
**KEY TRENDS
IN CRIME AND JUSTICE
NEW SOUTH WALES
1999**

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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 seventh publication in the series. The trends contained in this report extend over a five-year period. This is the first report for which a full five years of recorded crime data have been available.

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 2000

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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 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 1994 to June 1999, 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 five-year period January 1995 to December 1999.² 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 1998 to December 1999.³ 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 1998 and January to December 1999, 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 1999. 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 five 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 Wales⁵ 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. The annual victimisation rates and rates of reporting to police for each year from 1994 to 1997 and 1999 are shown in Tables 1.1 and 1.2, respectively. In 1998 the Australian Bureau of Statistics carried out a National Crime and Safety Survey. Differences in question wording and processing procedures mean that, with the exception of robbery offences, estimates from the national survey are not directly comparable with estimates from the annual Crime and Safety, New South Wales surveys. Therefore data from 1998 are not included in Tables 1.1 and 1.2. The data in these tables are for twelve-month periods only, and no trend tests have been applied.

VICTIMISATION SURVEYS

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>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1999</i>
Assault	2.4	2.7	3.0	3.2	3.7
Sexual assault	0.7	0.5	0.4	0.6	0.7
Robbery	n.a.	n.a.	n.a.	n.a.	1.2
Break and enter	4.5	5.3	4.6	5.6	5.6
Motor vehicle theft	2.1	2.1	2.0	2.0	2.2

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) is 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.⁶

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 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 1994 to 1997 and 1999. The crimes which involve households rather than persons show the highest reporting rates. For each year of the survey shown in Table 1.2, more than 70 per cent of break and enter victims (households) reported the incident to police, and more than 90 per cent of motor vehicle thefts were likewise reported. Apart from the desire to recover stolen property, one probable reason for this is the requirement for insurance claim purposes that the offence has been reported to police.

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

<i>Type of offence</i>	<i>Year</i>				
	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1999</i>
Assault	38.9	30.4	32.2	43.1	34.1
Sexual assault	25.6*	n.a.	n.a.	18.8*	12.6*
Robbery	n.a.	n.a.	61.3	53.6	51.9
Break and enter	76.0	73.5	77.3	70.8	73.7
Motor vehicle theft	94.5	91.4	97.3	96.9	95.1

n.a. not available due to change in definition

* estimate subject to a relative standard error greater than 25 per cent.

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 five-year time period presented, that is, between January 1998 and December 1999. Where a significant trend has been detected, the percentage change between the consecutive twelve-month periods, January to December 1998 and January to December 1999, is reported.

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

- sexual assault (down by 11.3%; see Figure 1.3)
- indecent assault/other sexual offences (down by 16.6%; see Figure 1.3)
- robbery with a firearm (down by 25.2%; see Figure 1.4)
- robbery with a weapon not a firearm (down by 20.8%; see Figure 1.4)
- break and enter – dwelling (down by 11.1%; see Figure 1.5)
- break and enter – non-dwelling (down by 7.7%; see Figure 1.5)
- motor vehicle theft (down by 11.6%; see Figure 1.6).

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), assault (Figure 1.2) robbery without a weapon (Figure 1.4), steal from motor vehicle (Figure 1.6), steal from retail store, steal from dwelling and steal from person (Figure 1.7), fraud (Figure 1.8) and malicious damage to property (Figure 1.9)) did not display statistically significant upward or downward trends. Each trend in recorded crime by offence category is discussed in more detail later in the appropriate individual section below.

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

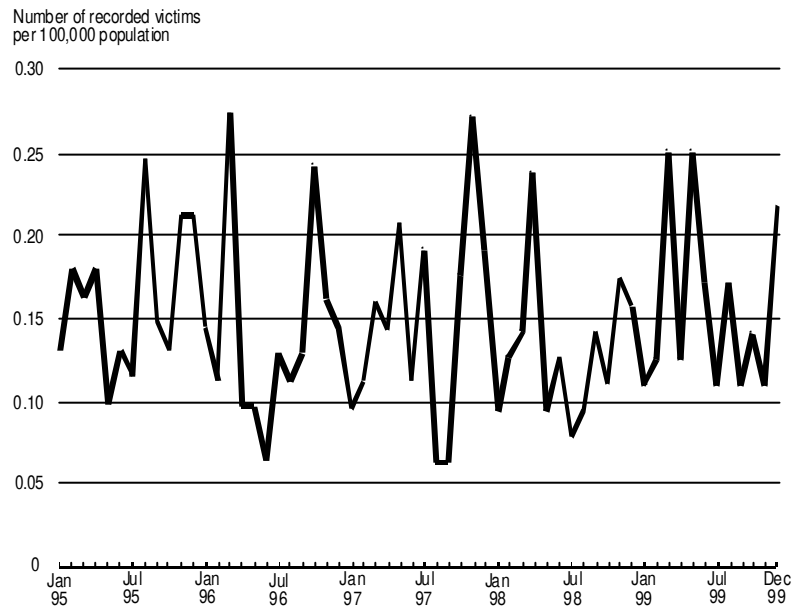
<i>Type of offence</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>
	<i>Number of recorded incidents</i>				
Murder*	119	106	112	100	121
Assault	39132	48869	54303	58672	57559
Sexual assault	2272	2973	3601	3291	2956
Indecent assault/other sexual offences	4337	5211	6156	5310	4483
Robbery without a weapon	4518	4952	6487	6503	6413
Robbery with a firearm	677	824	1139	919	696
Robbery with a weapon not a firearm	1465	1894	3381	4382	3515
Break and enter dwelling	61336	74546	79838	85768	77178
Break and enter non-dwelling	40393	43551	45467	48772	45551
Motor vehicle theft	47093	49206	55556	53866	48224
Steal from motor vehicle	55896	63771	71079	75258	75497
Steal from retail store	22957	22619	21492	21112	20947
Steal from dwelling	25390	28420	28586	30984	30141
Steal from person	9827	9939	10864	11631	11542
Fraud	17490	21702	23933	26224	25835
Malicious damage to property	71817	78853	79731	89685	91577
	<i>Rate per 100,000 population</i>				
Murder*	1.9	1.7	1.8	1.6	1.9
Assault	640.2	787.6	865.7	926.4	897.7
Sexual assault	37.2	47.9	57.4	52.0	46.1
Indecent assault/other sexual offences	71.0	84.0	98.1	83.8	69.9
Robbery without a weapon	73.9	79.8	103.4	102.7	100.0
Robbery with a firearm	11.1	13.3	18.2	14.5	10.9
Robbery with a weapon not a firearm	24.0	30.5	53.9	69.2	54.8
Break and enter dwelling	1003.5	1201.4	1272.8	1354.2	1203.7
Break and enter non-dwelling	660.9	701.9	724.8	770.1	710.4
Motor vehicle theft	770.5	793.0	885.7	850.5	752.1
Steal from motor vehicle	914.5	1027.8	1133.1	1192.0	1207.4
Steal from retail store	375.6	364.5	342.6	333.3	326.7
Steal from dwelling	415.4	458.0	455.7	489.2	470.1
Steal from person	160.8	160.2	173.2	183.6	180.0
Fraud	286.1	349.8	381.5	414.0	402.9
Malicious damage to property	1175.0	1270.9	1271.1	1416.0	1428.3

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

Murder

Figure 1.1 shows the monthly rate of murder victims as recorded by the police. There was no statistically significant upward or downward trend in the rate of recorded murder victims for the period January 1998 to December 1999. 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

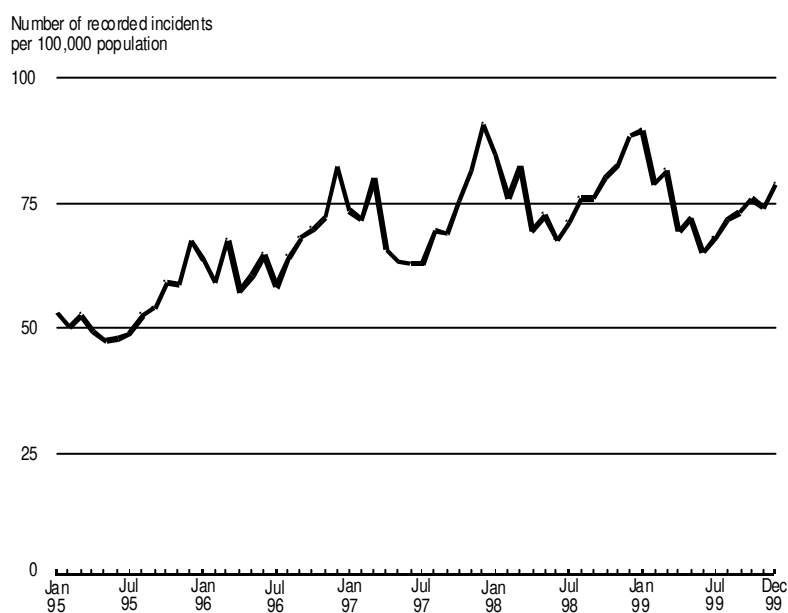


Assault

The monthly rate of recorded assault incidents is shown in Figure 1.2 for the five years from January 1995 to December 1999. Over the most recent two years of the series, between January 1998 and December 1999, there was no statistically significant upward or downward trend in the rate of recorded assault incidents. 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 1999 only 34.1 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 16.1% of victims who did not report the assault) or that there was nothing that the police could do (cited by 13.1%).⁷

Figure 1.2: Assault

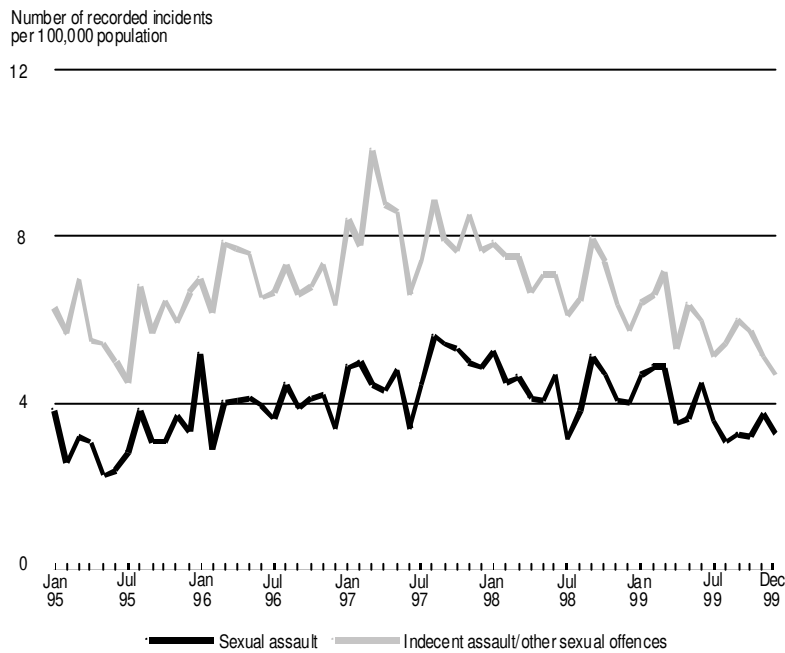


Sexual offences

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 five-year period January 1995 to December 1999. Over the most recent two years of this period, there was a statistically significant downward trend in each category of sexual offences. Between 1998 and 1999, there was an 11.3 per cent decrease in the rate of sexual assault and a 16.6 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 12.6 per cent of victims reporting the incident to police in the 1999 survey.

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

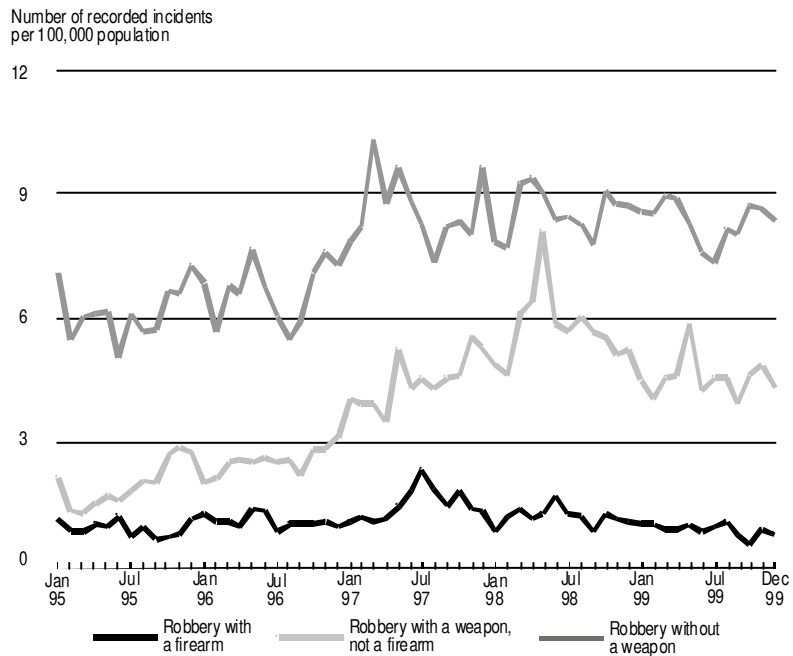


Robbery

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 five-year period January 1995 to December 1999. Over the most recent two years of the series, there was no statistically significant upward or downward trend for the offence category of robbery without a weapon. There was a statistically significant downward trend, however, in the rate of robbery with a firearm and robbery with a weapon other than a firearm, which decreased by 25.2 per cent and 20.8 per cent, respectively, between 1998 and 1999.

Robbery is the one offence for which victimisation rate estimates of the 1998 National Crime and Safety Survey and the 1999 Crime and Safety, NSW survey are comparable. The victimisation rate rose from 0.9 per cent in 1998 to 1.2 per cent in 1999. Only 51.9% of victims of robbery reported the incident to the police in 1999. The main reasons for not telling police about the alleged incident of robbery were that there was nothing that the police could do (cited as the reason by 16.7% of victims who did not report the robbery) or that the police were unwilling to do anything (cited by 13.9%).⁸

Figure 1.4: Robbery with and without a weapon

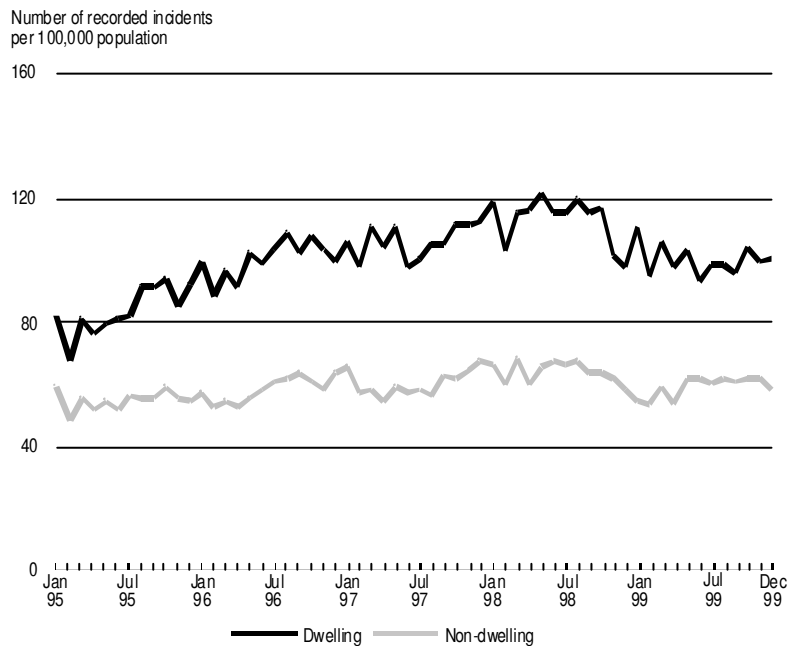


Break and enter

Figure 1.5 shows the trend over the five-year period, January 1995 to December 1999, 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 1998 to December 1999, there were statistically significant downward trends in both series. Between 1998 and 1999, there was an 11.1 per cent decrease in the rate of break and enter – dwelling, and a decrease of 7.7 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. Approximately 73.7 per cent of victims who had their homes broken into during the 1999 survey period reported the incident to police.

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

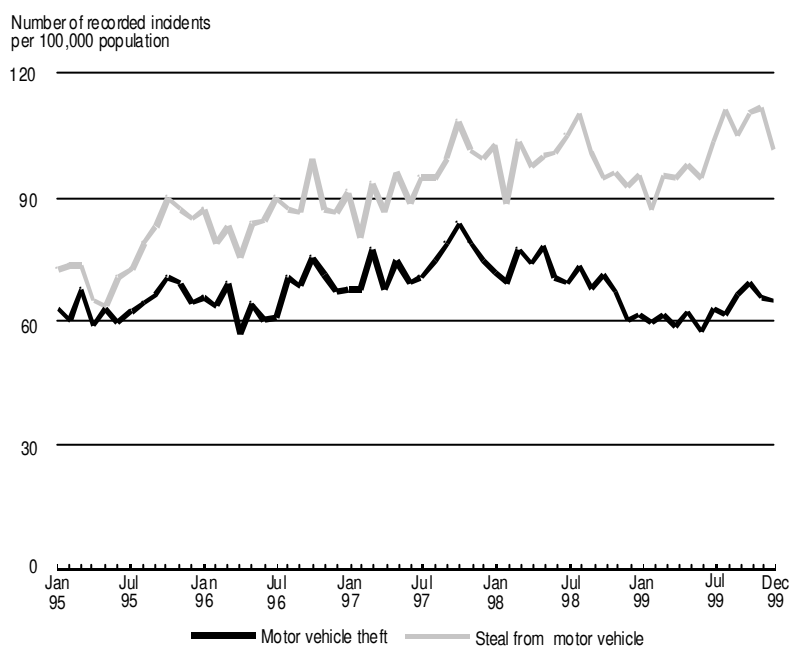


Motor vehicle theft offences

The monthly rates of recorded motor vehicle theft and steal from motor vehicle incidents are shown in Figure 1.6 for the five-year period January 1995 to December 1999. For the two-year period January 1998 to December 1999, there was a statistically significant downward trend in the rate of motor vehicle theft in NSW. The recorded rate of motor vehicle theft incidents in NSW decreased by 11.6 per cent between 1998 and 1999. There was no statistically significant upward or downward trend for the steal from motor vehicle offence category.

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 (95.1% in 1999) are reported to the police.

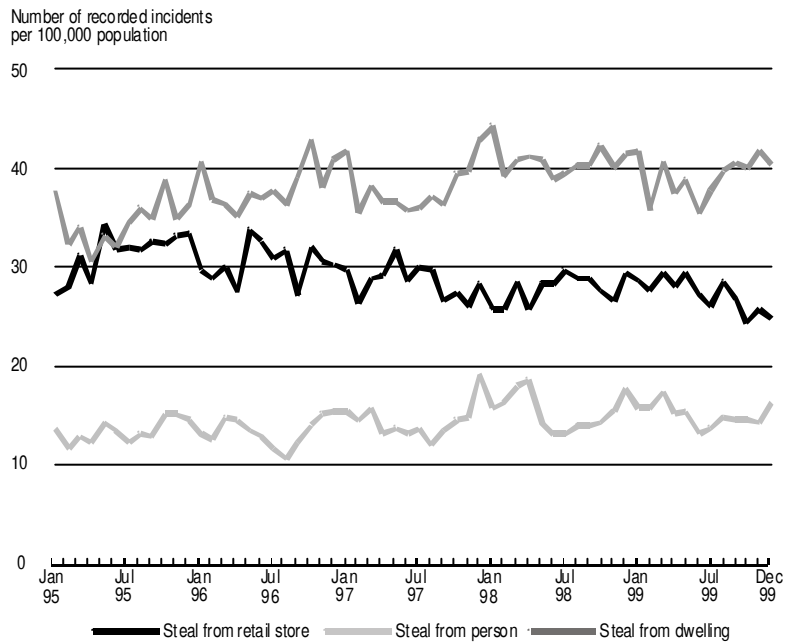
Figure 1.6: Motor vehicle theft and steal from motor vehicle



Stealing offences

Figure 1.7 shows the monthly rate of recorded stealing incidents for the five-year period January 1995 to December 1999. For the two-year period January 1998 to December 1999, there were no statistically significant upward or downward trends in the rate of recorded incidents of steal from retail store, steal from dwelling or steal from person.

