



NSW Bureau of Crime
Statistics and Research

Crime and Justice Statistics

Bureau Brief

October 1999

NSW CRIMINAL COURTS STATISTICS 1998

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The publication *NSW Criminal Courts Statistics 1998* recently released by the NSW Bureau of Crime Statistics and Research details the operations of the NSW Supreme Court, the NSW District Court and NSW Local Courts for the 1998 calendar year and the NSW Children's Court for the 1997/98 financial year. The 1998 report includes a number of new and revised tables which present the information in a more accessible form. *NSW Criminal Courts Statistics 1998* is the first publication in the series to include tables showing the percentage of persons found guilty receiving each type of penalty for specific offence groups and the average quantum of the penalties. A number of notable aspects emerge from the report including increases in the number of matters finalised, the number and proportion of defendants refused bail and the number and proportion of convicted persons sentenced to imprisonment. The report reveals a general decrease in court delay. The significant and increasing overrepresentation of Aboriginal persons and Torres Strait Islanders as defendants in NSW Criminal Courts is also highlighted.

WORKLOAD IN NSW COURTS

Table 1 shows the number of cases finalised in NSW Criminal Courts in 1997 and 1998. There were increases in the number of matters finalised in the Higher Courts and Local Courts but a small fall in the number of appearances before the Children's Court.

From 1997 to 1998 there was an 11.5 per cent increase in the total number of trial and sentence cases finalised in the Higher Courts. The proportional increase was more pronounced in the Supreme Court where the number of cases finalised increased by 32.9 per cent

from 76 in 1997 to 101 in 1998, compared to the District Court where the number of cases finalised increased by 11.0 per cent from 3,349 in 1997 to 3,717 in 1998.

The number of cases finalised in the NSW Higher Courts which were committed for trial increased by 17.5 per cent whereas the number of finalised cases committed for sentence fell by 6.8 per cent. The number of trials held increased by 7.7 per cent from 871 in 1997 to 938 in 1998, but the proportion of cases proceeding to trial fell slightly from 25.4 per cent in 1997 to 24.6 per cent in 1998.

Table 1: Number of cases finalised in NSW Criminal Courts 1997, 1998

<i>Jurisdiction</i>	<i>1997</i>	<i>1998</i>	<i>Percentage change</i>
Supreme Court	76	101	32.9% increase
District Court	3,349	3,717	11.0% increase
Local Courts	112,229	117,053	4.3% increase
	<i>1996/97</i>	<i>1997/98</i>	<i>Percentage change</i>
Children's Court	16,133	15,672	2.7% decrease

While the number of cases finalised in the Higher Courts increased between 1997 and 1998, over the same period the number of cases registered for trial or sentencing fell by 6.9 per cent. The number of cases registered for trial fell by 7.8 per cent (from 3,147 in 1997 to 2,903 in 1998) and the number of cases registered for sentencing decreased by 1.8 per cent (from 878 in 1997 to 862 in 1998).

There was a 2.7 per cent fall in the number of criminal matters brought before the Children's Court from 16,113 in the 1996/97 financial year to 15,672 in the 1997/98 financial year. The decrease may be due in part to the impact of the Young Offenders' Act (1997) which aims to keep juvenile offenders out of court. Except in the case of particularly serious or violent offences a juvenile offender may receive a warning, a formal caution or be referred to a Youth Justice Conference as an alternative to being brought before the Children's Court.

A large majority of matters determined by NSW criminal courts are heard in Local Courts. There was an increase in the workload of the Local Courts between 1997 and 1998. A total of 117,053 persons had matters determined before Local Courts in 1998, an increase of 4.3 per cent over the number of persons appearing in 1997. The number of charges determined in Local Courts in 1998 was 185,110 (up 5.5% from 1997).

CHARGES BY OFFENCE CATEGORY

The number of persons charged in trial and sentence cases finalised in the NSW Higher Courts increased from 3,633 in 1997 to 3,998 in 1998, a rise of 10.0 per cent.

The number of charges dealt with, however, fell from 8,159 in 1997 to 7,283 in 1998, a fall of 10.3 per cent. The most frequently charged offences in the Higher Courts in 1998 were against the person offences (3,064 charges representing 42.1% of all charges), theft offences (1,528 charges, 21.0%) and robbery and extortion offences (1,189 charges, 16.3%). The proportions are little changed from 1997 (42.2%, 20.7% and 14.5%, respectively, of all charges).

