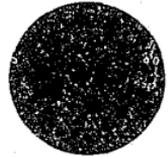


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**CRIME  
AND  
JUSTICE  
FACTS  
1994**

NSW Bureau of Crime Statistics and Research

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# FOREWORD

*Crime and Justice Facts* summarises the most recent available statistics on recorded crime and the criminal justice system in New South Wales. It is intended as a quick reference, providing the reader with an overview of such matters as types of offences recorded, cases appearing before the criminal courts and prison populations.

All statistics and comments reflect the criminal law as at the date of publication of *Crime and Justice Facts* or of the cited source material.

Further information on crime and justice matters may be obtained from the NSW Bureau of Crime Statistics and Research by telephoning (02) 231 9190. Copies of Bureau publications, including those cited here, may be purchased from the Bureau:

Level 8  
St James Centre  
111 Elizabeth Street  
Sydney NSW 2000

Dr Don Weatherburn  
Director

May 1994

# 1. CRIME

## Measuring crime

Measuring crime is not as simple as measuring the incidence of other social factors such as unemployment. Offenders usually want their crimes to go undetected and although many crimes are reported to police or discovered by them, before an incident can be recorded as a crime usually a number of things must happen (see Figure 1.1).

**Figure 1.1**  
**Steps involved in recording crime**



Source: Reference 1.

First a victim or witness (if there is one) must decide whether in fact a crime has occurred. This is not always straightforward because some incidents (e.g. swearing in a public place) are not always perceived as crimes by members of the community. Second, even if an incident is judged to be a crime, it must be reported to police. Lastly, the crime must be recorded by the police. There is no guarantee that this occurs in every case.

Some offences are less affected than others by these factors. Motor vehicle theft is almost always reported because of the associated insurance requirements. Housebreaking is usually reported to police for similar reasons. Homicide is usually discovered by police because it is a difficult offence to conceal. Apart from these sorts of offences, though, crime statistics based on police records of crime generally tend to underestimate the actual incidence of crime.

In many instances household crime surveys provide a better way of establishing actual crime rates than police crime reports. Household crime victim surveys are conducted by selecting a random sample of households and asking the household members whether or not they have been the victims of specified offences. Such surveys can also be used to determine whether or not the victim of a crime reported it to the police and to establish the reason for reporting or non-reporting. The Australian Bureau of Statistics (ABS) conducted household crime surveys in NSW in 1983 and again in 1990, 1991 and 1992.

Although household crime surveys provide a generally more reliable method for establishing the incidence of many offences they are usually only able to be used where the victim of a crime is a person or a household. For offences such as counterfeiting, fraud and drug offences it is generally necessary to refer to records of crimes recorded by police. For this reason, in this booklet information about the incidence of crime is drawn from both household crime surveys and police records of offending.

## Crime victim surveys

The Australian Bureau of Statistics conducted a State-wide survey in 1992 asking people whether they had been victims of any of the following crimes in the previous year and whether or not they had reported the crime to police:

- Break and enter (household victims)
- Attempted break and enter (household victims)
- Motor vehicle theft (household victims)
- Robbery (personal victims)
- Assault (personal victims)
- Sexual assault (female victims only)

The estimated victimisation rates resulting from the survey were:

- Of the 2,101,400 households in NSW in April 1992, 144,800 (6.9%) were victims of at least one break and enter or attempted break and enter offence in the 12 months prior to the survey; 44,500 households (2.1%) were victims of at least one motor vehicle theft.

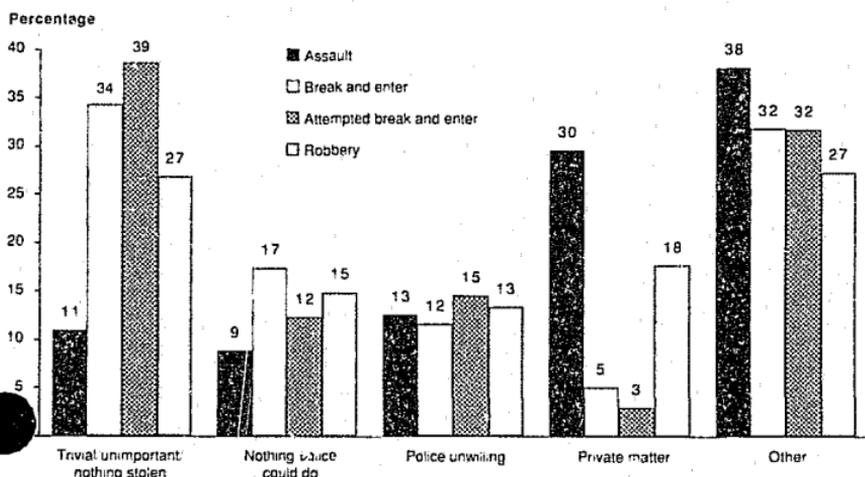
- 50,300 persons (1.1%) were victims of at least one robbery; 98,600 persons (2.2%) were victims of at least one assault and 13,300 women, aged 18 and over, (0.6%) were victims of at least one sexual assault.
- In Sydney, 10.6% of the households and 3.5% of persons were victims of the specified offences, compared with the corresponding proportions of 5.4% and 2.8% respectively in the balance of New South Wales.

The percentage of victims reporting crimes to police were:

- 71.2% of break and enter victims (households)
- 28.2% of attempted break and enter victims (households)
- 95.5% of motor vehicle theft victims (households)
- 58.6% of robbery victims (aged 15 and over)
- 37.0% of assault victims (aged 15 and over)
- 24.6% of sexual assault victims (women aged 18 and over)

Figure 1.2 shows the reasons for not reporting crimes to police by offence. Overall the main reason stated was that it was too trivial, unimportant or that nothing was stolen.

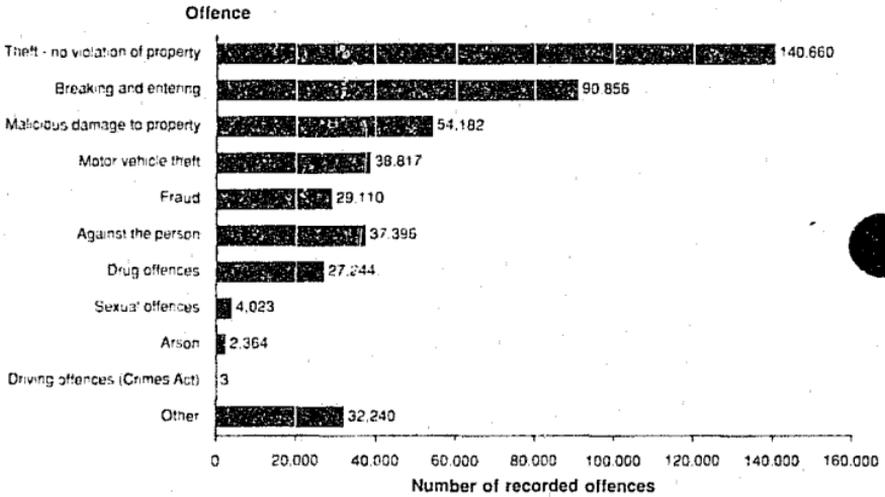
**Figure 1.2**  
**Persons who did not report offence to police**  
*Main reason for not reporting offence*



Source: Reference 2.

# Crimes known to police

Figure 1.3  
Trends in offences recorded by police  
Number recorded for 1992



- Figure 1.3 shows the number of offences recorded for different types of offences.
- The category 'against the person' includes offences such as assault, robbery and homicide, but not sexual assault.
- Driving offences shown here include only offences such as culpable driving (offences under the *Crimes Act 1900*), not drink driving which is prohibited under the *Traffic Act 1909*.
- As the figure shows, theft (including shoplifting but excluding motor vehicle theft) and breaking and entering were the most commonly recorded offences. Together they accounted for almost half the recorded offences (49.4%).
- Recorded motor vehicle thefts accounted for 8.3% of all recorded offences.
- 'Other' includes such offences as offensive behaviour, prostitution, firearm offences, trespass, gaming and betting.

Source: Reference 3.

## Location of crime

The Sydney Statistical Division contains an estimated 62% of the population of NSW, but 66% of recorded offences came from this area in 1992.

