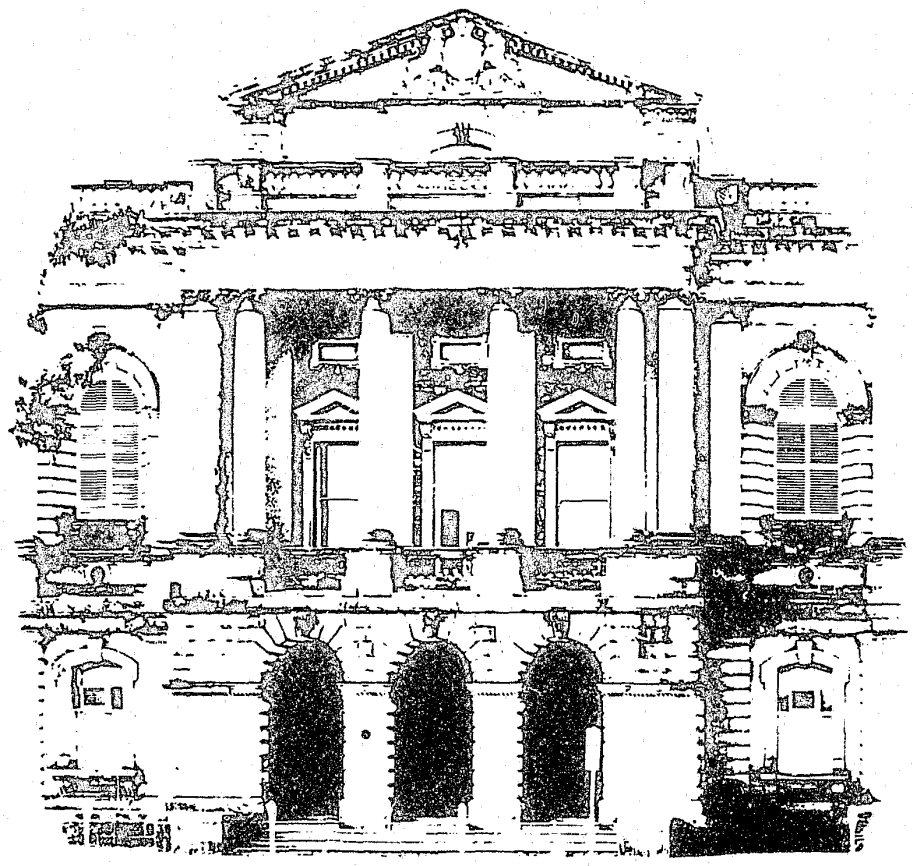
Law and Order in South Australia

An Introduction to Crime and Criminal Justice Policy



October, 1986

LAW AND ORDER IN SOUTH AUSTRALIA

An Introduction to Crime and Criminal Justice Policy

Second Edition

Attorney-General's Department
Office of Crime Statistics

Adam Sutton, Director,
Adrian Barnett, Statistician
Ian Crettenden, Project Officer
Julie Gardner, Project Officer
Lesley Bird, Clerical Officer
David Burton, Clerical Officer
Valija Kalnins, Clerical Officer

CONTENTS

PREFACE

This is the second edition of Law and Order in South Australia: An Introduction to Crime and Criminal Justice Policy. The first was produced in September, 1979, not long after the establishment of the Office of Crime Statistics.

There are several reasons for issuing a revised edition at this time. The most important is that the law has developed considerably during the past six years, and parts of the first edition now are out of date. Secondly, there have been a number of key developments in research and policy, which need to be discussed.

The current report maintains the format of the original edition written by the Office's founding Director, Dr. Peter Grabosky. Where possible, however, attempts have been made to illustrate points by using statistics which the Office has compiled and produced during the past seven years. In addition, the sections on crime rates and crime victims have been substantially rewritten, and there is a new section on the development of criminal justice policy. Main responsibility has been taken by the Office's Director, but as always, final production of the report has been a team effort. Kate McIlwain and Adrian Barnett played a significant role both in researching the relevant issues and in an editorial sense. Lesley Bird typed the drafts and final versions with her usual flair and accuracy.

INTRODUCTION

Crime and the treatment of offenders are subjects of understandable and justifiable concern to South Australians. Unfortunately, public discussion of these and related issues often suffers from misunderstanding, over-simplification, and inadequate information. The purpose of the following pages is to provide a brief introduction to the South Australian criminal justice system so that concerned citizens will develop a better understanding of crime rates and trends, the position of victims, criminal law, and the courts and sentencing, and be able to contribute to public debate on these matters more fully and more confidently.

THE CRIMINAL LAW

The primary sources of criminal law in South Australia are the Criminal Law Consolidation Act and the Summary Offences Act (formerly the Police Offences Act). These Acts were passed by State Parliament and have been amended by that body from time to time. Although a number of other statutes, both State and Federal, bear upon the criminal law and its administration, these two Acts define the majority of serious crimes and prescribe the penalties which may be awarded to offenders.

Capital punishment may no longer be imposed under South Australian law, having been abolished in 1976. Those penalties which are available, however, are severe. The following is a list of selected offences and the maximum penalties which can be imposed for them under existing law.

Offence	Maximum Penalty	Act & Section
Murder	Life imprisonment	C.L.C.A. 11
Rape	" "	C.L.C.A. 48
Armed robbery	" "	C.L.C.A. 158
Wounding with intent to do grievous bodily harm*	" "	C.L.C.A. 21
Burglary	" "	C.L.C.A. 168
Sale of Heroin (more than 300gm)	25 years imprisonment or fine of $250,000, or both. Possible confiscation of assets.	Controlled Substances Act, 32
Indecent assault	8-10 years, depending on age of victim.	C.L.C.A. 56
Assault	3-8 years depending on seriousness of offence and age of victim.	C.L.C.A. 40

* This offence, when committed against a police officer, is also punishable by a maximum of life imprisonment.

From this list it can be seen that a number of the most serious offences in South Australia are punishable by the most severe penalties allowed by law.

COURTS IN SOUTH AUSTRALIA

Criminal cases in South Australia are adjudicated in one of three types of courts, depending upon the charges laid. The vast majority of cases are minor offences, and are heard and disposed of in Courts of Summary Jurisdiction, or Magistrates' Courts, before a Magistrate only. Their procedures are regulated by the Justice Act.

More serious charges, after a preliminary hearing before a Magistrate, may be committed for trial or sentence in the Higher Criminal Courts. Defendants who plead not guilty are entitled to trial by jury. The most serious offences (murder, rape, robbery) are tried in the Supreme Court, whilst lesser offences are tried in the District Criminal Courts. About 60% of all defendants charged in the Higher Criminal Courts of South Australia waive their right to a trial by jury and plead guilty to the charges against them.

YOUNG OFFENDERS

Persons under the age of eighteen years who are charged with an offence in South Australia are treated in accordance with the Children's Protection and Young Offenders' Act, 1979.

With the exception of homicide, which is tried in the Supreme Court, and certain road traffic offences, charges brought against a child are heard initially by a Screening Panel, comprised of a member of the Police Force and an officer of the Department for Community Welfare.

The Screening Panel, after considering the allegations against the child and the child's background, decides whether the charges are to be heard by the Children's Court or a Children's Aid Panel. A third option which the Screening Panel can recommend is that the child be cautioned against committing further offences by a member of the Police Force.

Like Screening Panels, Children's Aid Panels comprise a Community Welfare worker and a senior police officer. They may warn or counsel children and parents, or request the child and/or the parents to enter into an undertaking to provide a rehabilitative program for the child. Panels must refer the matter to court if the child does not admit the allegations or if it is requested that the matter be dealt with by a court.

The Children's Protection Act also provides for the more stringent control of serious juvenile offenders.

Under the Act, if the Attorney-General considers the circumstances of a particular offence to be especially grave, or that the child has previously been found guilty of more than one serious offence, the Attorney-General may apply for the case to be tried in the Supreme Court. Judges of the Children's Court may now prescribe a period of detention in the South Australian Youth Training Centre of up to two years. Moreover, juveniles held in the Youth Training Centre may be transferred to adult detention facilities if they become intractable.

In a given year, only about 4% of South Australians under the age of eighteen appear before a Court or Aid Panel. Figures over the last five years suggest that approximately eighty-five percent of children appearing before Aid Panels make no subsequent Children's Court appearances, and that approximately 92% of all South Australian youth have no occasion to appear before Courts or Panels at any time.

SENTENCING AND PAROLE

1. Sentencing

Despite the views expressed by concerned citizens that sentencing and parole decisions have become too lenient, the fact remains that often these concerns are not based on a systematic analysis of all sentencing and parole decisions, but rather on a selected number of cases which, for one reason or another, attract the attention of the media.

