of the three types of robbery offences, increased by 31.9 per cent over this two-year period. The results of the ABS victims survey did not show a similar increase in the number of robbery victims over this time period. This difference cannot be explained by changes in reporting rates, as Table 1.2 shows that the rate of reporting has, in fact, declined in the most recent survey.

**Figure 1.4: Robbery with and without a weapon**

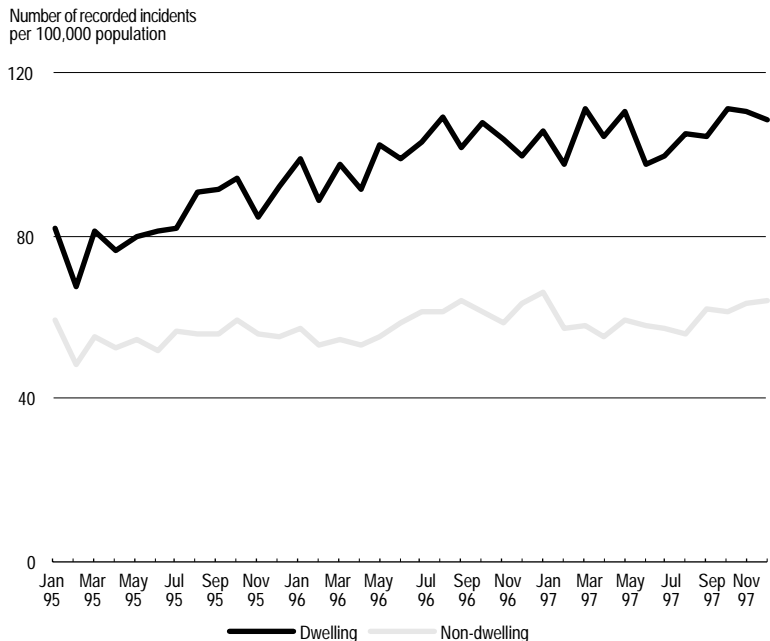


Disaggregated figures available from the NSW Bureau of Crime Statistics and Research indicate that robbery offences in NSW are more likely to occur in the Sydney Statistical Division than elsewhere in NSW.<sup>8</sup> On a per capita basis, for each of the three robbery offence categories, the recorded rate of robbery in the Sydney Statistical Division during 1997 was more than four times the rate in country NSW (i.e. all Statistical Divisions excluding Sydney). The percentage increases in the rate of robbery which occurred between 1996 and 1997 were also high in Statistical Subdivisions within Sydney.

### ***Break and enter***

Figure 1.5 shows the trend over the three-year period, January 1995 to December 1997, in the rate of recorded incidents of break and enter – dwelling and break and enter – non-dwelling. Over the most recent two-year period, from January 1996 to December 1997, there were statistically significant upward trends in both series. Between 1996 and 1997, there was a 5.3 per cent increase in the rate of break and enter – dwelling, and an increase of 2.3 per cent in the recorded rate of break and enter – non-dwelling. Recent Crime and Safety Survey results, as shown in Table 1.1, also show an upward trend in the break and enter victimisation rate.

**Figure 1.5: Break and enter – dwelling and non-dwelling**



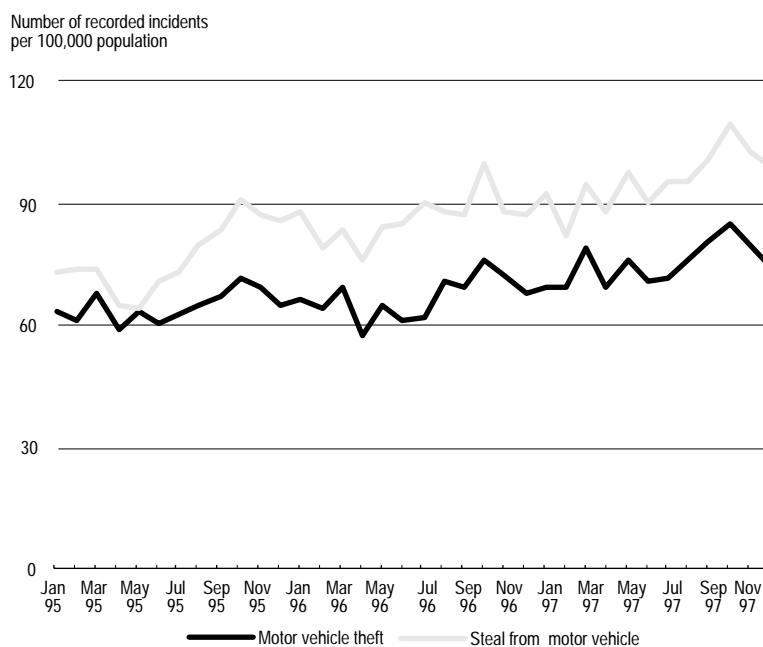
For reasons noted earlier, Table 1.2 shows that the level of reporting by victims of break and enter is relatively high. More than 70 per cent of victims who had their homes broken into during the 1997 survey period reported the incident to police.

### ***Motor vehicle theft offences***

The monthly rates of recorded motor vehicle theft and steal from motor vehicle incidents are shown in Figure 1.6 for the three-year period January 1995 to December 1997. For both of these offences, there was a statistically significant upward trend over the most recent two-year period, between January 1996 and December 1997. Between 1996 and 1997, the recorded rate of motor vehicle theft increased by 11.3 per cent. For the same period, the rate of steal from motor vehicle increased by 9.6 per cent. Victimization rates shown in Table 1.1 do not show a comparable increase for motor vehicle theft offences.

According to *New South Wales Recorded Crime Statistics 1997*, the offence of motor vehicle theft, like robbery, is more prevalent in Sydney than in country NSW. The recorded rate of motor vehicle theft in the Sydney Statistical Division is more than

**Figure 1.6: Motor vehicle theft and steal from motor vehicle**



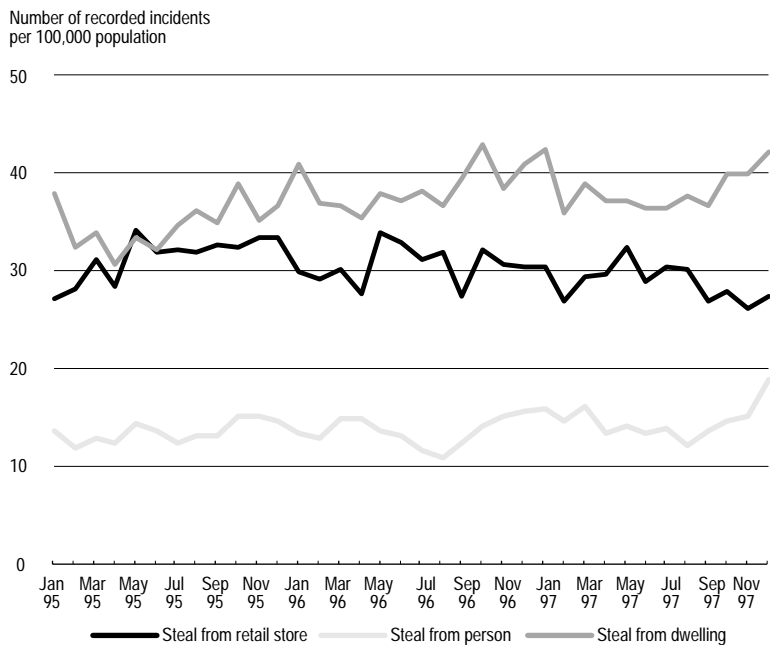
double that of country NSW. Table 1.2 shows that the level of motor vehicle theft recorded by the police provides a particularly good indication of the actual level of the crime as most incidents are reported to the police.

### ***Stealing offences***

Figure 1.7 shows the monthly rate of recorded stealing incidents for the three-year period January 1995 to December 1997. There were no statistically significant upward or downward trends in the rate of recorded incidents of steal from person or steal from dwelling. However, there was a statistically significant downward trend in the recorded rate of incidents of steal from retail store. The rate of steal from retail store decreased by 6.7 per cent between 1996 and 1997.

The recorded rate of steal from person, like robbery and motor vehicle theft, is considerably higher in the Sydney Statistical Division than in the remainder of NSW. In 1997, the recorded rate of steal from person in Sydney was more than three times that of country NSW.

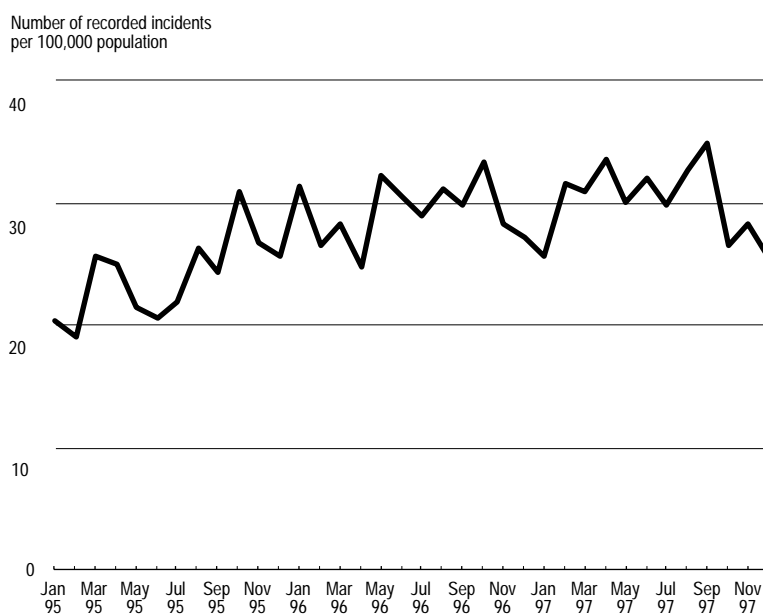
**Figure 1.7: Steal from retail store, from dwelling and from person**



## ***Fraud***

Figure 1.8 details the monthly recorded rate of fraud offences (excluding credit card fraud) for the three-year period January 1995 to December 1997. Over the most recent two years of the period, there was no statistically significant upward or downward trend in the recorded rate of fraud. Fraud is an offence for which the recorded rate is strongly influenced by variations in both police ability to detect incidents and public willingness to report incidents; thus, it is difficult to detect true changes in the rate of fraud incidents.

**Figure 1.8: Fraud**

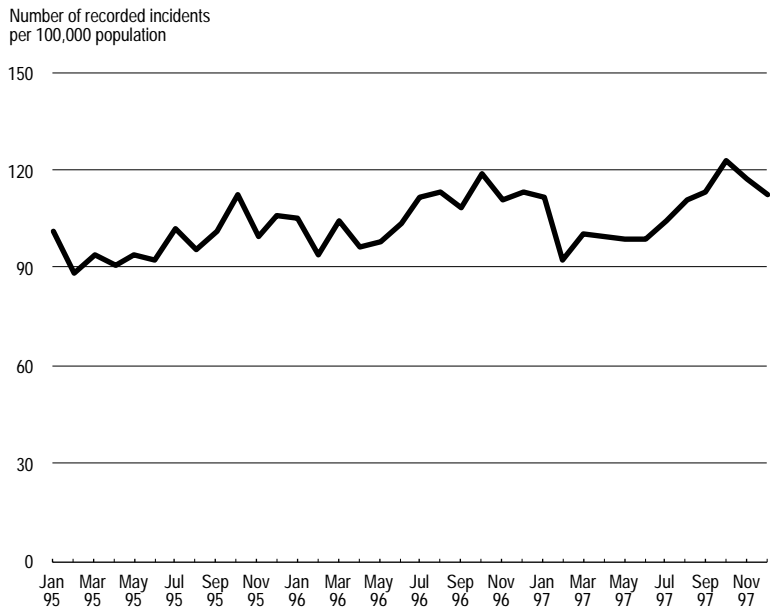




### ***Malicious damage to property***

The monthly rate of recorded incidents of malicious damage to property for the three-year period, January 1995 to December 1997, is shown in Figure 1.9. There was no statistically significant upward or downward trend over the most recent two years, from January 1996 to December 1997.

**Figure 1.9: Malicious damage to property**



## NOTES – Section 1

- 1 For the rate calculations, population data were obtained from the Australian Bureau of Statistics publications: *Estimated Resident Population of Statistical Local Areas, New South Wales, at 30 June, 1995 Final and 1996 Preliminary*, Cat. no. 3210.1 (for 1995 population estimates) and *Population, New South Wales, 30 June 1997, 1996 Final and 1997 Preliminary* Cat. No. 3234.1 (for 1996 and 1997 population estimates). Note that some updating of rates has occurred since the previous edition of this report due to the use of updated population estimates for 1995 and 1996.
- 2 With the exception of murder, the counting units for the offences examined in this section are recorded criminal incidents. The counting units for murder are recorded victims. The data are categorised by date of reporting to police or date of detection by police.
- 3 See, for example, Conover, W.J. 1980, *Practical Non-Parametric Statistics*, 2nd edn, John Wiley and Sons, pp. 256-260. A 5% two-tailed test was used to determine whether there had been an increasing or decreasing trend in the monthly rates of recorded criminal incidents. Some month-to-month variations in the rates of recorded criminal incidents suggest seasonal factors may be at work. The test for trend is not sensitive to seasonal variations; it is sensitive only to a generally increasing or decreasing trend over the time period examined.
- 4 Australian Bureau of Statistics 1997, *Crime and Safety, New South Wales, April 1997*, Cat. No. 4509.1, ABS, Sydney, and Australian Bureau of Statistics 1996, *Crime and Safety, New South Wales, April 1996*, Cat. No. 4509.1, ABS, Sydney. Note that figures for sexual assault are based on small samples and, as such, are subject to large sampling errors.
- 5 See Note 4.
- 6 Persons aged 15 years and over are included for the offences of assault and robbery, and females aged 18 years and over for sexual assault. For break and enter and motor vehicle theft, the rate is calculated as a proportion of total NSW households.
- 7 Australian Bureau of Statistics 1997, *Crime and Safety, New South Wales, April 1997*, Cat. No. 4509.1, Unpublished tables, ABS, Sydney.
- <sup>8</sup> Chilvers, M. 1998, *New South Wales Recorded Crime Statistics 1997*, NSW Bureau of Crime Statistics and Research, Sydney.

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**SECTION 1**

**TRENDS IN CRIMINAL  
COURT PROCESS**

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## SECTION 2: TRENDS IN CRIMINAL COURT PROCESSES

### INTRODUCTION

This section presents trends in criminal court processes in the Local and Higher Courts of NSW. The majority of criminal matters in NSW are dealt with in the Local Courts and Children's Courts (the 'lower' courts). For adults, all summary offences and most summary-indictable offences (i.e., indictable offences which may, in certain circumstances, be dealt with summarily) are heard before a magistrate in the Local Courts, while the more serious indictable offences are heard in the Higher Courts, usually by a judge and jury. There are two jurisdictions in the Higher Courts of NSW – the Supreme Court, which deals only with the most serious matters, and the District Court, which deals with other indictable matters, and appeals against conviction or sentence arising from Local Court cases.

Trends in the registration of new cases, methods by which cases are finalised, court delay and penalties imposed by the Local and Higher Courts of NSW will be presented in this section. In addition, trends in legal representation and bail refusal for persons whose matters are finalised in the Local Courts will be presented. Information on trends in NSW Children's Courts is presented in Section 3 of this report.

Information is shown in this section for a five-year period, both graphically and in the form of tables, from July 1992 to June 1997. For all of the information which has been graphed, the data are tested for a statistically significant upward or downward trend over the most recent two-year period, July 1995 to June 1997. Where the results of the trend test indicate that there is a significant trend, the percentage change between the 1995-96 and 1996-97 financial years has been used to describe its magnitude. Patterns over the full five-year period are also briefly addressed where the general trend differs from that observed over the most recent two years which has been tested.

All data in this section, other than the number of new registrations, refer to matters which were finalised ('disposed of') in the courts during the counting period. Finalised charges are those fully determined by the court, requiring no further court proceedings.

Selected trends are presented with a gender breakdown for the Local and District Courts; however, trends for the Supreme Court are not presented with a gender breakdown because only a very small number of cases involve females. Further, due

to the Higher Court recesses in January and July, and the marked month-to-month fluctuations which are evident when the number of matters dealt with is small, trends in the Higher Courts have been presented on a quarterly basis only, for the three-month periods: January to March (March quarter), April to June (June quarter), July to September (September quarter), and October to December (December quarter). In these series, the trend tests have been performed on the quarterly data for the two-year period July 1995 to June 1997.

### ***Registrations***

The first aspect of court functioning examined in this report is the trend in the number of new cases registered in each jurisdiction. Numbers of new registrations in the Local, District and Supreme Courts are shown in Figures 2.1, 2.10 and 2.17, respectively. In the Local Court a case is registered the first time that it is listed for a hearing, even if that hearing is subsequently adjourned. Every matter, no matter where it is resolved, commences in the Local Court. In the Higher Courts, a case is registered when the committal file is received in the District (or Supreme) Court Registry. The count of registrations includes all criminal matters which come before the courts. However, minor criminal matters heard in Local Courts, such as appeals against parking fines and traffic offences (which attract only a small penalty), are not included in the remainder of the Local Courts section. All criminal matters heard in the District and Supreme Courts are included in the relevant sections.

### ***Disposals***

The trends in new registrations give some guide as to the overall level of demand in each jurisdiction for criminal court services. However, the number of new cases registered is not the sole determinant of the level of demand for criminal court services because cases where the accused person pleads not guilty (defended matters) consume far more court time than cases where the accused pleads guilty to all charges (guilty pleas) or cases which are dealt with by other means, such as *ex parte* (in the absence of the accused person). The second aspect of court functioning considered in this report, therefore, concerns trends in the frequency of different methods of disposal. Figures 2.2, 2.11 and 2.18 give details of the number of persons charged whose matters were finalised either as a defended matter or otherwise in the Local, District and Supreme Courts, respectively.

It should be noted that the information available from computer records for Local Court appearances does not indicate directly whether or not there was a defended hearing. For the purpose of this report, a case finalised with a defended hearing in

the Local Courts is defined as one where *both* of the following conditions were true for at least one charge: (i) a plea of not guilty was entered, or no plea was entered, or the case was heard in the defendant's absence; *and* (ii) the outcome was proven, or dismissed after a hearing under the Mental Health Act, or dismissed/withdrawn as a result of no evidence being offered.<sup>9</sup> Cases considered to be not defended include matters dealt with by guilty pleas, as well as those finalised without a defended hearing for reasons such as charges being dismissed, charges being stood out of list, recognizance forfeited, or the death of the accused. In the District and Supreme Courts, a significant number of cases are finalised when all of the charges are 'no-billed' (when the Director of Public Prosecutions does not proceed with the charges against the accused person) or when the accused person absconds or dies. These have been grouped together and shown as 'other' finalisations. Most cases finalised in the 'other' category in the District or Supreme Court involve cases where the charges have been 'no-billed'.

It should also be noted that each person appearing before the criminal courts may have been charged with one or more offences. However, because the graphs showing trends in methods of disposal are person-based (i.e. Figures 2.2, 2.3, 2.11, 2.12 and 2.18), each person is counted only once, regardless of the number of charges he or she had. That is, the method of disposal for only one charge per person is presented, determined in each case according to a hierarchy. For Local Courts, the hierarchical order of selection is: defended hearing, 'other'. For the Higher Courts, the hierarchical order of selection is: defended hearing, sentenced after guilty plea, 'other'.

### ***Offence types***

The numbers of finalised charges, categorised by type of offence, for the Local and Higher Courts are shown in Tables 2.2 and 2.6, respectively. Finalisations in both the District and Supreme Courts comprise the Higher Courts table. These tables detail the number of charges for each offence type, not the number of persons charged. Because a person can be charged with more than one offence, each finalised criminal matter in the Local and Higher Courts may involve finalisation of a number of criminal charges. (Note, however, that multiple counts of the same offence type are counted as one charge if they all result in the same court outcome and penalty.) The offence categories used in these tables are those employed in the Bureau's publication *New South Wales Criminal Courts Statistics 1996*.<sup>10</sup>

### ***Legal representation***

All persons appearing in court to face charges have the right to be represented by a lawyer. In a defended matter, the defence lawyer, acting on the instructions of the client,

puts forward the defence case, tests the prosecution case by questioning witnesses, and makes submissions to the court against conviction. Where the person charged is found, or pleads, guilty, the defence lawyer makes submissions on the appropriate penalty. Figure 2.4 shows the trend in the percentage of all persons in the Local Courts having legal representation.

### ***Bail refusal***

In most criminal matters, persons are entitled to bail, which is an agreement to attend court at a specified time to answer a criminal charge in exchange for not going into custody in the interim. This is based on the presumption of innocence in the Australian legal system. In some instances, however, bail may be refused until the matter next goes to court. (Bail may be applied for at each court appearance.) Persons who are refused bail are said to be 'on remand' and are held in custody in a NSW prison or remand centre. Details of the number of persons who were refused bail as a percentage of all persons whose cases were finalised in the Local Courts are shown in Figure 2.5. Information on trends in NSW correctional institutions, including remand populations, is presented in Section 4 of this report.

### ***Delay***

The next aspect of court functioning examined in this section of the report concerns the time it takes to finalise matters within each jurisdiction. This period is of particular concern for matters where the accused person pleads not guilty, that is, for defended matters. Figure 2.6, therefore, shows the trend in the median time from the first court appearance to the determination of charges for defended matters disposed of in the Local Courts. Figures 2.13 and 2.19 show trends in the median delay between committal for trial and trial finalisation for the District and Supreme Courts, respectively.