- The Inner Sydney Statistical Subdivision (including the Local Government Areas of Botany, Leichhardt, Marrickville, South Sydney and Sydney) had the highest rate of recorded offences per head of population for all property offences.
- The arson rate was highest in the Outer Western Sydney Statistical Subdivision (including the Local Government Areas of Blue Mountains, Hawkesbury and Penrith).
- Rates of assault, sexual assault and offensive behaviour were highest in the Far West Statistical Division.
- The Richmond-Tweed and South Eastern Statistical Divisions had the highest rates of possession and/or use of cannabis and cultivating cannabis.
- Table 1.1 compares the metropolitan area of Sydney and the rest of the State in terms of rates of various types of recorded offences.
- As the table shows, metropolitan Sydney outstrips country areas in the rates of all kinds of recorded offences of theft. Per head of population, country areas have higher rates of recorded drug offences and sexual offences, and slightly higher rates of recorded property damage offences.

Sources: References 3 and 4.

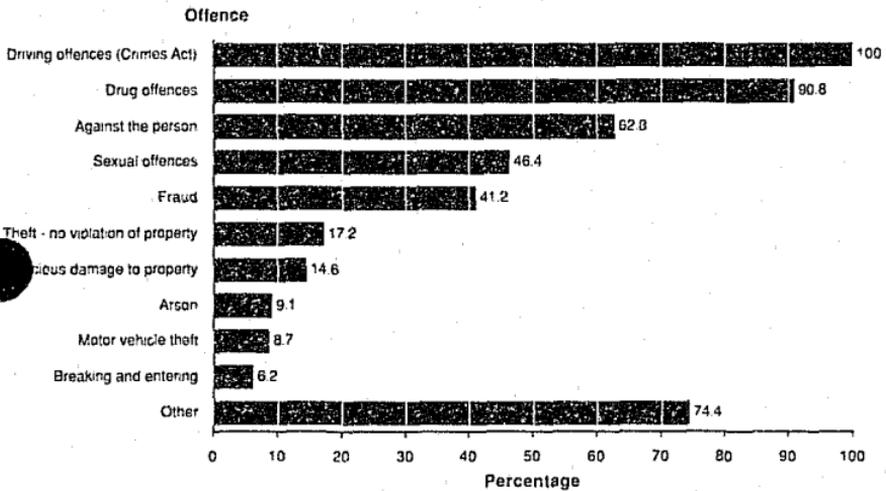
**Table 1.1**  
**Types of offences recorded by police**  
*Rates per 1,000 residents in 1992*

Offence	Metropolitan Sydney	Country NSW
Against the person	6.93	6.28
Driving offences (Crimes Act)	0.00	0.00
Sexual offences	0.60	0.81
Breaking and entering	17.25	12.16
Motor vehicle theft	8.66	3.06
Theft - no violation of premises	24.66	22.21
Fraud	6.17	2.83
Drug offences	3.72	6.07
Arson	0.42	0.36
Malicious damage to property	9.09	9.25
Other	6.12	9.51

### Cleared offences

- An offence is considered to be 'cleared' by police when a suspect has been arrested and charged or when, although the offender is known, it is impossible or inappropriate to lay charges.
- It is possible for an offence to occur (and be recorded) in one year and be cleared in a later year.
- The single year clear-up percentage for 1992 is the number of offences that occurred and were cleared in 1992 as a percentage of the number of offences that occurred in 1992.
- The clear-up rate for an offence is linked with the means by which the police come to know of the offence. The driving offences (e.g. culpable driving) and drug offences have extremely high clear-up rates because the offences can usually only be recorded when an offender is apprehended by police.

**Figure 1.4**  
**Types of offences cleared by police**  
*Single year clear-up percentages in 1992*



- Figure 1.4 presents the clear-up rate for different offences.
- Property crimes, including theft, malicious damage to property, arson, and breaking and entering, have very low clear-up rates (usually below 20%).

Source: Reference 3.

## 2. SELECTED OFFENCE PROFILES

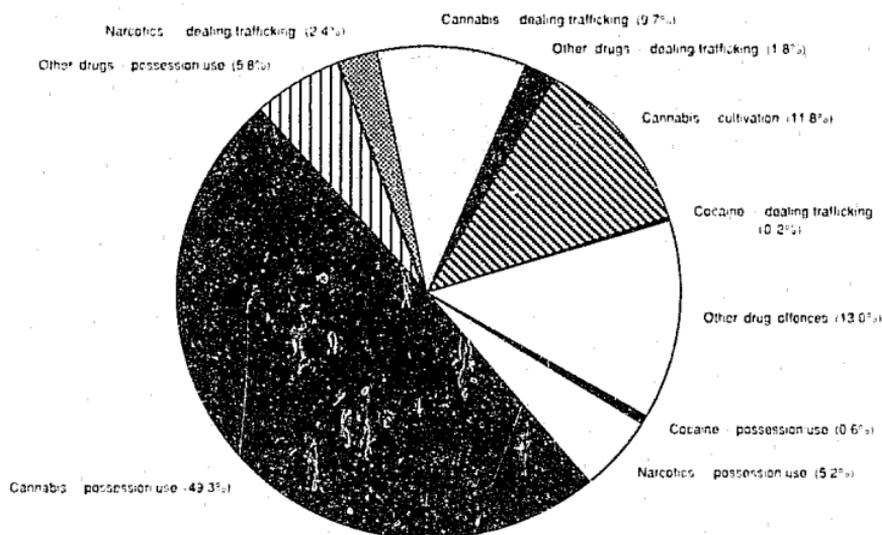
### Drug offences

The range of drug offences includes the possessing, using, dealing, manufacturing, cultivating and smuggling of illegal drugs.

- Overall there were 27,244 recorded drug offences in 1992.

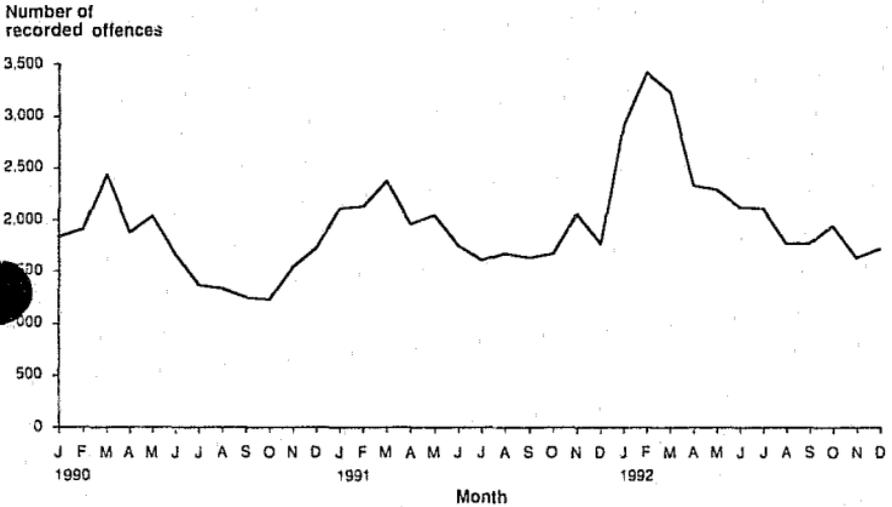
**Figure 2.1**  
**Recorded drug offences 1992**

*Types of offence: percentage of total number of drug offences*



- Figure 2.1 illustrates that the majority of recorded drug offences were possessing and/or using illegal drugs (60.9%).
- Offences involving cannabis accounted for over two-thirds of all recorded drug offences.
- The number of recorded drug offences per month since 1990 is presented in figure 2.2. At present there is no reliable method for determining the rate of illegal drug usage in the community.

**Figure 2.2**  
**Recorded drug offences**  
*Number per month 1990 - 1992*



- 91% of the recorded drug offences which occurred in 1992 were cleared by police in the same year. The generally high clear-up rate for drug offences can be attributed to the fact that, for drug offences, unlike some other offences (e.g. theft), the recording of the offence usually coincides with the apprehension of a suspect by police.