Statistics on sentencing in Courts of Summary Jurisdiction and in Supreme and District Criminal Courts published by the South Australian Office of Crime Statistics are by far the most comprehensive and timely in Australia. Until other States reach the same standards, it will not be possible to say precisely how penalties imposed by South Australian courts compare with other jurisdictions. However, preliminary comparisons seem to suggest that sentences handed down by Higher Courts in South Australia are not markedly dissimilar to penalties imposed in Victoria. Moreover review of trends since the Office first began collecting statistics in 1979 suggests that if anything, sentences for adult offenders have become more severe.

The determination of appropriate penalties for convicted offenders is primarily the responsibility of Judges and Magistrates. As was noted above, generally Parliament has specified the maximum sentence which can be imposed for a particular offence, and leaves to the discretion of the Judge or Magistrate the specific penalty to be imposed within the allowable range. It is important to remember that Parliament passes the laws setting out penalties, and the Judges and Magistrates decide on the specific penalty in each case, depending on the circumstances,

and without interference from the Government. A judiciary, independent of Government and exercising substantial discretion, is one of the fundamental principles of Anglo-Australian justice. As the notable judgment of Mr. Justice Hilbery in the English Court of Criminal Appeal stated:

> "Our law does not fix the sentence for a particular crime, but fixes a maximum sentence and leaves it to the court to decide what is, within that maximum, the appropriate sentence for each criminal in the particular circumstances of each case. Not only in regard to each crime, but in regard to each criminal, the court has the right and the duty to decide whether to be lenient or severe."
> (R. v. Ball (1952) 35 (CR.A.R. 165)

In deciding upon an appropriate sentence, Judges and Magistrates consider a substantial amount of information. First, of course, is the offence and its surrounding circumstances: the degree of physical injury or property loss inflicted, whether or not a firearm or other weapon was employed, whether the offence was a spur of the moment impulsive act, or whether it was carefully and deliberately planned. It is of utmost importance to note that not all offences (of the same type) are alike; an assault can be brutal and carefully planned; alternatively, it might arise when a party-goer over indulges in alcohol, is provoked into an argument, and strikes his victim in a fit of rage. Whilst it remains quite properly a criminal offence, the latter incident is nowhere near as serious as the previous example; no one would seriously argue that the two acts would merit the same response.

Sentencing decisions must also be based on the offender's background. All else equal, one would not want to award the same sentence to an eighteen year old first offender as to a hardened criminal with many prior convictions.

A sentence, of course, may have an impact well beyond the convicted offender. Sentencing authorities must remain cognizant of the consequences of the sentence for society as a whole. Does the offender have parents, spouse, or children financially or emotionally dependent on him? If so, a sentence of imprisonment will punish them as well.

At present, provisions for mandatory minimum sentences are relatively infrequent in South Australian law. The use of these sentences, in addition to reducing the discretion exercised by Judges and Magistrates, tends to restrict consideration of mitigating circumstances. Whilst the threat of a mandatory minimum sentence might deter some potential offenders, it may also have undesirable consequences. Severe mandatory penalties could significantly reduce the number of guilty pleas, thus increasing the burdens on the already overtaxed resources of the Crown and the Courts.

With fewer pleas of guilty, there is almost certain to be an increased rate of acquittal, and an increased rate of appeal, with some convictions likely to be reversed. Thus, ironically, mandatory minimum sentences might not strengthen the hand of society; they may well strengthen the hand of the criminal.

The most common sentencing options available to a Judge or Magistrate are the monetary fine, conditional discharge or bond, the suspended sentence, and direct imprisonment. In the case of direct imprisonment, a non-parole period may be specified, during which a prisoner may not be eligible for parole. The fine is generally imposed upon those convicted of minor offences but is regarded as inappropriate for more serious offences.

Although the conditional discharge (bond) and suspended sentence are among the more frequently imposed penalties in South Australia, they are the subject of some public misunderstanding. Conditional discharge (bond) involves the release of a convicted offender upon certain conditions expressed in the bond, which must be adhered to for a specified period of time. A breach of these conditions before expiry of the bond makes the offender liable to be resentenced on the original charge, and also to be sentenced for the offence of breach of bond.

The suspended sentence differs slightly from the conditional discharge (bond) in that the conviction is followed by a sentence of imprisonment which is held in abeyance unless and until the conditions of discharge are breached. At that time, the sentence of imprisonment comes into force automatically. The offender then must serve his original sentence, plus those additional sentences which might be imposed for the later offence and breach of bond.

That some of these conditional discharges and suspended sentences are followed by subsequent offending is a matter of concern to the government, as well as to the public. It is important to realise, however, that the majority of offenders on bonds do not re-offend during their probationary period.

A sentencing authority must also consider the likely impact of the sentence on the offender himself. Even a short term of imprisonment can create irreparable strains on a family and have an adverse effect on future employment possibilities. For some offenders, a term of imprisonment can significantly impede their successful reintegration into society.

Imprisonment is also expensive. The cost of confining each prisoner in South Australia exceeds $40,000 per year. If a prisoner has dependents, the State must also bear the cost of providing them with necessary welfare services. By contrast, the cost of administering a supervised probation or parole case is less than $2,000 per year.*

Of course, the interests of the defendant must never outweigh those of the public. In cases of the most serious offences and the most dangerous offenders, there can be no alternative to imprisonment.

* Source: Department of Correctional Services Annual Report, 1985/86.

2. Parole

Parole is the release of a sentenced prisoner before the completion of his term, under the supervision of a correctional officer and subject to conditions imposed by the Parole Board. The Parole Board in South Australia was established by the Prisons Act Amendment Act, 1969, and began to operate in 1970. However, its powers and procedures were modified in 1981 and in 1983.

At present, the Parole Board is chaired by a Queen's Counsel and has community representation, including one member of aboriginal descent. As a general rule, all persons gaoled for more than twelve months have a non-parole period set, and are released upon the expiration of that time, minus remissions earned in gaol. However the Parole Board sets conditions for release, and may revoke parole if these conditions are breached. The Board, in imposing parole conditions, takes into account the offence for which the prisoner was convicted, the comments made by the Judge or Magistrate in passing sentence, pre-sentence reports and additional background information. Also included in the Board's deliberation is information provided by Correctional Services concerning the prisoner's conduct whilst in custody.

During April, 1986, there was one person on parole in South Australia for every 1.6 people in custody, a somewhat lower ratio than the Australian average (one parolee for every 2.3 prisoners).

The main objective of the most recent amendments to South Australia's parole system, in December 1983, was to introduce a more clear cut system of sentencing, whereby prisoners, the judiciary and the public would know the actual terms in prison to be served by particular offenders. As with all changes which can have relevance to the times offenders spend in gaol, however, the new parole system also has given rise to some public controversy. In particular, some critics have argued that the changes have become the basis for earlier release of serious prisoners. Together with the Department for Correctional Services, the Office of Crime Statistics currently is conducting a comprehensive review of the parole system to determine whether there is any basis for these criticisms, and whether the changes have met the legislators' objectives. Final results from this study will be available early in 1987. Interim figures suggest, however, that head sentences have increased slightly, and non-parole periods have increased significantly, since the new system was introduced.

THE ROYAL PARDON

Whilst it is rarely used, the common law institution of the Royal Pardon has existed in South Australia since the founding of the original Colony in 1836. Formal provisions are spelled out in the Letters Patent creating the Office of Governor and in the Governor's Instructions.

Pardons are granted by His Excellency the Governor, upon the recommendation of the Executive Council. Petitions to the Executive Council may be made either by the Crown or by the convicted offender. Pardons are granted in those very rare occasions when the existence of error is discovered only after the formal criminal process has run its course, and all avenues of appeal have been exhausted.

Provisions also exist, under the Letters Patent and subsequent legislation, for the remission of sentence, in whole or in part, following the emergence after appeal of exceptional mitigating circumstances. The Royal Prerogative of Mercy was exercised from time to time to commute sentences of death to life imprisonment, prior to the abolition of capital punishment in 1976. Current provisions governing remission of sentence extend not only to fines and to sentences of imprisonment, but to the suspension and disqualification of driving licences as well. If a sentence is remitted in this situation, the conviction still stands.

The use of the Royal Pardon and related provisions has been very infrequent, as regular criminal proceedings are nearly always sufficient to redress error and to account for mitigating circumstances. The power has been retained, however, for use in those exceptional cases which arise on rare occasions.

