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

1993

NSW BUREAU OF CRIME STATISTICS AND RESEARCH

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PREFACE

Historically in New South Wales, as in other States of Australia, problems in different parts of the criminal justice system tended to be viewed in isolation from one another. This is despite the complex web of interactions which exists between different parts of the system. Court listing strategies, for example, can affect the amount of time police spend in court and therefore the amount of police time available for patrol, surveillance and crime prevention. Police prosecution strategies can affect the demand for criminal court time. Court delay affects the size of the remand population. Parole policies can affect the rate at which offenders return to court.

Because decisions made in one part of the criminal justice system can exert potent effects on other parts, policy coordination is a particularly important feature of effective criminal justice administration. The Government has shown a strong interest in promoting both more effective coordination and better assessment of the impact of criminal justice policy. This is reflected in the regular meetings now held between Chief Executive Officers of key criminal justice agencies. It is also reflected in closer monitoring by the Bureau of crime trends, law enforcement activity, court congestion, sentencing practice and correctional populations.

The Attorney General has always played a central role in shaping criminal justice policy. In keeping with this, the Attorney General's Department has been a strong supporter of the Bureau's efforts to monitor trends in crime and criminal justice. The need for an annual synthesis of the key trends in crime and criminal justice in New South Wales was in fact suggested earlier this year by the Director General of the Department. This report attempts to meet that need. It is not a sourcebook of crime and criminal justice statistical data. Rather, as its title suggests, it attempts to identify the key trends in crime and criminal justice in New South Wales and measure the scale of the changes involved in those trends.

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GENERAL INTRODUCTION

Debates about substantive issues in crime and justice policy are perennial in Australia. The last few years, however, have seen a growing interest in the need for better coordination of planning and policy within criminal justice agencies. This awareness has been fostered by two related developments. The first is a growing desire within many jurisdictions to make more efficient and effective use of existing law enforcement and criminal justice resources. The second is a growing appreciation of the way in which activities within one criminal justice agency can affect the functioning of other criminal justice agencies.

One of the factors impeding better criminal justice planning and policy within Australian criminal justice systems is the generally fragmentary state of information about such systems. In most jurisdictions there is no single source of data on the state of its criminal justice system. Usually each relevant agency publishes its own statistical data separately from and without reference to data published by other agencies. Sometimes agencies do not even publish useful statistical data on matters central to an assessment of their performance or the demands on their resources.

New South Wales is in the fortunate position of having collected and published comprehensive crime, court outcome and correctional population data for more than two decades. Unfortunately, much of it is either incommensurable or not presented in a form which would facilitate an understanding of the way in which constituent criminal justice agencies affect each other. Some trends are shown as monthly trends over a short period. Some are shown as annual trends over a long period. Sometimes cases are counted. At other times individuals are counted. Moreover, as with other States, some key pieces of information are not routinely collected at all.

Key Trends in Crime and Justice is intended to address these problems. It is not a compendium of crime and justice statistical data for New South Wales. The purpose of the report is to single out for examination those trends which are vital to an understanding of one of the following (a) the demands on each criminal justice agency's services (b) the impact of these demands on each agency's performance and (c) the effects each agency has or will have on other criminal justice agencies. Wherever possible, the data have been presented in a standard format so as to facilitate comparisons of different criminal justice processes over time.

Although, wherever possible, trends have been tested for statistical significance, no attempt has been made to offer 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. Hopefully, over

time, a better understanding of the trends will emerge as agencies use them to monitor the impact of their legal and/or administrative initiatives.

There are three other points that should be made by way of general introduction to the report. The first is that it proved in some cases impossible due to time constraints to present all data in optimal form. This problem will be remedied in following reports. The second is that certain 'key trends' cannot be presented because the relevant data are simply not available. A noteworthy example of this problem is the absence of reliable data on receptions of remand prisoners. The third point is that readers interested in seeing other trends included in subsequent reports are encouraged to contact the Bureau as soon as possible following publication of this report.

SECTION 1

**TRENDS IN
RECORDED CRIME**

SECTION 1: TRENDS IN RECORDED CRIME

INTRODUCTION

Section 1 of the report is concerned with three sets of trends of considerable importance to law enforcement and crime prevention policy. Each set of trends is examined over the period January 1989 to June 1993, although each set concerns a somewhat different group of offences.

The first set, shown in Figures 1.1 to 1.9, deals with serious crime rates.¹ A Kendall's rank order correlation test for trend has been applied to the monthly rates of recorded offences per 100,000 population over the 54-month period from January 1989 to June 1993.² For those offences where a statistically significant trend was found, the percentage change in the average of the recorded offence rate between the first and the last six months of the period has been used as an indicator of the magnitude of the trend.

The offences examined in Figures 1.1 to 1.9 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 offences recorded by police provide a poor guide to changes in the actual 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 as much by policing policy and resources as it is by the number of persons using or selling illegal drugs.

The second set of trends, shown in Figure 1.10, deals with changes in the relative level of demand placed on police resources by different types of offences. These changes are measured by annual changes in the relative frequency of certain offence groups. The offences examined in Figure 1.10 have been selected on the basis that they are the most frequently recorded by the police. Because fine distinctions among offence groups are not important in gauging trends in police workload, the less frequently occurring offences have been grouped into broad categories.

The third set, shown in Figure 1.11, deals with trends in clear-up rates.³ The clear-up rate is one measure of police performance. There is, however, no single 'best' measure of police performance. In some circumstances the police will seek to reduce the crime rate by means other than arresting more offenders. The appropriate measure of police performance will always depend upon the objective or objectives of a particular policing policy. The clear-up rate has been chosen for examination in this report because it is one of the few performance measures for which the relevant data are readily available.

In keeping with the approach adopted in the Bureau's publication *Recorded Crime Statistics*, Figure 1.11 shows trends in the single year clear-up rate. This is the percentage of offences that occur in a given year which are cleared in the same year. Thus defined, it not only

gives some indication of the number of offences cleared, it also gives some indication of the speed with which police clear offences. For those offences (e.g. drug offences) where arrest of the offender and discovery of the offence generally coincide, the clear-up rate is not a very meaningful measure of police performance. The offence groups shown in Figure 1.11 are those where the single year clear-up rate provides a meaningful measure of performance.

TRENDS IN RECORDED OFFENCE RATES PER 100,000 POPULATION FOR SELECTED OFFENCES

Figure 1.1 shows the monthly rate of homicide as recorded by the police. There is no statistically significant upward or downward trend in the rate of recorded homicide. As homicide is a relatively infrequent event, large variations can occur from month to month. For example, an incident involving multiple victims can have a marked effect on the monthly rate.

The monthly rate for recorded assault offences is shown in Figure 1.2. There is a statistically significant upward trend in the rate of recorded assault offences. The recorded rate of assault increased 15.2% from the first to the last six months of the period. It can also be seen in Figure 1.2 that assault evidenced a seasonal pattern. Generally the rate of recorded assault offences tended to peak around the summer months. The increase in recorded assault offences over the period January 1989 to June 1993 may have been due, at least in part, to a change in the level of reporting to police. Victim surveys conducted by the Australian Bureau of Statistics (ABS) indicate that the level of reporting of assault by victims increased over the period 1990 to 1992.⁴ Prior to this, a Bureau study showed that much of the increase in non-aggravated assault over the period 1982 to 1988/89 was due to a combination of an increase in the willingness of (1) police to report assaults against themselves and (2) victims of domestic violence to report to the police.⁵

The trend in the rate of sexual assault offences as recorded by the police is shown in Figure 1.3. There is no statistically significant upward or downward trend. The trend shows that there is some seasonal variation in recorded sexual assault offences, with peaks generally occurring in January.

It is known from victim surveys that the level of sexual assault recorded by the police is much lower than the actual incidence of sexual assault. According to victim surveys, only one-quarter of sexual assaults are reported to the police.⁶ There is no reason for believing that the level of reporting of sexual assault changed over the period January 1989 to June 1993.⁷

Figure 1.4 shows the monthly rate of recorded robbery offences. There is no statistically significant upward or downward trend in the rate. Findings from ABS victim surveys

for the years 1990 to 1992 indicate that the proportion of robberies reported to the police was stable at about 59%.⁸

The downward trend in the rate of recorded break, enter and steal offences, illustrated in **Figure 1.5**, is statistically significant. The rate of break, enter and steal offences decreased 26.6% from the first to the last six months of the period. ABS figures show that the level of reporting by victims of break, enter and steal from 1990 to 1992 was stable and, compared with other offences, relatively high. More than 70% of victims who had their home broken into reported the incident to the police.⁹

The monthly rate of recorded motor vehicle theft offences is shown in **Figure 1.6**. There is a statistically significant downward trend in the rate. The rate of motor vehicle theft decreased 30.4% from the first to the last six months of the period. The level of motor vehicle theft recorded by the police provides a particularly good indication of the actual level of the crime because most incidents (about 95%) are reported to the police.¹⁰ Thus, it is likely that there was a real decrease in the rate of motor vehicle theft over the period January 1989 to June 1993.

Figure 1.7 shows the monthly rate of recorded stealing offences. There is no statistically upward or downward trend in the rate of recorded stealing. There are no figures available to determine whether the level of reporting by victims of stealing offences has changed in recent years. It is known from a 1983 victim survey conducted by the ABS that less than 40% of victims of theft report the crime to the police.¹¹

Figure 1.8 shows the trend in the monthly rate of recorded arson offences. The upward trend is statistically significant. The most dramatic increase in the rate of recorded arson occurred around the middle of the period with a peak in March 1991. The difference in the rate of recorded arson offences from the first to the last six months of the period represented an increase of 55.8%. Arson is an offence which can often be difficult to establish. For example, it is common for evidence to be destroyed by fire or destroyed in the course of firefighting. It is likely, therefore, that the police figures underestimate the actual incidence of arson. There is no reason for believing, however, that the level of undetected arson has changed, so the increase in recorded arson offences is likely to signify a real increase in arson.

The monthly rate of recorded malicious damage offences is shown in **Figure 1.9**. The upward trend in the rate is statistically significant. The rate of recorded malicious damage increased 22.5% from the first to the last six months of the period. From **Figure 1.9** it appears that malicious damage as recorded by the police is seasonal. The rate of recorded malicious damage generally falls to a low around February, after which time it climbs to a peak around the end of the year. The level of reporting of malicious damage by victims

is unknown but there is evidence to suggest that only a small proportion of incidents is reported to the police.¹²

TRENDS IN THE RELATIVE FREQUENCY OF SELECTED OFFENCES

Figure 1.10 shows the percentage of all recorded offences accounted for by selected offences for each of the years 1989 to 1992 and for the first half (January to June) of 1993. From Figure 1.10 it can be seen that recorded theft offences comprised the bulk of the offences recorded by the police. In particular, stealing offences were the most frequently recorded offences, consistently representing over one-quarter of the offences recorded by the police between January 1989 and June 1993. Over this period, recorded break, enter and steal offences comprised about 20% of all recorded offences. Drug offences comprised the smallest proportion of the recorded offences selected (consistently less than 6%).

From year to year between January 1989 and June 1993, the percentage of all recorded offences accounted for by selected offences varied. The proportion that stealing offences represented of all offences recorded by the police generally appeared to increase from 1989 to 1993. The proportions of malicious damage, drug offences and offences against the person also appeared to increase. The proportion of motor vehicle theft over the same period, on the other hand, appeared to go down.

TRENDS IN THE SINGLE YEAR CLEAR-UP PERCENTAGES FOR SELECTED OFFENCES

Figure 1.11 shows the single year clear-up percentages for selected offences recorded by the police for the period 1989 to 1992.

Over the period 1989 to 1992, offences against the person, namely assault and sexual assault, consistently had the highest clear-up percentages of all recorded offences, being around 65% and 46%, respectively. In contrast, the clear-up percentages for theft offences (particularly break, enter and steal, and motor vehicle theft) were very low.

From year to year between 1989 and 1992 there was little change in the single year clear-up percentage for any offence. The only offences that appeared to show any consistent change were robbery and motor vehicle theft. The single year clear-up percentage for these offences appeared to increase slightly from 1989 to 1992.

TRENDS IN RECORDED CRIME

FIGURES

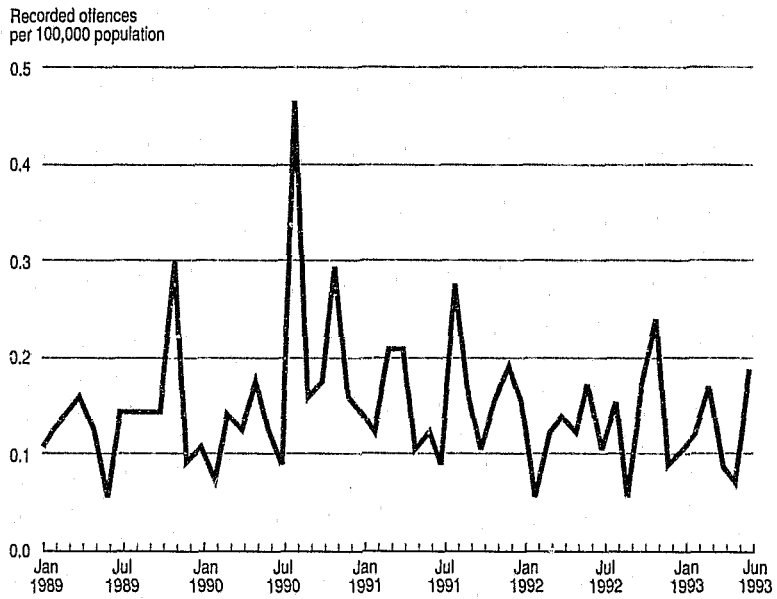
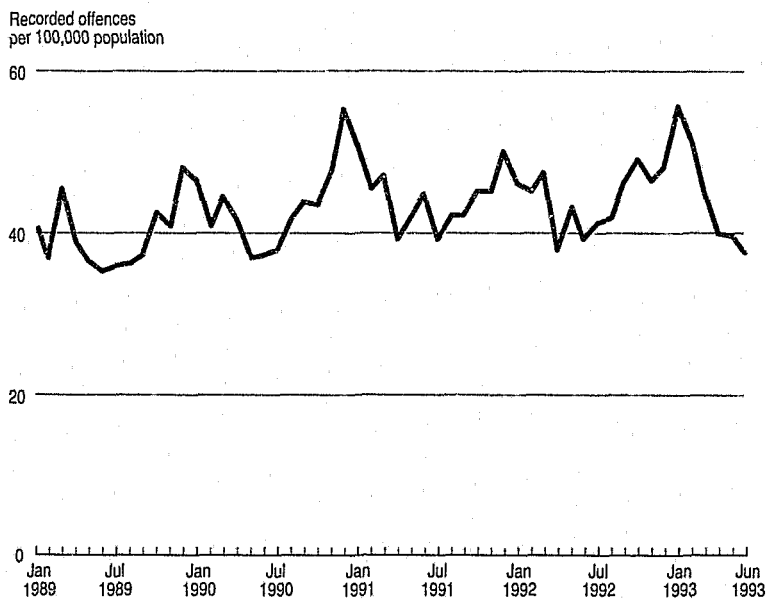
Figure 1.1: Homicide**Figure 1.2: Assault**

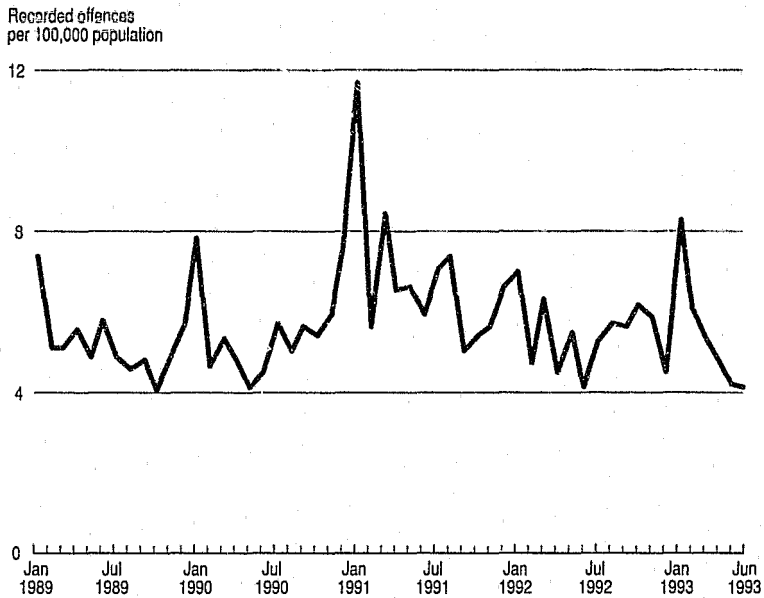
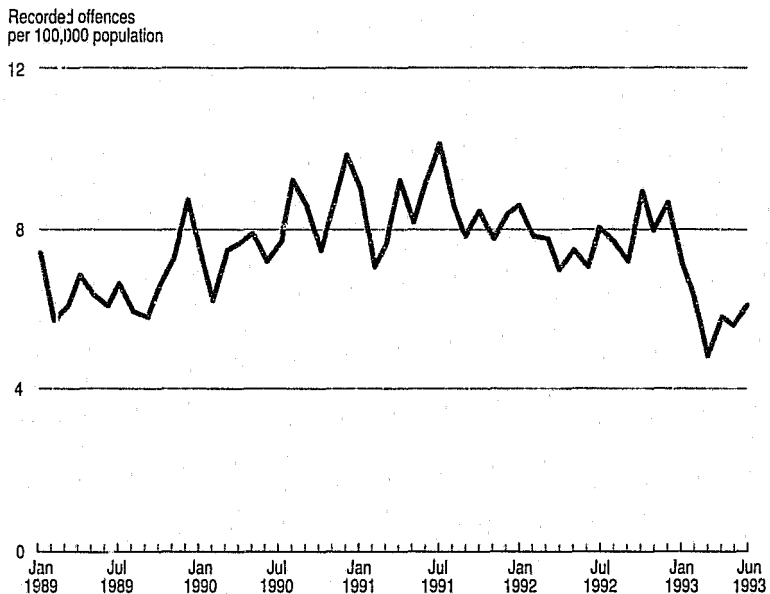
Figure 1.3: Sexual assault**Figure 1.4: Robbery**

