
**KEY TRENDS
IN CRIME AND JUSTICE
NEW SOUTH WALES
1998**

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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 sixth 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 four-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 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. The report also contains summary information on key trends in table form for each criminal justice agency.

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 1999

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SECTION 1

**TRENDS IN
RECORDED CRIME**

SECTION 1: TRENDS IN RECORDED CRIME

INTRODUCTION

Section 1 of this publication is concerned with trends in the rates of recorded crime.¹ 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 1993 to June 1998, 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 Section 1, 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 four-year period January 1995 to December 1998.² 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 1997 to December 1998.³ 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 1997 and January to December 1998, 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 the 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 1998. 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 four years of the series.⁴

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 these graphs present 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*⁵ 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 section on recorded crime also includes information about victimisation rates and rates of reporting to police which has been obtained from Crime and Safety Surveys. These victimisation data, however, are confined to the five-year period from 1993 to 1997, as the results of the 1998 Crime and Safety Survey had not been released at the time of publication. The annual victimisation rates and rates of reporting to police for each year from 1993 to 1997 are therefore shown in Tables 1.1 and 1.2, respectively.

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).⁶ 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: 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

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.

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, 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.⁷

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

Type of offence	Year				
	1993	1994	1995	1996	1997
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 four-year time period presented, that is, between January 1997 and December 1998. Where a significant trend has been detected, the percentage change between the consecutive twelve-month periods, January to December 1997 and January to December 1998, is reported.

A statistically significant trend has been observed during this time period in the recorded crime rate for the following offences:

- **assault (up by 5.0%; see Figure 1.2)**
- **sexual assault (down by 15.0%; see Figure 1.3)**
- **indecent assault/other sexual offences (down by 19.5%; see Figure 1.3)**
- **robbery with a weapon not a firearm (up by 28.4%; see Figure 1.4)**
- **break and enter – dwelling (up by 5.8%; see Figure 1.5)**
- **break and enter – non-dwelling (up by 5.6%; see Figure 1.5)**
- **steal from motor vehicle (up by 4.7%; see Figure 1.6)**
- **steal from dwelling (up by 6.5%; see Figure 1.7)**
- **malicious damage to property (up by 10.7%; see Figure 1.9).**

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

<i>Type of offence</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>
	<i>Number of recorded incidents</i>			
Murder*	119	106	112	96
Assault	39132	48869	54303	57646
Sexual assault	2272	2973	3601	3092
Indecent assault/other sexual offences	4337	5211	6156	5007
Robbery without a weapon	4518	4952	6487	6464
Robbery with a firearm	677	824	1139	913
Robbery with a weapon not a firearm	1465	1894	3381	4386
Break and enter—dwelling	61336	74546	79838	85396
Break and enter—non-dwelling	40393	43551	45467	48539
Motor vehicle theft	47093	49206	55556	53722
Steal from motor vehicle	55896	63771	71079	75258
Steal from retail store	22957	22619	21492	20966
Steal from dwelling	25390	28420	28586	30780
Steal from person	9827	9939	10864	11567
Fraud	17490	21702	23933	24768
Malicious damage to property	71817	78853	79731	89214
	<i>Rate per 100,000 population</i>			
Murder*	1.9	1.7	1.8	1.5
Assault	640.2	787.6	865.7	909.0
Sexual assault	37.2	47.9	57.4	48.8
Indecent assault/other sexual offences	71.0	84.0	98.1	79.0
Robbery without a weapon	73.9	79.8	103.4	101.9
Robbery with a firearm	11.1	13.3	18.2	14.4
Robbery with a weapon not a firearm	24.0	30.5	53.9	69.2
Break and enter—dwelling	1003.5	1201.4	1272.8	1346.6
Break and enter—non-dwelling	660.9	701.9	724.8	765.4
Motor vehicle theft	770.5	793.0	885.7	847.1
Steal from motor vehicle	914.5	1027.8	1133.1	1186.7
Steal from retail store	375.6	364.5	342.6	330.6
Steal from dwelling	415.4	458.0	455.7	485.4
Steal from person	160.8	160.2	173.2	182.4
Fraud	286.1	349.8	381.5	390.6
Malicious damage to property	1175.0	1270.9	1271.1	1406.8

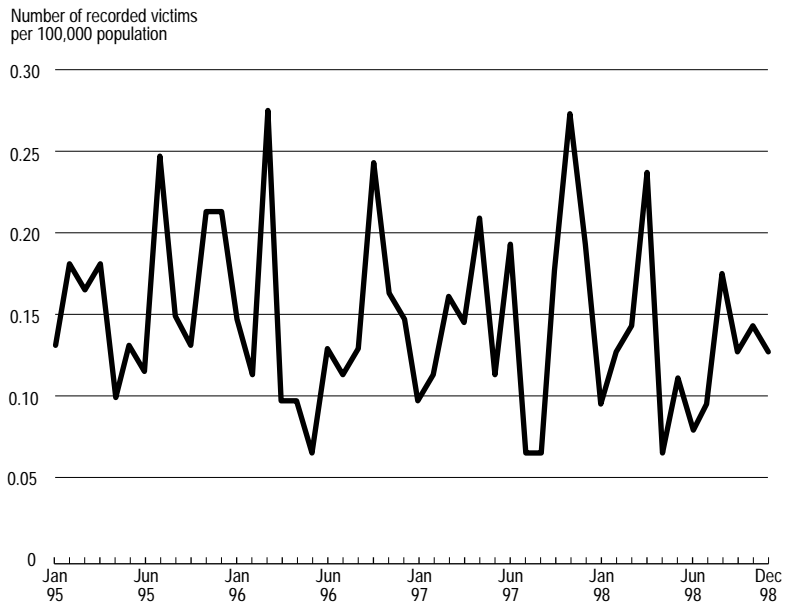
* For murder, the data are counts of recorded victims, not incidents.

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), robbery without a weapon and robbery with a firearm (Figure 1.4), motor vehicle theft (Figure 1.6), steal from retail store and steal from person (Figure 1.7), and fraud (Figure 1.8)) 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.

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 1997 to December 1998. 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

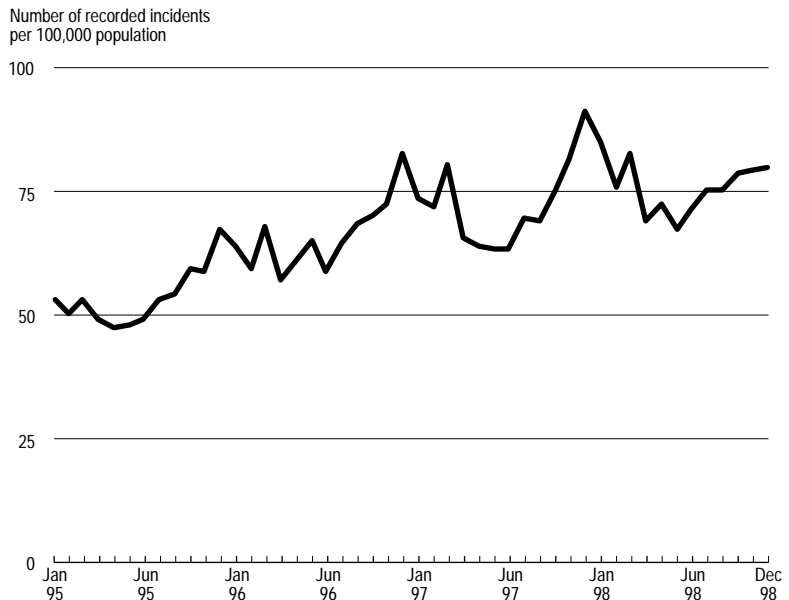


Assault

The monthly rate of recorded assault incidents is shown in Figure 1.2 for the four years from January 1995 to December 1998. Over the most recent two years of the series, between January 1997 and December 1998, there was a statistically significant upward trend in the rate of recorded assault incidents. Between 1997 and 1998, the recorded rate of assault increased by 5.0 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 in 1997 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).⁸

Figure 1.2: Assault

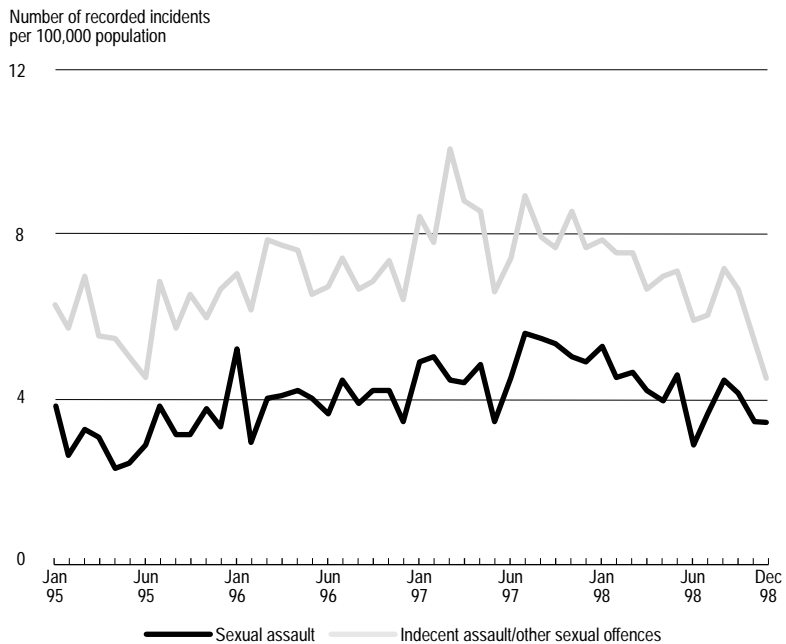


Sexual offences

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 four-year period January 1995 to December 1998. Over the most recent two years of this period, there was a statistically significant downward trend in each category of sexual offences. Between 1997 and 1998, there was a 15.0 per cent decrease in the rate of sexual assault and a 19.5 per cent decrease in the rate of 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.

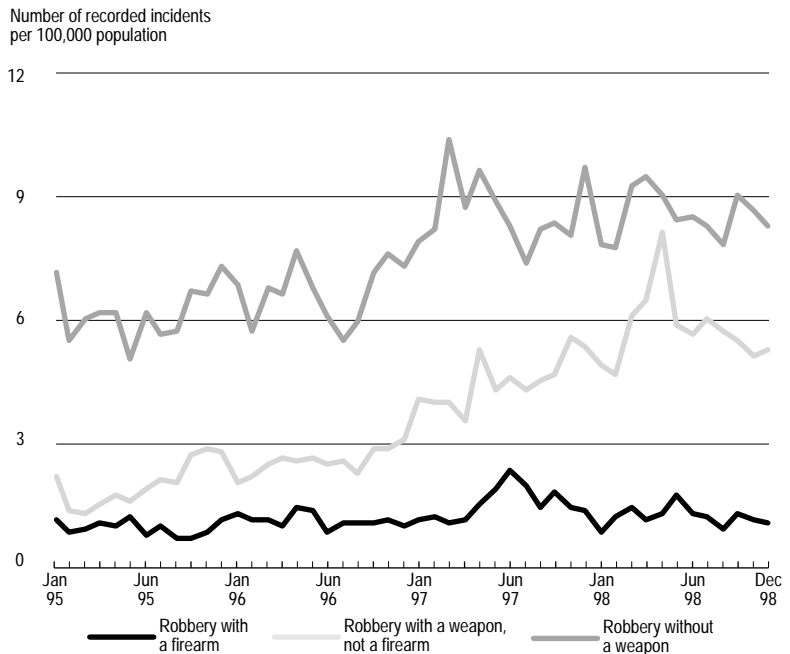
Figure 1.3: Sexual assault and indecent assault/other sexual offences



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 four-year period January 1995 to December 1998. Over the most recent two years of the series, there was no statistically significant upward or downward trend for the offence categories of robbery without a weapon and robbery with a firearm. There was a statistically significant upward trend, however, in the rate of robbery with a weapon other than a firearm, which increased by 28.4 per cent between 1997 and 1998.

Figure 1.4: Robbery with and without a weapon

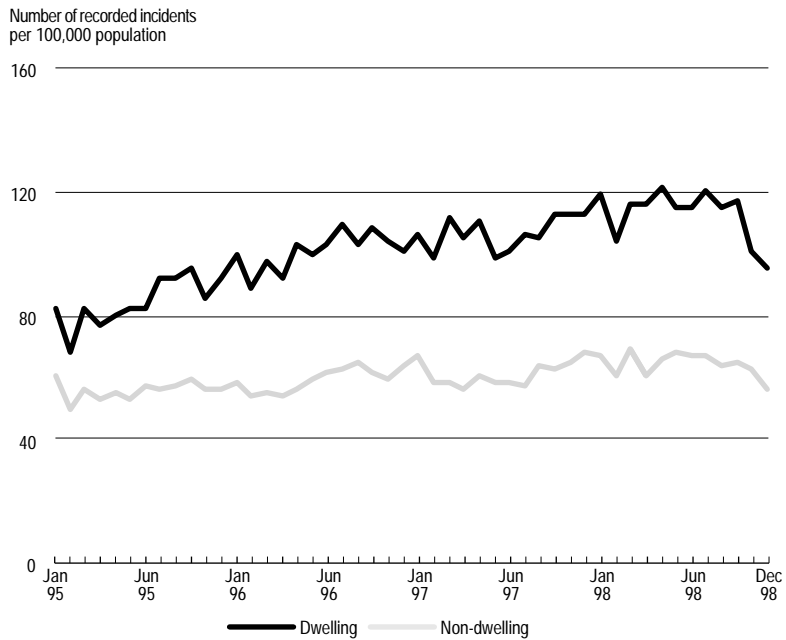


Break and enter

Figure 1.5 shows the trend over the four-year period, January 1995 to December 1998, 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 1997 to December 1998, there were statistically significant upward trends in both series. Between 1997 and 1998, there was a 5.8 per cent increase in the rate of break and enter – dwelling, and an increase of 5.6 per cent in the recorded rate of break and enter – 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.

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

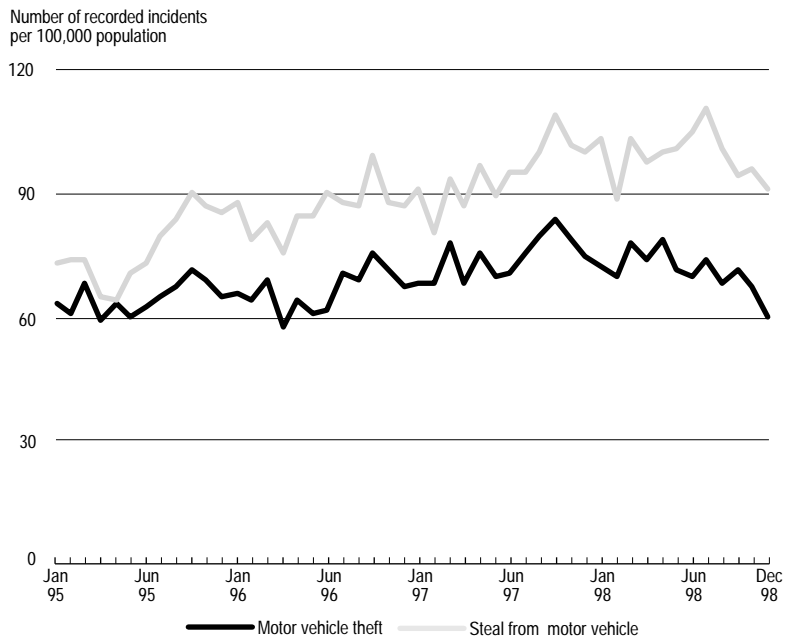


Motor vehicle theft offences

The monthly rates of recorded motor vehicle theft and steal from motor vehicle incidents are shown in Figure 1.6 for the four-year period January 1995 to December 1998. For the two-year period January 1997 to December 1998, there was no statistically significant upward or downward trend in the rate of motor vehicle theft in NSW, but there was a statistically significant upward trend for the steal from motor vehicle offence category. The recorded rate of steal from motor vehicle incidents in NSW increased by 4.7 per cent between 1997 and 1998.

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.

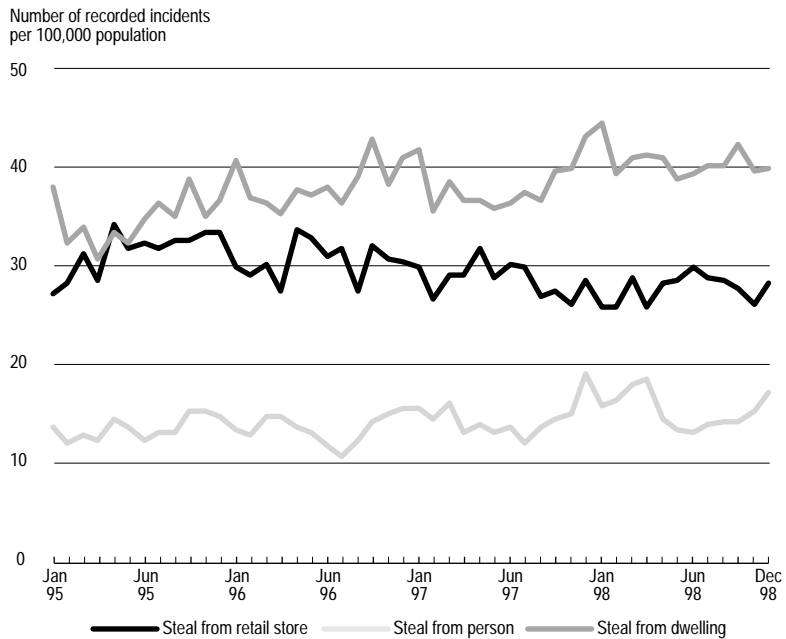
Figure 1.6: Motor vehicle theft and steal from motor vehicle



Stealing offences

Figure 1.7 shows the monthly rate of recorded stealing incidents for the four-year period January 1995 to December 1998. For the two-year period January 1997 to December 1998, there were no statistically significant upward or downward trends in the rate of recorded incidents of steal from retail store or steal from person. However, there was a statistically significant upward trend in the recorded rate of incidents of steal from dwelling over this period. The rate of steal from dwelling increased by 6.5 per cent between 1997 and 1998.

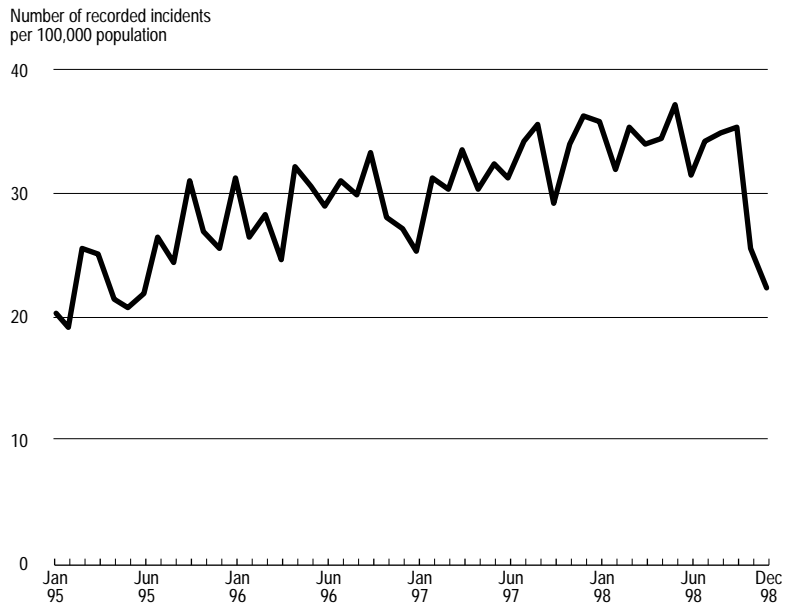
Figure 1.7: Steal from retail store, from dwelling and from person



Fraud

Figure 1.8 details the monthly recorded rate of fraud offences (excluding credit card fraud) for the four-year period January 1995 to December 1998. 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.

