

INCREASE IN THE CONVICTION RATE FOR SEXUAL OFFENCES IN NSW COURTS

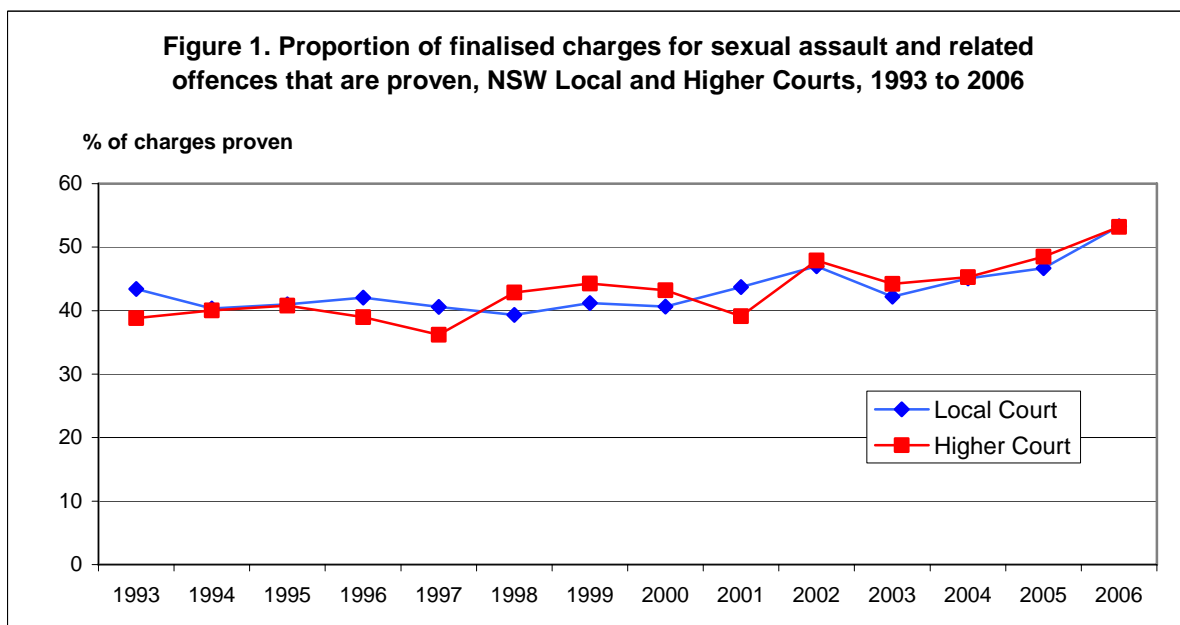
Summary

Court statistics for 2006 show a sizeable increase in the proportion of people convicted of sexual offences in the NSW criminal courts over the past three years.

Figure 1 shows that the proportion of sexual offence charges proven in 2006 was higher than in any year since 1993.

In the Higher Courts, the proportion of persons convicted of sex offences has increased from 48 per cent of persons charged in 2004 to 59 per cent in 2006 (see Table 1). In the Local Courts the proportion convicted has risen from 41 per cent of persons charged in 2004 to 49 per cent in 2006 (see Table 2).

This information sheet shows the conviction rate for persons charged with child sex offences and adult sex offences in both the Higher and Local Courts.



Higher Courts

Table 1 shows the court outcome of persons appearing in the Higher Courts (District and Supreme Courts) for sexual offences in 2004, 2005 and 2006. The table shows the proportion of persons who went to trial, the proportion who pleaded guilty and the total proportion found guilty.

- In 2004, 48 per cent of people appearing for a sex offence in the Higher Courts were found guilty of at least one sex offence; the equivalent figure for 2006 was 59 per cent.
 - o **Persons charged with child sex offences:** In 2004, 58 per cent of people appearing specifically for a sexual offence involving children were found guilty of at least one child sex offence. In 2006, 67 per cent of people charged with a child sex offence were found guilty of at least one such offence.
 - o **Persons charged with sex offences not involving children:** In 2004, 35 per cent of people appearing in the Higher Courts for a sexual offence *not* involving children were found guilty. In 2006, 49 per cent of people charged with a sex offence *not* involving children were found guilty.
- Some of the increase in convictions is due to an increase in the proportion of defendants pleading guilty. In 2004, 35 per cent of persons appearing in the Higher Courts for a sex offence pleaded guilty, compared to 42 per cent in 2006.
- Another factor contributing to the increase in convictions is a rise in the proportion of persons found guilty at trial. In Appendix 1, Table 3 shows the outcome at trial for persons who contested (that is, pleaded *not guilty* to) a sexual offence charge. In 2004, 31 per cent of persons who went to trial for a sexual offence were found guilty; in 2006 the proportion was 45 per cent.

Table 1. Persons with sex offences finalised in the Higher Courts; offence by outcome of charges for that offence, 2004 to 2006

Outcome (%)	At least one count of sexual assault offences against children			At least one count of sexual assault offences NOT against children			TOTAL: At least one count of any sexual assault offence (against children and/or adults)		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
Trial	32.7	35.2	30.7	45.2	41.4	38.5	37.8	37.4	34.8
<i>Trial: Acquitted of all charges</i>	20.0	20.6	13.9	33.3	25.4	23.0	25.4	22.6	18.2
<i>Trial: Guilty of at least one charge</i>	12.3	13.6	15.4	11.1	15.0	15.1	11.8	13.6	15.5
<i>Trial: Acquitted, had other guilty plea</i>	0.4	1.0	1.4	0.8	1.1	0.4	0.6	1.1	1.0
Pleaded guilty	45.0	46.3	50.0	23.0	26.8	33.3	35.3	37.7	42.3
No charges proceeded withⁱ	18.1	14.6	13.6	26.8	26.8	22.2	23.3	21.1	17.8
All charges otherwise disposed ofⁱⁱ	4.2	3.8	5.7	5.0	5.0	6.0	3.6	3.8	5.1
Total (%)	100	100.0	100.0	100.0	100.0	100.0	100	100.0	100.0
Total (number)	260	287	280	261	280	252	476	522	489
Percentage found guilty (%)ⁱⁱⁱ	57.7	61.0	66.8	34.9	42.9	48.8	47.7	52.5	58.9