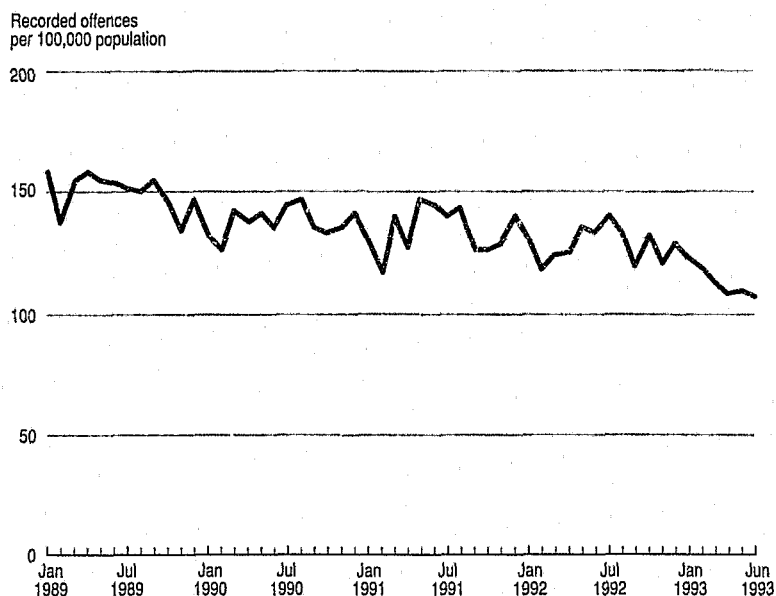
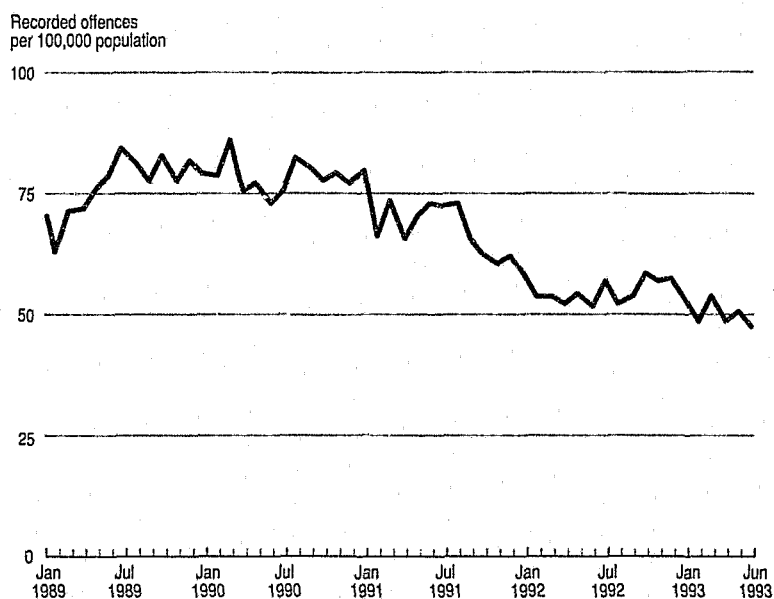
Figure 1.5: Break enter and steal**Figure 1.6: Motor vehicle theft**

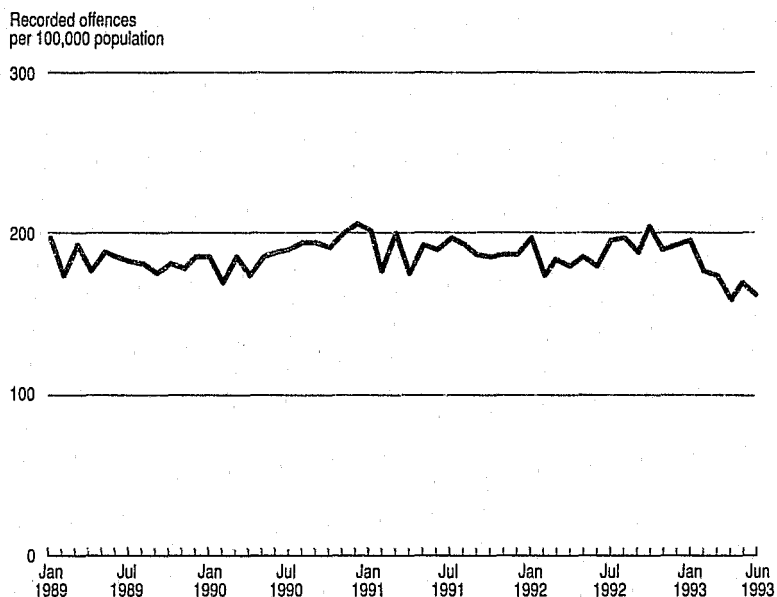
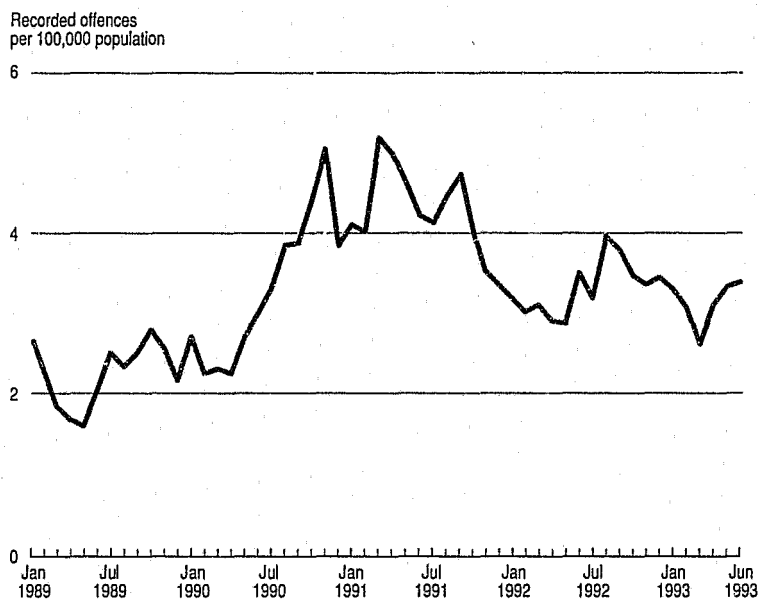
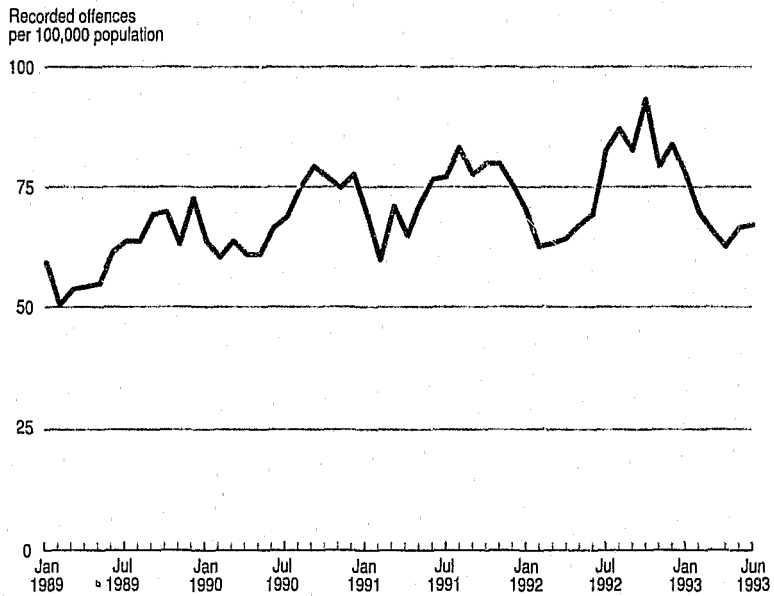
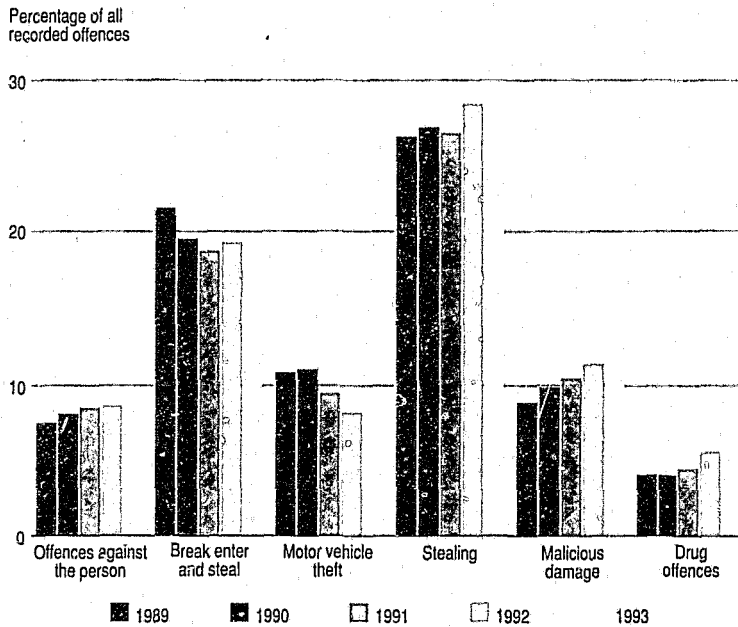
Figure 1.7: Stealing**Figure 1.8: Arson**

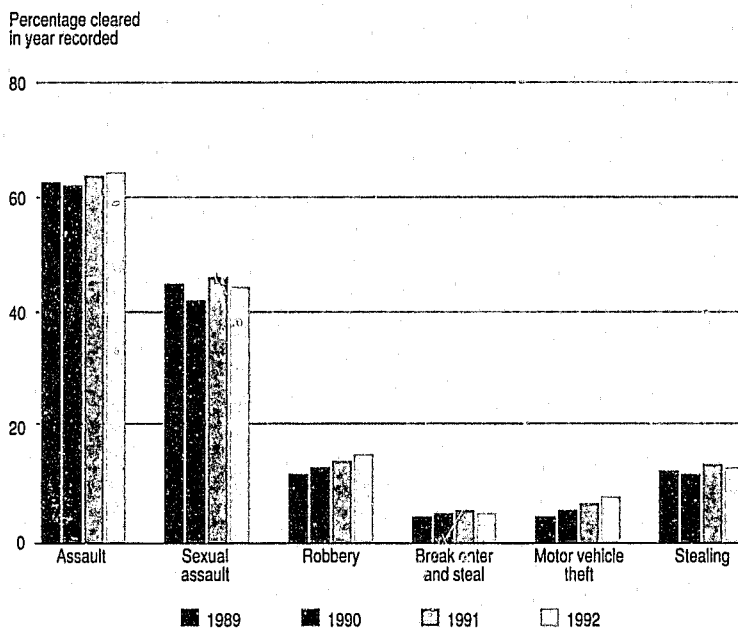
Figure 1.9: Malicious damage



**Figure 1.10: Percentage of all recorded offences
Selected types of offence**



**Figure 1.11: Single year clear-up percentage
Selected types of offence**



SECTION 2

**TRENDS IN CRIMINAL
COURT PROCESSES**

SECTION 2: TRENDS IN CRIMINAL COURT PROCESSES

INTRODUCTION

This section presents key trends in the Local, District and Supreme Courts of NSW between January 1990 and June 1993. As with the crime trend data, each court trend has been tested for statistical significance using Kendall's rank order correlation test. Where the results of the test indicated that there is a significant upward or downward trend, the percentage change between the first and the last six months of the trend period has been used as an indicator of the magnitude of the trend.

The trends examined in each jurisdiction cover four aspects of that jurisdiction's functioning.

The first aspect of court functioning, examined in Figures 2.1, 2.18 and 2.31, is the trend in the number of new cases registered in each jurisdiction. These trends give some guide as to the overall level of demand in each jurisdiction for criminal court services. However, the number of new cases registered is not the sole determinant of the level of demand for criminal court services. When interpreting the trends it is important to remember that cases where the accused person pleads not guilty (i.e. defended matters) consume far more court time than cases where the accused pleads guilty to all charges (i.e. 'pleas') or cases which are dealt with *ex parte* (i.e. in the absence of the accused person).

The second aspect of court functioning, examined in Figures 2.2 to 2.13, 2.19 to 2.26 and 2.32, concerns trends in the frequency of different methods of disposal.¹³ The primary focus of interest in all jurisdictions concerns the frequency of defended matters relative to that of pleas. In the Local Courts, however, a significant number of matters are disposed of *ex parte*. Accordingly, trends in the number of Local Court matters disposed of *ex parte* are also shown.

There are no *ex parte* hearings in the District or Supreme Courts but a significant number of cases in these courts are 'finalised' when all the charges are 'no-billed'¹⁴ or when the accused person absconds or dies. Because cases in these individual categories are relatively small in number, they have been grouped together and shown as 'other' finalisations. It should be noted, nonetheless, that most cases finalised in the 'other' category in the District or Supreme Court involve cases where the charges have been 'no-billed'.

Trends in the relative frequency of defended matters and pleas tend to vary according to the type of offence. In order to assist in the interpretation of general trends in types of disposal, separate trends in the number of defended matters and pleas are presented for

each major offence group dealt with by the Local Courts or the District Court. Separate trends in the number of defended matters and pleas for selected offences are not presented for the Supreme Court because it deals with too few cases to allow meaningful comparisons between offence types.

It should be noted that each person appearing before the criminal courts may have been charged with one or more offences. However, because each figure showing trends in methods of disposal (i.e. Figures 2.2 to 2.13, 2.19 to 2.26 and 2.32) is person-based, each figure presents a person 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 in each figure.

Figures 2.2, 2.19 and 2.32 examine the frequency of the different methods of disposal for all finalised matters. The method of disposal shown for each person in each figure has been selected using the following hierarchy of methods: defended hearing, sentenced after guilty plea, and ex parte hearing or 'other' (depending on the jurisdiction). Hence, if a person had a defended hearing for any charge, the method of disposal presented for the person would be a defended hearing.

Figures 2.3 to 2.13 and 2.20 to 2.26 each examine the frequency of methods of disposal for a different type of offence. A person is classified as belonging to a particular offence category if he or she was charged with an offence belonging to that category. Thus, where defendants were charged with more than one type of offence, they will feature in more than one figure. For example, a person charged with a drug offence and a driving offence would appear once in the figure for drug offences and once in the figure for driving offences. Whenever a person had multiple charges of the same type of offence, the method of disposal shown in the figure for that offence was selected using the hierarchy of methods described previously.

The offence categories used in the trends showing methods of disposal are those employed in the Bureau's publication *New South Wales Criminal Courts Statistics 1992*. The reader is referred to the explanatory notes of that report for details of those offence categories. It should be noted that the category 'property damage' includes arson, the category 'justice procedures' includes any breach of a court order, and the category 'offences against good order' includes weapons offences, betting and gaming offences, prostitution, liquor licensing offences, and offensive behaviour.

The third 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 2.14 therefore shows the trend in the median time from first appearance to finalisation for defended matters disposed of in the Local Courts. Figures 2.27 and 2.33

show, respectively, trends in the median delay between committal for trial and trial finalisation for the District and Supreme Courts.

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, trends in the number of convicted persons given a prison sentence in each jurisdiction (shown in Figures 2.15, 2.28 and 2.34), trends in the percentage of convicted persons given a prison sentence in each jurisdiction (shown in Figures 2.16, 2.29 and 2.35) and trends in the average length of the minimum or fixed term of imprisonment imposed on those who are sentenced to prison (shown in Figures 2.17, 2.30 and 2.36).

LOCAL COURT TRENDS

Registrations

Figure 2.1 shows a downward trend in the number of criminal cases registered in the Local Courts. This trend is statistically significant. The number of criminal cases registered fell by 10.9% from the first to the last six months of the period.

Disposals

Figure 2.2 shows the overall trends in the method of disposal of criminal matters finalised in the Local Courts. There is a statistically significant downward trend in the number of matters disposed of on a plea of guilty. The decrease between the first and the last six months of the period was 5.0%. Neither the trend in the number of matters finalised in defended hearings nor the trend in the number of ex parte hearings is statistically significant.

It is therefore clear that, although the number of defended hearings did not change, this number represented a greater **proportion** of the finalised matters in the Local Courts by the end of the period. This is evident given that the decrease in guilty pleas over the period was not compensated by an increase in matters disposed of by ex parte hearings.

Figure 2.3 shows the trends in method of disposal for assault matters. There are statistically significant downward trends in all three types of disposal. Between the first and the last six months of the period, the number of matters finalised by way of a guilty plea fell by 23.1%, the number of matters finalised by way of a defended hearing fell by 14.7% and the number of matters disposed of ex parte fell by 1.1%. Because the decline in the number of matters dealt with on a plea of guilty was larger than the decline in defended

hearings, an increased proportion of assault matters involved a defended hearing towards the end of the period.

Figure 2.4 shows the trends in method of disposal for matters involving break, enter and steal. There is a statistically significant upward trend in the number of matters dealt with ex parte. Although the percentage change in the number of ex parte matters from the first to the last six months of the period was very large (116.7%), the number of matters involved was very small.

Figure 2.5 shows the trends in method of disposal for matters involving fraud. There is a statistically significant upward trend in the number of matters finalised as a defended hearing. The increase from the first to the last six months of the period was 45.4%. The absence of any statistically significant change in the number of fraud matters dealt with on a plea of guilty or ex parte means that an increasing proportion of fraud matters in the Local Courts involved a defended hearing towards the end of the period.

Figure 2.6 shows the trends in the method of disposal for matters involving larceny offences. There are statistically significant downward trends in the number of matters disposed of by guilty plea and by defended hearing. Between the first and the last six months of the period, the number of matters finalised by way of a guilty plea fell by 12.7% and the number of matters finalised by way of a defended hearing fell by 14.3%.