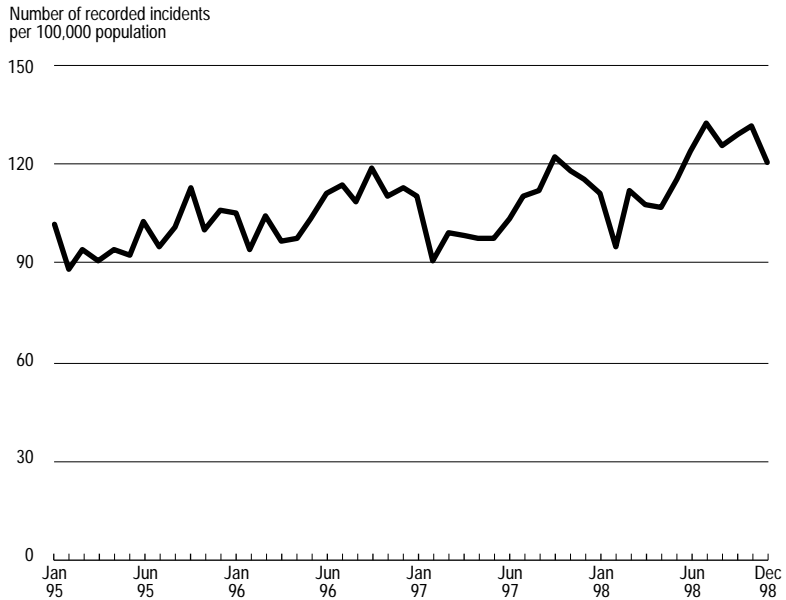
Figure 1.8: Fraud



Malicious damage to property

The monthly rate of recorded incidents of malicious damage to property for the four-year period, January 1995 to December 1998, is shown in Figure 1.9. Over the most recent two years of the series, there was a statistically significant upward trend in the recorded rate of malicious damage to property offences, with a 10.7 per cent increase between 1997 and 1998.

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); *Population, New South Wales, 30 June 1997*, Cat. No. 3234.1 (for 1996 population estimates); and *Population, New South Wales, 30 June 1998*, Cat. No. 3234.1 (for 1997 and 1998 population estimates). Note that the numbers and rates of recorded criminal incidents for 1997 have been updated since the previous edition.
- 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 the date of reporting to police or the 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 was 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 More detailed information on trends in recorded crime, including monthly data and regional information, is published in the Bureau's annual recorded crime statistics report. The most recent report in this series is: Chilvers, M. 1999, *New South Wales Recorded Crime Statistics 1998*, NSW Bureau of Crime Statistics and Research, Sydney. This report includes statistics for the three years 1996 to 1998. Note that the annual percentage changes in recorded crime **rates** quoted in *Key Trends 1998* are slightly lower than the annual percentage changes in the **number** of recorded crime incidents which are reported in *Recorded Crime Statistics 1998*. This is due to a small increase in the NSW population between 1997 and 1998 (an increase of 1.1%).
- 5 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.
- 6 See Note 5.
- 7 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.
- 8 Australian Bureau of Statistics 1997, *Crime and Safety, New South Wales, April 1997*, Cat. No. 4509.1, Unpublished tables, ABS, Sydney.

SECTION 2

**TRENDS IN CRIMINAL
COURT PROCESSES**

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, bail refusal, 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 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 1993 to June 1998. 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 1996 to June 1998. Where the results of the trend test indicate that there is a significant trend, the percentage change between the 1996-97 and 1997-98 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 1996 to June 1998.

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 2.18, 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, regardless of 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 2.19 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.⁹ 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 2.19), 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 2.7, 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 1997*.¹⁰

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 and Higher Courts are shown in Figures 2.5 and 2.13. 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 2.14 and 2.20 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, 2.15 and 2.21), the trends in the percentage of convicted persons given a prison sentence in each jurisdiction (shown in Figures 2.8, 2.16 and 2.22) 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 Figures 2.9, 2.17 and 2.23). 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 percentages 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 2.8, respectively. The average length of imprisonment for persons sentenced to prison in the Local and Higher Courts is shown, by offence type, in Tables 2.4 and 2.9.

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 1996 and June 1998. There was no statistically significant upward or downward trend during this time period for any Local Court process which was tested.

In addition to the figures, each of which will be discussed in the appropriate individual section below, 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 1993 to June 1998 (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) as well as the average length of the minimum or fixed term prison sentence imposed (Table 2.4). 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.

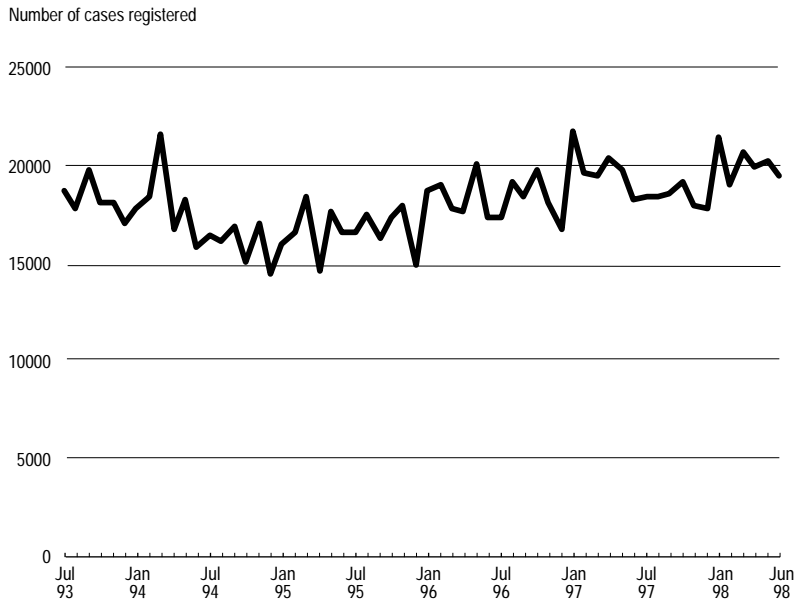
Table 2.1: Summary of trends in Local Court processes

	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Registrations:					
Number of cases registered	218329	197071	211460	228671	230825
Disposals:					
Number of cases finalised by defended hearing	29590	29802	30828	36516	35826
Number of cases finalised other than by defended hearing	74534	70127	75850	77843	73591
Percentage of cases finalised by defended hearing					
– males	28.5	29.8	28.9	31.7	32.4
– females	28.0	29.9	28.6	32.4	33.6
Legal representation:					
Percentage of persons having legal representation	63.0	61.5	61.1	57.5	57.3
Bail refusal:					
Percentage of persons refused bail	3.7	3.7	4.0	4.3	4.3
Delay:					
Median delay (from first appearance to determination) for defended cases (days)	58	49	53	53	55
Sentencing:					
Number of persons sentenced to prison	5216	5352	5648	5994	5841
Percentage of persons sentenced to prison					
– males	6.2	6.7	6.6	6.7	6.8
– females	3.1	3.5	3.5	3.5	3.5
Average length of minimum/fixed term imprisonment (months)					
– males	4.8	4.6	4.7	4.9	4.8
– females	3.8	3.4	3.6	4.0	3.6

Registrations

Figure 2.1 shows the number of criminal cases registered monthly in the Local Courts between July 1993 and June 1998. Between July 1996 and June 1998, there was no statistically significant upward or downward trend in the number of new registrations in the Local Courts. The total number of cases registered in the Local Courts, as shown in Figure 2.1, has remained relatively stable over this two-year period, at around 230,000 cases per year. This follows a percentage annual increase of 7.3 per cent between 1994-95 and 1995-96, and of 8.1 per cent between 1995-96 and 1996-97. Overall, during the five-year period there was a 5.7 per cent increase in the number of registrations between the first and the last twelve months of the period.

Figure 2.1: Cases registered in Local Courts



Disposals

Figure 2.2 shows the overall trends in the method of disposal of criminal matters finalised in the Local Courts from July 1993 to June 1998. Between July 1996 and June 1998 there was no statistically significant upward or downward trend in the number of matters disposed of by way of a defended hearing. Examining the five-year series, however, there was a statistically significant upward trend in the number of defended hearings. 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 21.1 per cent.

Figure 2.2 also shows the trend in the number of finalised cases in the period July 1993 to June 1998 which were not defended. This number includes, among others, cases where the defendant entered a guilty plea. Over the final two years of the series, from July 1996 to June 1998, there was no statistically significant upward or downward trend in the number of matters disposed of without a defended hearing.

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

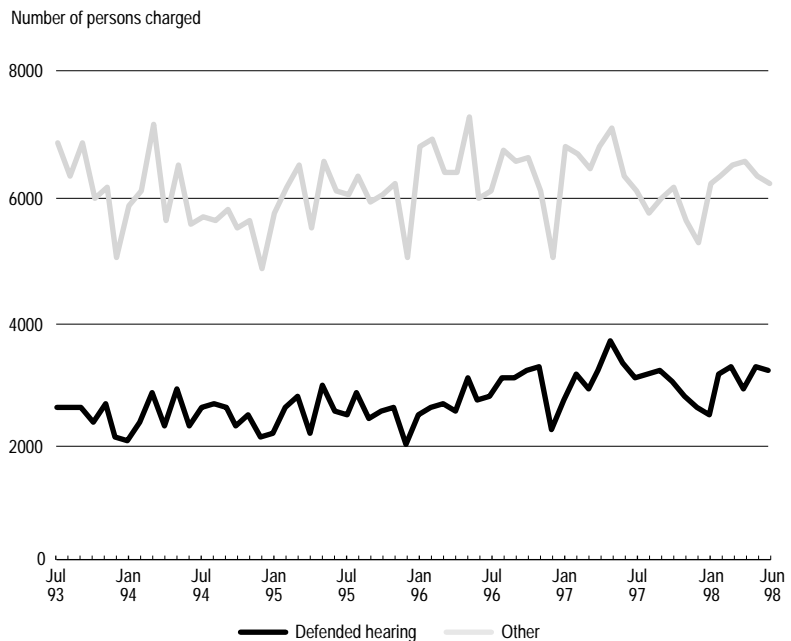


Figure 2.3 shows the number of matters in the Local Courts which were finalised by a defended hearing as a percentage of all finalised matters, both for males and for females, during the period July 1993 to June 1998. The proportion of defended cases shows a similar trend for both males and females, with approximately one-third of cases being finalised by a defended hearing. There were no statistically significant upward or downward trends in the percentage of cases disposed of by way of a defended hearing for either males or females during the period July 1996 to June 1998. However, over the five-year period July 1993 to June 1998, there were statistically significant upward trends in both series. During this period, the percentage increases between the first and last twelve months of the series were 13.7 per cent for males and 20.0 per cent for females.

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

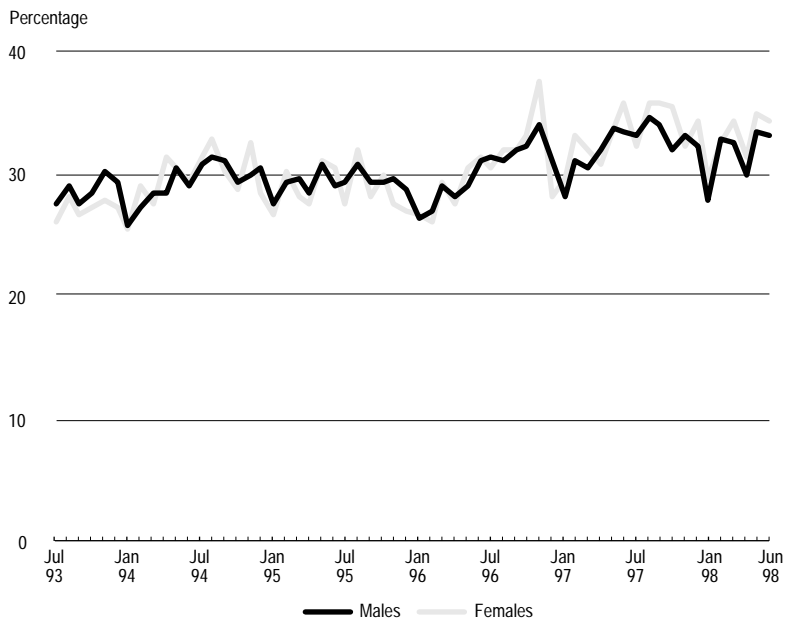


Table 2.2, below, shows the numbers of charges in the Local Courts within particular offence categories for the five-year period July 1993 to June 1998, where the charge was finalised during the counting period.¹¹ Each year, the offence category with the largest number of charges finalised is *driving* offences. About 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 1996-97 and 1997-98, most major offence categories showed annual decreases in the numbers of charges finalised in the Local Courts. The largest decreases are evident in the *property damage*, *theft* and *against good order* offence categories with decreases of 8.7 per cent, 4.5 per cent and 4.1 per cent, respectively, over the two-year period.

Over the five years of the series, however, most major offence categories showed substantial increases in the numbers of charges finalised. Particularly large annual increases between 1993-94 and 1997-98 are noted in the *against justice procedures* offence category (up by 29.1 per cent), offences *against the person* (up by 23.3 per cent) and *theft* offences (up by 10.8 per cent). Percentage annual decreases between the first and the last twelve months of the five-year period, however, are noted in the numbers of charges finalised for *drug* offences (a decrease of 11.1 per cent between 1993-94 and 1997-98) and for offences *against good order* (down by 10.8 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>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Against the person:					
Assault occasioning actual bodily harm	3928	4019	4397	4826	4978
Other assault	16054	15939	16963	19643	18774
Sexual assault	330	320	332	397	392
Sexual offences against children	354	279	304	454	456
Other	388	458	692	1186	1356
Total	21054	21015	22688	26506	25956
Theft:					
Break and enter	3381	3197	3671	3872	3567
Fraud	4961	4754	4833	7437	6737
Larceny by shop stealing	4757	4012	4610	4205	3319
Other larceny	8911	9114	9455	9469	9360
Unlawful possession	5103	5352	5827	6435	7024
Vehicle theft	2253	2358	2465	2679	2542
Total	29366	28787	30861	34097	32549
Property damage:					
Arson, damage by fire	254	253	227	230	229
Other	6058	6348	6587	6962	6336
Total	6312	6601	6814	7192	6565
Environmental	151	149	140	144	189
Against justice procedures:					
Breach of order	6829	7270	8710	9884	10104
Other	5815	5829	6172	6807	6218
Total	12644	13099	14882	16691	16322

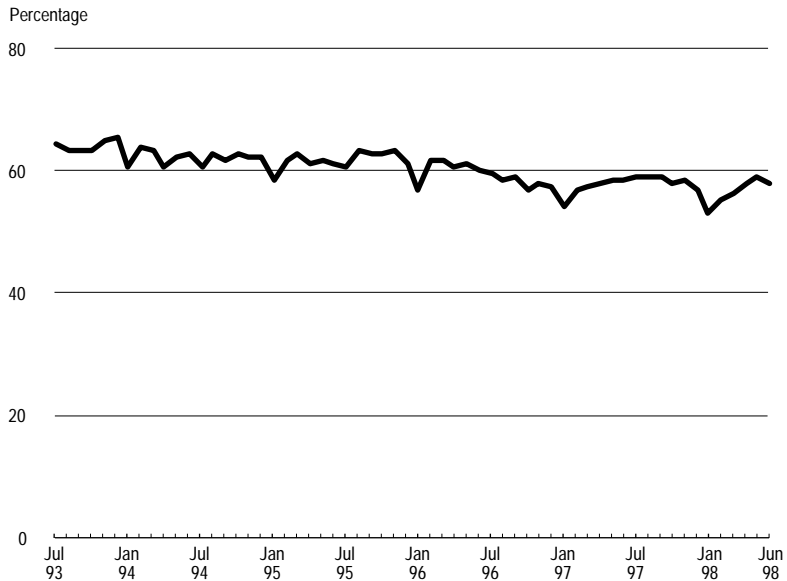
Table 2.2 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Against good order:					
Weapons	2669	2395	2571	2485	2135
Betting and gaming	422	269	80	28	9
Prostitution	413	438	431	311	361
Liquor licensing	347	342	316	369	378
Offensive behaviour	8418	8290	7753	7197	6923
Other	3024	3045	3285	3828	3832
Total	15293	14779	14436	14218	13638
Drug:					
Possession and/or use:					
– opiates	1170	1048	1308	1363	1749
– cannabis	9175	7466	8399	7719	7666
– other drug	1527	1831	1616	1546	1698
Dealing and trafficking:					
– opiates	328	258	357	393	320
– cannabis	655	577	651	594	468
– other drug	490	483	543	510	436
Manufacturing and/or growing:					
– cannabis	2110	1788	2059	1834	1711
– other drug	57	161	70	68	58
Other	2267	1963	1948	1741	1691
Total	17779	15575	16951	15768	15797
Driving:					
Cause injury by driving	155	139	142	294	256
DUI drink/drug	973	925	962	1073	1084
PCA – high	6512	6185	6482	6226	5802
PCA – medium	9557	9174	10779	10368	9461
PCA – low	2938	2789	3419	3251	3095
Dangerous, reckless or negligent driving	6555	6793	7280	8184	7296
Other	28593	26666	27188	31843	32087
Total	55283	52671	56252	61239	59081
Other	1029	900	969	1760	1566

Legal representation

Figure 2.4 details the number of persons who were legally represented as a percentage of all persons whose cases were finalised in the Local Courts between July 1993 and June 1998. Since July 1996, there was no statistically significant upward or downward trend in the proportion of persons having legal representation in the Local Courts. Over this two-year period, the proportion of persons with legal representation has remained relatively stable at around 57 per cent. Over the five years of the series graphed in Figure 2.4, however, there was a significant downward trend in the proportion of persons having legal representation, with a 9.0 per cent decrease evident between 1993-94 and 1997-98.

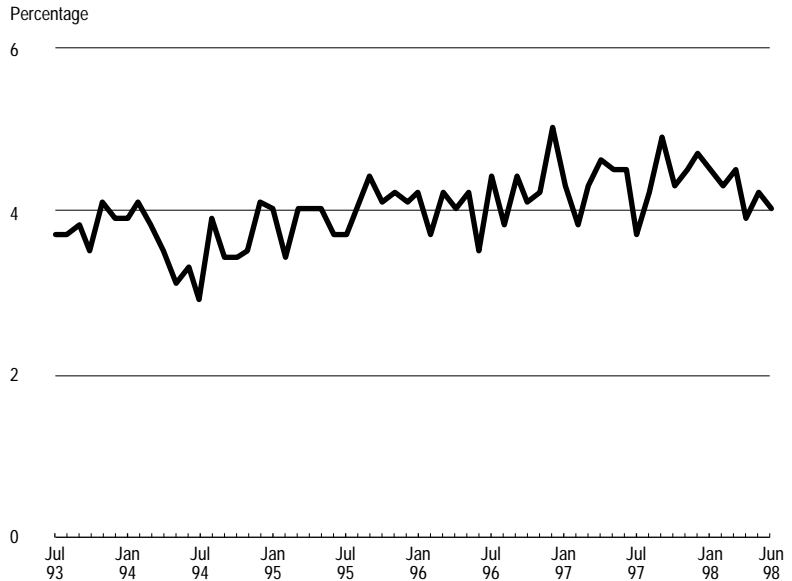
Figure 2.4: Persons having legal representation as a percentage of all persons whose cases were finalised, Local Courts



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 1993 and June 1998. During the final two-year period of this series there was no statistically significant upward or downward trend in the proportion of persons for whom bail was refused. However, over the five years of the series, there was a statistically significant upward trend in the proportion of persons for whom bail was refused, with a 16.2 per cent increase over this period. In 1996-97 and 1997-98, 4.3 per cent of persons were refused bail, compared with 3.7 per cent in 1993-94.