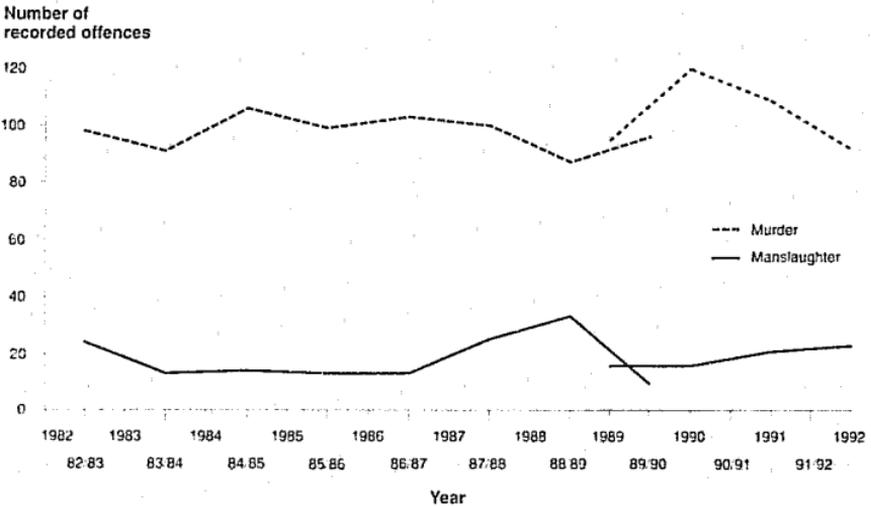
Sources: References 3 and 5.

# Homicide

Homicide statistics discussed here do not include deaths resulting from driving offences.

- There were 113 homicides recorded by police in NSW in 1992. Ninety-one (81%) of these were murders, and the rest were manslaughter.
- Recorded homicides averaged 1 every 3 days.
- Figure 2.3 presents the trend in the annual number of recorded homicides since 1982/83.

**Figure 2.3**  
**Homicide offences recorded by police**  
*Number per year 1982/83 to 1992*



- The rate per head of population has remained around 2 per 100,000 since 1982/83. In fact, the highest annual reported homicide rate for the century so far (around 3 per 100,000) occurred in the years before 1920 and has not been reached again since.
- 76% of the recorded homicide offences which occurred in 1992 were cleared by police in the same year.

Sources: References 3 and 6

Studies by the NSW Bureau of Crime Statistics and Research (BCSR) have shown that for homicide cases between 1968 and 1986:

- 85% of those charged with homicide were male and 64% of homicide victims were male.
- Young adults (aged from 20 to 30) made up 38% of those charged with homicide.
- Suspect and victim were related in 43% of cases. In 17% of cases, suspect and victim were strangers.
- Two-thirds of female victims were killed by family members.
- 48% of female victims were killed by their spouse or de facto spouse compared with 9% of male victims.
- Guns were the most common weapon, used in 35% of cases.

Sources: References 6 and 7

## Aggravated assault

Aggravated assaults are defined here as those of a more serious nature, involving the infliction of bodily harm.

- In 1992 there were 5,066 aggravated assaults recorded by the police. They represented 16% of all recorded assaults.
- Recorded aggravated assaults averaged about 1 every 2 hours.

**Figure 2.4**  
**Recorded aggravated assaults**  
*Number per month 1990 - 1992*



- Figure 2.4 shows numbers of aggravated assault offences recorded per month between January 1990 and December 1992.
- 59% of the recorded aggravated assault offences which occurred in 1992 were cleared by police in the same year.

Sources: References 3 and 5.

A NSW Bureau of Crime Statistics and Research study on a sample of recorded aggravated assault incidents from 1982 and 1986/87 showed that:

- At least 90% of suspects and 75% of victims were males.
- Most attacks (63%) did not involve weapons. Where weapons were used, they were usually objects close to hand (e.g. sticks) rather than knives or guns.
- Victims were most often attacked in their own homes, in the street (often around hotels) or in hotels. A total of 74% of all incidents occurred in these locations.

Source: Reference 8.

## Sexual assault

---

Recent changes to the legal categorisation of sexual assault in NSW became operative in 1991 (as a result of the *Crimes (Amendment) Bill 1989*; see reference 2, pp.xi-xii). Because the sexual assault data presented here span the period from 1990 to 1992, they are considered in the context of categories which draw upon both the current and the pre-1991 legislation. In broad terms, from most to least serious, these categories are:

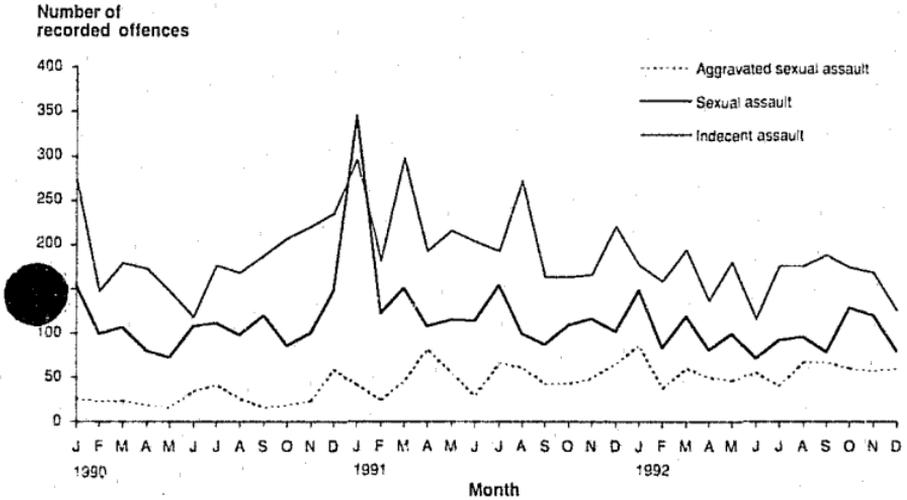
**Aggravated sexual assault** - aggravated sexual assault, assault with intent to have sexual intercourse, inflict grievous bodily harm with intent to have sexual intercourse, inflict actual bodily harm with intent to have sexual intercourse

**Sexual assault** - Sexual intercourse without consent, sexual assault.

**Indecent assault** - aggravated act of indecency, aggravated indecent assault, indecent assault, act of indecency.

- There were 3,850 recorded sexual assaults in 1992. Of these 1,970 (51%) were indecent assaults.
- The average number of recorded sexual assaults was about 10.5 per day.
- Sexual assault as defined above is not the only kind of sexual offence. In 1992 there were 173 other sexual offences recorded. Of these, 124 were either carnal knowledge or homosexual offences. Both these types of offence involve sexual practices with juveniles. Consenting homosexual activity between males over 18 ceased to be an offence in 1981.

**Figure 2.5**  
**Recorded sexual assaults**  
*Number per month 1990 - 1992*



- Figure 2.5 shows the number of recorded sexual assaults per month since January 1990 by category. It can be seen from figure 2.5 that numbers of recorded sexual assault offences appear to be somewhat higher in the summer months than in the winter months.
- 45% of the recorded sexual assaults which occurred in 1992 were cleared by police in the same year.

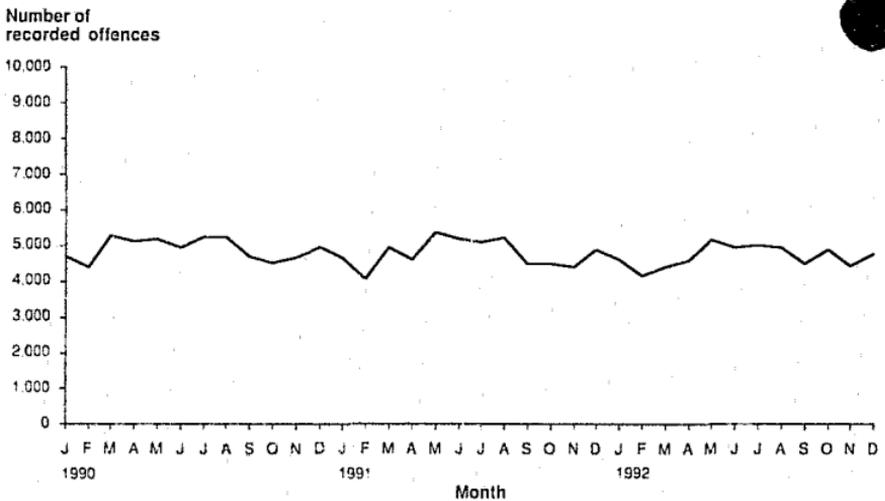
Sources: References 3 and 5.