Figure 2.7 shows the trends in the method of disposal for matters involving unlawful possession. There is a statistically significant downward trend in the number of matters dealt with by guilty plea. These matters fell by 14.4% from the first to the last six months of the period. The absence of any statistically significant decline in the number of unlawful possession matters being dealt with by way of a defended or ex parte hearing means that an increasing proportion of unlawful possession matters involved a defended hearing towards the end of the period.

Figure 2.8 shows the trends in method of disposal for matters involving motor vehicle theft. There is a statistically significant downward trend in the number of matters dealt with on a plea of guilty. Between the first and the last six months of the period it fell by 30.3%. The absence of any statistically significant downward trends in the number of motor vehicle theft matters dealt with by way of a defended or ex parte hearing means that an increasing proportion of motor vehicle theft matters involved a defended hearing towards the end of the period.

Figure 2.9 shows the trends in method of disposal for matters involving property damage. There are statistically significant downward trends in the number of matters disposed of by guilty plea and by defended hearing. Between the first and the last six months of the period, the number of matters finalised by way of a guilty plea fell by 17.1% and the

number of matters finalised as a defended matter fell by 22.9%.

Figure 2.10 shows the trends in the method of disposal for matters involving offences against justice procedures. Overall, there is a statistically significant downward trend in the number of matters being dealt with on a plea of guilty. Close examination of the trend, however, shows that despite a steady decline in the number of justice procedure matters dealt with on a plea of guilty between 1990 and 1992, the number of such matters returned to the 1990 level in the last six months of the period.

Figure 2.11 shows the trends in the method of disposal for matters involving offences against good order. There are statistically significant downward trends in all three types of disposal. Between the first and the last six months of the period, the number of matters finalised on a guilty plea fell by 46.1%, the number of matters finalised as a defended matter fell by 35.1% and the number of matters finalised ex parte fell by 27.0%. The greater relative size of the decline in matters dealt with on a plea of guilty means that an increasing proportion of matters involving offences against good order were being finalised by way of a defended hearing towards the end of the period.

Figure 2.12 shows the trends in the method of disposal for matters involving drug offences. There are no statistically significant upward or downward trends in the method of disposal for such matters.

Figure 2.13 shows the trends in the method of disposal for matters involving driving offences. There are statistically significant downward trends in all three types of disposal. Between the first and the last six months of the period, the number of matters finalised on a guilty plea fell by 47.9% and the number of matters finalised by way of a defended hearing fell by 26.3%. While the downward trend in the number of matters finalised ex parte over the period was statistically significant, the number of ex parte matters in the last six months of the period was actually higher than the number in the first six months of the period. This was largely due to a marked increase in the number of matters disposed of by way of an ex parte hearing after February 1993. Overall for matters involving driving offences, the greater relative size of the decline in matters dealt with on a guilty plea means that an increasing proportion of these matters were being finalised by way of a defended hearing towards the end of the period.

Delay

Figure 2.14 shows the trend in median delay between first appearance and determination for defended cases finalised within the Local Courts. There is a statistically significant downward trend in this delay. Between the first and the last six months of the period it fell 29.9%.

Sentencing

Figure 2.15 shows the trend in the number of persons convicted in Local Courts who were sentenced to a term of imprisonment. There is no statistically significant upward or downward trend.

Figure 2.16 shows the trend in the percentage of persons convicted in Local Courts who were sentenced to a term of imprisonment. There is no statistically significant upward or downward trend.

Figure 2.17 shows the trend in the average length of the minimum or fixed term of imprisonment imposed upon persons sentenced to prison in the Local Courts. There is a statistically significant downward trend in the average length of the term of imprisonment imposed. The average length declined by 6.5% from the first to the last six months of the period.

DISTRICT COURT TRENDS

Registrations

Figure 2.18 shows the number of criminal cases registered for trial or sentence in the District Criminal Court over the period January 1990 to June 1993. There is a statistically significant downward trend in the number of cases registered. From the first to the last six months of the period the number of cases registered declined 21.8%.

Disposals

Figure 2.19 shows the overall trends in the method of disposal for matters finalised in the District Court. The sharp downward spikes occurring in January and July in this and the following figures on District Court disposals arise because the District Court normally goes into recess in January and July each year. There is no statistically significant upward or downward trend in the number of matters finalised by way of a defended hearing or in the number of matters finalised on a plea of guilty. The only statistically significant trend is a downward trend in the number of matters disposed of in the 'other' category. This fell 32.9% from the first to the last six months of the period.

Figure 2.20 shows the trends in the method of disposal for assault matters dealt with in the District Court. The only statistically significant trend is a downward trend in the number of assault matters disposed of in the 'other' category. This fell 39.6% from the first to the last six months of the period.

Figure 2.21 shows the trends in method of disposal for sexual assault matters dealt with by the District Court. There are no statistically significant upward or downward trends in the method of disposal for these matters.

Figure 2.22 shows the trends in the method of disposal for District Court matters involving robbery offences. There is a statistically significant upward trend in the number of matters finalised on a plea of guilty. It rose 68.0% from the first to the last six months of the period. The absence of any statistically significant upward or downward trend in the number of matters disposed of as a defended matter or 'other' matter means that a declining proportion of District Court robbery matters were finalised as a defended hearing towards the end of the period.

Figures 2.23, 2.24 and 2.25 show, respectively, the trends in method of disposal in the District Court for break, enter and steal; fraud; and motor vehicle theft. There are no statistically significant upward or downward trends in the method of disposal for any of these types of matter.

Figure 2.26 shows the trends in method of disposal for District Court matters involving drug offences. There is a statistically significant upward trend in the number of matters finalised on a plea of guilty. It rose 66.4% from the first to the last six months of the period. The absence of any statistically significant upward or downward trend in the number of matters disposed of as a defended matter or 'other' matter means that a declining proportion of District Court drug matters were finalised as a defended hearing towards the end of the period.

Delay

Figure 2.27 shows a statistically significant downward trend in the median delay between committal and finalisation for District Court cases where the accused person proceeded to trial. The median delay fell 10.0% from the first to the last six months of the period.

Sentencing

Figure 2.28 shows the number of persons convicted of one or more offences in the District Court who were sentenced to a term of imprisonment. The sharp downward spikes in January and July reflect the influence of the January and July Law Vacations. There is no statistically significant upward or downward trend in the number of persons sentenced to a term of imprisonment.

Figure 2.29 shows the percentage of persons convicted of one or more offences in the District Court who were sentenced to a term of imprisonment. There is a statistically significant upward trend in the percentage of convicted persons given a sentence of imprisonment. It rose 20.1% from the first to the last six months of the period.

Figure 2.30 shows the average length of the minimum or fixed term of imprisonment imposed by the District Court on persons sentenced to prison. There is no statistically significant upward or downward trend in the average period of imprisonment imposed by the District Court.

SUPREME COURT TRENDS

Registrations

Figure 2.31 shows the trend in the number of criminal cases registered in the Supreme Court. There is a statistically significant downward trend in the number of cases registered. Between the first and the last six months of the period it fell by 46.2%. Note, however, that the absolute number of cases involved is quite small.

Disposals

Figure 2.32 shows the trends in the method of disposal for matters dealt with in the Supreme Court. Due to the small number of matters dealt with by the Supreme Court there are marked month-to-month fluctuations in the number of matters disposed of in each category of disposal. The downward trend in defended matters disposed of is statistically significant. The number of defended matters declined 66.1% from the first to the last six months of the period.

Delay

Gaps in the trend line in Figure 2.33 indicate months in which no trial cases were dealt with in the Supreme Court. In Figure 2.33 there is no statistically significant upward or downward trend in the median delay between committal for trial and trial finalisation in the Supreme Court.

Sentencing

Gaps in the trend lines in Figures 2.34 and 2.35 indicate months in which trial and sentence cases were not dealt with in the Supreme Court.

Figure 2.34 shows the trend in the number of persons convicted in the Supreme Court who were sentenced to a term of imprisonment. There is no statistically significant upward or downward trend.

Figure 2.35 shows the trend in the percentage of persons convicted in the Supreme Court who were sentenced to a term of imprisonment. There is a statistically significant upward trend in the percentage of persons convicted in the Supreme Court who were sentenced

to a term of imprisonment. Because the Supreme Court dealt with neither trial nor sentence cases in some months during the trend period, the magnitude of the trend has not been calculated.

Figure 2.36 shows the trend in the average length of the minimum or fixed term of imprisonment imposed on persons sentenced to imprisonment in the Supreme Court. Gaps in the trend line indicate months in which no persons were sentenced to prison. The upward trend is statistically significant. Because the Supreme Court did not sentence any persons to prison in some months during the trend period, the magnitude of the trend has not been calculated.

TRENDS IN CRIMINAL COURT PROCESSES

FIGURES

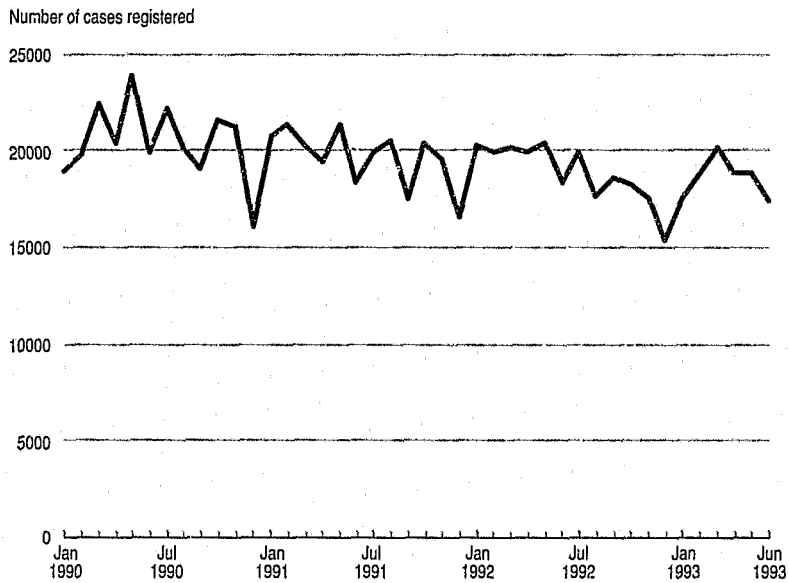
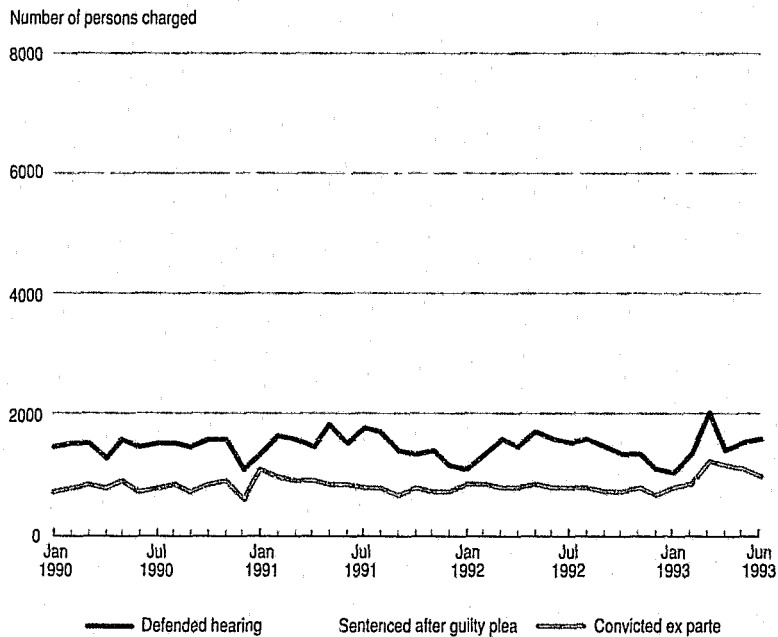
Figure 2.1: Cases registered in Local Courts**Figure 2.2: Method of disposal for cases finalised in Local Courts**

Figure 2.3: Persons charged with assault
Method of disposal for cases finalised in Local Courts

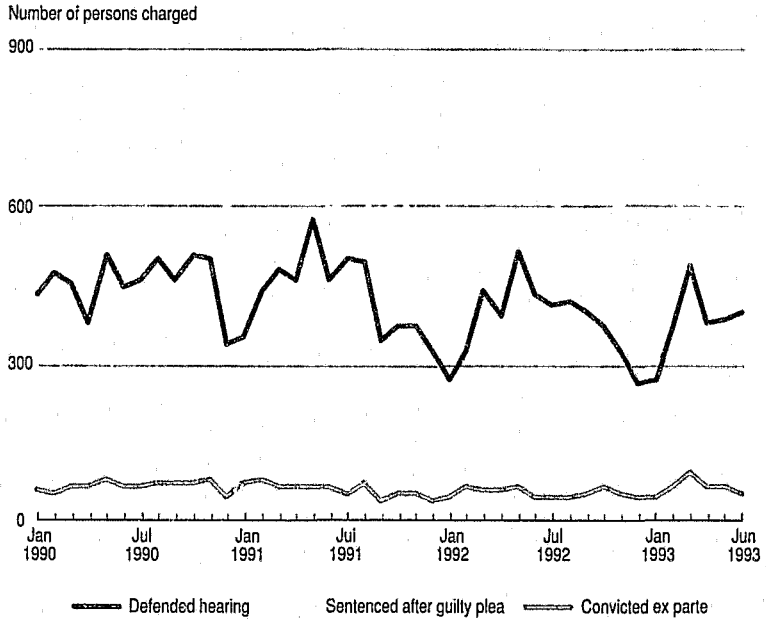


Figure 2.4: Persons charged with break enter and steal
Method of disposal for cases finalised in Local Courts

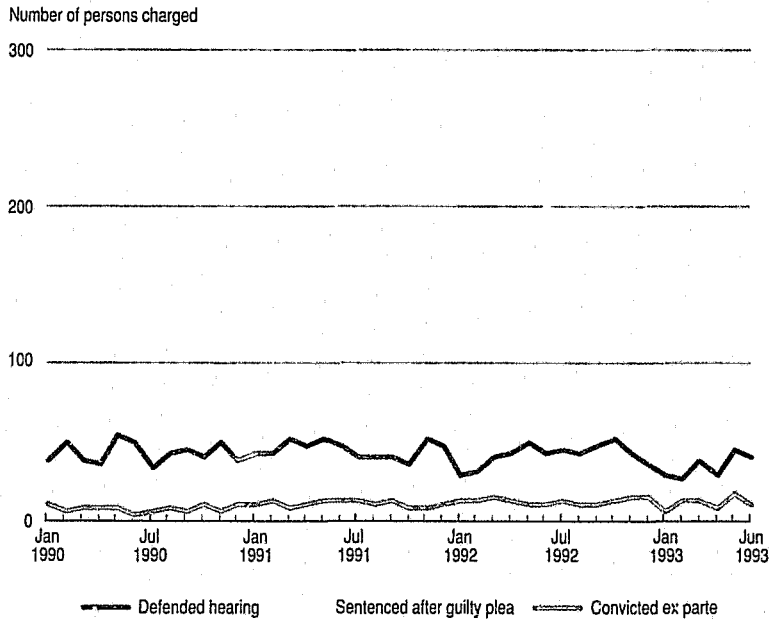


Figure 2.5: Persons charged with fraud
Method of disposal for cases finalised in Local Courts

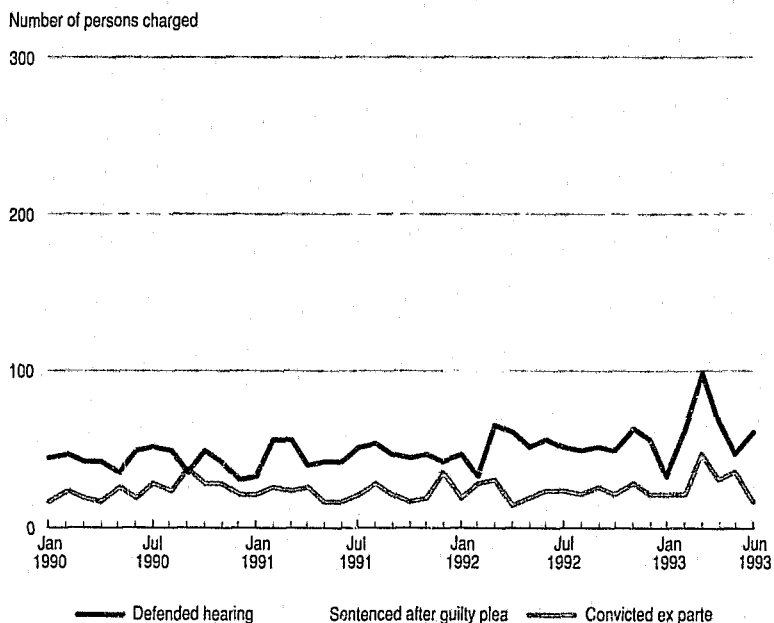
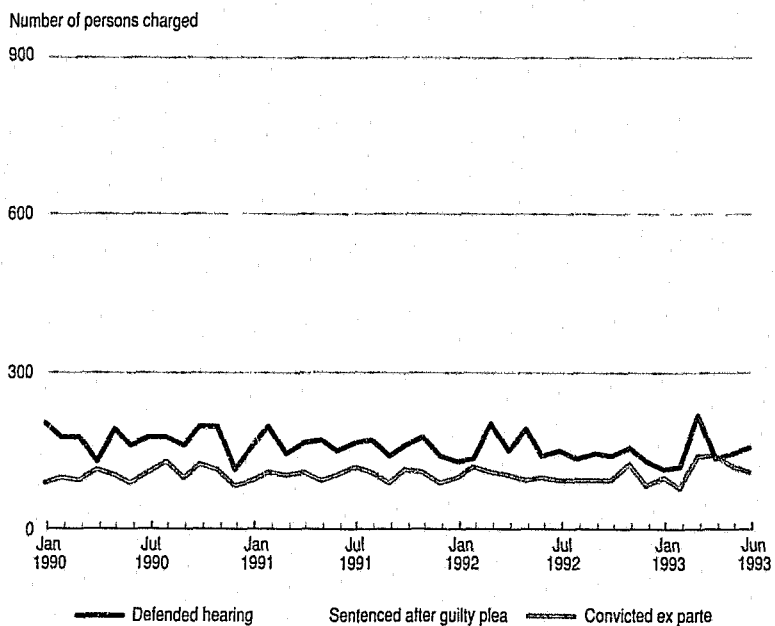
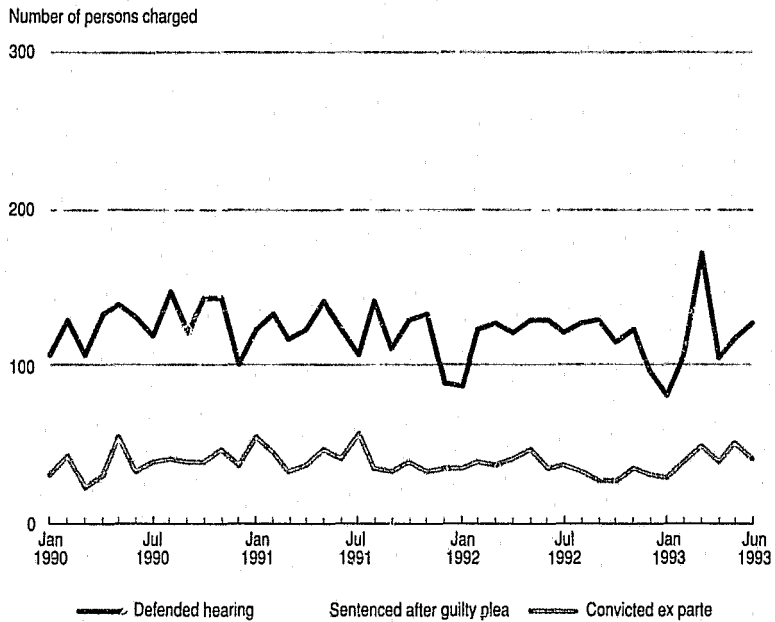