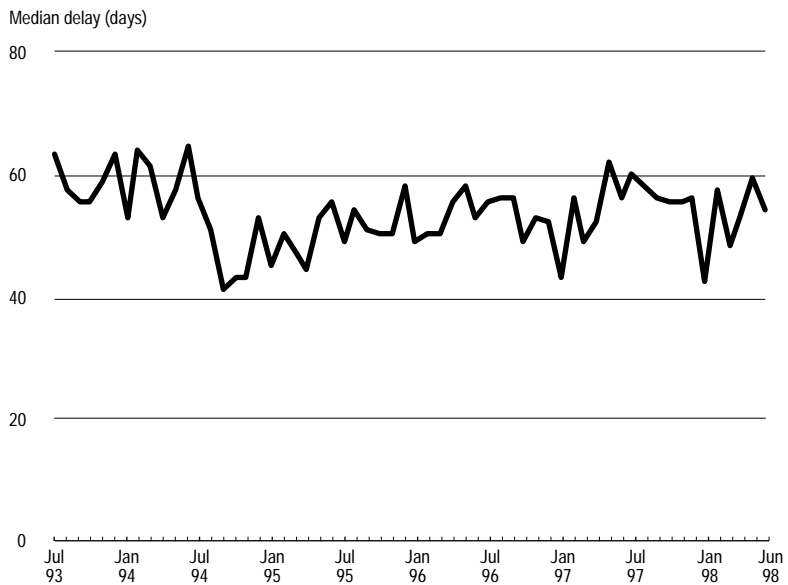
Figure 2.5: Persons who were refused bail as a percentage of all persons whose cases were finalised, Local Courts



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 1996 and June 1998, there was no statistically significant upward or downward trend in this delay. The median delay in 1997-98 was 55 days, varying over the five-year period between 49 days in 1994-95 and 58 days in 1993-94.

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 for cases finalised in the Local Courts between July 1996 and June 1998. However, over the five years of the series graphed in Figure 2.7, there was a statistically significant upward trend in the total number of persons convicted and sentenced to a period of imprisonment, with an increase of 12.0 per cent between 1993-94 and 1997-98.

Figure 2.7: Persons sentenced to prison, Local Courts

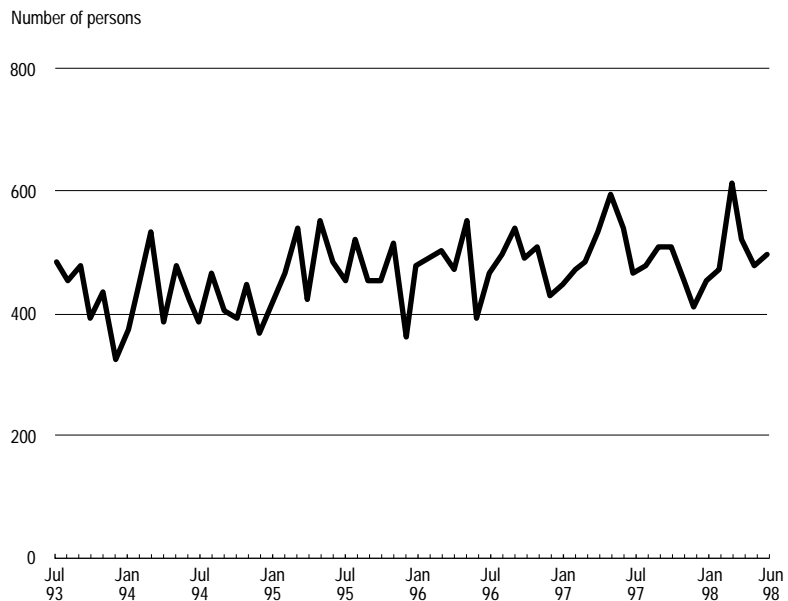


Figure 2.8 shows the trend in the percentage of males and females convicted in Local Courts who were sentenced to a period of imprisonment. The total percentage, combining males and females is not presented because, due to the small number of females concerned, it is substantially the same as the percentage 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 1997-98, the proportion of males sentenced to a term of imprisonment in the Local Courts was almost double that of females – 6.8 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

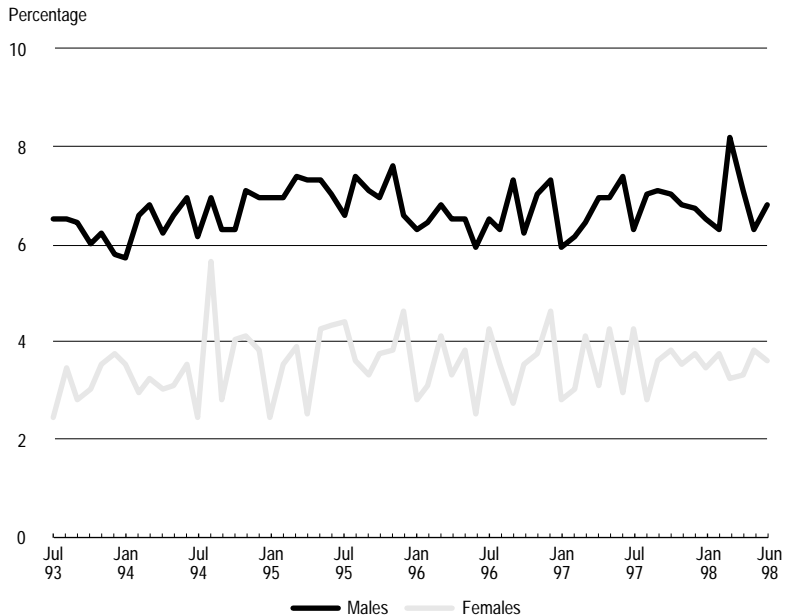


Figure 2.9 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon males and females sentenced to prison in the Local Courts in cases finalised between July 1993 and June 1998. Again, due to the small number of females concerned, the figure for males is virtually identical to the overall average; hence, the overall average is not presented in Figure 2.9. There was no statistically significant upward or downward trend in the average length of the term of imprisonment imposed on either males or females during the final twenty-four months of the period. 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

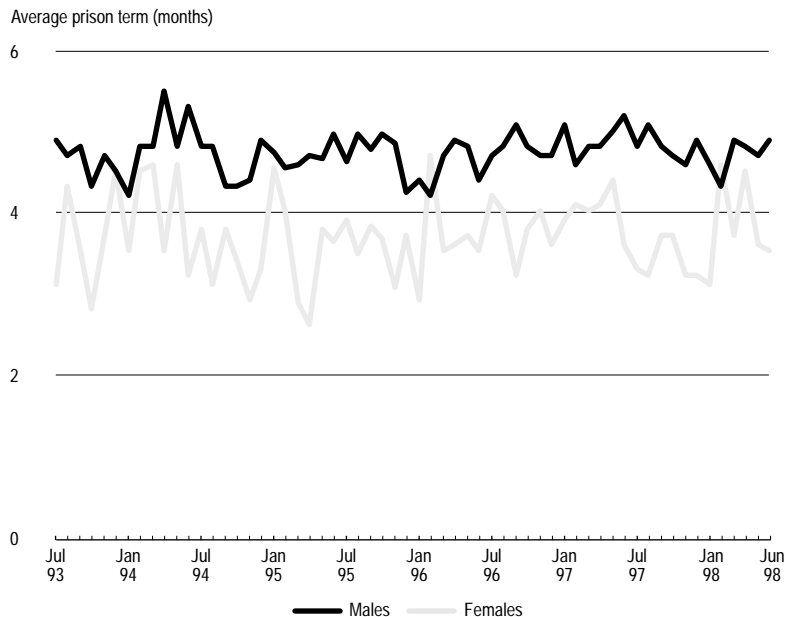


Table 2.3: Persons sentenced to prison as a percentage of all persons convicted in Local Court appearances finalised, by offence type

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Against the person:					
Assault occasioning actual bodily harm	13.6	13.5	12.6	12.5	11.9
Other assault	6.2	7.2	7.2	6.6	7.4
Sexual assault	18.0	10.9	16.7	13.1	15.2
Sexual offences against children	18.8	20.0	23.1	14.5	22.0
Other	10.3	13.3	9.4	6.9	8.8
Theft:					
Break and enter	34.0	36.1	35.9	42.4	38.5
Fraud	9.4	9.6	7.8	4.6	5.4
Larceny by shop stealing	5.2	5.9	5.3	6.3	8.1
Other larceny	8.8	9.6	9.6	9.5	11.0
Unlawful possession	12.5	14.9	13.7	13.4	14.0
Vehicle theft	31.2	32.3	33.2	37.4	36.1
Property damage:					
Arson, damage by fire	4.7	10.0	9.8	13.3	8.6
Other	2.8	2.8	3.1	3.4	3.7
Environmental	3.3	3.3	5.0	1.0	1.9
Against justice procedures:					
Breach of order	21.5	20.4	19.9	19.6	17.0
Other	6.3	8.5	7.7	6.5	7.9
Against good order:					
Weapons	3.2	2.9	2.6	3.9	3.9
Betting and gaming	0.0	0.0	0.0	0.0	0.0
Prostitution	1.2	0.8	2.0	2.1	1.6
Liquor licensing	0.0	0.0	0.0	0.0	0.0
Offensive behaviour	0.5	0.9	0.8	0.8	1.0
Other	7.5	7.2	7.7	7.0	9.3

Table 2.3 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Drug:					
Possession and/or use:					
– opiates	8.3	9.7	10.3	8.6	6.2
– cannabis	2.1	1.9	2.4	2.3	2.4
– other drug	3.6	6.5	4.9	4.1	4.7
Dealing and trafficking:					
– opiates	46.5	42.3	48.3	47.8	37.4
– cannabis	14.0	11.8	15.9	15.1	17.2
– other drug	22.9	20.2	22.2	21.7	23.8
Manufacturing and/or growing:					
– cannabis	0.9	1.6	1.0	1.5	2.1
– other drug	3.2	1.8	4.4	8.3	6.9
Other	6.4	2.2	5.3	3.9	3.1
Driving:					
Cause injury by driving	8.5	14.1	11.7	7.9	6.0
DUI drink/drug	3.3	3.5	5.2	5.6	6.1
PCA – high	2.7	3.6	2.8	2.8	3.0
PCA – medium	0.7	0.9	0.8	0.8	0.9
PCA – low	0.0	0.0	0.1	0.0	0.1
Dangerous, reckless or negligent driving	1.8	1.3	1.4	1.8	2.5
Other	3.1	3.2	3.1	2.7	2.9
Other	2.9	3.8	0.9	1.3	3.1

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 1993 to June 1998, 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 (i.e. the principal offence).¹²

Patterns of imprisonment for cases finalised in the Local Courts have remained relatively stable over the period July 1993 to June 1998. 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) include: *break and enter* (38.5 per cent of guilty persons imprisoned in 1997-98, 34.0 per cent in 1993-94), *dealing and trafficking in opiates* (37.4 per cent of persons found guilty were imprisoned in 1997-98, 46.5 per cent in 1993-94), *vehicle theft* (36.1 per cent imprisoned in 1997-98, 31.2 per cent in 1993-94), and *sexual offences against children* (22.0 per cent in 1997-98, 18.8 per cent in 1993-94).

Table 2.4 shows the average length of the minimum or fixed term of imprisonment imposed upon persons sentenced to prison in the Local Courts over the five-year period, July 1993 to June 1998, by offence category. As with Table 2.3, above, 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 included in the average calculation only for the offence attracting the longest prison sentence.

Table 2.4: Average length of minimum/fixed term of imprisonment (months) for persons sentenced to prison in the Local Courts, by offence type

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Against the person:					
Assault occasioning actual bodily harm	5.5	5.6	5.2	5.0	5.3
Other assault	3.5	3.5	3.7	3.8	4.1
Sexual assault	5.6	6.7	5.5	7.1	6.1
Sexual offences against children	7.4	4.7	6.4	6.3	8.0
Other	8.2	7.6	5.4	4.3	6.5
Theft:					
Break and enter	7.9	7.5	7.6	7.7	7.7
Fraud	5.4	5.1	5.3	5.7	4.9
Larceny by shop stealing	3.4	3.4	3.4	3.8	3.3
Other larceny	4.7	4.2	4.1	4.5	4.4
Unlawful possession	4.2	4.3	4.1	4.0	4.1
Vehicle theft	7.5	7.0	7.0	6.9	6.6
Property damage:					
Arson, damage by fire	5.7	6.1	4.9	5.8	3.8
Other	2.6	2.6	3.1	2.8	2.8

Table 2.4 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Environmental	8.7	7.0	2.8	9.0	3.0
Against justice procedures:					
Breach of order	2.9	3.2	3.1	3.2	3.0
Other	3.8	3.8	3.9	3.5	4.0
Against good order:					
Weapons	6.0	5.0	5.4	6.7	6.6
Betting and gaming	0.0	0.0	0.0	0.0	0.0
Prostitution	0.5	0.7	0.4	0.4	4.4
Liquor licensing	0.0	0.0	0.0	0.0	0.0
Offensive behaviour	2.0	2.2	2.4	4.0	3.2
Other	5.3	5.0	5.2	5.7	4.7
Drug:					
Possession and/or use:					
– opiates	3.1	2.8	2.5	2.9	3.5
– cannabis	2.0	2.3	2.4	2.4	2.4
– other drug	2.5	2.4	3.1	2.9	2.9
Dealing and trafficking:					
– opiates	4.9	6.2	5.8	6.3	7.1
– cannabis	4.6	5.0	4.8	4.7	6.0
– other drug	4.9	6.0	5.7	4.3	6.0
Manufacturing and/or growing:					
– cannabis	5.4	3.4	3.2	4.2	5.0
– other drug	6.0	2.0	9.0	7.0	4.0
Other	3.6	3.2	2.3	4.7	4.3
Driving:					
Cause injury by driving	7.5	7.2	6.6	5.9	8.1
DUI drink/drug	3.4	3.9	4.0	4.0	4.2
PCA – high	4.2	4.4	4.7	4.5	4.8
PCA – medium	3.7	3.6	3.7	3.8	3.8
PCA – low	6.0	0.0	4.5	6.0	3.3
Dangerous, reckless or negligent driving	4.7	4.9	4.5	5.3	5.0
Other	3.8	3.6	3.7	4.1	3.9
Other	2.6	2.4	5.2	4.1	3.8

The average length of imprisonment in the Local Courts has remained steady over the five-year period July 1993 to June 1998. Offences with the highest average length of minimum or fixed term imprisonment in 1997-98 were: *cause injury by driving* (an average term of imprisonment of 8.1 months), *sexual offences against children* (an average of 8.0 months in prison), *break and enter* (7.7 months) and *dealing and trafficking in opiates* (7.1 months).¹³

DISTRICT COURT TRENDS

Summary of trends

Table 2.5 provides annual summaries of the data which have been graphed in Figures 2.10 to 2.17, below, displaying trends in District Court processes, such as registrations, methods of disposal, bail refusal, 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 1996 and June 1998. A statistically significant trend has been observed during this time period for the following District Court process:

- **percentage of persons whose cases were finalised in the District Court for whom bail was refused (up by 7.4%; see Figure 2.13)**
- **number of cases finalised in the District Court by methods other than defended hearing or guilty plea (up by 19.4%; see Figure 2.11).**

The other District Court processes which were graphed (including the number of new registrations, methods of disposal, percentage of cases finalised by defended hearing, median delay, number and percentage of persons sentenced to prison, and average length of minimum or fixed term of imprisonment in Figures 2.10, 2.11, 2.12, 2.14, 2.15, 2.16 and 2.17, respectively) did not display statistically significant upward or downward trends between July 1996 and June 1998. 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 for 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.¹⁴

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 1993 to June 1998 (Table 2.7), and offence types of persons who were imprisoned as a result of Higher

Court case finalisations during the same period (Table 2.8) as well as the average length of the minimum or fixed term of imprisonment imposed (Table 2.9). 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.

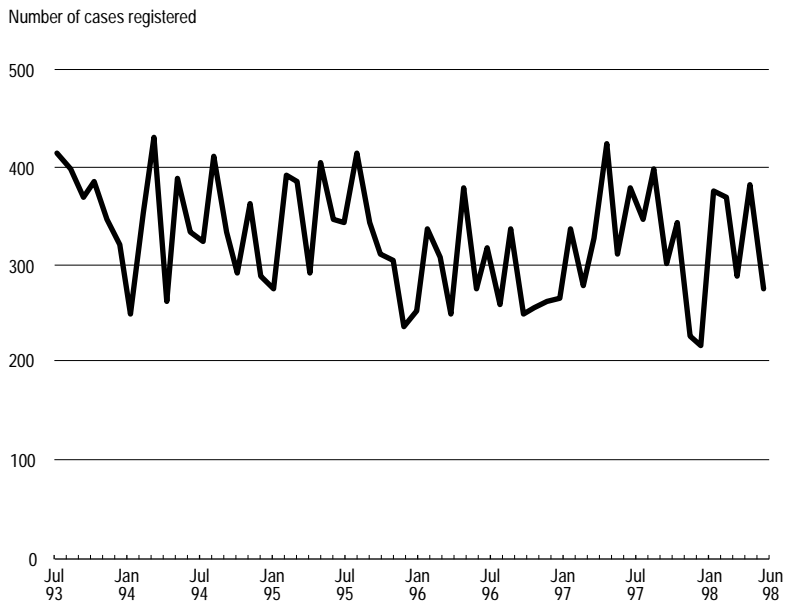
Table 2.5: Summary of trends in District Court processes

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Registrations:					
Number of cases registered	4244	4108	3751	3622	3896
Disposals:					
Number of cases finalised by defended hearing	1174	958	836	845	916
Number of cases finalised by sentencing after guilty plea	3398	2785	2459	2028	2173
Number of cases finalised by other methods of disposal	684	582	550	545	651
Percentage of cases finalised by defended hearing					
– males	22.9	22.8	22.5	25.2	25.3
– females	17.3	15.4	13.8	18.7	15.5
Bail refusal:					
Percentage of persons refused bail	22.2	25.4	26.4	28.2	30.3
Delay:					
Median delay (from committal to outcome) for finalised trials (days)	369.5	351.0	308.0	342.0	318.0
Sentencing:					
Number of persons sentenced to prison	1975	1762	1569	1483	1654
Percentage of persons sentenced to prison:					
– males	52.8	57.1	57.4	62.6	65.1
– females	22.3	24.7	29.0	41.9	38.3
Average length of minimum/fixed term of imprisonment (months):					
– males	24.1	22.9	23.7	26.3	27.2
– females	21.4	23.0	17.2	18.4	21.4

Registrations

Figure 2.10 shows the number of criminal cases registered monthly in the District Court between July 1993 and June 1998. Between July 1996 and June 1998, there was no statistically significant upward or downward trend in the number of new registrations in the District Court. However, over the five years of the series there was a significant downward trend in the number of new registrations in the District Court, with an 8.2 per cent decrease between 1993-94 and 1997-98.

Figure 2.10: Cases registered in the District Court

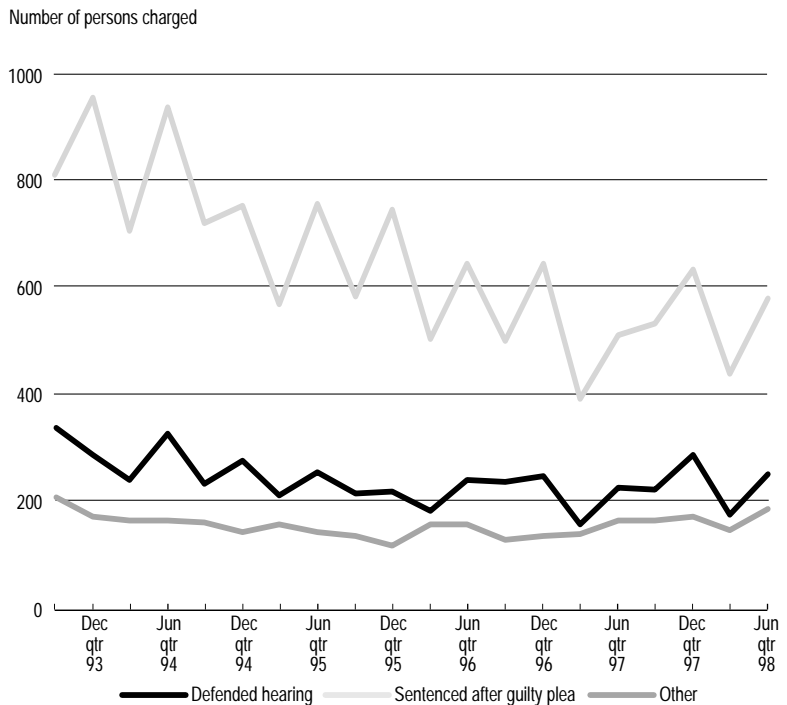


Disposals

Figure 2.11 shows the overall trends in the method of disposal of criminal matters finalised in the District Court between July 1993 and June 1998. 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 1996 and June 1998 there was no statistically significant upward or downward trend in the number of matters disposed of quarterly by way of either a defended hearing or by sentencing after a guilty plea. However, there was a statistically significant upward trend in the number of matters disposed of by 'other' methods of disposal.¹⁵ Between 1996-97 and 1997-98, there was a 19.4 per cent increase in the number of cases finalised by methods other than defended hearing or guilty plea.