- i. Most commonly applications for no further proceedings by the crown
 ii. Most commonly cases where the accused either failed to appear or died
 iii. Includes people who pleaded guilty and those who were found guilty

Local Court

Table 2 shows the court outcome for persons appearing in the Local Court for sexual offences in 2004, 2005 and 2006.

- In 2004, 41 per cent of people charged with a sex offence in the Local Court were found guilty, compared with 49 per cent in 2006.
 - o **Persons charged with child sex offences:** In 2004, 33 per cent of people appearing in the Local Court for a sexual offence involving children were found guilty of at least one child sex offence. In 2006, 43 per cent of people charged with a child sex offence were found guilty.
 - o **Persons charged with sex offences not involving children:** In 2004, 47 per cent of people appearing in the Local Courts for a sexual offence *not* involving children were found guilty. In 2006, 52 per cent of people charged with a sex offence *not* involving children were found guilty.
- As with the Higher Courts, some of the increase in convictions is due to an increase in the proportion of defendants pleading guilty. In 2004, 24 per cent of persons appearing in the Local Court for a sex offence pleaded guilty, compared to 27 per cent in 2006.
- Also consistent with the Higher Court results is an increase in the conviction rate among persons pleading *not guilty* (that is, who have a defended hearing). Table 4 shows the outcome of defended hearings for persons who contested their sexual offence charge. In 2004, 40 per cent of defended hearings for sexual offences resulted in a guilty finding; in 2006 the proportion found guilty was 49 per cent.

Table 2. Persons with sex offences finalised in the Local Court; offence by outcome of charges for that offence, 2004 to 2006

Outcome (%)	At least one count of sexual assault offences against children			At least one count of sexual assault offences NOT against children			TOTAL: At least one count of any sexual assault offence (against children and/or adults)		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
Defended hearing	24.7	26.3	26.2	37.7	42.7	37.7	32.3	36.7	33.5
<i>Defended hearing: all charges dismissed</i>	15.3	14.8	13.7	22.9	19.4	19.0	19.4	18.1	17.0
<i>Defended hearing: guilty of at least one charge</i>	9.1	9.1	12.1	14.8	18.2	18.7	12.7	14.5	16.3
<i>Defended hearing: acquitted, had other plea</i>	0.3	0.0	0.4	0.0	0.0	0.0	0.2	0.0	0.2
Pleaded guilty	20.6	22.6	29.0	27.4	24.8	25.8	24.1	24.0	27.1
Convicted ex parteⁱ	2.8	2.5	1.6	4.8	5.2	7.4	4.1	4.0	5.0
Arrest warrant issued	3.1	4.5	2.8	2.4	3.0	1.7	2.9	3.6	2.2
All charges dismissed without hearingⁱⁱ	48.1	46.1	40.3	26.8	29.1	27.2	36.0	35.4	32.0
All charges otherwise disposed ofⁱⁱⁱ	0.7	0.4	0.0	0.9	0.3	0.3	0.7	0.4	0.2
Total (%)	100	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total (number)	287	243	248	332	330	353	589	551	582
Percentage found guilty (%)^{iv}	32.8	34.2	43.1	47.0	48.2	51.8	41.1	42.5	48.6

i. This outcome means the accused was convicted in his or her absence

ii. Most commonly cases where no evidence was offered by the prosecuting authority

iii. Most commonly cases stood out of list

iv. Includes persons who pleaded guilty and those who were found guilty

APPENDIX 1

Tables showing the outcome of defended hearings and trials

Table 3. Persons with selected offences finalised in the Higher Courts by trial; offence by outcome of charges at trial for that offence, 2004 to 2006

Outcome (%)	At least one count of sexual assault offences against children			At least one count of sexual assault offences NOT against children			TOTAL: At least one count of any sexual assault offence (against children and/or adults)		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
Proceeded to trial									
Trial: Acquitted of all charges	61.2	58.4	45.3	73.7	61.2	59.8	67.2	60.5	52.4
Trial: Guilty of at least one charge	37.6	38.6	50.0	24.6	36.2	39.2	31.1	36.4	44.7
Trial: Acquitted, had other guilty plea	1.2	3.0	4.7	1.7	2.6	1.0	1.7	3.1	2.9
Total (%)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total (number)	85	101	86	118	116	97	180	195	170

Table 4. Persons with selected offences finalised in the Local Courts by defended hearing; offence by outcome of charges at defended hearing for that offence, 2004 to 2006

Outcome (%)	At least one count of sexual assault offences against children			At least one count of sexual assault offences NOT against children			TOTAL: At least one count of any sexual assault offence (against children and/or adults)		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
Defended hearing									
Defended hearing: all charges dismissed	62.0	62.1	52.3	60.8	51.6	50.4	60.0	55.6	50.8
Defended hearing: guilty of at least one charge	36.6	37.9	46.2	39.2	48.4	49.6	39.5	44.4	48.7
Defended hearing: other outcome	1.4	0.0	1.5	0.0	0.0	0.0	0.5	0.0	0.5
Total (%)	100	100	100	100	100	100	100	100	100
Total (number)	71	58	65	125	124	133	190	180	195