CRIME RATES AND TRENDS

The threat of crime - particularly violent crime - is of great concern to the community, here and in the rest of Australia. There is no doubt that the incidence of most serious crimes has risen significantly since the end of World War II, in Australia and throughout the Western world. It is important to note that some crimes are committed with much greater frequency than others.

The vast majority of serious crimes committed in South Australia are crimes against property - specifically larceny and housebreaking. In comparison, crimes of violence against the person are much less common. For example, during the final six months of 1985, a typical period in recent years, the total number of homicides, serious assaults, robberies, and rapes reported to police was 943. By contrast, there were 15,861 break and enter offences and 5,407 motor vehicle thefts reported during the same period. This overwhelming preponderance of property crime also characterises the United Kingdom, Canada, the United States, and indeed, is very typical of affluent urbanised western societies. The relative infrequency of murder, compared to other forms of violent death, is also illustrative. For every victim of murder in South Australia in 1984, approximately ten people took their own lives and sixteen others died in road traffic accidents.

It is important to review today's levels of crime in the light of the past and in comparison with interstate and overseas trends. However, such comparisons must be carried out with extreme care. Factors other than the actual incidence of offending can have significant bearing on crime figures.

Changes in the intensity and modes of policing, for example, can have a major affect on the recorded incidence of some of the more pervasive crimes. Motoring offences rise appreciably whenever there is a 'police crackdown', and figures on so-called 'victimless' crimes such as vagrancy, or the consumption of illegal drugs, also change with modes of policing. Such effects are further compounded when police departments choose to base statistics on every offence charged, rather than the number of incidents of lawbreaking detected.

South Australian figures on drug offences are a good example. These have increased by more than 1,000% during the past decade (Figure 1), but around 95% of all recorded offences still relate to the use or consumption of cannabis or a derivative (Table 1). Analysis of the Police Department's annual reports suggests that rather than being evidence of a surge in use of, or trafficking in, illegal drugs, changes during the past decade are more likely to have been the product of:

- a shift in enforcement practices, with responsibility for detecting and dealing with minor drug offences moving from the Drug Squad to Regional C.I.B. Units and uniformed personnel;
- a tendency for multiple charges (eg. both possession and use of marijuana) to be filed against alleged drug offenders, and for each charge to be counted separately in statistics.

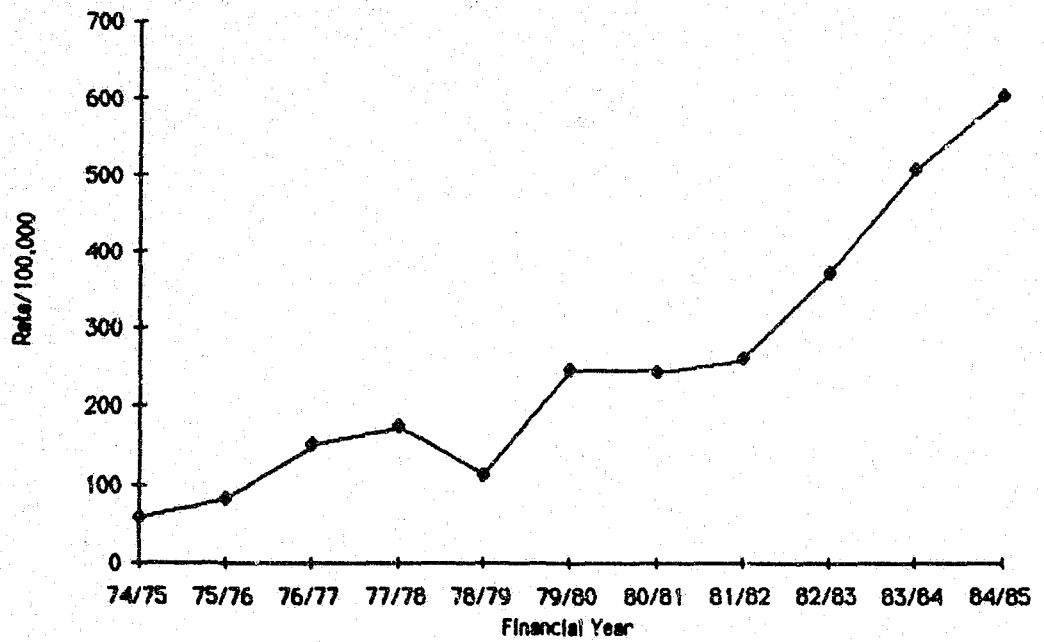
TABLE 1 DRUG OFFENCES* CLASSIFIED BY DRUG AND OFFENCE, SOUTH AUSTRALIA, 1984/85

Drug/Offence Type	Number of Offences
Indian hemp & derivatives	5,195
Heroin	156
Other narcotic	15
LSD	6
Other hallucinogen	3
Amphetamine	141
Cocaine	9
Possess implements**	2,598
Other drug offences	52
TOTAL	**8,175**

* Offences becoming known to police.
Source: 1984/85 Annual Report of the Commissioner of Police, South Australia.

** Police Department Annual Reports do not categorize 'possess implements' offences by drug of intended use. However they do state that "... it is likely that many of these instruments were used with Indian Hemp." For this reason the text of this report classifies 'possess implements' charges along with the 'use or consumption of cannabis' group.

FIGURE 1 DRUG OFFENCES REPORTED OR BECOMING KNOWN TO POLICE



Note: Backlogs in processing the police figures during 1978/79 have resulted in figures for that year being an under-enumeration, whilst those for 1979/80 are inflated by the figures missing from the previous year.

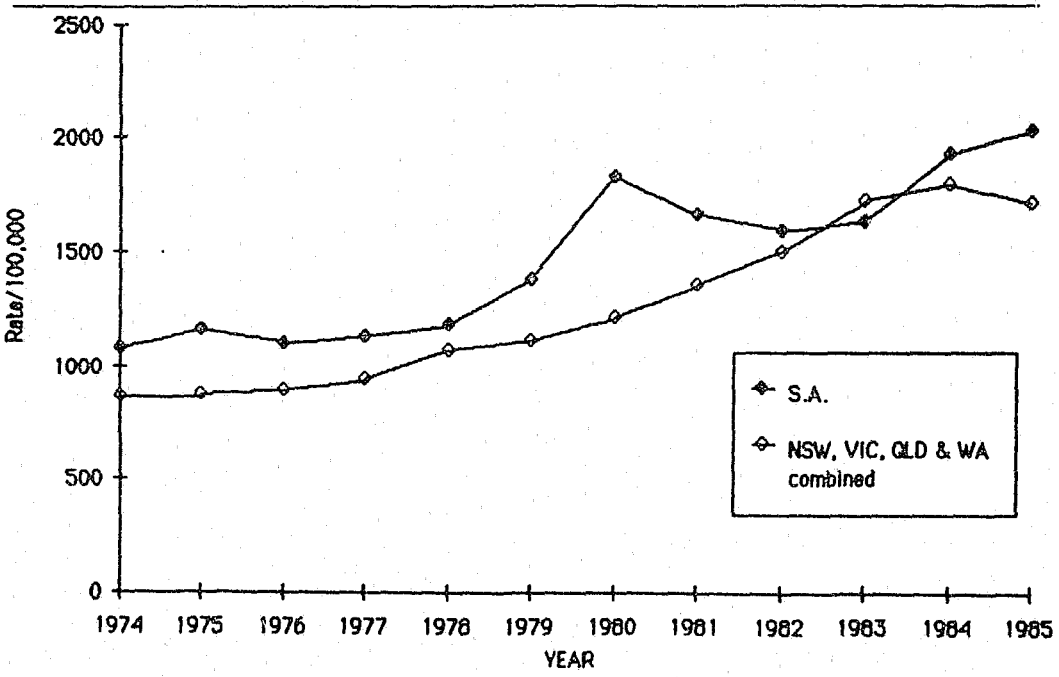
Separating these types of 'enforcement generated' crime waves from genuine historical changes in the incidence of offending can be an exacting research task, but the results are interesting. Available evidence suggests that rates of crime in most Western societies were quite high during the mid 19th century. Then began a long term decline toward the end of the century which "bottomed out" after the Second World War and then began to increase. The rise in crime continued, and became noticeably more steep after 1965. Nevertheless, far from begin unprecedented, contemporary crime rates still are roughly comparable to those of the 1890's.

Another way of putting South Australian crime rates into perspective is to compare them with other jurisdictions - although here too there can be methodological problems. According to a recent (1983/84) survey of crime victims by the Australian Bureau of Statistics, many crimes never come to the attention of police. Almost 30% of break and enters and possibly three quarters of threatened or actual sexual assaults against adult females, for example, were not reported. Researchers comparing crime-rates in different locations must always bear in mind the possibility that at least some of the variation may simply reflect differences in victims' propensity to bring offences to the attention of police.