Table 2.5 shows that for the first four years of the series, between July 1993 and June 1997, the number of hearings disposed of by each of the three methods of disposal has generally decreased annually, the largest percentage decreases occurring between

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

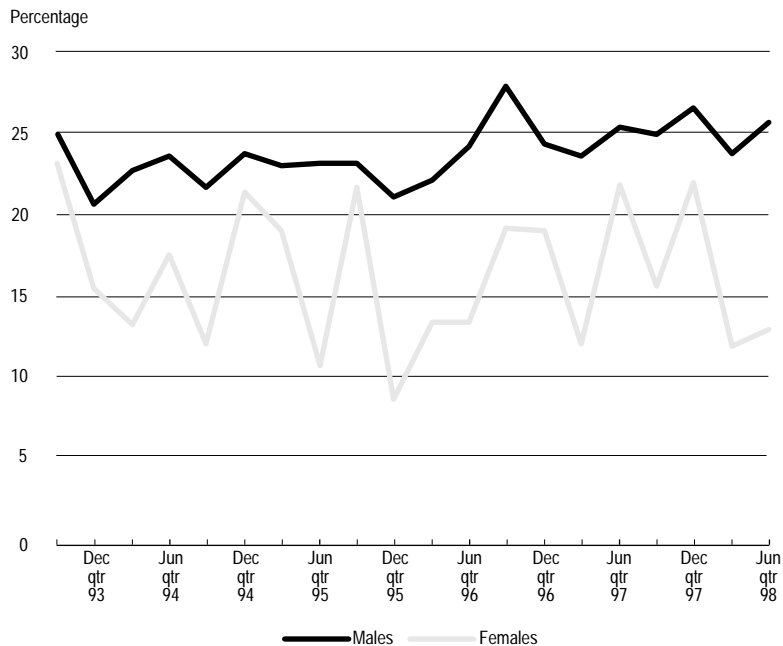


1993-94 and 1994-95. Overall, between the first and the last financial years of the five-year period, the number of matters dealt with by means of a defended hearing (i.e. a trial) decreased by 22.0 per cent and disposals by sentencing after guilty plea decreased by 36.1 per cent.

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 males and females over the period July 1993 to June 1998. During the period July 1996 to June 1998, the final two years of the series, there was no statistically significant upward or downward trend in the percentage of males or females whose cases were disposed of by way of a defended hearing.

Over the five years of the series graphed in Figure 2.12, however, there was an upward trend in the percentage of males whose cases were disposed of by way of a defended hearing. Between the first and last twelve months of the period, the annual percentage of males whose cases were finalised by way of a defended hearing increased by 10.5 per cent, from 22.9 per cent of cases in 1993-94, up to 25.3 per cent of cases in 1997-

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

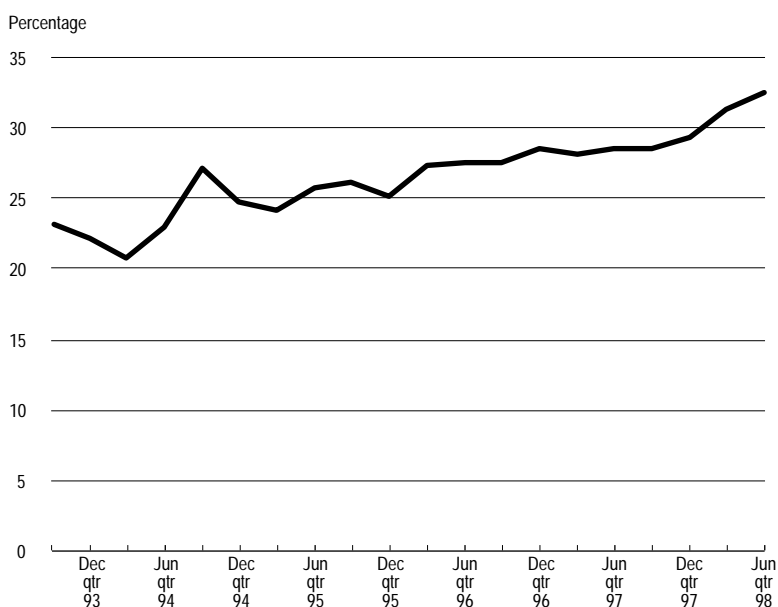


98. For females, the annual proportion varied between 13.8 per cent (in 1995-96) and 18.7 per cent (in 1996-97) of all cases over the period; however Figure 2.12 shows the marked variation in the proportions between quarters, generally due to the small numbers of females represented (an average of only about 90 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 25.3 per cent of males having cases disposed of by defended hearing in 1997-98, compared with 15.5 per cent of females (see Table 2.5).

Bail refusal

Figure 2.13 shows the number of persons who were refused bail as a proportion of all persons whose cases were finalised in the District Court between July 1993 and June 1998. 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 7.4 per cent increase over this period. This increase follows an upward trend each year for the entire series graphed in Figure 2.13. In 1997-98, 30.3 per cent of persons were refused bail, compared with 22.2 per cent in 1993-94, an increase of 36.5 per cent.

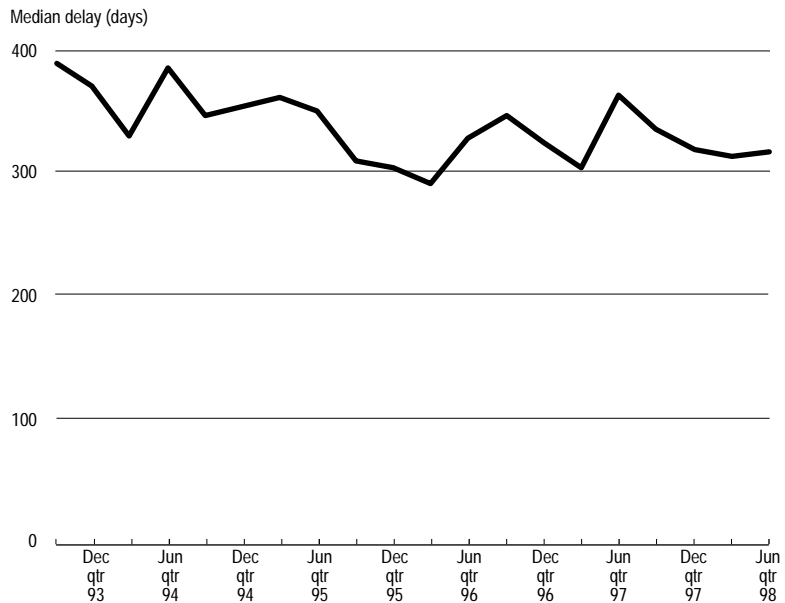
Figure 2.13: Persons who were refused bail as a percentage of all persons whose cases were finalised, District Court



Delay

Figure 2.14 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, however, that 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 2.14. The median delay varied from 369.5 days in the 1993-94 financial year, down to 308.0 days in 1995-96 and 318.0 days in 1997-98 (see Table 2.5).

Figure 2.14: Median delay (from committal to outcome) for trials finalised in the District Court



Sentencing

Figure 2.15 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 1993 to June 1998. 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 1996 and June 1998, 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 shown in Table 2.5, however, indicate that over the first four years of the series fewer persons were sentenced to a period of imprisonment as a result of District Court finalisations each year (from 1,975 persons sentenced to imprisonment in 1993-94 to only 1,483 in 1996-97). This decrease is due both to a reduction in the number of persons convicted in District Court finalisations¹⁶ and to a decline in the total number of finalisations, given that the proportion of convicted persons being sentenced to prison increased over this period (see Table 2.5). The trend in the proportion of convicted persons being sentenced to a period of imprisonment by the District Court is graphed in Figure 2.16.

Figure 2.15: Persons sentenced to prison, District Court

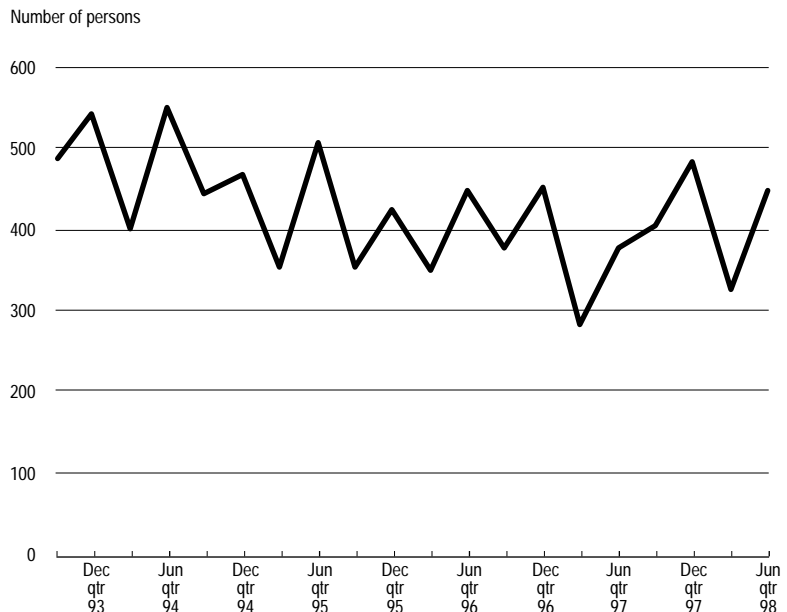


Figure 2.16 shows the trend in the percentage of males and females convicted in the District Court who were sentenced to a period of imprisonment. The total percentage is not presented because, due to the small number of females concerned, it is substantially the same as the percentage for males. There was 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.

Between 1993-94 and 1997-98, annual figures in Table 2.5 show that the percentage of males convicted in the District Court who were sentenced to a period of imprisonment rose from 52.8 per cent in 1993-94 to 65.1 per cent in 1997-98. For females, this proportion increased from 22.3 per cent up to 38.3 per cent over the same period. For the five-year period presented in Figure 2.16 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 2.16: Persons sentenced to prison as a percentage of all persons convicted, by gender, District Court

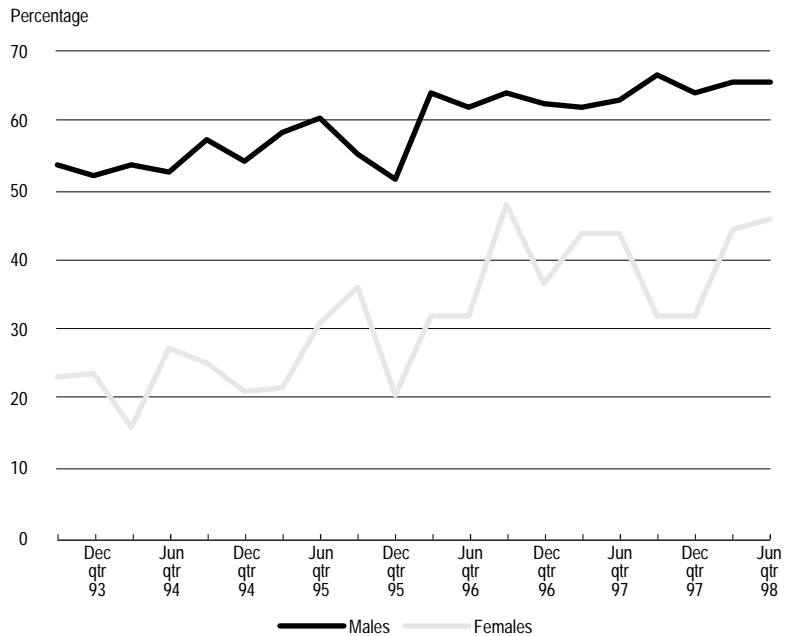
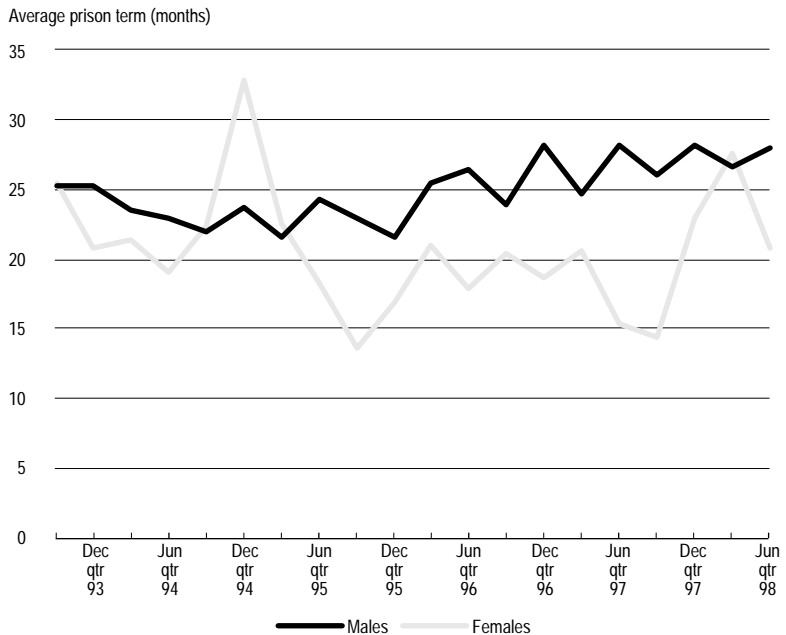


Figure 2.17 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon males and females sentenced to prison in the District Court between July 1993 and June 1998. Again, due to the small number of females concerned, the trend for males is virtually identical to that of the overall average; hence, the overall average is not presented in Figure 2.17. There was no statistically significant upward or downward trend in the average length of the term of imprisonment imposed on males or females during the final two years of the period.

Over the five years of the series graphed in Figure 2.17, however, there was an upward trend in the average length of minimum or fixed term of imprisonment for males sentenced to prison, with an increase of 12.9 per cent over the period, from 24.1 months in 1993-94, up to 27.2 months in 1997-98. For females, the average length of the minimum or fixed term of imprisonment in 1997-98 was 21.4 months, the same as in 1993-94. During the most recent three years of the series, the prison terms imposed on females were typically shorter than those imposed on males, by about seven months on average.

Figure 2.17: Average length of minimum/fixed term of imprisonment for persons sentenced to prison, by gender, District Court



SUPREME COURT TRENDS

Summary of trends

Table 2.6 provides annual summaries of the data which have been graphed in Figures 2.18 to 2.23, 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 1996 and June 1998. 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 21.7%; see Figure 2.20).**

Table 2.6: Summary of trends in Supreme Court processes

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Registrations:					
Number of cases registered	111	93	90	89	100
Disposals:					
Number of cases finalised by defended hearing	73	38	43	37	48
Number of cases finalised by sentencing after guilty plea	39	41	30	37	31
Number of cases finalised by other methods of disposal	8	3	2	2	8
Delay:					
Median delay (from committal to outcome) for finalised trials (days)	422.5	316.5	279.5	531.0	646.0
Sentencing:					
Number of persons sentenced to prison	76	63	43	56	64
Percentage of persons sentenced to prison	89.4	95.5	78.2	90.3	95.5
Average length of minimum/fixd term of imprisonment (months)	90.4	98.8	84.4	79.0	95.6

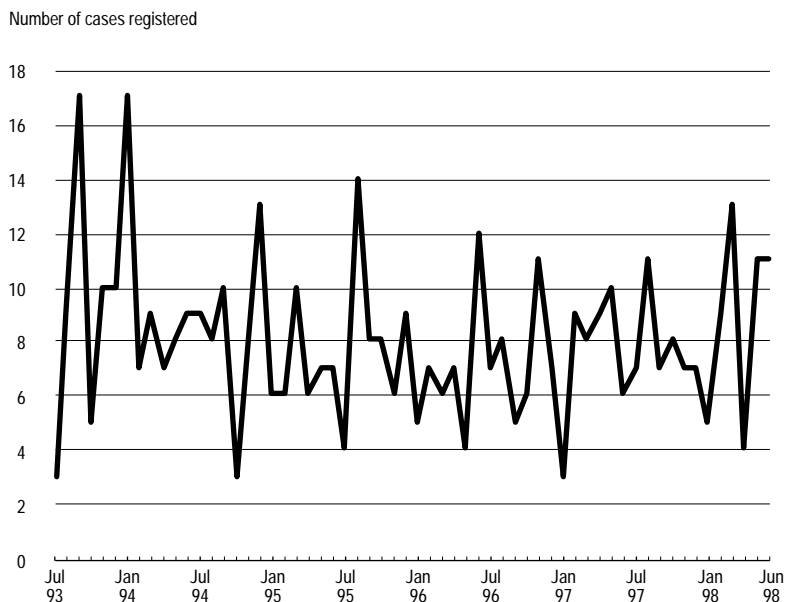
The other Supreme Court processes which were graphed (including the number of new registrations, methods of disposal, number and percentage of persons sentenced to a period of imprisonment, and the average length of the minimum or fixed term of imprisonment imposed) did not display statistically significant upward or downward trends between July 1996 and June 1998. 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 2.7), and for persons who were imprisoned as a result of Higher Court case finalisations (Table 2.8) as well as the length of the minimum or fixed term of imprisonment imposed (Table 2.9), during the five-year period July 1993 to June 1998. It should be noted that all graphs and trend tests in Supreme Court processes, other than those related to new registrations (Figure 2.18), are based on quarterly data.¹⁷ 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).

Registrations

Figure 2.18 shows the number of criminal cases registered in the Supreme Court between July 1993 and June 1998. Between July 1996 and June 1998, there was no

Figure 2.18: Cases registered in the Supreme Court

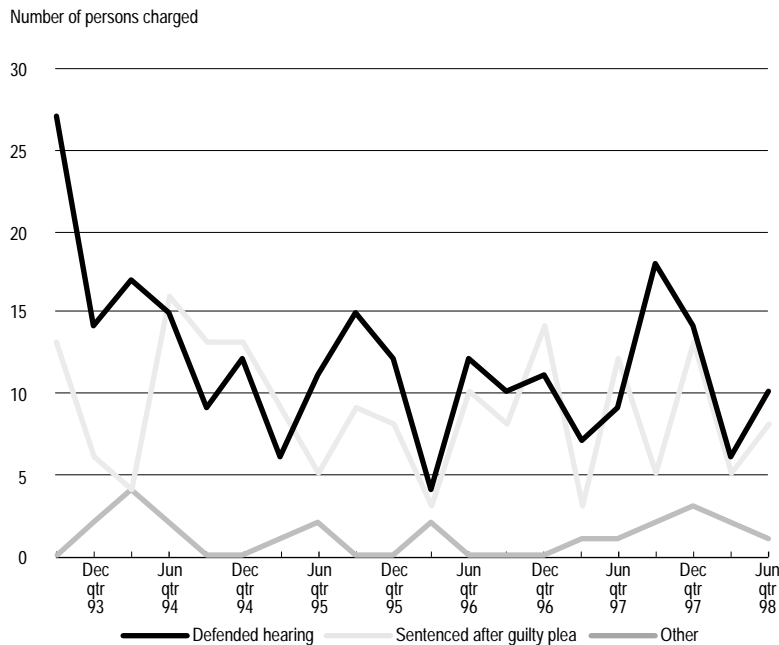


statistically significant upward or downward trend in the number of new registrations in the Supreme Court. Overall, the number of new registrations in the Supreme Court over the five years of the series has remained fairly steady at an average of about eight registrations per month.

Disposals

Figure 2.19 shows the overall trends in the method of disposal of criminal matters finalised in the Supreme Court from July 1993 to June 1998. Between July 1996 and June 1998 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 2.6) for the five-year series graphed in Figure 2.19, however, the number of hearings disposed of by each of the three methods of disposal has generally decreased since 1993-94. 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 34.2 per cent and disposals by sentencing after guilty plea decreased by 20.5 per cent.