Figure 2.6: Persons charged with larceny offences
Method of disposal for cases finalised in Local Courts



**Figure 2.7: Persons charged with unlawful possession
Method of disposal for cases finalised in Local Courts**



**Figure 2.8: Persons charged with motor vehicle theft
Method of disposal for cases finalised in Local Courts**

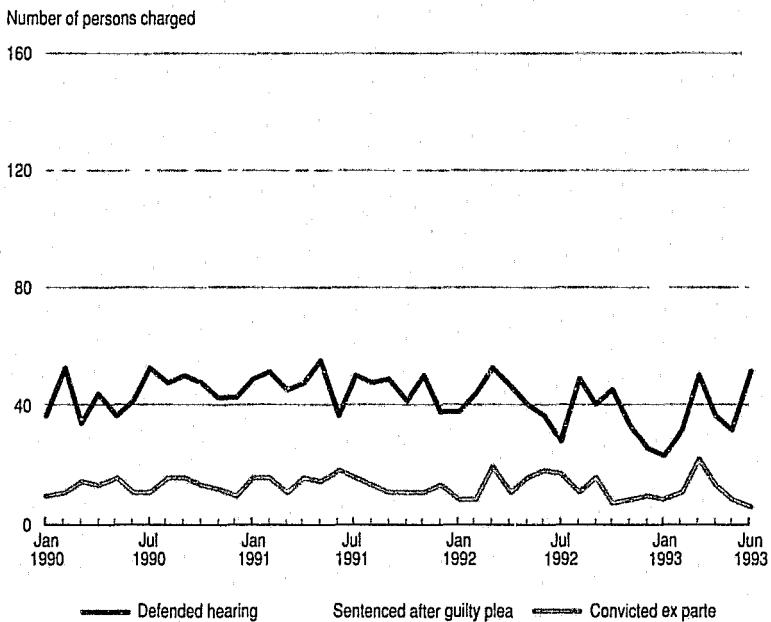


Figure 2.9: Persons charged with property damage
Method of disposal for cases finalised in Local Courts

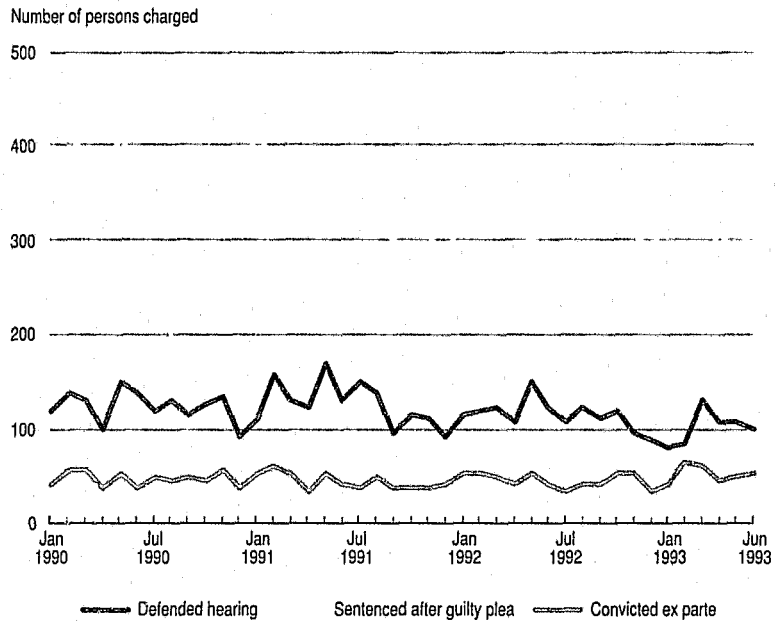


Figure 2.10: Persons charged with offences against justice procedures
Method of disposal for cases finalised in Local Courts

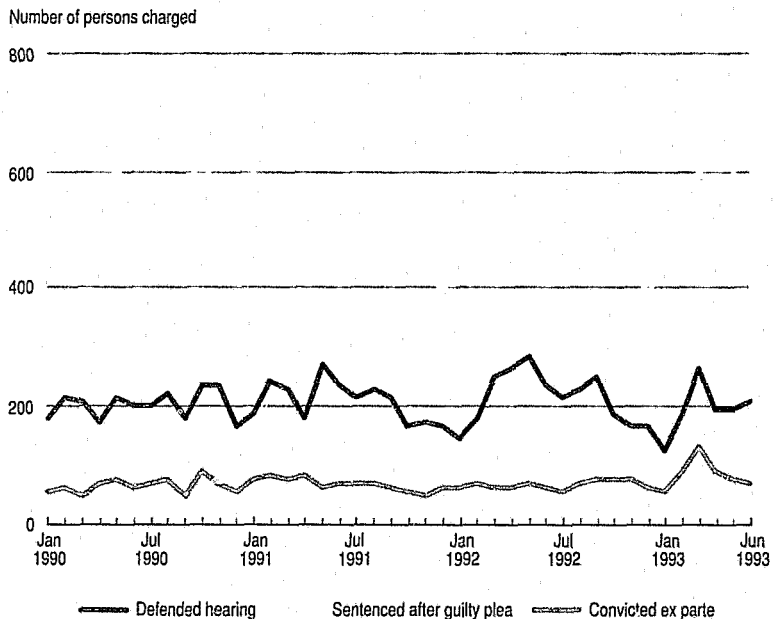


Figure 2.11: Persons charged with offences against good order
Method of disposal for cases finalised in Local Courts

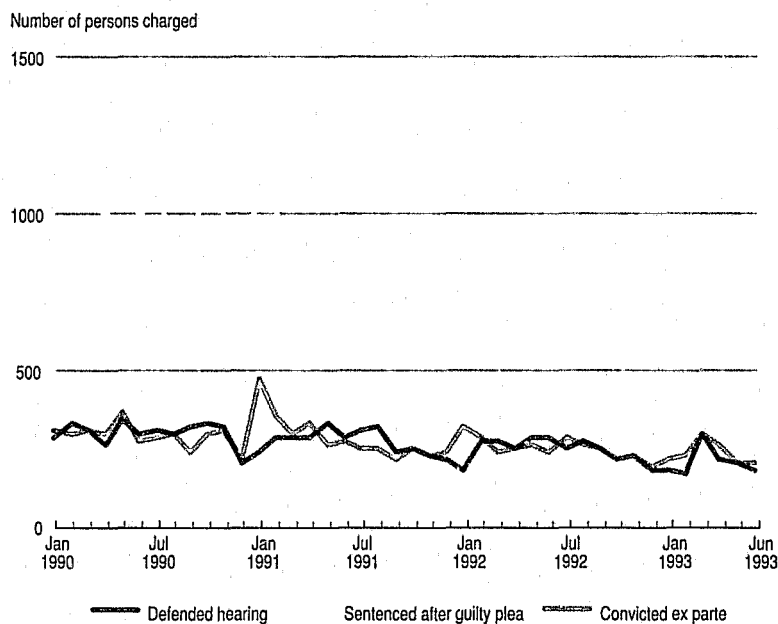


Figure 2.12: Persons charged with drug offences
Method of disposal for cases finalised in Local Courts

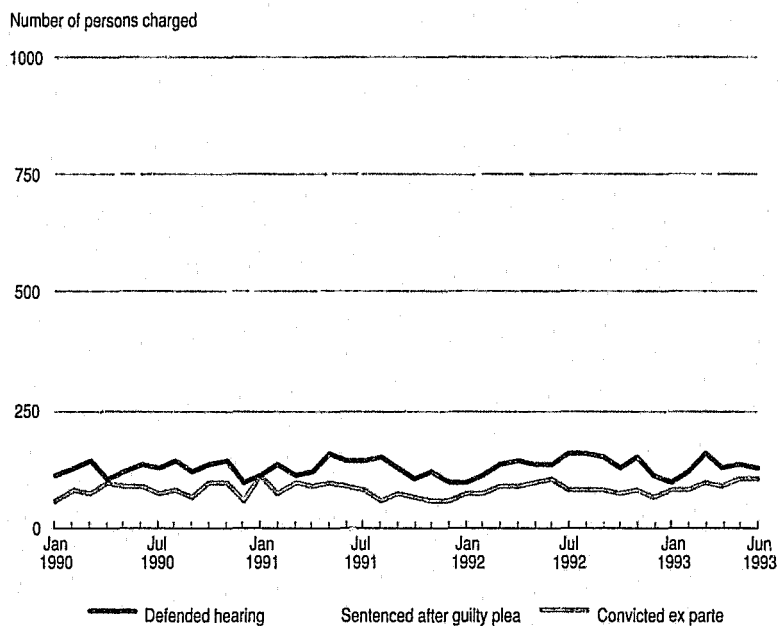


Figure 2.13: Persons charged with driving offences
Method of disposal for cases finalised in Local Courts

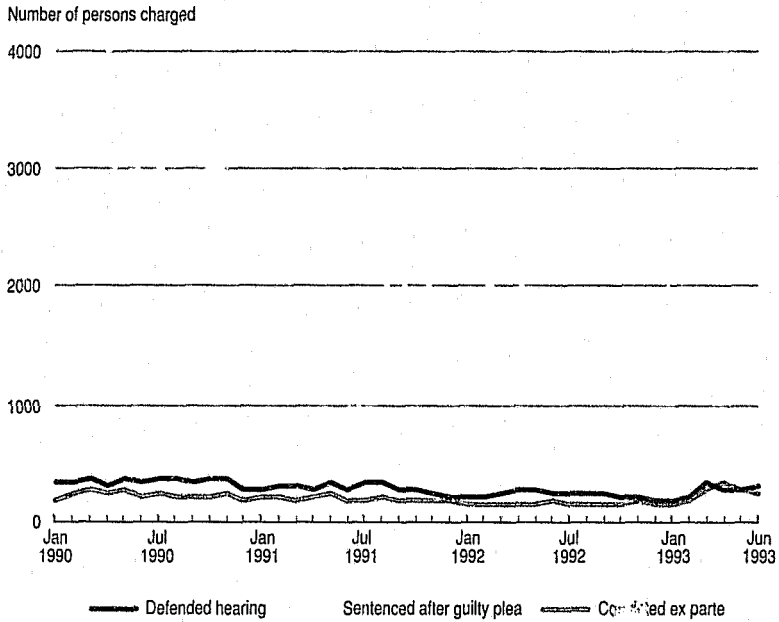


Figure 2.14: Median delay (from first appearance to determination) for defended cases finalised in Local Courts

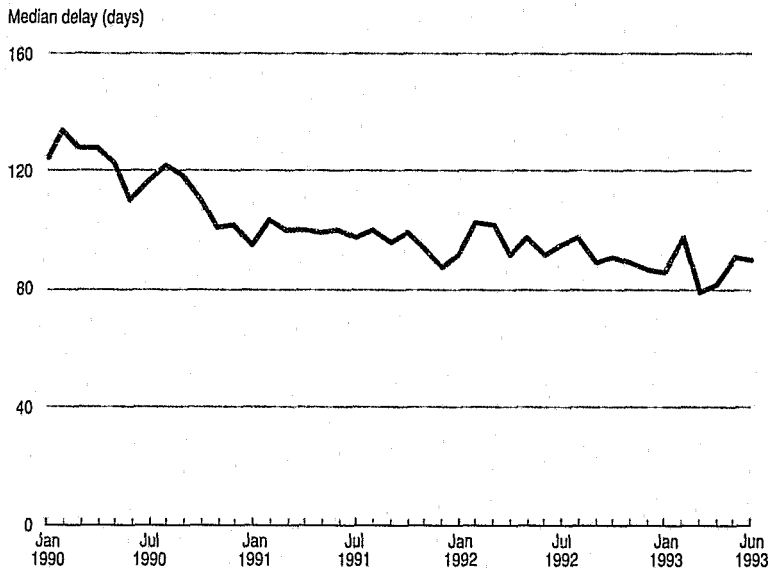


Figure 2.15: Persons sentenced to prison in Local Courts

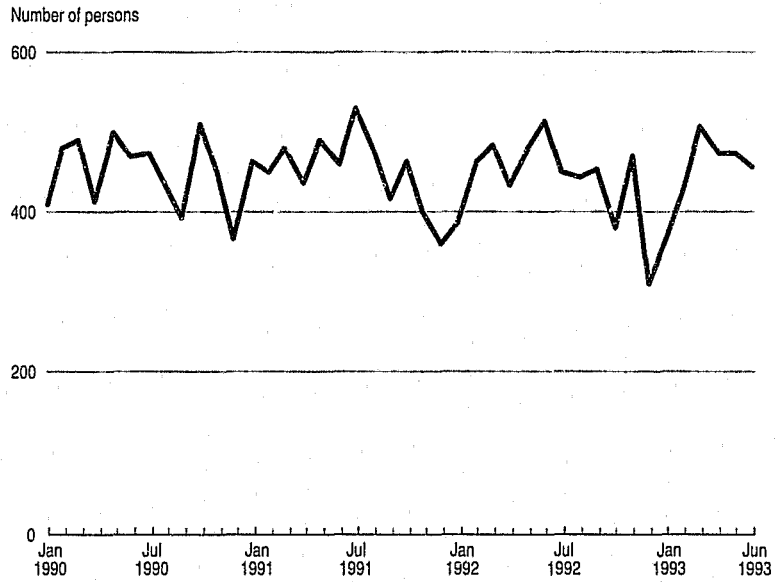


Figure 2.16: Persons sentenced to prison as a percentage of all persons convicted in Local Courts

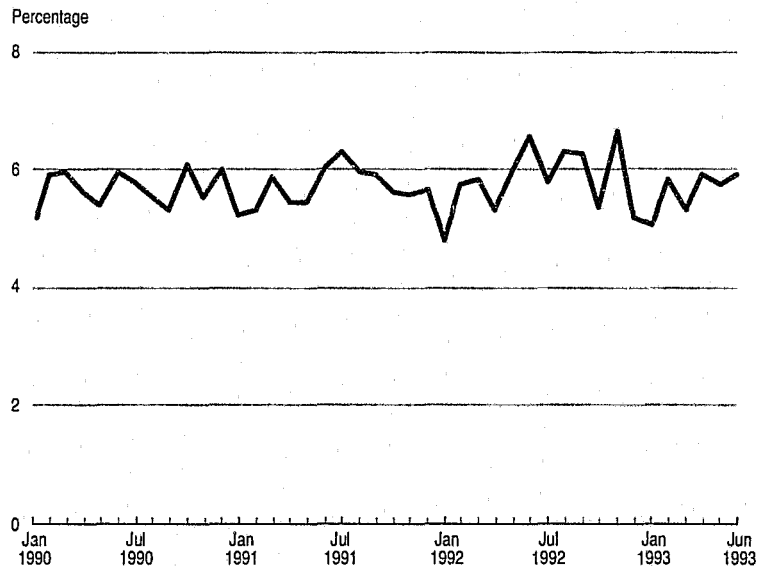


Figure 2.17: Average length of minimum/fixed term of imprisonment for persons sentenced to prison in Local Courts