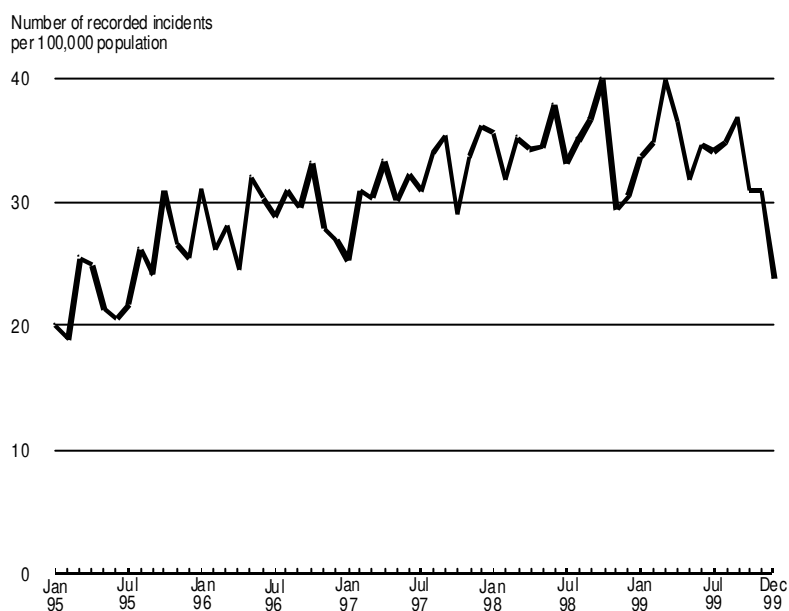
Figure 1.7: Steal from retail store, from dwelling and from person



Fraud

Figure 1.8 details the monthly recorded rate of fraud offences (excluding credit card fraud) for the five-year period January 1995 to December 1999. 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 five-year period, January 1995 to December 1999, is shown in Figure 1.9. Over the most recent two years of the series, there was no statistically significant upward or downward trend in the recorded rate of malicious damage to property offences.

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); Population, New South Wales, 30 June 1998, Cat. No. 3234.1 (for 1997 population estimates) and Population, New South Wales, 30 June 1999, Cat. No. 3234.1 (for 1998 and 1999 population estimates). Note that the numbers and rates of recorded criminal incidents for 1998 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: Doak, P. 1999, New South Wales Recorded Crime Statistics 1999, NSW Bureau of Crime Statistics and Research, Sydney. This report includes statistics for the three years 1997 to 1999. Note that the annual percentage changes in recorded crime **rates** quoted in Key Trends 1999 are slightly different than the annual percentage changes in the number of recorded crime **incidents** which are reported in Recorded Crime Statistics 1999. This is due to a small increase in the NSW population between 1998 and 1999 (an increase of 1.2%).
- 5 Australian Bureau of Statistics 1999, Crime and Safety, New South Wales, April 1999, Cat. No. 4509.1, ABS, Sydney; Australian Bureau of Statistics 1999, Crime and Safety, Australia, April 1998, Cat. No. 4509.0, ABS, Canberra; 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 Persons aged 15 years and over are included for the offences of assault and robbery, and females aged 18 years and over for sexual assault. For break and enter, and motor vehicle theft, the rate is calculated as a proportion of total NSW households.
- 7 Australian Bureau of Statistics 1999, Crime and Safety, New South Wales, April 1999, Cat. No. 4509.1, Unpublished tables, ABS, Sydney.
- 8 See Note 7.

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 1994 to June 1999. 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 1997 to June 1999. Where the results of the trend test indicate that there is a significant trend, the percentage change between the 1997-98 and 1998-99 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 1997 to June 1999.

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 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 numbers of persons charged whose matters were finalised either as a defended matter or otherwise in the Local, District and Supreme Courts, respectively.

A more accurate definition of a case finalised with a defended hearing in the Local Courts is used in this report than was used in previous reports.⁹ 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; and (ii) the outcome was proven, or dismissed after a hearing, or dismissed under the Mental Health Act. Cases considered to be not defended include matters dealt with by guilty pleas, matters heard in the defendant's absence, and those finalised without a defended hearing for reasons such as no evidence being offered, charges being stood out of list, recognizance forfeited, or the death of the accused. As a result of the changed definition the number of defended hearings is much smaller than in previous reports. Note that the whole series has been recalculated on the basis of the revised definition but because of the inadequacy of the 1994 data cases finalised in 1994 cannot be included in Figure 2.2 and Table 2.1.

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 1998*.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 and imprisonment for prior offence

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 Local Courts are shown in Figure 2.5. Persons who were serving a term of imprisonment for a prior offence at the time of their trial before the District Court are included with persons on remand in Figure 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 1997 and June 1999. A statistically significant trend has been observed during this time period for the following Local Court processes:

- number of cases registered in Local Courts (up by 4.9%; see Figure 2.1)
- number of cases disposed of without a defended hearing (up by 18.3%; see Figure 2.2)
- percentage of males whose cases were finalised by defended hearing in Local Courts (down by 13.1%; see Figure 2.3)
- percentage of females whose cases were finalised by defended hearing in Local Courts (down by 13.4%; see Figure 2.3)
- percentage of persons having legal representation (down by 5.2%; see Figure 2.4)

- median delay (from first appearance to determination) for defended cases in Local Courts (down by 5.7%; see Figure 2.6)
- number of persons sentenced to prison in Local Courts (up by 19.8%; see Figure 2.7)
- average length of minimum/fixed term prison sentences for females sentenced to prison in Local Courts (up by 13.9%; see Figure 2.9).

The other Local Court processes which are graphed (i.e. method of disposal for cases finalised in Local Courts, persons who were refused bail as a percentage of all persons whose cases were finalised in Local Courts, persons sentenced to prison as a percentage of all persons convicted in Local Courts and average length of minimum/fixed term prison sentences for males sentenced to prison in Local Courts, in Figures 2.2, 2.5, 2.8 and 2.9 respectively) did not display statistically significant upward or downward trends. Each trend in Local Court processes is discussed in more detail in the appropriate individual section below.

In addition to the figures, information has been provided in tabular form on details of offence types of charges which were finalised in Local Court hearings during the five-year period July 1994 to June 1999 (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

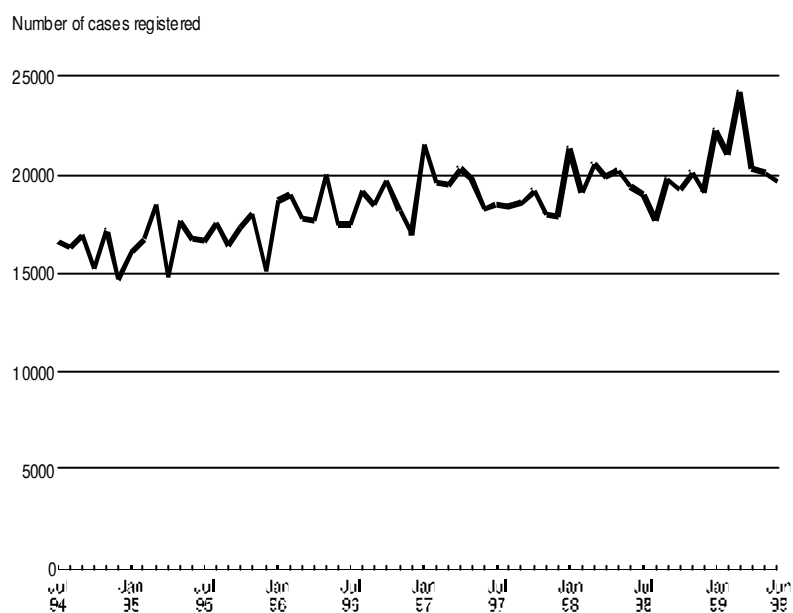
	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Registrations:					
Number of cases registered	197071	211460	228671	230825	242222
Disposals:					
Number of cases finalised by defended hearing	*	15129	16519	16431	16531
Number of cases finalised other than by defended hearing	*	91547	97840	93783	110899
Percentage of cases finalised by defended hearing					
– males	*	14.4	14.7	15.3	13.3
– females	*	13.0	13.2	13.4	11.6
Legal representation:					
Percentage of persons having legal representation	61.5	61.1	57.5	57.3	54.3
Bail refusal:					
Percentage of persons refused bail	3.7	4.0	4.3	4.4	4.6
Delay:					
Median delay (from first appearance to determination) for defended cases (days)	*	75.0	87.0	88.0	83.0
Sentencing:					
Number of persons sentenced to prison	5352	5648	5994	5981	6995
Percentage of persons sentenced to prison					
– males	6.7	6.6	6.7	7.0	6.9
– females	3.5	3.5	3.5	3.5	3.4
Average length of minimum/fixed term imprisonment (months)					
– males	4.6	4.7	4.9	4.8	4.9
– females	3.4	3.6	4.0	3.6	4.1

*Defended hearings could not be separately identified in 1994, so figures for the 1994-95 time period are not included. For further detail, see Note 9.

Registrations

Figure 2.1 shows the number of criminal cases registered monthly in the Local Courts between July 1994 and June 1999. Between July 1997 and June 1999, there was a statistically significant upward trend in the number of new registrations in the Local Courts representing a 4.9 per cent annual increase. The total number of cases registered in the Local Courts, as shown in Figure 2.1, has increased over this two-year period from 230,825 cases in 1997-98 to 242,222 cases in 1998-99. This follows a percentage annual increase of 7.3 per cent between 1994-95 and 1995-96, of 8.1 per cent between 1995-96 and 1996-97 and no statistically significant increase between 1996-97 and 1997-98.

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 January 1995 to June 1999. Between July 1997 and June 1999 there was no statistically significant upward or downward trend in the number of matters disposed of by way of a defended hearing. Because of the redefinition of cases finalised with a defended hearing in the Local Courts used in this report it is only possible to look at four financial years of data on method of disposal (see Table 2.1). Examining this four-year series shows that there was no statistically significant upward or downward trend in the number of defended hearings.

Figure 2.2 also shows the trend in the number of finalised cases in the period January 1995 to June 1999 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 1997 to June 1999, there was a statistically significant upward trend in the number of matters disposed of without a defended hearing, an increase of 18.3 per cent between 1997-98 and 1998-99.

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

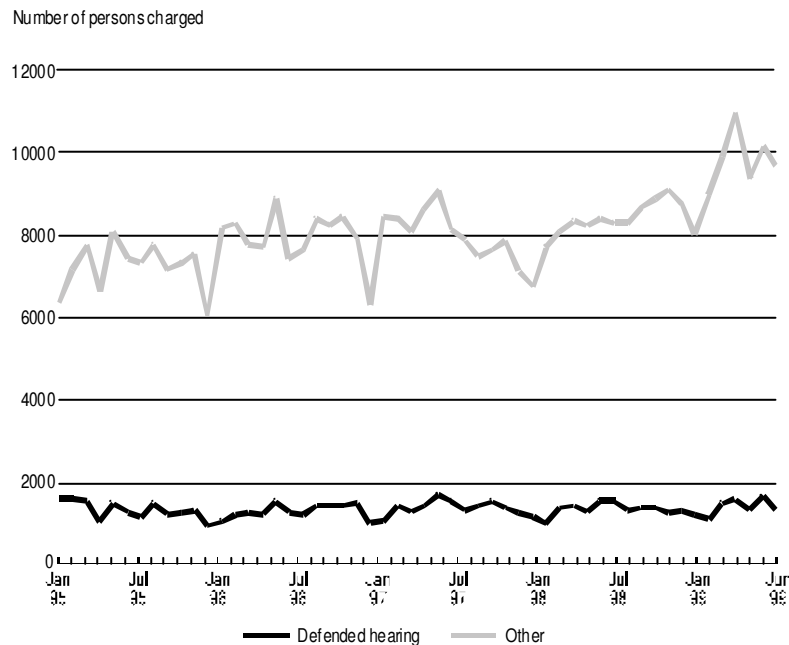


Figure 2.3 shows the number of matters in the Local Courts which were finalised by a defended hearing as a percentage of all finalised matters, both for males and for females, during the period January 1995 to June 1999. The proportion of defended cases shows a similar trend for both males and females, with a higher proportion of cases with male defendants being finalised by a defended hearing. There were statistically significant downward trends in the percentage of cases disposed of by way of a defended hearing for both males and females during the period July 1997 to June 1999. The proportion of males whose cases were finalised with a defended hearing in the Local Courts fell by 13.1 per cent while the corresponding fall for female defendants was 13.4 per cent. Over the four-year period July 1995 to June 1999, there was no statistically significant upward or downward trends for males but a statistically significant downward trend for females. During this period, the percentage decrease between the first and last twelve months of the series was 10.8 per cent for females.

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

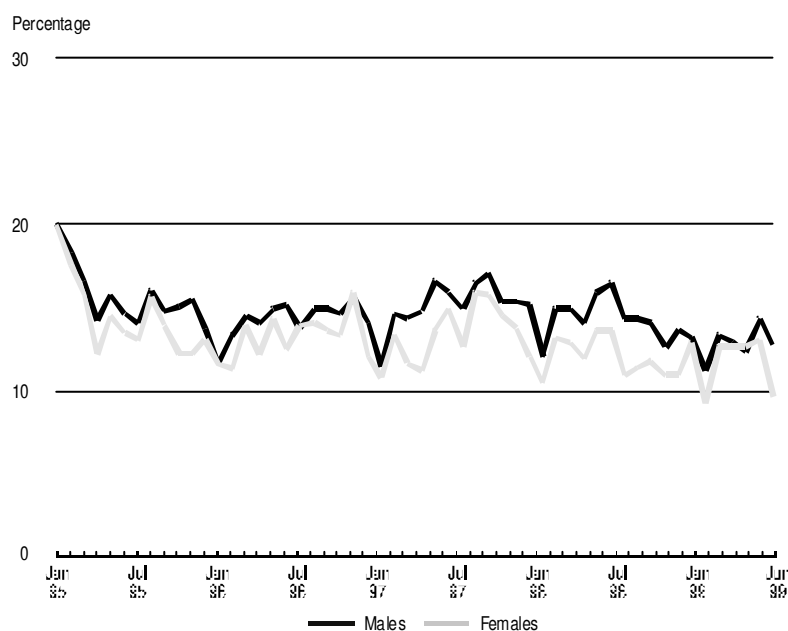


Table 2.2, below, shows the numbers of charges in the Local Courts within particular offence categories for the five-year period July 1994 to June 1999, where the charge was finalised during the counting period.¹¹ Each year, the offence category with the largest number of charges finalised is driving offences. More than 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 1997-98 and 1998-99, all major offence categories showed annual increases in the numbers of charges finalised in the Local Courts. The largest increases are evident in the against good order, theft and drug offence categories with increases of 40.5 per cent, 18.4 per cent and 18.3 per cent, respectively, over the two-year period. This is in marked contrast to the period 1996-97 to 1997-98 where there were decreases in most major offence categories.

Over the five years of the series most major offence categories showed substantial increases in the numbers of charges finalised. Particularly large annual increases between 1994-95 and 1998-99 are noted in the against justice procedures offence category (up by 47.8%), theft offences (up by 36.1%) and driving offences (up by 33.3%). There were no offence categories which showed a percentage annual decrease between the first and the last twelve months of the five-year period.

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

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Against the person:					
Assault occasioning actual bodily harm	4019	4397	4826	5023	5223
Other assault	15939	16963	19643	18922	19378
Sexual assault	320	332	397	392	345
Sexual offences against children	279	304	454	460	449
Other	458	692	1186	1366	1521
Total	21015	22688	26506	26163	26916
Theft:					
Break and enter	3197	3671	3872	3656	4473
Fraud	4754	4833	7437	6784	7310
Larceny by shop stealing	4012	4610	4205	3372	3511
Other larceny	9114	9455	9469	9447	11940
Unlawful possession	5352	5827	6435	7132	9078
Vehicle theft	2358	2465	2679	2690	2862
Total	28787	30861	34097	33081	39174
Property damage:					
Arson, damage by fire	253	227	230	240	194
Other	6348	6587	6962	6387	7102
Total	6601	6814	7192	6627	7296
Environmental	149	140	144	190	232
Against justice procedures:					
Breach of order	7270	8710	9884	10204	11654
Other	5829	6172	6807	6306	7702
Total	13099	14882	16691	16510	19356

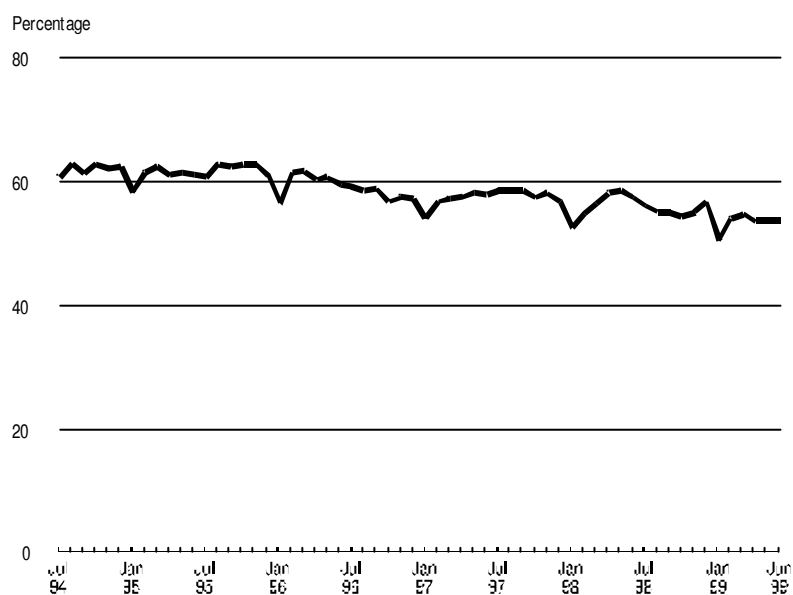
Table 2.2 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Against good order:					
Weapons	2395	2571	2485	2143	2606
Betting and gaming	269	80	28	9	20
Prostitution	438	431	311	363	236
Liquor licensing	342	316	369	384	431
Offensive behaviour	8290	7753	7197	6967	9010
Other	3045	3285	3828	4079	7291
Total	14779	14436	14218	13945	19594
Drug:					
Possession and/or use:					
– opiates	1048	1308	1363	1781	2631
– cannabis	7466	8399	7719	7749	8659
– other drug	1831	1616	1546	1680	2625
Dealing and trafficking:					
– opiates	258	357	393	333	378
– cannabis	577	651	594	486	621
– other drug	483	543	510	456	573
Manufacturing and/or growing:					
– cannabis	1788	2059	1834	1728	1527
– other drug	161	70	68	52	48
Other	1963	1948	1741	1677	1803
Total	15575	16951	15768	15942	18863
Driving:					
Cause injury by driving	139	142	294	258	243
DUI drink/drug	925	962	1073	1089	1187
PCA – high	6185	6482	6226	5842	6240
PCA – medium	9174	10779	10368	9546	11519
PCA – low	2789	3419	3251	3128	4059
Dangerous, reckless or negligent driving	6793	7280	8184	7339	7085
Other	26666	27188	31843	32355	39905
Total	52671	56252	61239	59557	70238
Other	900	969	1760	1463	1981

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 1994 and June 1999. Since July 1997, there was a statistically significant 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 fell from 57.3 per cent in 1997-98 to 54.3 per cent in 1998-99, a fall of 5.2 per cent. Over the five years of the series graphed in Figure 2.4 there was a significant downward trend in the proportion of persons having legal representation, with an 11.7 per cent decrease evident between 1994-95 and 1998-99.