## Household burglary

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- In 1992 there were 56,229 household burglaries.
- This represents roughly 1 every 9 minutes.

**Figure 2.6**  
**Recorded household burglaries**  
*Number per month 1990 - 1992*



- Figure 2.6 presents the trend in recorded household burglaries from January 1990 to December 1992.
- 5% of the recorded household burglary offences which occurred in 1992 were cleared by police in the same year.
- Breaking and entering is one of the most frequently occurring serious offences. In the twelve months to April 1992, 4.6% of NSW households were victims of this offence and a further 3.3% of NSW households were victims of an attempted breaking and entering.

The NRMA report of household burglaries in 1992/93 showed that:

- The most common means of entry was by forcing a window (26%) or a door (23%), but more than 9% of the burglaries involved entry through an *unlocked* door or window. In more than half of the household burglaries, homes did not have any security.
- The most commonly stolen items were jewellery, garden/handyman tools, cash, stereos, compact disk players, photographic equipment and watches.

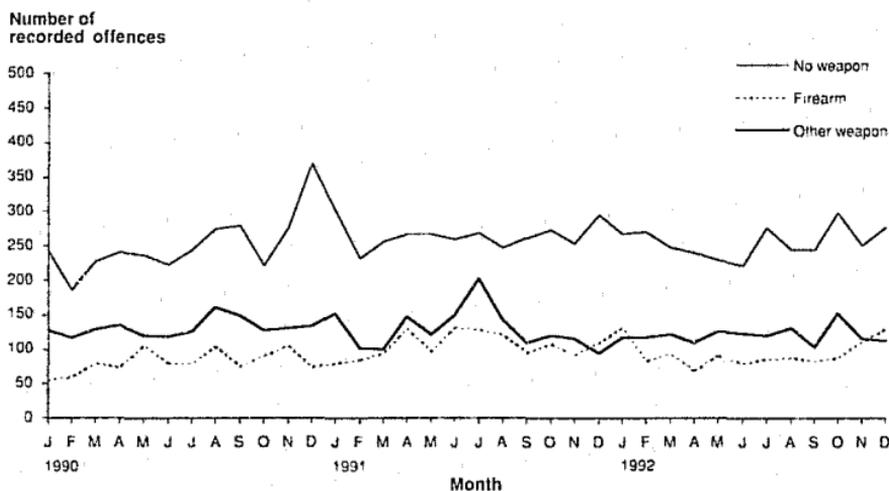
Sources: References 2, 3 and 5.

## Robbery

'Robbery' is used to mean the taking of money or property by force or by threat of force. This distinguishes it from other theft, making it an 'offence against the person'.

- The number of recorded robberies in 1992 was 5,634. Of these 46% involved the use of weapons (either a firearm or another weapon).
- The average rate of recorded robberies was around 1 every 1.6 hours.

**Figure 2.7**  
**Recorded robberies**  
*Number per month 1990 - 1992*



- Figure 2.7 shows the number of robberies recorded from January 1990 to December 1992.

Sources: References 3 and 5.

In a NSW Bureau of Crime Statistics and Research study of robberies recorded by police in 1983 it was found that:

- Around half of the robberies involved the holding up of commercial premises and half were personal robberies.
- For commercial robberies the most common targets were banks (19%) followed by petrol stations (12%) and shops (11%).
- The most common location for personal robbery was the street (70%), and most (72%) occurred between 5 p.m. and 5 a.m.
- Bag snatchings accounted for about one-fifth of all personal robberies.
- Many attacks did not result in injury:
  - 60% of offences involved no or negligible injuries
  - 32% of offences involved injuries not requiring immediate medical attention
  - 6% of offences involved serious physical injuries requiring medical attention
  - 1% of offences involved injuries requiring hospitalisation.
- More serious injuries were inflicted more often in the case of personal robberies than in robberies of commercial premises. Even so, in personal robberies, the overwhelming majority of offences (88%) either involved no injuries or negligible/minor injuries.

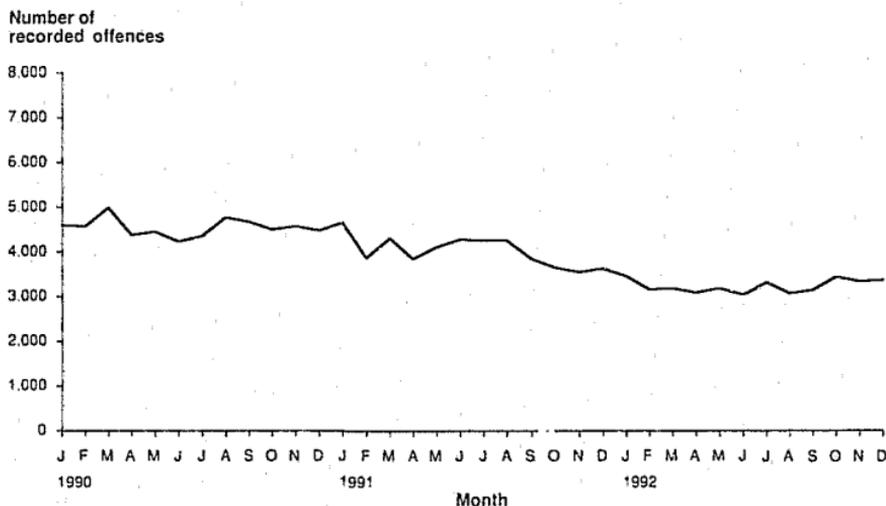
Source: Reference 9.

## Motor vehicle theft

(Note: In the following statistics motor vehicles include cars, vans, trucks, buses and motor cycles/scooters.)

- In 1992 there were 38,817 vehicles recorded stolen.
- Recorded motor vehicle thefts averaged 1 every 14 minutes. In 1992 the number of vehicles stolen represented 1.0% of all registered vehicles.

**Figure 2.8**  
**Recorded motor vehicle thefts**  
*Number per month 1990 - 1992*



- Figure 2.8 shows the numbers of motor vehicle theft offences from January 1990 to December 1992. There is a significant downward trend over this period. Recorded offences in 1992 decreased by 28.8% compared with 1990.

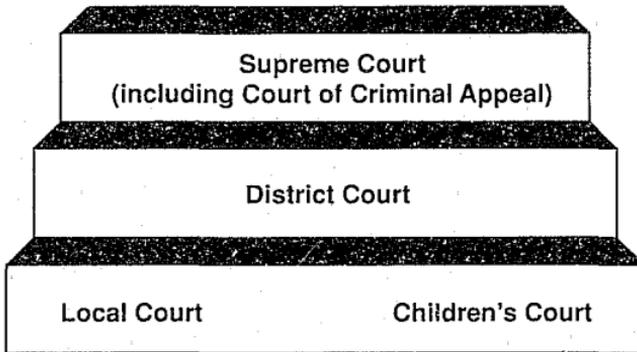
Sources: References 3, 5 and 10.

### 3. CRIMINAL COURTS

#### *The structure of the criminal justice system in NSW*

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Figure 3.1  
Criminal Jurisdictions in NSW

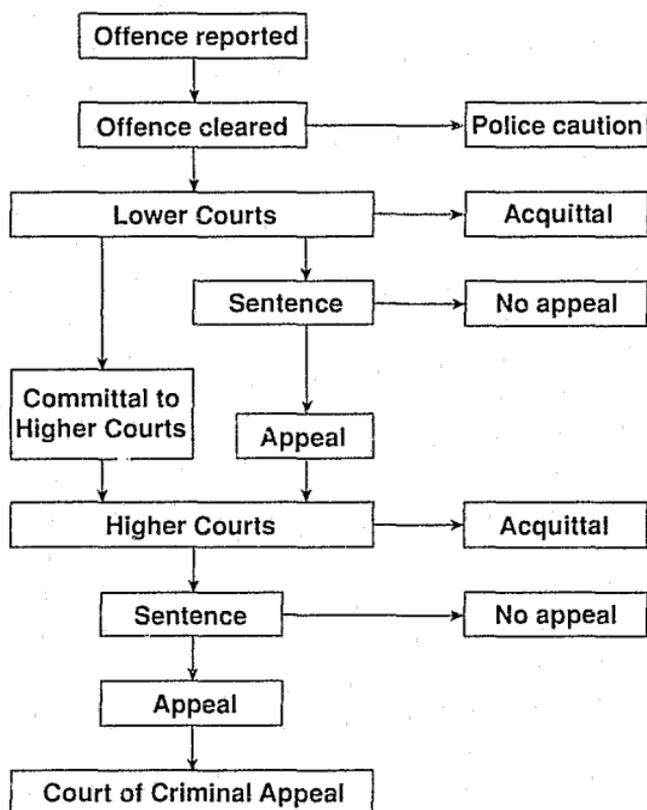


As shown in figure 3.1, the NSW criminal justice system consists of:

- **Lower Courts** - the Local Court  
- the Children's Court
- **Higher Courts** - the District Court  
- the Supreme Court
- The *Children's Court* deals mainly with juvenile offenders (aged 10-17 years). In some circumstances, charges against offenders aged 18 years or over may also be heard before the Children's Court. The *Local Court* deals with less serious criminal charges against adult offenders. Lower Court proceedings are conducted by a magistrate. The majority of all criminal matters are finalised at this level.