### ***Sentencing***

The final aspect of court functioning examined in Section 2 concerns the penalties imposed on offenders convicted in the Local, District and Supreme Courts. Three dimensions of the penalties imposed on offenders are examined in each jurisdiction. They are, respectively, the trends in the number of convicted persons given a prison sentence in each jurisdiction (shown in Figures 2.7, 2.14 and 2.20), the trends in the percentage of convicted persons given a prison sentence in each jurisdiction (shown in Figures 2.8, 2.15 and 2.21) and, finally, the trends in the average length of the minimum or fixed term of imprisonment imposed on those who are sentenced to a period of imprisonment (shown in Figure 2.9, 2.16 and 2.22). These trends are

presented with a gender breakdown for the Local and District Courts. However, the average number of females whose cases are dealt with in the Supreme Court is typically fewer than 20 annually. This number is insufficient for meaningful comparisons, and therefore no Supreme Court trends are presented by gender. In addition, the percentage of convicted persons sentenced to a period of imprisonment in the Local and Higher Courts are shown by offence type in Tables 2.3 and 2.7, respectively.

## LOCAL COURT TRENDS

### *Summary of trends*

Table 2.1 provides annual summaries of the data which have been graphed in Figures 2.1 to 2.9, below, displaying trends in Local Court processes, such as registrations, methods of disposal, court delay and sentencing. Trend tests have been applied to each data series to look for a statistically significant upward or downward movement during the most recent two years of the five-year time period presented, that is, between July 1995 and June 1997. A statistically significant trend has been observed during this time period for the following Local Court processes:

- number of cases registered in Local Courts (up by 8.1%; see Figure 2.1)
- number of defended cases finalised in Local Courts (up by 19.2%; see Figure 2.2)
- percentage of males whose cases were finalised by defended hearing in Local Courts (up by 9.7%; see Figure 2.3)
- percentage of females whose cases were finalised by defended hearing in Local Courts (up by 13.3%; see Figure 2.3)
- percentage of persons whose cases were finalised in the Local Courts having legal representation (down by 6.1%; see Figure 2.4)
- percentage of persons whose cases were finalised in the Local Courts for whom bail was refused (up by 7.5%; see Figure 2.5)
- average length of minimum/fixed term prison sentences for females sentenced to prison in the Local Courts (up by 11.1%; see Figure 2.9).



**Table 2.1: Summary of trends in Local Court processes**

	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Registrations:</b>					
Number of cases registered	217489	218329	197071	211460	228671
<b>Disposals:</b>					
Number of cases finalised by defended hearing	26535	29590	29802	30828	36757
Number of cases finalised other than by defended hearing	75842	74534	70127	75850	77803
Percentage of cases finalised by defended hearing					
– males	25.6	28.5	29.8	28.9	31.7
– females	27.5	28.0	29.9	28.6	32.4
<b>Legal representation:</b>					
Percentage of persons having legal representation	66.5	63.0	61.5	61.1	57.4
<b>Bail refusal:</b>					
Percentage of persons refused bail	3.3	3.7	3.7	4.0	4.3
<b>Delay:</b>					
Median delay (from first appearance to determination) for defended cases (days)	59	58	49	53	51
<b>Sentencing:</b>					
Number of persons sentenced to prison	5107	5216	5352	5648	5953
Percentage of persons sentenced to prison					
– males	6.1	6.2	6.7	6.6	6.6
– females	3.3	3.1	3.5	3.5	3.5
Average length of minimum/fixed term imprisonment (months)					
– males	4.7	4.8	4.6	4.7	4.9
– females	3.8	3.8	3.4	3.6	4.0

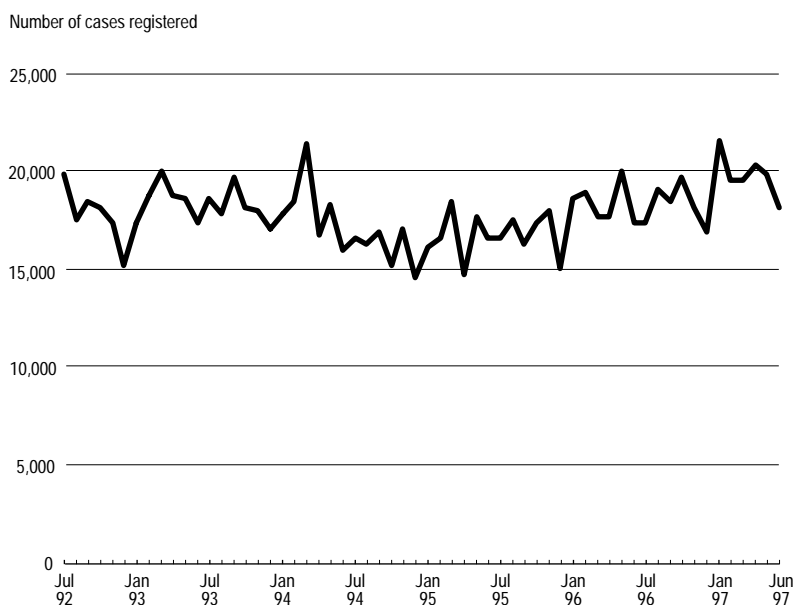
The other Local Court processes which are graphed (i.e. the number of cases which were not defended, median delay for defended cases, the number and percentage of persons sentenced to prison, and the average length of imprisonment for males, in Figures 2.2, 2.6, 2.7, 2.8 and 2.9, respectively) did not display statistically significant upward or downward trends. Each trend in Local Court processes is discussed in more detail later in the appropriate individual section below.

In addition to the figures, information has been provided in tabular form on details of offence types of charges which were finalised in Local Court hearings during the five-year period July 1992 to June 1997 (Table 2.2), and offence types of persons who were imprisoned as a result of Local Court case finalisations during this period (Table 2.3). The data in these tables are for twelve-month periods only, and no trend tests have been applied. Observed changes, however, will be discussed in the appropriate sections, below.

### ***Registrations***

Figure 2.1 shows the number of criminal cases registered monthly in the Local Courts between July 1992 and June 1997. Between July 1995 and June 1997, there was a statistically significant upward trend in the number of new registrations in the Local Courts, representing an 8.1 per cent annual increase. This represents the largest annual

**Figure 2.1: Cases registered in Local Courts**



percentage increase in the number of registrations during the five-year period graphed in Figure 2.1. The total number of cases registered in the financial years 1992-93 and 1993-94 remained relatively stable, followed by a 9.7 per cent decrease between 1993-94 and 1994-95. Since then, the number of cases registered in Local Courts has been increasing, showing an annual percentage increase of 7.3 per cent from 1994-95 to 1995-96. Overall, during the five-year period there was a 5.1 per cent increase in the number of registrations between the first and the last twelve months of the period.

### ***Disposals***

Figure 2.2 shows the overall trends in the method of disposal of criminal matters finalised in the Local Courts from July 1992 to June 1997. Between July 1995 and June 1997 there was a statistically significant upward trend in the number of matters disposed of by way of a defended hearing. Within this final two-year period, there was a 19.2 per cent increase in the number of cases finalised as defended hearings. Examining the five-year series, an increase in the number of defended hearings occurred between successive two-year periods, the largest percentage increase having occurred in the most recent two years of the series. Overall, between the first and the last twelve months of the five-year period the number of matters dealt with by means of a defended hearing increased by 38.5 per cent.

**Figure 2.2: Method of disposal for cases finalised in Local Courts**

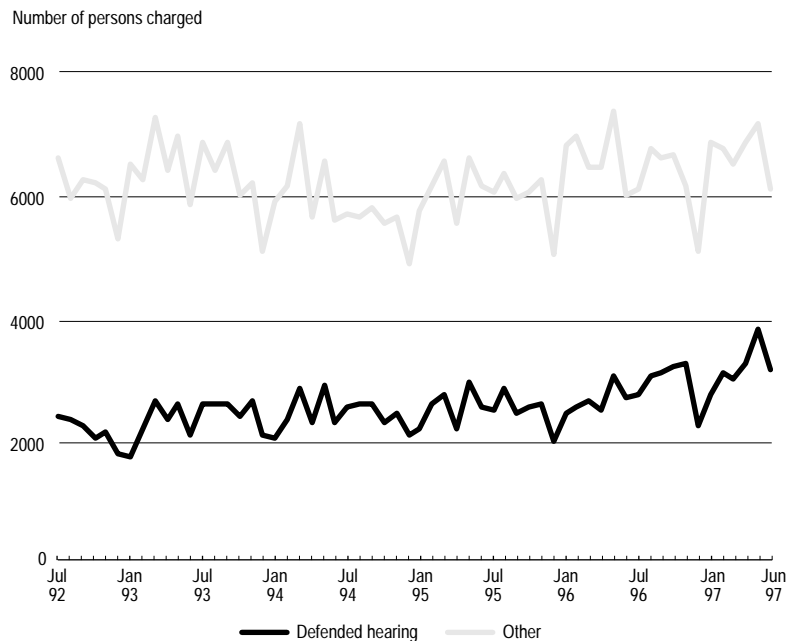


Figure 2.2 also shows the trend in the number of finalised cases in the period July 1992 to June 1997 which were not defended. This includes, among others, cases where the defendant entered a guilty plea. Over the final two years of the series, from July 1995 to June 1997, there was no statistically significant upward or downward trend in the number of matters disposed of without a defended hearing.

Figure 2.3 shows the number of matters in the Local Courts which were finalised by a defended hearing as a percentage of all finalised matters, both for males and for females during the period July 1992 to June 1997. The proportion of defended cases shows a similar trend for both males and females, with approximately one-third of cases being finalised by defended hearing. There were statistically significant upward trends in the percentage of cases disposed of by way of a defended hearing for both males and females during the period July 1995 to June 1997. During this period, the annual percentage increases were 9.7 per cent for males and 13.3 per cent for females.

**Figure 2.3: Percentage of persons whose cases were finalised by defended hearing, by gender, Local Courts**

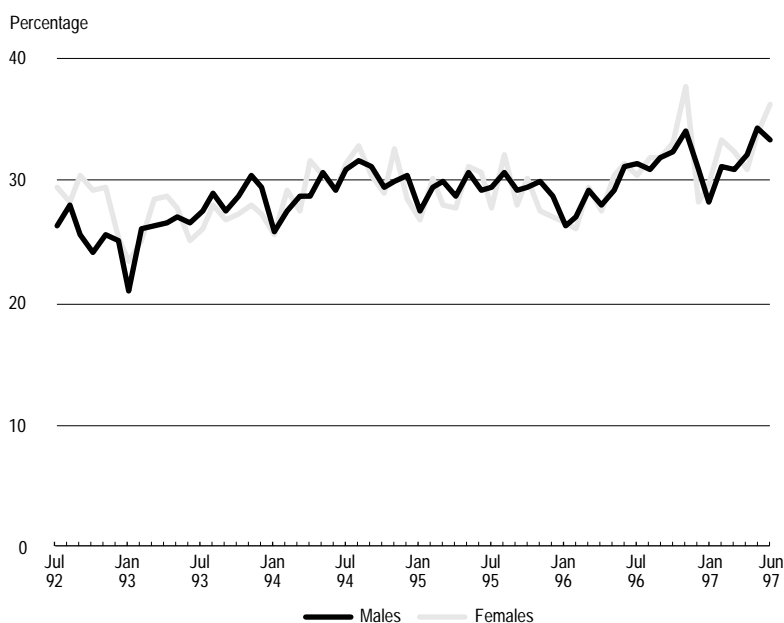


Table 2.2, below, shows the numbers of charges in the Local Courts within particular offence categories for the five-year period July 1992 to June 1997, where the charge was finalised during the counting period. Each year, the offence category with the largest number of charges finalised is *driving* offences. Approximately half of the charges for *driving* offences are listed in the *other* sub-category which covers offences under the Traffic Act such as *exceed speed limit*, *unlicensed driver*, *drive unregistered vehicle*, *drive whilst disqualified from holding licence* and *drive whilst licence cancelled/refused*. The next largest categories for which persons have been charged each year are *theft* offences and offences *against the person*.

During the most recent two years of the series presented, between 1995-96 and 1996-97, most major offence categories showed annual increases in the number of charges finalised in the Local Courts. The largest increases are evident in the *against the person* and *against justice procedures* offence categories with increases of 17.2 per cent and 12.6 per cent respectively. Over the five-year period, between 1992-93 and 1996-97, the increases in the number of charges within these two categories were 35.3 per cent (*against the person*) and 37.2 per cent (*against justice procedures*). The largest increases over the latest two-year period, from July 1995 to June 1997, in charges of specific *against the person* offences were for *sexual assault* (up by 21.4 per cent from 332 to 403) and *sexual offences against children* (up 50.3 per cent, from 304 to 457). Over the five-year period, the number of charges of *sexual assault* and *sexual offences against children* increased by 55.0 per cent and 65.6 per cent.<sup>11</sup> Within the *against justice procedures* category of offences, the number of charges for *breach of order* increased by 13.8 per cent between 1995-96 and 1996-97, and by 53.9 per cent between 1992-93 and 1996-97.

The number of charges for *driving* offences also showed a notable increase over the five-year period, from July 1992 to June 1997, with an increase of 9.0 per cent between 1995-96 and 1996-97. The largest increases for specific offences within this category were in the number of charges of *cause injury by driving* offences and *dangerous, negligent or reckless driving* offences. The number of charges of *driving with high, medium or low Prescribed Concentration of Alcohol* decreased by 9.1 per cent over the five-year period between 1992-93 and 1996-97, and by 4.0 per cent over the most recent two years, between 1995-96 and 1996-97.

Another offence category which showed notable increases in the number of charges finalised in the Local Courts was the *theft* category, which showed an overall 17.6 per cent increase over the five years, between the first and last twelve months of the period, and an increase of 10.7 per cent over the most recent two years. The largest increases within this category were for charges of *fraud* (an increase of 49.7 per cent between the first and the last twelve months of the five-year period, and 54.2 per cent between 1995-96 and 1996-97), *unlawful possession* (increases of 26.0 per cent and 10.7 per cent respectively), and *vehicle theft* (up by 24.2 per cent and 7.6 per cent).

**Table 2.2: Charges in Local Court appearances finalised, by offence type**

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Against the person:</b>					
Assault occasioning actual bodily harm	3665	3928	4019	4397	4827
Other assault	15099	16054	15939	16963	19723
Sexual assault	260	330	320	332	403
Sexual offences against children	276	354	279	304	457
Other	358	388	458	692	1184
<b>Total</b>	<b>19658</b>	<b>21054</b>	<b>21015</b>	<b>22688</b>	<b>26594</b>
<b>Theft:</b>					
Break and enter	3199	3381	3197	3671	3909
Fraud	4979	4961	4754	4833	7453
Larceny by shop stealing	3896	4757	4012	4610	4211
Other larceny	9732	8911	9114	9455	9491
Unlawful possession	5117	5103	5352	5827	6448
Vehicle theft	2135	2253	2358	2465	2652
<b>Total</b>	<b>29058</b>	<b>29366</b>	<b>28787</b>	<b>30861</b>	<b>34164</b>
<b>Property damage:</b>					
Arson, damage by fire	81	254	253	227	230
Other	6338	6058	6348	6587	6992
<b>Total</b>	<b>6419</b>	<b>6312</b>	<b>6601</b>	<b>6814</b>	<b>7222</b>
<b>Environmental</b>	<b>102</b>	<b>151</b>	<b>149</b>	<b>140</b>	<b>146</b>
<b>Against justice procedures:</b>					
Breach of order	6443	6829	7270	8710	9916
Other	5767	5815	5829	6172	6834
<b>Total</b>	<b>12210</b>	<b>12644</b>	<b>13099</b>	<b>14882</b>	<b>16750</b>

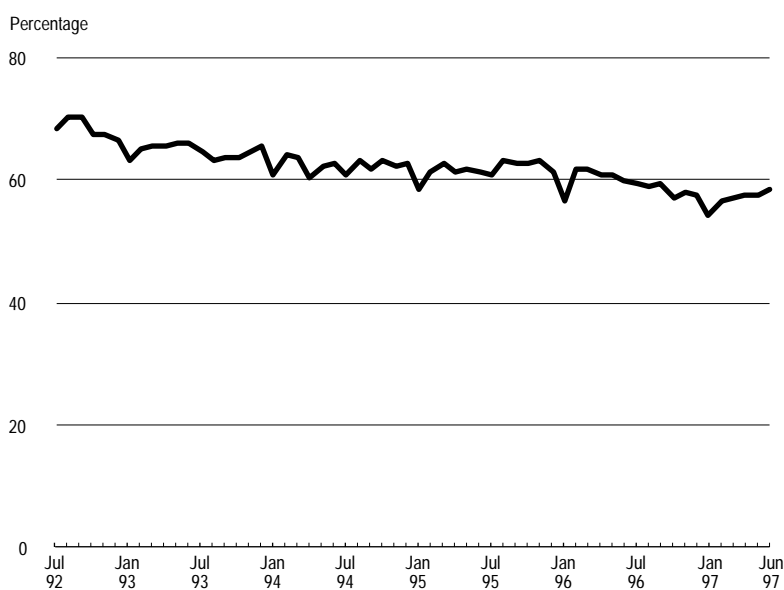
Table 2.2 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Against good order:</b>					
Weapons	2568	2669	2395	2571	2487
Betting and gaming	449	422	269	80	28
Prostitution	812	413	438	431	311
Liquor licensing	350	347	342	316	366
Offensive behaviour	9666	8418	8290	7753	7215
Other	2685	3024	3045	3285	3840
<b>Total</b>	<b>16530</b>	<b>15293</b>	<b>14779</b>	<b>14436</b>	<b>14247</b>
<b>Drug:</b>					
Possession and/or use:					
– opiates	1150	1170	1048	1308	1365
– cannabis	10365	9175	7466	8399	7734
– other drug	2071	1527	1831	1616	1562
Dealing and trafficking:					
– opiates	265	328	258	357	396
– cannabis	873	655	577	651	595
– other drug	500	490	483	543	512
Manufacturing and/or growing:					
– cannabis	2328	2110	1788	2059	1833
– other drug	90	57	161	70	68
Other	2406	2267	1963	1948	1744
<b>Total</b>	<b>20048</b>	<b>17779</b>	<b>15575</b>	<b>16951</b>	<b>15809</b>
<b>Driving:</b>					
Cause injury by driving	147	155	139	142	320
DUI drink/drug	976	973	925	962	1074
PCA – high	7569	6512	6185	6482	6227
PCA – medium	10884	9557	9174	10779	10370
PCA – low	3391	2938	2789	3419	3251
Dangerous, reckless or negligent driving	3816	6555	6793	7280	8155
Other	20498	28593	26666	27188	31943
<b>Total</b>	<b>47281</b>	<b>55283</b>	<b>52671</b>	<b>56252</b>	<b>61340</b>
<b>Other</b>	<b>703</b>	<b>1029</b>	<b>900</b>	<b>969</b>	<b>1790</b>

### ***Legal representation***

Figure 2.4 details the number of persons who were legally represented as a percentage of all finalised cases in the Local Courts between July 1992 and June 1997. Since July 1995, there was a statistically significant downward trend in the proportion of persons having legal representation, with a 6.1 per cent annual decrease experienced between July 1995 and June 1997.

**Figure 2.4: Persons having legal representation as a percentage of all persons whose cases were finalised, Local Courts**

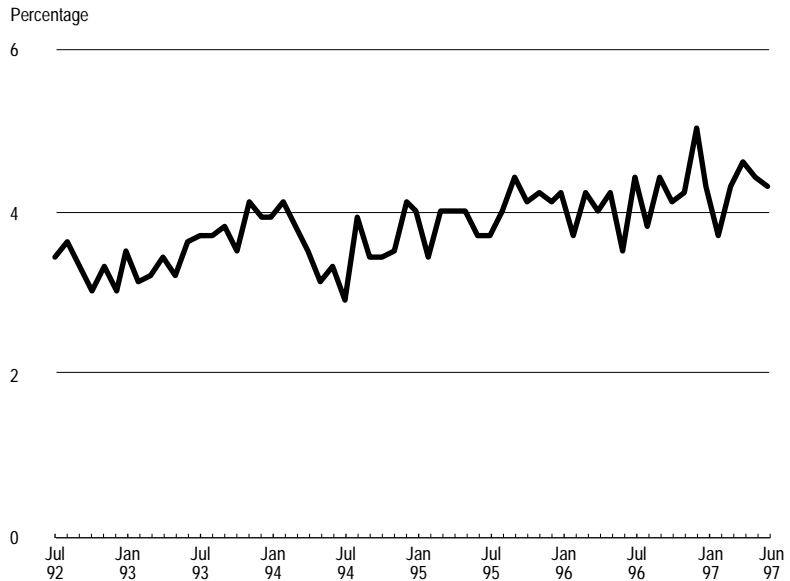




### ***Bail refusal***

Figure 2.5 shows the number of persons who were refused bail as a proportion of all persons whose cases were finalised in the Local Courts between July 1992 and June 1997. During the final two-year period of this series there was a statistically significant upward trend in the proportion of persons for whom bail was refused, with a 7.5 per cent increase in the proportion of bail refusals over this period. In 1996-97, 4.3 per cent of persons were refused bail, compared with 4.0 per cent in 1995-96. In the first twelve months of the series, between July 1992 and June 1993, only 3.3 per cent of persons whose cases were finalised during that time were refused bail.