A similar stability is evident in the Children's Court statistics. Theft offences, offences against the person and offences against good order are the most frequently charged offence groups, as they were in 1996/97. Note that a change in the way the Department of Juvenile Justice (DJJ) classifies offences for the purpose of reporting precludes direct comparisons with the numbers from previous years.

In the Local Courts the most frequently charged offence categories are driving offences (63,665 charges representing 34.4% of all charges), theft offences (35,415 charges, 19.1%) and offences against the person (26,322 charges, 14.2%). The increase in the number of charges for some offences was greater than the overall increase of 5.5 per cent. The number of charges for offences against good order increased by 12.3 per cent from 14,089 in 1997 to 15,822 in 1998, environmental offences were up 11.0 per cent (from 164 in 1997 to 182 in 1998), offences against justice procedures increased by 9.8 per cent (from 16,313 in 1997 to 17,909 in 1998), drug offences by 8.6 per cent (from 15,809 in 1997 to 17,166 in 1998) and driving offences by 5.7 per cent (from 60,216 in 1997 to 63,665 in 1998). These increases may reflect increased enforcement activity rather than increases in the level of offending. For example the big increase in the number of appearances for offences against good order was largely due to the new provisions of the Summary Offences Act prohibiting the carrying of knives.

BAIL REFUSAL

There was a substantial increase in the number and proportion of persons refused bail in trial and sentence cases finalised in the NSW Higher Courts between 1997 and 1998. In 1997, 1,063 or 29.3 per cent of persons appearing in the Higher Courts were in gaol with bail refused when their cases were finalised. In 1998 the figure had risen to 1,330 or 33.2 percent of persons appearing. The number of persons for whom bail was refused, who were eventually acquitted of all charges, more than doubled between 1997 and 1998, from 52 (4.9% of all persons refused bail) in 1997 to 107 (8.0% of all persons refused bail) in 1998.

There was a small fall in the proportion of children appearing before the NSW Children's Court for whom bail was refused. In 1996/97, 7.2 per cent of persons appearing, (1,163 persons) were in custody at their final appearance. The corresponding figure for 1997/98 was 6.2 per cent (972 persons).

In NSW Local Criminal Courts the proportion of persons for whom bail was refused increased only slightly from 4.4 per cent (4,884 persons) in 1997 to 4.6 per cent (5,374 persons) in 1998. The large numbers of persons appearing in Local Courts means the seemingly small rise of 0.2 percent represents an increase of 490 persons.

COURT DELAY

Between 1997 and 1998 the median delay from arrest to committal, where the matter proceeded to trial, fell

Table 2: Median delay, committal to outcome in NSW Higher Court trials finalised 1997, 1998

<i>Jurisdiction</i>	<i>Bail status of defendant</i>	<i>1997 (days)</i>	<i>1998 (days)</i>	<i>Percentage change</i>
Supreme Court	In custody	550.0	510.0	7.3% decrease
	On bail	658.0	736.0	11.9% increase
District Court	In custody	219.0	198.0	9.6% decrease
	On bail	374.0	372.5	0.4% decrease
All Trials	In custody	239.0	231.5	3.1% decrease
	On bail	383.5	381.0	0.7% decrease

in NSW Higher Courts. Where the defendant was eventually acquitted of all charges, the fall for persons on bail was 20.4 per cent (from 147.0 days in 1997 to 117.0 days in 1998) and for persons remanded in custody the decrease was 11.9 per cent (from 71.5 days to 63.0 days). Where the defendant was eventually found guilty of at least one charge, the fall for persons on bail was 25.5 per cent (from 153.0 days in 1997 to 114.0 days in 1998) and for persons remanded in custody the decrease was 28.4 per cent (from 109.0 days to 78.0 days).

The median delay from committal to outcome in NSW Higher Courts is shown in Table 2. Median delays have generally decreased. The decrease has been more pronounced for defendants in custody than for those on bail. Information on court delay is not available for the NSW Children's Court.

In NSW Local Criminal Courts there has been a pattern of modest reductions in court delays. For matters which proceeded to defended hearings where all charges were dismissed, the median delay from first appearance to determination fell from 100 days in 1997 to 96 days in 1998 (a fall of 4.0%). Where the defendant was found guilty of at least one charge at a defended hearing the median delay decreased from 81 days to 77 days (a fall of 4.9%), and where defended charges were dismissed but the defendant pleaded guilty or was convicted *ex parte* on other charges, the median delay fell from 98 days to 92 days (a fall of 6.1%).