- The *District Court* deals with more serious offences committed by both juveniles and adults. District Court proceedings are presided over by a District Court Judge. The District Court hears trials, sentencing matters and appeals against decisions made in the Lower Courts. In most cases where the accused person pleads not guilty, trials are held before a judge and jury. In certain circumstances the accused may elect to be tried before a judge alone. If the jury delivers a verdict of guilt, the judge determines an appropriate penalty. When a person admits guilt there is no jury trial and the matter proceeds to sentencing.
- The *Supreme Court* conducts trials before a judge and jury for a few offences which are more serious than those heard in the District Court, such as murder. As in the District Court, in certain circumstances the accused may elect to be tried by a judge alone. The Supreme Court may also deal (without a jury) with certain offences which carry very heavy fines (e.g. water or air pollution offences). The proceedings are presided over by a Supreme Court Judge.
- The *Court of Criminal Appeal*, which is a special division of the Supreme Court, hears appeals against convictions and/or sentences from the District Court and from the Supreme Court. An appeal is conducted in the presence of three Supreme Court Judges. The Court of Criminal Appeal is the ultimate court of appeal for criminal matters in NSW.
- Figure 3.2 shows the possible routes of cases through the criminal justice system in NSW.

**Figure 3.2**  
**Schematic representation**  
**of the flow of cases through**  
**the criminal justice system in NSW**

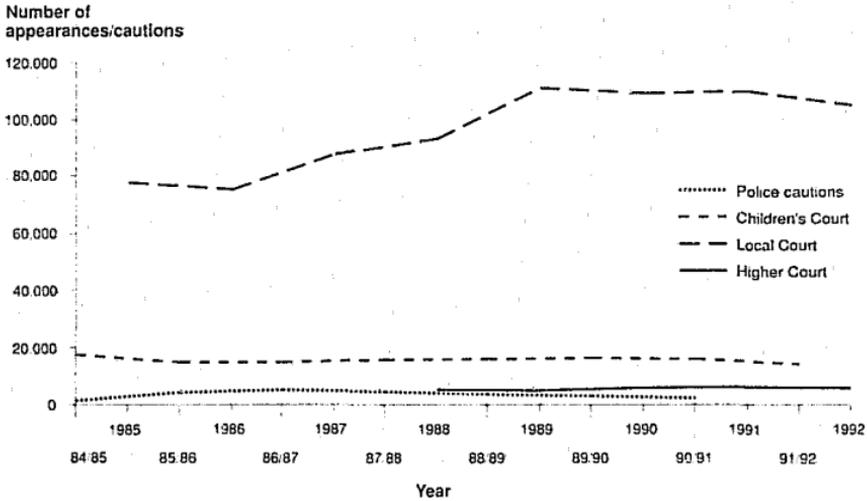


- As an alternative to entering the court system, juveniles charged with relatively minor offences may be dealt with by a system of formal police cautions. A caution is issued by a senior police officer in the presence of the offender and his/her parent or guardian.
- 2,210 juveniles were cautioned during the 1990/91 financial year, over half of them in relation to theft offences (shoplifting, stealing from the person).

Sources: References 11 and 12.

## Trends in criminal court appearances

**Figure 3.3**  
**Trends in criminal court**  
**appearances and police cautions**  
*Number per year 1985 to 1992*

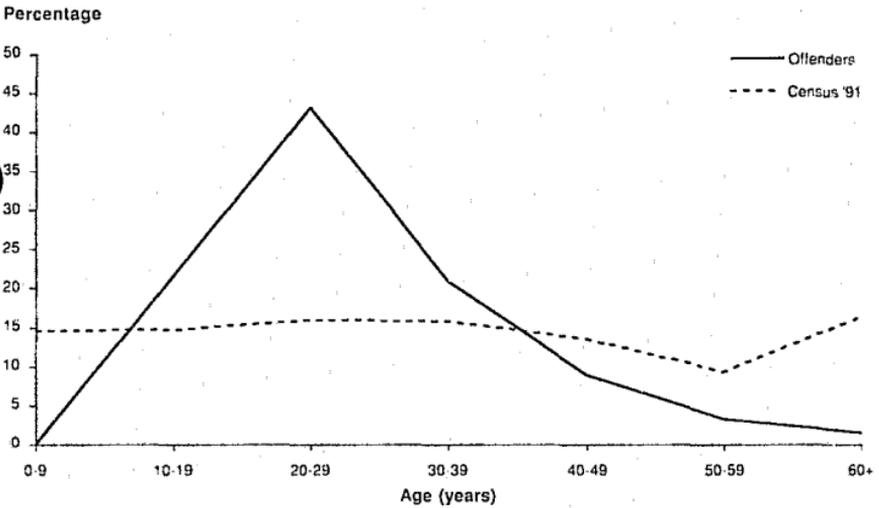


- Figure 3.3 shows trends in Higher Court, Local Court and Children's Court appearances along with trends in police caution data.
- The decrease in Children's Court appearances and the increase in the number of police cautions in 1985 were due to a review of the police cautioning system. The police caution figures for 1990/91 financial year are the most recent figures available.
- Higher Court statistics prior to 1988 are not available. In 1992 there were 5,989 appearances before the Higher Courts.

Sources: References 12, 13, 14, 15, 16, 17, 18.

## Age of offenders

**Figure 3.4**  
**Age distribution of offenders**  
**and of the general population**  
*Percentage in each age group*



- From figure 3.4 it can be seen that nearly two-thirds (64%) of the offenders were under 30 years of age. Less than one-third of the general population are in this age group.
- 13 of every 100 people convicted (including police cautions) were less than 18 years old.
- 84 of every 100 people convicted were males.

Sources: References 4 and 12.

## *Court workload*

---

- Most criminal charges are finalised at the Local Court level. Of the 124,860 people charged with criminal offences in 1992, 84% appeared before the Local Court, 11% before the Children's Court and only 5% before the Higher Courts.

Source: Reference 12.

## *Court delay*

---

- Processing of cases in the District and Supreme Courts takes longer than in the Local Court. In the Higher Courts in 1992, half the defended cases (i.e. cases where the accused pleaded not guilty) took 16 months or less from committal to finalisation. Those persons remanded in custody before being acquitted before the Lower Courts spent a median of 2 months (66 days) in custody; while those acquitted before the Higher Courts spent 9 months (263.5 days) in custody.
- The period from committal to finalisation in the Higher Criminal Courts varies according to the type of offence involved. Cases involving fraud or drug offences usually take much longer than cases involving offences such as breaking and entering, murder or robbery.

Source: Reference 12.

## *Bail*

---

- 6,005 (5%) of all accused were refused bail (i.e. remanded in custody) prior to the finalisation of their cases (Higher Courts 23%, Local Court 4%). Children's Court data on the number in custody awaiting trial are not comparable with other courts as they include juveniles who have received protection orders.
- Bail was granted in 56% of cases. The remaining 39% of cases were either summons matters, cases where bail was dispensed with or cases where bail status was unknown.

Source: References 12.

## *Plea*

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- 68% of persons appearing in the Local and Higher Courts pleaded guilty to all the charges (68% in the Local Court and 61% in the Higher Courts).