As long as those methodological issues are not disregarded, however, contrasting crimes reported to police in South Australia during the past decade with trends in other states and territories does help put the crime problem into perspective. Offence categories such as robbery, break and enter and larceny, which between them account for well over 90% of serious crimes reported, are a useful starting point. Figures on homicides also are relevant, both because of the well justified public alarm generated by these incidents and because they are much less likely to go unreported.

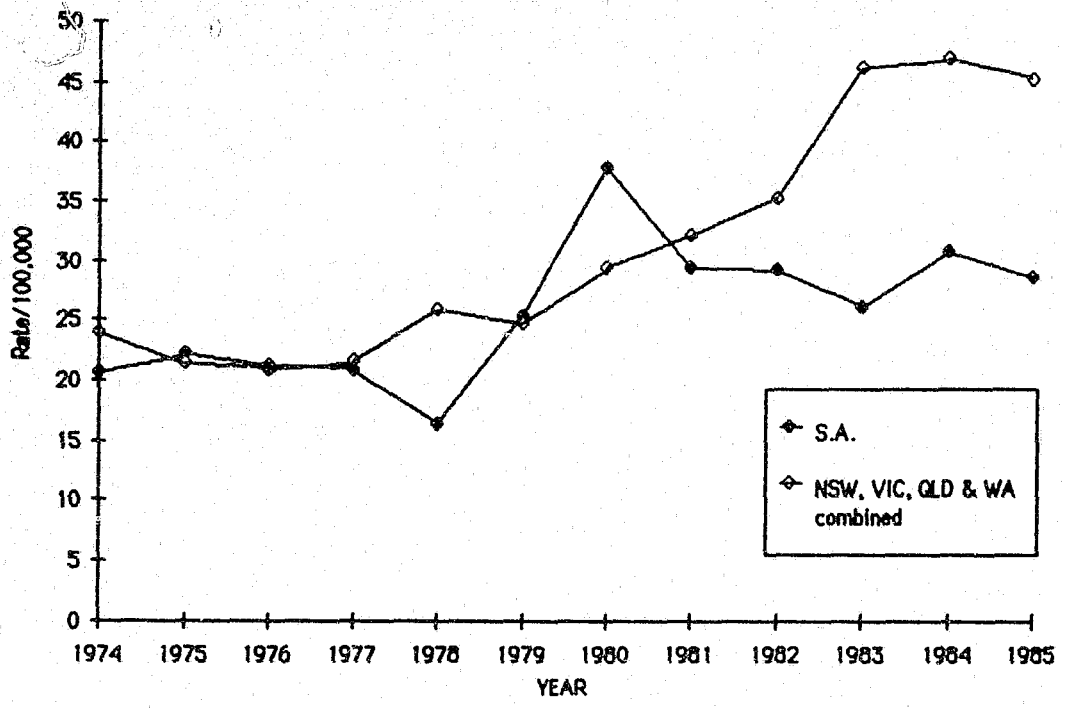
Generally, these statistics confirm that governments throughout Australia are confronted by increases in crime, with both numbers and rates of offences reported in most categories rising significantly during the past ten years. However, there is no evidence that South Australia's crime rate has grown at a faster rate than elsewhere. Figure 2 shows comparative trends in breaking and entering, one of the most frequent and disquieting of serious crimes. These suggest that after having a higher rate for most of the past decade, South Australia's figures are becoming more on a par with those for other states - although wide fluctuations on a year-to-year basis make precise comparisons difficult. The level of robbery offences has remained essentially constant in South Australia since 1981 (see Figure 3), whereas in New South Wales, Victoria, Queensland and Western Australia, there have been steep increases over the 1974 figures.

FIGURE 2 BREAK AND ENTER OFFENCES REPORTED OR BECOMING KNOWN TO POLICE



Note: Backlogs in processing the South Australian police figures during 1978/79 have resulted in figures for that year being an under-enumeration, whilst those for 1979/80 are inflated by the figures missing from the previous year.

FIGURE 3 ROBBERY OFFENCES REPORTED OR BECOMING KNOWN TO POLICE



Statistics on homicide provide further confirmation that South Australia's crime problem is by no means abnormal when compared with the rest of the nation. Traditionally, Australia has ranked among the countries with lower rates of homicides per head of population, and South Australia has been below the national average during ten out of the past twelve years (Table 2).

Moreover, research suggests that a somewhat lower percentage of homicides committed in South Australia appear to be 'random' events perpetrated by strangers than is the case in some other jurisdictions (Table 3).

A final perspective on the extent of the crime problem can be derived from comparing numbers of serious crimes reported in our state capital with other major cities around the world. Table 4 summarises data on homicides, robberies and aggravated assaults reported to police in Adelaide during the calendar year 1985. For each category there also are figures for areas in the United States with comparable populations.

TABLE 2 HOMICIDES FOR EACH STATE AND TERRITORY, 1974–1985
(FIGURES IN PARENTHESES ARE RATES PER 100,000 OF POPULATION, OTHERS ARE NUMBERS OF OFFENCES BECOMING KNOWN TO POLICE)

Year	State or Territory								Aust. Average Rate
	S.A.	N.S.W.	VIC.	QLD.	W.A.	TAS.	N.T.	A.C.T.	
1974	31 (2.5)	104 (2.1)	122 (3.2)	89 (4.4)	28 (2.5)	7 (1.7)	13 (12.6)	1 (0.5)	(2.9)
1975	30 (2.4)	154 (3.1)	114 (3.0)	72 (3.5)	60 (5.2)	14 (3.4)	19 (20.5)	1 (0.5)	(3.3)
1976	32 (2.5)	147 (3.0)	108 (2.8)	80 (3.8)	21 (1.8)	10 (2.4)	25 (25.5)	1 (0.5)	(3.0)
1977	31 (2.4)	144 (2.9)	103 (2.7)	88 (4.1)	39 (3.2)	10 (2.4)	33* (31.8)	4 (1.9)	(3.2)
1978	37 (2.9)	156 (3.1)	110 (2.8)	72 (3.3)	25 (2.0)	10 (2.4)	21 (19.1)	5 (2.3)	(3.0)
1979	37 (2.8)	151 (3.0)	145 (3.7)	92 (4.2)	39 (3.1)	9 (2.1)	11 (9.6)	3 (1.4)	(3.4)
1980	44 (3.4)	186 (3.6)	115 (2.9)	74 (3.3)	35 (2.8)	10 (2.4)	27 (22.8)	0 (–)	(3.3)
1981	28 (2.1)	176 (3.4)	117 (3.0)	83 (3.5)	29 (2.2)	9 (2.1)	22 (17.9)	0 (–)	(3.1)
1982	42 (3.2)	170 (3.2)	140 (3.5)	81 (3.3)	33 (2.5)	7 (1.6)	23 (17.8)	–++ (–)	(3.3)
1983	45 (3.4)	181** (3.4)(88)+	168 (4.2)	96 (3.9)	33 (2.4)	9 (2.1)	27 (20.2)	2 (0.8)	(3.6)
1984	41 (3.0)	188 (3.5)	112 (2.7)	109 (4.3)	38 (2.7)	10 (2.3)	28 (20.2)	14 (5.7)	(3.5)
1985	54 (4.0)	161 (2.9)	114 (2.8)	121 (4.8)	41 (2.9)	11 (2.5)	29 (20.2)	4 (1.6)	(3.4)

Note: (1) Figures are financial years for all States and Territories except New South Wales, which reported by calendar year until 1982. In 1983 reports began by financial year.

(2) Homicides include murder, manslaughter and attempted murder, and exclude causing death by driving, as well as accessory/conspiracy to murder.

(3) Based on populations of all contributing States and Territories for the relevant year from 'Year Book Australia, 1986' p.98. 1985 figures from 'Population Estimates, Australia, June Quarter, 1985' (Australian Bureau of Statistics Catalogue Number 3219.0).

* Includes death by driving for this year.
** 1982/83 financial year.
\+ Number in brackets is the number of reports for January–June 1983.
++ Figures were not published for this period.