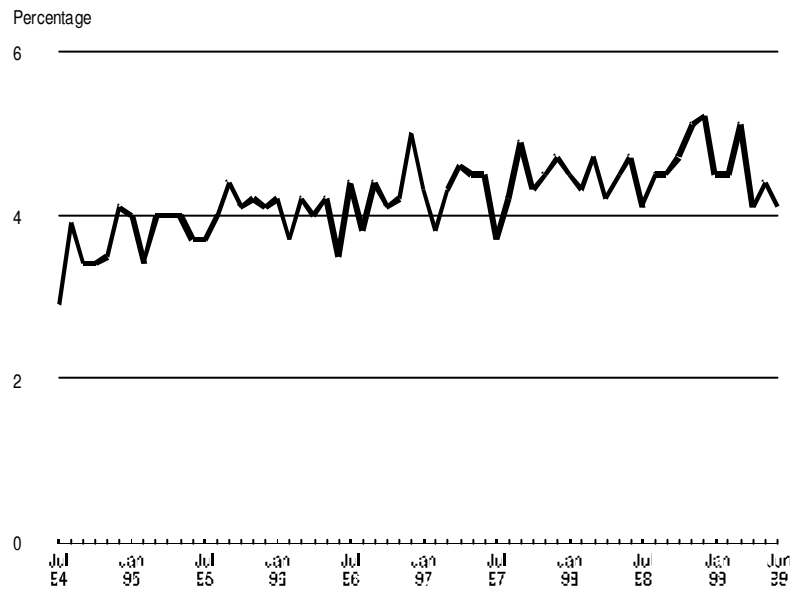
Figure 2.4: Persons having legal representation as a percentage of all persons whose cases were finalised, Local Courts



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 1994 and June 1999. 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 24.3 per cent increase over this period. In 1998-99, 4.6 per cent of persons were refused bail, compared with 3.7 per cent in 1994-95.

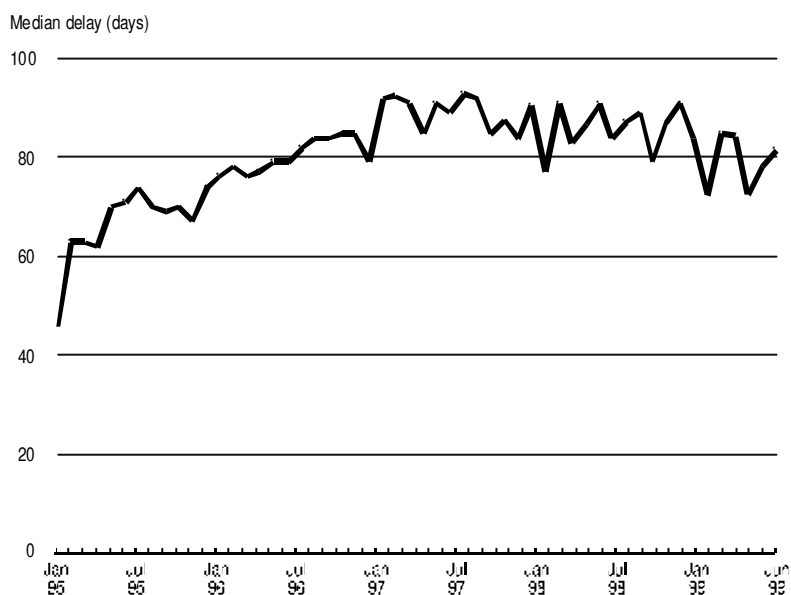
Figure 2.5: Persons who were refused bail as a percentage of all persons whose cases were finalised, Local Courts



Delay

Figure 2.6 shows the trend in median delay between first appearance and determination for defended cases finalised within the Local Courts. The changed definition of defended cases means that median delays presented in this report are substantially longer than those in previous reports. It has been necessary to exclude median delays in the 1994 calendar year. Between July 1997 and June 1999, there was a statistically significant downward trend in this delay. The median delay in 1998-99 was 83 days, down from 88 days in 1997-98, a fall of 5.7 per cent

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 a statistically significant upward trend in the total number of persons sentenced to imprisonment for cases finalised in the Local Courts between July 1997 and June 1999. In 1997-98, 5,841 persons were sentenced to imprisonment, compared with 6,995 in 1998-99, a rise of 19.8 per cent. 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 30.7 per cent between 1994-95 and 1998-99.

Figure 2.7: Persons sentenced to prison, Local Courts

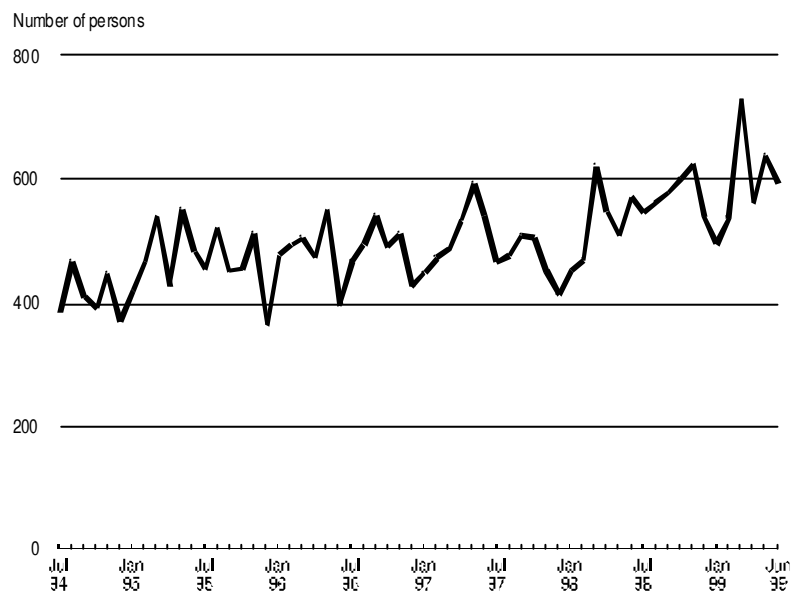


Figure 2.8 shows the trend in the percentage of males and females convicted in Local Courts who were sentenced to a period of imprisonment. The total percentage, combining males and females is not presented because, due to the small number of females concerned, it is substantially the same as the percentage 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 1998-99, the proportion of males sentenced to a term of imprisonment in the Local Courts was more than double that of females – 6.9 per cent of males convicted, compared with 3.4 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

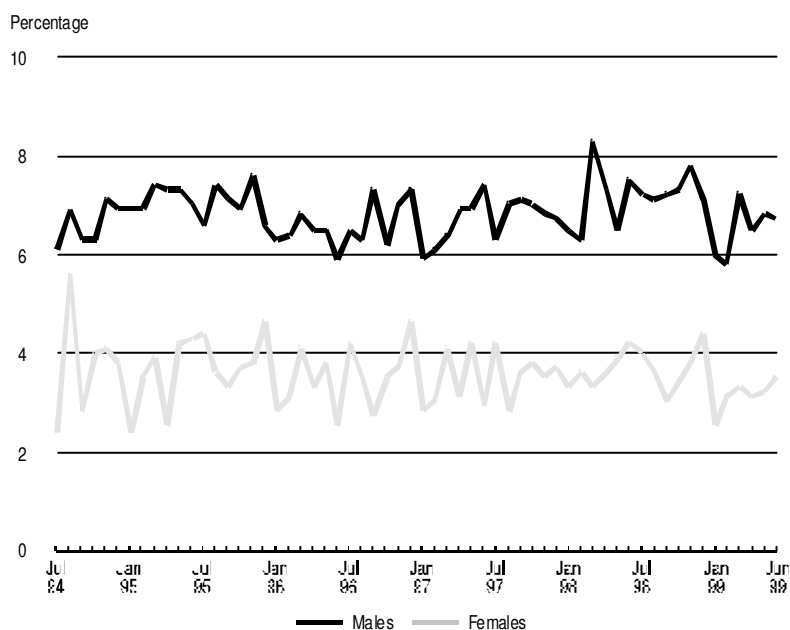


Figure 2.9 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon males and females sentenced to prison in the Local Courts in cases finalised between July 1994 and June 1999. Again, due to the small number of females concerned, the figure for males is virtually identical to the overall average; hence, the total is not presented in Figure 2.9. During the final twenty-four months of the period there was no statistically significant upward or downward trend in the average length of the term of imprisonment imposed on males but there was a significant upward trend in the average length of the term of imprisonment imposed on females. The average term of imprisonment for females rose from 3.6 months in 1997-98 to 4.1 months in 1998-99. 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

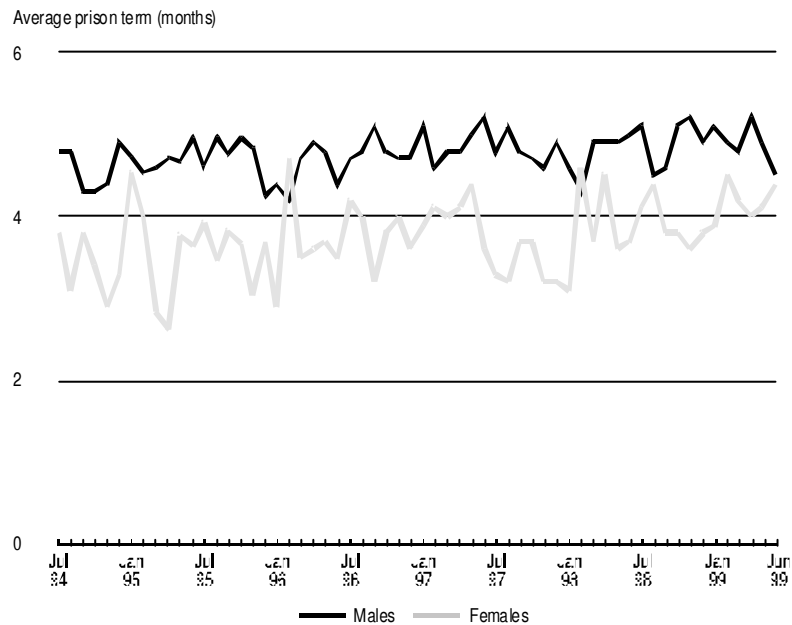


Table 2.3 shows the number of persons sentenced to prison as a percentage of all persons who were found guilty in matters finalised in the Local Courts over the five-year period, July 1994 to June 1999, by offence category. Although a person may have had his or her matter finalised in the Local Court 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

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>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Against the person:					
Assault occasioning actual bodily harm	13.5	12.6	12.5	12.2	11.3
Other assault	7.2	7.2	6.6	7.4	6.4
Sexual assault	10.9	16.7	13.1	15.2	8.1
Sexual offences against children	20.0	23.1	14.5	23.5	7.4
Other	13.3	9.4	6.9	8.8	9.3
Theft:					
Break and enter	36.1	35.9	42.4	38.7	35.9
Fraud	9.6	7.8	4.6	5.5	6.8
Larceny by shop stealing	5.9	5.3	6.3	8.5	6.8
Other larceny	9.6	9.6	9.5	11.4	10.9
Unlawful possession	14.9	13.7	13.4	14.5	12.3
Vehicle theft	32.3	33.2	37.4	35.5	27.5
Property damage:					
Arson, damage by fire	10.0	9.8	13.3	8.3	9.4
Other	2.8	3.1	3.4	3.6	3.9
Environmental	3.3	5.0	1.0	1.9	3.6
Against justice procedures:					
Breach of order	20.4	19.9	19.6	17.0	13.9
Other	8.5	7.7	6.5	8.2	6.0
Against good order:					
Weapons	2.9	2.6	3.9	4.0	3.9
Betting and gaming	0.0	0.0	0.0	0.0	15.4
Prostitution	0.8	2.0	2.1	1.6	0.5
Liquor licensing	0.0	0.0	0.0	0.0	0.0
Offensive behaviour	0.9	0.8	0.8	1.0	0.6
Other	7.2	7.7	7.0	9.6	4.2

Table 2.3 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Drug:					
Possession and/or use:					
– opiates	9.7	10.3	8.6	6.2	3.7
– cannabis	1.9	2.4	2.3	2.4	1.6
– other drug	6.5	4.9	4.1	4.9	3.1
Dealing and trafficking:					
– opiates	42.3	48.3	47.8	38.3	30.7
– cannabis	11.8	15.9	15.1	18.1	15.8
– other drug	20.2	22.2	21.7	23.0	16.1
Manufacturing and/or growing:					
– cannabis	1.6	1.0	1.5	2.1	2.3
– other drug	1.8	4.4	8.3	8.7	8.0
Other	2.2	5.3	3.9	3.6	4.3
Driving:					
Cause injury by driving	14.1	11.7	7.9	7.5	10.4
DUI drink/drug	3.5	5.2	5.6	6.2	4.7
PCA – high	3.6	2.8	2.8	3.0	2.9
PCA – medium	0.9	0.8	0.8	0.9	0.6
PCA – low	0.0	0.1	0.0	0.1	0.1
Dangerous, reckless or negligent driving	1.3	1.4	1.8	2.5	2.3
Other	3.2	3.1	2.7	2.9	3.5
Other	3.8	0.9	1.3	2.1	0.8

The percentage of persons found guilty who were sentenced to imprisonment in cases finalised in the Local Courts has decreased in most offence categories over the period July 1994 to June 1999. 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 (35.9% of guilty persons imprisoned in 1998-99, 36.1% in 1994-95), dealing and trafficking in opiates (30.7% of persons found guilty were imprisoned in 1998-99, 42.3% in 1994-95), vehicle theft (27.5% imprisoned in 1998-99, 32.3% in 1994-95), and dealing and trafficking in other drugs (16.1% in 1998-99, 20.2% in 1994-95).

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 1994 to June 1999, 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>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Against the person:					
Assault occasioning actual bodily harm	5.6	5.2	5.0	5.3	5.2
Other assault	3.5	3.7	3.8	4.1	4.0
Sexual assault	6.7	5.5	7.1	6.1	5.5
Sexual offences against children	4.7	6.4	6.3	8.0	7.1
Other	7.6	5.4	4.3	6.6	6.7
Theft:					
Break and enter	7.5	7.6	7.7	7.7	7.5
Fraud	5.1	5.3	5.7	5.0	5.0
Larceny by shop stealing	3.4	3.4	3.8	3.3	3.5
Other larceny	4.2	4.1	4.5	4.4	4.3
Unlawful possession	4.3	4.1	4.0	4.1	4.1
Vehicle theft	7.0	7.0	6.9	6.6	6.6
Property damage:					
Arson, damage by fire	6.1	4.9	5.8	3.8	8.5
Other	2.6	3.1	2.8	2.8	2.9
Environmental	7.0	2.8	9.0	3.0	5.0
Against justice procedures:					
Breach of order	3.2	3.1	3.2	3.1	3.4
Other	3.8	3.9	3.5	4.0	4.1

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Against good order:					
Weapons	5.0	5.4	6.7	6.6	6.3
Betting and gaming	0.0	0.0	0.0	0.0	4.5
Prostitution	0.7	0.4	0.4	4.4	9.0
Liquor licensing	0.0	0.0	0.0	0.0	0.0
Offensive behaviour	2.2	2.4	4.0	3.2	3.0
Other	5.0	5.2	5.7	4.7	5.1
Drug:					
Possession and/or use:					
– opiates	2.8	2.5	2.9	3.5	3.0
– cannabis	2.3	2.4	2.4	2.5	2.8
– other drug	2.4	3.1	2.9	3.0	4.0
Dealing and trafficking:					
– opiates	6.2	5.8	6.3	6.9	7.5
– cannabis	5.0	4.8	4.7	6.3	6.4
– other drug	6.0	5.7	4.3	6.0	5.6
Manufacturing and/or growing:					
– cannabis	3.4	3.2	4.2	5.0	5.5
– other drug	2.0	9.0	7.0	4.0	9.0
Other	3.2	2.3	4.7	4.1	2.8
Driving:					
Cause injury by driving	7.2	6.6	5.9	7.7	8.7
DUI drink/drug	3.9	4.0	4.0	4.2	4.6
PCA – high	4.4	4.7	4.5	4.9	4.9
PCA – medium	3.6	3.7	3.8	3.8	4.0
PCA – low	0.0	4.5	6.0	3.3	3.0
Dangerous, reckless or negligent driving	4.9	4.5	5.3	5.0	5.0
Other	3.6	3.7	4.1	3.9	4.5
Other	2.4	5.2	4.1	3.4	1.9

The average length of imprisonment in the Local Courts has remained steady for most offence categories over the five-year period July 1994 to June 1999. Offences with the highest average length of minimum or fixed term imprisonment in 1998-99 were: manufacturing/growing other drug (an average term of imprisonment of 9.0 months), cause injury by driving (8.7 months), arson (8.5 months), break and enter (7.5 months) and dealing and trafficking in opiates (7.5 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 1997 and June 1999. A statistically significant trend has been observed during this time period for the following District Court processes:

- number of new cases registered in the District Court (down by 11.4%; see Figure 2.10)
- percentage of persons whose cases were finalised in the District Court for whom bail was refused (up by 10.6%; see Figure 2.13)
- percentage of females found guilty in the District Court who received a prison sentence (up by 36.2%; see Figure 2.16).

The other District Court processes which were graphed (including methods of disposal, percentage of cases finalised by defended hearing, median delay, number of persons sentenced to prison, percentage of males sentenced to prison, and average length of minimum or fixed term of imprisonment in Figures 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 1997 and June 1999. 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 1994 to June 1999 (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.

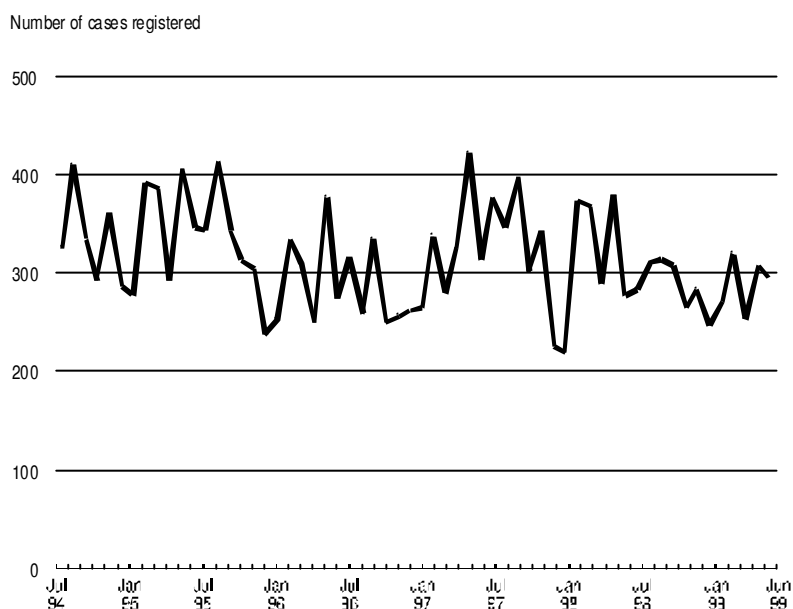
Table 2.5: Summary of trends in District Court processes

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Registrations:					
Number of cases registered	4108	3751	3622	3896	3450
Disposals:					
Number of cases finalised by defended hearing	957	836	845	925	854
Number of cases finalised by sentencing after guilty plea	2785	2459	2028	2217	2240
Number of cases finalised by other methods of disposal	582	550	545	661	678
Percentage of cases finalised by defended hearing					
– males	22.8	22.5	25.2	25.1	23.2
– females	15.4	13.8	18.7	15.3	16.6
Bail refusal:					
Percentage of persons refused bail	25.4	26.4	28.2	30.4	33.6
Delay:					
Median delay (from committal to outcome) for finalised trials (days)	351.0	308.0	342.0	318.0	360.5
Sentencing:					
Number of persons sentenced to prison	1761	1569	1483	1683	1705
Percentage of persons sentenced to prison:					
– males	57.1	57.4	62.6	65.1	66.0
– females	24.7	29.0	41.9	38.7	52.7
Average length of minimum/fixed term of imprisonment (months):					
– males	22.9	23.7	26.3	27.2	25.9
– females	23.0	17.2	18.4	21.4	20.7

Registrations

Figure 2.10 shows the number of criminal cases registered monthly in the District Court between July 1994 and June 1999. Between July 1997 and June 1999, there was a statistically significant downward trend in the number of new registrations in the District Court. In 1998-99 there were 3,450 new registrations in the District Court compared with 3,896 new registrations in 1997-98, a fall of 11.4 per cent.