Source: Reference 12.

## *Conviction rates*

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- Overall, only 13% of criminal charges were disposed of without conviction. In 1992 the Local Court had a conviction rate of 87% and the Higher Courts a conviction rate of 73%. A person under the age of 16 years who is found guilty does not have a conviction recorded against his/her name. 92% of the persons appearing before the Children's Court were found guilty. However, only 39% of those found guilty were convicted.
- 68% of the persons who pleaded not guilty were found guilty and convicted (69% in the Local Courts and 50% in the Higher Courts).

Source: Reference 12.

## *Appeals*

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- In 1992 the District Court registered 5,582 appeals against Local Court decisions and the Court of Criminal Appeal registered an additional 853 appeals against District and Supreme Court decisions.
- Appeals against Local Court decisions are heard in the District Court. In 1992, 30% of appeals against Local Court convictions and 2% of appeals against Local Court sentences were upheld for some or all matters.
- Appeals against District Court and Supreme Court decisions are heard in the Court of Criminal Appeal. In 1992, 33% of appeals against conviction and 38% of appeals against sentence were upheld for some or all matters.

Sources: References 12 and 19.

## Sentencing

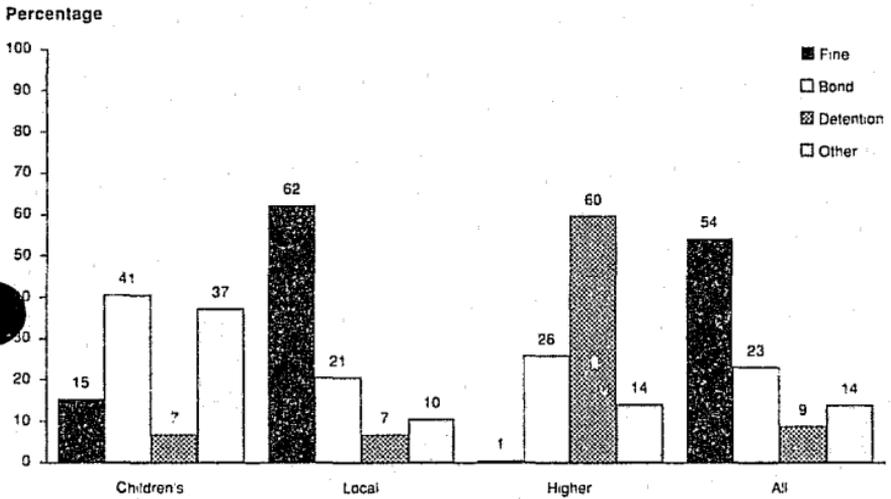
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There are a variety of sentencing options available at each court level. The least severe is a good behaviour bond without the recording of a conviction - the offender is given a 'second chance'. The most severe sentencing option is imprisonment. The maximum length of imprisonment in the Local Court is 2 years. The maximum length of imprisonment in the Higher Courts is life. Due to recent changes in legislation life now means imprisonment for the term of the person's natural life.

In the following section sentencing options are classified as:

- *fine*
  - *good behaviour bond* (recognizance with or without supervision)
  - *detention* (imprisonment, detention in a juvenile institution or periodic detention)
  - *other* (e.g. community service orders, rising of the court, no conviction recorded).
- In 1992, 86 of the every 100 convicted persons received either a fine, a good behaviour bond or detention.

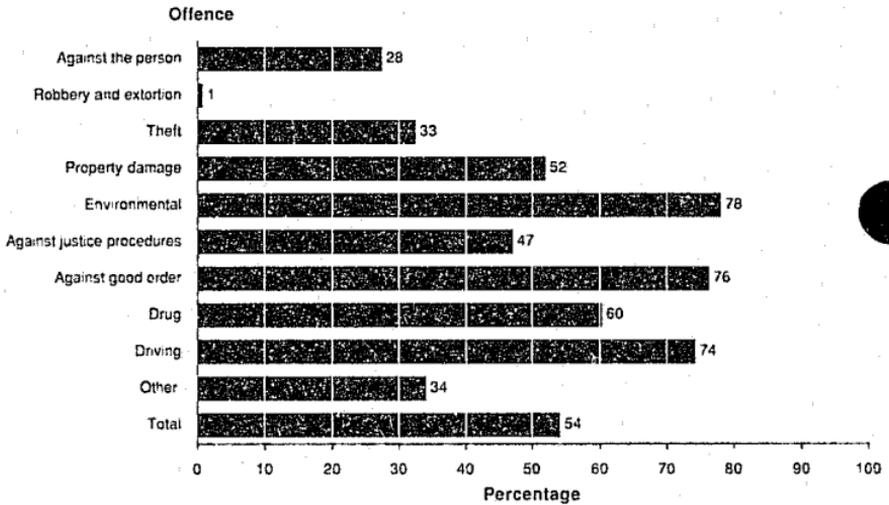
**Figure 3.5**  
**Sentencing outcomes for each criminal court in NSW**  
*Percentage of convictions, 1992*



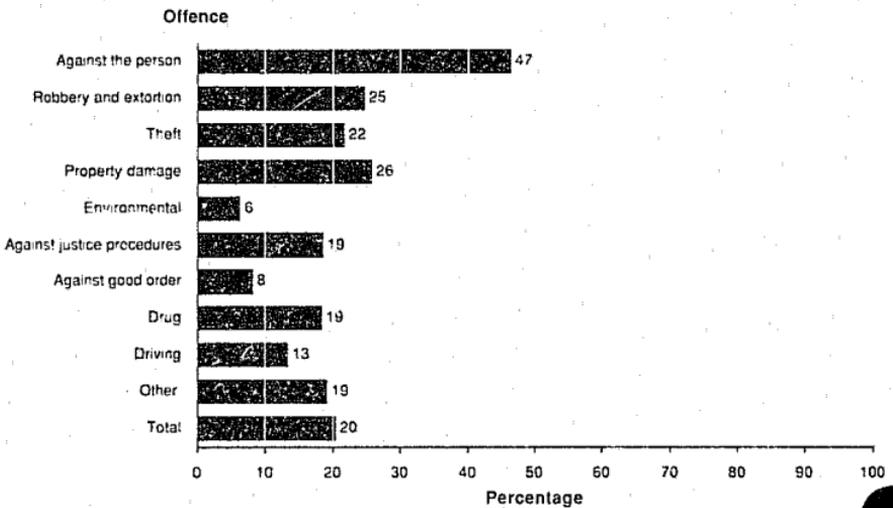
- Figure 3.5 shows the sentences received by people convicted in Children's, Local and Higher Courts in NSW in 1992.
- Overall, in 1992, for each 100 persons convicted, 9 were given detention sentences (including imprisonment, detention in a juvenile institution or periodic detention). For persons sentenced by the Higher Courts alone this figure was 60 in every 100.
- 54 in every 100 offenders were fined (58,054 persons).
- Juveniles were most likely to be put on a good behaviour bond. Adults who were sentenced by the Local Court were most likely to be fined. People sentenced by the Higher Courts were most likely to be given a detention sentence.

**Figure 3.6**  
**Sentencing outcomes by offence type, all courts**  
*Percentage of convictions, 1992*

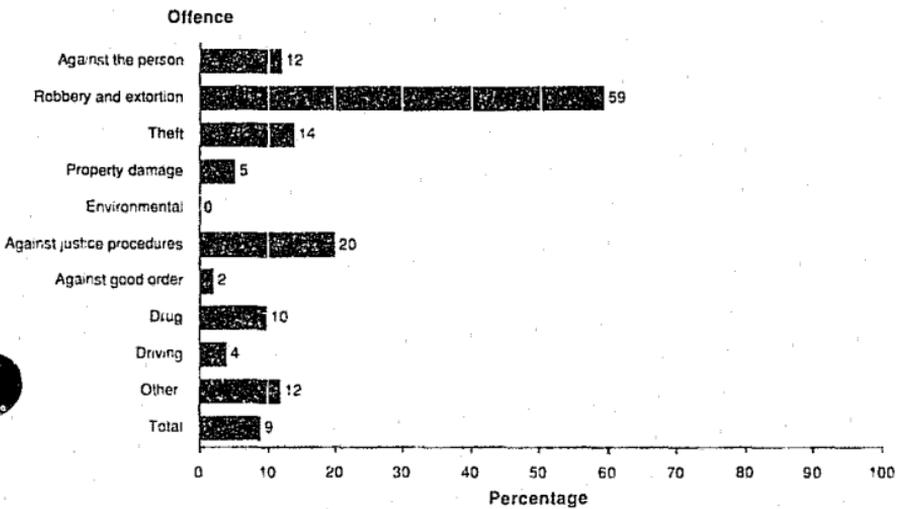
**A - Fine**



**B - Bond**



## C - Detention



- Figure 3.6 shows the percentage of people who received fines, bonds or detention sentences following conviction for various types of offence.
- Of the 41 persons convicted of murder in the NSW Higher Criminal Courts 40 were imprisoned and 1 was given recognizance with supervision. Of those imprisoned, 2.5% were imprisoned for life.
- 92% of people convicted of importing/exporting drugs in the Higher Criminal Courts received prison sentences.
- 79% of people convicted of drink driving were fined.