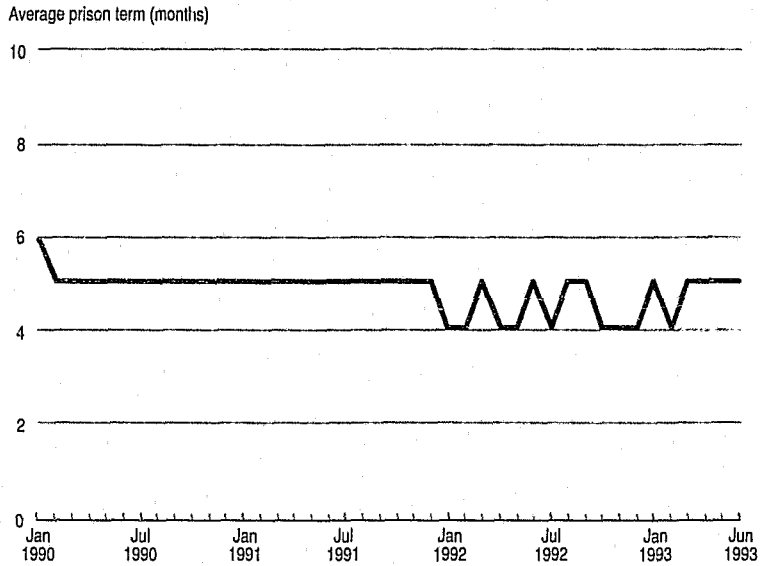


Figure 2.18: Cases registered in the District Court

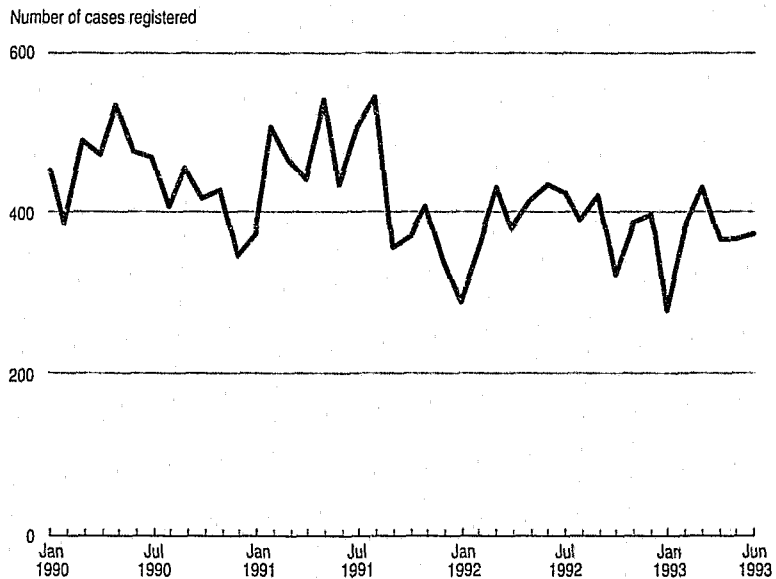


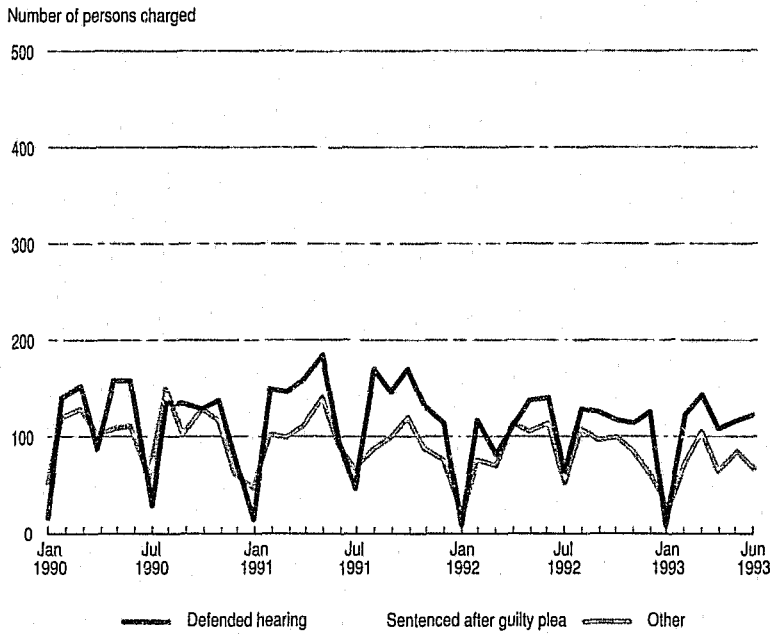
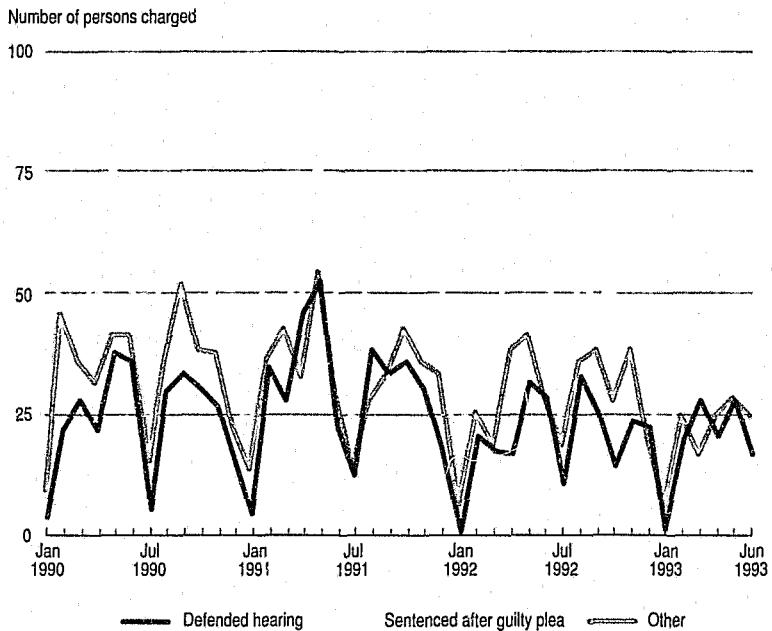
Figure 2.19: Method of disposal for cases finalised in the District Court**Figure 2.20: Persons charged with assault**
Method of disposal for cases finalised in the District Court

Figure 2.21: Persons charged with sexual assault
Method of disposal for cases finalised in the District Court

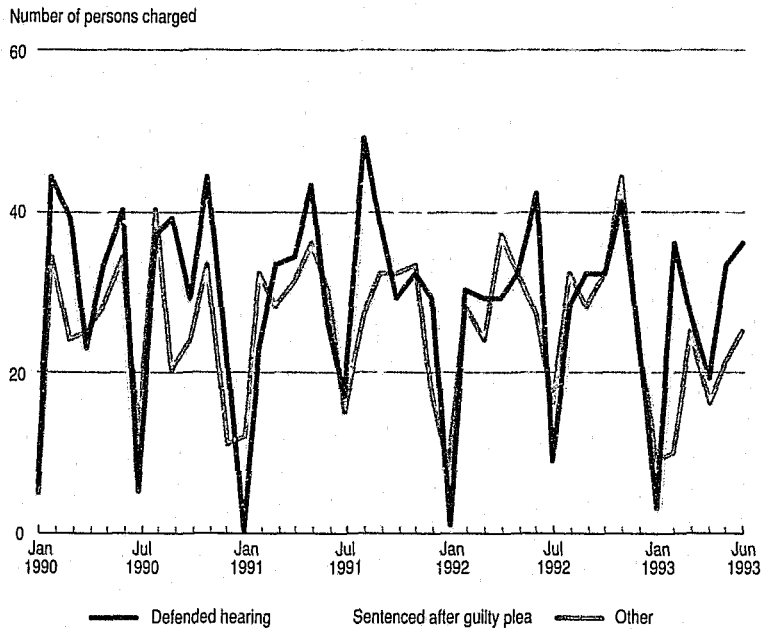


Figure 2.22: Persons charged with robbery
Method of disposal for cases finalised in the District Court

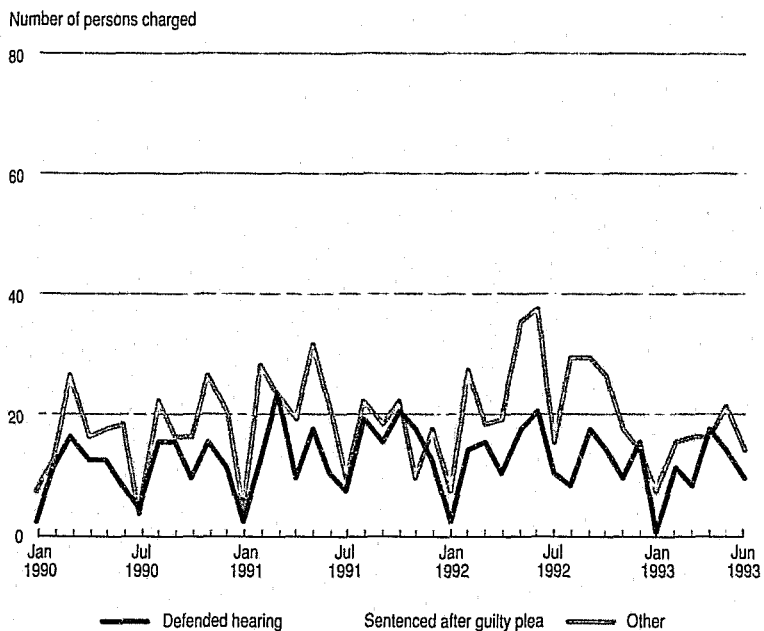


Figure 2.23: Persons charged with break enter and steal
Method of disposal for cases finalised in the District Court

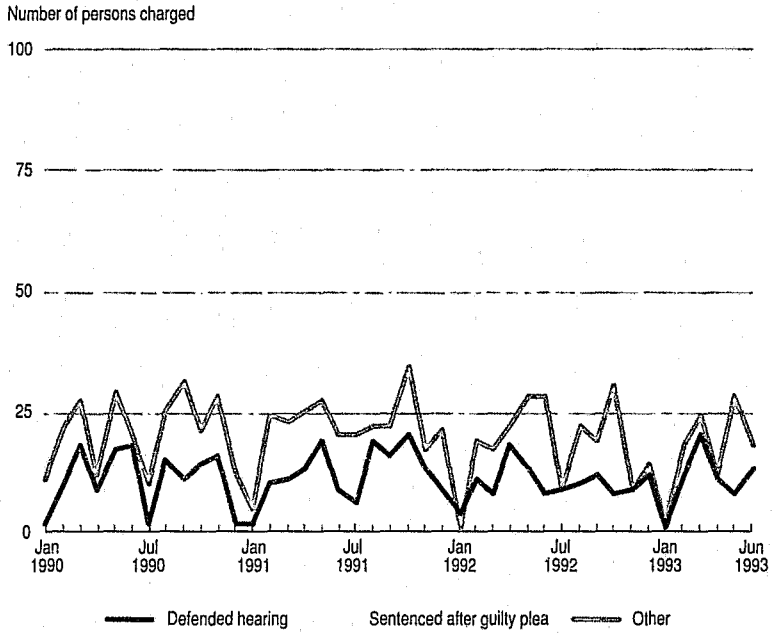


Figure 2.24: Persons charged with fraud
Method of disposal for cases finalised in the District Court

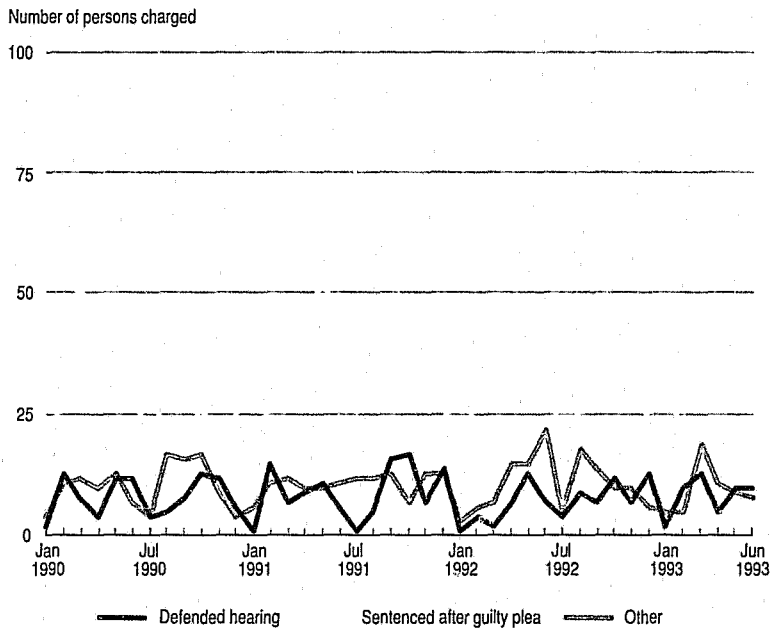


Figure 2.25: Persons charged with motor vehicle theft
Method of disposal for cases finalised in the District Court

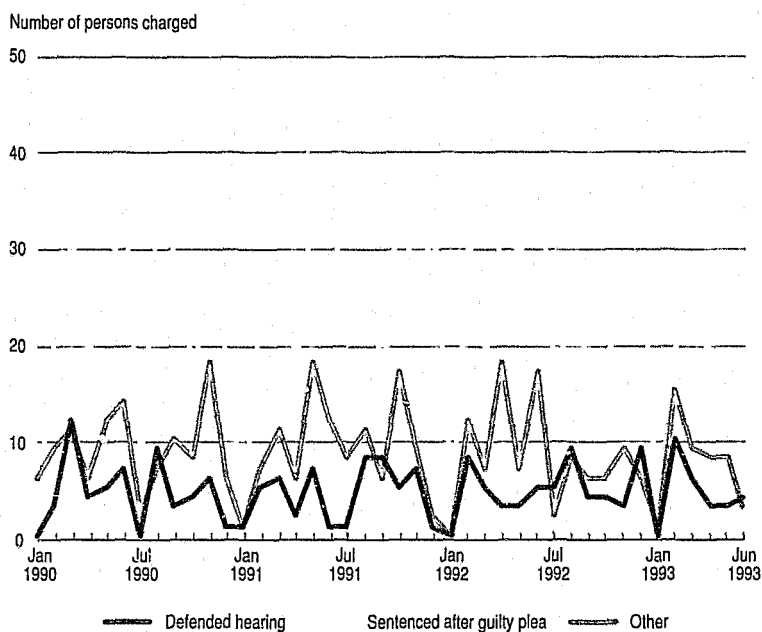


Figure 2.26: Persons charged with drug offences
Method of disposal for cases finalised in the District Court

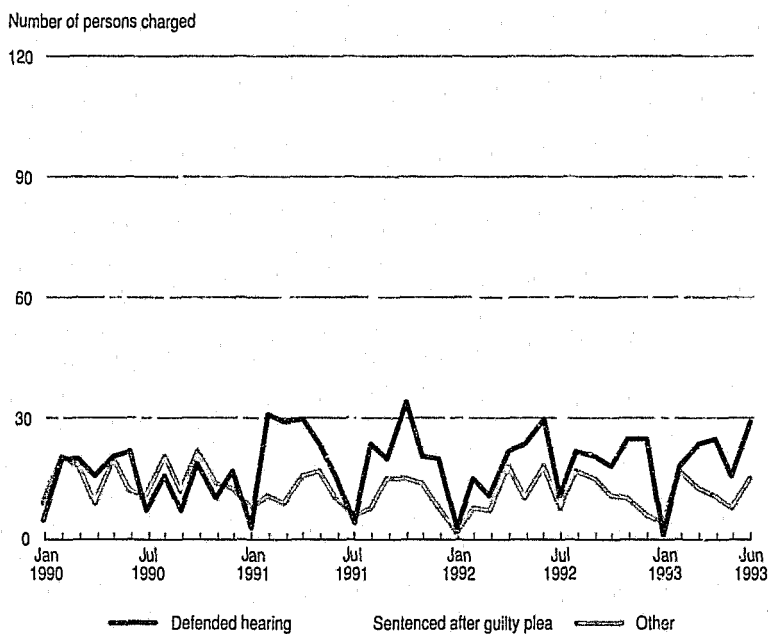


Figure 2.27: Median delay (from committal to outcome) for trials finalised in the District Court

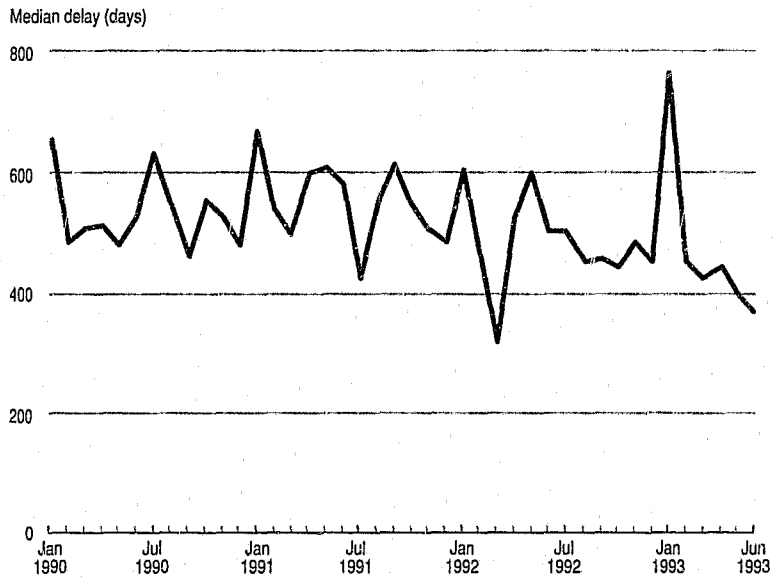


Figure 2.28: Persons sentenced to prison in the District Court

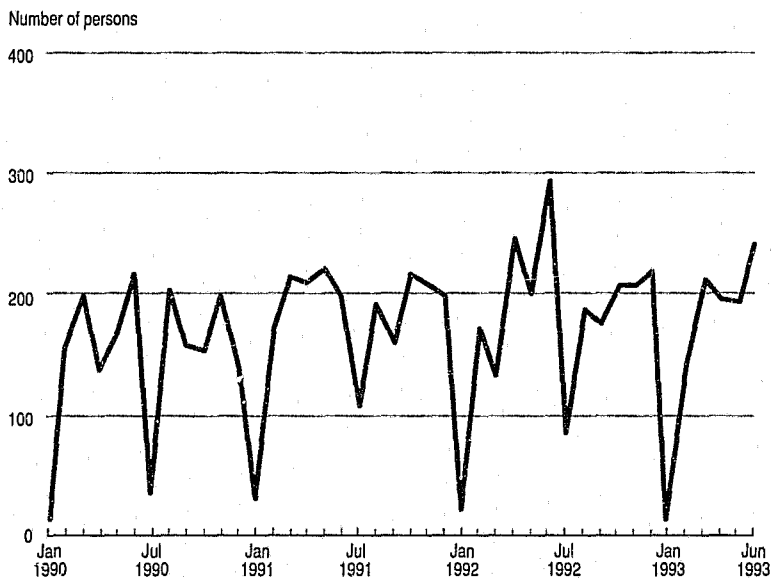


Figure 2.29: Persons sentenced to prison as a percentage of all persons convicted in the District Court