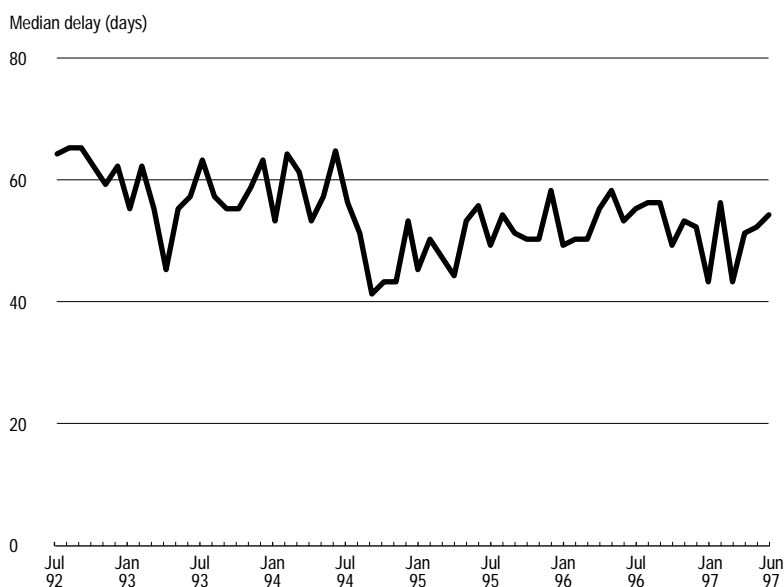
**Figure 2.5: Persons who were refused bail as a percentage of all persons whose cases were finalised, Local Courts**



## ***Delay***

Figure 2.6 shows the trend in median delay between first appearance and determination for defended cases finalised within the Local Courts. Between July 1995 and June 1997, there was no statistically significant upward or downward trend in this delay. The median delay was around 52 days during the last two years of the series, varying over the five-year period between 49 days in 1994-95 and 59 days in 1992-93.

**Figure 2.6: Median delay (from first appearance to determination) for defended cases finalised in Local Courts**



## ***Sentencing***

Figure 2.7 shows the trend in the total number of persons who were convicted (found guilty) in Local Courts and were sentenced to a period of imprisonment. Persons found guilty are those persons who, for at least one offence charged, either pleaded guilty, were found guilty ex parte, or were found guilty after a defended hearing. There was no statistically significant upward or downward trend in the total number of persons sentenced to imprisonment between July 1995 and June 1997.

**Figure 2.7: Persons sentenced to prison, Local Courts**

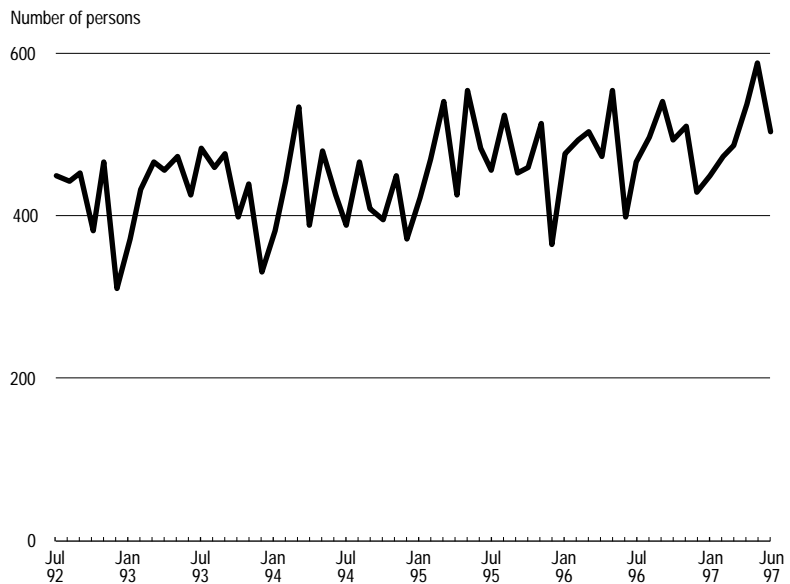


Figure 2.8 shows the trend in the percentage of males and females convicted in Local Courts who were sentenced to a period of imprisonment. The total percentage, combining males and females is not presented because, due to the small number of females concerned, it is substantially the same as the percentage for males. There was no statistically significant upward or downward trend in the percentage of males or females sentenced to imprisonment over the most recent twenty-four months of the period. In 1996-97, the proportion of males sentenced to a term of imprisonment in the Local Courts was almost double that of females – 6.6 per cent of males convicted, compared with 3.5 per cent of females. It should be noted that the rate of imprisonment differs by offence type. Table 2.3, later in this section, details the number of persons sentenced to prison as a percentage of all persons convicted in Local Court appearances finalised, for a selection of offences.

**Figure 2.8: Persons sentenced to prison as a percentage of all persons convicted, by gender, Local Courts**

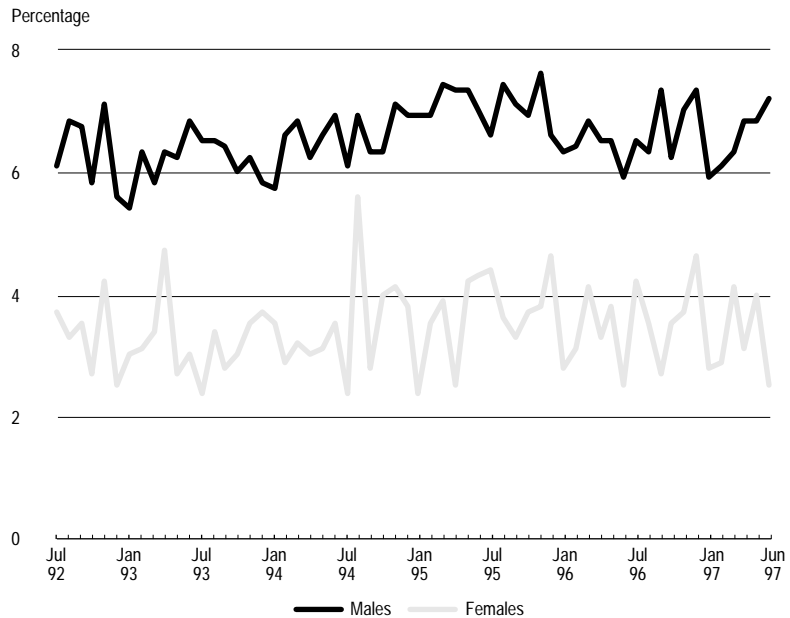
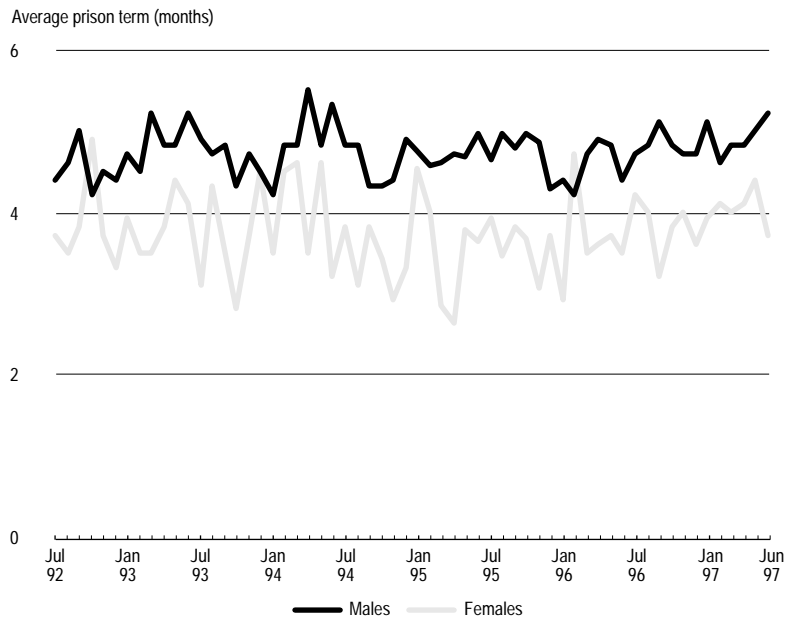


Figure 2.9 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon males and females sentenced to prison in the Local Courts. Again, due to the small number of females concerned, the figure for males is virtually identical to the overall average; hence, the total is not presented in Figure 2.9. There was a statistically significant upward trend in the average length of the term of imprisonment imposed on females during the final twenty-four months of the period, but no statistically significant upward or downward trend in the average length of the term of imprisonment imposed on males. The average length of minimum or fixed term imprisonment for females rose by 11.1 per cent from 3.6 months in 1995-96 to 4.0 months in 1996-97. It can be seen from Table 2.1 that the prison terms imposed on females are typically shorter than those imposed on males, by about one month on average.

**Figure 2.9: Average length of minimum/fixed term of imprisonment for persons sentenced to prison, by gender, Local Courts**



**Table 2.3: Persons sentenced to prison as a percentage of all persons convicted in Local Court appearances finalised, by offence type**

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Against the person:</b>					
Assault occasioning actual bodily harm	13.6	14.9	14.8	14.4	13.5
Other assault	8.1	8.5	9.6	9.7	8.9
Sexual assault	24.0	17.6	13.2	15.2	11.5
Sexual offences against children	16.7	18.3	19.3	25.6	16.0
Other	12.0	12.6	16.3	11.2	10.1
<b>Theft:</b>					
Break and enter	33.4	33.8	35.2	35.6	37.2
Fraud	12.1	13.0	13.1	10.7	6.6
Larceny by shop stealing	6.5	6.4	7.5	6.7	7.9
Other larceny	11.6	12.5	13.0	13.2	13.1
Unlawful possession	17.0	18.2	20.7	19.7	20.8
Vehicle theft	32.5	32.2	33.9	33.8	34.9
<b>Property damage:</b>					
Arson, damage by fire	9.1	11.9	16.2	11.8	15.4
Other	6.9	7.4	8.1	7.8	8.1
<b>Environmental</b>	4.1	3.8	2.9	5.9	1.0
<b>Against justice procedures:</b>					
Breach of order	24.7	23.8	24.0	22.8	22.4
Other	9.3	9.0	10.6	10.2	9.7
<b>Against good order:</b>					
Weapons	4.2	4.8	5.4	5.1	7.6
Betting and gaming	0.3	0.0	0.0	0.0	0.0
Prostitution	1.7	3.8	1.8	3.0	4.0
Liquor licensing	3.9	1.4	2.8	3.3	2.1
Offensive behaviour	2.7	2.8	3.2	3.2	3.3
Other	13.3	13.2	14.5	15.8	15.6

Table 2.3 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Drug:</b>					
Possession and/or use:					
– opiates	20.4	14.2	17.8	18.1	17.8
– cannabis	4.3	5.0	4.8	4.7	5.6
– other drug	6.9	8.9	11.3	10.3	11.2
Dealing and trafficking:					
– opiates	40.9	43.4	39.3	44.6	42.8
– cannabis	14.5	15.0	12.3	15.8	13.0
– other drug	19.9	21.5	19.1	22.0	20.9
Manufacturing and/or growing:					
– cannabis	3.4	3.3	3.6	3.0	3.2
– other drug	5.3	6.4	2.1	6.3	7.6
Other	3.8	3.9	3.4	3.8	4.4
<b>Driving:</b>					
Cause injury by driving	3.1	11.2	12.8	12.5	8.1
DUI drink/drug	6.5	7.4	6.7	7.9	8.4
PCA – high	3.7	3.3	4.2	3.5	3.4
PCA – medium	1.7	1.5	1.5	1.2	1.5
PCA – low	1.3	0.8	0.9	0.7	0.7
Dangerous, reckless or negligent driving	6.7	4.0	3.5	3.6	4.3
Other	6.3	4.8	5.3	5.2	4.9
<b>Other</b>	<b>5.7</b>	<b>3.3</b>	<b>4.8</b>	<b>2.9</b>	<b>4.2</b>

Table 2.3 shows the number of persons sentenced to prison as a percentage of all persons who were found guilty in matters finalised in the Local Courts over the five-year period, July 1992 to June 1997, by offence category. Although a person may have had his or her matter finalised in the Local Court for a number of separate charges, each person is only counted once for the purposes of this table, and is classified according to the offence attracting the longest prison sentence.<sup>12</sup>

Patterns of imprisonment have remained fairly steady over the period July 1992 to June 1997. Offences with the highest imprisonment rates (that is, the largest proportion of persons found guilty of the charge for whom a term of imprisonment was imposed) were: *dealing and trafficking in opiates* (42.8 per cent of persons found guilty were imprisoned in 1996-97, 40.9 per cent in 1992-93), *break and enter* (37.2 per cent of guilty persons imprisoned in 1996-97, 33.4 per cent in 1992-93), *vehicle theft* (34.9 per cent imprisoned in 1996-97, 32.5 per cent in 1992-93), and *breaches of order* (22.4 per cent in 1996-97, 24.7 per cent in 1992-93).

## DISTRICT COURT TRENDS

### ***Summary of trends***

Table 2.4 provides annual summaries of the data which have been graphed in Figures 2.10 to 2.16, below, displaying trends in District Court processes, such as registrations, methods of disposal, court delay and sentencing. Trend tests have been applied to each data series to look for a statistically significant upward or downward movement during the most recent two years of the five-year time period presented, that is, between July 1995 and June 1997. A statistically significant trend has been observed during this time period for the following District Court processes:

- percentage of males whose cases were finalised by defended hearing in the District Court (up by 14.9%; see Figure 2.12)
- average length of minimum/fixed term prison sentences for males sentenced to prison in the District Court (up by 10.5%; see Figure 2.16).

The other District Court processes which were graphed (including the number of new registrations, methods of disposal other than by defended hearing, median delay and number and percentage of persons sentenced to prison, in Figures 2.10, 2.11, 2.13, 2.14 and 2.15, respectively) did not display statistically significant upward or downward trends between July 1995 and June 1997. Each trend in District Court processes is discussed in more detail later in the appropriate individual section below. It should be noted that all graphs and trend tests in the District and Supreme Courts, other than those related to new registrations, are based on quarterly data, unlike the trends in Local Court processes earlier in this section which were based on monthly data.<sup>13</sup>



**Table 2.4: Summary of trends in District Court processes**

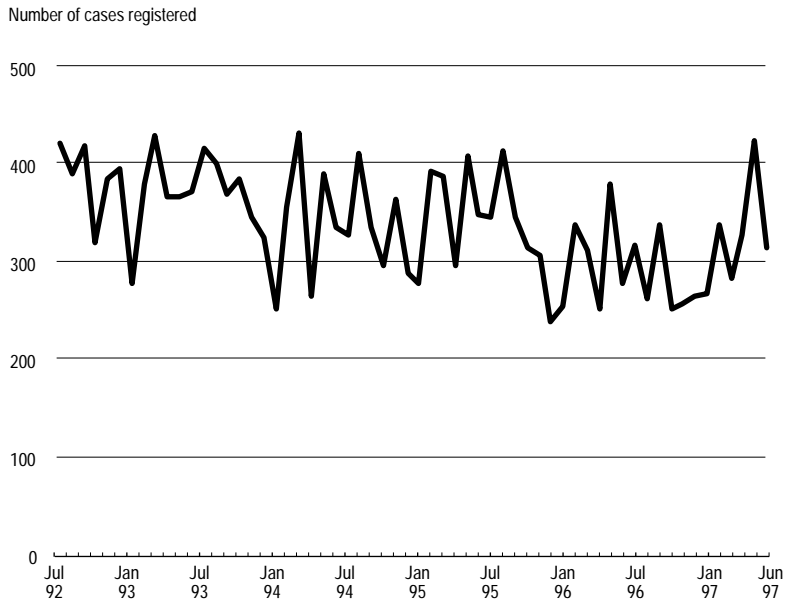
<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Registrations:</b>					
Number of cases registered	4502	4244	4108	3751	3622
<b>Disposals:</b>					
Number of cases finalised by defended hearing	1282	1174	958	836	795
Number of cases finalised by sentencing after guilty plea	3471	3398	2785	2459	1850
Number of cases finalised by other methods of disposal	906	684	582	550	499
Percentage of cases finalised by defended hearing					
– males	22.0	22.9	22.8	22.5	25.9
– females	19.6	17.3	15.4	13.8	18.5
<b>Delay:</b>					
Median delay (from committal to outcome) for finalised trials (days)	440.5	369.5	351.0	308.0	339.0
<b>Sentencing:</b>					
Number of persons sentenced to prison	2065	1975	1762	1569	1356
Percentage of persons sentenced to prison:					
– males	52.3	52.8	57.1	57.4	62.5
– females	32.1	22.3	24.7	29.0	40.7
Average length of minimum/fixed term of imprisonment (months):					
– males	25.0	24.1	22.9	23.7	26.2
– females	22.3	21.4	23.0	17.2	18.2

Trends in Supreme Court processes are analysed later in this section. In addition, tabulated information has been provided for the Higher Courts (that is, for the District and Supreme Courts combined) on details of offence types of charges which were finalised in Higher Court hearings during the five-year period July 1992 to June 1997 (Table 2.6), and offence types of persons who were imprisoned as a result of Higher Court case finalisations during the same period (Table 2.7). The data in these tables are for single financial year periods only, and no trend tests have been applied. Observed changes, however, will be discussed in the appropriate sections, below.

## ***Registrations***

Figure 2.10 shows the number of criminal cases registered monthly in the District Court between July 1992 and June 1997. Between July 1995 and June 1997, there was no statistically significant upward or downward trend in the number of new registrations in the District Court. However, as the annual totals for each financial year provided in Table 2.4 suggest, overall there has been a decline in the number of new registrations in the District Court over the five years of the series. The number of new registrations has remained fairly steady over the most recent twenty-four month period, with an average of about 307 new case registrations per month, compared with 375 per month in 1992-93.

**Figure 2.10: Cases registered in the District Court**



## Disposals

Figure 2.11 shows the overall trends in the method of disposal of criminal matters finalised in the District Court between July 1992 and June 1997. The data in this and subsequent figures in this section are given for the three-month periods (quarters): January to March (March quarter), April to June (June quarter), July to September (September quarter), and October to December (December quarter). Between July 1995 and June 1997 there was no statistically significant upward or downward trend in the number of matters disposed of quarterly by way of either a defended hearing, by sentencing after a guilty plea, or by 'other' methods of disposal.<sup>14</sup>

From Table 2.4, however, it can be seen that the number of hearings disposed of by each of the three methods of disposal has decreased annually over the five-year series graphed in Figure 2.11, the largest percentage decreases generally occurring between 1993-94 and 1994-95. Overall, between the first and the last financial years of the five-year period the number of matters dealt with by means of a defended hearing decreased by 38.0 per cent and disposals by sentencing after guilty plea decreased by 46.7 per cent.

**Figure 2.11: Method of disposal for cases finalised in the District Court**

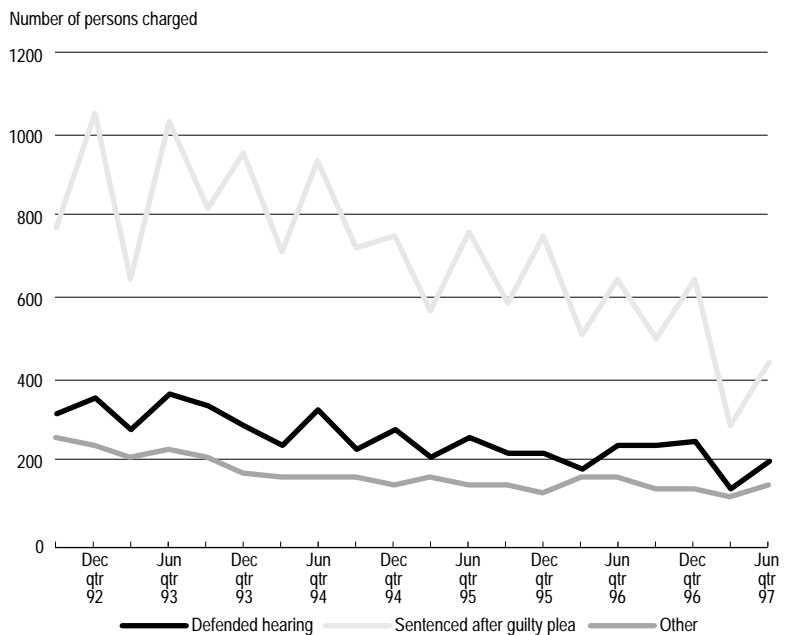
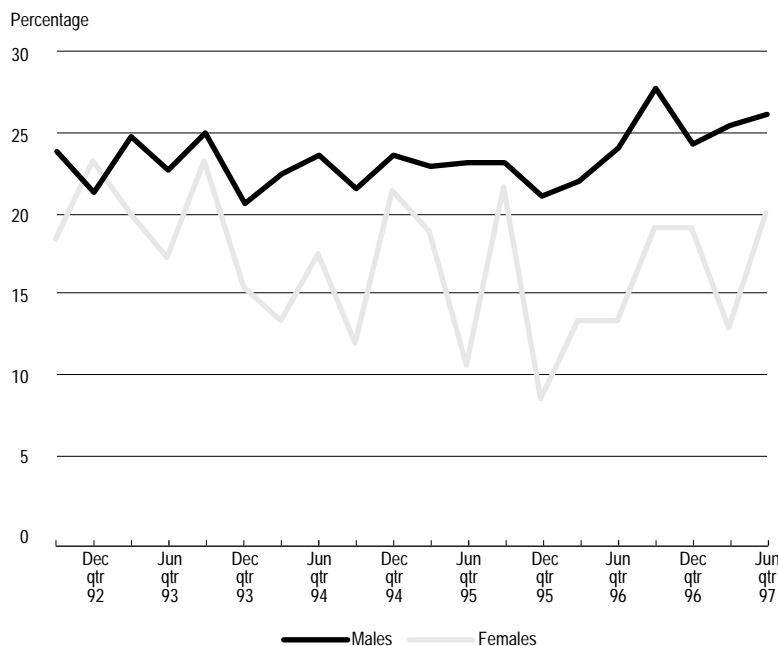


Figure 2.12 shows persons whose cases were finalised as defended hearings, as a percentage of all persons whose cases were finalised in the District Court. Separate quarterly trends are presented for both males and females over the period July 1992 to June 1997. During the period July 1995 to June 1997, the final two years of the series, there was a statistically significant upward trend in the percentage of males whose cases were disposed of by way of a defended hearing. There was no statistically significant upward or downward trend in the percentage of females whose cases were disposed of by way of a defended hearing during the same period.