The major exception to this pattern was for persons who were in custody at their final appearance but had all charges dismissed after a defended hearing. The median delay from first appearance to determination for this group increased by 90.1 per cent from 33.0 days in 1997 to 63.0 days in 1998.

CONVICTION AND IMPRISONMENT

Between 1997 and 1998 there was a small decrease in the proportion of persons found guilty in trial and sentence cases finalised in the NSW Higher Courts. In 1997, 70.7 per cent of defendants were found guilty compared to 68.9 per cent of defendants found guilty in 1998. In the same period the proportion of persons found guilty at defended hearings fell from 52.1 per cent in 1997 to 46.8 per cent in 1998.

By contrast there was a small increase in the proportion of defendants found guilty in NSW Local Courts, from 85.2 per cent in 1997 to 86.2 per cent in 1998.

Imprisonment was the most frequently imposed penalty for persons found guilty in trial and sentence cases finalised in the NSW Higher Courts in 1998. Table 3 shows the percentage of persons convicted and the percentage of persons imprisoned in NSW Higher Courts and NSW Local Courts.

A total of 1,736 persons or 63.1 per cent of all persons found guilty were sentenced to imprisonment in 1998. This represents a slight increase from 1997, when 61.9 per cent of persons found guilty (1,558 persons) were sentenced to imprisonment.

Of 11,991 children with offences proven before the NSW Children's Court in 1997/98, 872 had a control order imposed, down from 1,098 persons who had control orders imposed in 1996/97. The proportion of offenders who had a control order imposed by the NSW Children's Court fell from 8.0 per cent in 1996/97 to 7.3 per cent in 1997/98.

In the NSW Local Criminal Courts there was a slight increase in the proportion of persons receiving a custodial penalty. In 1997, 5,881 persons or 6.4 per cent of all persons found guilty were sentenced to imprisonment. In 1998, 6,612 persons or 7.0 per cent of all persons found guilty were sentenced to imprisonment.

Table 3: Conviction and imprisonment rates in NSW Criminal Courts 1997, 1998

<i>Jurisdiction</i>	<i>Percentage of persons found guilty</i>		<i>Percentage of convicted persons imprisoned</i>	
	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
Higher Courts	70.7%	68.9%	61.9%	63.1%
Local Courts	85.2%	86.2%	6.4%	7.0%

ABORIGINAL PERSONS AND TORRES STRAIT ISLANDER OFFENDERS

Persons who identify themselves as Aboriginal or Torres Strait Islanders (ATSI persons) make up approximately 1.7 per cent of the population of NSW.

When reporting on the ATSI status of defendants the NSW Bureau of Crime Statistics and Research omits those matters where all charges for a person are initiated by summons because the defendant's ATSI status cannot be determined. A person's ATSI status is identified on a charge sheet or a Court Attendance Notice (CAN) but not on a summons. Therefore the numbers quoted below under-count the number of ATSI persons actually appearing before NSW Local Courts.

There were 10,029 ATSI persons dealt with by NSW Local Courts in 1998 (8.6% of all persons appearing) compared with 8,346 ATSI persons appearing before Local Courts in 1997 (7.4% of all persons appearing). This represents a rise of 20.2 per cent in the number of ATSI persons dealt with by Local Courts.

In 1998 there were 7,512 ATSI persons found guilty in NSW Local Courts. This represents 7.9 per cent of all persons found guilty in NSW Local Criminal Courts in 1998. ATSI persons were less likely to be

found guilty than persons overall. In 1998, 83.1% of ATSI persons were found guilty compared to 86.2% of all NSW persons being found guilty.

In NSW Local Courts in 1998, ATSI persons were more likely than all persons to be sentenced to imprisonment for the same type of offence. For example, 27.1 per cent of ATSI offenders found guilty of offences against the person were sentenced to imprisonment. By comparison only 9.1 per cent of persons overall found guilty of offences against the person were sentenced to imprisonment.

A total of 1,242 ATSI persons were sentenced to imprisonment, representing 16.5 per cent of all ATSI persons found guilty. For all persons found guilty in appearances before NSW Local Courts in 1998 only 7.0 per cent were sentenced to imprisonment. Note that prior convictions have not been taken into account in this comparison.

The NSW Bureau of Crime Statistics and Research does not report on the Aboriginal and Torres Strait Islander status of persons appearing before NSW Higher Courts or the NSW Children's Court.

For further information on any aspect of the Report, please contact the Statistical Services Unit, NSW Bureau of Crime Statistics and Research.