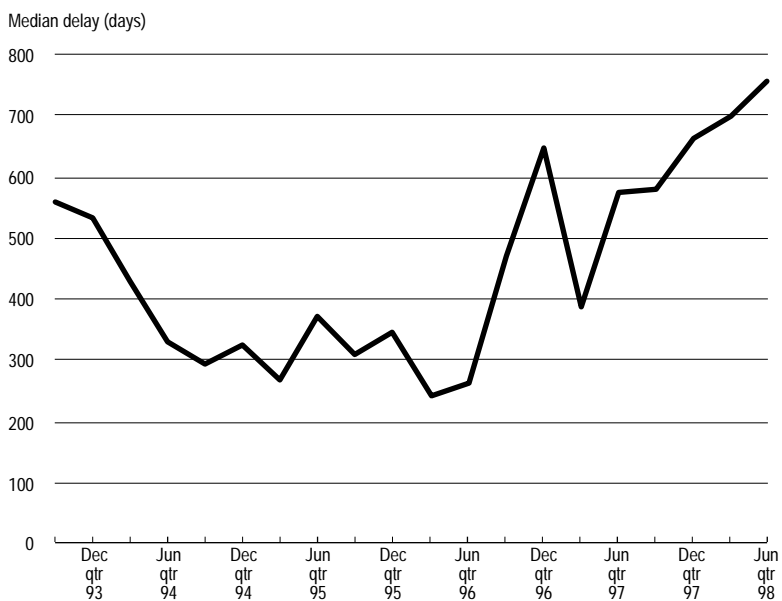
Figure 2.19: Method of disposal for cases finalised in the Supreme Court



Delay

Figure 2.20 shows the trend in median delay between committal and outcome for defended cases finalised in the Supreme Court. Over the two years from July 1996 to June 1998, there was a statistically significant upward trend in this delay. During this period, the median delay rose from 531.0 days in 1996-97, up to 646.0 days in 1997-98, an increase of 21.7 per cent. However, it should be noted that the number of trial finalisations on which these calculations are based is small. Overall, there has been a decrease in the number of trial finalisations over the five years of the series, from a total of 73 trials finalised in 1993-94, down to 48 finalisations in 1997-98. Table 2.6 shows the variation in median delay across the five years of the series: successive annual decreases from 422.5 days in 1993-94 to 316.5 days in 1994-95 and 279.5 days in 1995-96, were followed by increases in median delay to 531.0 days in 1996-97 and 646.0 days in 1997-98.

Figure 2.20: Median delay (from committal to outcome) for trials finalised in the Supreme Court



Sentencing

Figure 2.21 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 1993 to June 1998. 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 1996 to June 1998, there was no statistically significant upward or downward trend in the total number of persons sentenced to imprisonment.

Figure 2.21: Persons sentenced to prison in the Supreme Court

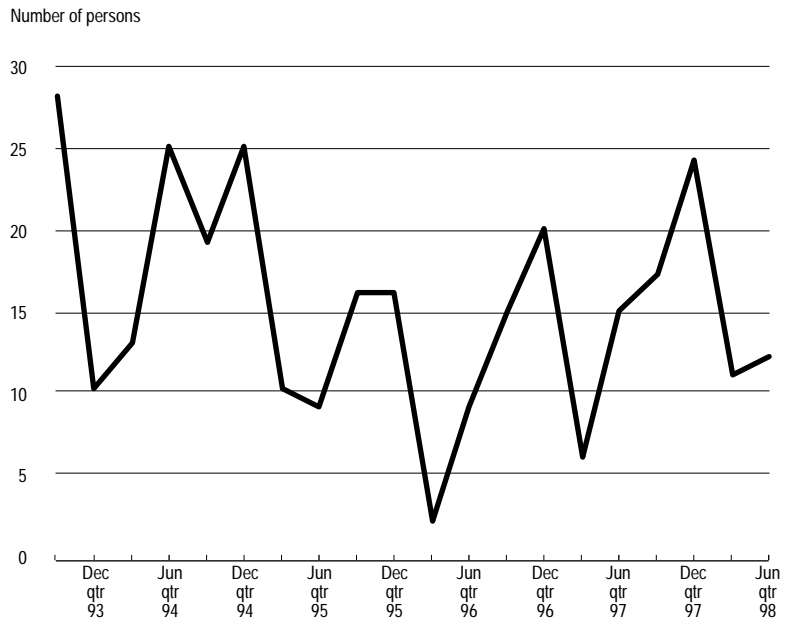


Figure 2.22 shows the trend in the percentage of persons convicted in the Supreme Court who were sentenced to a period of imprisonment. Percentages are not presented separately by gender, due to the small number of females concerned. There was no statistically upward or downward trend in the percentage of persons sentenced to imprisonment over the most recent two years of the period. Figure 2.22 shows that, in general, a majority of persons who are convicted in the Supreme Court are sentenced to a period of imprisonment. The annual percentage has varied between 95.5 per cent in 1994-95 and 78.2 per cent in 1995-96, as shown in Table 2.6.

Figure 2.22: Persons sentenced to prison as a percentage of all persons convicted in the Supreme Court

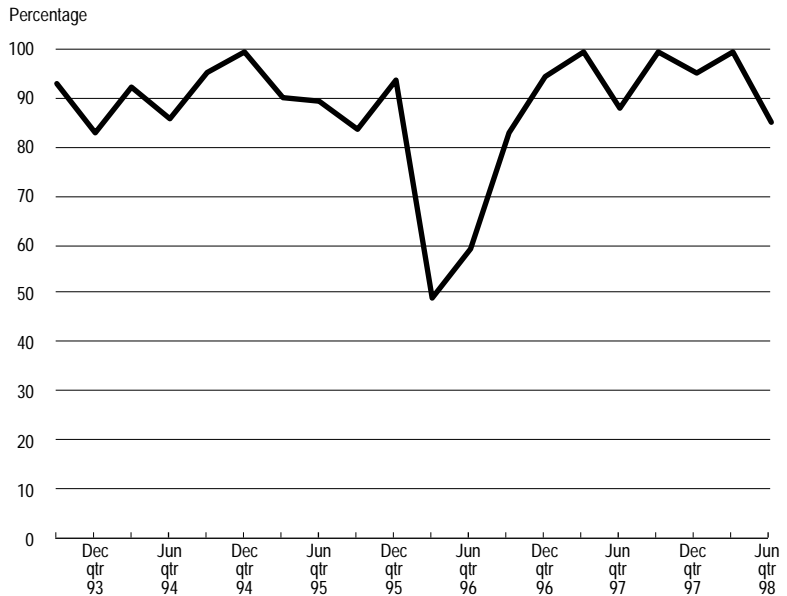
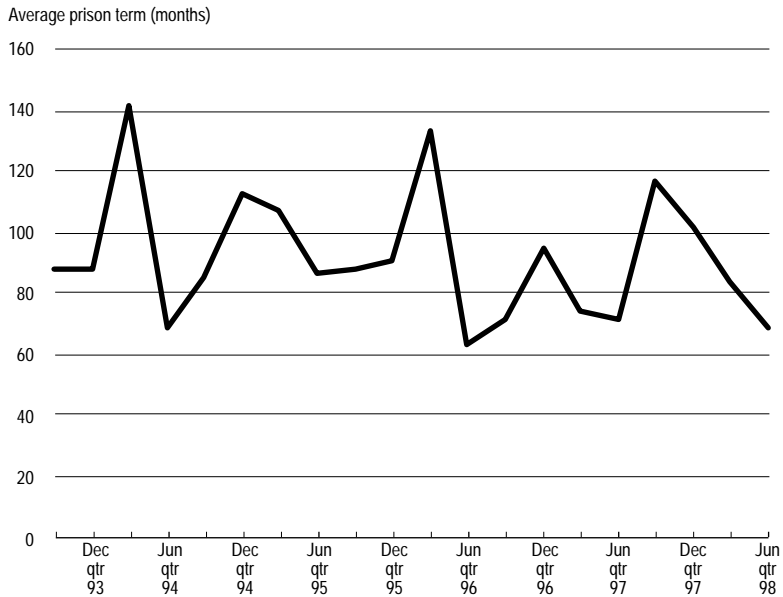


Figure 2.23 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon persons sentenced to prison in the Supreme Court between July 1993 and June 1998. Again, due to the small number of females concerned, only the overall average is presented in Figure 2.23. There 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 the five-year period varied between 98.8 months in 1994-95 and 79.0 months in 1996-97.

Figure 2.23: 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 2.7 shows the numbers of charges finalised in the Higher Courts within particular offence categories for the five-year period, July 1993 to June 1998, where the charge was finalised during the counting period.

Table 2.7: Charges in Higher Court trial and sentence cases finalised, by offence type

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Against the person:					
Murder	82	63	37	59	88
Manslaughter	47	42	27	46	45
Attempt, intent to murder	56	33	33	47	55
Assault	1322	945	1050	1016	1149
Sexual assault	1065	867	759	882	1110
Sexual offences against children	961	731	771	779	1135
Other	129	106	93	133	164
Total	3662	2787	2770	2962	3746
Robbery and extortion:					
Robbery	1170	935	942	1051	1248
Blackmail and extortion	92	87	96	52	58
Total	1262	1022	1038	1103	1306
Theft:					
Break and enter	967	764	658	563	654
Fraud and misappropriation	971	673	576	507	569
Unlawful possession	288	258	197	178	191
Vehicle theft	315	259	212	212	244
Other	251	227	191	166	154
Total	2792	2181	1834	1626	1812
Property damage	191	161	139	116	110
Against justice procedures	323	271	294	277	291

Table 2.7 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Weapons	299	204	190	192	204
Against good order	144	102	105	85	70
Drug:					
Possession and/or use					
– opiates	17	10	8	11	10
– cannabis	44	40	31	24	17
– other	33	39	25	20	33
Dealing and trafficking					
– opiates	326	229	199	162	190
– cannabis	440	314	193	143	116
– other	453	457	405	333	308
Manufacturing and/or growing					
– cannabis	350	278	206	100	85
– other	76	65	22	36	34
Import/export drugs	120	72	68	93	110
Other	3	2	2	6	6
Total	1862	1506	1159	928	909
Driving:					
Cause death by driving	148	106	97	111	100
Cause injury by driving	109	93	49	23	22
Other	17	15	15	12	23
Total	274	214	161	146	145
Against prison rules	99	62	61	48	59
Other	95	76	62	38	43

The offence category with the largest number of charges each year is *against the person*. Within this category, the most frequently charged offence in 1997-98 was *assault*, followed by *sexual offences against children* and *sexual assault*.¹⁸ The next largest category of offences for which persons were charged each year is that of *theft* offences (*break and enter* being the most frequently charged offence within the *theft* category). The third largest category is that of *drug* offences in the first three years of the series, but the category of *robbery and extortion* offences in 1996-97 and 1997-98.

During the most recent two years of the series presented, between 1996-97 and 1997-98, the three most frequently charged offence categories showed annual increases in the number of charges finalised in the Higher Courts. Between 1996-97 and 1997-98, there was a 26.5 per cent increase in the number of charges for *against the person* offences (from 2,962 charges in 1996-97 to 3,746 charges in 1997-98), an 11.4 per cent increase in *theft* charges (from 1,626 charges in 1996-97 to 1,812 charges in 1997-98) and an 18.4 per cent increase in the number of *robbery and extortion* charges (from 1,103 to 1,306 charges over this period).

Over the most recent two-year period, from July 1996 to June 1998, notable increases in specific *against the person* offences (the offence category most frequently charged in the Higher Courts) occurred in charges for *murder* (up by 49.2 per cent, from 59 charges in 1996-97 to 88 in 1997-98), *sexual offences against children* (an increase of 45.7 per cent, from 779 to 1,135 charges between 1996-97 and 1997-98) and *sexual assault* (up by 25.9 per cent, from 882 charges in 1996-97 to 1,110 in 1997-98). Over the five-year period, from July 1993 to June 1998, the number of charges for these specific offences increased by 7.3 per cent, 18.1 per cent and 4.2 per cent, respectively.

The largest increases 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* (up by 16.2 per cent between 1996-97 and 1997-98), *vehicle theft* (up by 15.1 per cent), and *fraud and misappropriation* (up by 12.2 per cent). Between the first and last year of the five-year series, however, the number of charges for these three offences which were finalised in the Higher Courts decreased by 32.4 per cent, 22.5 per cent and 41.4 per cent, respectively.

Sentencing

Table 2.8 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 1993 to June 1998, 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.¹⁹

Patterns of imprisonment have remained fairly steady over the period July 1993 to June 1998. 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*, *import/export drug* offences, *against prison rules* offences and *manslaughter*. 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 of opiates*

Table 2.8: 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>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Against the person:					
Murder	100.0	100.0	94.4	100.0	100.0
Manslaughter	87.5	85.7	64.7	96.0	93.1
Attempt, intent to murder	75.0	83.3	100.0	50.0	66.7
Assault	41.8	46.3	50.1	51.1	46.6
Sexual assault	66.1	69.2	69.2	63.4	75.9
Sexual offences against children	59.2	63.9	70.4	59.0	67.3
Other	36.4	56.7	35.0	76.0	65.7
Robbery and extortion:					
Robbery	73.2	75.6	77.0	76.6	77.4
Blackmail and extortion	37.8	57.5	41.2	68.4	71.0
Theft:					
Break and enter	62.1	68.8	66.3	72.0	67.9
Fraud and misappropriation	29.2	34.6	32.4	48.5	43.1
Unlawful possession	40.9	47.8	56.6	50.0	51.7
Vehicle theft	48.2	64.2	54.0	75.0	64.1
Other	37.4	46.1	38.4	61.7	52.6
Property damage	26.1	41.4	28.4	47.7	32.4
Against justice procedures	35.8	45.4	32.6	39.5	54.5
Weapons	39.0	56.4	58.1	63.6	53.9
Against good order	41.0	22.2	52.4	44.4	53.9
Drug:					
Possession and/or use:					
– opiates	50.0	-	-	100.0	100.0
– cannabis	-	-	-	33.3	-
– other	-	20.0	-	-	-
Dealing and trafficking:					
– opiates	70.3	71.8	76.3	80.4	68.9
– cannabis	40.4	44.6	39.1	45.3	44.9
– other	49.3	46.9	47.2	45.0	44.8

Table 2.8 continued

<i>Type of principal offence</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Drug (continued):					
Manufacturing and/or growing:					
– cannabis	15.8	24.9	25.6	26.3	42.6
– other	37.1	34.5	54.5	84.6	47.1
Import/export drugs:	93.2	92.3	100.0	94.9	98.4
Driving:					
Cause death by driving	49.3	28.1	37.0	57.1	51.0
Cause injury by driving	14.6	16.7	28.6	12.5	20.0
Other	-	20.0	-	-	-
Against prison rules	96.9	89.7	94.9	95.8	95.5
Other	30.0	25.9	40.0	41.7	75.0
Total	50.7	55.1	55.4	61.6	62.6

(100.0 per cent of persons found guilty in 1997-98 were imprisoned), *robbery* (77.4 per cent of persons found guilty in 1997-98 were imprisoned), and *sexual assault* (75.9 per cent imprisoned in 1997-98).

Table 2.9 shows the average length of the minimum or fixed term of imprisonment imposed upon persons sentenced to prison in the Higher Courts over the five-year period, July 1993 to June 1998, by offence category. As with Table 2.8, above, 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 included in the average calculation only for the offence attracting the longest prison sentence.

The average length of imprisonment in the Higher Courts has remained fairly steady over the five-year period July 1993 to June 1998. Offences with the highest average length of minimum or fixed term imprisonment in 1997-98 were: *murder* (an average term of imprisonment of 144.2 months), *dealing and trafficking in opiates* (an average term of 91.2 months), and *attempt, intent to murder* (84.5 months). (Note that convicted persons who received a penalty of life imprisonment are excluded from this table.)

Table 2.9: Average length of minimum/fixed term of imprisonment (months) for persons sentenced to prison in Higher Court trial and sentence cases finalised, by offence type

<i>Type of principal offence</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Against the person:					
Murder	142.2	154.1	125.3	123.5	144.2
Manslaughter	56.8	54.8	56.2	53.3	57.7
Attempt, intent to murder	52.0	78.6	100.0	60.0	84.5
Assault	21.4	18.5	17.5	20.8	18.6
Sexual assault	29.6	28.1	28.9	32.7	31.2
Sexual offences against children	31.6	27.6	34.3	33.6	32.7
Other	19.6	31.5	30.3	22.3	22.2
Robbery and extortion:					
Robbery	28.9	26.0	26.7	26.6	26.6
Blackmail and extortion	22.5	16.9	12.9	28.6	21.2
Theft:					
Break and enter	18.7	18.9	19.4	20.2	18.4
Fraud and misappropriation	22.0	21.4	18.5	22.7	21.9
Unlawful possession	14.3	18.9	16.8	14.3	11.2
Vehicle theft	13.9	16.1	15.4	19.0	18.4
Other	15.6	13.2	14.3	10.4	11.6
Property damage	14.5	18.6	12.8	14.5	17.0
Against justice procedures	14.0	12.0	11.9	20.0	25.1
Weapons	19.1	24.5	26.6	21.4	17.6
Against good order	13.4	28.8	10.8	11.0	8.1
Drug:					
Possession and/or use:					
– opiates	18.0	-	-	15.0	2.0
– cannabis	-	-	-	6.0	-
– other	-	6.0	-	-	-
Dealing and trafficking:					
– opiates	73.5	78.0	88.0	86.9	91.2
– cannabis	31.2	26.1	25.6	24.8	34.3
– other	15.0	12.3	16.7	14.8	16.0

Table 2.9 continued

<i>Type of principal offence</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Drug (continued):					
Manufacturing and/or growing:					
– cannabis	17.5	19.7	22.2	20.9	25.0
– other	19.8	21.4	14.9	27.9	19.3
Import/export drugs:	24.5	37.8	34.3	24.6	47.6
Driving:					
Cause death by driving	10.9	13.0	12.0	19.3	23.5
Cause injury by driving	13.0	7.7	8.8	24.0	21.0
Other	-	4.0	-	-	-
Against prison rules	11.1	9.4	8.7	11.7	12.1
Other	26.5	13.7	16.2	40.0	22.0
Total	26.3	25.4	25.3	27.7	29.2

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 1998, *New South Wales Criminal Court Statistics 1997*, 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 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.

Note that the data in this table are different from the comparable data in Table 2.3 in the previous edition of this publication, *Key Trends in Crime and Justice NSW 1997*. This difference occurred because the counting basis used for the production of the tables in the previous edition was charges rather than persons. Consequently, in the 1997 publication, a person who was charged with multiple offences from more than one offence category at the same hearing was included in the table under each separate offence category. This has been amended in the present publication, and a person is now classified by the principal offence (i.e. that offence which attracted the longest prison sentence) and counted only once in the table. This counting basis now correctly adheres to the explanation in the text.

- 13 For more information about recent trends in the frequency of imposition of prison sentences, and on the duration of prison sentences imposed in the NSW Local and Higher Courts, see the recent Bureau publication: Baker, J. 1998, *Are the courts becoming more lenient? Recent trends in convictions and penalties in NSW Higher and Local Courts*, Crime and Justice Bulletin No. 40, NSW Bureau of Crime Statistics and Research, Sydney.
- 14 Quarterly data are used 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 1996 to June 1998.

- 15 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 cases have been grouped together and shown as 'other' finalisations. More than half of the cases finalised in the 'other' category in the District or Supreme Court involve cases where the charges have been 'no-billed'.
- 16 Unpublished data at the Bureau of Crime Statistics and Research shows that there were significant downward trends in the number of males, females and total persons convicted in the District Courts over the period July 1993 to June 1998.
- 17 Quarterly data are used for the following reasons: there are Higher Court recesses in January and July, and there are marked month-to-month variations because the number of matters dealt with is small. Trend tests have been performed on the quarterly data for the two-year period, July 1996 to June 1998.
- 18 It should be noted that the frequency within the *sexual offences against children* classification is subject to undercounting 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).
- 19 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.

SECTION 3

**TRENDS IN
JUVENILE JUSTICE**

SECTION 3: TRENDS IN JUVENILE JUSTICE

Introduction

This section examines trends in juvenile justice in NSW, covering the period July 1993 to June 1998. All of the data are shown by gender, except data in 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 1996-97 and 1997-98 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 1993 to June 1998, 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.