During the most recent two year period of the series, July 1995 to June 1997, the annual percentage of males whose cases were finalised by way of a defended hearing increased by 14.9 per cent. This percentage remained fairly steady for the first three years of the series with the increase only occurring since the end of 1995. For females, the annual proportion remained steady over the five-year period at about 17 per cent of all cases; however Figure 2.12 shows the marked variation in the proportions between quarters.

**Figure 2.12: Persons whose cases were finalised as defended hearings as a percentage of all persons whose cases were finalised, by gender, District Court**

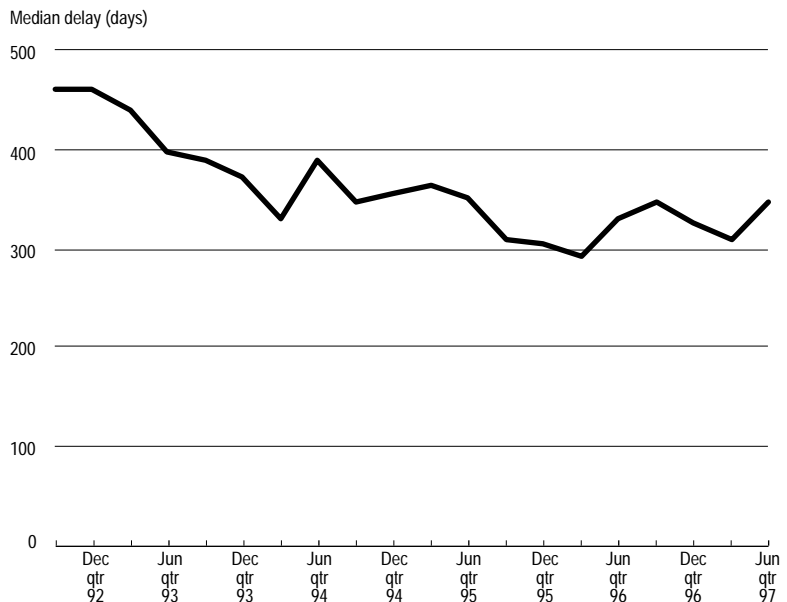


generally due to the small numbers of females represented (an average of only about 70 finalisations per quarter). Figure 2.12 also shows that, in the District Court, males are generally more likely than females to have their matter disposed of by a defended hearing, with 25.9 per cent of males having cases disposed of by defended hearing in 1996-97, compared with 18.5 per cent of females (see Table 2.4).

### ***Delay***

Figure 2.13 shows the trend in median delay between committal and outcome for defended cases finalised within the District Court. There was no statistically significant upward or downward trend in this delay over the most recent two years of the series. Note that although there has been no significant trend during the most recent two years, there has been a downward movement in the median delay between committal and outcome in the District Court over the five years of the trend period presented in Figure 2.13. The median delay varied from 440.5 days in the 1992-93 financial year, down to 308.0 days in 1995-96 and 339.0 days in 1996-97.

**Figure 2.13: Median delay (from committal to outcome) for trials finalised in the District Court**



## ***Sentencing***

Figure 2.14 shows the trend in the total number of persons who were convicted (found guilty) in the District Court and who were sentenced to a period of imprisonment during the five-year period from July 1992 to June 1997. Persons found guilty are those persons who, for at least one offence charged, either pleaded guilty, or were found guilty after a defended hearing (trial). During the most recent two years of the trend period, between July 1995 and June 1997, there was no statistically significant upward or downward trend in the quarterly number of persons sentenced to imprisonment. Annual figures over the whole five-year period, however, shown in Table 2.4, indicate that fewer persons have been sentenced to a period of imprisonment as a result of District Court finalisations each year since 1992-93 (from 2,065 persons sentenced to imprisonment in 1992-93, to only 1,356 in 1996-97). This decrease is due both to a reduction in the number of persons being convicted in District Court finalisations and to a decline in the total number of finalisations, given that the proportion of convicted persons being sentenced to prison has increased (see Table 2.4). The trend in the proportion of convicted persons being sentenced to a period of imprisonment by the District Court is examined in Figure 2.15.

**Figure 2.14: Persons sentenced to prison, District Court**

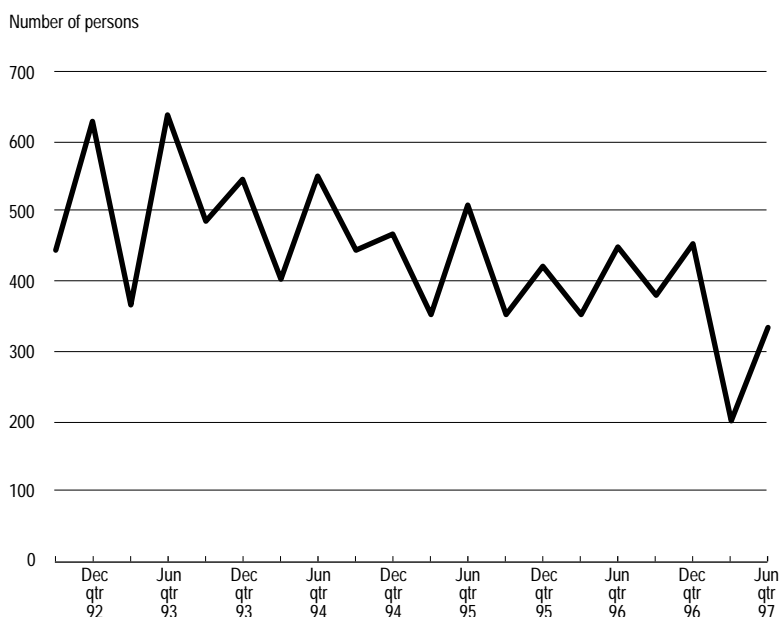


Figure 2.15 shows the trend in the percentage of males and females convicted in the District Court who were sentenced to a period of imprisonment. The total percentage is not presented because, due to the small number of females concerned, it is substantially the same as the percentage for males. There is no statistically significant upward or downward trend in the percentage of males or females sentenced to imprisonment quarterly over the most recent twenty-four months of the period. However, over the five years of the series, Table 2.4 shows that there has been some increase in the annual percentages of both convicted males and females sentenced to a term of imprisonment.

Between 1992-93 and 1996-97, annual figures in Table 2.4 show that the percentage of males convicted in the District Court who were sentenced to a period of imprisonment rose from 52.3 per cent in 1992-93 to 62.5 per cent in 1996-97. For females, this percentage showed a decrease in the first two years, from 32.1 per cent in 1992-93 to 22.3 per cent in 1993-94, with annual increases between successive years thereafter, up to 40.7 per cent in 1996-97. For the five-year period presented in Figure 2.15, the proportion of males sentenced to a term of imprisonment in the District Court was consistently higher than that of females – a difference of at least 20 percentage points each year.

**Figure 2.15: Persons sentenced to prison as a percentage of all persons convicted, by gender, District Court**

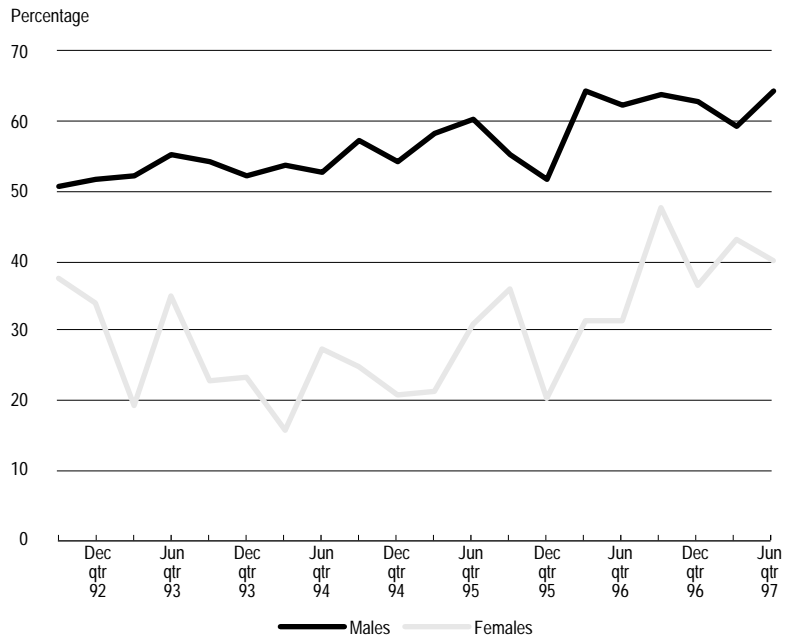
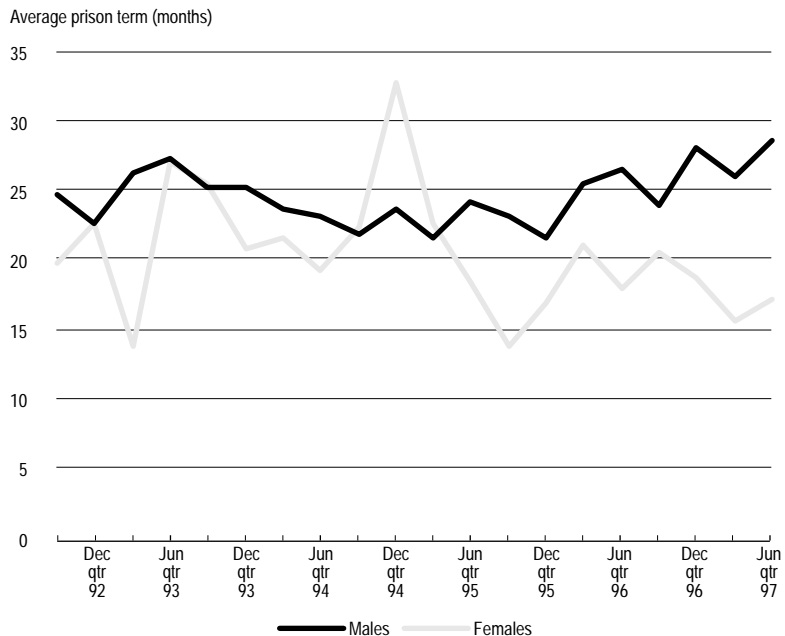


Figure 2.16 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon males and females sentenced to prison in the District Court. Again, due to the small number of females concerned, the trend for males is virtually identical to that of the overall average; hence, the total is not presented in Figure 2.16. There was a statistically significant upward trend in the average length of the term of imprisonment imposed on males during the final two years of the period, but no statistically significant upward or downward trend in the average length of the term of imprisonment imposed on females.

The average length of minimum or fixed term of imprisonment for males sentenced to prison in the last two years of the period rose by 10.5 per cent, from 23.7 months in 1995-96, up to 26.2 months in 1996-97. In 1992-93, the first year of the series, the average term of imprisonment for males was 25.0 months, with small decreases over the following two years. For females, the average length of the minimum/fixed term of imprisonment in 1995-96 was 17.2 months, compared with 18.2 months in 1996-97 and 22.3 months in 1992-93. During the last two years of the series, the prison terms imposed on females were typically shorter than those imposed on males, by about eight months on average.

**Figure 2.16: Average length of minimum/fixed term of imprisonment for persons sentenced to prison, by gender, District Court**





## SUPREME COURT TRENDS

### *Summary of trends*

Table 2.5 provides annual summaries of the data which have been graphed in Figures 2.17 to 2.22, below, displaying trends in Supreme Court processes, such as registrations, methods of disposal, court delay and sentencing. Trend tests have been applied to each data series to look for a statistically significant upward or downward movement during the most recent two years of the five-year time period presented, that is, between July 1995 and June 1997. A statistically significant trend has been observed during this time period for the following Supreme Court process:

- median delay (from committal to outcome) for trials finalised in the Supreme Court (up by 99.3%; see Figure 2.19).

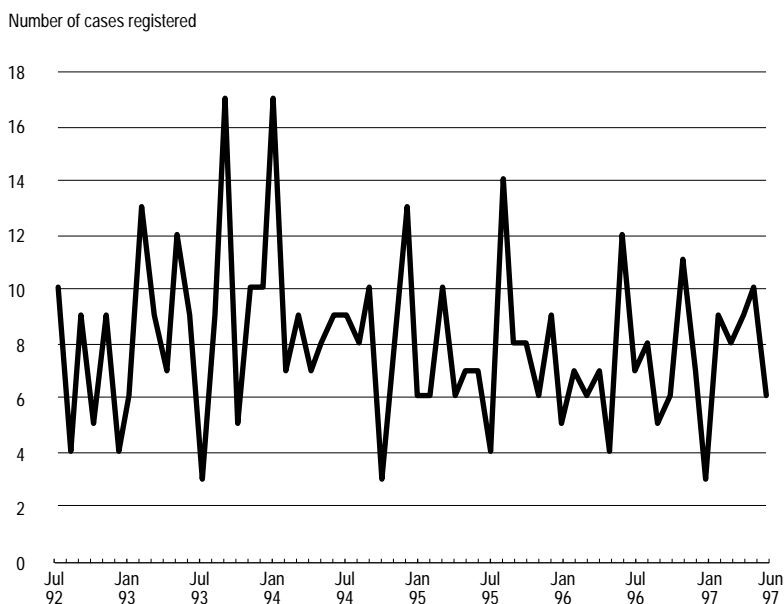
**Table 2.5: Summary of trends in Supreme Court processes**

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Registrations:</b>					
Number of cases registered	97	111	93	90	89
<b>Disposals:</b>					
Number of cases finalised by defended hearing	79	73	38	43	34
Number of cases finalised by sentencing after guilty plea	72	39	41	30	37
Number of cases finalised by other methods of disposal	13	8	3	2	1
<b>Delay:</b>					
Median delay (from committal to outcome) for finalised trials (days)	401.0	422.5	316.5	279.5	557.0
<b>Sentencing:</b>					
Number of persons sentenced to prison	105	76	63	43	55
Percentage of persons sentenced to prison	84.7	89.4	95.5	78.2	90.2
Average length of minimum/fixd term of imprisonment (months)	93.2	90.4	98.8	84.4	78.4

The other Supreme Court processes which were graphed (including the number of new registrations, methods of disposal, number and percentage of persons sentenced to a period of imprisonment, and the average length of imprisonment terms) did not display statistically significant upward or downward trends between July 1995 and June 1997. The details of each trend are discussed in the individual sections which follow. Additional tabulated information is provided for the Higher Courts (District and Supreme Courts combined) on details of offence types of charges which were finalised in the Higher Courts (Table 2.6), and for persons who were imprisoned as a result of Higher Court case finalisations (Table 2.7), during the five-year period July 1992 to June 1997.

It should be noted that all graphs and trend tests in Supreme Court processes, other than those related to new registrations (Figure 2.17), are based on quarterly data.<sup>15</sup> The three-month periods covered are: January to March (March quarter), April to June (June quarter), July to September (September quarter), and October to December (December quarter).

**Figure 2.17: Cases registered in the Supreme Court**



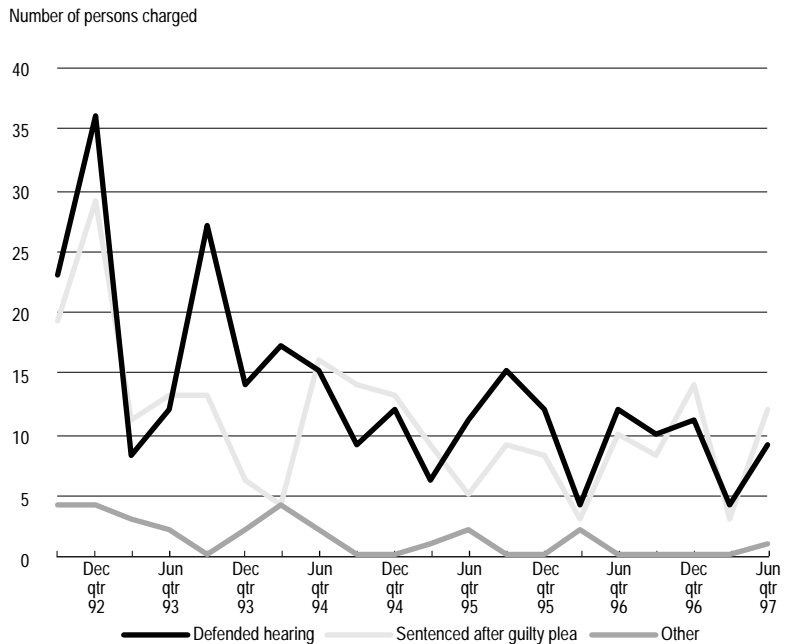
## ***Registrations***

Figure 2.17 shows the number of criminal cases registered in the Supreme Court between July 1992 and June 1997. Between July 1995 and June 1997, there was no statistically significant upward or downward trend in the number of new registrations in the Supreme Court. Overall, the number of new registrations in the Supreme Court over the five years of the series has remained fairly steady at an average of about eight registrations per month.

## ***Disposals***

Figure 2.18 shows the overall trends in the method of disposal of criminal matters finalised in the Supreme Court from July 1992 to June 1997. Between July 1995 and June 1997 there was no statistically significant upward or downward trend in the number of matters disposed of quarterly in the Supreme Court by way of either a defended hearing, sentencing after a guilty plea, or by 'other' methods of disposal. On an annual basis (see Table 2.5) for the five-year series graphed in Figure 2.18, however, the number of hearings disposed of by each of the three methods of disposal has generally decreased since 1992-93. Overall, between the first and the last financial years of the five-year period, the number of matters dealt with by means of a defended hearing decreased by 57.0 per cent and disposals by sentencing after guilty plea decreased by 48.6 per cent.

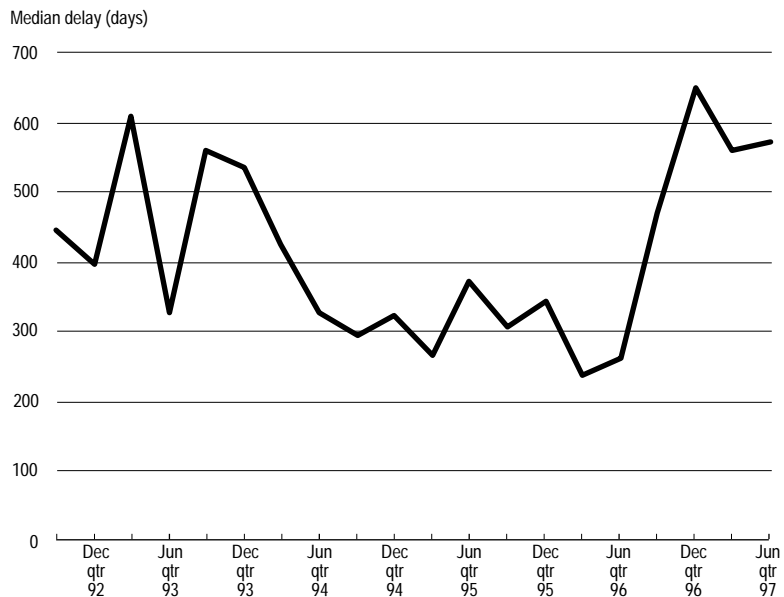
**Figure 2.18: Method of disposal for cases finalised in the Supreme Court**



## ***Delay***

Figure 2.19 shows the trend in median delay between committal and outcome for defended cases finalised in the Supreme Court. Over the two years from July 1995 to June 1997, there was a statistically significant upward trend in this delay. During this period, the median delay almost doubled, from 279.5 days in 1995-96, up to 557.0 days in 1996-97. However, it should be noted that the number of trial finalisations on which these calculations are based is small and, further, the median delay has not varied in any one consistent direction over the five years of the series. Overall, there has been a decrease in the quarterly number of trial finalisations over the five years of the series, from a total of 79 trials finalised in 1992-93, down to just 34 finalisations in 1996-97. Table 2.5 shows the variation in median delay across the five years of the series: an increase from 401.0 days in 1992-93 to 422.5 days in 1993-94 was followed by successive decreases in 1994-95 and 1995-96 (to 316.5 and 279.5 days respectively) but, finally, with a sizeable increase to 557.0 days in the 1996-97 financial year.

**Figure 2.19: Median delay (from committal to outcome) for trials finalised in the Supreme Court**



## ***Sentencing***

Figure 2.20 shows the trend in the total number of persons who were convicted (found guilty) in the Supreme Court and were sentenced to a period of imprisonment for each quarter from July 1992 to June 1997. Persons found guilty are those persons who, for at least one offence charged, either pleaded guilty, or were found guilty after a defended hearing. For the two-year period, July 1995 to June 1997, there was no statistically significant upward or downward trend in the total number of persons sentenced to imprisonment. However, it can be seen in Figure 2.20 that, overall, there has been a general decrease in the number of persons being sentenced to imprisonment in Supreme Court trial finalisations over the five years of the trend series (from 105 in 1992-93, down to 55 in 1996-97). This is in keeping with a decline in the total number of persons being convicted in Supreme Court finalisations and, further, with the decrease in the total number of finalisations in the Supreme Court during this period, as was noted above. The annual total number of persons convicted in Supreme Court finalisations decreased from 124 in 1992-93, down to 85 in 1993-94, then stabilising at 66, 55 and 61 respectively in 1994-95, 1995-96 and 196-97.