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 1994 and June 1999. 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 1997 and June 1999 there was no statistically significant upward or downward trend in the number of matters disposed of quarterly by way of either a defended hearing, by sentencing after a guilty plea or by 'other' methods of disposal.¹⁵

Table 2.5 shows that 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 10.8 per cent, disposals by sentencing after guilty plea decreased by 19.6 per cent while disposals by other methods increased by 16.5 per cent. There was no statistically significant upward or downward trend in the number of disposals with defended hearings or disposals by sentencing after guilty plea between 1994-95 and 1998-99. There was, however, a statistically significant upward trend in the number of matters disposed of by 'other' methods of disposal in the same period.

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

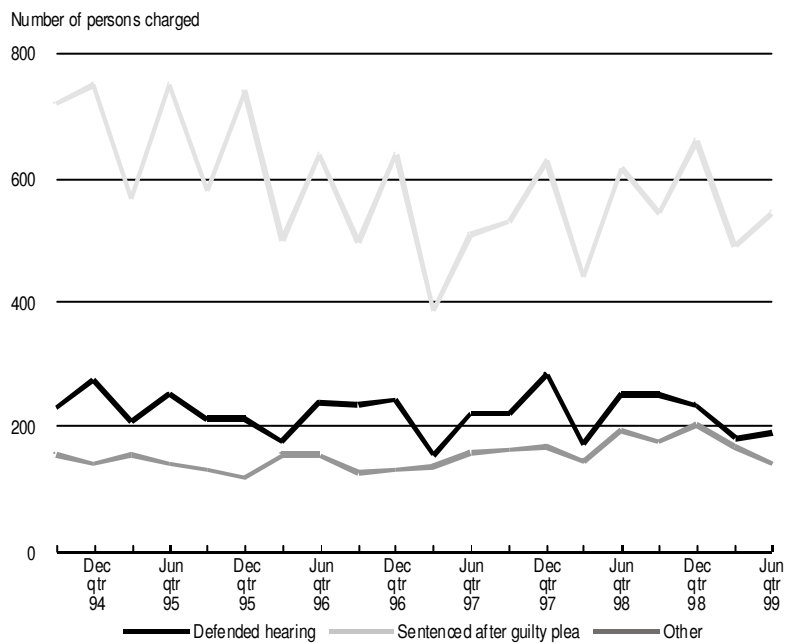
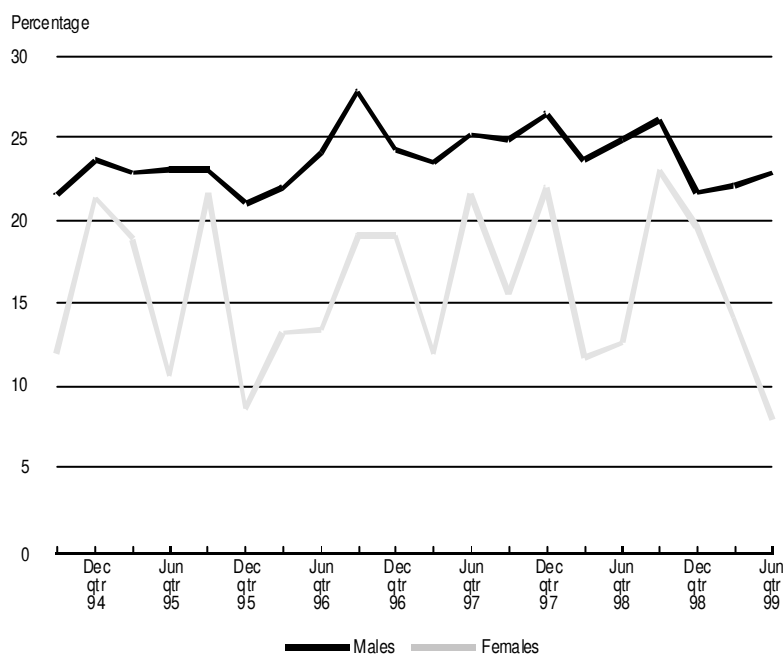


Figure 2.12 shows persons whose cases were finalised as defended hearings, as a percentage of all persons whose cases were finalised in the District Court. Separate quarterly trends are presented for males and females over the period July 1994 to June 1998. During the period July 1997 to June 1999, the 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 there was also 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. For females 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 80 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 23.2 per cent of males having cases disposed of by defended hearing in 1998-99, compared with 16.6 per cent of females (see Table 2.5).

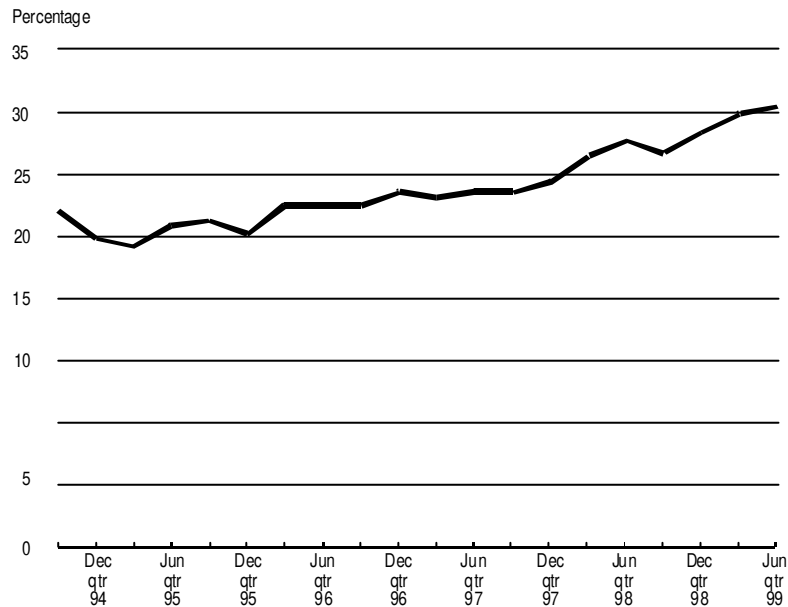
Figure 2.12: Persons whose cases were finalised as defended hearings as a percentage of all persons whose cases were finalised, by gender, District Court



Bail refusal and imprisonment for prior offence

Figure 2.13 shows the number of persons who were refused bail or were serving a term of imprisonment for a prior offence as a proportion of all persons whose cases were finalised in the District Court between July 1994 and June 1999. 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 or were serving a term of imprisonment for a prior offence, with a 10.6 per cent increase over this period. This increase follows increases each year for the entire series graphed in Figure 2.13. In 1998-99, 33.6 per cent of persons were refused bail, compared with 25.4 per cent in 1994-95, an increase of 32.3 per cent over the five-year period.

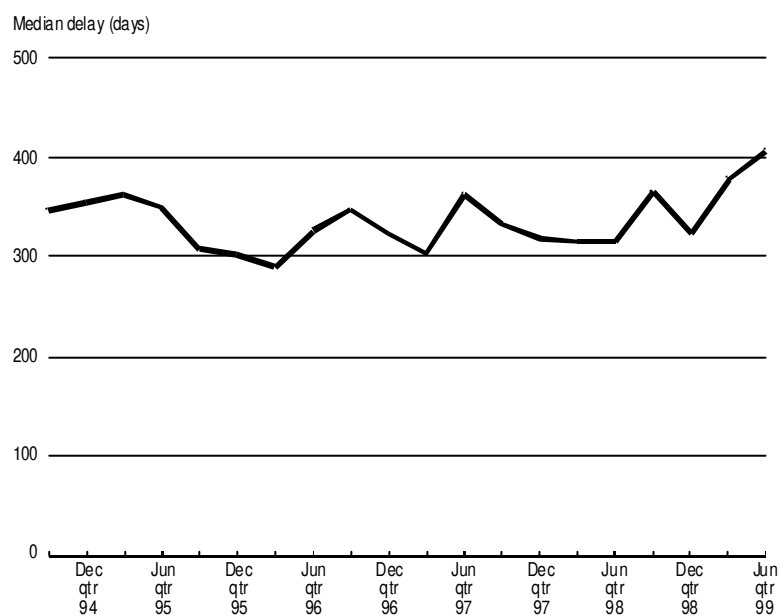
Figure 2.13: Persons who were refused bail or were serving a term of imprisonment for a prior offence as a percentage of all persons whose cases were finalised, District Court



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. There was also no statistically significant upward or downward trend 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 a high of 360.5 days in the 1998-99 financial year, to a low of 308.0 days in 1995-96 (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 1994 to June 1999. 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 1997 and June 1999, 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 indicate that the number of persons sentenced to imprisonment declined from 1,761 in 1994-95 to a low of 1,483 in 1995-96 and subsequently increased to 1,705 in 1998-99. These fluctuations in the number of persons sentenced to imprisonment reflect, in part, the changes in the total number of finalisations in each year of the five-year period. However, the increase in the last two years is due to increases in both the number of finalisations and the proportion of persons convicted in District Court finalisations (see Table 2.5). The trend in the proportion of convicted persons being sentenced to a period of imprisonment by the District Court is examined in Figure 2.16.

Figure 2.15: Persons sentenced to prison, District Court

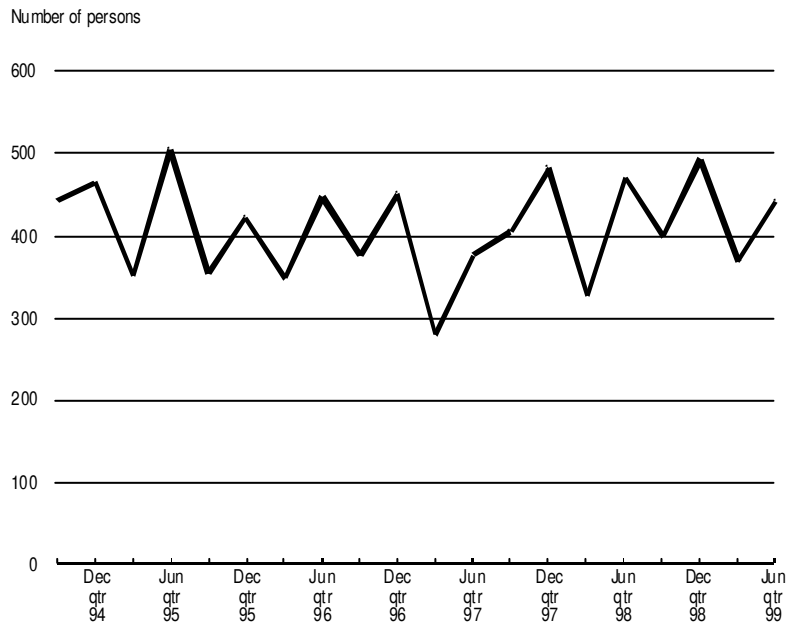


Figure 2.16 shows the trend in the percentage of males and females convicted in the District Court who were sentenced to a period of imprisonment. The total percentage is not presented because, due to the small number of females concerned, it is substantially the same as the percentage for males. There was no statistically significant upward or downward trend in the percentage of males sentenced to imprisonment quarterly over the most recent twenty-four months of the period but there was a statistically significant upward trend in the number of females sentenced to imprisonment.

Between 1994-95 and 1998-99 there was a statistically significant upward trend in the proportion of both males and females sentenced to prison. 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 57.1 per cent in 1994-95 to 66.0 per cent in 1998-99. For females, this proportion increased from 24.7 per cent up to 52.7 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 more than 20 percentage points for each of the first four years, falling to 13.3 percentage points in 1998-99.

Figure 2.16: Persons sentenced to prison as a percentage of all persons convicted, by gender, District Court

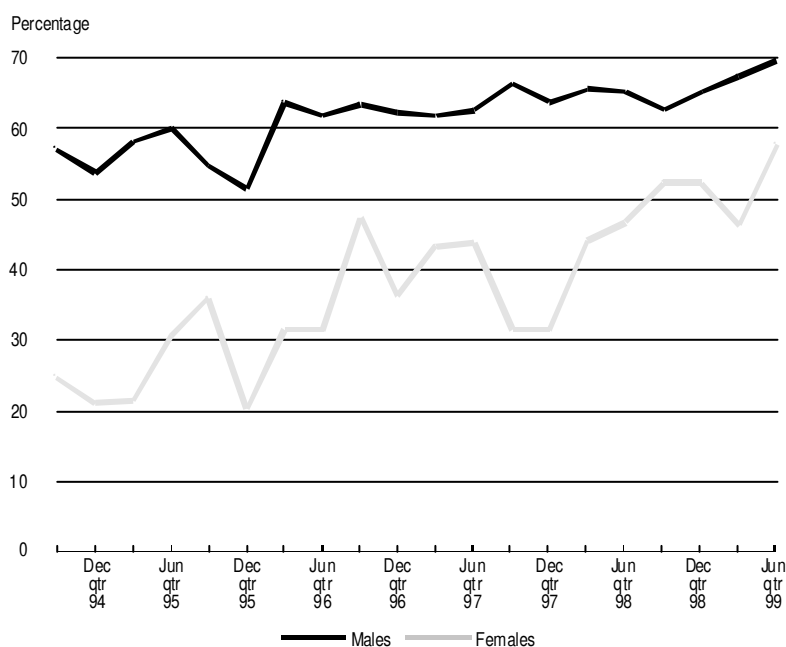
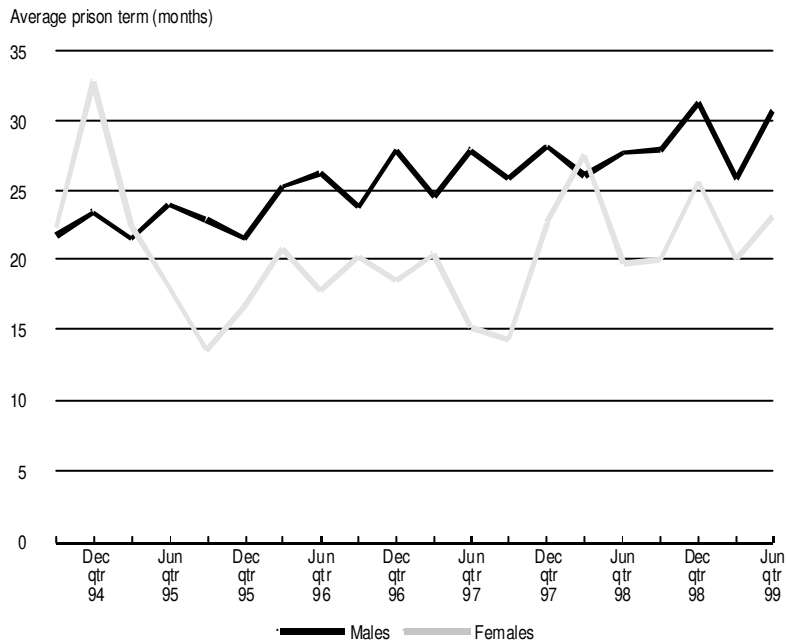


Figure 2.17 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon males and females sentenced to prison in the District Court between July 1994 and June 1999. Again, due to the small number of females concerned, the trend for males is virtually identical to that of the overall average; hence, the total is not presented in Figure 2.17. 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 13.1 per cent over the period, from 22.9 months in 1994-95, up to 25.9 months in 1998-99. During the most recent four years of the series, the prison terms imposed on females were typically shorter than those imposed on males, by about 6.5 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 1997 and June 1999. No statistically significant upward or downward trend has been observed during this time period for any of the Supreme Court processes described below. The details of each data series are discussed in the individual sections which follow.

Table 2.6: Summary of trends in Supreme Court processes

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Registrations:					
Number of cases registered	93	90	89	100	82
Disposals:					
Number of cases finalised by defended hearing	38	43	37	48	65
Number of cases finalised by sentencing after guilty plea	41	30	37	32	30
Number of cases finalised by other methods of disposal	3	2	2	7	16
Delay:					
Median delay (from committal to outcome) for finalised trials (days)	316.5	279.5	531.0	646.0	507.5
Sentencing:					
Number of persons sentenced to prison	63	43	56	64	63
Percentage of persons sentenced to prison	95.5	78.2	90.3	94.1	91.3
Average length of minimum/fixed term of imprisonment (months)	98.8	84.4	79.0	95.6	91.4

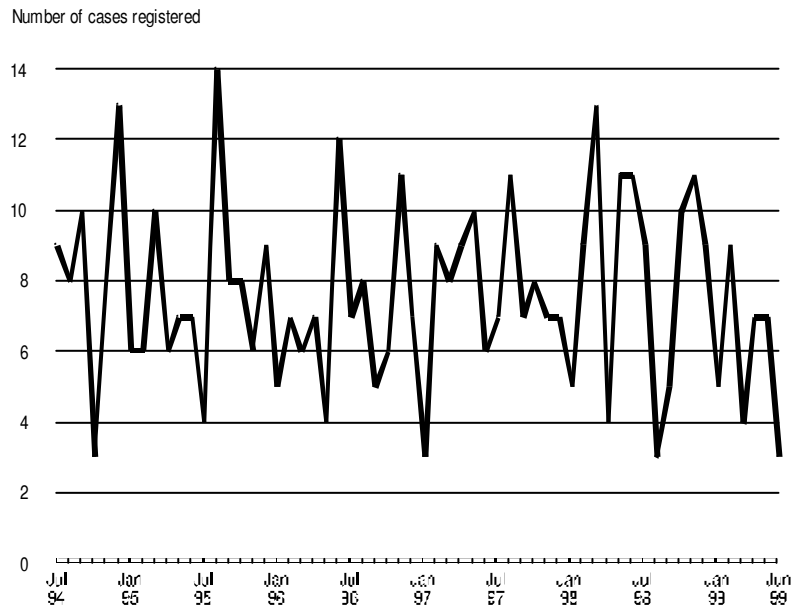
Additional tabulated information is provided for the Higher Courts (District and Supreme Courts combined) on details of offence types of charges which were finalised in the Higher Courts (Table 2.7), and for persons who were imprisoned as a result of Higher Court case finalisations (Table 2.8) as well as the length of the minimum or fixed term of imprisonment imposed (Table 2.9), during the five-year period July 1994 to June 1999.

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.¹⁶ 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 1994 and June 1999. Between July 1997 and June 1999, there was no statistically significant upward or downward trend in the number of new registrations in the Supreme Court. Overall, the number of new registrations in the Supreme Court over the five years of the series has remained fairly steady at an average of about eight registrations per month.