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.²⁰ 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 1996 and June 1998. A statistically significant trend has been observed during this time period for the following juvenile justice processes:

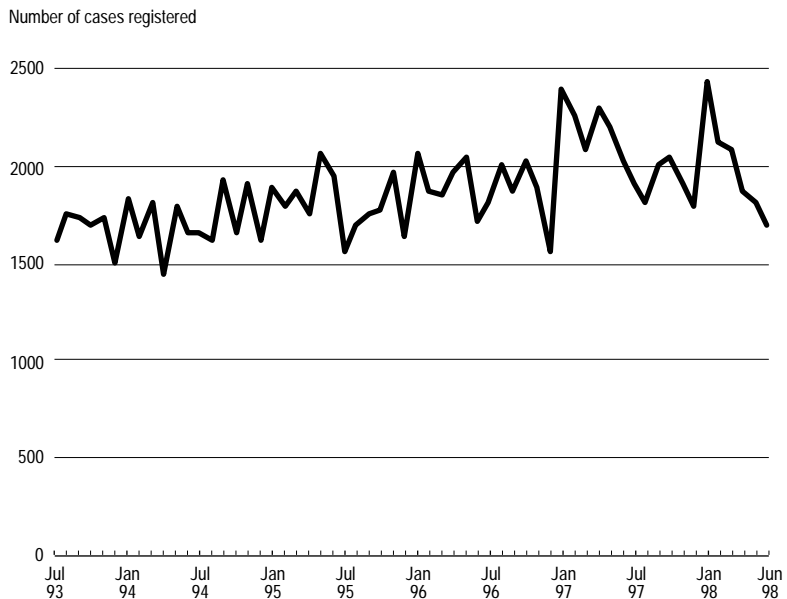
- **percentage of cases finalised for males for whom the most serious penalty was a control order (down by 18.2%; see Figure 3.4)**
- **number of males for whom the most serious penalty was a supervised order (up by 18.5%; see Figure 3.7)**
- **total number of persons for whom the most serious penalty was a supervised order (up by 14.7%; see Figure 3.7)**
- **percentage of cases finalised for males for whom the most serious penalty was a supervised order (up by 21.1%; see Figure 3.8)**
- **number of males for whom the most serious penalty was a probation/recognizance order without supervision (down by 18.9%; see Figure 3.9)**
- **total number of persons for whom the most serious penalty was a probation/recognizance order without supervision (down by 18.7%; see Figure 3.9)**
- **percentage of cases finalised for males for whom the most serious penalty was a probation/recognizance order without supervision (down by 17.0%; see Figure 3.10)**
- *percentage of cases finalised for males for whom the most serious penalty was a fine (down by 24.3%; see Figure 3.12).*

The other processes in juvenile justice which were graphed (i.e. the number of new cases registered and the number of cases finalised in Children's Courts (Figures 3.1 and 3.2) as well as the number and percentage of cases finalised where the most serious penalty imposed was a Community Service Order (Figures 3.5 and 3.6)), 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 1993 to June 1998.²¹ Over the latest two years of the series, from July 1996 to June 1998, there was no statistically significant upward or downward trend in the number of registrations. Over the five-year period, however, there has been an upward trend in the monthly number of new cases registered in the Children's Courts, resulting in an overall increase in annual registrations of 16.1 per cent between the first and last twelve months of the five-year period, rising from an average of about 1,675 registrations per month in 1993-94, up to approximately 1,945 per month in 1997-98.

Figure 3.1: Cases registered in Children's Courts

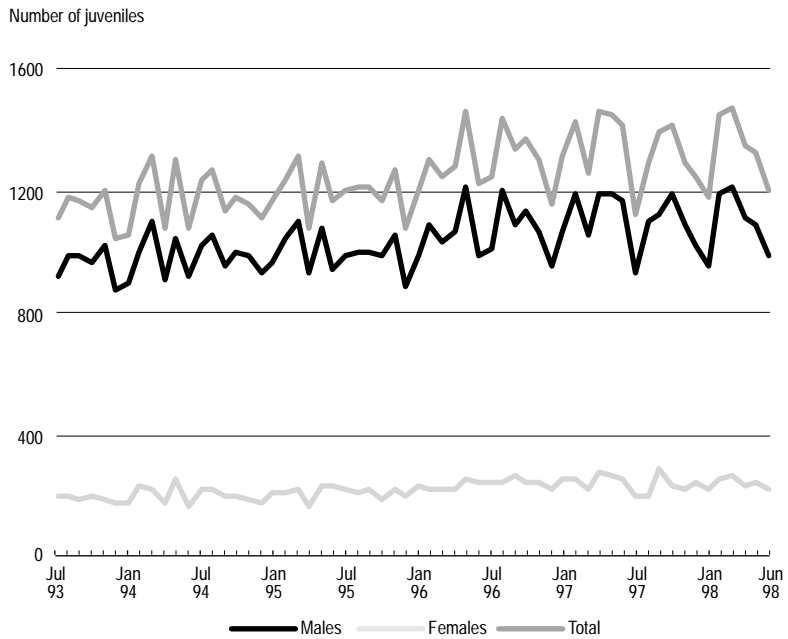


Disposals

Figure 3.2 presents the trends in the number of finalised criminal appearances in the Children's Courts for males and females. There was no statistically significant upward or downward trend for either males, females or total appearances over the most recent two years of the period, from July 1996 to June 1998.

Over the entire five-year period shown in Figure 3.2, however, there was a significant upward trend in each series, with an overall increase of 13.4 per cent in total finalised appearances between 1993-94 and 1997-98, comprised of a 12.1 per cent increase in the number of finalisations involving males, and a 20.0 per cent increase in finalisations involving females. Each year, males accounted for the majority of finalisations in the Children's Courts, with 82.5 per cent of all finalisations in the Children's Courts in 1997-98 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 1993 to June 1998, 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 was noted 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.

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

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Assault:					
Males	1791	2074	2170	2576	2358
Females	553	638	753	964	797
Total	2344	2712	2923	3540	3155
Sexual offences:					
Males	116	114	116	134	112
Robbery:					
Males	361	301	429	435	492
Females	54	47	61	87	91
Total	415	348	490	522	583
Break and enter:					
Males	1873	1775	1774	1845	1727
Females	127	139	159	188	156
Total	2000	1914	1933	2033	1883
Fraud:					
Males	259	165	210	220	139
Females	129	114	124	104	89
Total	388	279	334	324	228
Shoplifting:					
Males	637	639	547	489	318
Females	358	350	302	304	160
Total	995	989	849	793	478
Unlawful possession:					
Males	586	531	610	704	743
Females	95	92	127	140	153
Total	681	623	737	844	896

Table 3.1 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Motor vehicle theft:					
Males	1295	1358	1316	1267	1194
Females	190	189	186	194	179
Total	1485	1547	1502	1461	1373
Theft:					
Males	1360	1303	1398	1443	1397
Females	239	208	241	249	334
Total	1599	1511	1639	1692	1731
Property damage:					
Males	876	981	872	984	950
Females	97	109	131	143	143
Total	973	1090	1003	1127	1093
Against justice procedures:					
Males	424	499	537	737	835
Females	109	121	109	158	216
Total	533	620	646	895	1051
Against good order:					
Males	1017	1175	1126	1178	1187
Females	184	211	176	209	200
Total	1201	1386	1302	1387	1387
Drug:					
Males	594	594	712	769	814
Females	85	69	109	108	141
Total	679	663	821	877	955
Driving:					
Males	220	270	258	260	429
Females	39	46	40	34	40
Total	259	316	298	294	469
Other:					
Males	130	135	135	170	240
Females	21	22	31	20	38
Total	151	157	166	190	278
All offences:					
Males	11539	11914	12210	13211	12935
Females	2280	2355	2549	2902	2737
Total	13819	14269	14759	16113	15672

As is the case with other jurisdictions, the majority of juvenile offenders in each offence category are male.²² In 1997-98, 82.5 per cent of cases finalised in the Children's Courts of NSW involved male juveniles. In general, for each offence category shown in Table 3.1, less than 20 per cent of total finalisations involved females. The exceptions to this, for 1997-98 are the categories of *fraud* (39.0% of cases were for female juveniles), *shoplifting* (33.5% females), *assault* (25.3% females) and *against justice procedures* (20.6% females). The offences which predominantly involved male juveniles in 1997-98 were *break and enter* offences (91.7% of finalised cases in 1997-98 involved males) and *driving* offences (91.5% males). In addition, all but two cases of *sexual assault* involved males.

The category which has generally had the largest number of appearances before the NSW Children's Courts for the period shown in Table 3.1 is that of *assault*. In 1997-98, this category accounted for 20.1 per cent of all appearances, with the highest proportion of appearances for both males and females in the Children's Courts (18.2% of finalised male appearances and 29.1% of female appearances). Of the 3,155 finalised appearances in 1997-98 for *assault*, 2,358 (74.7%) were for males. Nonetheless, over the entire five years of the series, from July 1993 to June 1998, this offence accounted for the highest number of female juveniles appearing in the Children's Courts for each financial year.

Over the latest four years of the period, since 1994-95, the *assault* category also accounted for the highest number of male appearances, but in 1993-94, the category with the largest number of male juvenile finalisations in the Children's Courts was *break and enter*. Since 1994-95, the *break and enter* category has accounted for the second highest number of both total and male finalisations each year in the Children's Courts. In 1997-98 a total of 1,883 *break and enter* cases were finalised (1,727 of these involving male juveniles), representing 12.0 per cent of total finalisations and 13.4 per cent of cases involving males. This category, however, accounted for only 5.7 per cent of finalisations involving females in the Children's Courts in 1997-98.

In 1997-98, the offence category which accounted for the third highest number of total finalisations in the NSW Children's Courts was *theft*, representing 11.0 per cent of all appearances. For female juveniles, this was the second most frequently occurring offence in the Children's Courts after *assault* (accounting for 12.2% of total finalisations for females), and for males, the third most frequently occurring offence (10.8% of cases finalised for males). The next most frequently occurring offence categories for females whose cases were finalised in the Children's Courts in 1997-98 were offences *against justice procedures* (7.9% of finalised cases for females) and offences *against good order* (7.3% of finalised cases for females).

As was noted earlier, there was no general upward or downward trend in the total monthly number of cases finalised in the Children's Courts for the two-year period from July 1996 to June 1998. Table 3.1 shows, however, that there have been some changes over time in the number of cases finalised within the specific offence categories. In particular, while there was a small decrease in the overall number of cases finalised in the Children's Courts between 1996-97 and 1997-98 (down by 2.7%), there was a large increase in the number of cases finalised for some offence categories during this period. For example, the number of cases involving *driving* offences as the most serious offence charged increased by 59.5 per cent between 1996-97 and 1997-98 (from 294 cases in 1996-97, up to 469 cases in 1997-98), while the number of offences *against justice procedures* increased by 17.4 per cent (from 895 in 1996-97, up to 1,051 in 1997-98). Other specific offence categories which showed an increase were those of *robbery* offences (which rose by 11.7% from 522 in 1996-97 to 583 in 1997-98), *drug* offences (up by 8.9%, from 877 in 1996-97 to 955 in 1997-98), *unlawful possession* offences (up by 6.2% from 844 cases in 1996-97 to 896 in 1997-98) and *theft* offences (up by 2.3%, from 1,692 cases in 1996-97 to 1,731 in 1997-98).

Table 3.1 also shows that there were decreases in the number of cases finalised for some offence categories from 1996-97 to 1997-98. In particular, there were large decreases in the number of cases where the most serious offence charged was *shoplifting* (the number of such cases decreased by 39.7%, down from 793 cases in 1996-97 to 478 cases in 1997-98), *fraud* (down by 29.6%, from 324 in 1996-97 to 228 in 1997-98) and *sexual offences* (down by 16.4%, from 134 cases involving male juveniles in 1996-97 to 112 in 1997-98).

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 female juveniles given a control order as the most serious penalty showed an upward trend, with an increase of 24.5 per cent between 1993-94 and 1997-98.

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

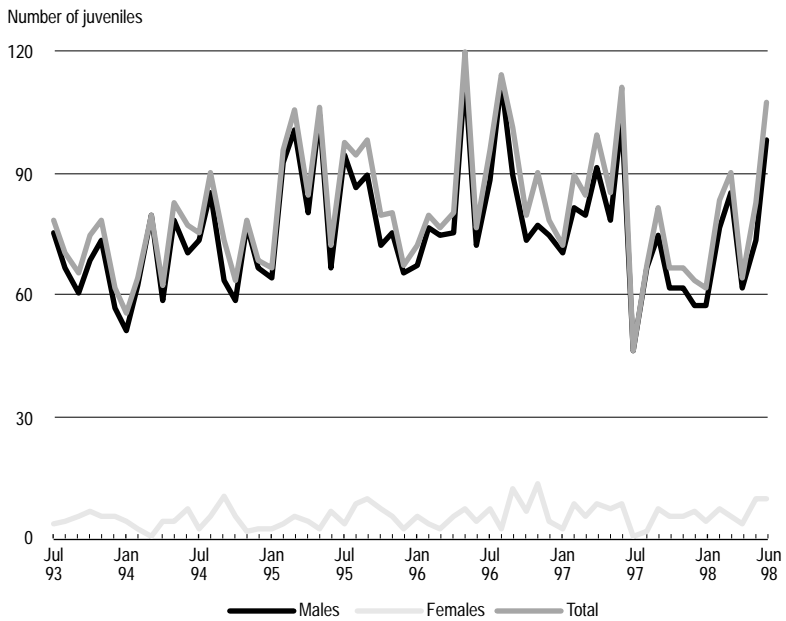


Figure 3.4 shows the trends in the percentage of matters finalised which resulted in a control order, for males and females, between July 1993 and June 1998. During the final two years of the series, between July 1996 and June 1998, there was a statistically significant downward trend in this percentage for males, but no significant upward or downward trend for females. Between 1996-97 and 1997-98, the percentage of finalised matters which resulted in a control order for male juveniles fell by 18.2 per cent, from 7.7 per cent of all finalised matters in 1996-97, to 6.3 per cent in 1997-98. Over the five years of the series, there was no upward or downward trend in the percentage of male or female juveniles being given a control order as their most serious penalty.

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

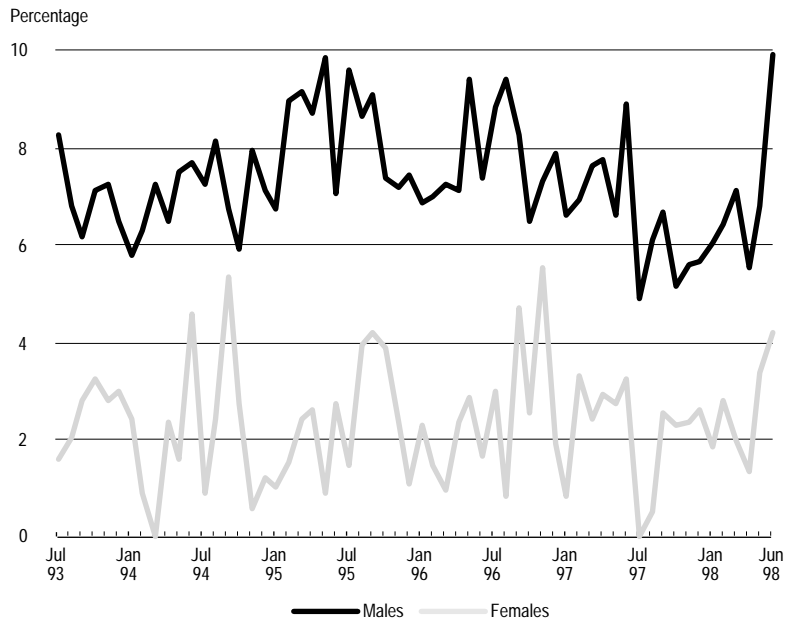
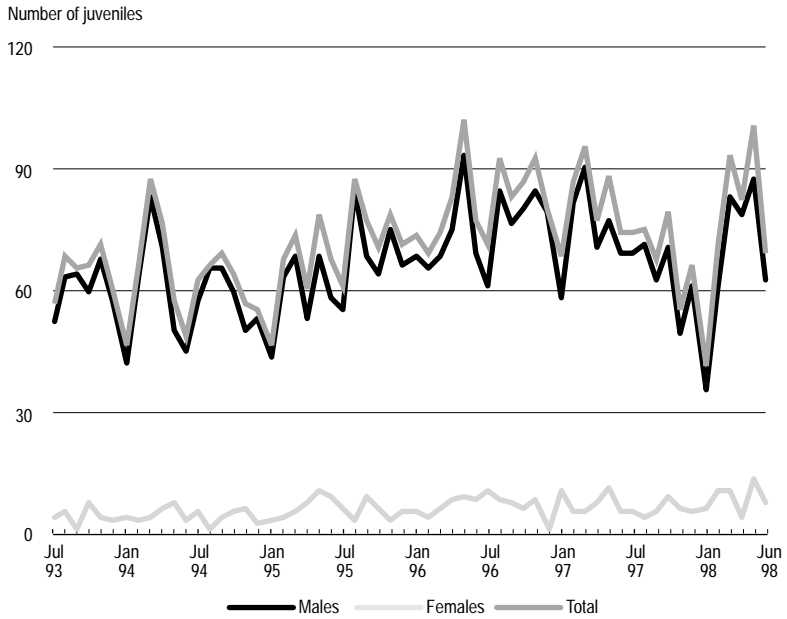


Figure 3.5 shows the trends in the number of juveniles given a Community Service Order (CSO) as their most serious penalty between July 1993 and June 1998. There were no statistically significant upward or downward trends for either males or females during the most recent two years of this series, from July 1996 to June 1998. 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 by 10.3 per cent for males and 66.7 per cent for females, resulting in an overall increase of 14.1 per cent between 1993-94 and 1997-98.

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 female juveniles showed an upward trend, rising by 40.9 per cent between the first and last financial years (from 2.2 per cent of all finalised matters in 1993-94, to 3.1 per cent of matters in 1997-98). There was no comparable trend in the percentage of males 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

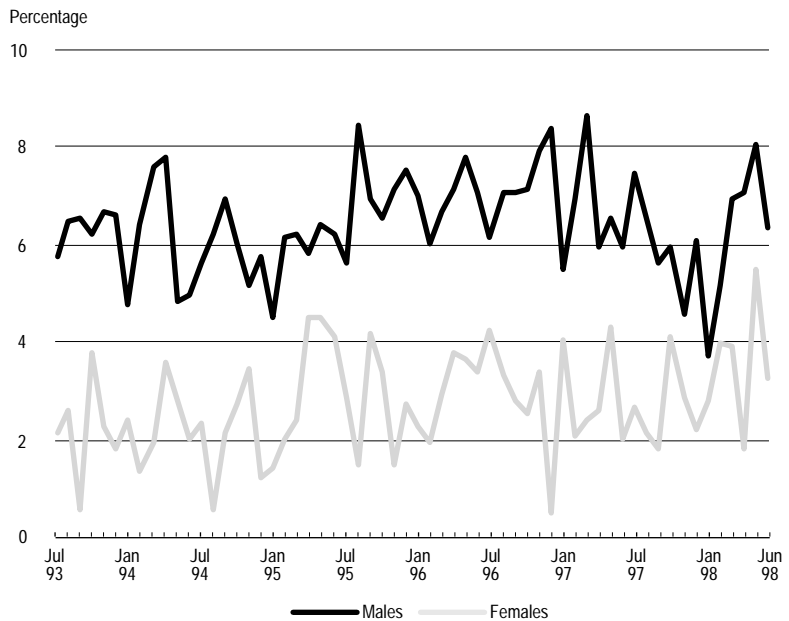
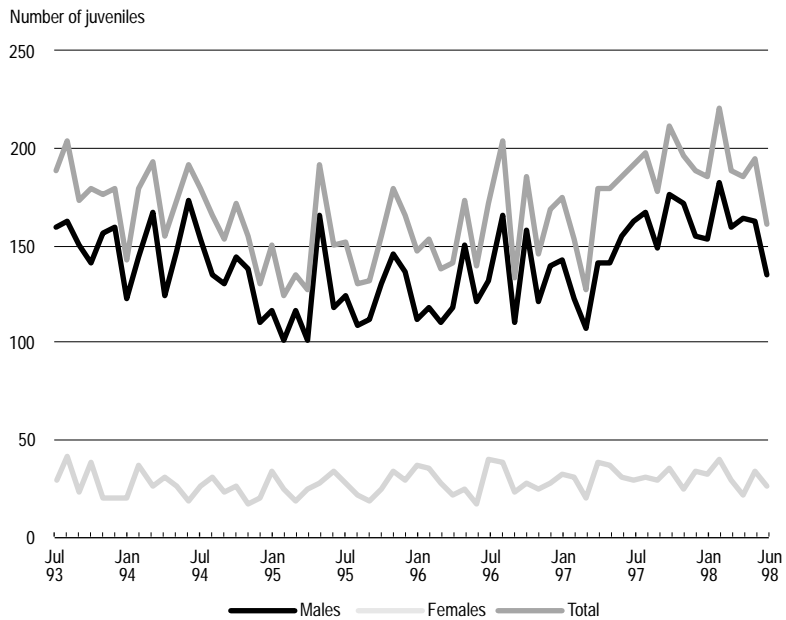


Figure 3.7 shows the trends in the number of juveniles given a supervised order as their most serious penalty. Over the most recent two years of the series, between July 1996 and June 1998, there was a statistically significant upward trend for males and for the total number of juveniles whose cases were finalised during this period. Between 1996-97 and 1997-98, the number of males and the total number of juveniles who were given a supervised order as their most serious penalty rose by 18.5 per cent and 14.7 per cent, respectively. There was no comparable trend for the number of females receiving a supervised order as their most serious penalty. For the five-year period shown in Figure 3.7, there was no upward trend in either the number of males or females for whom a supervised order was the most serious penalty.