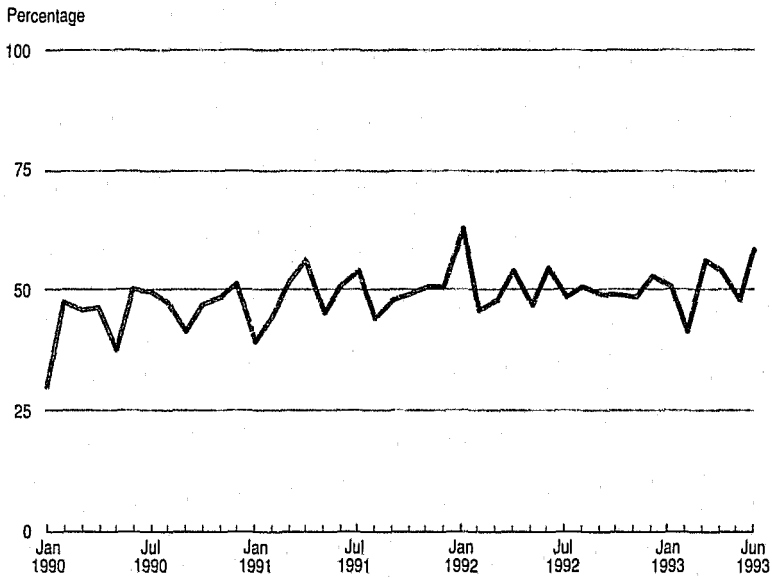


Figure 2.30: Average length of minimum/fixed term of imprisonment for persons sentenced to prison in the District Court

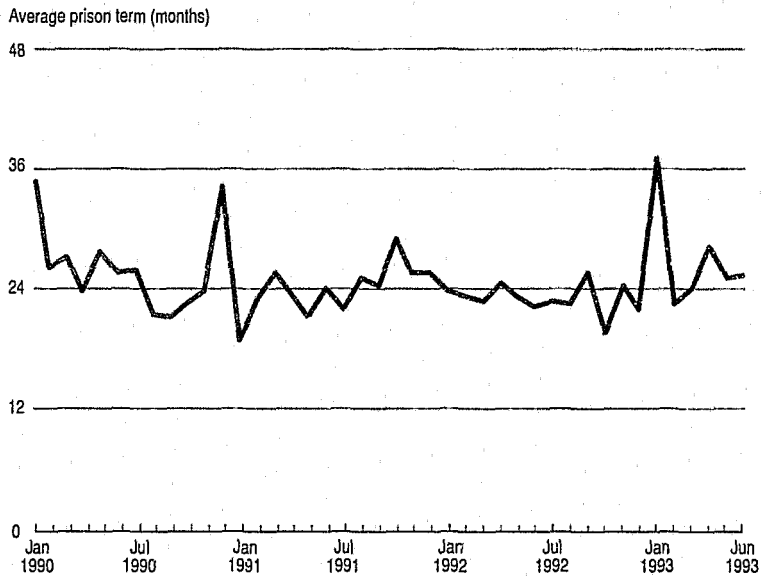


Figure 2.31: Cases registered in the Supreme Court

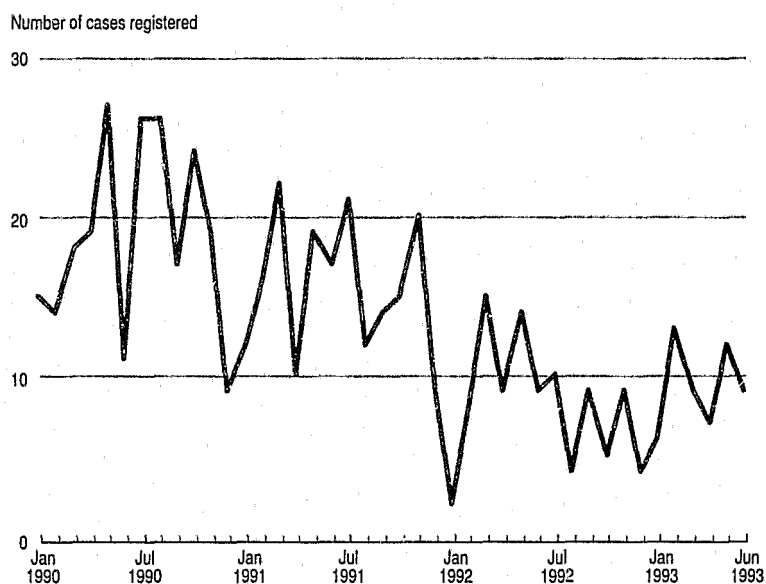


Figure 2.32: Method of disposal for cases finalised in the Supreme Court

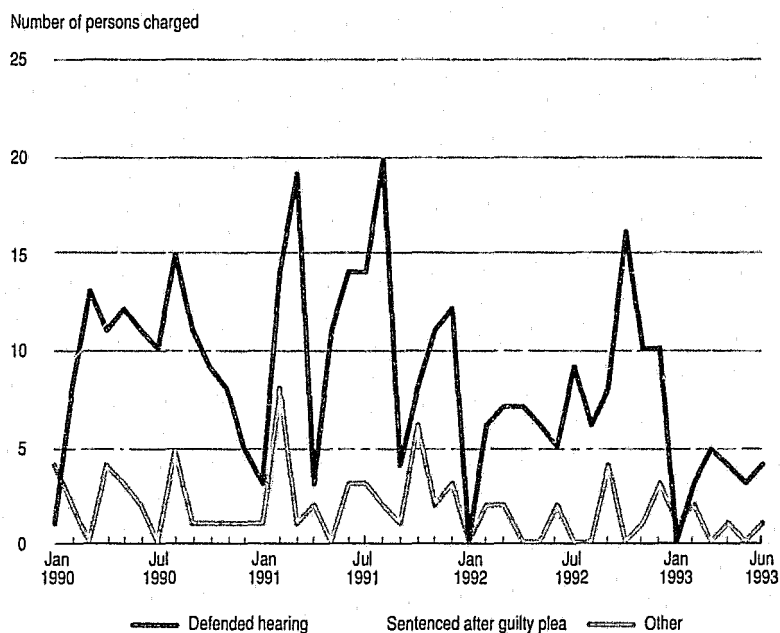


Figure 2.33: Median delay (from committal to outcome) for trials finalised in the Supreme Court

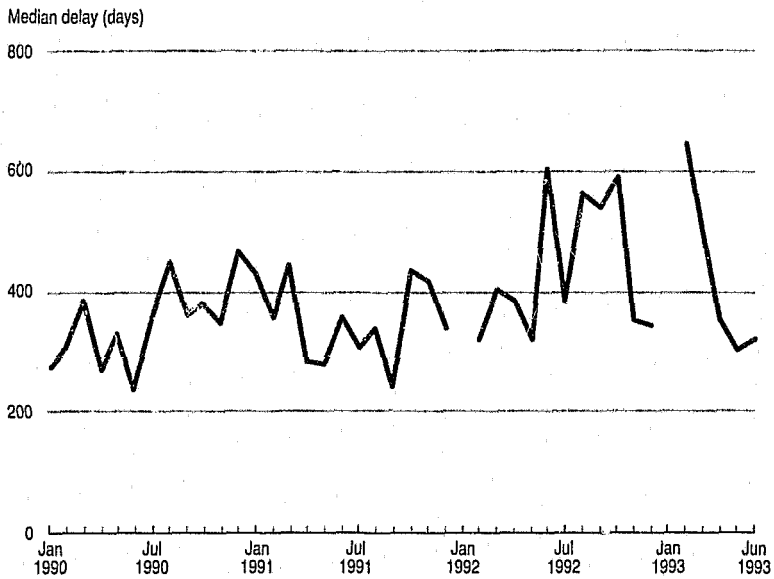


Figure 2.34: Persons sentenced to prison in the Supreme Court

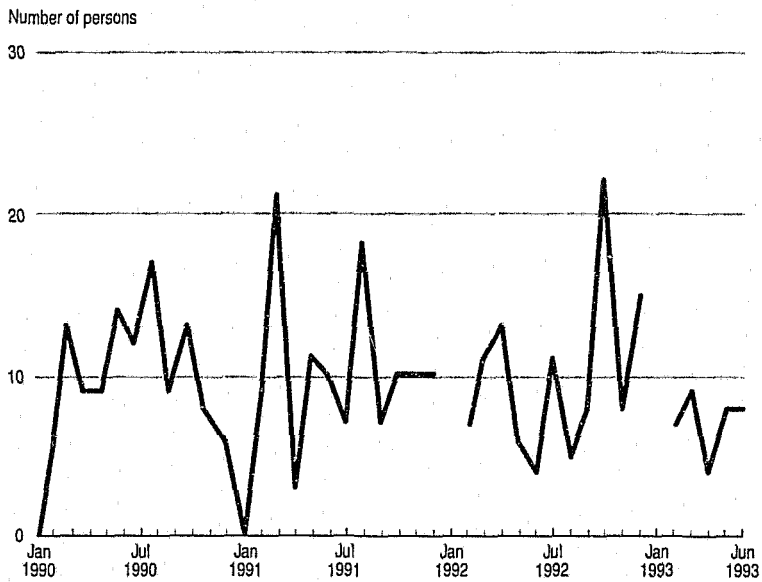


Figure 2.35: Persons sentenced to prison as a percentage of all persons convicted in the Supreme Court

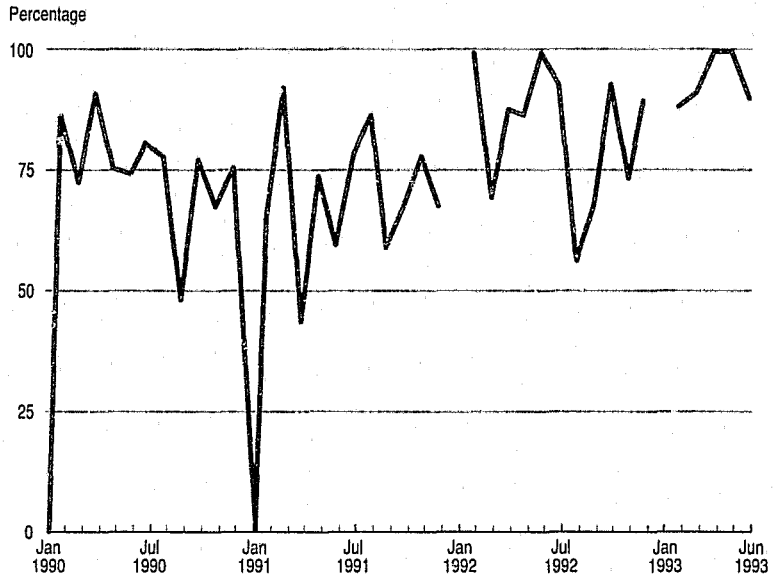
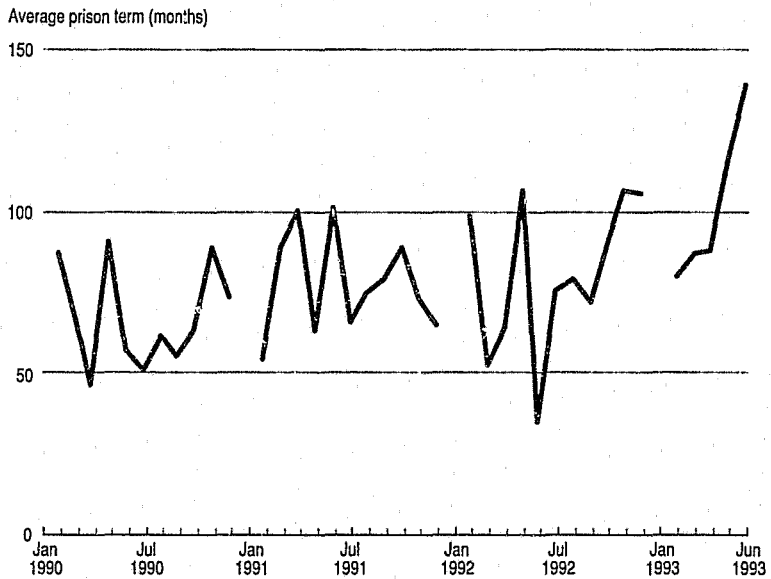


Figure 2.36: Average length of minimum/fixed term of imprisonment for persons sentenced to prison in the Supreme Court



SECTION 3

**TRENDS IN
CORRECTIONAL PROCESSES**

SECTION 3: TRENDS IN CORRECTIONAL PROCESSES

INTRODUCTION

This section presents key trends in correctional processes in NSW. The majority of trends cover the period January 1990 to June 1993. As with the crime and court data, each trend has been tested for statistical significance. For those trends which cover the period from January 1990 to June 1993 and show a statistically significant upward or downward trend, the percentage change between the first and the last six months of the trend period has been used as an indicator of the magnitude of the trend. Where the first and last six months of the period are not identical months of the year, the percentage change has not been calculated due to possible seasonal variations.

Strictly speaking, the correctional population 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. This would include 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. In practice, only limited statistical information is available on those under community-based correctional orders. For this reason the trends which appear in this section deal mainly with persons held in custody.

Among the population of those held in custody it is convenient to distinguish between different categories of prisoner. The first category are sentenced prisoners. They are persons who have been sentenced to a term of imprisonment. Fine defaulters (persons held in custody for non-payment of a fine) and periodic detainees (persons placed in custody for two days of each week for the duration of their sentence) are different types of sentenced prisoner. The second category of prisoners are remandees. Remand prisoners are unconvicted persons who are held in custody while awaiting their court hearing.

At any given time, the size of any type 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 enter prison. The second factor is the average length of time they remain in prison. Thus, for example, the number of fine defaulters in prison is determined by the number of persons sent to prison for fine default and the average length of time these fine defaulters spend 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. Specifically, monthly figures are

not available on the size of the fine defaulter population for the full period January 1990 to June 1993. Population and reception data on periodic detainees are not available in a comparable form for the full period January 1990 to June 1993. Monthly data on the period of time spent in custody do not exist for any type of prisoner, nor do monthly prison reception data exist for remandees.

Given these limitations, the following monthly trends have been examined. Figures 3.1 to 3.5 present trends in prisoner populations.¹⁵ Periodic detainees are not included in the figures which show the total (Figure 3.1) and sentenced (Figure 3.3) prisoner populations. They 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 January 1990 to June 1993 is shown in Figure 3.1.¹⁶ Figures 3.2 and 3.3 show the two types of prisoner which make up the total prisoner population (shown in Figure 3.1), namely remand and sentenced prisoners, respectively. The monthly numbers of fine defaulters in custody are shown separately in Figure 3.4 for the period November 1991 to June 1993.

Figure 3.5 presents the trend in the monthly number of periodic detainees in custody between April 1991 and June 1993.

Trends in Figures 3.6 and 3.7 are concerned with prisoner receptions.¹⁷ Figure 3.6 shows three trends in sentenced prisoner receptions for the period January 1990 to June 1993: sentenced prisoner receptions including fine defaulters, sentenced prisoner receptions excluding fine defaulters, and fine defaulters only. For the reason mentioned earlier, sentenced prisoner receptions do not include periodic detainee receptions.

Figure 3.7 presents the trend in the monthly number of periodic detainees received between April 1991 and June 1993.

Figure 3.8 is concerned with community-based corrections.¹⁸ It presents the trend in the number of persons in the community under supervision for the period January 1990 to June 1993.

TRENDS IN PRISONER POPULATIONS

The monthly totals of NSW prisoners held in custody between January 1990 and June 1993 are shown in Figure 3.1. The upward trend is statistically significant. The total prisoner population rose 19.8% from the first to the last six months of the period.

Figure 3.2 shows the trend in the monthly remand prisoner population. The downward trend is statistically significant. The percentage change in the size of the population from the first to the last six months of the period was, however, very small (0.5%).

Figure 3.3 shows the trend in the monthly sentenced prisoner population. In contrast to a decrease in the number of remandees in custody, there was an increase in the number of sentenced prisoners in custody (including fine defaulters). The upward trend seen in **Figure 3.3** is statistically significant. The sentenced prisoner population (including fine defaulters) rose 23.6% from the first to the last six months of the period. The increase in the sentenced prisoner population over the period January 1990 to June 1993 was responsible for the increase in the total prisoner population during this time (see **Figure 3.1**).

Figure 3.4 shows the trend in the number of fine defaulters held in custody between November 1991 and June 1993. There is no statistically significant upward or downward trend over this time.

The trend in the monthly periodic detainee population for the period April 1991 to June 1993 is shown in **Figure 3.5**. The downward trend in this population is statistically significant.

TRENDS IN PRISONER RECEPTIONS

Figure 3.6 shows monthly prisoner receptions between January 1990 and June 1993 for fine defaulters, sentenced prisoners excluding fine defaulters, and all sentenced prisoners. The upward trends in fine defaulter and total sentenced prisoner receptions are statistically significant. Total sentenced prisoner receptions and fine defaulter receptions rose 65.4% and 513.3%, respectively, from the first to the last six months of the period. There is no statistically significant upward or downward trend in receptions of sentenced prisoners when fine defaulters are excluded. Thus, the increase in the total number of sentenced prisoners received into custody over the trend period was due to an increase in the number of fine defaulters received.