TABLE 3 RELATIONSHIP OF VICTIM AND OFFENDER FOR CASES OF MURDER AND NON-NEGLIGENT MANSLAUGHTER BECOMING KNOWN TO POLICE

Relationship	South Australia 1978-1980 (N=67)	England and Wales, 1979 (N=571)	United States 1979 (N=20,591)
Spouse	25%	24%	9%
Other Kin	15%	18%	8%
Lovers/Close Friends	13%	4%	3%
Acquaintances	28%	26%	32%
Strangers	9%	20%	13%
Unknown/No Suspect	9%	7%	35%

TABLE 4 COMPARISON OF SELECTED OFFENCES FOR ADELAIDE AND COMPARABLY-SIZED UNITED STATES CITIES

Metropolitan Statistical Area	Population	Murder and Non-Negligent Manslaughter	Robbery	Aggravated Assault
Adelaide	987,090	16*	392	677**
Birmingham - Alabama	902,109	144	1,931	3,339
Buffalo - New York	989,045	43	1,648	3,209
Charlotte - Gastonia - Rock Hill, North Carolina	1,046,359	95	1,562	5,396
Louisville - Kentucky	963,222	57	1,787	1,488
Memphis - Tennessee	943,086	147	5,280	3,993
Nashville - Tennessee	898,952	98	1,786	2,268
Oklahoma City - Oklahoma	963,712	83	1,942	3,207
Rochester - New York	991,750	38	1,278	2,410

Note: (1) Figures for Adelaide amalgamated from Police districts to correspond to the Adelaide Statistical Division used for population figures.

(2) U.S. metropolitan statistical areas chosen on the following basis:
(a) Populations within 100,000 of Adelaide statistical division population as at 31 December 1985.
(b) Area comprised one major population centre, with no other separate population centre of 50,000 or more in the area.

(3) U.S. figures from U.S. Department of Justice, FBI Uniform Crime Reports, 1985, 'Crime in the United States'.

(4) Adelaide figures classified according to offence definitions in 'Crime in the United States'.

* Includes one case of conspiracy/accessory to murder.

** Includes twenty-eight cases of attempted murder.

Clearly, South Australia could hardly be designated a high crime centre by international standards. For homicide and serious assault, reported cases in Adelaide were between two and nine times lower than the United States. Robbery rates were three to thirteen times lower.

It should be emphasised that in publishing these figures, the purpose is not to encourage complacency about crime in South Australia. Rates of offending have increased significantly during the past decade, and are a major challenge for governments and the community. However, it is important not to lose perspective, and believe that South Australia is in some way the crime capital of Australia, or that offences in our major cities are more gruesome or horrific. Such stories may help distract readers in Sydney or Melbourne from their own problems, but locally they can have a detrimental effect. Perception that crime has reached abnormal or crisis levels inevitably leads to the conclusion that current policies are failing and that now is the time for radical - some might even say desperate - remedies. Simply reacting to the crime problem can make things worse, however, rather than improving them. In the course of the past decade South Australia has seen a number of well-planned initiatives in the fields of crime and justice. Before losing faith in this approach, it is important that careful consideration be given to the nature and origins of crime, and the rationale for some measures recently implemented to combat it.

EXPLAINING CRIME

A substantial amount of the increase in property crime which has occurred over the past thirty years may be explained by simple population growth; the population of South Australia has more than doubled since 1947. Moreover, as a result of the "baby boom" after World War II, the 1970's saw an increase in both the number and the proportion of 18-24 year old males in the State's population. In South Australia, as elsewhere, young males tend to be more frequently involved in criminal activity than older people and females generally.

Unemployment, too, may have contributed to the growth in crime. Studies conducted in Canada, the United Kingdom and the United States suggest strong correlations between rates of unemployment and of crime. Moreover, rates of unemployment tend to be highest among young males - precisely that group with the greatest risk of offending.

In addition to these population and economic factors, there has been an increase in opportunities to commit crime over the past thirty years. Quite simply, there are more things to steal in South Australia today than in the past. As the number of automobiles increases, all else equal, the incidence of motor vehicle theft may also be expected to increase. For this reason, high rates of theft are characteristic of affluent societies.

As city life offers increasing attractions, people are spending more time outside the house. The more time that people spend in public places, rather than at home, the more vulnerable are their dwelling places.

Theft is characteristic of affluent societies, where to an unprecedented extent, people are exposed to advertising messages and to the influence of friends, which often suggest that true fulfillment lies in acquiring the most fashionable material possessions. Many people are tempted to resort to crime in order to satisfy their wants. This situation is obviously aggravated during a period of high unemployment.

Another factor which has contributed to increasing rates of crime is the change in family life. Only a relatively small proportion of offenders, both juvenile and adult, have been raised by both natural parents. The vast majority, on the other hand, have experienced some kind of disruption to the family setting during their upbringing. The effect of such disruption on the individual's self-image and subsequent social adjustment can never be positive.

The greater mobility enjoyed by all citizens today has also contributed to an increase in crime. Not only do people spend more time in public places, but there is more anonymity than in the past. Neighbours are less familiar with each other, and strangers, including potential offenders, attract less attention than in the closely knit communities of bygone days.

Although much less prevalent than property crime, crimes against the person have also increased markedly since the Second World War. Many of the factors which explain the growth of property crime apply to crimes of violence as well. The changes in the family, increasing unemployment and the greater mobility of the population are among these. The growth in population has also increased the scope of crime. This is particularly the case with females, whose changing roles have greatly enhanced their public presence. In brief, over the past ten years, women have been less confined and protected than in the past, and thus run a greater risk of becoming victims of crime.

In addition, people are exposed to more media portrayals of violence, both fictional and in the news, than ever before. It is possible that this engenders further violence, particularly in light of the stresses induced by economic recession.

Yet another explanation of the increase in violence is an increase in the availability of instruments of violence - particularly firearms. The greater the number of weapons in a society, the greater their use, for illicit as well as for legitimate purposes.

DEVELOPING CRIMINAL JUSTICE POLICIES

From preceding sections on crime rates and trends and on the causes of crime, it is clear that developing effective criminal justice policies is a far more complex process than simply adopting the 'commonsense' solutions which the general public, and sometimes the media, find so appealing. To the average citizen, punishment is the key to an effective criminal justice system. Punishment is valued both for deterring lawbreakers and for signifying society's denunciation of acts which are unacceptable. The popular response to any perceived breakdown in law and order is to call for increases in the sentences prescribed in legislation and handed down by the judiciary.

For a number of reasons, however, simply increasing fines or prison sentences cannot be seen as the panacea for crime. Regrettably a great many offences - particularly those against property - involve perpetrators who are never apprehended. Persons who do not consider they ever will be caught may not give a great deal of thought to the penalties they might receive.

It also is clear that in some instances, high maximum or minimum penalties even can have a negative effect. Once an accused has been informed there is the possibility of a lengthy prison sentence, he or she may be more likely to contest the charges. More 'not guilty' pleas can in turn lead to increases in the numbers who eventually are acquitted, and to lengthy trials which can be inconvenient and traumatic for victims. For these reasons, governments give close consideration to all the alternatives before making significant changes to criminal law, and are careful to monitor the effects of legislative initiatives. The following pages document South Australia's experience in this respect.

Among the most significant amendments to the criminal law in recent years have been those regarding sexual assault currently before Parliament. This is a particularly difficult topic, where a delicate balance between idealism and concern for the law's practical impact must be achieved. There can be no disputing that criminal law must denounce behaviour which violates the sexual freedom of others, and prescribe effective punishment. However, legislators must also be aware of the justice system's potential for subjecting victims of these offences to further suffering.

Before introducing the most recent changes, therefore, the South Australian Government took care to ensure that it had comprehensive information on the way current laws operated. The Office of Crime Statistics undertook a comprehensive survey of all apprehensions for sexual offences, and monitored the progress of these cases through the criminal justice system. Information was collected on some 450 arrests, of which 261 (58%) eventually resulted in findings of guilt and 182 (40%) in acquittals or cases withdrawn before the final hearing. A further seven matters had not been finalised by the end of the data collection period.*

* For details of this study see Sexual Assault in South Australia, Office of Crime Statistics, July 1983.

Results highlighted a number of problems. The first related to the issue of consent, which was the main defence in most instances where a solitary male was alleged to have attacked an adult female. Unless the victim had suffered visible injuries, or circumstances clearly indicated that the initial association between offender and victim had been involuntary (eg. a break-in), these cases very often failed to reach the trial stage, or resulted in not guilty verdicts. Researchers concluded that although it would be impossible entirely to remove the notion of consent from rape laws, there might well be a case for clarifying this concept.

A second problem related to establishing appropriate definitions of offences, and penalty levels. This was highlighted by data on assaults on children, and by the outcomes of cases involving physical harassment which fell short of actual attempts at intercourse. Persons accused of offences involving children constituted a significant proportion - about 45% - of the total sample of arrests. Many made admissions to police, and subsequently entered pleas of guilty, but it was noticeable that such outcomes were less likely in cases where defendants faced charges with the highest penalties. A similar pattern emerged from the data on physical harassment. Juvenile offenders, who could expect less severe punishment, all pleaded guilty. However adults, who were charged with indecent assault and could face eight years in gaol, invariably contested the allegations and escaped punishment. These findings, and a growing body of evidence from overseas that child victims can be traumatised by being forced to re-live their experiences in court, led researchers to suggest that the Government consider the possibility of a graded series of offences and penalties. Such a restructuring of the law may have had little effect on sentences actually handed out by courts, which by and large fell far short of the maxima allowed. However, they may well ensure that the highest possible number of guilty pleas would be entered.