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 1993 and June 1998 are shown in Figure 3.8. Over the most recent two years of the series, between July 1996 and June 1998, there was a statistically significant upward trend in the percentage of finalised matters for males which resulted in a supervised order, rising by 21.1 per cent (from 12.3 per cent of finalised matters in 1996-97 to 14.9 per cent of matters in 1997-98). There was no statistically significant upward or downward trend for females. Over the five years of the series, however, the percentage of finalised matters which resulted in a supervised order showed no significant upward or downward trend for either male or female juveniles.

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

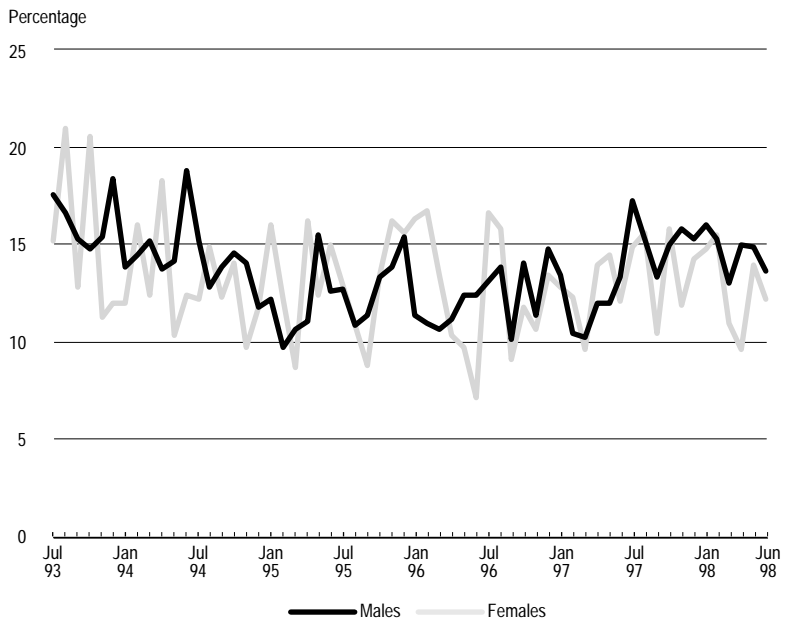
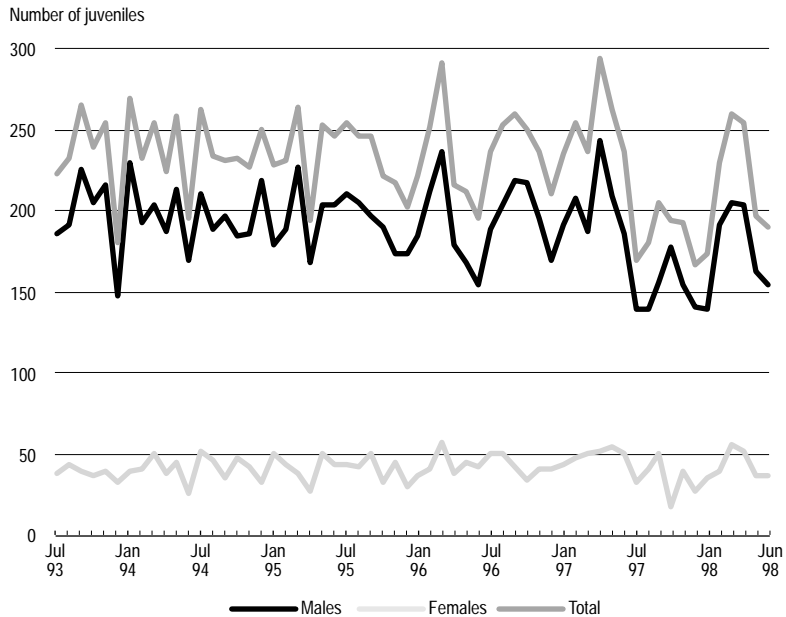


Figure 3.9 shows the trends in the number of juveniles given an unsupervised order as their most serious penalty. (An unsupervised order is probation or a recognizance order where supervision has not been stipulated.) Over the most recent two years of the series, between July 1996 and June 1998, there was a statistically significant downward trend for both males and total juveniles. The number of males receiving an unsupervised order fell by 18.9 per cent over the period, while the total number of juveniles receiving this as their most serious penalty fell by 18.7 per cent. There was no statistically significant upward or downward trend during this two-year period for females. The trend over the five years of the series shown in Figure 3.9 was similar, with a downward trend observed for males and for total juveniles, resulting in a decrease of 17.2 per cent for males and 14.7 per cent for total juveniles 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 1996 and June 1998, 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 1996-97 and 1997-98, this percentage decreased by 17.0 per cent, falling from 18.2 per cent of finalised matters in 1996-97, down to 15.1 per cent of matters in 1997-98. 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, respectively, was 26.0 per cent (from 20.4% of cases finalised for males in 1993-94, down to 15.1% in 1997-98) and 18.4 per cent (from 20.1% of cases finalised for females in 1993-94, down to 16.4% in 1997-98). 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

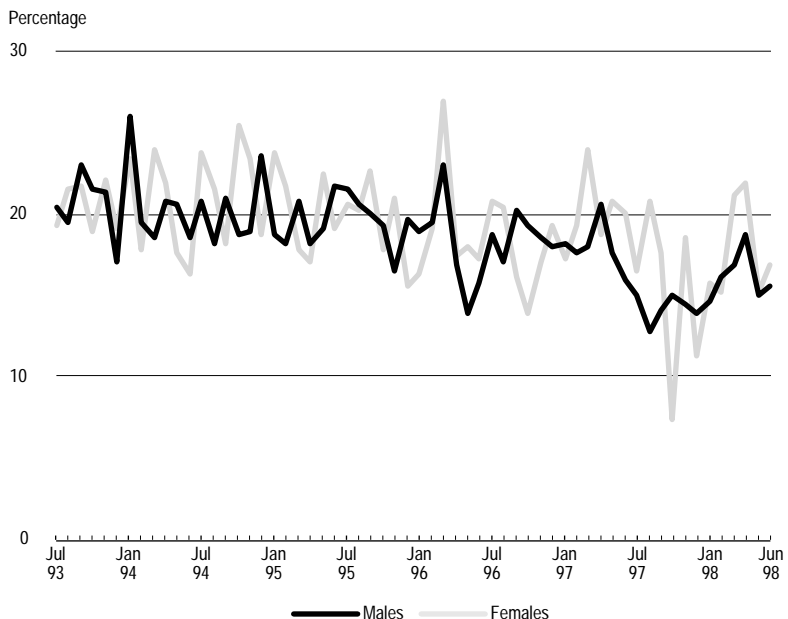
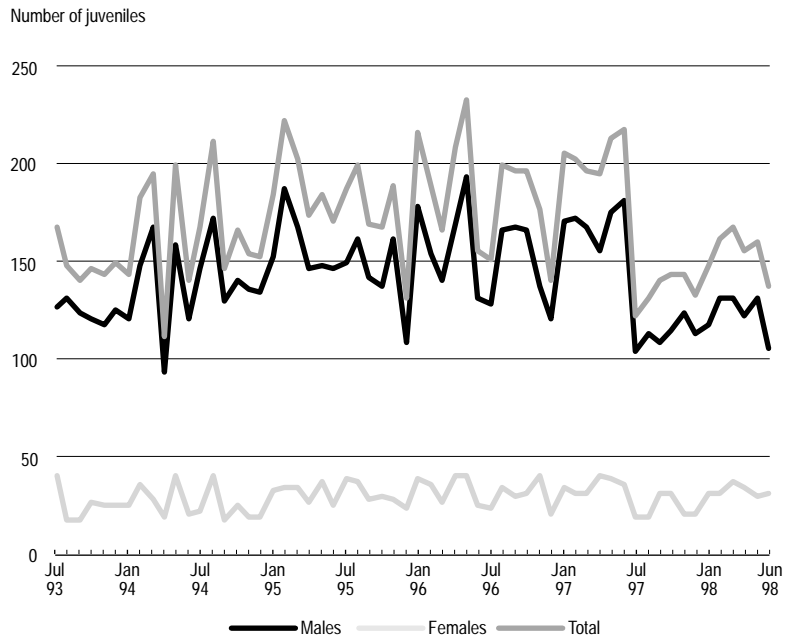


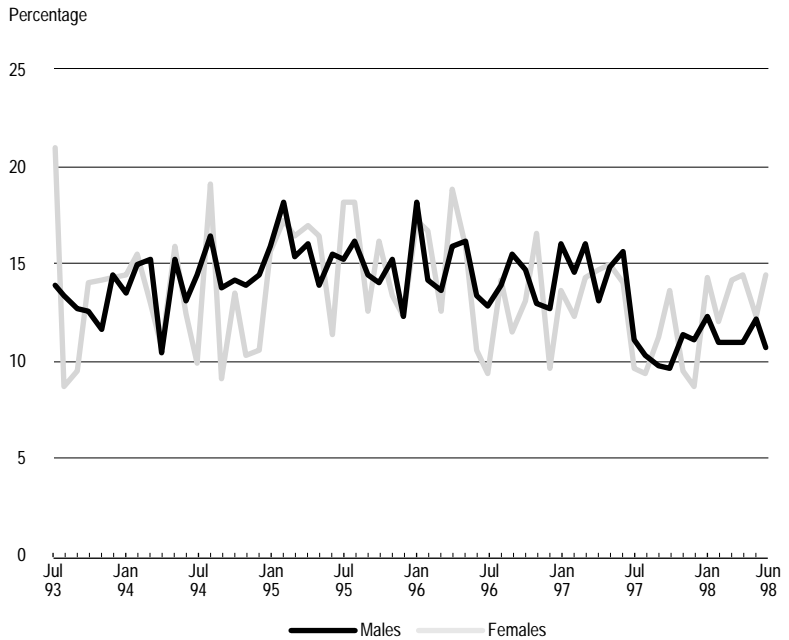
Figure 3.11 shows the trends in the number of juveniles given a fine as their most serious penalty. Over the most recent two years of the series, from July 1996 to June 1998, there were no statistically significant upward or downward trends for either male or female juveniles. Similarly, there was no significant trend evident over the five years of the series shown in Figure 3.11.

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. Over the most recent two years of the series, there was a statistically significant downward trend for males, but no significant upward or downward trend for females. Between 1996-97 and 1997-98, the percentage of male juveniles for whom matters finalised in the Children’s Courts resulted in a fine decreased by 24.3 per cent (from 14.4% of total cases finalised for males in 1996-97, down to 10.9% of cases finalised for males in 1997-98). Similarly, there was a significant downward trend for males over the five years of the series, with a decrease of 18.7 per cent between 1993-94 and 1997-98 (down from 13.4% of finalised cases in 1993-94).

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



NOTES – Section 3

- 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. Note, also, that in the present publication, the outcome s556a with recognizance is included in the category of unsupervised orders, whereas in previous editions such matters were classified as 'other outcome'.
- 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 those in *Key Trends in Crime and Justice, New South Wales, 1995*. This difference 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 1997-98, there were only two females charged within the *sexual offences* category.

SECTION 4

**TRENDS IN
CORRECTIONAL PROCESS**

SECTION 4: TRENDS IN CORRECTIONAL PROCESSES

Introduction

This section presents trends in correctional processes in NSW covering the five-year period since July 1993.²³ The data for this section have been provided by the NSW Department of Corrective Services. In May 1997, the Department implemented a new computerised inmate record system. In conjunction with this new system, the Department introduced a revised method for classifying inmates into the prison population sub-categories which are reported in this publication.

Figures 4.1 to 4.5, which show series involving monthly counts of the prison population, except for the periodic detainee population, are affected by the changed classification method. As a result, the counts prior to June 1997 are not comparable with the counts in more recent periods. For this reason, a break in the five-year trend is shown in these graphs. In addition, the trend tests for such series are confined to sections of the data which were generated under comparable counting rules. Further details of the affected series are provided in the appropriate individual sections below.

The data in Figures 4.6, 4.9 and 4.10 were not affected by the classification change. Furthermore, the data in Figures 4.7 and 4.8, which represent the trends in prisoner receptions, have been revised by the Department for the entire five-year period and are consistent. Thus, for these data, as with the data in Sections 1 to 3, each trend has been tested for statistical significance over the most recent two years of the period.

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 or a Local Court hearing, 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.

Figures 4.1 to 4.6 present trends in prisoner populations.²⁴ 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 1993 to June 1998 is shown in Figure 4.1.²⁵ 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 1993 and June 1998. Figure 4.6 presents the trend in the monthly number of persons with periodic detention orders between July 1993 and June 1998.²⁶

As was noted above, the classification of imprisoned persons into each subset of the prisoner population, other than periodic detainees, has been affected by the introduction of the Department's new computerised inmate record system. The data for the most recent thirteen months of these series, from June 1997 to June 1998, are therefore not comparable with those prior to June 1997. For this reason, a discontinuity at June 1997 is shown in Figures 4.1 to 4.5. Trend tests for the series shown in these figures are confined to the most recent twelve-month period, between July 1997 and June 1998. For those trends which show a statistically significant upward or downward trend, the percentage change between the first and last six months of this period has been used to describe the magnitude of the change (i.e. the total from July to December 1997 is compared to the total from January to June 1998). Patterns over the first four years of the full five-year period are also briefly addressed where the general trend over the earlier time period differs from that observed over the most recent twelve-month period which has been tested.

The trend in periodic detainees, shown in Figure 4.6, has been tested in accordance with the standard method used in Sections 1 to 3 of this report.

Trends in Figures 4.7 and 4.8 are concerned with prisoner receptions.²⁷ Figure 4.7 shows three trends in sentenced prisoner receptions for the period July 1993 to June 1998: 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 1993 and June 1998.

Figures 4.9 and 4.10 are concerned with community-based corrections.²⁸ Figure 4.9 presents the trend in the total number of persons serving a community-based correctional order for the period July 1993 to June 1998.²⁹ Figure 4.10 presents the monthly trend in the number of new persons registered with a community-based correctional order over this period.³⁰

As with the data in Sections 1 to 3, each trend presented in Figures 4.6 to 4.10 has been tested for statistical significance over the most recent two years of the five-year period, that is, between July 1996 and June 1998. For those series which show a statistically significant upward or downward trend, the percentage change between 1996-97 and 1997-98 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.

Summary of trends

For the count of prisoner populations other than periodic detainees, the trend over the most recent twelve months of the series, from July 1997 to June 1998, has been tested. For those trends which show a statistically significant upward or downward trend, the percentage change is reported between the first and last six months of this period. A statistically significant trend has been observed during this time period for the following prisoner populations:

- **total number of prisoners on remand
(up by 6.7%; see Figure 4.2)**
- **number of male prisoners on remand
(up by 6.5%; see Figure 4.2)**
- **total number of sentenced prisoners in custody
(down by 1.8%; see Figure 4.3)**

- **total number of fine defaulters in custody (down by 97.8%; see Figure 4.4)**
- **number of male fine defaulters in custody (down by 97.5%; see Figure 4.4)**
- **number of female fine defaulters in custody (down by 100.0%; see Figure 4.4)**
- **total number of appellants in custody (up by 29.7%; see Figure 4.5)**
- **number of male appellants in custody (up by 30.0%; see Figure 4.5)**
- **number of female appellants in custody (up by 26.8%; see Figure 4.5).**

For the other correctional processes in this section (i.e. trends in the periodic detainee population, the number of persons under community-based correctional orders and all receptions), 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 1996 and June 1998. For those trends which show a statistically significant upward or downward trend, the percentage change is reported between the first and last twelve months of this period, that is, between 1996-97 and 1997-98. A statistically significant trend has been observed during this time period for the following correctional processes:

- **number of male periodic detainees (down by 2.1%; see Figure 4.6)**
- **number of female periodic detainees (up by 9.5%; see Figure 4.6)**
- **number of sentenced prisoner receptions, including fine defaulters (down by 27.8%; see Figure 4.7)**
- **number of fine defaulter receptions (down by 73.4%; see Figure 4.7).**

The other correctional processes which were graphed (i.e. the number of prisoners in custody, the total number of periodic detainees, the number of sentenced prisoner receptions excluding fine defaulters, the number of periodic detainee receptions, the number of persons serving community-based correctional orders and the number of new persons registered with community-based correctional orders in Figures 4.1, 4.6, 4.7, 4.8, 4.9 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

The monthly totals of NSW prisoners held in custody between July 1993 and June 1998 are shown in Figure 4.1. During the most recent twelve-month period of this series there was no statistically significant upward or downward trend in the number of males, females or the total number of prisoners held in custody. Over the first four years of the series, however, there was a downward trend in the number of male prisoners and in the total prisoner population, with a decrease of 2.3 per cent in the number of male prisoners between 1993-94 and 1996-97, and a 1.7 per cent decrease in the total population over the same period. The number of female prisoners, however, increased by 11.9 per cent between 1993-94 and 1996-97.