The trend in periodic detainee receptions for the period April 1991 to June 1993 is shown in **Figure 3.7**. There is no statistically significant upward or downward trend in these receptions.

TREND IN COMMUNITY-BASED CORRECTIONS

Figure 3.8 shows the trend in the population of persons under community supervision for the period January 1990 to June 1993. The upward trend is statistically significant. The number of persons under supervision in the community rose 2.3% from the first to the last six months of the period.

TRENDS IN CORRECTIONAL PROCESSES

FIGURES

Figure 3.1: Total prisoner population

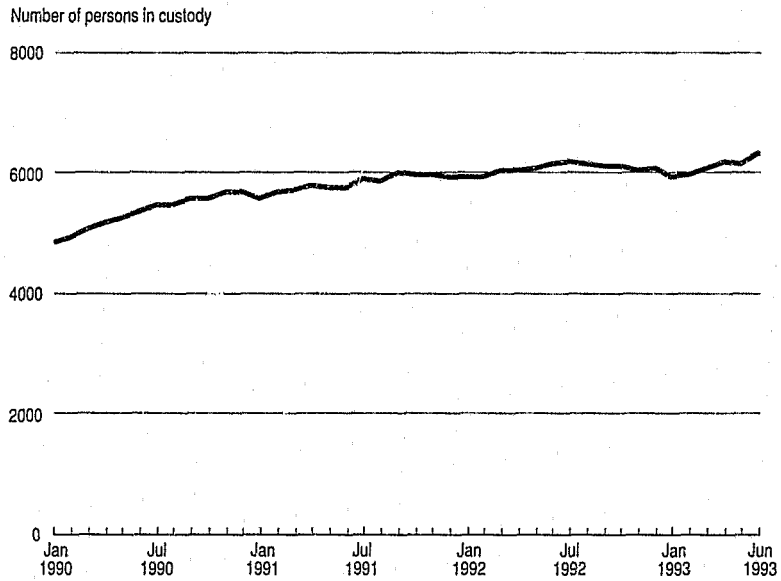


Figure 3.2: Remand population

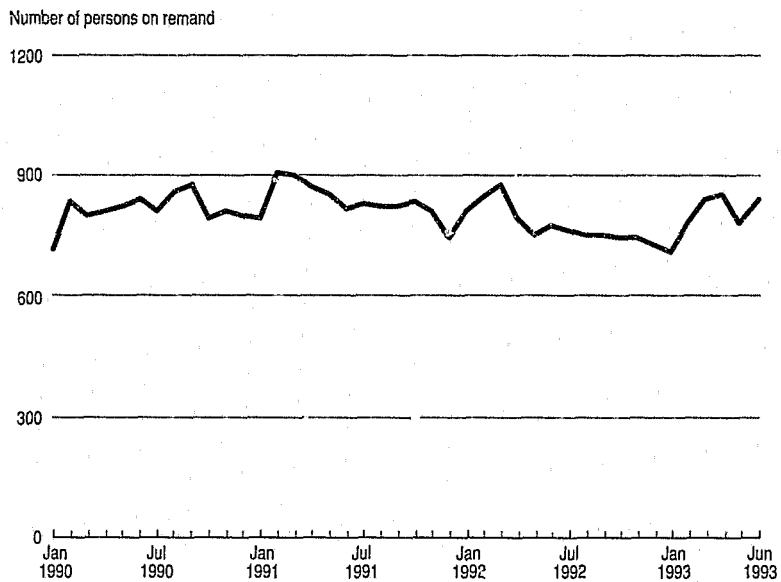


Figure 3.3: Sentenced prisoner population*

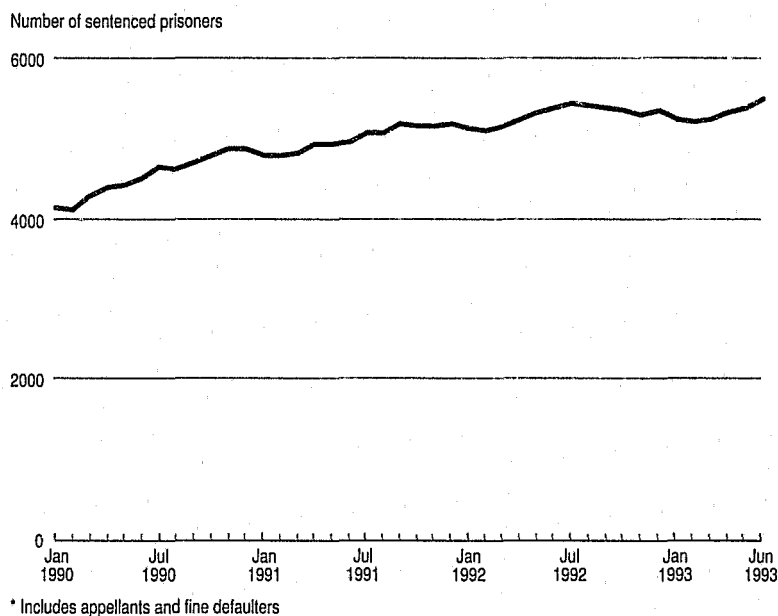


Figure 3.4: Fine defaulter prison population

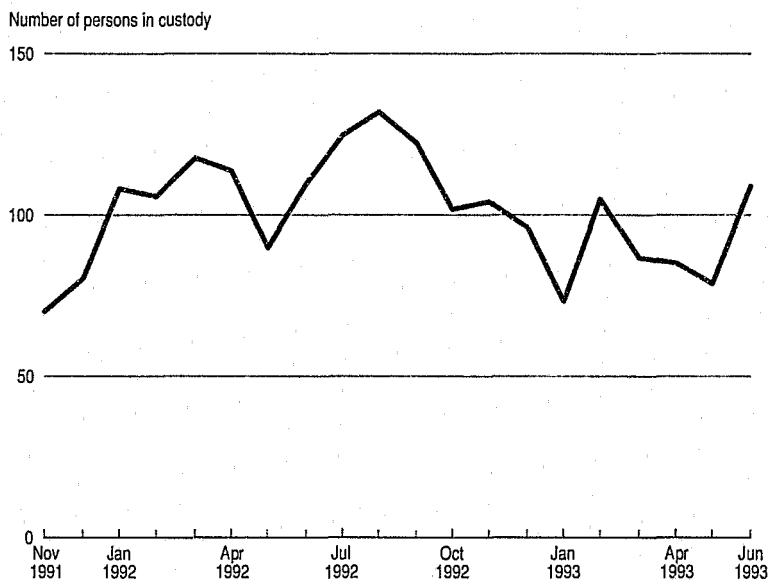


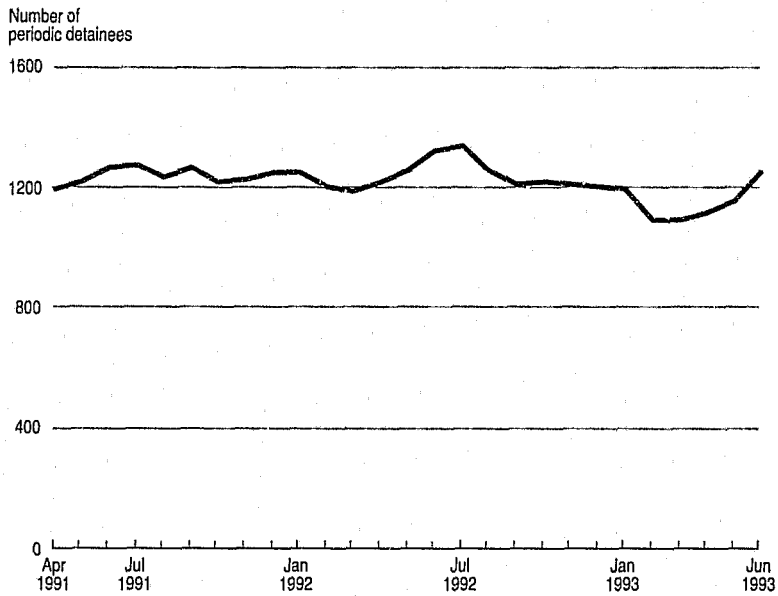
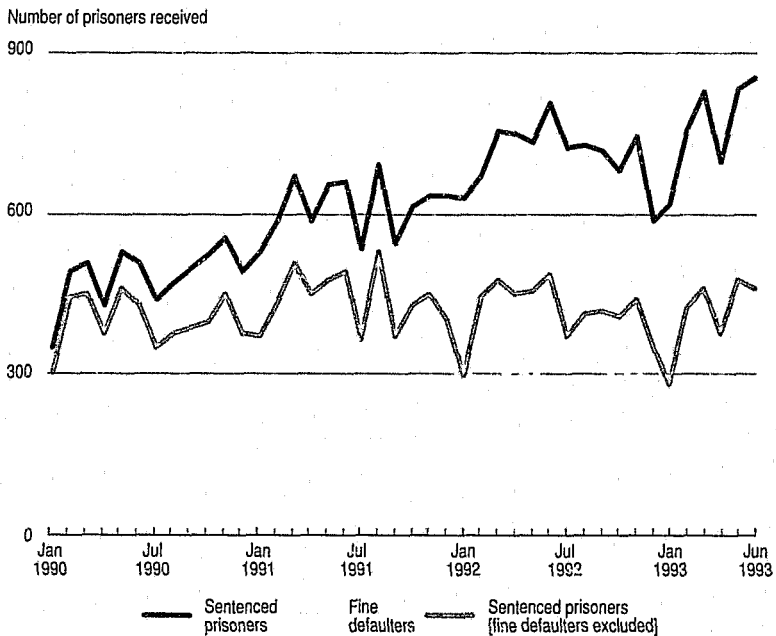
Figure 3.5: Periodic detainee population**Figure 3.6: Sentenced prisoner receptions**

Figure 3.7: Periodic detainee receptions

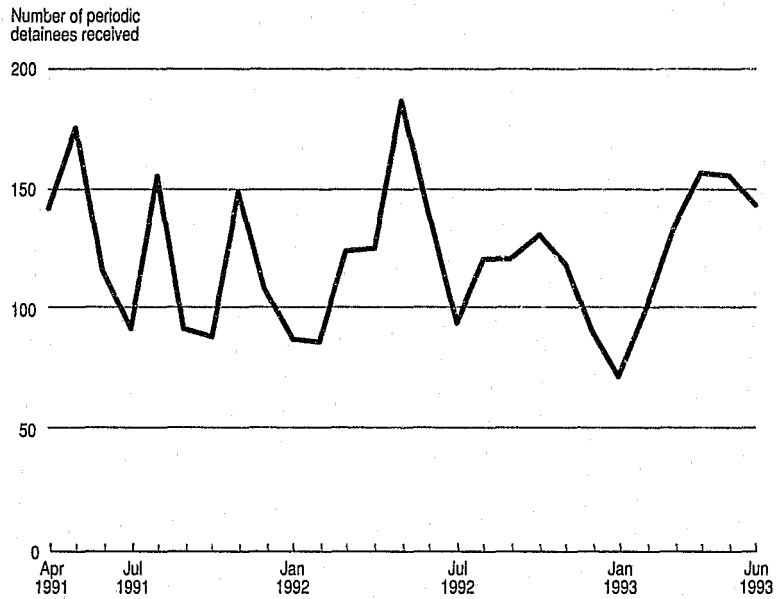
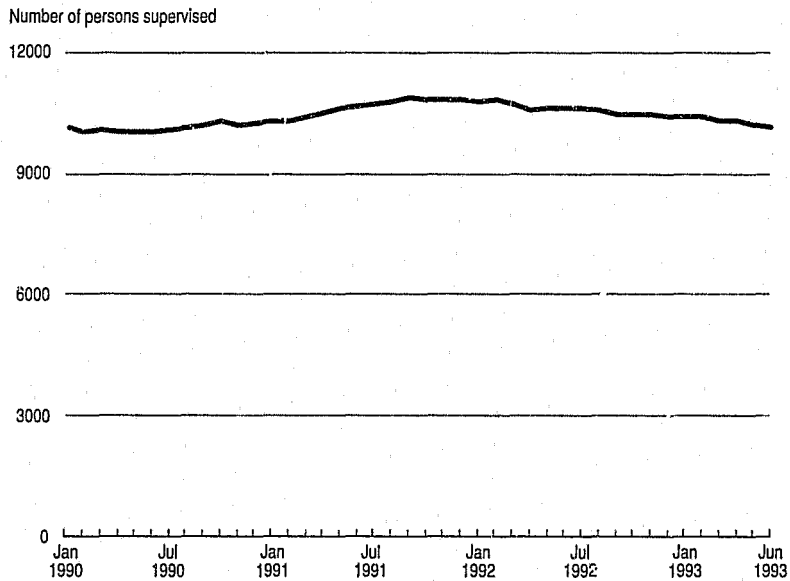


Figure 3.8: Persons under community supervision



SECTION 4

**TRENDS IN
JUVENILE JUSTICE**

SECTION 4: TRENDS IN JUVENILE JUSTICE

INTRODUCTION

This section examines key trends in juvenile justice in NSW. Unfortunately, due to data unavailability, only a limited set of trends can be presented.

Two aspects of the Children's Courts functioning are examined. The first aspect is the volume of criminal matters dealt with by the Courts. Figure 4.1 presents the trend in the number of matters finalised for the seven-year period from 1986/87 to 1992/93. It should be noted that data from the Children's Courts, unlike data from other jurisdictions, are produced on a financial yearly basis. Also, these data are only available in an annual (rather than monthly) form.

The second aspect of Children's Courts functioning concerns outcome. The outcome for each juvenile refers to the most serious penalty given by the Children's Court for that juvenile. Figures 4.2 to 4.11 present information for the seven-year period from 1986/87 to 1992/93 on key outcomes for all matters finalised in the Children's Courts. The outcomes examined are control orders (i.e. committed to a detention centre), Community Service Orders (CSOs), supervised orders (e.g. probation), fines, and matters proved and dismissed. Figures 4.2 to 4.11 show trends in both the absolute and relative frequency of each outcome. The relative frequency of an outcome refers to the percentage of all finalised matters accounted for by that outcome.

As elsewhere in the report, the juvenile justice trends have been tested for significance using Kendall's rank order correlation test. However, no indicator of the magnitude of the statistically significant trends has been calculated because each trend consists of only seven data points.

TREND IN FINALISATIONS

Figure 4.1 shows the trend in the number of criminal matters finalised in the Children's Courts. There is no statistically significant upward or downward trend in finalised matters.

TRENDS IN OUTCOMES

Figure 4.2 shows the trend in the number of finalised criminal matters which resulted in a control order. The downward trend is statistically significant. Similarly, the downward trend in the percentage of finalised matters that resulted in a control order, shown in Figure 4.3, is statistically significant.

Figure 4.4 shows the trend in the number of finalised criminal matters which resulted in a CSO. The upward trend is statistically significant. Similarly, the upward trend in the percentage of finalised matters that resulted in a CSO, presented in **Figure 4.5**, is statistically significant.

Figure 4.6 shows the trend in the number of finalised criminal matters which resulted in a supervised order. There is no statistically significant upward or downward trend. The trend in the percentage of finalised matters that resulted in a supervised order, shown in **Figure 4.7**, is also not statistically significant.

Figure 4.8 shows the trend in the number of finalised matters which resulted in a fine. The downward trend is statistically significant. Similarly, the downward trend in the percentage of finalised matters that resulted in a fine, presented in **Figure 4.9**, is statistically significant.

Figure 4.10 shows the trend in the number of finalised criminal matters which were proved and dismissed. There is no statistically significant upward or downward trend. The upward trend in the percentage of finalised matters that were proved and dismissed, shown in **Figure 4.11**, however, is statistically significant.