Further aspects of the law brought under the microscope by the Office of Crime Statistics studies were the unsworn statement and the requirement that juries must be specifically cautioned by judges about accepting allegations of sexual assault, or accusations by children, unless there also is corroborative evidence. Historically, one of the main reasons for allowing accused in South Australia to make an unsworn statement from the dock, rather than being cross-examined, was that aboriginal defendants - particularly those from tribal backgrounds - may have been culturally disadvantaged in court-room procedures. Figures collected by the Office, however, indicated that sexual assault trials seemed to involve unusually high percentages of unsworn statements. Moreover, non-aboriginals appeared to have greater success than aboriginals with this type of defence.* With respect to the corroboration warning, the study pointed out that acquittal rates in indecent assault trials where the alleged victims had been children were particularly high - a result which might indicate that the warning was being accorded undue influence.

* "Unsworn Statements in Sexual Assault Trials".
Unpublished Research Paper by Office of Crime Statistics, 1984.

These findings, and a subsequent review of rape laws by the Women's Adviser's Office in the Premier's Department, contributed to the approach adopted by the South Australian Government. Rather than simply increasing penalties, amendments focussed on refining offence definitions, providing legislative statement that a person who does not offer physical resistance is not thereby consenting and restricting use of the unsworn statement. Such changes may seem modest to those who are searching for one single sweeping solution. Nonetheless they are a clear example of the benefits of a systematic, research-based approach to problems in criminal justice.

Further exemplification of this philosophy was the new Bail Act, which became effective on July 7, 1985. At the time of the decision to examine bail procedures was first announced, sections of the public and of the media had been concerned that the existing system may have allowed the pre-trial release of some suspects who posed a genuine threat to the alleged victim or the community. Rather than responding in an 'ad hoc' fashion, however, the South Australian Government initiated a systematic review. In conjunction with legal officers from the Attorney-General's Department, the Office of Crime Statistics surveyed relevant court, police and prison records, and every South Australian prisoner in custody on remand on a specified day was interviewed. Information collected from these studies was supplemented by an analysis of the research literature, and by discussions with legal aid bodies, government departments and other relevant organisations.

From this work, it quickly became clear that problems with South Australia's remand system could not be resolved simply by further restricting the availability of bail. Rather, there was a need to ensure that it became more discriminating. South Australia already had a higher ratio of prisoners remanded in custody than the national average, but a significant proportion (about 17%) of remandees were in gaol not because bail had been denied outright by the courts but through inability to arrange cash bail or secure recognizances. Moreover, more than 40% of people eventually found guilty after being remanded in custody by the Supreme or District Criminal Courts did not receive gaol sentences.

In light of these findings the researchers suggested that significant improvement to the bail system would be achieved by cutting down the numbers of custodial remands involving individuals who did not pose a real threat to the community. In particular, such changes would reduce gaol overcrowding and provide more scope for the detention of the real risks. These recommendations had major influence on the approach finally taken by Government in framing the new legislation. Under the new Bail Act, relevant authorities are encouraged to put emphasis on non-monetary conditions rather than requiring cash bail or recognizances. At the same time, the legislation provides that if the Crown has genuine concern about the appropriateness of a bail release, it can apply to have the release deferred pending a review.

By carefully researching the issues, then, Government was able to find a way to respond to legitimate public concern without at the same time burdening the system with further inequity and inefficiency.

Because the new Act has been operating for only fifteen months, it is too soon to be certain that all its objectives have been achieved. However, the Office is ensuring that its impact is closely monitored. This emphasis on evaluation is another facet of rational and systematic policy formulation. During the past three years the Office of Crime Statistics has become involved in a range of assessments or programs such as Random Breath Testing, Community Service Orders, the Parole System and the decriminalisation of drunkenness. Already these have provided information of immediate practical value: for example analysis of patterns of sentencing following 1983 changes to the parole system allowed Government to defer construction of the second stage of a major prison complex, and the Random Breath Tests study led to coordination of road safety programs. Even more importantly, such research adds to longer-term knowledge of the ways the criminal justice system in South Australia works. When reviewed in conjunction with the Office's detailed research on such issues as unemployment and crime, burglary, robbery, homicide, serious assault and the needs of crime victims, they will provide a formidable basis for the formulation of effective criminal justice policies in the years to come.

VICTIMS OF CRIME

Since the second world war, governments and researchers have devoted a great deal of effort to explaining the nature and origins of crime and trying to develop appropriate countermeasures. Some commentators have argued that this emphasis on offences and offenders has led to a neglect of victims. Victims not only can be physically, emotionally and financially damaged by the crime itself, they can suffer inconvenience, discourtesy and humiliation from their contacts with the justice system. When required as witnesses they may undergo irksome and repeated questioning and be involved in proceedings which, while routine to prosecutors and judges, can be intimidating and bewildering for the uninitiated.

Acknowledgement of these problems has given rise to a worldwide movement for greater recognition of the rights and needs of victims. South Australia has been no exception to this trend, even though compared with the rest of Australia and on an international basis its record already is by no means inconsiderable.

For example, South Australia was among the forerunners in introducing compensation for victims. In 1969, it enacted the Criminal Injuries Compensation Act which provided a maximum of $2,000 for individuals who had suffered personal injury as a result of a criminal act. In 1978 the amount was further increased to $10,000.

The State also was among the first to modify laws and procedures on sexual assault in order to alleviate the plight of victims. In 1975 and 1976 major legislative changes were made to limit references which could be made in court to a victim's prior sexual experience, to spare most victims from being required to testify in preliminary court proceedings and to broaden the definition of rape. The needs of sexual assault victims with respect to the health system also were recognised in 1975 with the establishment of a specialised Sexual Assault Referral Centre at the Queen Elizabeth Hospital. The Referral Centre provides medical treatment and social work support for victims, and has refined procedures for the collection of forensic specimens. In recognition of its important role, the South Australian Government budgeted more than $300,000 for its operation during the 1985/86 financial year.

Another field where South Australia has a record as a pioneer is law enforcement training and procedures. In 1973 the Police Department introduced mixed (male and female) patrols, with one objective being to ensure a more sensitive approach to female and child victims. In 1975 a Rape Enquiry Unit was established, to conduct initial interviews with sexual assault victims, inform them of procedures to be followed during the enquiry and trial and be available to accompany them during subsequent investigations and court procedures. To complement the work of the Unit general police recruitment and training also have been revised to cover aspects of community service and crisis intervention, and to include talks from members of the crime victim movement. Moreover refresher courses and vocational training for prosecutors, detectives and sex crime investigators all now cover rape trauma and the problem of child sexual abuse.

Many of these training initiatives were prompted by the August, 1981 report of the Committee of Enquiry into Victims of Crime. The Enquiry, approved by Cabinet in August 1979 and one of the first of its type in the world, focussed on five major issues:

- provision of more adequate information on crime and crime victimisation;
- more effective coordination of victim initiatives;
- improvement and extension of services for victims;
- amendment to court procedures, and
- compensation for victims.

It made sixty-seven recommendations, of which fifty-seven have been fully adopted and a further five are in the process of being implemented. Equally importantly, the committee's findings continue to have impact in areas such as law enforcement, education, health, welfare and even court design - with care taken to ensure that victims are able to avoid unnecessary contact with the accused or his associates.