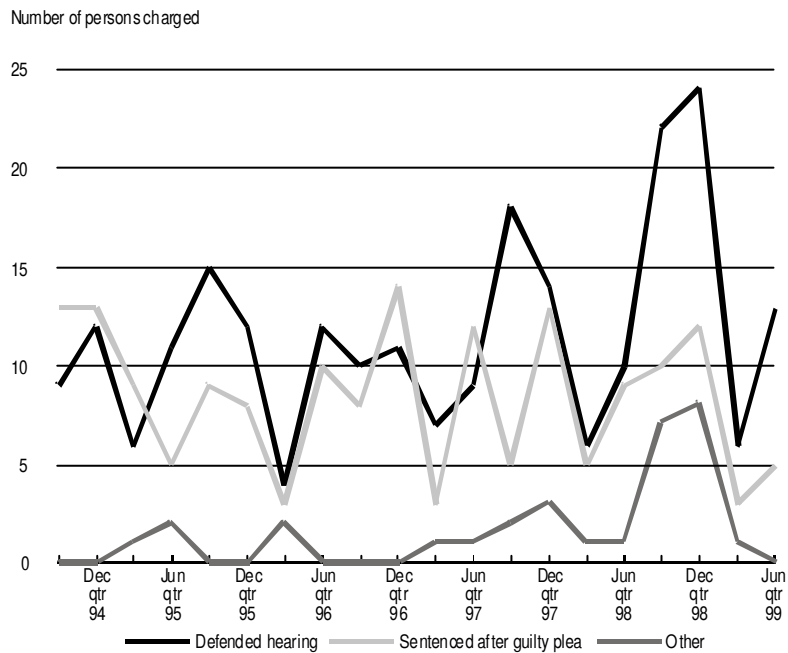
Figure 2.18: Cases registered in the Supreme Court



Disposals

Figure 2.19 shows the overall trends in the method of disposal of criminal matters finalised in the Supreme Court from July 1994 to June 1999. Between July 1997 and June 1999 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, the number of hearings disposed of by sentencing after a guilty plea has generally decreased since 1994-95. Disposals by defended hearing have increased substantially over the five-year period from 38 in 1994-95 to 65 in 1998-99. The number of disposals by other methods increased from 3 in 1994-95 to 16 in 1998-99.

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

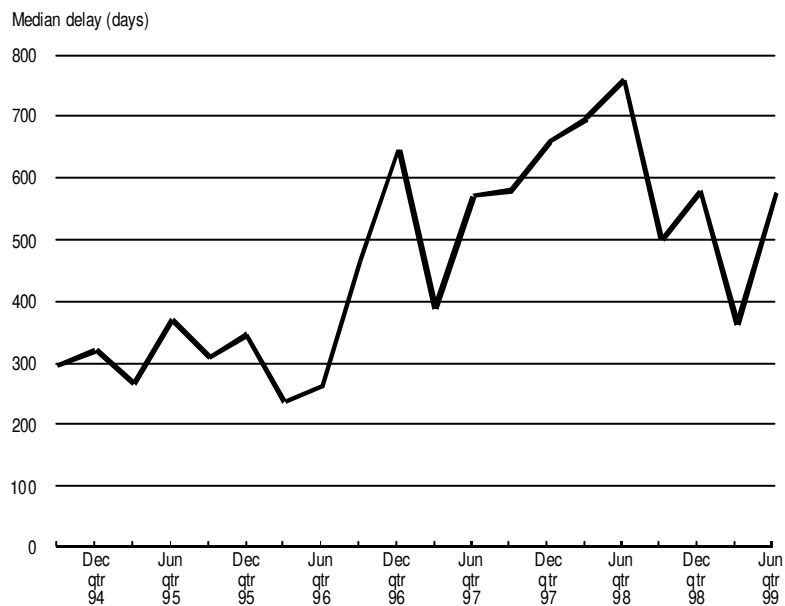


Delay

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 1997 to June 1999, there was no statistically significant upward or downward trend in this delay. The median delay fell from 646.0 days in 1997-98 to 507.5 days in 1998-9. It should be noted, however, that the number of trial finalisations on which these calculations are based is small. Overall, there has been an increase in the number of trial finalisations over the five years of the series, from a total of 38 trials finalised in 1994-95, up to 65 trials finalised in 1998-99.

Table 2.6 shows the variation in median delay across the five years of the series: an annual decrease from 316.5 days in 1994-95 to 279.5 days in 1995-96, was followed by increases in median delay to 531.0 days in 1996-97 and 646.0 days in 1997-98, then a fall to 507.5 days in 1998-99.

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 1994 to June 1999. 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 1997 to June 1999, 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

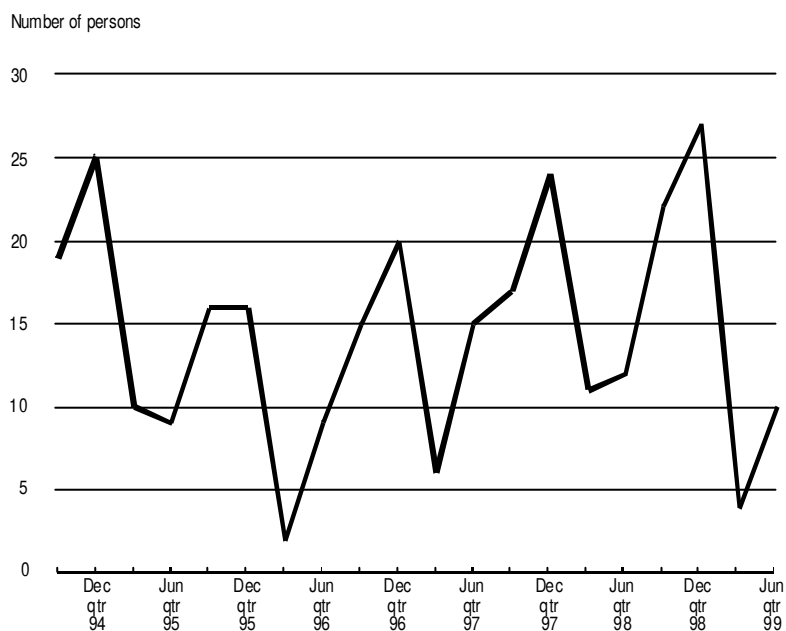


Figure 2.22 shows the trend in the percentage of persons convicted in the Supreme Court who were sentenced to a period of imprisonment. Percentages are not presented separately by gender, due to the small number of females concerned. There was no statistically upward or downward trend in the percentage 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

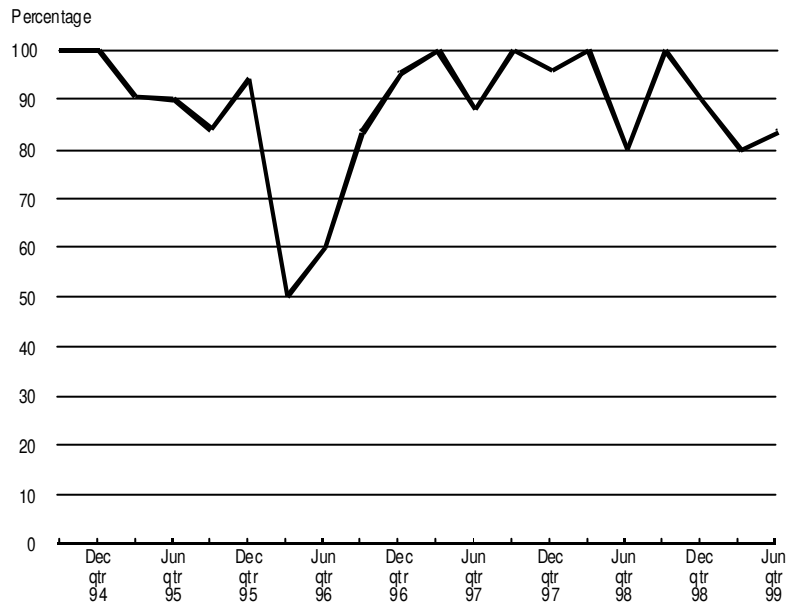
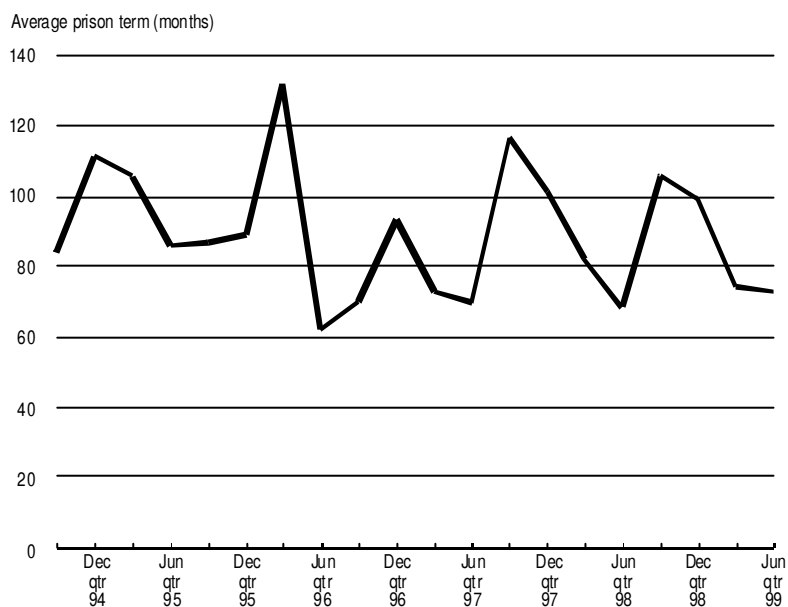


Figure 2.23 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon persons sentenced to prison in the Supreme Court between July 1994 and June 1999. Again, due to the small number of females concerned, only the total is presented in Figure 2.23. There was no statistically 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 1994 to June 1999, 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>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Against the person:					
Murder	63	37	59	84	89
Manslaughter	42	27	46	46	51
Attempt, intent to murder	33	33	47	46	81
Assault	945	1050	1016	1059	1040
Sexual assault	867	759	882	988	923
Sexual offences against children	731	771	779	1052	947
Other	106	93	133	146	138
Total	2787	2770	2962	3421	3269
Robbery and extortion:					
Robbery	935	942	1051	1135	1295
Blackmail and extortion	87	96	52	56	66
Total	1022	1038	1103	1191	1361
Theft:					
Break and enter	764	658	563	625	580
Fraud and misappropriation	673	576	507	533	383
Unlawful possession	258	197	178	174	167
Vehicle theft	259	212	212	228	220
Other	227	191	166	151	112
Total	2181	1834	1626	1711	1462
Property damage	161	139	116	107	132
Against justice procedures	271	294	277	270	300

Table 2.7 continued

<i>Type of offence charged</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Weapons	204	190	192	185	189
Against good order	102	105	85	69	94
Drug:					
Possession and/or use					
– opiates	10	8	11	9	6
– cannabis	40	31	24	14	29
– other	39	25	20	26	25
Dealing and trafficking					
– opiates	229	199	162	183	151
– cannabis	314	193	143	115	102
– other	457	405	333	295	304
Manufacturing and/or growing					
– cannabis	278	206	100	79	74
– other	65	22	36	33	34
Import/export drugs	72	68	93	92	118
Other	2	2	6	4	5
Total	1506	1159	928	850	848
Driving:					
Cause death by driving	106	97	111	94	111
Cause injury by driving	93	49	23	18	10
Other	15	15	12	21	25
Total	214	161	146	133	146
Against prison rules	62	61	48	57	33
Other	76	62	38	42	40

The offence category with the largest number of charges each year is against the person. Within this category, the most frequently charged offence in 1998-99 was assault, followed by sexual offences against children and sexual assault.¹⁷ The next largest category of offences for which persons were charged each year is theft offences (break and enter being the most frequently charged offence within the theft category). The third largest category is robbery and extortion offences in the last three years of the series. In 1994-95 and 1995-96 drug offences was the third largest category.

During the most recent two years of the series presented, between 1997-98 and 1998-99, offences against the person, theft, drug and other offence categories showed annual decreases in the number of charges finalised in the Higher Courts. The number of robbery and extortion, property damage, against justice procedures, weapons, against good order and driving offences increased.

Between 1997-98 and 1998-99, there was a 4.4 per cent decrease in the number of charges for against the person offences (from 3,421 charges in 1997-98 to 3,269 in 1998-99), a 14.6 per cent decrease in theft charges (from 1,711 charges in 1997-98 to 1,462 charges in 1998-99) and a 0.2 per cent decrease in drug offences (from 850 charges in 1997-98 to 848 charges in 1998-99). There was a 14.3 per cent increase in the number of robbery and extortion charges (from 1,191 to 1,361 charges over this period). Of the less commonly charged offences, the number of property damage offences increased by 23.4 per cent, the number of against justice procedures offences increased by 11.1 per cent, the number of weapons offences increased by 2.1 per cent, the number of against good order offences increased by 36.2 per cent and the number of driving offences increased by 9.8 per cent. The number of charges in the other offence category decreased by 4.7 per cent.

Over the most recent two-year period, from July 1997 to June 1999, 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 6.0%, from 84 charges in 1997-98 to 89 in 1998-99, manslaughter (an increase of 10.9%, from 46 to 51 charges between 1997-98 and 1998-99) and attempt, intent to murder (up by 76.1%, from 46 charges in 1997-98 to 81 in 1998-99). Over the five-year period, from July 1994 to June 1999, the number of charges for these specific offences increased by 41.3 per cent, 21.4 per cent and 145.5 per cent respectively. The number of charges finalised in the Higher Courts, for all other offences in the against the person offence category, decreased in the period 1997-98 to 1998-99.

The number of charges finalised in the Higher Courts decreased for all offences in the theft category between 1997-98 and 1998-99. The largest percentage decreases during the most recent two years of the series occurred for the offences of fraud and misappropriation (down by 28.1%), other theft (down by 25.8%) and break and enter (down by 7.2%). Between the first and last year of the five-year series the number of charges for these three offences which were finalised in the Higher Courts decreased by 43.1 per cent, 50.7 per cent and 24.1 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 1994 to June 1999, 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.¹⁸

Patterns of imprisonment have remained fairly steady over the period July 1994 to June 1999. 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, attempt/intent to 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: robbery (82.7% of persons found guilty in 1998-99 were imprisoned), vehicle theft (76.5% of persons found guilty in 1998-99 were imprisoned), and weapons offences (75.8% imprisoned in 1998-99).

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>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Against the person:					
Murder	100.0	94.4	100.0	100.0	100.0
Manslaughter	85.7	64.7	96.0	90.0	90.0
Attempt, intent to murder	83.3	100.0	50.0	66.7	100.0
Assault	46.3	50.1	51.1	46.5	48.1
Sexual assault	69.2	69.2	63.4	75.7	67.7
Sexual offences against children	63.9	70.4	59.0	67.0	63.2
Other	56.7	35.0	76.0	65.7	61.8
Robbery and extortion:					
Robbery	75.6	77.0	76.6	77.1	82.7
Blackmail and extortion	57.5	41.2	68.4	71.0	50.0

Table 2.8 continued

<i>Type of principal offence</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Theft:					
Break and enter	68.8	66.3	72.0	68.4	69.7
Fraud and misappropriation	34.6	32.4	48.5	42.7	41.7
Unlawful possession	47.8	56.6	50.0	51.7	53.6
Vehicle theft	64.2	54.0	75.0	64.3	76.5
Other	46.1	38.4	61.7	52.6	53.6
Property damage	41.4	28.4	47.7	31.4	34.9
Against justice procedures	45.4	32.6	39.5	54.5	48.3
Weapons	56.4	58.1	63.6	53.8	75.8
Against good order	22.2	52.4	44.4	53.8	22.2
Drug:					
Possession and/or use:					
– opiates	-	-	100.0	100.0	-
– cannabis	-	-	33.3	-	-
– other	20.0	-	-	-	-
Dealing and trafficking:					
– opiates	71.8	76.3	80.4	69.2	71.3
– cannabis	44.6	39.1	45.3	46.2	46.7
– other	46.9	47.2	45.0	43.8	55.1
Manufacturing and/or growing:					
– cannabis	24.9	25.6	26.3	42.6	31.6
– other	34.5	54.5	84.6	47.1	62.5
Import/export drugs:	92.3	100.0	94.9	98.4	97.1
Driving:					
Cause death by driving	28.1	37.0	57.1	51.0	60.8
Cause injury by driving	16.7	28.6	12.5	20.0	-
Other	20.0	-	-	-	-
Against prison rules	89.7	94.9	95.8	95.5	100.0
Other	25.9	40.0	41.7	75.0	58.3
Total	55.1	55.4	61.6	62.5	65.0

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 1994 to June 1999, 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 tended to increase over the five-year period July 1994 to June 1999, with the average term for approximately one third of offences having increased by twenty per cent or more between the first and last year of the period. Offences with the highest average length of minimum or fixed term imprisonment in 1998-99 were: murder (an average term of imprisonment of 155.2 months), dealing and trafficking in opiates (an average term of 97.4 months), and attempt, intent to murder (78.0 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>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Against the person:					
Murder	154.1	125.3	123.5	144.2	155.2
Manslaughter	54.8	56.2	53.3	57.7	54.5
Attempt, intent to murder	78.6	100.0	60.0	84.5	78.0
Assault	18.5	17.5	20.8	19.2	21.6
Sexual assault	28.1	28.9	32.7	31.2	29.8
Sexual offences against children	27.6	34.3	33.6	32.9	38.1
Other	31.5	30.3	22.3	22.2	32.6
Robbery and extortion:					
Robbery	26.0	26.7	26.6	26.5	27.2
Blackmail and extortion	16.9	12.9	28.6	21.2	24.1

Table 2.9 continued

<i>Type of principal offence</i>	<i>Financial year</i>				
	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>	<i>1998-99</i>
Theft:					
Break and enter	18.9	19.4	20.2	18.1	21.9
Fraud and misappropriation	21.4	18.5	22.7	21.7	24.9
Unlawful possession	18.9	16.8	14.3	11.2	16.9
Vehicle theft	16.1	15.4	19.0	18.6	24.3
Other	13.2	14.3	10.4	11.6	13.6
Property damage	18.6	12.8	14.5	17.0	12.1
Against justice procedures	12.0	11.9	20.0	25.1	23.4
Weapons	24.5	26.6	21.4	17.6	19.5
Against good order	28.8	10.8	11.0	8.1	15.3
Drug:					
Possession and/or use:					
– opiates	-	-	15.0	2.0	-
– cannabis	-	-	6.0	-	-
– other	6.0	-	-	-	-
Dealing and trafficking:					
– opiates	78.0	88.0	86.9	91.2	97.4
– cannabis	26.1	25.6	24.8	34.0	33.1
– other	12.3	16.7	14.8	16.4	15.9
Manufacturing and/or growing:					
– cannabis	19.7	22.2	20.9	25.0	24.4
– other	21.4	14.9	27.9	19.3	20.3
Import/export drugs:	37.8	34.3	24.6	47.6	33.6
Driving:					
Cause death by driving	13.0	12.0	19.3	23.5	31.8
Cause injury by driving	7.7	8.8	24.0	21.0	-
Other	4.0	-	-	-	-
Against prison rules	9.4	8.7	11.7	12.1	8.1
Other	13.7	16.2	40.0	22.0	29.6
Total	25.4	25.3	27.7	29.2	31.1

NOTES – SECTION 2

- 9 This definition used in the 1994 to 1998 Key Trends in Crime and Justice NSW reports led to overcounting of defended hearings. Because the Local Courts data collected in 1994 did not allow the identification of matters determined *ex parte*, i.e. in the defendant's absence, it was necessary to consider *ex parte* matters as defended hearings for 1994. Use of this definition continued for all five year series which included 1994. In late 1998 written pleas were introduced in NSW Local Courts. At the same time new codes were introduced for recording pleas in both the computerised General Local Court (GLC) system and the Bureau's paper based data capture system for non-GLC courts. The new plea codes were not compatible with those used previously and hence the definition of defended hearing reverts to the more accurate definition of defended used in 1993. The numbers of defended hearings have been recalculated for all months from January 1995 to June 1999. As a result, there are discrepancies between this publication and the publications from 1994 to 1998 in the numbers of defended hearings finalised.
- 10 NSW Bureau of Crime Statistics and Research 1999, New South Wales Criminal Courts Statistics 1998, 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.
- 13 For more information about recent trends in the frequency of imposition of prison sentences, and on the duration of prison sentence 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 1997 to June 1999.
- 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 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'.