**Figure 2.20: Persons sentenced to prison in the Supreme Court**

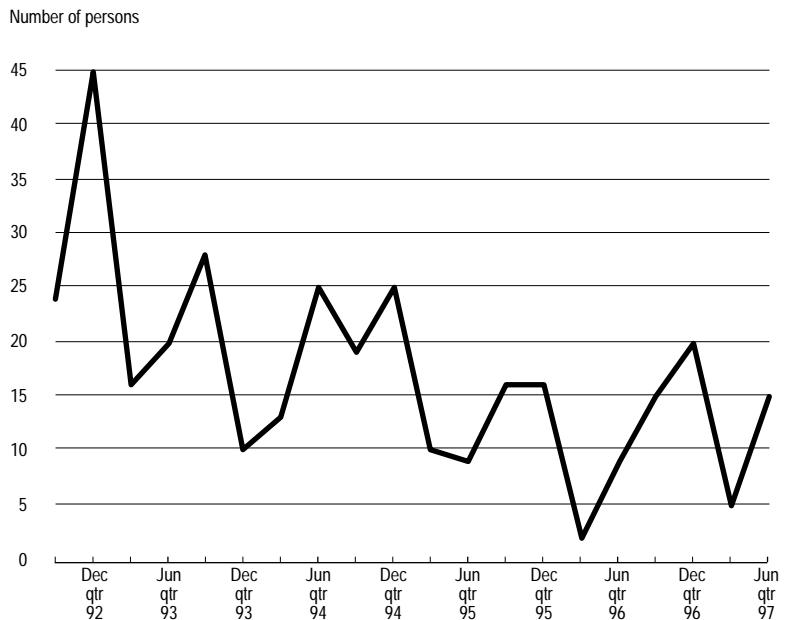


Figure 2.21 shows the trend in the percentage of persons convicted in the Supreme Court who were sentenced to a period of imprisonment. Percentages are not presented separately by gender, due to the small number of females concerned. There was no statistically significant upward or downward trend in the percentage of persons sentenced to imprisonment over the most recent two years of the period. Figure 2.21 shows that, in general, a majority of persons who are convicted in the Supreme Court are sentenced to a period of imprisonment. This percentage has varied between 95.5 per cent in 1994-95 and 78.2 per cent in 1995-96.

**Figure 2.21: Persons sentenced to prison as a percentage of all persons convicted in the Supreme Court**

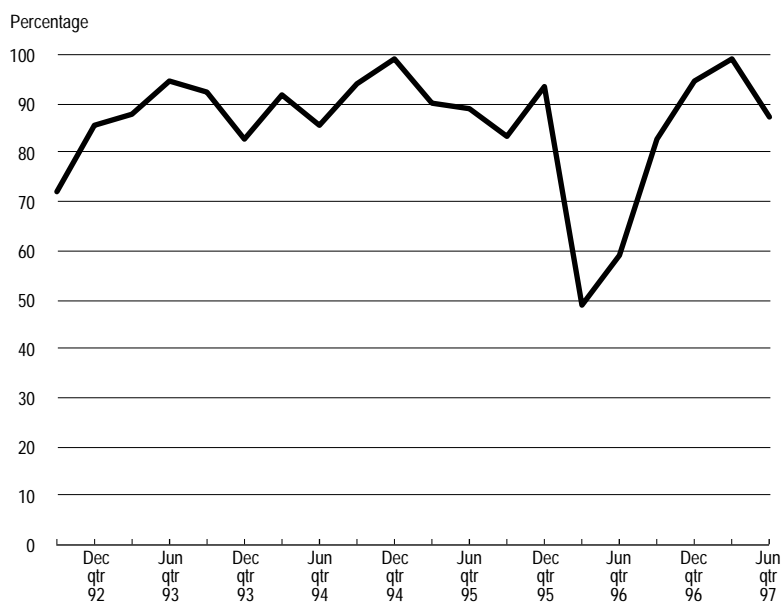
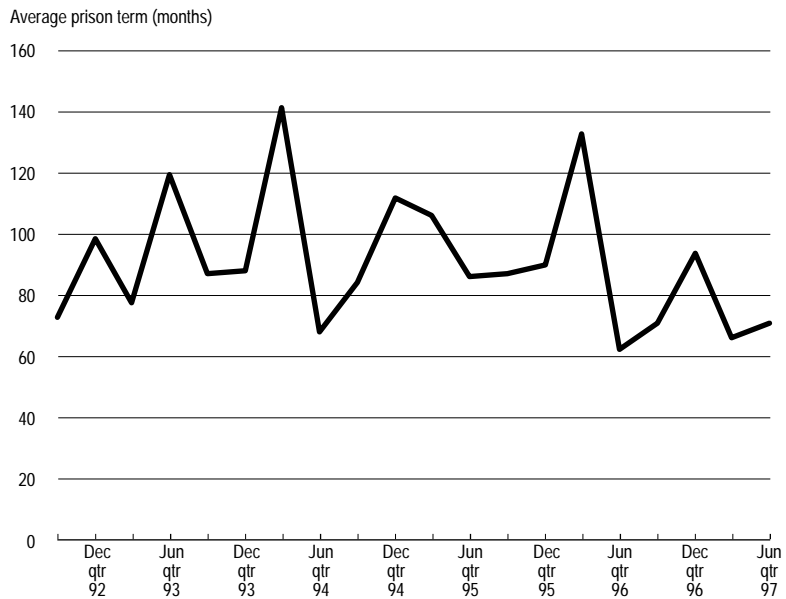


Figure 2.22 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon persons sentenced to prison in the Supreme Court between July 1992 and June 1997. Again, due to the small number of females concerned, only the total is presented in Figure 2.22. There was no statistically significant upward or downward trend in the average length of the term of imprisonment imposed on persons who were sentenced to a period of imprisonment during the final two years of the period. The average length of the minimum or fixed term of imprisonment for persons sentenced to prison during this time period varied between 98.8 months in 1994-95 and 78.4 months in 1996-97.

**Figure 2.22: Average length of minimum/fixed term of imprisonment for persons sentenced to prison in the Supreme Court**



## HIGHER COURT TRENDS – DISTRICT AND SUPREME COURTS

### *Disposals*

Table 2.6 shows the numbers of charges finalised in the Higher Courts within particular offence categories for the five-year period, July 1992 to June 1997, where the charge was finalised during the counting period.

**Table 2.6: Charges in Higher Court trial and sentence cases finalised, by offence type**

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Against the person:</b>					
Murder	95	82	63	37	55
Manslaughter	66	47	42	27	45
Attempt, intent to murder	45	56	33	33	44
Assault	1681	1322	945	1050	960
Sexual assault	1030	1065	867	759	817
Sexual offences against children	897	961	731	771	721
Other	125	129	106	93	125
<b>Total</b>	<b>3939</b>	<b>3662</b>	<b>2787</b>	<b>2770</b>	<b>2767</b>
<b>Robbery and extortion:</b>					
Robbery	1398	1170	935	942	979
Blackmail and extortion	105	92	87	96	41
<b>Total</b>	<b>1503</b>	<b>1262</b>	<b>1022</b>	<b>1038</b>	<b>1020</b>
<b>Theft:</b>					
Break and enter	1141	967	764	658	531
Fraud and misappropriation	1046	971	673	576	477
Unlawful possession	365	288	258	197	169
Vehicle theft	436	315	259	212	198
Other	301	251	227	191	161
<b>Total</b>	<b>3289</b>	<b>2792</b>	<b>2181</b>	<b>1834</b>	<b>1536</b>
<b>Property damage</b>	<b>265</b>	<b>191</b>	<b>161</b>	<b>139</b>	<b>106</b>
<b>Against justice procedures</b>	<b>330</b>	<b>323</b>	<b>271</b>	<b>294</b>	<b>257</b>



Table 2.6 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Weapons</b>	342	299	204	190	184
<b>Against good order</b>	193	144	102	105	80
<b>Drug:</b>					
Possession and/or use					
– opiates	29	17	10	8	10
– cannabis	49	44	40	31	24
– other	46	33	39	25	19
Dealing and trafficking					
– opiates	385	326	229	199	155
– cannabis	403	440	314	193	140
– other	500	453	457	405	321
Manufacturing and/or growing					
– cannabis	318	350	278	206	87
– other	58	76	65	22	33
Import/export drugs	173	120	72	68	102
Other	6	3	2	2	6
<b>Total</b>	<b>1967</b>	<b>1862</b>	<b>1506</b>	<b>1159</b>	<b>897</b>
<b>Driving:</b>					
Cause death by driving	175	148	106	97	104
Cause injury by driving	156	109	93	49	24
Other	23	17	15	15	12
<b>Total</b>	<b>354</b>	<b>274</b>	<b>214</b>	<b>161</b>	<b>140</b>
<b>Against prison rules</b>	<b>90</b>	<b>99</b>	<b>62</b>	<b>61</b>	<b>44</b>
<b>Other</b>	<b>69</b>	<b>95</b>	<b>76</b>	<b>64</b>	<b>35</b>

For most of the series, the offence category with the largest number of charges each year is *against the person*. Within this category, the most frequently charged offence was *assault*, followed by *sexual assault* and *sexual offences against children*. Generally, the next largest categories of offences for which persons were charged each year are *theft* offences (*break and enter* being the most frequently charged offence within the *theft* category), and *drug* offences.

During the most recent two years of the series presented, between 1995-96 and 1996-97, most major offence categories showed annual decreases in the number of

charges finalised in the Higher Courts. Indeed, Table 2.6 shows that the numbers of charges in Higher Court case finalisations within each offence category have generally declined each year for the entire five years of the series. Large decreases over the most recent two years of the period are evident in the *drug* and *theft* offence categories (decreases of 22.6 per cent and 16.2 per cent respectively, between 1995-96 and 1996-97). Over the five-year period, between 1992-93 and 1996-97, the decreases in the number of persons charged within these two categories were 54.4 per cent (*drug* offences) and 53.3 per cent (*theft* offences).

Over the most recent two-year period, from July 1995 to June 1997, notable decreases in specific *against the person* offences (the offence category most frequently charged in the Higher Courts) occurred in charges for *assault* (down by 8.6 per cent, from 1050 charges in 1995-96 to 960 in 1996-97), and *sexual offences against children* (a decrease of 6.5 per cent, from 771 to 721 between 1995-96 and 1996-97).<sup>16</sup> Over the five-year period, from July 1992 to June 1997, the number of charges for these specific offences decreased by 42.9 per cent and 19.6 per cent, respectively.

The largest decreases in the number of charges for offences within the *theft* category during the most recent two years of the series occurred for the offences of *break and enter* (down by 19.3 per cent between 1995-96 and 1996-97), *fraud and misappropriation* (down by 17.2 per cent), and *unlawful possession* (down by 14.2 per cent). Between the first and last years of the five-year series, the number of charges for these three offences which were finalised in the Higher Courts decreased by 53.5 per cent, 54.4 per cent and 53.7 per cent, respectively. The largest decreases for offences within the *drug* offence category tended to be in the number of charges for *cannabis* offences (including *dealing and trafficking* and *manufacturing and/or growing*) and *opiates* offences (*possession and/or use* and *dealing and trafficking*).

### Sentencing

Table 2.7 shows the number of persons sentenced to prison as a percentage of all persons who were found guilty in matters finalised in the Higher Courts over the five-year period, July 1992 to June 1997, by offence category. Although a person may have had his or her matter finalised in the District or Supreme Court for a number of separate charges, each person is only counted once for the purposes of this table, and is classified according to the offence attracting the longest prison sentence.<sup>17</sup>

**Table 2.7: Persons sentenced to prison as a percentage of all persons convicted in Higher Court trial and sentence cases finalised, by offence type**

<i>Type of principal offence</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Against the person:</b>					
Murder	97.9	100.0	100.0	94.4	100.0
Manslaughter	90.9	87.5	85.7	64.7	95.8
Attempt, intent to murder	80.0	75.0	83.3	100.0	50.0
Assault	40.2	41.8	46.3	50.1	50.3
Sexual assault	60.8	66.1	69.2	69.2	63.6
Sexual offences against children	61.0	59.2	63.9	70.4	58.8
Other	66.7	36.4	56.7	35.0	72.7
<b>Robbery and extortion:</b>					
Robbery	68.6	73.2	75.6	77.0	76.5
Blackmail and extortion	40.0	37.8	57.5	41.2	66.7
<b>Theft:</b>					
Break and enter	61.7	62.1	68.8	66.3	72.2
Fraud and misappropriation	31.4	29.2	34.6	32.4	47.3
Unlawful possession	33.3	40.9	47.8	56.6	46.6
Vehicle theft	54.8	48.2	64.2	54.0	76.9
Other	49.5	37.4	46.1	38.4	61.4
<b>Property damage</b>	38.9	26.1	41.4	28.4	45.0
<b>Against justice procedures</b>	29.1	35.8	45.4	32.6	39.8
<b>Weapons</b>	47.4	39.0	56.4	58.1	69.0
<b>Against good order</b>	39.5	41.0	22.2	52.4	44.4
<b>Drug:</b>					
Possession and/or use:					
– opiates	25.0	50.0	-	-	100.0
– cannabis	-	-	-	-	33.3
– other	25.0	-	20.0	-	-
Dealing and trafficking:					
– opiates	81.5	70.3	71.8	76.3	81.9
– cannabis	42.3	40.4	44.6	39.1	45.8
– other	44.6	49.3	46.9	47.2	45.8

Table 2.7 continued

<b>Type of principal offence</b>	<b>Financial year</b>				
	<b>1992-93</b>	<b>1993-94</b>	<b>1994-95</b>	<b>1995-96</b>	<b>1996-97</b>
<b>Drug (continued):</b>					
Manufacturing and/or growing:					
– cannabis	24.9	15.8	24.9	25.6	29.2
– other	73.3	37.1	34.5	54.5	83.3
Import/export drugs:	90.0	93.2	92.3	100.0	93.4
<b>Driving:</b>					
Cause death by driving	23.4	49.3	28.1	37.0	58.8
Cause injury by driving	18.0	14.6	16.7	28.6	12.5
Other	-	-	20.0	-	-
<b>Against prison rules</b>	96.4	96.9	89.7	94.9	95.7
<b>Other</b>	25.0	30.0	25.9	40.0	30.0
<b>Total</b>	51.3	50.7	55.1	55.4	61.6

Patterns of imprisonment have remained fairly steady over the period July 1992 to June 1997. Offences with the highest imprisonment rates (that is, the largest proportion of persons found guilty of the charge for whom a term of imprisonment was imposed) were: *murder*, *manslaughter*, and *import/export drug* offences. In most years, a guilty finding for these offences in the Higher Courts attracted almost certain imprisonment. Other offences for which high rates of imprisonment have occurred in recent years include: *possession and/or use – opiates* and *dealing and trafficking – opiates* (100.0 per cent and 81.9 per cent of persons found guilty in 1996-97, respectively, were imprisoned), *vehicle theft* (76.9 per cent of persons found guilty in 1996-97 were imprisoned), *robbery* (76.5 per cent imprisoned in 1996-97), and *break and enter* (72.2 per cent imprisoned in 1996-97).

## NOTES – Section 2

- 9 This definition may lead to some overcounting of defended hearings. The information recorded for matters finalised prior to 1994 allowed a more precise determination of whether there was a defended hearing. The 1993 *Key Trends in Crime and Justice NSW* publication uses this more precise determination for defended hearings finalised before 1994. In subsequent editions of this publication, however, defended hearings finalised prior to 1994 were re-defined according to the definition noted in the text so that data on the number of defended hearings for all years in these publications were based on the same definition. As a result, there are some discrepancies between the 1993 publication and the later publications in the numbers of defended hearings finalised prior to 1994.
- 10 NSW Bureau of Crime Statistics and Research 1997, *New South Wales Criminal Court Statistics 1996*, NSW Bureau of Crime Statistics and Research, Sydney.
- 11 It should be noted that the frequency within the *sexual offences against children* classification is subject to undercounting. This is because some charges which have been counted in the *sexual assault* category in this report may have involved child victims (e.g. charges laid under section 61I (*sexual intercourse without consent*) and section 61L (*indecent assault*) of the *NSW Crimes Act 1900*). Note that *indecent assault* is included in the *sexual assault* category.
- 12 If there was more than one offence which received the same term of imprisonment, the last of these offences recorded on the court file is selected. A person is excluded from this table if he or she is held in custody under the *Mental Health (Criminal Procedure) Act 1990* for any charge.
- 13 This is due to the Higher Court recesses in January and July, and the marked month-to-month fluctuations which are evident when the number of matters dealt with is small. Trends in the Higher Courts are presented on a quarterly basis for the three-month periods: January to March (March quarter), April to June (June quarter), July to September (September quarter), and October to December (December quarter). Trend tests have been performed on the quarterly data for the two-year period, July 1995 to June 1997.
- 14 In the District and Supreme Courts, a significant number of cases are finalised when all of the charges are 'no-billed' (when the Director of Public Prosecutions does not proceed with the charges against the accused person) or when the accused person absconds or dies. These have been grouped together and shown as 'other' finalisations. Most cases finalised in the 'other' category in the District or Supreme Court involve cases where the charges have been 'no-billed'.
- 15 This is due to the Higher Court recesses in January and July, and the marked month-to-month fluctuations which are evident when the number of matters dealt with is small. Trend tests have been performed on the quarterly data for the two-year period, July 1995 to June 1997.
- 16 It should be noted that the frequency within the *sexual offences against children* classification is subject to undercounting. This is because some charges which have been counted in the *sexual assault* category in this report may have involved child victims (e.g. charges laid under section 61I (*sexual intercourse without consent*) and section 61L (*indecent assault*) of the *NSW Crimes Act 1900*).
- 17 If there was more than one offence which received the same term of imprisonment, the last of these offences recorded on the court file was selected. A person is excluded from this table if he or she was held in custody under the *Mental Health (Criminal Procedure) Act 1990* for any charge.



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**SECTION 3**

**TRENDS IN  
JUVENILE JUSTICE**

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## SECTION 3: TRENDS IN JUVENILE JUSTICE

### INTRODUCTION

This section examines trends in juvenile justice in NSW, covering the period July 1992 to June 1997.<sup>18</sup> All of the data are shown by gender, except Figure 3.1, for which separate data for males and females were unavailable. As with the data in the other sections of this report, each trend has been tested for statistical significance over the last two years of the period using Kendall's rank order correlation test. For those trends which show a statistically significant upward or downward trend, the percentage change between 1995-96 and 1996-97 has been used to describe the magnitude of the change. Patterns over the full five-year period are also briefly addressed where the general trend differs from that observed over the most recent two years which has been tested.

Two aspects of the Children's Courts functioning are examined. The first aspect is the volume and type of criminal matters dealt with by the courts. Figures 3.1 and 3.2 are concerned with the number of persons registered to appear in the Children's Courts on criminal charges, and the number of persons whose appearances were finalised over the period. Table 3.1 shows the annual totals of the number of juveniles whose cases were finalised in the Children's Courts over the five-year period, July 1992 to June 1997, categorised by type of offence charged. This table is person-based, so that, for each offence category a juvenile appears only once, regardless of the number of charges involved. For each matter brought before the court, only the most serious charge for an individual having multiple charges is counted in the table.<sup>19</sup>

The second aspect of Children's Courts functioning concerns outcome. Figures 3.3 to 3.12 present information on key outcomes for all matters finalised in the Children's Courts. The outcomes examined are: control orders (i.e. committed to a juvenile justice centre), Community Service Orders, supervised orders (e.g. probation), unsupervised orders (e.g. recognizance where no supervision is stipulated) and fines.<sup>20</sup> Outcomes are classified according to the most serious penalty imposed. It should be noted that trends in key outcomes for matters finalised in the Children's Courts are directly affected by trends in the total number of finalisations.



### ***Summary of trends***

As was noted above, trend tests have been applied to each data series graphed in this section, to look for a statistically significant upward or downward movement during the most recent two years of the five-year time period presented, that is, between July 1995 and June 1997. A statistically significant trend has been observed during this time period for the following juvenile justice processes:

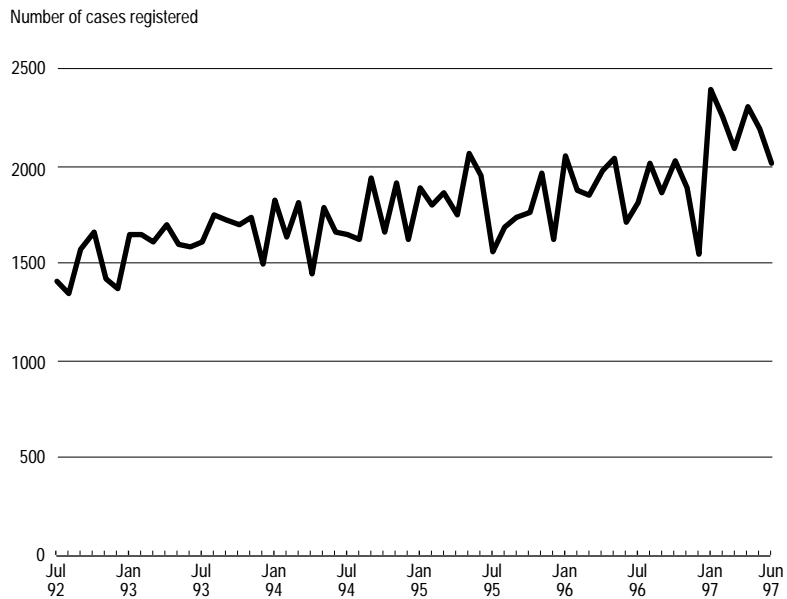
- number of new cases registered in Children's Courts (up by 11.7%; see Figure 3.1)
- total number of cases finalised in Children's Courts (up by 9.2%; see Figure 3.2)
- number of cases finalised for males in Children's Courts (up by 8.2%; see Figure 3.2)
- number of cases finalised for females in Children's Courts (up by 13.8%; see Figure 3.2)
- number of females for whom the most serious penalty was probation/recognizance order without supervision (up by 11.0%; see Figure 3.9)
- percentage of cases finalised for males for whom the most serious penalty was probation/recognizance order without supervision (down by 2.0%; see Figure 3.10).

The other processes in juvenile justice which were graphed (i.e. the number and percentage of cases finalised in Children's Courts where the most serious penalties imposed were control orders (Figures 3.3 and 3.4), Community Service Orders (Figures 3.5 and 3.6), supervised orders (Figures 3.7 and 3.8) and fines (Figures 3.11 and 3.12)) did not display statistically significant upward or downward trends. Each trend in juvenile justice processes is discussed in more detail later in the appropriate individual section below.