TRENDS IN JUVENILE JUSTICE

FIGURES

Figure 4.1: Finalised appearances in Children's Courts

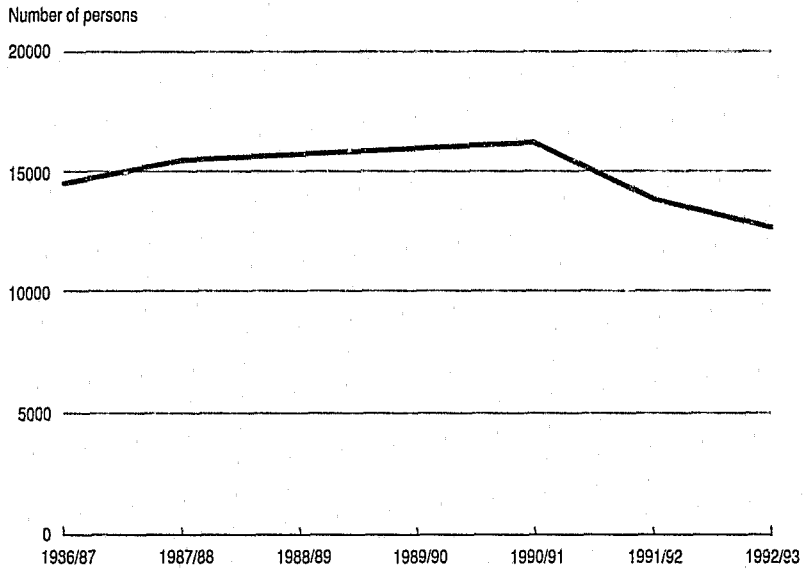


Figure 4.2: Juveniles given control orders as most serious penalty, Children's Courts

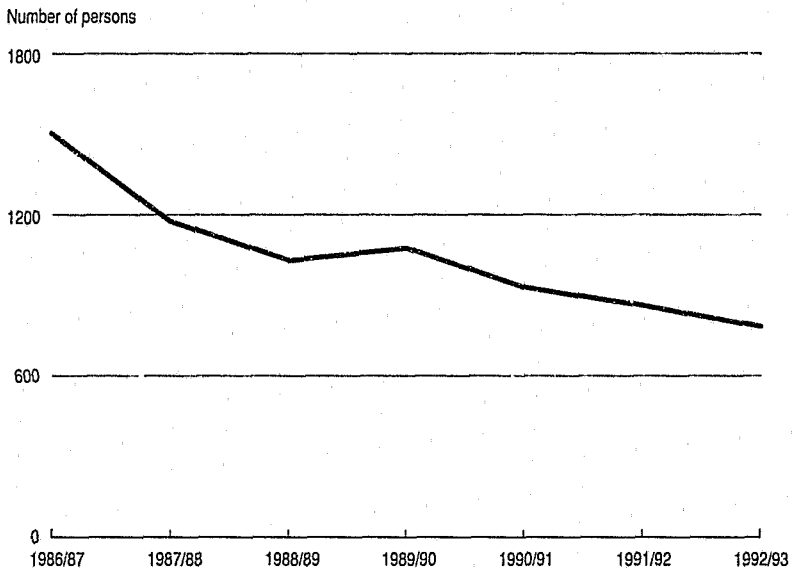


Figure 4.3: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a control order

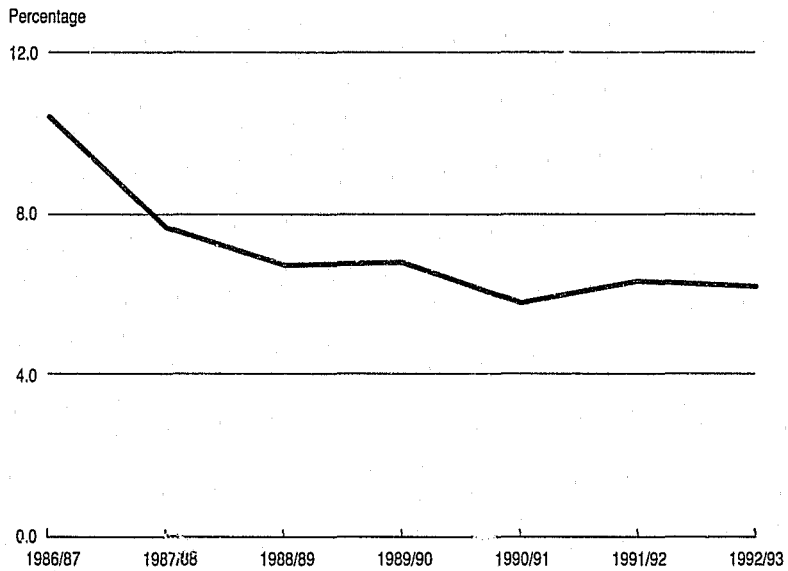


Figure 4.4: Juveniles given CSOs as most serious penalty, Children's Courts

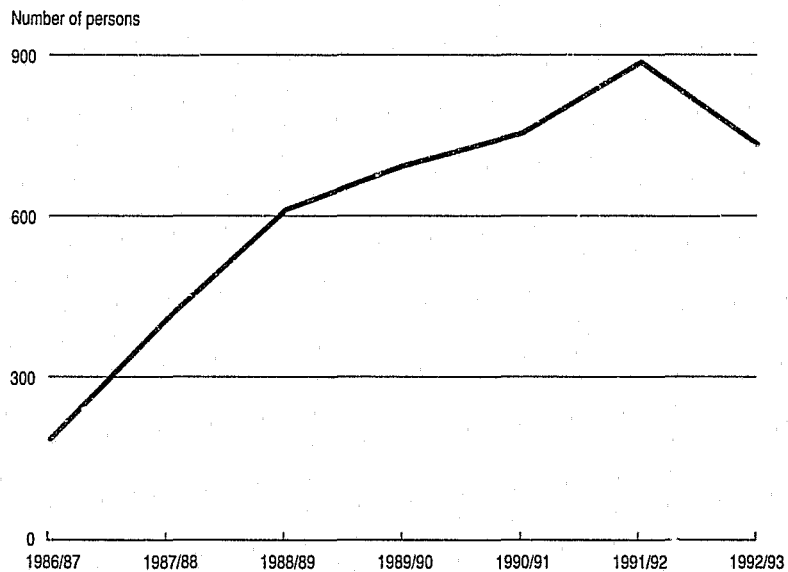


Figure 4.5: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a CSO



Figure 4.6: Juveniles given supervised orders as most serious penalty, Children's Courts

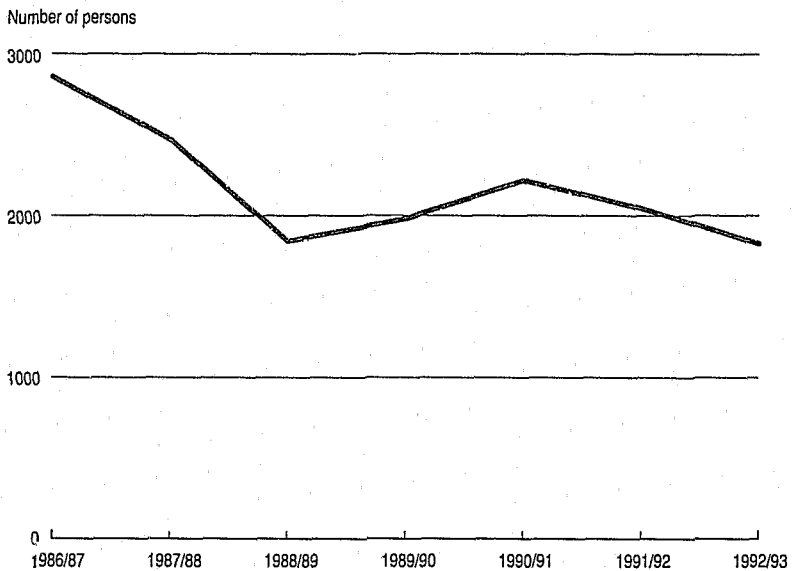


Figure 4.7: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a supervised order

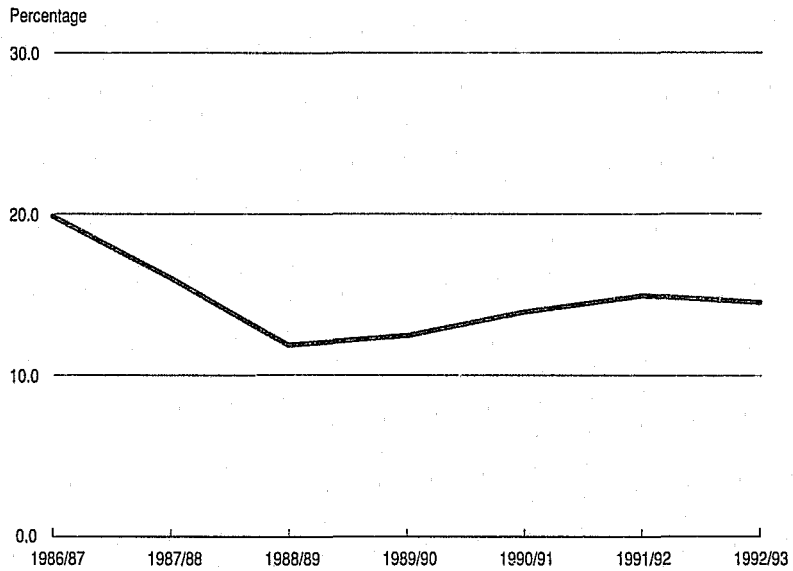


Figure 4.8: Juveniles fined as most serious penalty, Children's Courts

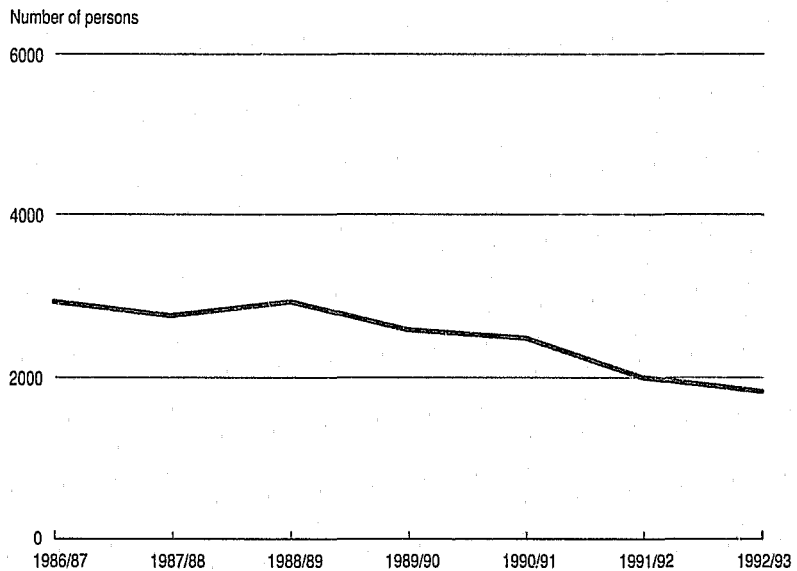


Figure 4.9: Percentage of all finalised appearances in Children's Courts where the most serious penalty was a fine

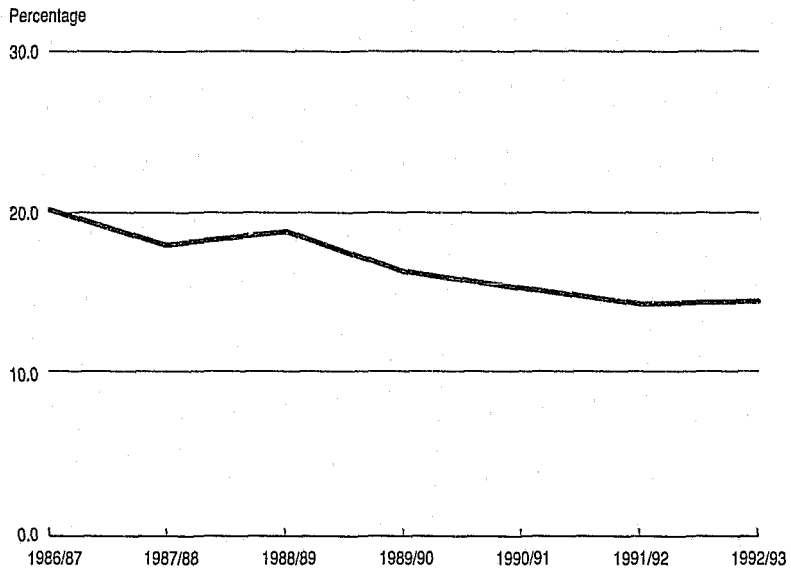


Figure 4.10: Juveniles dismissed for proven offence, Children's Courts

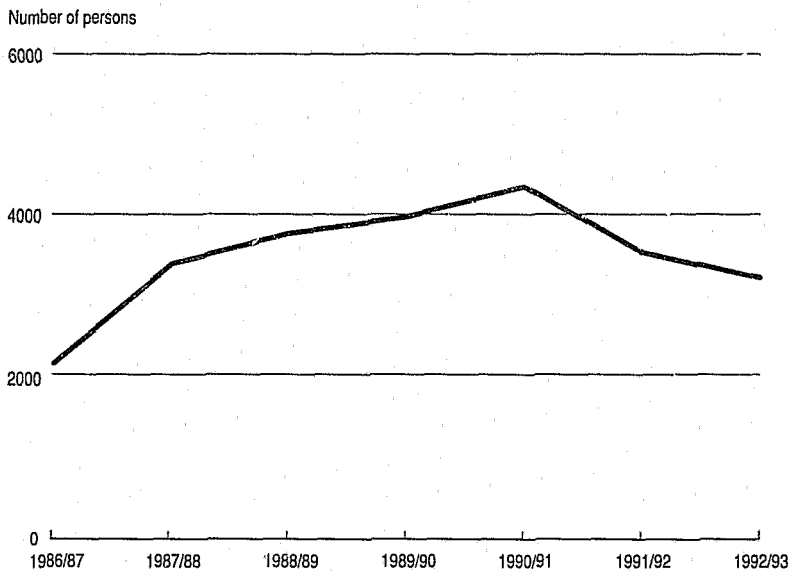
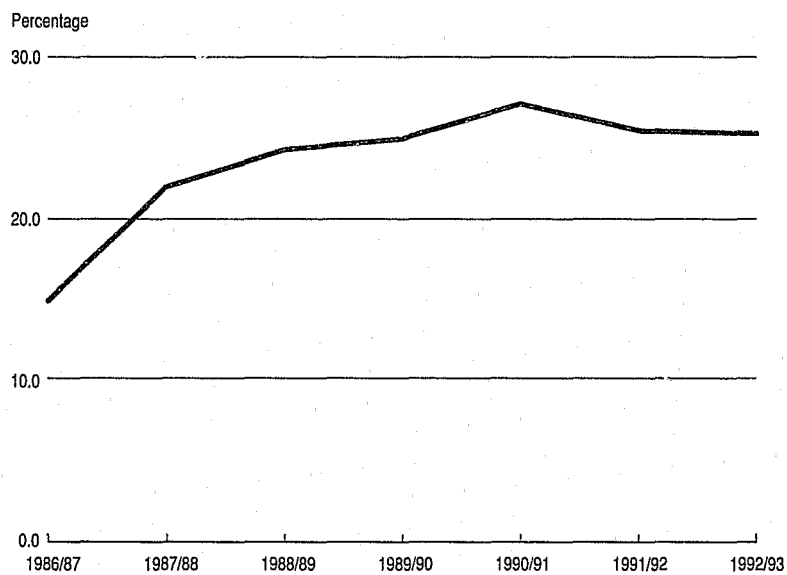


Figure 4.11: Percentage of all finalised appearances in Children's Courts where offence was proven but the juvenile was dismissed



NOTES

¹ For the rate calculations, population data were obtained from the Australian Bureau of Statistics publications *Estimated Resident Population by Sex and Age: States and Territories of Australia*, Cat. no. 3201.0, ABS, Canberra, for the years 1989 to 1993. Rates for 1989 to 1992 were calculated using the June population estimate, while 1993 rates were calculated using the March population estimate.

² See, for example, Conover, W.J. 1971, *Practical Non-Parametric Statistics*, 2nd edn, John Wiley and Sons, pp. 256-260. A two-tailed test was used to determine whether there had been an increasing or decreasing trend in the monthly rates of recorded offences. Some month-to-month variations in the rates of recorded offences 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.

³ The clear-up rate is a measure of the proportion of offences cleared. A cleared offence is usually one where an arrest has been made, but is occasionally one where the police have been unable to make an arrest despite having sufficient evidence to support a charge against at least one identified person (e.g. because the person has died or has been committed to a psychiatric institution indefinitely or has diplomatic immunity).

⁴ Figures on the level of reporting by victims of crime for the years 1990, 1991 and 1992 were obtained from the Australian Bureau of Statistics publications *Crime and Safety, New South Wales*, Cat. no. 4509.1, ABS, Sydney, for the years 1990 to 1992. The level of reporting refers to the percentage of victims of crime in the 12 months prior to the survey who told police about the last incident of crime.

⁵ Bonney, R. & Kery, L. A. 1991, *Police Reports of Non-Aggravated Assault in New South Wales*, NSW Bureau of Crime Statistics and Research, Sydney.

⁶ Australian Bureau of Statistics 1986, *Victims of Crime, Australia, 1983*, Cat. no. 4506.0, ABS, Canberra; Australian Bureau of Statistics 1992, *Crime and Safety, New South Wales, April 1992*, op. cit.

⁷ The Australian Bureau of Statistics 1983 *Victims of Crime* and 1992 *Crime and Safety* surveys both found that about one-quarter of sexual assaults are reported to the police.

⁸ See Note 4.

⁹ See Note 4.

¹⁰ Australian Bureau of Statistics 1992, op. cit.

¹¹ Australian Bureau of Statistics 1986, op. cit.

¹² Geason, S. & Wilson, P.R. 1990, *Preventing Graffiti and Vandalism*, Australian Institute of Criminology, Canberra.

¹³ In addition to the methods of disposal examined in this report, Local Court cases can be disposed of in several other ways in any given year. These include cases where: all charges were dismissed without a defended hearing; the charges were stood out of list; the recognizance was

forfeited; the accused died prior to finalisation of the case. Relative to the cases examined in this report, however, the number of these cases is small.

¹⁴ A case is 'no-billed' when the Director of Public Prosecutions does not proceed with the charges against the accused person.

¹⁵ Monthly prisoner population data are based on the number of prisoners in custody on the first Sunday of each month.

¹⁶ The total NSW prisoner population excludes ACT prisoners. 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. For this reason ACT prisoners have been excluded from Figures 3.1 to 3.3. Due to data unavailability, ACT prisoners have not been excluded from Figures 3.4 and 3.5.

¹⁷ Monthly prisoner reception data are based on the number of persons received into custody during each month. These data include ACT prisoner receptions.

¹⁸ Monthly community-based correction data are based on the number of persons under supervision on the first day of each month.

DATA SOURCES

Section 1:

Figures 1.1 to 1.11 - Data for 1989 to 1992 extracted from NSW Bureau of Crime Statistics and Research publication entitled *New South Wales Recorded Crime Statistics*, for the years 1991 and 1992, with the exception of 1989 motor vehicle theft data. These 1989 data are unpublished and were extracted from the NSW Police Service Crime Information and Intelligence System (CIIS). Data for 1993 are also unpublished and were extracted from the CIIS.

Section 2:

Figure 2.1 - Data supplied by the Courts Statistics Unit, NSW Department of Courts Administration.

Figures 2.2 to 2.36 - 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 Department of Courts Administration.

Section 3:

Figures 3.1 to 3.3 - Data extracted from Australian Institute of Criminology publication entitled *Australian Prison Trends*, No. 164-205.

Figures 3.4 to 3.7 - Data supplied by NSW Department of Corrective Services.

Figure 3.8 - Data extracted from Australian Institute of Criminology publications entitled *Australian Community Based Corrections Data*, No. 18-41, and *Community Based Corrections Data*, January 1992-June 1993.

Section 4:

Figures 4.1 to 4.11 - Data extracted from the Children's Court Information System and supplied by the Office of Juvenile Justice in New South Wales.