- 16 This is due to the Higher Court recesses in January and July, and the marked month-to-month fluctuations which are evident when the number of matters dealt with is small. Trend tests have been performed on the quarterly data for the two-year period, July 1996 to June 1998.
- 17 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).
- 18 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 1994 to June 1999.¹⁹ All of the data are shown by gender, except Figure 3.1, for which separate data for males and females were unavailable. As with the data in the other sections of this report, each trend has been tested for statistical significance over the last two years of the period using Kendall's rank order correlation test. For those trends which show a statistically significant upward or downward trend, the percentage change between 1997-98 and 1998-99 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 two-year period, July 1997 to June 1999, categorised by type of offence charged. In 1997 the Department of Juvenile Justice adopted the Australian Standard Offence Classification (ASOC) as the basis for categorising offences charged, replacing the method of classification used in previous years. It is not possible to map earlier offences to the current categories and therefore only two years of data are available. 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.²⁰

The second aspect of Children's Courts functioning concerns outcomes. 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.²¹ 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 1997 and June 1999. A statistically significant trend has been observed during this time period for the following juvenile justice processes:

- number of cases registered in Children's Courts (down by 10.5%; see Figure 3.1)
- number of appearances by male juveniles finalised in Children's Courts (down by 13.1%; see Figure 3.2)
- number of appearances by female juveniles finalised in Children's Courts (down by 11.0%; see Figure 3.2)
- total number of appearances finalised in Children's Courts (down by 12.7%; see Figure 3.2)
- percentage of cases finalised for males for whom a control order was the most serious penalty (up by 13.5%; see Figure 3.4)
- percentage of cases finalised for males for whom a Community Service Order was the most serious penalty (up by 21.5%; see Figure 3.6)
- number of males for whom a supervised order was the most serious penalty (down by 12.3%; see Figure 3.7)
- total number of persons for whom a supervised order was the most serious penalty (down by 10.4%; see Figure 3.7)
- number of males for whom a probation/recognizance order without supervision was the most serious penalty (down by 21.4%; see Figure 3.9)
- number of females for whom a probation/recognizance order without supervision was the most serious penalty (down by 18.0%; see Figure 3.9)
- total number of persons for whom a probation/recognizance order without supervision was the most serious penalty (down by 20.7%; see Figure 3.9).

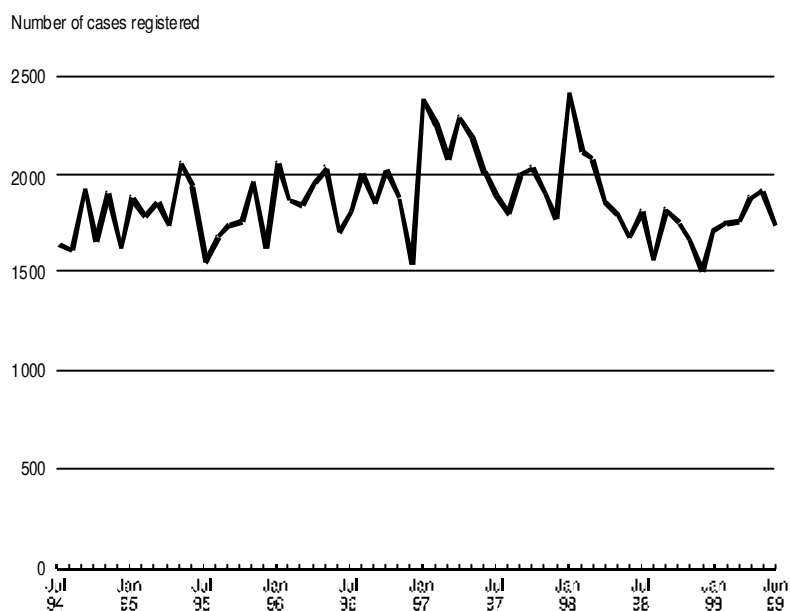
The other processes in juvenile justice which were graphed (i.e. the number of juveniles given control orders as the most serious penalty in Children's Courts (Figure

3.3), the percentage of female juveniles given control orders as the most serious penalty (Figure 3.4), the number of cases finalised where the most serious penalty imposed was a Community Service Order (Figure 3.5), the percentage of female juveniles given a Community Service Order as the most serious penalty (Figure 3.6), the number of female juveniles given supervised orders as the most serious penalty (Figure 3.7), the percentage of cases finalised where the most serious penalty imposed was a supervised order (Figure 3.8), the percentage of cases finalised where the most serious penalty imposed was probation/recognizance order without supervision (Figure 3.10) and the number and percentage of cases finalised where the most serious penalty imposed was a fine (Figures 3.11 and 3.12)) did not display statistically significant upward or downward trends. Each trend in juvenile justice processes is discussed in more detail later in the appropriate individual section below.

Registrations

Figure 3.1 shows the trend in the number of juveniles registered to appear each month in the Children's Courts for the period July 1994 to June 1999.²² Over the latest two years of the series, from July 1997 to June 1999, there was a statistically significant downward trend in the number of registrations. The number of cases registered in Children's Courts fell by 10.5 per cent between 1997-98 and 1998-99. Over the five-year period, however, there has been no statistically significant upward or downward trend in the monthly number of new cases registered in the Children's Courts.

Figure 3.1: Cases registered in Children's Courts

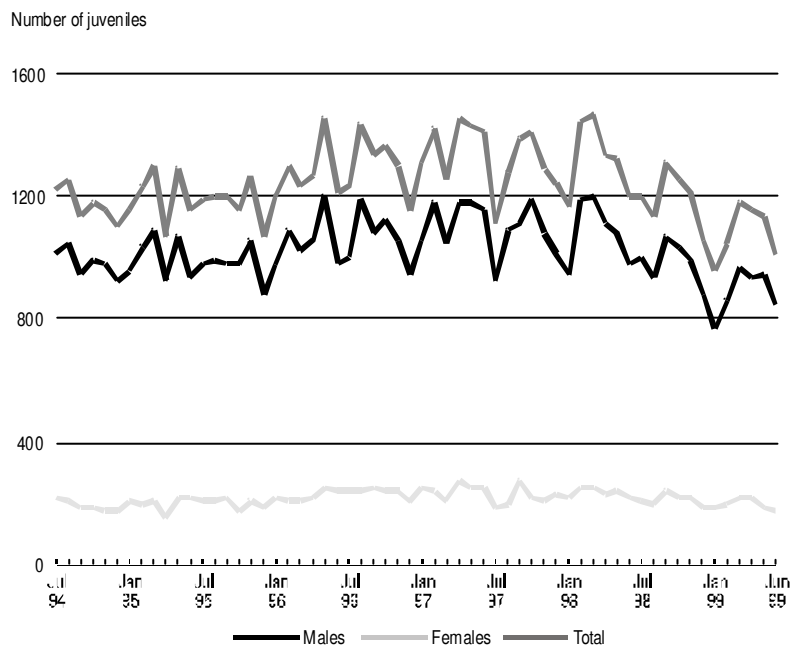


Disposals

Figure 3.2 presents the trends in the number of finalised criminal appearances in the Children's Courts for males and females. There were statistically significant downward trends for males, females and total appearances over the most recent two years of the period, from July 1997 to June 1999. The number of appearances finalised for male, female and all juveniles fell by 13.1 per cent, 11.0 per cent and 12.7 per cent, respectively, from 1997-98 to 1998-99.

Over the entire five-year period shown in Figure 3.2, however, there was no significant upward or downward trend in any of the three series.

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 the two financial years 1997-98 and 1998-99, 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 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

<i>Type of offence charged</i>	<i>Financial year</i>	
	<i>1997-98</i>	<i>1998-99</i>
Homicide and related offences:		
Males	25	12
Females	0	0
Total	25	12
Aggravated assault:		
Males	79	92
Females	14	25
Total	93	117
Other acts intended to injure:		
Males	1717	1522
Females	558	508
Total	2275	2030
Aggravated sexual assault:		
Males	109	118
Females	2	4
Total	111	122
Other sexual assault and related offences:		
Males	6	3
Females	0	0
Total	6	3
Aggravated drink driving offences:		
Males	21	12
Females	2	3
Total	23	15
Other dangerous acts:		
Males	296	276
Females	26	30
Total	322	306

Table 3.1 continued

<i>Type of offence charged</i>	<i>Financial year</i>	
	<i>1997-98</i>	<i>1998-99</i>
Abduction and related offences:		
Males	14	12
Females	1	8
Total	15	20
Robbery, extortion and related offences:		
Males	489	579
Females	91	95
Total	580	674
Burglary, break and enter:		
Males	1733	1504
Females	158	154
Total	1891	1658
Motor vehicle theft and related offences:		
Males	1135	897
Females	179	133
Total	1314	1030
Other theft and related offences:		
Males	2439	1808
Females	665	500
Total	3104	2308
Deception offences:		
Males	102	77
Females	72	56
Total	174	133
Illicit drug offences:		
Males	861	947
Females	146	169
Total	1007	1116
Weapons and explosives offences:		
Males	144	108
Females	6	11
Total	150	119
Property damage and environmental pollution:		
Males	906	625
Females	136	96
Total	1042	721

Table 3.1 continued

<i>Type of offence charged</i>	<i>Financial year</i>	
	<i>1997-98</i>	<i>1998-99</i>
Public order:		
Males	1148	986
Females	227	214
Total	1375	1200
Road traffic and motor vehicle regulation offences:		
Males	304	354
Females	26	45
Total	330	399
Justice and government operations offences:		
Males	756	747
Females	183	183
Total	939	930
Miscellaneous offences:		
Males	650	559
Females	246	199
Total	896	758
All offences:		
Males	12934	11238
Females	2738	2436
Total	15672	13674

As is the case with other jurisdictions, the majority of juvenile offenders in each offence category are male. In 1998-99, 82.2 per cent of cases finalised in the Children's Courts of NSW involved male juveniles. For most offence categories shown in Table 3.1, less than 20 per cent of total finalisations involved females. The major exceptions to this, for 1998-99 are the categories of deception offences (42.1% of cases were for female juveniles), other acts intended to injure (25.0% females), other theft and related offences (21.7% females) and aggravated assault (21.4% females). The offences which predominantly involved male juveniles in 1998-99 were homicide and related offences (100.0% of finalised cases in 1998-99 involved males), aggravated sexual assault (96.7% males) weapons and explosives offences (90.8% males) and burglary, break and enter (90.7% males). In addition, all three cases of other sexual assault and related offences involved males.

The category which had the largest number of appearances before the NSW Children's Courts for the period shown in Table 3.1 is that of other theft and related offences. In 1998-99, this category accounted for 16.9 per cent of all appearances, with the highest proportion of appearances for males and the second highest proportion of appearances for females in the Children's Courts (16.1% of finalised male appearances, 20.5% of finalised female appearances). Of the 2,308 finalised appearances in 1998-99 for other theft and related offences, 1,808 (78.3%) were for males.

The category with the next largest number of appearances before the NSW Children's Courts is that of other acts intended to injure. This category accounted for 14.8 per cent of all appearances during 1998-99, with the highest proportion of appearances for females and the second highest proportion of appearances for males in the Children's Courts (20.9% of finalised female appearances, 13.5% of finalised male appearances). Of the 2,030 finalised appearances in 1998-99 for other acts intended to injure, 1,522 (75.0%) were for males.

The burglary, break and enter category accounted for 12.1 per cent of all appearances before the Children's Courts. Of the 1,658 finalised appearances 90.7 per cent were for male juveniles (1,504 finalised appearances representing 13.4% of male finalised appearances overall, compared with 6.3% of female finalised appearances overall). All other offence categories represent less than 10 per cent of total finalised appearances.

As was noted earlier, there was a statistically significant downward trend in the total monthly number of cases finalised in the Children's Courts for the two-year period from July 1997 to June 1998 with the total number of finalisations falling by 12.7 per cent. Table 3.1 shows that there have been some changes in the number of cases finalised within the specific offence categories which differ markedly from this trend. In particular, while there was a substantial decrease in the overall number of cases finalised in the Children's Courts between 1997-98 and 1998-99, 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 aggravated assault offences as the most serious offence charged increased by 25.8 per cent between 1997-98 and 1998-99 (from 93 cases in 1997-98, up to 117 cases in 1998-99), the number of road traffic and motor vehicle regulation offences increased by 20.9 per cent (from 330 in 1997-98, to 399 in 1998-99) and the number of robbery, extortion and related offences increased by 16.2 per cent (from 580 in 1997-98, to 674 in 1998-99).

Offence categories which showed decreases greater than the overall 12.7 per cent fall include those of property damage and environmental pollution offences (which

fell by 30.8 per cent, from 1,042 in 1997-98 to 721 in 1998-99), other theft and related offences (down by 25.6%, from 3,104 cases in 1997-98 to 2,308 in 1998-99) and motor vehicle theft and related offences (down by 21.6%, from 1,314 cases in 1997-98 to 1,030 in 1998-99). Other offence categories such as homicide and related offences, abduction and related offences and aggravated drink driving offences have shown even larger percentage changes but typically with twenty or fewer finalised appearances in each financial year.

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 was no statistically significant upward or downward trend 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 male juveniles given a control order as the most serious penalty showed a statistically significant downward trend, with a decrease of 13.4 per cent between 1994-95 and 1998-99.

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

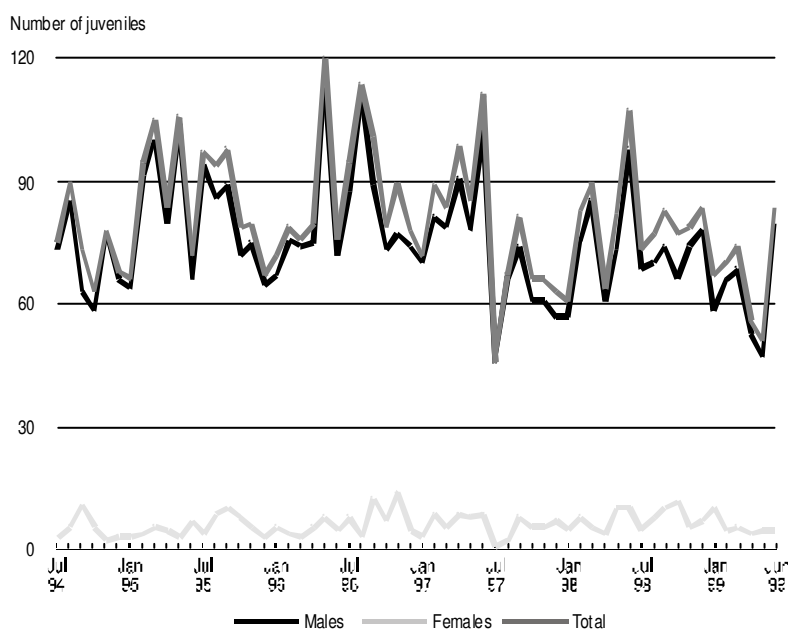


Figure 3.4 shows the trends in the percentage of matters finalised which resulted in a control order, for males and females, between July 1994 and June 1999. During the final two years of the series, between July 1996 and June 1998, there was a statistically significant upward trend in this percentage for males, but no significant upward or downward trend for females. Between 1997-98 and 1998-99, the percentage of finalised matters which resulted in a control order for male juveniles rose by 13.5 per cent, from 6.3 per cent of all finalised matters in 1997-98, to 7.2 per cent in 1998-99. Over the five years of the series, there was a statistically significant downward trend in the percentage of males being given a control order as their most serious penalty with a fall of 8.2 per cent between 1994-95 and 1998-99. There was, however, no upward or downward trend in the percentage of 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

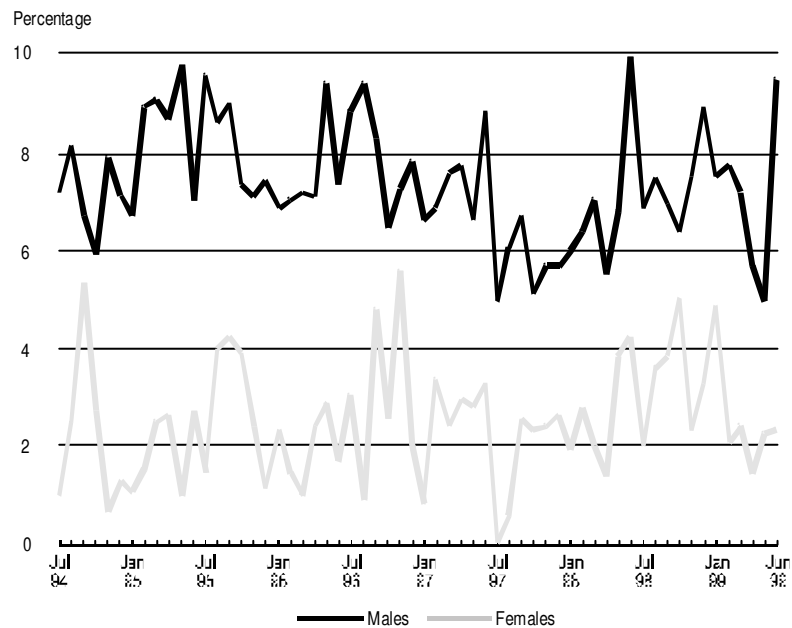
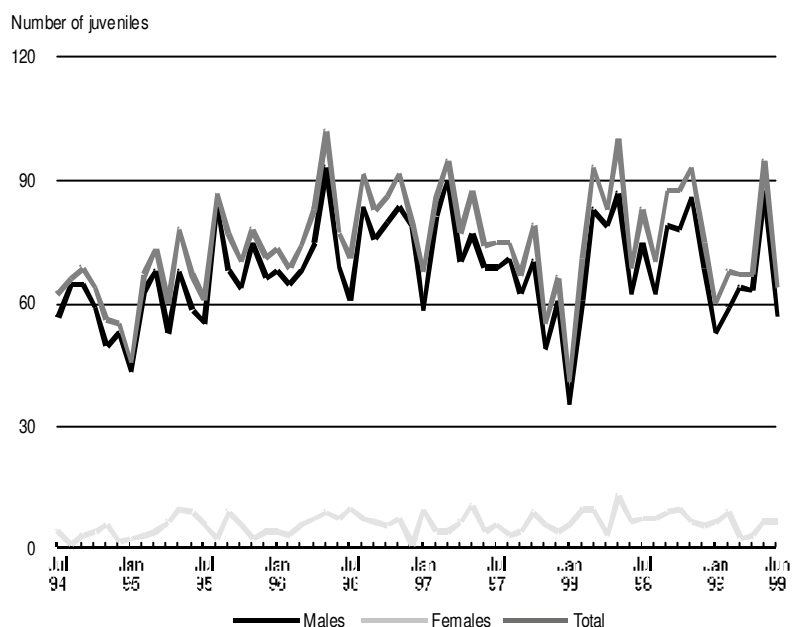


Figure 3.5 shows the trends in the number of juveniles given a Community Service Order (CSO) as their most serious penalty between July 1994 and June 1999. There was no statistically significant upward or downward trend for either males or females during the most recent two years of this series, from July 1997 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 18.7 per cent for males and 39.3 per cent for females, resulting in an overall increase of 20.3 per cent between 1994-95 and 1998-99.

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 was a statistically significant upward trend in this percentage for males, but no significant upward or downward trend for females. Between 1997-98 and 1998-99, the percentage of finalised matters which resulted in a CSO for male juveniles rose by 21.5 per cent, from 6.1 per cent of all finalised matters in 1997-98, to 7.4 per cent in 1998-99. Over the five years of the series the percentage of finalised matters which resulted in a CSO for both male and female juveniles showed a statistically significant upward trend. For males the rise was 25.8 per cent (from 5.9 per cent of all finalised matters in 1994-95, to 7.4 per cent of matters in 1998-99). The comparable rise for females was 34.7 per cent (from 2.6 per cent of all finalised matters in 1994-95, to 3.5 per cent of matters in 1998-99).