## ***Registrations***

Figure 3.1 shows the trend in the number of juveniles registered to appear each month in the Children's Courts for the period July 1992 to June 1997.<sup>21</sup> Over the latest two years of the series, from July 1995 to June 1997, there was a statistically significant upward trend in the number of registrations. Between 1995-96 and 1996-97, there was an 11.7 per cent increase in the total number of cases registered. Over the five- year period, the number of registrations increased between each pair of consecutive years in the series, resulting in an overall increase in annual registrations of 31.6 per cent between the first and last twelve months of the five-year period, rising from an average of 1540 registrations per month in 1992-93, up to approximately 2030 per month in 1996-97.

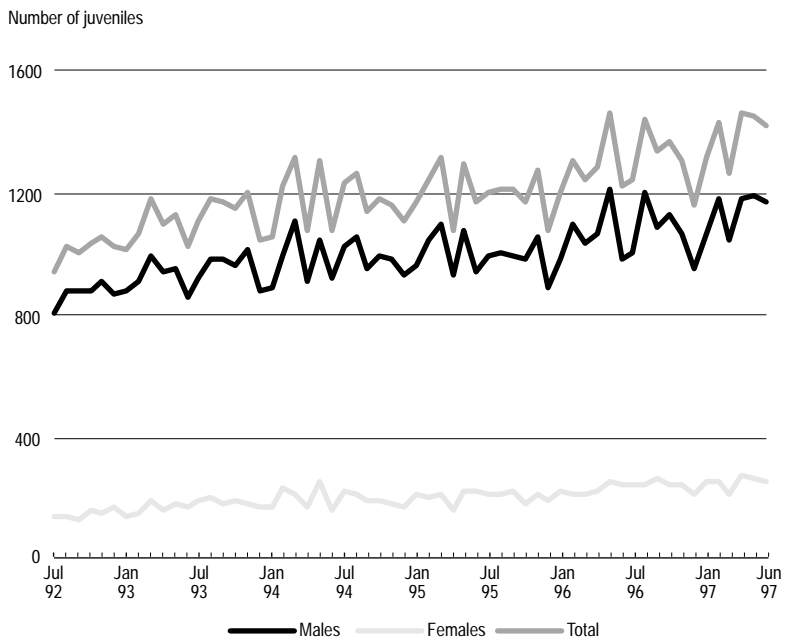
**Figure 3.1: Cases registered in Children's Courts**



## Disposals

Figure 3.2 presents the trends in the number of finalised criminal appearances in the Children's Courts for males and females. There were statistically significant upward trends for both males and females over the most recent two years of the period, from July 1995 to June 1997, and also for the total number of appearances. Between 1995-96 and 1996-97, there was an 8.2 per cent increase for males and a 13.8 per cent increase for females, resulting in an increase of 9.2 per cent in the total number of appearances. Again, there have been increases between each pair of consecutive years in the five-year series, with an overall increase of 28.8 per cent in total finalised appearances between 1992-93 and 1996-97, comprised of a 23.7 per cent increase in the number of finalisations involving males and a 58.6 per cent increase in finalisations involving females. Each year, males accounted for the majority of finalisations in the Children's Courts, with 82.0 per cent of all finalisations in the Children's Courts in 1996-97 being for males.

**Figure 3.2: Finalised appearances in Children's Courts**



## ***Offence types***

Table 3.1 shows the numbers of juveniles charged with offences within particular offence categories for each financial year of the five-year period, July 1992 to June 1997, where the charge was finalised in the Children's Courts during the counting period. The total number of juveniles charged within each offence category, as well as the number of males and females, is shown. As is the case with other jurisdictions, the majority of juvenile offenders in each offence category are male.<sup>22</sup> As was noted

**Table 3.1: Persons charged in Children's Court appearances finalised, by offence type, selected offences**

<b>Type of offence charged</b>	<b>Financial year</b>				
	<b>1992-93</b>	<b>1993-94</b>	<b>1994-95</b>	<b>1995-96</b>	<b>1996-97</b>
<b>Assault:</b>					
Males	1390	1791	2074	2170	2576
Females	323	553	638	753	964
<b>Total</b>	<b>1713</b>	<b>2344</b>	<b>2712</b>	<b>2923</b>	<b>3540</b>
<b>Sexual offences:</b>					
Males	99	116	114	116	134
<b>Robbery:</b>					
Males	262	361	301	429	435
Females	25	54	47	61	87
<b>Total</b>	<b>287</b>	<b>415</b>	<b>348</b>	<b>490</b>	<b>522</b>
<b>Break and enter:</b>					
Males	1980	1873	1775	1774	1845
Females	150	127	139	159	188
<b>Total</b>	<b>2130</b>	<b>2000</b>	<b>1914</b>	<b>1933</b>	<b>2033</b>
<b>Fraud:</b>					
Males	241	259	165	210	220
Females	138	129	114	124	104
<b>Total</b>	<b>379</b>	<b>388</b>	<b>279</b>	<b>334</b>	<b>324</b>
<b>Shoplifting:</b>					
Males	662	637	639	547	489
Females	321	358	350	302	304
<b>Total</b>	<b>983</b>	<b>995</b>	<b>989</b>	<b>849</b>	<b>793</b>
<b>Unlawful possession:</b>					
Males	513	586	531	610	704
Females	98	95	92	127	140
<b>Total</b>	<b>611</b>	<b>681</b>	<b>623</b>	<b>737</b>	<b>844</b>

Table 3.1 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
<b>Motor vehicle theft:</b>					
Males	1045	1295	1358	1316	1267
Females	115	190	189	186	194
<b>Total</b>	1160	1485	1547	1502	1461
<b>Theft:</b>					
Males	1253	1360	1303	1398	1443
Females	146	239	208	241	249
<b>Total</b>	1399	1599	1511	1639	1692
<b>Property damage:</b>					
Males	864	876	981	872	984
Females	91	97	109	131	143
<b>Total</b>	955	973	1090	1003	1127
<b>Against justice procedures:</b>					
Males	445	424	499	537	737
Females	89	109	121	109	158
<b>Total</b>	534	533	620	646	895
<b>Against good order:</b>					
Males	942	1017	1175	1126	1178
Females	194	184	211	176	209
<b>Total</b>	1136	1201	1386	1302	1387
<b>Drug:</b>					
Males	652	594	594	712	769
Females	101	85	69	109	108
<b>Total</b>	753	679	663	821	877
<b>Driving:</b>					
Males	233	220	270	258	260
Females	24	39	46	40	34
<b>Total</b>	257	259	316	298	294
<b>Other:</b>					
Males	95	130	135	135	170
Females	15	21	22	31	20
<b>Total</b>	110	151	157	166	190
<b>All offences:</b>					
Males	10676	11539	11914	12210	13211
Females	1830	2280	2355	2549	2902
<b>Total</b>	12506	13819	14269	14759	16113

above, this table is person-based, so that, for each offence category a juvenile appears only once, with only the most serious charge for an individual counted.

The category which has generally had the largest number of appearances before the NSW Children's Courts since 1992-93 is that of *assault*. In 1996-97, this category accounted for 22.0 per cent of all appearances, with the highest proportion of appearances for both males and females in the Children's Courts (19.5 per cent of finalised male appearances and 33.2 per cent of female appearances).

Of the 3,540 finalised appearances in 1996-97 for *assault*, 2,576 (72.8 per cent) were for males. Nonetheless, over the entire five years of the series, from July 1992 to June 1997, this offence accounted for the highest proportion of female juveniles appearing in the Children's Courts for each financial year. Over the latest three years of the period, since 1994-95, the *assault* category also accounted for the highest proportion of male appearances, but in 1992-93 and 1993-94, the category with the largest number of male juvenile finalisations in the Children's Courts was *break and enter*.

The offence category *break and enter* accounted for the highest proportion of total juvenile appearances in the Children's Courts in 1992-93 (with 17.0 per cent of finalised appearances in this category, compared with 13.7 per cent in the *assault* category), but has been exceeded by finalised appearances for *assault* since that time. In 1996-97, *break and enter* offences accounted for 12.6 per cent of all juvenile appearances in the Children's Courts. Juvenile *break and enter* offenders are typically male (more than 90 per cent of juveniles charged with *break and enter* offences each year are male). In 1996-97, this category accounted for only 6.5 per cent of all finalisations involving female juveniles in the Children's Courts, compared with 14.0 per cent of male finalisations.

Other offence categories with large numbers of appearances for 1996-97 are the categories *theft* (accounting for 10.5 per cent of all appearances), *motor vehicle theft* (9.1 per cent) and offences *against good order* (8.6 per cent). Since the majority of finalisations in the Children's Courts involve males, this ordering of offence categories reflects the pattern of male juvenile finalisations in the Courts. Females, however, are generally charged with different types of offences. In particular, although *assault* was the most frequent charge for females during each of the five years of the series shown in Table 3.1, the next most frequent category of charge involving females in 1996-97 was *shoplifting*. This category accounted for 10.5 per cent of all finalised charges for females in 1996-97, but for only 3.7 per cent of male finalisations during the same period.

As was noted above in Figure 3.2, there was a statistically significant upward trend in the total number of finalisations in the Children's Courts both over the final two years of the series, from July 1995 to June 1997, and for the entire series, from July 1992 to June 1997. This upward trend is reflected in increases in the number of finalisations in many individual offence categories during these time periods. Between 1995-96 and 1996-97, there was an increase of 21.1 per cent in the total number of finalised appearances for *assault* offences in the Children's Courts. This category showed an increase in the annual number of appearances each year since 1992-93. Over the five years, between 1992-93 and 1996-97, the number of appearances for *assault* offences more than doubled, from 1,713 in 1992-93 to 3,540 in 1996-97.

Large percentage increases in the number of finalised appearances in the Children's Courts between 1995-96 and 1996-97 are also evident in the categories of offences *against justice procedures* (an increase of 38.5 per cent), *sexual offences* involving male offenders (up by 15.5 per cent), *unlawful possession* (up by 14.5 per cent) and *property damage* (an increase of 12.4 per cent). Note, however, that the annual number of some of these offences coming before the Children's Courts is still relatively low; in particular, there were 134 finalised cases of *sexual offences* for male offenders (or 1.0 per cent of all male appearances) in 1996-97, compared with 2,576 *assault* matters, 1,845 *break and enter* charge finalisations and 1,443 *theft* matters involving male juveniles .

Over the five years, from July 1992 to June 1997, all categories other than *break and enter*, *fraud* and *shoplifting* showed increases in the number of charges finalised in the Children's Courts. The magnitudes of the decreases for these three categories of offence, between 1992-93 and 1995-96 were 4.6 per cent, 14.5 per cent and 19.3 per cent, respectively. The largest percentage increases over this time period occurred in the *assault* category (as noted above), charges of *robbery* (up from 287 persons charged in 1992-93 to 522 in 1996-97, representing an increase of 81.9 per cent), and offences *against justice procedures* (from 534 persons charged in 1992-93 up to 895 in 1996-97, representing an increase of 67.6 per cent).

## ***Penalties***

Figure 3.3 shows the trends in the number of juveniles given a control order as their most serious penalty. (A control order is a committal to a juvenile justice centre.) There were no statistically significant upward or downward trends for males or females over the most recent two years of the series. Over the five years of the series shown in Figure 3.3, however, the number of juveniles given a control order as the most serious penalty showed an upward trend between 1992-93 and 1996-97 for both males and females, with increases of 46.3 per cent and 70.8 per cent respectively, resulting in an overall 47.8 per cent increase in the total number of control orders. The largest annual increases in the total number of control orders between consecutive financial years occurred during the first three years of the series, between July 1992 and June 1995.

**Figure 3.3: Juveniles given control orders as most serious penalty, Children's Courts**

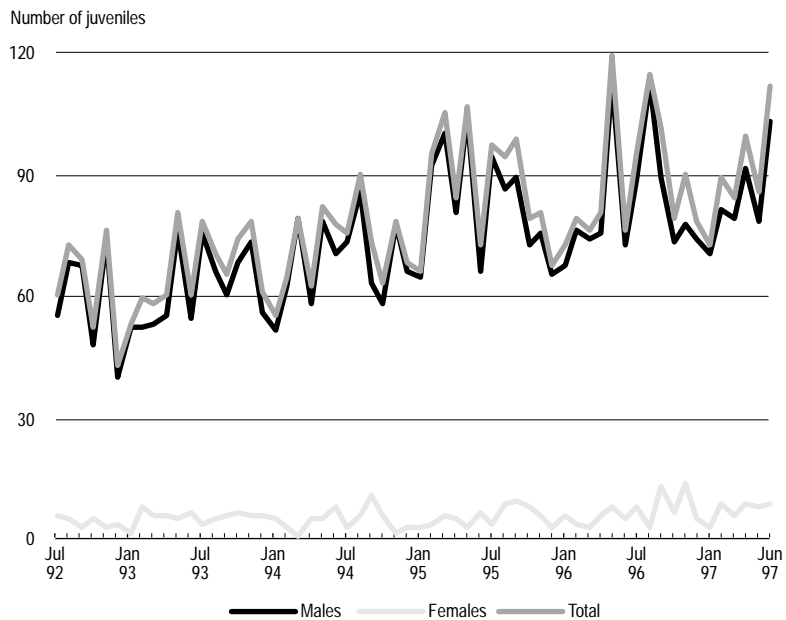




Figure 3.4 shows the trends in the percentage of matters finalised which resulted in a control order, for males and females, between July 1992 and June 1997. During the final two years of the series, between July 1995 and June 1997, there were no statistically significant upward or downward trends in this percentage for either males or females. Over the five years of the series, however, the percentage of finalised matters which resulted in a control order for male juveniles rose by 18.2 per cent between the first and last financial years (from 6.5 per cent of all finalised matters in 1992-93 to 7.7 per cent in 1996-97). There was no comparable trend in the percentage of females being given a control order as their most serious penalty over the five years of the series.

**Figure 3.4: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a control order**

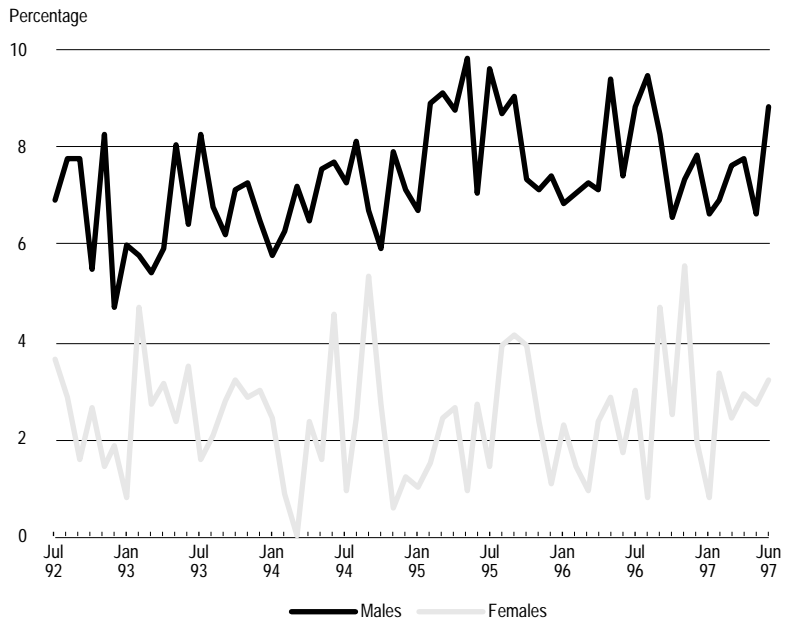
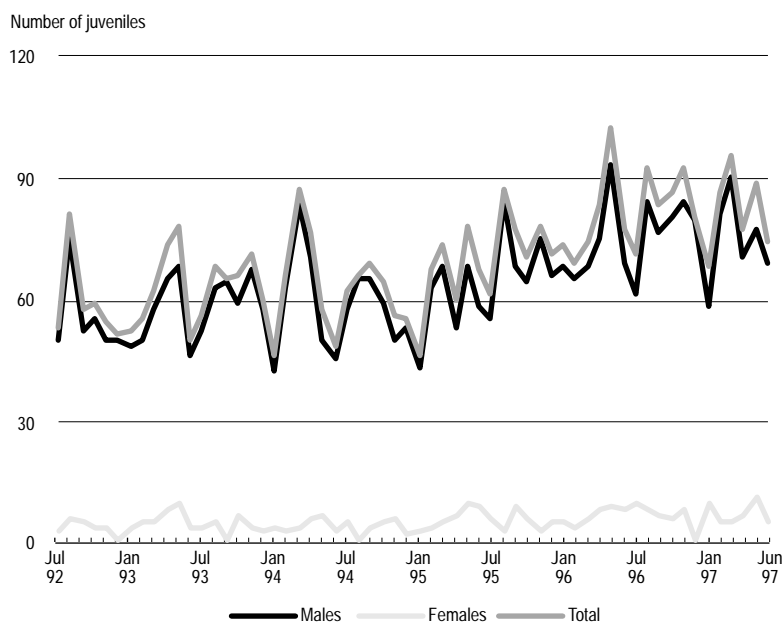


Figure 3.5 shows the trends in the number of juveniles given a Community Service Order (CSO) as their most serious penalty between July 1992 and June 1997. There were no statistically significant upward or downward trends for either males or females during the most recent two years of this series, from July 1995 to June 1997. However, over the five years of the series shown in Figure 3.5, the number of CSOs given as the most serious penalty showed an upward trend, increasing between 1992-93 and 1996-97 by 36.5 per cent for males and 40.7 per cent for females, resulting in an overall increase of 36.8 per cent.

**Figure 3.5: Juveniles given CSOs as most serious penalty, Children's Courts**



The trends in the percentage of finalised matters which resulted in a CSO are shown in Figure 3.6. Again, there were no statistically significant upward or downward trends over the most recent two years of the period for either males or females. Over the five years of the series, however, the percentage of finalised matters which resulted in a CSO for male juveniles showed an upward trend, rising by 10.3 per cent between the first and last financial years (from 6.2 per cent of all finalised matters in 1992-93 to 6.9 per cent of matters in 1996-97). There was no comparable upward trend in the percentage of females being given a CSO as their most serious penalty over the five years of the series.

**Figure 3.6: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a CSO**

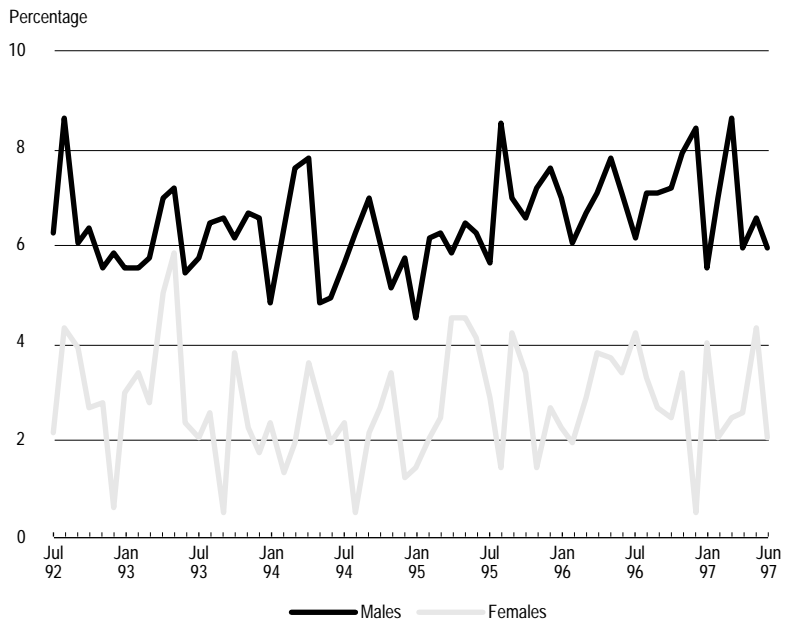
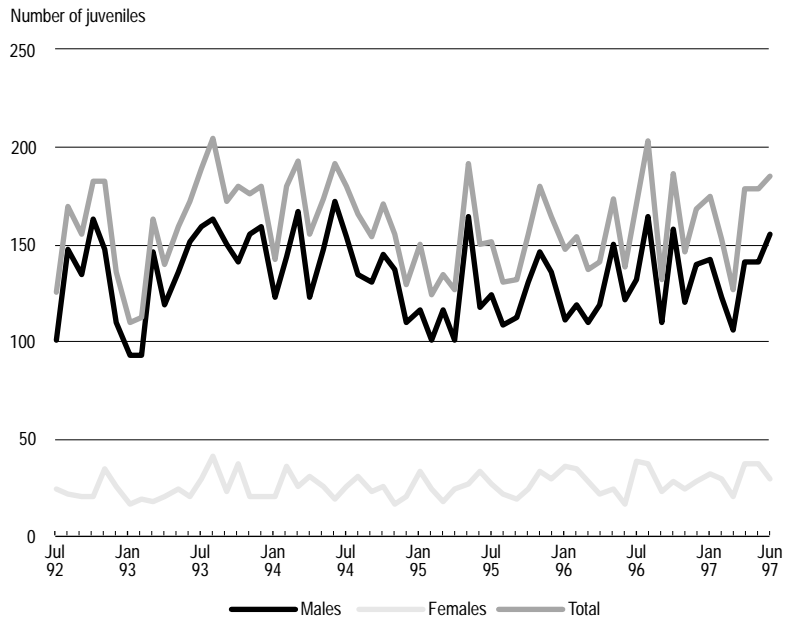


Figure 3.7 shows the trends in the number of juveniles given a supervised order as their most serious penalty. Over the most recent two years of the series, between July 1995 and June 1997, there were no statistically significant upward or downward trends for either males or females. For the five-year period, however, there was an upward trend in the number of females for whom a supervised order was the most serious penalty, with an increase of 37.8 per cent between 1992-93 and 1996-97, but no upward or downward trend for males.