Final confirmation of South Australia's commitment to improving the position of crime victims were the measures announced by the Attorney-General on 29 October 1985, when introducing the Statutes Amendment (Victims of Crime) Bill. One of the objectives of the Bill

is to accord well-defined rights to crime victims. These must now be respected by all relevant government departments, and will ensure that victims can:

- be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to their personal situation, rights and dignity;
- be informed about the progress of investigations being conducted by police (except where such disclosure might jeopardise the investigation);
- be advised of the charges laid against the accused and of any modifications to the charges in question;
- have a comprehensive statement taken at the time of the initial investigation which shall include information regarding the harm done and losses incurred in consequence of the commission of the offence. The information in this statement shall be updated before the accused is sentenced;
- be advised of justifications for accepting a plea of guilty to a lesser charge or for accepting a guilty plea in return for recommended leniency in sentencing;
- be advised of justification for entering a nolle prosequi (ie. to withdraw charges) when the decision is taken not to proceed with charges. (Decisions which might prove discomforting to victims should be explained with sensitivity and tact);
- have property held by the Crown for purposes of investigation or evidence returned as promptly as possible;
- be informed about the trial process and of the rights and responsibilities of witnesses;
- be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
- not have their residential address disclosed unless deemed material to the defence;
- not be required to appear at preliminary hearings or committal proceedings unless deemed material to the defence;
- be entitled to have their need or perceived need for physical protection put before a bail authority which is determining an application for bail by the accused person, by the prosecutor, (Bail Act, Section 10);
- be advised of the outcome of all bail applications and be informed of any conditions of bail which are designed to protect the victim from the accused;
- be entitled to have the full effects of the crime upon him/her made known to the sentencing court either by the prosecutor or by information contained in a pre-sentence report; including any

financial, social, psychological and physical harm done to or suffered by the victim. Any other information that may aid the court in sentencing, including the restitution and compensation needs of the victim, should also be put before the court by the prosecutor;

- be advised of the outcome of criminal proceedings, and to be fully appraised of the sentence, when imposed, and its implications;
- be advised of the outcome of parole proceedings, and
- be notified of an offender's impending release from custody.

The Victims of Crime Bill does not confine itself to confirming rights, however. It has streamlined compensation procedures, and ensured that a wider range of people affected by serious crime will be entitled to such payments. In addition, there are provisions that before imposing a fine, a court will consider the possibility of requiring the offender to make compensation, and that whenever pre-sentence reports are prepared these should also include a summary of the crime's impact on the victim. Finally, the new laws will establish a special Criminal Injuries Compensation Fund, to be financed partly from general revenue and partly from assets confiscated from serious offenders. South Australia is the first State to establish such a fund, aimed at ensuring that those who profit from crime also accept responsibility for paying for the harm caused.

Preceding pages list just some of the measures taken to help crime victims in South Australia. By any standards, this is a significant record. Nonetheless, a great deal more can be achieved. Although some work has been done by the Australian Bureau of Statistics (ABS) and the Australian Institute of Criminology, there are still not enough answers to such basic questions as who are the crime victims and what are their real needs. From the little that is available, it is clear that not all people run the same risks. In 1975, the ABS surveyed more than 18,000 victims aged eighteen and over throughout Australia. It found that people who were unemployed, separated or divorced were far more likely to be affected by crime, and that offences against the elderly were relatively rare. Males in their early twenties were disproportionately numbered among victims of assault and robbery. In 1983 and 1984 the ABS repeated this survey with a larger sample, and although data are still being analysed it seems unlikely that the 1975 results will be contradicted. This means that in Australia, at least, there would appear to be substantial overlap between those who become offenders and those who are victims. Both are more likely to be drawn from the socially disadvantaged.

Information such as this is immensely important in ensuring proper coordination between policies for crime victims and other justice measures. In our shock and sympathy for the trauma inflicted on those affected by crime, it is all too easy to fall into the error of feeling that efforts to rehabilitate offenders must somehow be at the expense

of victims. Nothing could be further from the truth. All available evidence indicates that whenever Governments try to alleviate the social conditions which breed crime or attempt to provide more positive social roles for potential offenders, this will also have direct benefit for those most likely to be victims.

Similarly, only by taking the trouble actually to collect information on crime victims' experiences and views can we be sure that health, welfare and criminal justice reforms really will be in their interests. From existing studies it is clear that a wide range of factors, including type of victimisation, age and social and intellectual skills can affect a victim's resilience. This means that measures effective for one individual can be quite inappropriate when applied in another context, and that all changes must be carefully researched and targetted. Such research also has been useful in helping evaluate the claim, sometimes expressed in the media, that victims of crime must be allowed to participate directly in criminal justice procedures such as setting bail, determining sentences or deciding parole release dates. In fact, this may not be victims' highest priority. Instead, they want the criminal justice system to become more sensitive and responsive, to keep them fully informed and to consult them.

Findings such as these suggest that for South Australia to maintain its impressive record on victim issues, there must be adequate research. For this reason Cabinet has commissioned the Office of Crime Statistics to undertake a comprehensive survey of crime victims' needs during the 1986/87 financial year. The study will be the first of its type in Australia. It will provide a formidable basis for the continued development of effective policies for victims.

LAW REFORM

South Australian Governments always have been mindful of the continuing need to review and to improve systems of criminal justice. A milestone in this process was the appointment, in 1971, of the Criminal Law and Penal Methods Reform Committee of South Australia to examine and make recommendations in relation to the criminal law and its administration in the State.

This Committee, chaired by the Honourable Justice Roma Mitchell, produced four volumes of reports which together comprise over one thousand pages of text and contain 907 specific recommendations. These continue to have significant influence on framing of laws relating to issues such as compellability of spouses to give evidence, the powers of police, the jury system, the unsworn statement and public drunkenness. However recent initiatives also go far beyond the scope of the Mitchell Committee's findings. During the past three years, extensive reforms have been made to the Police Offences Act (now the Summary Offences Act) and in the areas of bail, sexual assault and

rape, victims of crime, liquor licensing and consumption, trespassing on land offences, parole and the consumption and distribution of illicit drugs. Another key reform has been the Crown right of appeal against sentence, which allows the Crown to appeal against sentences it considers unduly lenient or otherwise inappropriate. Since December 1980 there have been more than eighty such actions, and a substantial proportion have been successful. The Government also has made a commitment to the system of community service orders: a form of penalty which requires the offender to perform unpaid work of a socially beneficial nature. The philosophy of such schemes is to encourage the offender to repay society at large in a way that will help develop positive feelings toward making a contribution to society. Aspects of this program have been evaluated by the Office of Crime Statistics.

A final important development has been the proclamation of legislation aimed at ensuring that drunkenness is treated on a welfare basis rather than as a criminal offence. The new system allows Police to apprehend people who are drunk in public places and take them to approved detoxification centres. The Office of Crime Statistics currently is reviewing the effects of these changes.

FIREARMS

Prevention is at least as important as deterrence in fighting crime. Another important innovation in the campaign against violence in South Australia is the firearms control program.

Firearms predominate as the weapon most often used in the commission of murder. They are also commonly involved in robbery and serious assault. All available evidence suggests that gun use in violence increases with gun ownership. Among those nations in the industrialised world whose low levels of violent crime are exemplary, we find Sweden and Japan. Both place rigid restrictions on the ownership and use of firearms. By contrast, in the United States, levels of unrestricted gun ownership and criminal violence are by far the highest in the English speaking world.

Legislation proclaimed in 1980 (The Firearms Act, 1977), requires the registration of all firearms and the licensing of all persons possessing them.

The scheme does not restrict the legitimate use of firearms, but significantly reduces the chances of weapons falling into irresponsible hands. In some respects, it is similar to the registration of motor vehicles and the licensing of drivers.

FURTHER RESEARCH

History has shown that the volume and nature of crime may not be expected to remain constant. It is of utmost importance closely to monitor changes in the circumstances of crime, so that the formulation and implementation of public policy remains appropriate to contemporary problems.

The South Australian Government's Office of Crime Statistics, which began operations in July, 1978 is responsible for monitoring trends in crime and criminal justice policy. The six monthly Crime and Justice Reports of the Office provide basic statistics on the operations of the major departments of the criminal justice system, and include the first systematic returns of sentences awarded in the Higher Criminal Courts in South Australia. The collection of statistics from Courts of Summary Jurisdiction began on 1st July, 1979 and the first returns of sentences awarded in these Courts became available in early 1980.

In addition, the Office of Crime Statistics has undertaken a number of special research projects on issues of public and official concern. Reports on homicide rates and trends in comparative perspective were published in July, 1979 and November 1981. These showed that the murder rate in South Australia has remained fairly stable since the early 1970's, showing no significant trend.

A study of all robberies coming to the attention of Police between 1 July 1976 and 30 June 1979 was published in February 1980. Other major publications have been on Shoplifting (September, 1982), Sexual Assault (July, 1983), Random Breath Testing (November, 1983), Community Service Orders (May, 1984), and Bail (internal departmental report - June 1984). Research currently is being completed on Unemployment and Crime, Homicide, Public Drunkenness and the Parole System. Future work will include a major review of the needs of Victims of Crime and a follow-up study of Bail.

All of this work has had, or will have, direct relevance to criminal justice policies under consideration by Government - in many instances research has been conducted in collaboration with departments responsible for implementing the relevant programs. For example the Bail and Parole evaluations have been undertaken with the Research and Planning Unit of the Department of Correctional Services, the Random Breath Testing and Public Drunkenness evaluations have involved close cooperation with the Drug and Alcohol Services Council, and findings on Breaking and Entering will be the subject of a combined report by the Office of Crime Statistics and the South Australian Police Department. Such joint studies can only improve the coordination of criminal justice research and enhance opportunities for ensuring that policy recommendations are put into effect.