Source: Reference 12.

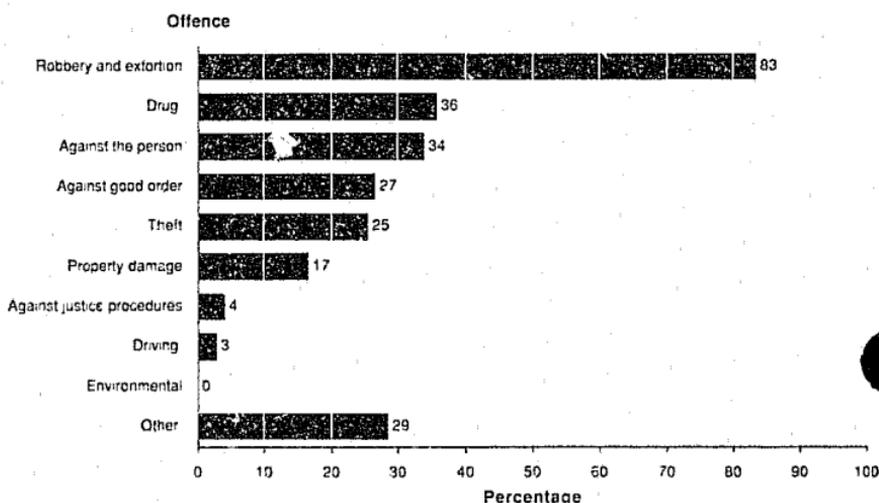
## Imprisonment

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In 1992:

- 9,549 people received a detention sentence in NSW.
- 8,698 were sentenced to a prison term by the Lower and Higher Criminal Courts (Lower Courts 6,085, Higher Courts 2,613)
- The Children's Courts handed down 851 detention sentences in 1991/92 and the Higher Criminal Courts sentenced 21 people to juvenile detention.
- 1,210 received periodic detention (i.e. a prison sentence served two days each week) in the Lower and Higher Criminal Courts (Lower Courts 846, Higher Courts 364).
- 56 in every 100 prison terms imposed by the Local Courts were of 6 months duration or less.
- The majority (5,484) of persons sent to prison were given sentences of less than 1 year duration.

**Figure 3.7**  
**Sentences of 1 year or more by offence type**  
*Percentage of persons imprisoned, 1992*



- Figure 3.7 shows the percentage of people convicted of various types of offence who were sentenced to one year or more in prison.

### *Life sentences*

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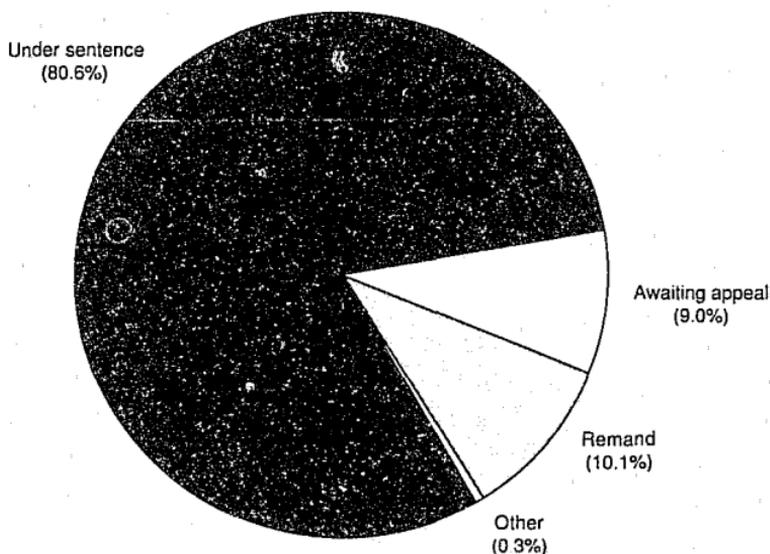
- One person was sentenced to life imprisonment in 1992. This person had been convicted of murder.
- In 1992 there were 200 prisoners serving life sentences in NSW prisons (males 192, females 8).
- The average time served on life sentences in NSW was 11 years and 7 months (based on 1984-1987 data). Legislative changes in early 1990 mean that a life sentence is now imprisonment for life rather than a period of years decided by a court.

Sources: References 12, 20 and 21.

## 4. PRISONS

The following information is obtained from the Australian Prison Census conducted in June 1992. When considering these data it should be remembered that the range of sentences being served by the people in prison does not accurately reflect the range of sentences imposed by the courts. The reason for this is simply that people with long sentences tend to accumulate in prison. For example, 5,484 people were sent to prison for less than one year in 1992, but on census day there were only 1,316 short sentence prisoners actually in prison. In addition to sentenced prisoners (6,732), NSW prisons contain a large number of people on remand awaiting a court hearing (753).

**Figure 4.1**  
**Legal status of prisoners**  
*Percentage of prison population*

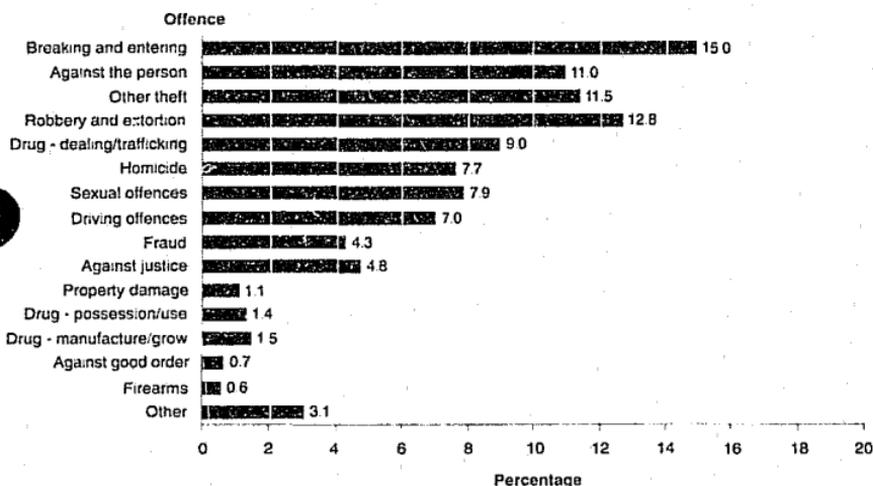


- Figure 4.1 shows the legal status of people held in prison on census day: 80.6% were serving a sentence, 10.1% were on remand.

Source: Reference 22.

## Prison population

**Figure 4.2**  
**Most serious offence/charge**  
*Percentage of prison population*



- Figure 4.2 shows the most serious offence (for sentenced prisoners) or charge (of unconvicted prisoners).
- Contrary to popular belief, prisons are not full of murderers and rapists. Nearly one-third of prisoners were incarcerated for stealing offences (breaking and entering, fraud and other theft).

### Gender

- 95 in every 100 prisoners were male.
- There were 319 male prisoners for every 100,000 males living in NSW. There were 17 female prisoners for every 100,000 females living in NSW.

### Age

- Almost half the prisoners were in the 20-29 years age group.