**Figure 3.7: Juveniles given supervised orders as most serious penalty, Children's Courts**



The trends in the percentage of finalised matters which resulted in a supervised order between July 1992 and June 1997 are shown in Figure 3.8. Over the most recent two years of the series, between July 1995 and June 1997, there were no statistically significant upward or downward trends for either males or females. Over the five years of the series, however, the percentage of finalised matters which resulted in a supervised order showed a downward trend for both male and female juveniles. Between the first and last financial years of the period, this percentage fell by 14.5 per cent for males (from 14.4 per cent of all finalised matters for males in 1992-93 down to 12.3 per cent of matters in 1996-97) and by 13.1 per cent for females (from 14.6 per cent down to 12.7 per cent of finalisations during the same period).

**Figure 3.8: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a supervised order**

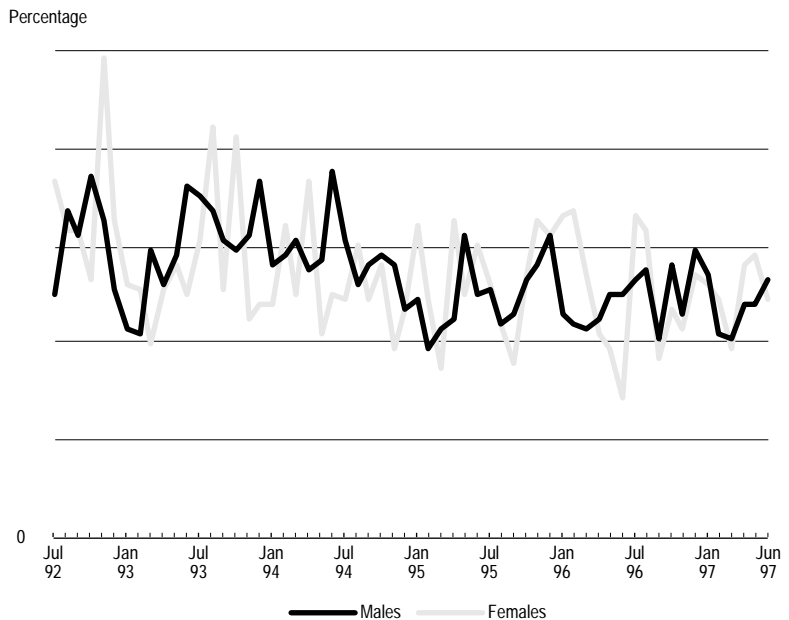
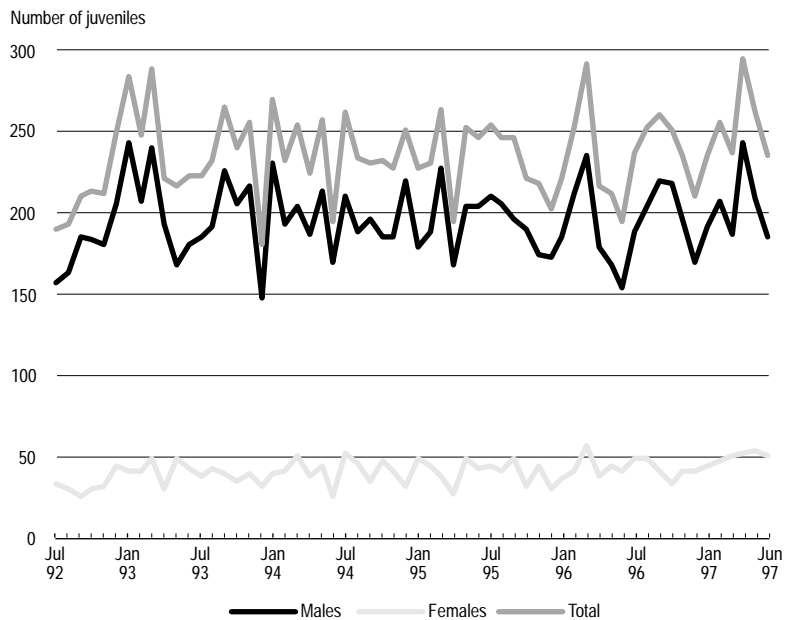


Figure 3.9 shows the trends in the number of juveniles given an unsupervised order as their most serious penalty. (An unsupervised order is probation or a recognizance order where supervision has not been stipulated.) Over the most recent two years of the series, between July 1995 and June 1997, there was a statistically significant upward trend for females. The number of females receiving an unsupervised order rose by 11.0 per cent over the period. There was no statistically significant upward or downward trend during this two-year period for males or the total. The trend over the five years of the series shown in Figure 3.9 was similar, with an upward trend observed only for females, resulting in an increase of 23.3 per cent between the first and last twelve months of the series.

**Figure 3.9: Juveniles given probation/recognizance orders without supervision as the most serious penalty, Children's Courts**



The trends in the percentage of finalised matters which resulted in an unsupervised order are shown in Figure 3.10. Between July 1995 and June 1997, there was a significant downward trend in the percentage of male juveniles for whom matters finalised in the Children's Courts resulted in an unsupervised order. Between 1995-96 and 1996-97, this percentage decreased by 2.0 per cent. There was no statistically significant upward or downward trend for females over the same period. The downward trend for males over the most recent two-year period is consistent with a downward trend over the entire five-year period. A similar downward trend over five years is observable for the percentage of female juveniles receiving an unsupervised order as the most serious penalty. The percentage decrease between the first and last twelve months of the five-year series for male and female juveniles was 15.3 per cent (from 21.5 per cent down to 18.2 per cent of male finalisations) and 22.3 per cent (from 24.2 per cent to 18.8 per cent of female finalisations) respectively. Note that an unsupervised order is the most common form of penalty given as a most serious penalty in the Children's Courts.

**Figure 3.10: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a probation/recognition order without supervision**

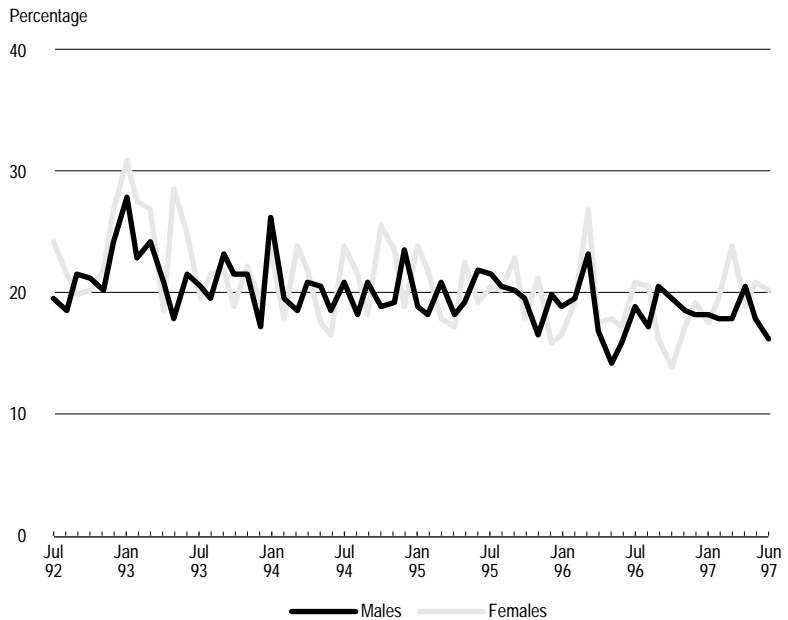
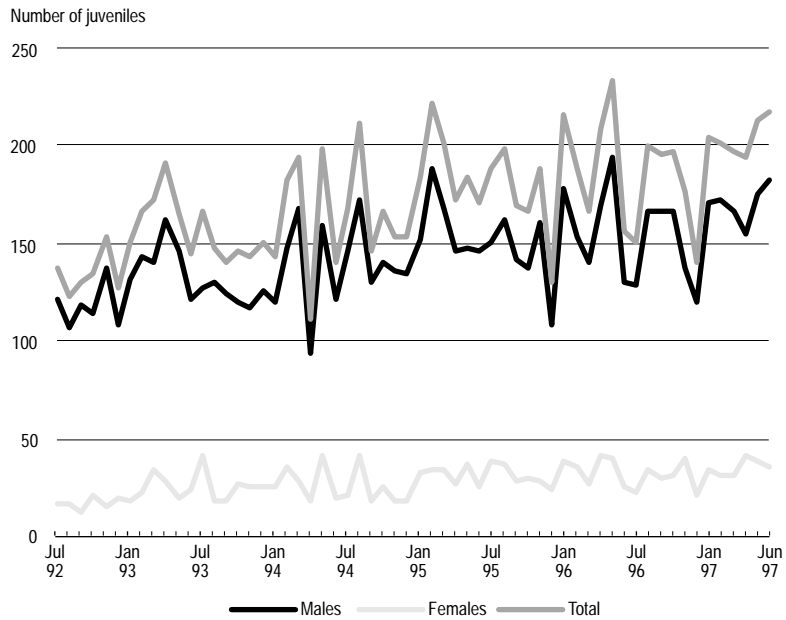


Figure 3.11 shows the trends in the number of juveniles given a fine as their most serious penalty. Over the most recent two years of the series, from July 1995 to June 1997, there were no statistically significant upward or downward trends for either male or female juveniles. Over the entire five-year series shown in Figure 3.11, however, an upward trend was evident for each gender, and therefore for the total. Between 1992-93 and 1996-97, for males receiving a fine as their most serious penalty the number rose by 22.9 per cent, and for females the increase was 57.9 per cent, resulting in an overall increase of 27.6 per cent.

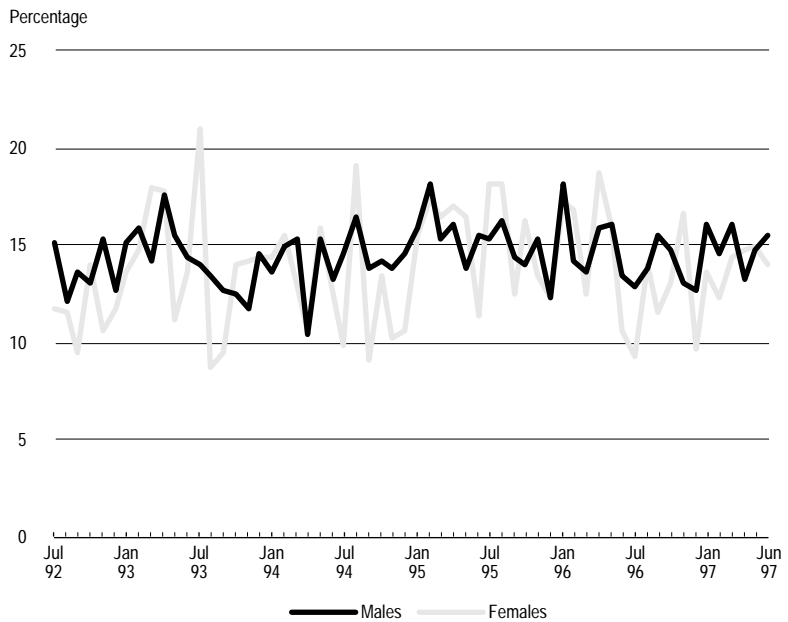
**Figure 3.11: Juveniles fined as most serious penalty, Children’s Courts**





The trends in the percentage of finalised matters which resulted in a fine are shown in Figure 3.12. Between July 1995 and June 1997, there were no statistically significant upward or downward trends for either males or females. Similarly, there were no trends evident over the five years of the series for either gender. As was noted earlier in this section, trends in the key outcomes for matters finalised in the Children's Courts are directly affected by trends in the total number of finalisations. Therefore, while Figure 3.11 shows an upward trend in the number of persons for whom a fine was the most serious penalty imposed, Figure 3.12 shows that this increase is not due to a fine being imposed in proportionally more cases but, rather, to an increase in the total number of finalised appearances in the Children's Courts.

**Figure 3.12: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a fine**



## NOTES – Section 3

- 18 Data on trends in juvenile justice between July 1994 and June 1995 in the present edition of *Key Trends in Crime and Justice, New South Wales* differ from *Key Trends in Crime and Justice, New South Wales, 1995*. The data for this period in the 1995 report were in incorrect order due to an error in the interpretation of data supplied by the NSW Department of Juvenile Justice.
- 19 In previous *Key Trends* publications, this information was presented graphically, not in tabular form.
- 20 Editions of this report prior to 1996 have included a category for matters proven and dismissed. They are not included in this report because the NSW Department of Juvenile Justice advised that this category includes outcomes other than proven and dismissed.
- 21 Data on trends in the number of cases registered in the NSW Children's Court between July 1994 and June 1995 in this and the previous edition of *Key Trends in Crime and Justice, New South Wales* differ from *Key Trends in Crime and Justice, New South Wales, 1995*. This is due to the inclusion of criminal and care matters in the 1995 edition of the report.
- 22 The number of females charged with *sexual offences* is not shown in Table 3.1 due to the small number of persons involved. Instead they have been included in the *other* category. For example, in 1996-97, there were only three females charged within the *sexual offences* category.

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**SECTION 4**

**TRENDS IN  
CORRECTIONAL PROCESSES**

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## SECTION 4: TRENDS IN CORRECTIONAL PROCESSES

### INTRODUCTION

This section presents trends in correctional processes in NSW covering the five-year period since July 1992.<sup>23</sup> As with the data in Sections 1 to 3, each trend has been tested for statistical significance over the last two years of the period. For those trends which show a statistically significant upward or downward trend, the percentage change between 1995-96 and 1996-97 has been used to describe the magnitude of the change. Patterns over the full five-year period are also briefly addressed where the general trend differs from that observed over the most recent two years which has been tested.

The correctional population of NSW consists of all those persons who are currently subject to some form of legal supervision consequent upon being charged with, or convicted of, a criminal offence. It includes those on remand awaiting trial, those presently serving a term of imprisonment and those serving some form of community-based sentencing order, such as a Community Service Order.

Among the population of those held in custody, it is convenient to distinguish between different classes of sentenced and unsentenced (remand) prisoners. Sentenced prisoners are persons who have been sentenced to a term of imprisonment. Fine defaulters (persons held in custody for non-payment of a fine), appellants (persons appealing against their conviction or sentence), and periodic detainees (persons with a detention order to be placed in custody for two days of each week for the duration of their sentence) are different sub-categories of sentenced prisoner. Remand prisoners are unconvicted persons who are held in custody while awaiting their court hearing, or the results of a court hearing.

At any given time, the size of any category of prisoner population (and therefore the overall size of the prisoner population) is determined by two factors. The first factor is the rate at which individuals in that category enter prison. The second factor is the average length of time prisoners in that category remain in prison. Ideally in a publication of this type, data on the size of each type of prisoner population as well as on the factors which determine the size of that population should be presented. Unfortunately, not all the relevant data are available. Data on the actual time served by prisoners released each month do not exist, nor do monthly prison reception data exist for remandees. Given these limitations, selected monthly trends have been presented for prisoner populations and receptions.

The data for Section 4 have been provided by the NSW Department of Corrective Services. Due to the introduction of the Department's new computerised inmate record system in May 1997, some of the five-year series presented in this section are

incomplete. At the time of publication of this report, the data for June 1997 were not available for any series other than for the periodic detainee population shown in Figure 4.6 and for persons under community-based correctional orders in Figures 4.9 and 4.10. Further, the information for May 1997 was unavailable for prisoner receptions data, shown in Figures 4.7 and Figure 4.8.

In keeping with the other sections of this report, all trend tests in this section were performed on monthly data since July 1995. Therefore, where the data for June 1997 were unavailable, the trend tests were performed on twenty-three months of data, and where the information was also unavailable for May 1997, the trend tests were performed on the twenty-two months since July 1995. In these instances, the annual percentage changes reported refer to comparable eleven-month (July to May) or ten-month (July to April) periods in the respective financial years which are being contrasted.

Figures 4.1 to 4.6 present trends in prisoner populations.<sup>24</sup> Periodic detainees are not included in the figures which show the total and sentenced prisoner populations. Periodic detainees have been examined separately because their demands on prison accommodation are different from those of other prisoners.

The trend in the total number of NSW prisoners in custody over the period July 1992 to May 1997 is shown in Figure 4.1.<sup>25</sup> Figures 4.2 and 4.3 show trends in the two types of prisoner which make up the total prisoner population (shown in Figure 4.1), namely remand and sentenced prisoners, respectively, for this same period. The monthly numbers of fine defaulters in custody, who are included in the sentenced prisoner population in Figure 4.3, are shown separately in Figure 4.4. Figure 4.5 presents the trend in the monthly number of appellants in custody between July 1992 and May 1997. Figure 4.6 presents the trend in the monthly number of persons with periodic detention orders for the full five-year period, July 1992 to June 1997.<sup>26</sup>

Trends in Figures 4.7 and 4.8 are concerned with prisoner receptions.<sup>27</sup> Figure 4.7 shows three trends in sentenced prisoner receptions for the period July 1992 to April 1997: sentenced prisoner receptions including fine defaulters, sentenced prisoner receptions excluding fine defaulters, and fine defaulters only. The small proportions of female prisoner receptions are insufficient for meaningful comparisons, and therefore no prisoner reception trends are presented by gender. For the reason mentioned earlier, sentenced prisoner receptions do not include periodic detainee receptions. Figure 4.8 presents the trend in the monthly number of periodic detainees received between July 1992 and April 1997.

Figures 4.9 and 4.10 are concerned with community-based corrections.<sup>28</sup> Figure 4.9 presents the trend in the total number of persons serving a community-based correctional order for the period July 1992 to June 1997.<sup>29</sup> Figure 4.10 presents the monthly trend in the number of new persons registered with a community-based correctional order over this period.<sup>30</sup>

### ***Summary of trends***

As was noted above, trend tests have been applied to each data series in this section to look for a statistically significant upward or downward movement during the most recent two years of the five-year time period presented, that is, between July 1995 and June 1997 for the series shown in Figures 4.6, 4.9 and 4.10, between July 1995 and April 1997 for Figures 4.7 and 4.8, and between July 1995 and May 1997 for all other series. Where the trend is statistically significant, the percentage change is reported between comparable periods in the financial years 1995-96 and 1996-97. A statistically significant trend has been observed during this time period for the following correctional processes:

- number of NSW female prisoners in custody  
(up by 6.2%; see Figure 4.1)
- total number of remand prisoners in custody  
(up by 9.1%; see Figure 4.2)
- number of male remand prisoners in custody  
(up by 7.9%; see Figure 4.2)
- number of female remand prisoners in custody  
(up by 27.1%; see Figure 4.2)
- total number of fine defaulters in custody  
(up by 33.2%; see Figure 4.4)
- number of male fine defaulters in custody  
(up by 32.0%; see Figure 4.4)
- number of female fine defaulters in custody  
(up by 41.2%; see Figure 4.4)
- total number of appellants in custody  
(down by 3.6%; see Figure 4.5)
- number of male appellants in custody  
(down by 6.1%; see Figure 4.5)
- number of female appellants in custody  
(up by 29.2%; see Figure 4.5)
- total number of periodic detainees  
(up by 8.0%; see Figure 4.6)
- number of male periodic detainees  
(up by 7.4%; see Figure 4.6)

- number of female periodic detainees (up by 15.3%; see Figure 4.6)
- number of sentenced prisoner receptions, including fine defaulters (up by 11.0%; see Figure 4.7)
- number of fine defaulter receptions (up by 20.8%; see Figure 4.7)
- number of persons serving community-based correctional orders (up by 5.0%; see Figure 4.9).

The other correctional processes which were graphed (i.e. the total number and the number of male prisoners in custody, the number of sentenced prisoners, the number of sentenced prisoner receptions excluding fine defaulters, the number of periodic detainee receptions and the number of new persons registered with community-based correctional orders in Figures 4.1, 4.3, 4.7, 4.8 and 4.10, respectively) did not display statistically significant upward or downward trends. Each trend in correctional processes is discussed in more detail later in the appropriate individual section below.

### ***Prisoner populations***

Prisoner population data are available for males and females; therefore trends for each, as well as for the overall totals, are discussed.

The monthly totals of NSW prisoners held in custody between July 1992 and May 1997 are shown in Figure 4.1. During the final twenty-three month period of this series, there was a statistically significant upward trend in the number of female prisoners held in custody, with a 6.2 per cent increase between 1995-96 and 1996-97.<sup>31</sup> There was no statistically significant upward or downward trend in either the total prisoner population or the male prisoner population, with both populations being relatively stable over this period. A similar pattern is evident over the five years of the series, from July 1992 to May 1997.