SUMMARY

1. The most serious crimes in South Australia are punishable by the most severe penalty available at law - life imprisonment.

2. Sentencing is a very complex issue. Sentencing decisions are based on a variety of factors, including the nature and circumstances of the offence, the background of the offender, and the safety and protection of the public.

3. The sentence to be imposed in each individual case is for the Judge or Magistrate to decide. The exercise of this discretion by a judiciary independent of Government is one of the hallmarks of Anglo-Australian justice.

4. The widespread introduction of mandatory minimum sentences would place greater strains on the judicial process and may increase the likelihood of acquittals. This would tend to offset whatever advantages might arise from an increased deterrent effect.

5. Crimes against property are much more common than crimes of violence. This is true not only in South Australia, but in all affluent societies.

6. The increase in rates of crime which has occurred over the past thirty years is not unique to South Australia. Similar patterns are visible in all English speaking democracies, and in the vast majority of Western industrial nations.

7. The reasons for this increase are complex; it may be explained in part by greater opportunities to commit crime, greater mobility of the population, changes in the family, and economic conditions, among other factors.

8. Despite increases in drugs cases detected by police during the past ten years, more than 90% of charges still relate to the use or consumption of cannabis or a derivative. The rate of increase of major crimes, such as burglary and robbery, is no higher in South Australia than in other States.

9. Traditionally, Australia has ranked among the countries with lower rates of homicides per head of population, and South Australia has been below the national average during ten of the past twelve years. Homicides and serious assaults reported in Adelaide are between two and nine times lower than in U.S. populations of similar size. Moreover a somewhat lower percentage of homicides in South Australia appear to be 'random' events committed by strangers than is the cases in some other parts of the world.

10. Law reform is an ongoing process in South Australia, and the past three years have seen major changes in legislation and procedures relating to such issues as sexual assault, bail, the parole system and victims of crime. Such changes are carefully researched and their effects closely monitored. Another key reform has been the Crown right of appeal against sentences considered unduly lenient or otherwise inappropriate. Since December 1980 there have been more than eighty such actions, and a substantial proportion have been successful.

11. One must take great care in making generalisations about crime and criminal justice policy. It is particularly unwise to base generalisations on occasional events reported in the daily press, but without all the relevant facts.

APPENDICES

APPENDIX A - SOURCE LIST OF CRIMINAL JUSTICE DATA

South Australia

Annual Report of the Commissioner of Police
South Australian Police Department.
(South Australian Government Printer).

Offences Becoming Known to Police and Cases Cleared
Published quarterly, South Australian Government Gazette
(South Australian Government Printer).

Higher Criminal Courts
Australian Bureau of Statistics

Annual Report of the Department of Correctional Services
Department of Correctional Services
(South Australian Government Printer)

Annual Report of the Department for Community Welfare
Department for Community Welfare
(South Australian Government Printer)

Criminal Law and Penal Methods Reform Committee of South Australia:

- First Report: Sentencing and Corrections
  (South Australian Government Printer, 1973)
- Second Report: Criminal Investigation
  (South Australian Government Printer, 1975)
- Third Report: Court Procedure and Evidence
  (South Australian Government Printer, 1975)
- Fourth Report: The Substantive Criminal Law
  (South Australian Government Printer, 1977)

Interstate and Australia

Victoria Police Annual Report
(Victorian Government Printer)

Victoria Police - Statistical Review of Crime
(Victorian Government Printer)

Court Statistics of New South Wales
New South Wales Bureau of Crime Statistics and Research (New South Wales Government Printer)

Statistics of Higher Criminal Courts, New South Wales
Australian Bureau of Statistics

Prison Statistics, New South Wales
Australian Bureau of Statistics

Law and Order, Queensland
Australian Bureau of Statistics

Public Justice, Tasmania
Australian Bureau of Statistics

Prison Statistics, Tasmania
Australian Bureau of Statistics

Law, Order and Public Safety in Western Australia
Australian Bureau of Statistics

Crime and Justice - Social Indicators, Australia
Australian Bureau of Statistics, 1980

Crime Victims, General Social Survey, Australia
Australian Bureau of Statistics, 1975

Commonwealth Police Force Annual Report
(Commonwealth Government Printer)

Crime Trends in Twentieth-Century Australia
Satyanshu K. Mukherjee, Australian Institute of Criminology
(George Allen and Unwin Australia Pty. Ltd., 1981)

The Size of the Crime Problem in Australia
D. Biles and M. Johnson, Australian Institute of Criminology
(Canberra, 1982)

Crime and Justice in Australia
Edited by David Biles, Australian Institute of Criminology
(Canberra, 1977).

Overseas

Uniform Crime Reports for the United States
Federal Bureau of Investigation, United States Department of Justice, Washington D.C.

Criminal Statistics, England and Wales
Secretary of State, Her Majesty's Stationery Office

Statistical Handbook
Canadian Criminal Justice, Solicitor General, Canada.

Television and Human Behaviour
Comstock, George (et al)
(New York: Columbia University Press, 1978)

APPENDIX B - PUBLICATIONS OF THE SOUTH AUSTRALIAN OFFICE OF CRIME STATISTICS (October 1986)

Series 1: Crime and Justice in South Australia - Quarterly Reports

Vol. 1 No. 1 Report for the Period Ending 31st December, 1978 (February, 1979)

Vol. 1 No. 2 Report for the Period Ending 31st March, 1979 (June, 1979)

Vol. 1 No. 3 Report for the Period Ending 30th June, 1979 (September, 1979)

Vol. 2 No. 1 Report for the Period Ending 30th September, 1979 (December, 1979)

Vol. 2 No. 2 Report for the Period Ending 31st December, 1979 (March, 1980)

Vol. 2 No. 3 Report for the Period Ending 31st March, 1980 (July, 1980)

Vol. 2 No. 4 Report for the Period Ending 30th June, 1980 (September, 1980)

Vol. 3 No. 1 Report for the Period Ending 30th September, 1980 (December, 1980)

Vol. 3 No. 2 Report for the Period Ending 31st December, 1980 (May, 1981)

Vol. 3 No. 3 Report for the Period Ending 31st March, 1981 (July, 1981)

Vol. 3 No. 4 Report for the Period Ending 30th June, 1981 (September, 1981)

Series 11: Summary Jurisdiction and Special Reports

No. 1 Homicide in South Australia: Rates and Trends in Comparative Perspective (July, 1979)

No. 2 Law and Order in South Australia: An Introduction to Crime and Criminal Justice Policy (First Edition) (September 1979).

No. 3 Robbery in South Australia (February, 1980)

No. 4 Statistics from Courts of Summary Jurisdiction: Selected Returns from Adelaide Magistrate's Court: 1st January - 30th June, 1979 (March, 1980)

No. 5 Statistics from Courts of Summary Jurisdiction: Selected Returns from South Australian Courts: 1st July - 31st December, 1979 (September, 1980)

No. 6 Statistics from Courts of Summary Jurisdiction: Selected Returns from South Australian Courts: 1st January - 30th June, 1980 (December, 1980)

No. 7 Statistics from Courts of Summary Jurisdiction: Selected Returns from South Australian Courts: 1st July - 31st December, 1980 (September, 1981)

No. 8 Statistics from Supreme Court and District Criminal Courts: 1st July 1980 - 30th June, 1981 (November, 1981)

No. 9 Homicide and Serious Assault in South Australia (November, 1981)

Series A: Statistical Reports

Odd numbered reports (1-17): Statistics from Criminal Courts of Summary Jurisdiction (covering 6 monthly periods from 1 January, 1981 through to 30 June, 1985).

Even numbered reports (2-16): Crime and Justice in South Australia (Police, Corrections, Higher Criminal Court and Juvenile Offender statistics) (covering 6 monthly periods from 1 July, 1981 through to 30 June, 1985.)

Series B: Research Bulletins

No. 1 Shoplifting in South Australia (September, 1982)

No. 2 Law and Order in South Australia, An Introduction to Crime and Criminal Justice Policy (Second Edition) (October, 1986)

No. 3 Bail Reform in South Australia (July, 1986)

Series C: Research Reports

No. 1 Sexual Assault in South Australia (July, 1983)

No. 2 Evaluating Rehabilitation: Community Service Orders in South Australia (May, 1984)

Series D: Social Issues Series

No. 1 Random Breath Tests and the Drinking Driver (November, 1983)