Figure 4.1: Total prisoner population

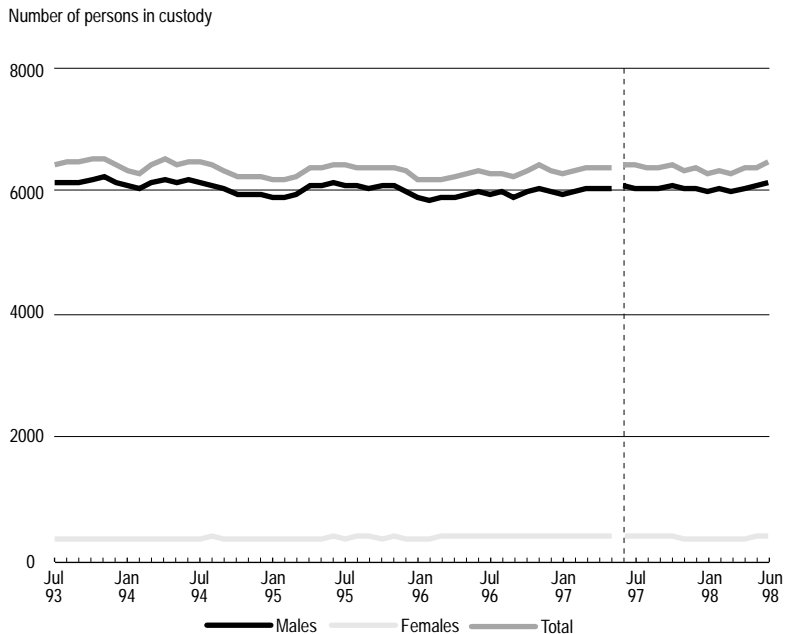
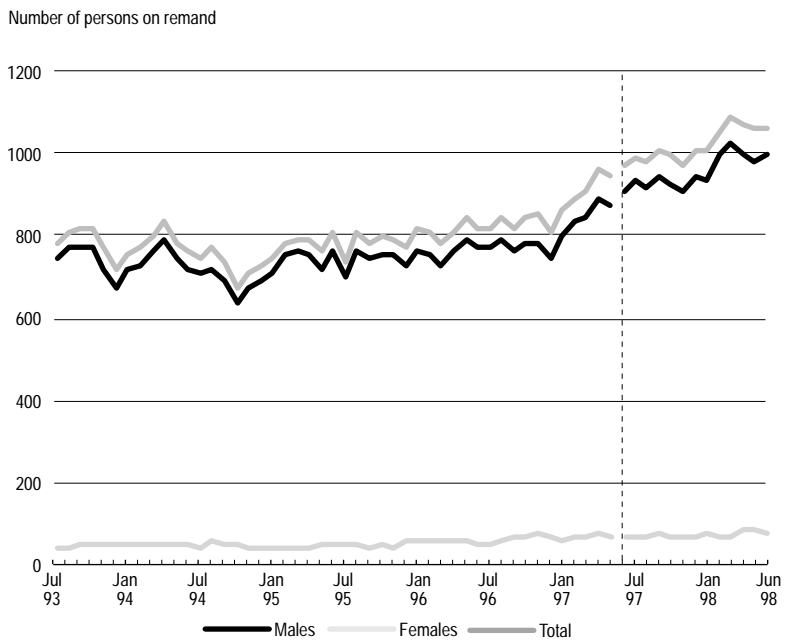


Figure 4.2 shows the trend in the monthly remand prisoner population between July 1993 and June 1998.³¹ Over the most recent twelve months of the period, between July 1997 and June 1998, there were statistically significant upward trends in the total remand population and the number of male remand prisoners. The total remand population rose by 6.7 per cent between the first and last six months of the period, while the number of male remandees rose by 6.5 per cent. There was no statistically significant upward or downward trend in the number of female remandees over the most recent twelve-month period.

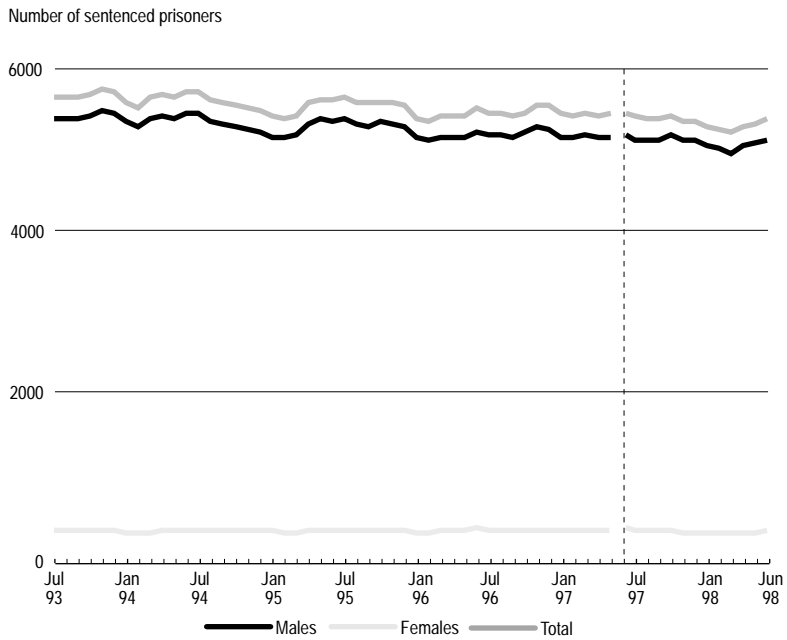
Figure 4.2: Remand population*



*Excludes appellants, includes deportees

Figure 4.3 shows the trend in the monthly sentenced prisoner population, including fine defaulters and appellants. Over the most recent twelve-month period of this series, between July 1997 and June 1998, there was a statistically significant downward trend in the total number of sentenced prisoners, but no significant trend in the number of male or the number of female sentenced prisoners. The total sentenced prisoner population decreased by 1.8 per cent between the first and last six months of this period.

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 1993 and June 1998. There were statistically significant downward trends in the total number, the number of male and the number of female fine defaulters in the prisoner population over the final twelve months of the series. Between the first and last six months of this time period, there was a 97.8 per cent decrease in the overall size of the monthly fine defaulter prisoner population, and decreases of 97.5 per cent and 100.0 per cent, respectively, in the number of male and female fine default prisoners.

Figure 4.4 shows that, over the five years of the series, there were two sudden decreases in the fine default prison population. The first decrease which occurred early in the series was 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 steadily increased again until a second sharp fall in the population occurred late in 1997. This fall in the fine default prison population was due to an amnesty which operated from 1 October 1997. The fine default prison population has remained low since then due to a new fine default system which was introduced from 27 January 1998. Under this new system there is more frequent use of non-custodial sanctions, with imprisonment imposed on a fine defaulter only as a last resort.

Figure 4.4: Fine defaulter prison population

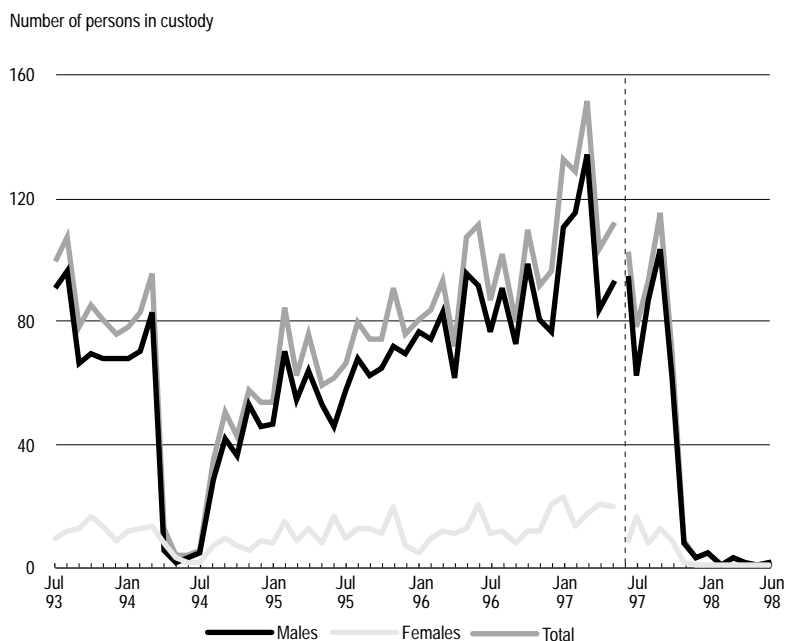
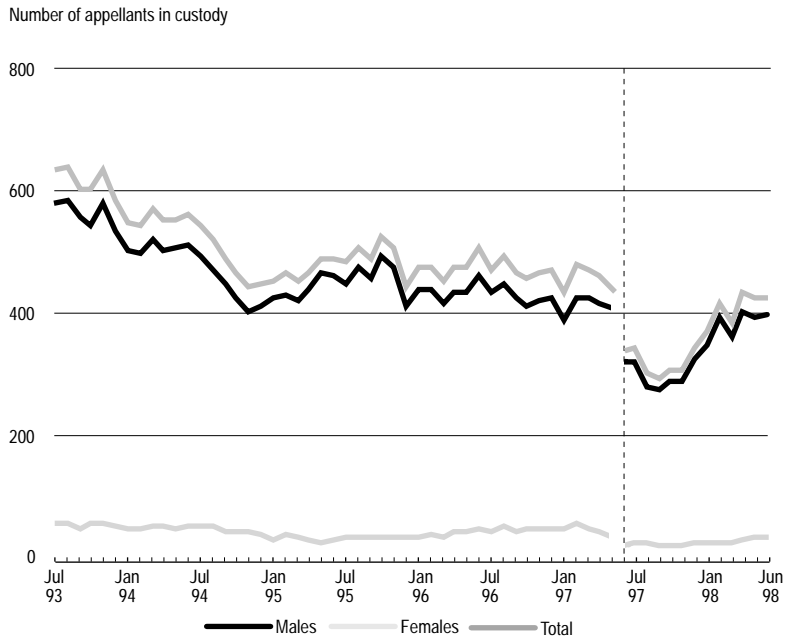


Figure 4.5 shows the trend in the monthly appellant population from July 1993 to June 1998. Over the most recent twelve months of the series, between July 1997 and June 1998, there was a statistically significant upward trend in the number of male appellants, the number of female appellants and in the total appellant population. The increase between the first and last six months of 1997-98 was 30.0 per cent for males, 26.8 per cent for females and 29.7 per cent for the total appellant population.

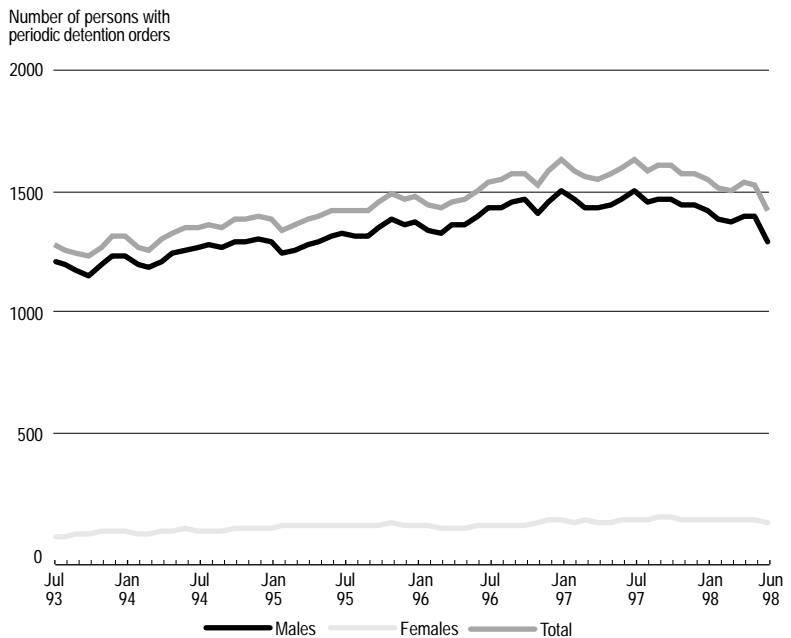
Figure 4.5: Appellant population



The trend in the monthly number of persons with periodic detention orders for the period July 1993 to June 1998 is shown in Figure 4.6. Between July 1996 and June 1998, there was a statistically significant downward trend in the number of orders for males and a statistically significant upward trend in the number of orders for females. There was no statistically significant upward or downward trend for the total number of persons with periodic detention orders over the two-year period. Between 1996-97 and 1997-98, the number of males with periodic detention orders decreased by 2.1 per cent, while the number of females with periodic detention orders rose by 9.5 per cent.

Over the five years of the series graphed in Figure 4.6, however, there has been a steady increase in each of the periodic detainee populations, with overall increases in the male, female and total periodic detainee populations of 17.7 per cent, 72.2 per cent and 20.9 per cent, respectively, between 1993-94 and 1997-98.

Figure 4.6: Periodic detainee population

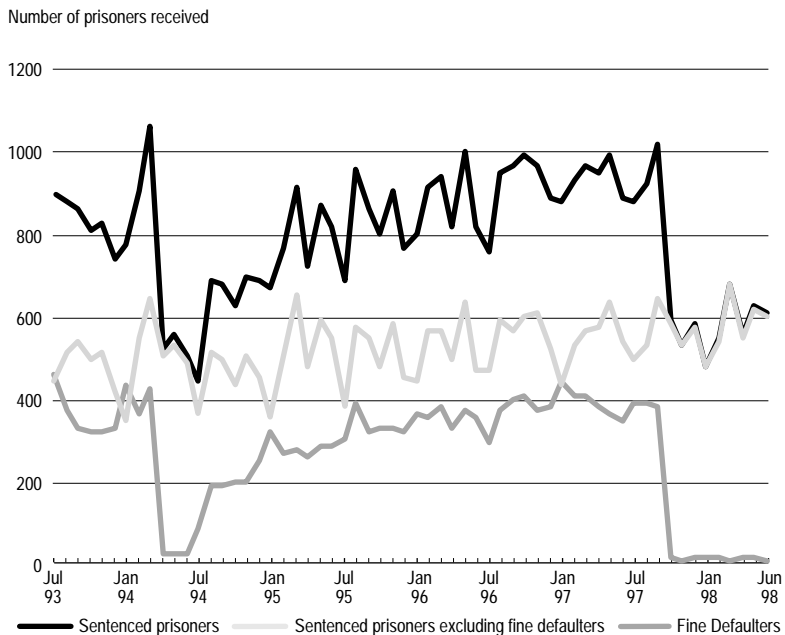


Prisoner receptions ³²

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.

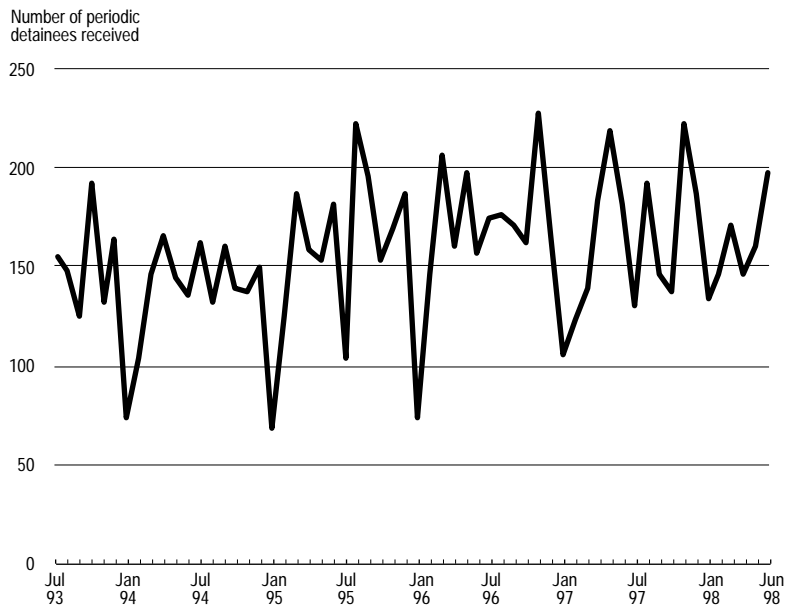
Figure 4.7 shows monthly prisoner receptions between July 1993 and June 1998 for fine defaulters, sentenced prisoners excluding fine defaulters, and all sentenced prisoners. There were statistically significant downward trends in the number of fine defaulter prisoner receptions since July 1996, and in total sentenced prisoner receptions during this period. Between 1996-97 and 1997-98, there was a 73.4 per cent decrease in the receptions of fine defaulters, and a 27.8 per cent decrease in overall sentenced prisoner receptions. As was noted earlier, the recent decrease in the fine default prison population is due to an amnesty which operated from 1 October 1997 and a new fine default system introduced in January 1998 which involves the more frequent use of non-custodial sanctions. There was no statistically significant trend for sentenced prisoners excluding fine defaulters over the period July 1996 to June 1998.

Figure 4.7: Total sentenced prisoner receptions



The monthly trend in periodic detainee receptions for the period July 1993 to June 1998 is shown in Figure 4.8. There was no statistically significant upward or downward trend in the number of periodic detainees received since July 1996. Over the five-year period between July 1993 and June 1998, however, there was a statistically significant upward trend in the number of periodic detainees received with a 16.9 per cent increase between 1993-94 and 1997-98. The sharp decreases which are observable in the series shown in Figure 4.8 are due to court recesses in January and July, when fewer persons are being sentenced in the Local and Higher Courts.

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 1993 to June 1998. Over the most recent two years of the series, since July 1996, there was no statistically significant upward or downward trend in the total population of persons under community-based correctional orders. However, there was an upward trend in this series over the entire five years graphed in Figure 4.9 with a 7.2 per cent increase in the total population between 1993-94 and 1997-98.

Figure 4.9: Total persons under community-based correctional orders

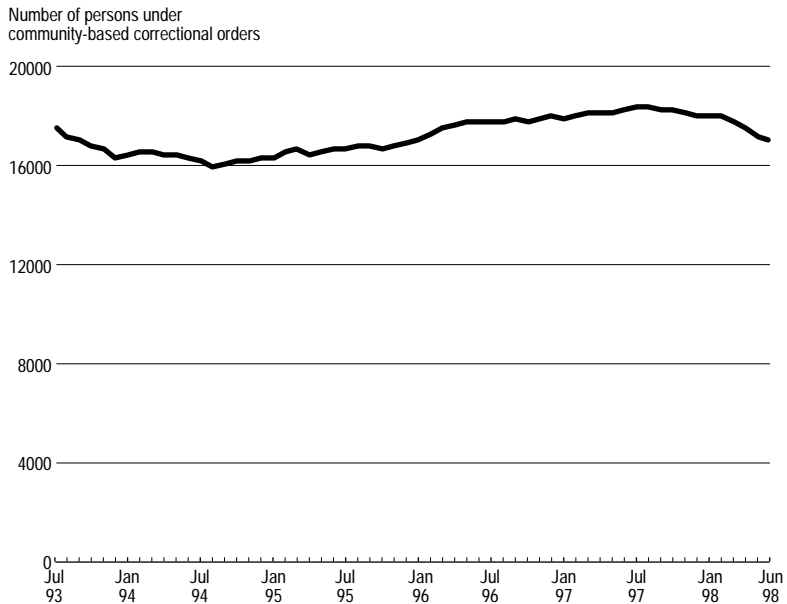
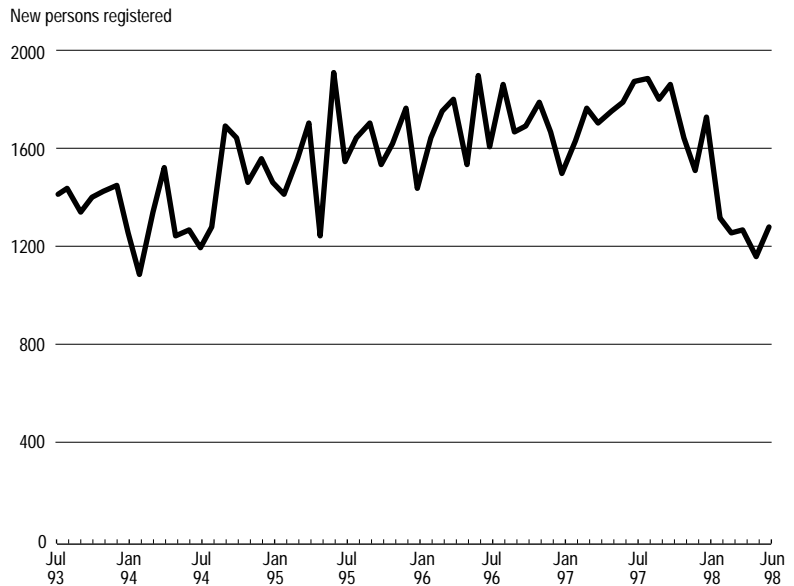


Figure 4.10 shows the trend in the number of persons registered each month with a new community-based correctional order. There was no statistically significant upward or downward trend over the most recent two-year period. However, between the first and last years of the five-year series, that is, between 1993-94 and 1997-98, there was a 14.9 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. Note that the data for all months prior to May 1997 which appeared in Figures 4.7 and 4.8 of the 1997 edition of Key Trends in Crime and Justice have been amended in the present publication and are consistent with the revised method of counting 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 Deportees are included in the remand population data. Deportees only number a handful – usually less than ten per month.
- 32 Note that the monthly receptions data have been revised by the Department of Corrective Services for the entire five-year period. This is in accordance with the new counting rules introduced in May 1997. For this reason, the data for prisoner receptions graphed in previous editions of this publication will differ from the present edition.

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 1998*.

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 Service, NSW Department of Corrective Services.