**Figure 4.1: Total prisoner population**

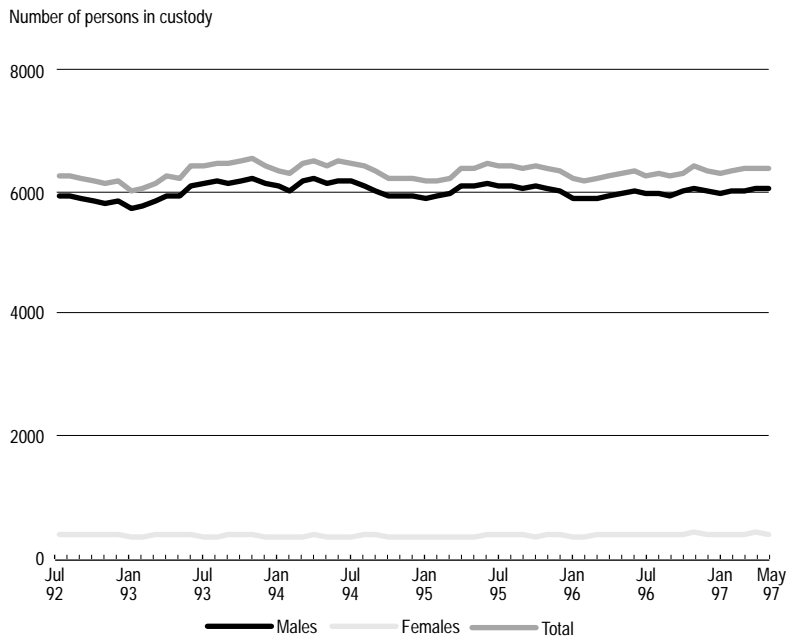
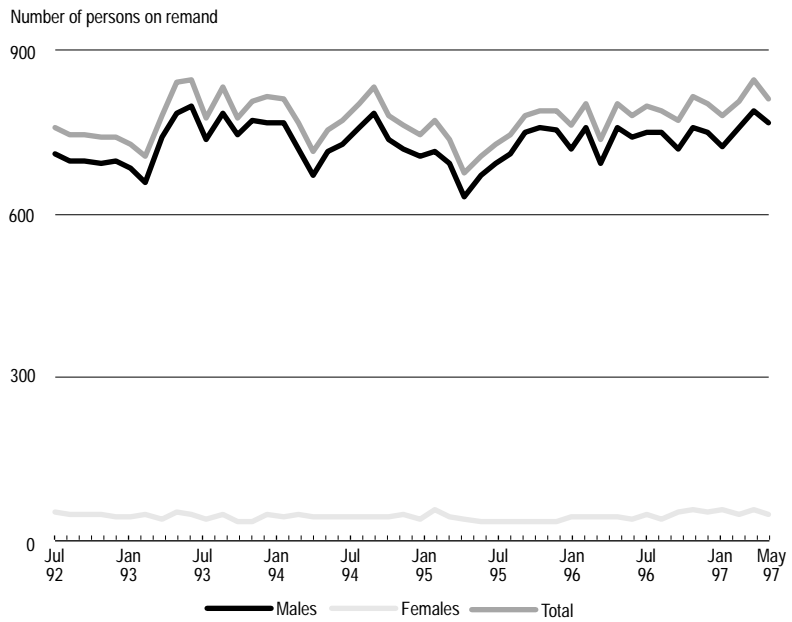




Figure 4.2 shows the trend in the monthly remand prisoner population between July 1992 and May 1997.<sup>32</sup> Between July 1995 and May 1997, there were statistically significant upward trends in the total remand population, the number of male remand prisoners and the number of female remand prisoners. The total remand population rose by 9.1 per cent between 1995-96 and 1996-97, while the number of male and female remandees rose by 7.9 per cent and 27.1 per cent, respectively. Trends over the five-year period were similar, with slightly higher percentage increases being experienced by each group between the first and last years of the series.

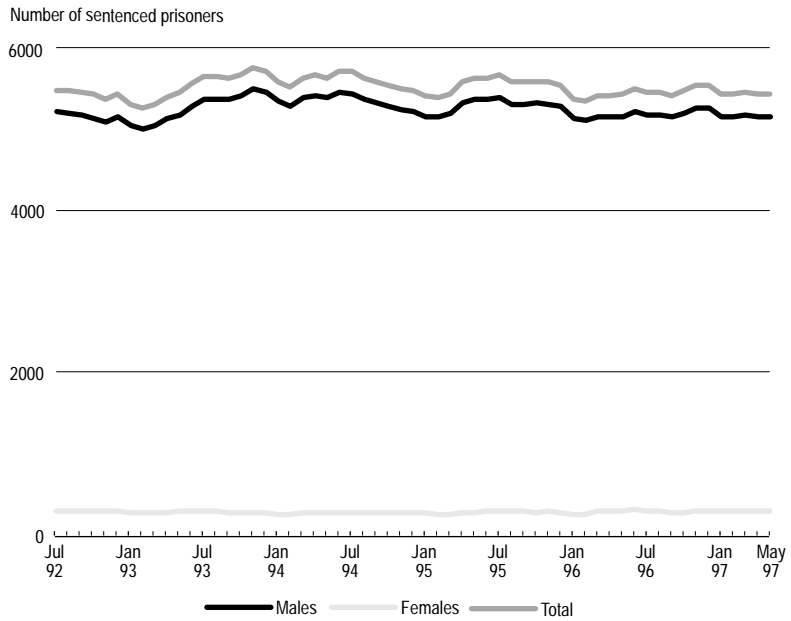
**Figure 4.2: Remand population\***



\*Excludes appellants, includes deportees

Figure 4.3 shows the trend in the monthly sentenced prisoner population, including fine defaulters and appellants. Between July 1995 and May 1997, there were no statistically significant upward or downward trends in either the total number, the number of male, or the number of female sentenced prisoners. Similarly, there were no trends in the series over the five-year period, July 1992 to May 1997.

**Figure 4.3: Sentenced prisoner population\***



\*Includes fine defaulters and appellants

Figure 4.4 shows the trend in the number of fine defaulters held in custody between July 1992 and May 1997. There were statistically significant upward trends in the total number, the number of male and the number of female fine defaulters in the prisoner population over the final twenty-three months of the series. Between 1995-96 and 1996-97, there was a 33.2 per cent increase in the overall size of the monthly fine defaulter prisoner population, and increases of 32.0 per cent and 41.2 per cent, respectively, in the number of male and female fine defaulter prisoners. Over the five years of the series, Figure 4.4 shows a steady decline in the fine default prison population from July 1992 with a sharp fall after March 1994, then a rise again after July 1994. The sudden fall in the fine defaulter prison population is due to a moratorium on the execution of fine default warrants in NSW, which took effect on 1 April 1994. Thereafter, the fine defaulter population has been steadily increasing to return to the levels observed in late 1992.

**Figure 4.4: Fine defaulter prison population**

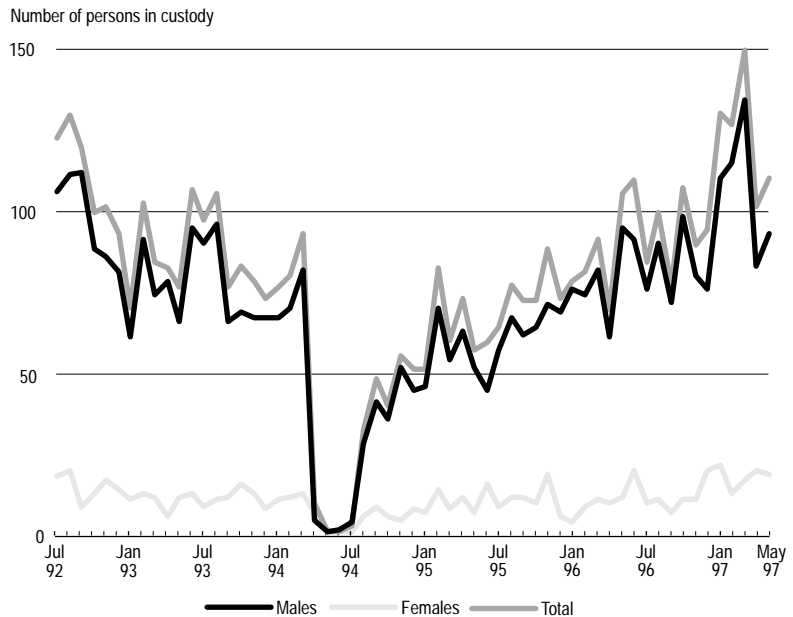
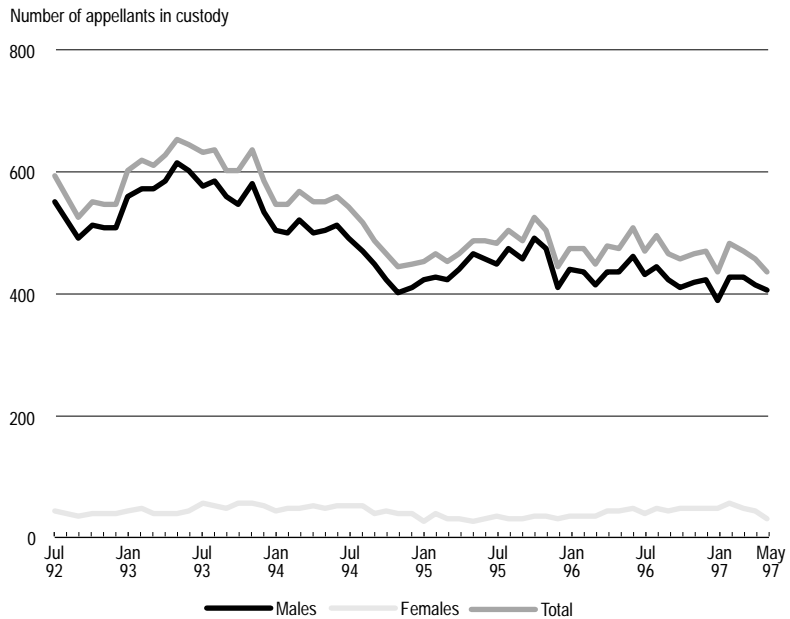


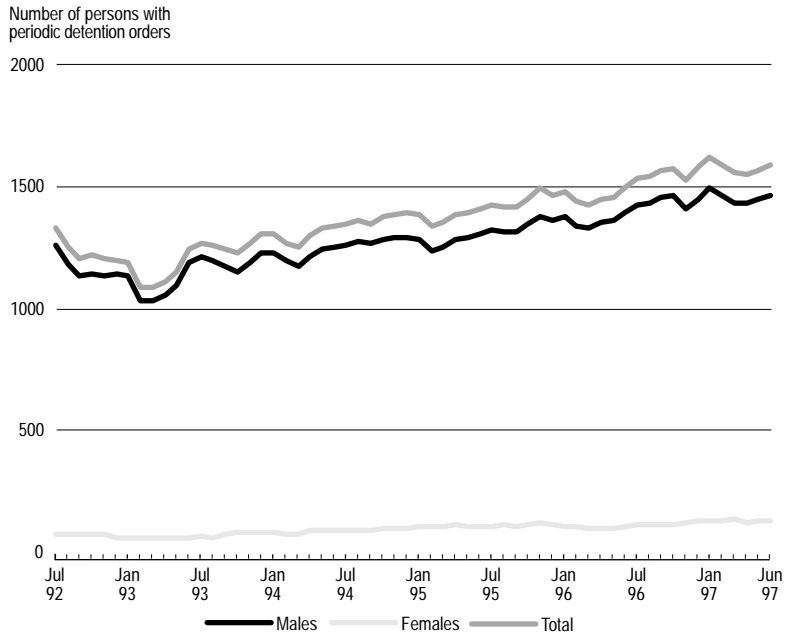
Figure 4.5 shows the trend in the monthly appellant population from July 1992 to May 1997. Between July 1995 and May 1997, there was a statistically significant downward trend for male appellants and also for the total appellant population. There was a statistically significant upward trend in the female appellant population for that period. The decrease between 1995-96 and 1996-97 was 6.1 per cent for males and 3.6 per cent for the total appellant population. There was a 29.2 per cent increase in the female appellant population during this period. Figure 4.5 shows that the total monthly appellant population has been steadily decreasing since mid 1993, from approximately 640 per month, down to around 460 per month in 1996-97.

**Figure 4.5: Appellant population**



The trend in the monthly number of persons with periodic detention orders for the period July 1992 to June 1997 is shown in Figure 4.6. Between July 1995 and June 1997, there were statistically significant upward trends in the number of orders for both males and females, resulting in a statistically significant upward trend for the total. During this final two years of the series, the number of males with periodic detention orders rose by 7.4 per cent, and for females it rose by 15.3 per cent. The total number of periodic detention orders rose by 8.0 per cent between 1995-96 and 1996-97. Figure 4.6 shows that there has been a steady increase in each of the periodic detainee populations over the five years of the series, with the total periodic detainee population increasing by approximately one-third between 1992-93 and 1996-97.

**Figure 4.6: Periodic detainee population**



### ***Prisoner receptions***<sup>33</sup>

Trends discussed below are for total prisoners. As was noted above, prisoner reception trends are not presented by gender due to the small number of female prisoner receptions.

Figure 4.7 shows monthly prisoner receptions between July 1992 and April 1997 for fine defaulters, sentenced prisoners excluding fine defaulters, and all sentenced prisoners. There was a statistically significant upward trend in the number of fine defaulter prisoner receptions since July 1995, and in total sentenced prisoner receptions during this period. Between 1995-96 and 1996-97, there was a 20.8 per cent increase in the receptions of fine defaulters, and an 11.0 per cent increase in overall sentenced prisoner receptions. There was no statistically significant trend for sentenced prisoners excluding fine defaulters over the period July 1995 to April 1997.

The upward trends in fine defaulter receptions and overall sentenced prisoner receptions (including fine defaulters) did not remain significant when the entire

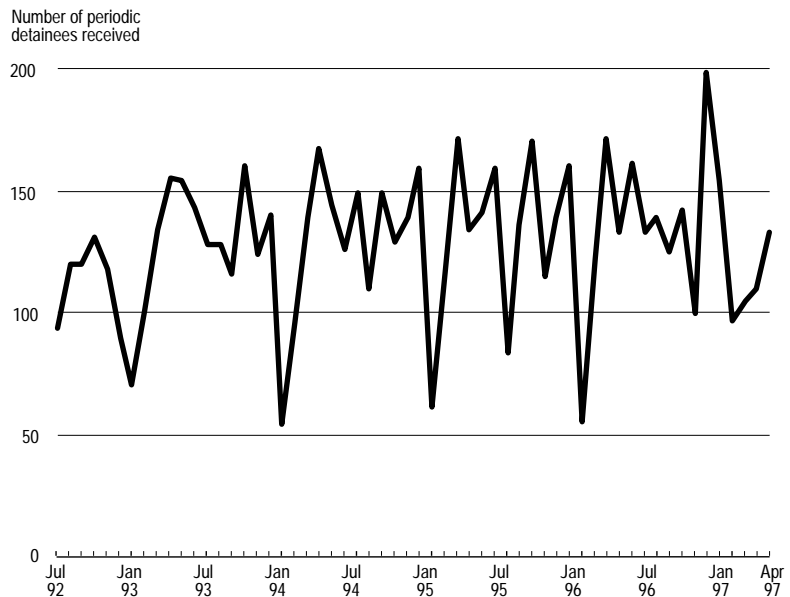
**Figure 4.7: Total sentenced prisoner receptions**



five-year period was examined. This was largely due to a sharp fall in the number of fine defaulter receptions during the three-month period from 1 April to 30 June 1994 as a result of a moratorium from March 1994 which entailed the suspension of action on warrants for fine default. Figure 4.7 shows that fine defaulter receptions had generally been increasing before the moratorium and rose again after July 1994. The decreased number of receptions each January of the series in Figure 4.7 is due to a reduced number of persons commencing a term of imprisonment during periods of court recess.

The monthly trend in periodic detainee receptions for the period July 1992 to April 1997 is shown in Figure 4.8. There was no statistically significant upward or downward trend in the number of periodic detainees received since July 1995. The sharp decreases which are observable in the series shown in Figure 4.8 are, again, due to court recesses in January and July, when fewer persons are being sentenced to periodic detention.

**Figure 4.8: Periodic detainee receptions**



### ***Community-based corrections***

Figure 4.9 shows the trend in the total population of persons under community-based correctional orders for the period July 1992 to June 1997. There was a statistically significant upward trend in this series over the most recent two-year period. The total number of persons with a community-based correctional order increased by 5.0 per cent between 1995-96 and 1996-97.

**Figure 4.9: Total persons under community-based correctional orders**

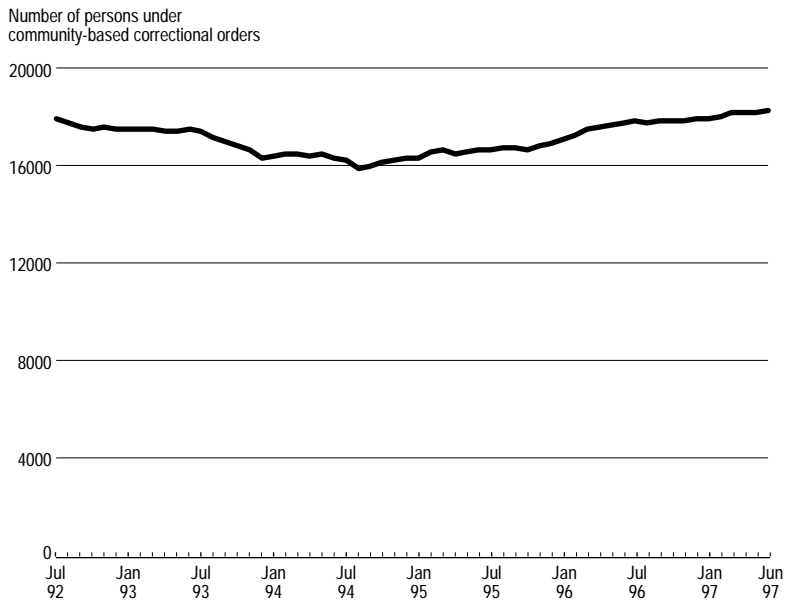
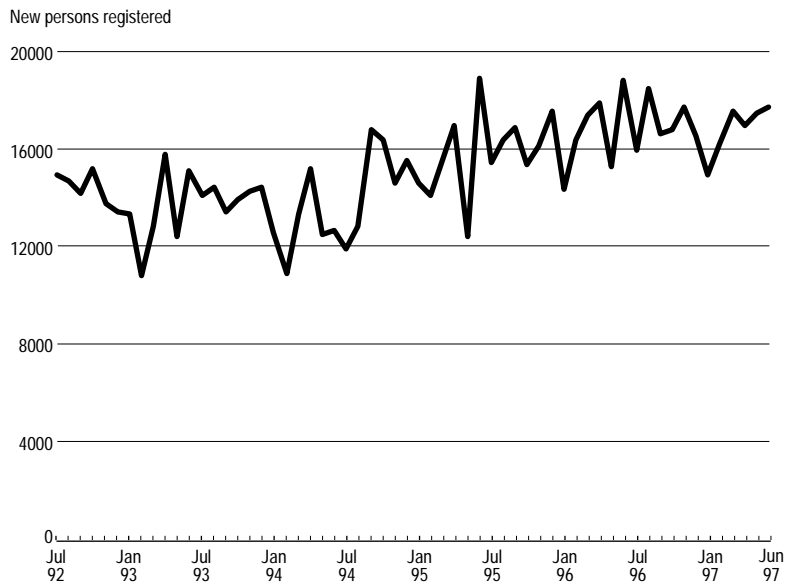




Figure 4.10 shows the trend in the number of persons registered each month with a new community-based correctional order. There was no statistically significant upward or downward trend over the most recent two-year period. However, between the first and last years of the five-year series, that is, between 1992-93 and 1996-97, there was a 22.5 per cent increase in the number of new persons registered with a community-based correctional order.

**Figure 4.10: New persons registered each month under community-based correctional orders**



## NOTES – Section 4

- 23 The Department of Corrective Services also publishes information on trends in correctional processes. See their annual publications *'Inmate Statistics'* and *'Visualising the Trends'*.
- 24 Monthly prisoner population data are based on the number of prisoners in custody on the first Sunday of each month.
- 25 The total NSW prisoner population includes Australian Capital Territory (ACT) prisoners who are housed in NSW prisons. ACT prisoners are managed in NSW prisons and generally appear in NSW prison statistics. However, the housing of ACT prisoners occurs at no expense to NSW because the NSW Department of Corrective Services receives funding from the ACT to accommodate these prisoners.
- 26 Monthly periodic detainee data are based on the number of persons with periodic detention orders on the first Sunday of each month.
- 27 Monthly prisoner reception data are based on the number of persons received into custody during each month. These data include ACT prisoner receptions.
- 28 Monthly community-based corrections data are based on the number of persons serving orders where the principal object of the order is supervision, reparation, fine substitution, post prison orders or other orders excluding imprisonment such as bail. Where a person is serving different types of orders, or more than one of the same type of order, they are only counted once.
- 29 Monthly data for the number of persons serving a community-based correctional order are based on the total number of persons serving a community-based correctional order on the first day of each month.
- 30 Monthly data for the number of new persons registered with a community-based correctional order are based on the number of new persons registered with a community-based correctional order the previous month.
- 31 The months July to May only are included for each year in this calculation.
- 32 Deportees are included in the remand population data. Deportees only number a handful – usually less than ten per month.
- 33 Data on prisoner receptions in the present *Key Trends in Crime and Justice* publication differ from data used in editions prior to 1996. These discrepancies are due to a change in the data retrieval method used by the NSW Department of Corrective Services to determine prisoner receptions.

## DATA SOURCES

### Section 1:

Figures 1.1 to 1.9 and Table 1.3 – Data extracted from the NSW Bureau of Crime Statistics and Research publication entitled *New South Wales Recorded Crime Statistics 1997*.

Table 1.1 and 1.2 – Data for 1994 to 1997 extracted from the Australian Bureau of Statistics publication entitled *Crime and Safety, New South Wales, April 1997*. Data for 1993 extracted from the Australian Bureau of Statistics publication entitled *Crime and Safety, New South Wales, April 1996*.

### Section 2:

Figure 2.1 – Data supplied by the Local Courts Statistics Unit, NSW Attorney General's Department.

Figures 2.2 to 2.22 and Tables 2.1 to 2.7 – NSW Bureau of Crime Statistics and Research, unpublished data. Data for the Local Courts were provided by the Clerks of the Court who completed and returned coding forms for each person appearing before the Local Courts on criminal charges. Data for the Higher Courts were obtained from the Case Tracking System, an administrative computer system maintained by the Attorney General's Department.

### Section 3:

Figure 3.1 – Data supplied by the Local Courts Statistics Unit, NSW Attorney General's Department.

Figure 3.2 to 3.12 and Table 3.1 – Data extracted from the Children's Court Information System and supplied by the NSW Department of Juvenile Justice.

### Section 4:

Figure 4.1 to 4.8 – Data supplied by the NSW Department of Corrective Services.

Figure 4.9 to 4.10 – Data supplied by the Probation and Parole Services, NSW Department of Corrective Services.