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

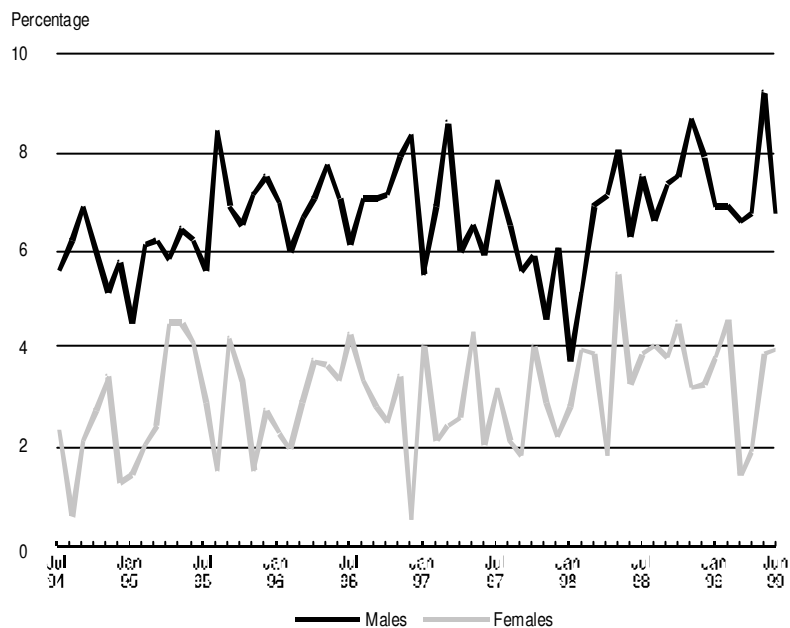
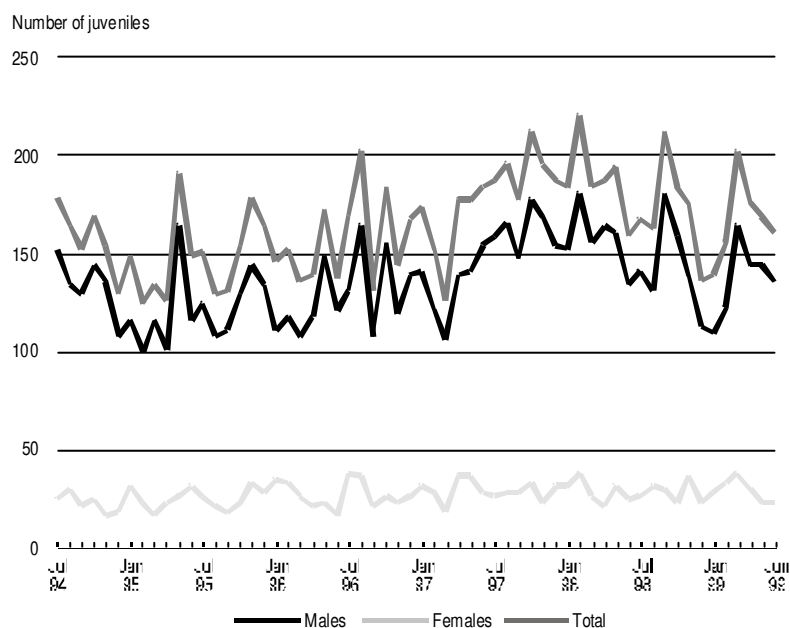


Figure 3.7 shows the trends in the number of juveniles given a supervised order as their most serious penalty. Over the most recent two years of the series, between July 1997 and June 1999, there was a statistically significant downward trend for males and for the total number of juveniles whose cases were finalised during this period. Between 1997-98 and 1998-99, the number of males and the total number of juveniles who were given a supervised order as their most serious penalty decreased by 12.3 per cent and 10.4 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 an upward trend for both the number of males and females for whom a supervised order was the most serious penalty. The percentage rises for males and females were 11.0 per cent and 18.5 per cent respectively, giving a rise of 12.3 per cent for all juveniles.

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 1994 and June 1999 are shown in Figure 3.8. Over the most recent two years of the series, between July 1997 and June 1999, there was no statistically significant upward or downward trend in the percentage of finalised matters for either males or females which resulted in a supervised order as the most serious penalty. Over the five years of the series, the percentage of finalised matters which resulted in a supervised order showed a significant upward trend for male juveniles with a rise of 17.7 per cent (from 12.8% in 1994-95 to 15.0% in 1998-99). There was no significant upward or downward trend for female juveniles over the five years of the series.

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

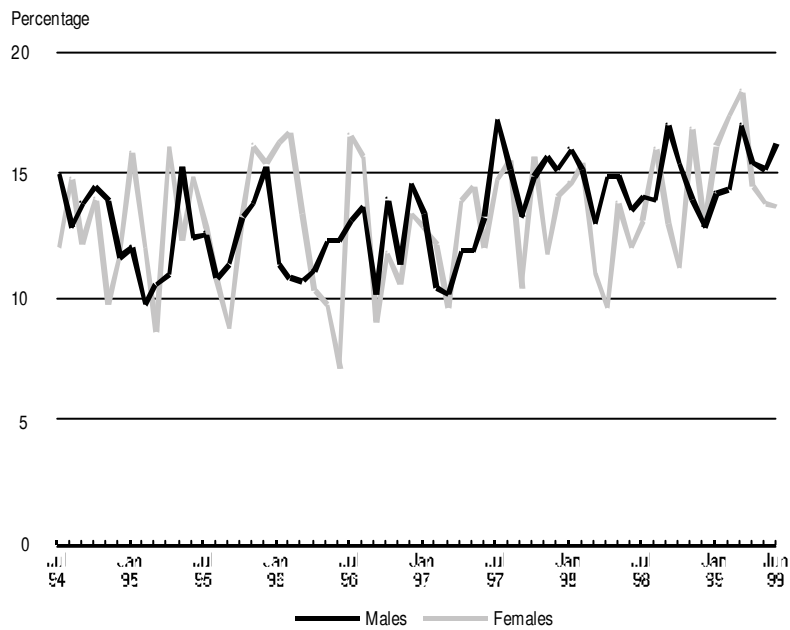
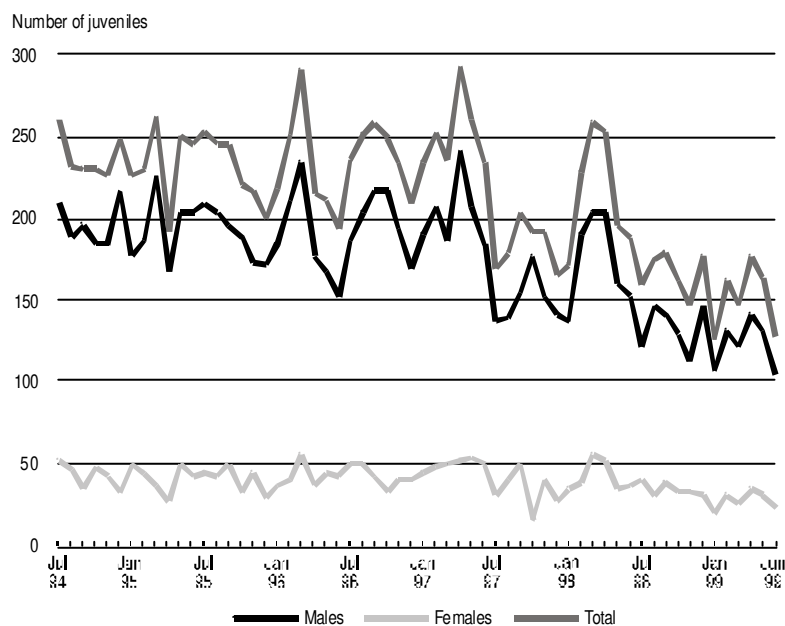


Figure 3.9 shows the trends in the number of juveniles given an unsupervised order as their most serious penalty. (An unsupervised order is probation or a recognizance order where supervision has not been stipulated.) Over the most recent two years of the series, between July 1997 and June 1999, there was a statistically significant downward trend for both male and female juveniles. The number of males receiving an unsupervised order fell by 21.4 per cent over the period, the number of females receiving an unsupervised order fell by 18.0 per cent, while the total number of juveniles receiving this as their most serious penalty fell by 20.7 per cent. The trend over the five years of the series shown in Figure 3.9 was similar, with a downward trend observed for males, females and for total juveniles, resulting in a decrease of 34.5 per cent for males, 25.6 per cent for females and 33.0 per cent for all 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 1997 and June 1999, there was no significant upward or downward trend in the percentage of male or female juveniles for whom matters finalised in the Children's Courts resulted in an unsupervised order. While there is no trend over the most recent two-year period there is a statistically significant downward trend over the entire five-year period for both male and 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 juveniles was 30.6 per cent (from 19.7% of cases finalised in 1994-95, down to 13.7% in 1998-99) and, for females, 28.1 per cent (from 21.1% of cases finalised in 1994-95, down to 15.1% in 1997-98). Note that an unsupervised order is the most common form of penalty given as the 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/recognizance order without supervision

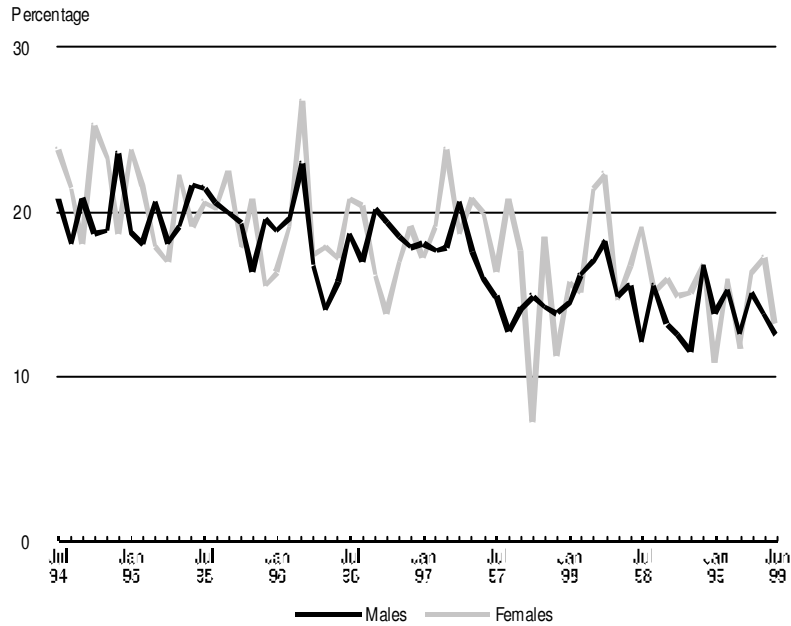
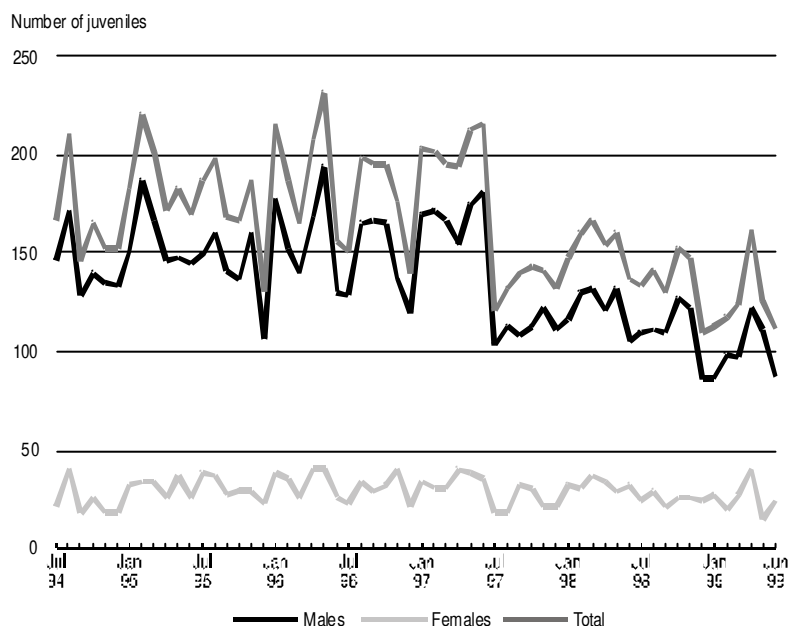


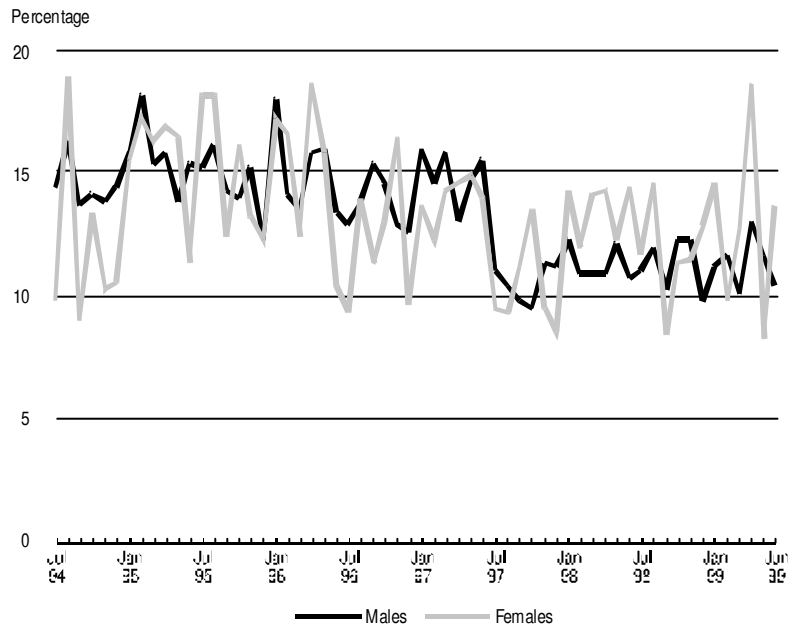
Figure 3.11 shows the trends in the number of juveniles given a fine as their most serious penalty. Over the most recent two years of the series, from July 1997 to June 1999, there were no statistically significant upward or downward trends for either male or female juveniles. Over the five years of the series, however, there was a significant downward trend for male juveniles and all juveniles, with falls of 29.4 per cent and 26.2 per cent respectively. There was no statistically significant trend in the number of female juveniles fined as the most serious penalty over the same period.

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 no significant upward or downward trend for either males or females. There was, however, a significant downward trend for males over the five years of the series, with a decrease of 25.2 per cent between 1994-95 and 1998-99 (down from 15.1% of finalised cases in 1994-95 to 11.3% of finalised cases in 1998-99). There was no significant upward or downward trend in the percentage of female juveniles fined as the most serious penalty over the same five-year period.

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



NOTES – Section 3

- 19 Data on trends in juvenile justice between July 1994 and June 1995 in the present edition of Key Trends in Crime and Justice, New South Wales differ from those in Key Trends in Crime and Justice, New South Wales, 1995. The data for this period in the 1995 report were in incorrect order due to an error in the interpretation of data supplied by the NSW Department of Juvenile Justice.
- 20 Prior to the 1997 edition of Key Trends, this information was presented graphically, not in tabular form.
- 21 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 outcomes 556a with recognizance is included in the category of unsupervised orders, whereas in previous editions such matters were classified as 'other outcome'.
- 22 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 three 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.

SECTION 1

**TRENDS IN
CORRECTIONAL PROCESSES**

SECTION 4: TRENDS IN CORRECTIONAL PROCESSES

INTRODUCTION

This section presents trends in correctional processes in NSW covering the five-year period since July 1994.²³ 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 with 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. 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. 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, 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 1994 to June 1999 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 1994 and June 1999. Figure 4.6 presents the trend in the monthly number of persons with periodic detention orders between July 1994 and June 1999.²⁶

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 twenty-five months of these series, from June 1997 to June 1999, 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. As with the data in the other sections of this report, each trend presented in Figures 4.6 to 4.10 has been tested for statistical significance over the last two years of the period, that is between July 1997 and June 1999, using Kendall's rank order correlation test. For those trends which show a statistically significant upward or downward trend, the percentage change between 1997-98 and 1998-99 has been used to describe the magnitude of the change. Patterns over the first three 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 two-year 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 1994 to June 1999: 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 1994 and June 1999.

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 1994 to June 1999.²⁹ Figure 4.10 presents the monthly trend in the number of new persons registered with a community-based correctional order over this period.³⁰

Summary of trends

For the count of prisoner populations the trends over the most recent twenty-four months of the series, from July 1997 to June 1999, have been tested. 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. A statistically significant trend has been observed during this time period for the following prisoner populations:

- total number of prisoners in custody (up by 7.7%; see Figure 4.1)
- number of male prisoners in custody (up by 6.8%; see Figure 4.1)
- number of female prisoners in custody (up by 23.7%; see Figure 4.1)
- total number of remand prisoners in custody (up by 21.3%; see Figure 4.2)
- number of male remand prisoners in custody (up by 20.7%; see Figure 4.2)
- number of female remand prisoners in custody (up by 28.4%; see Figure 4.2)

- total number of sentenced prisoners in custody (up by 5.0%; see Figure 4.3)
- number of male sentenced prisoners in custody (up by 4.2%; see Figure 4.3)
- number of female sentenced prisoners in custody (up by 22.0%; see Figure 4.3)
- total number of fine defaulters in custody (down by 98.4%; see Figure 4.4)
- number of male fine defaulters in custody (down by 98.2%; 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 38.4%; see Figure 4.5)
- number of male appellants in custody (up by 35.5%; see Figure 4.5)
- number of female appellants in custody (up by 79.2%; see Figure 4.5)
- total number of periodic detainees (down by 9.7%; see Figure 4.6)
- number of male periodic detainees (down by 9.6%; see Figure 4.6)
- number of female periodic detainees (down by 10.2%; see Figure 4.6)
- total number of sentenced prisoner receptions excluding fine defaulters (up by 13.5%; see Figure 4.7)
- total number of fine defaulter receptions (down by 96.0%; see Figure 4.7)
- total number of persons under community-based correction orders (down by 6.5%; see Figure 4.9)
- total number of new persons registered under community-based correction orders (down by 15.3%; see Figure 4.10).

The other correctional processes which were graphed (ie. the total number of prisoner receptions including fine defaulters, the number of male periodic detainee receptions and the total number of periodic detainee receptions in Figures 4.7 and 4.8, 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 1994 and June 1999 are shown in Figure 4.1. During the most recent two-year period of this series there were statistically significant upward trends in the numbers of males, females and the total number of prisoners held in custody. The monthly average number of males held in custody increased by 6.8 per cent, the monthly average number of females held in custody increased by 23.7 per cent and the monthly average number of all persons held in custody increased by 7.7 per cent. This is the first year since 1994-95 that there has been a statistically significant upward trend.

Figure 4.1: Total prisoner population

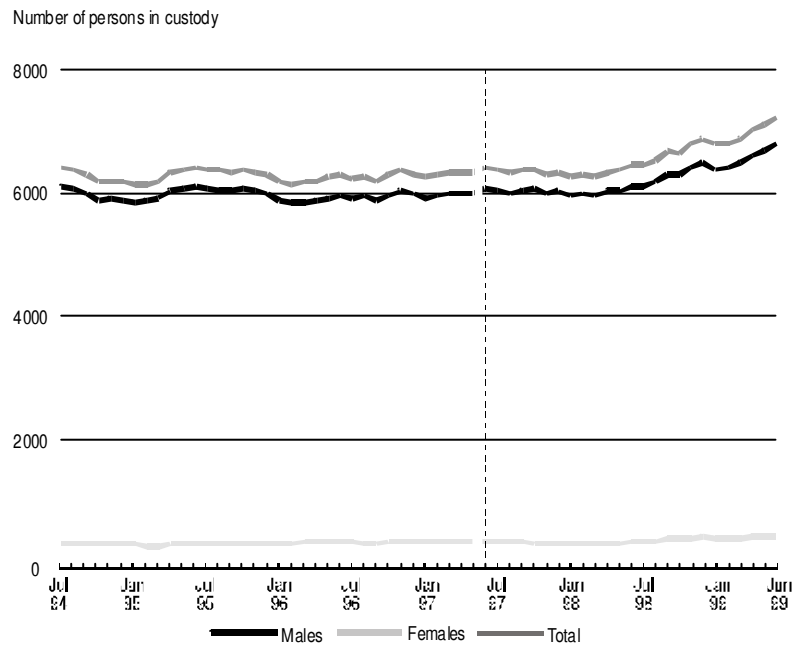
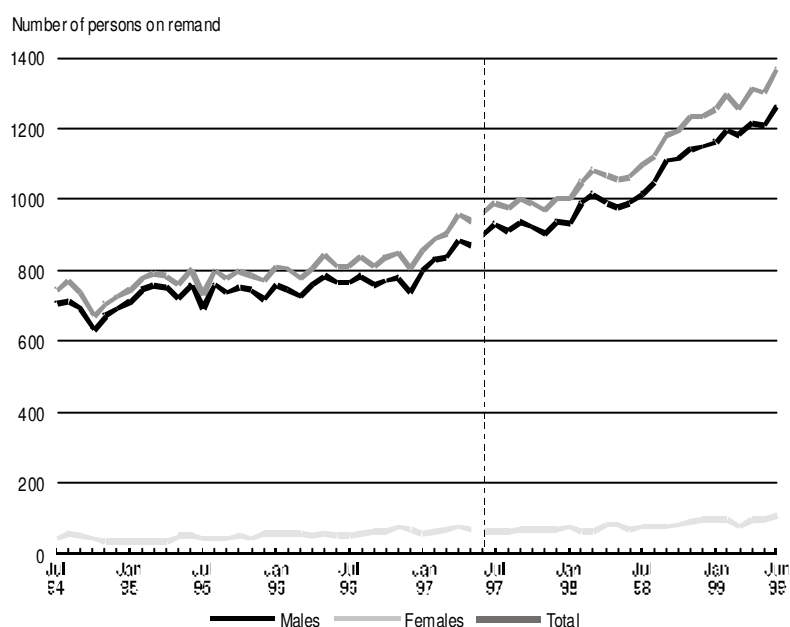


Figure 4.2 shows the trend in the monthly remand prisoner population between July 1994 and June 1999.³¹ Over the most recent two years of the period, between July 1997 and June 1999, there were statistically significant upward trends in the total remand population, the number of male remand prisoners and the number of female remand prisoners. The total remand population rose by 21.3 per cent between 1997-98 and 1998-99, while the number of male remandees rose by 20.7 per cent and the number of female remandees rose by 28.4 per cent.

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 two years of this series, between July 1997 and June 1999, there was a statistically significant upward trend in the total number of sentenced prisoners and the number of male sentenced prisoners and the number of female sentenced prisoners. The total sentenced prisoner population increased by 5.0 per cent between the first and last twelve months of this period while the male sentenced prisoner population increased by 4.2 per cent and the female sentenced prisoner population rose by 22.0 per cent.

Figure 4.3: Sentenced prisoner population

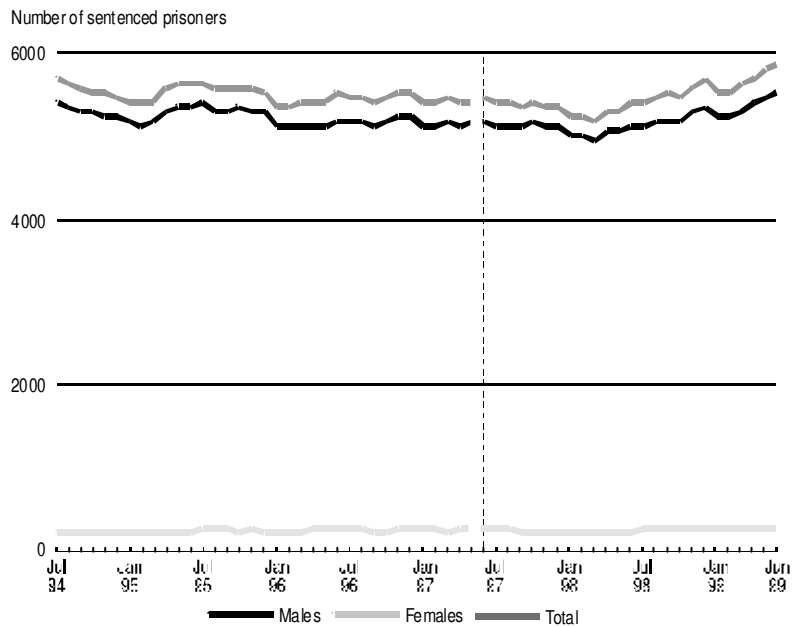


Figure 4.4 shows the trend in the number of fine defaulters held in custody between July 1994 and June 1999. There were statistically significant downward trends in the total number, the number of male and the number of female fine defaulters in the prisoner population over the final two years of the series. Between 1997-98 and 1998-99, there was a 98.4 per cent decrease in the overall size of the monthly fine defaulter prisoner population, and decreases of 98.2 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 was a steady increase in the fine default prison population between 1994-95 and 1996-97. The series started from a low base due to a moratorium on the execution of fine default warrants in NSW which took effect on 1 April 1994. A sharp fall in the population occurred late in 1997 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. The only fine defaulters received into custody since 1 October 1997 have been for Federal, ACT or Interstate fines.

Figure 4.4: Fine defaulter prison population

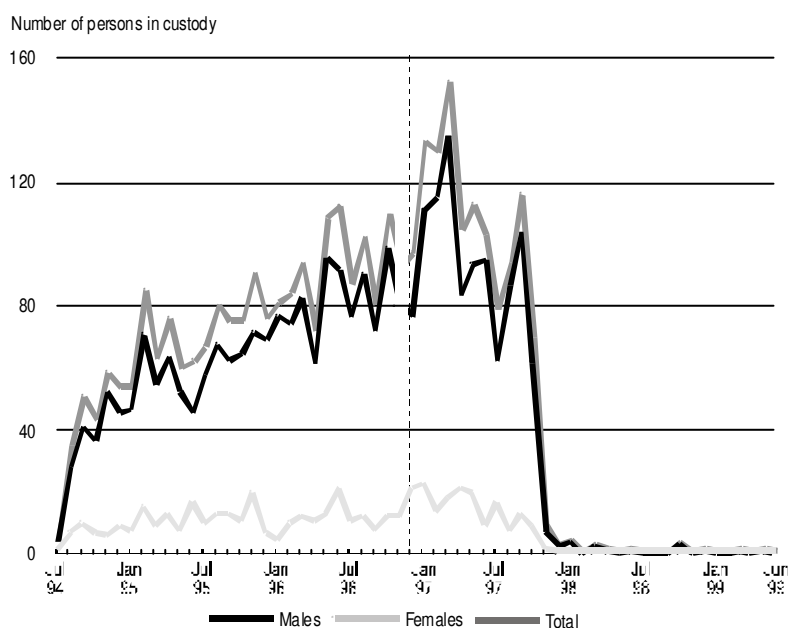
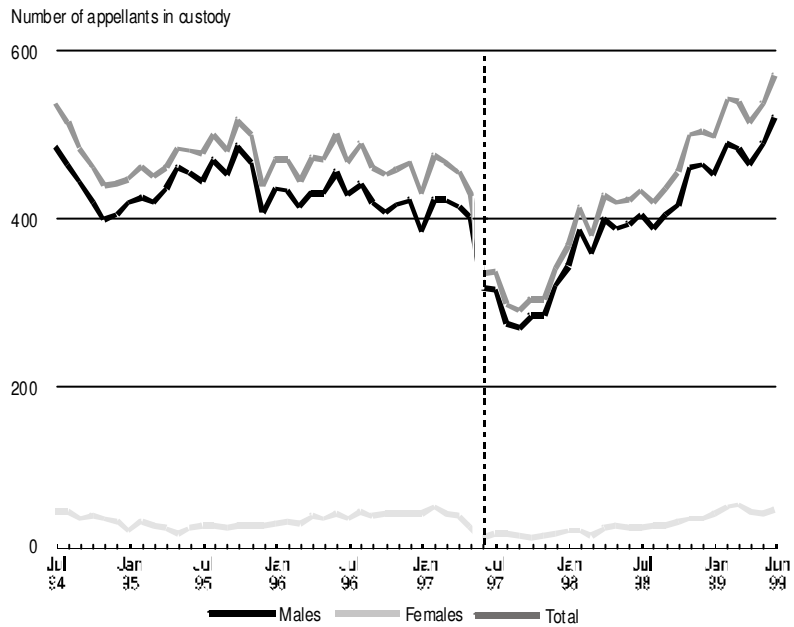


Figure 4.5 shows the trend in the monthly appellant population from July 1994 to June 1999. Over the most recent two years of the series, between July 1997 and June 1999, there was a statistically significant upward trend in the number of male appellants, the number of female appellants and in the total appellant population. The increase between 1997-98 and 1998-99 was 35.5 per cent for males, 79.2 per cent for females and 38.4 per cent for the total appellant population.

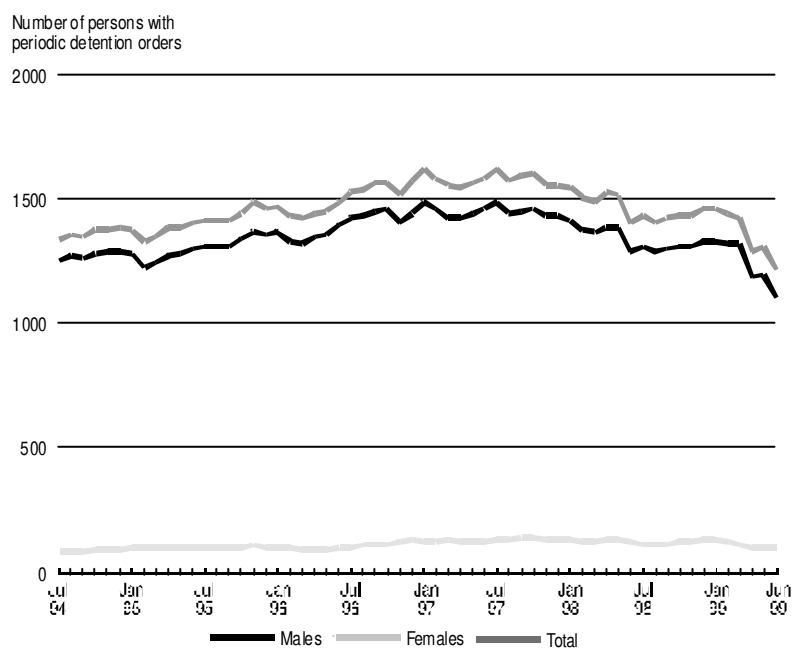
Figure 4.5: Appellant population



The trend in the monthly number of persons with periodic detention orders for the period July 1994 to June 1999 is shown in Figure 4.6. Between July 1997 and June 1999, there was a statistically significant downward trend in the number of orders for males, the number of orders for females and the total number of persons with periodic detention orders. Between 1997-98 and 1998-99, the number of males with periodic detention orders decreased by 9.6 per cent, the number of females with periodic detention orders decreased by 10.2 per cent and the total number of persons with periodic detention orders decreased by 9.7 per cent.

Over the five years of the series graphed in Figure 4.6, however, there has been a general increase in the female periodic detainee population. The male periodic detainee population increased until 1996-97 but has declined since then. Consequently there has been little change in the male and total periodic detainee populations between the first and last twelve month periods of the series.

Figure 4.6: Periodic detainee population

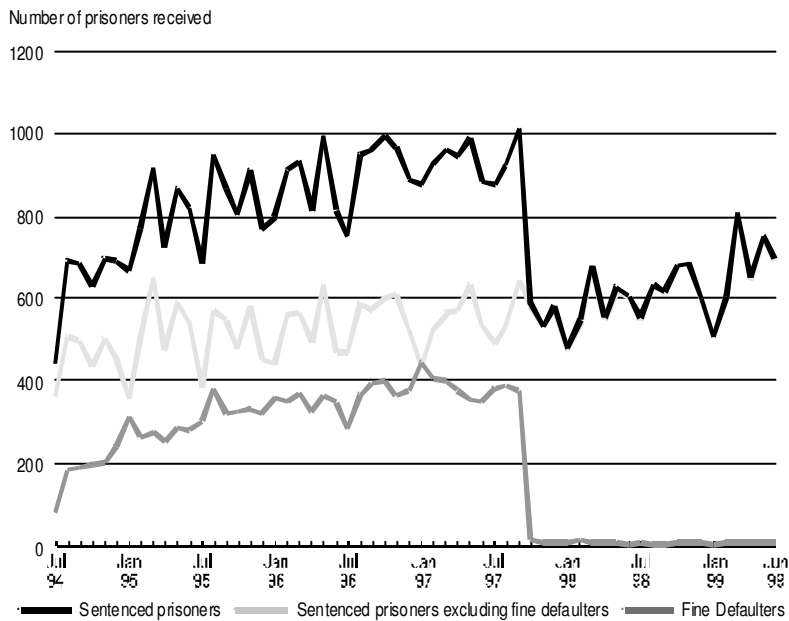


Prisoner receptions³²

Trends discussed below are for the total number of 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 1994 and June 1999 for fine defaulters, sentenced prisoners excluding fine defaulters, and all sentenced prisoners. There was a statistically significant upward trend in the number of sentenced prisoner receptions excluding fine defaulters, a statistically significant downward trend in the number of fine defaulter prisoner receptions but no statistically significant upward or downward trend in total sentenced prisoner receptions during the period July 1997 to June 1999. Between 1997-98 and 1998-99,

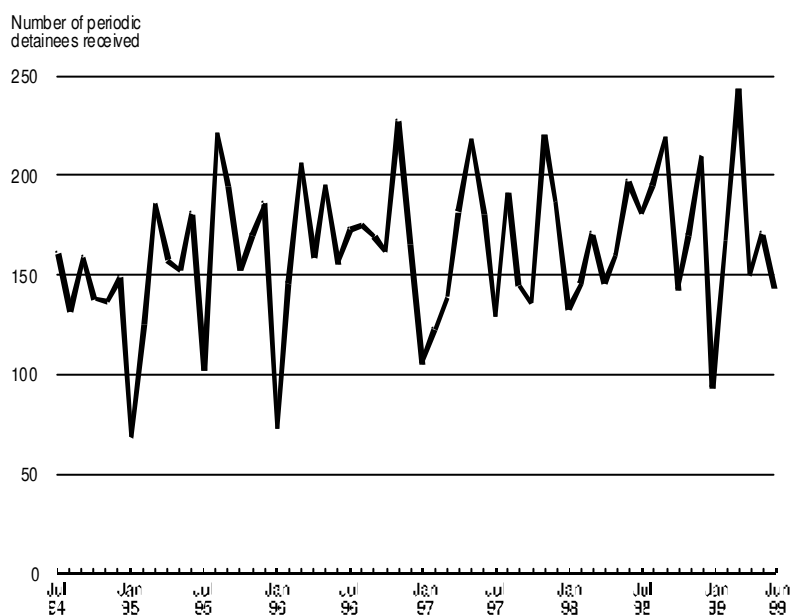
Figure 4.7: Total sentenced prisoner receptions



there was a 13.5 per cent increase in the number of sentenced prisoner receptions excluding fine defaulters and a 96.0 per cent decrease in the receptions of fine defaulters. 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.

The monthly trend in periodic detainee receptions for the period July 1994 to June 1999 is shown in Figure 4.8. There was no statistically significant upward or downward trend in the number of periodic detainees received since July 1997. Over the five-year period between July 1994 and June 1999 there was also no statistically significant upward or downward trend in the number of periodic detainees received.

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 1994 to June 1999. Over the most recent two years of the series, since July 1997, there was a statistically significant downward trend in the total population of persons under community-based correctional orders. There was a decrease of 6.5 per cent in the number of persons under community-based correctional orders over the period. However, there was a statistically significant upward trend in this series over the entire five years graphed in Figure 4.9 with a 2.3 per cent increase in the total population between 1994-95 and 1998-99.

Figure 4.9: Total persons under community-based correctional orders

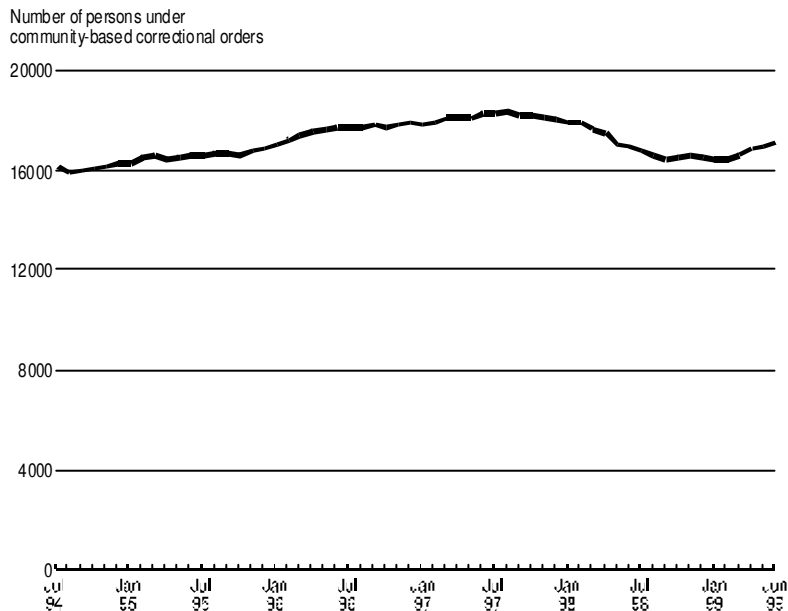
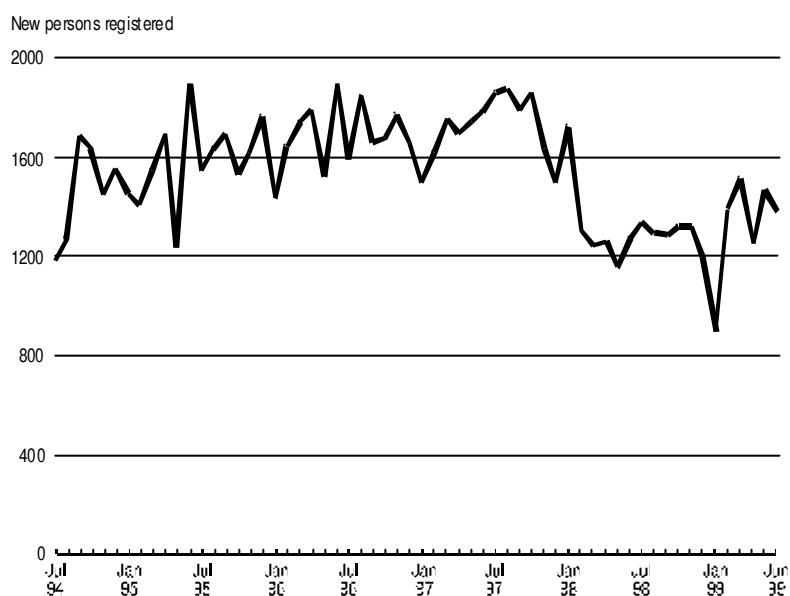


Figure 4.10 shows the trend in the number of persons registered each month with a new community-based correctional order. There was a statistically significant downward trend over the most recent two-year period. The total number of new persons registered under community-based correctional orders fell by 15.3 per cent from 1994-95 to 1998-99. However, over the five years of the series there was no statistically significant upward or downward trend.

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 who start a sentenced imprisonment episode 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, the person is 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. The number of deportees is usually small.
- 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 1999.

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 1999 extracted from the Australian Bureau of Statistics publication entitled Crime and Safety, New South Wales, April 1999.

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 4.10 – Data supplied by the NSW Department of Corrective Services.