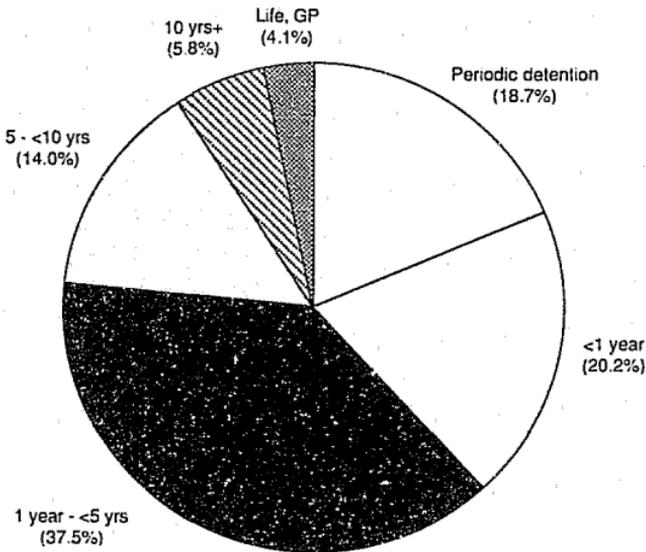
## Aboriginality

- The imprisonment rate of Aborigines is about 11 times higher than that for the non-Aboriginal population. For every 100,000 Aborigines 1,651 were in prison on census day. For every 100,000 people in the non-Aboriginal population, 151 were in prison on census day.

## Prior imprisonment

- 51 in every 100 prisoners had been imprisoned before.

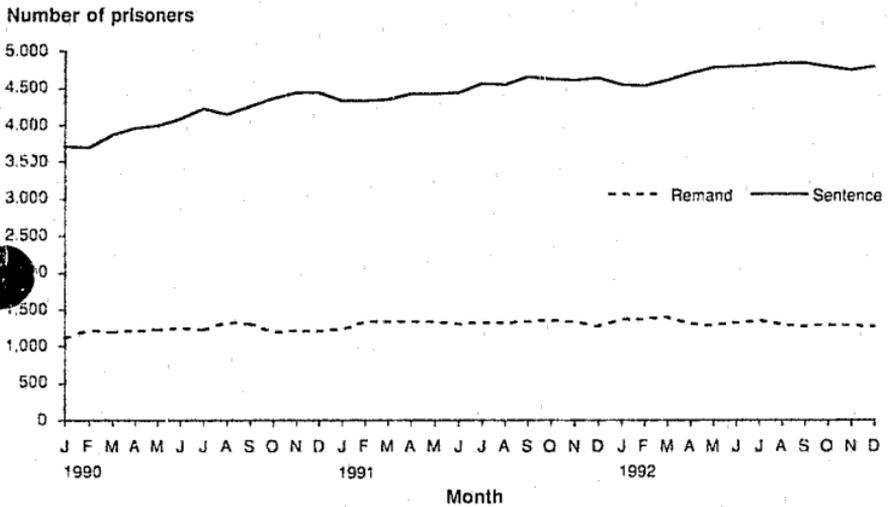
**Figure 4.3**  
**Sentence length**  
*Percentage total sentenced prisoners*



- Figure 4.3 shows the imprisonment length of people under sentence on census day. Three in every 100 sentenced prisoners were sentenced to life or Governors Pleasure (GP).

Source: Reference 22.

**Figure 4.4**  
**Trends in prison population**  
*Average monthly number of prisoners*  
*January 1990 - August 1992*



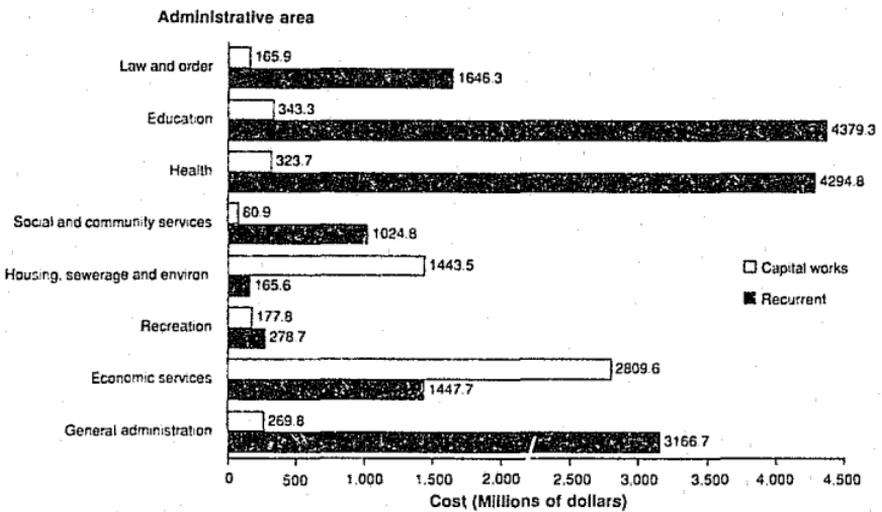
- From figure 4.4 it can be seen that the number of prisoners held in NSW prisons has been increasing steadily over the last three years.

Source: Reference 23.

# 5. THE COST OF CRIMINAL JUSTICE

- In 1991/92 the NSW Government spent \$1,646.3 million on recurrent expenses in the area of law, order and public safety. In addition, \$165.9 million was spent on capital works - that is, building (e.g. of police stations, court houses and prisons).
- Recurrent expenditure for law, order and public safety decreased by 13% between 1991/92 and 1992/93.
- In the same period capital works expenditure decreased by 21.8%.

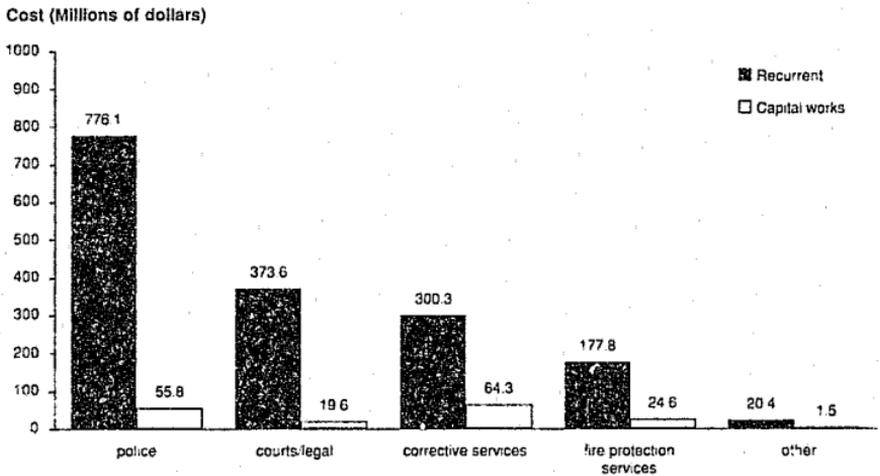
**Figure 5.1**  
**Recurrent and capital works expenditure 1992/93**



- Figure 5.1 offers a comparison of recurrent and capital works Government spending by administrative area for the 1992/93 financial year. The figure does not include \$20.6 million for natural disaster relief. The category 'law and order' includes police, law courts and legal services, corrective services and fire protection.
- Total spending was \$21, 997.8 million.

- As can be seen, in most areas recurrent spending far outweighed that for capital works. The 'law and order' category accounted for 10% of recurrent budget but only 3% of capital works. The largest recurrent budget expenses were 'education' and 'health', while in capital works the largest category was 'economic services'. This category includes, amongst other things, transport, communication and mining and manufacturing, energy and construction.

**Figure 5.2**  
**Cost of criminal justice in 1992/93**  
*Recurrent and capital works expenditure*



- Figure 5.2 presents law and order spending in 1992/93, comparing recurrent and capital works spending. Most money spent on law and order went in recurrent spending rather than capital works.

Source: Reference 24.

# REFERENCES

1. Matka, E. (1990). **Uses and Abuses of Crime Statistics**, Crime and Justice Bulletin No. 11, NSW Bureau of Crime Statistics and Research, Sydney.
2. Australian Bureau of Statistics (1992), **Crime and Safety New South Wales, April 1992**, Australian Bureau of Statistics, Sydney.
3. NSW Bureau of Crime Statistics and Research (1992), **New South Wales Recorded Crime Statistics 1992**, NSW Bureau of Crime Statistics and Research, Sydney.
4. Australian Bureau of Statistics (1992), **Estimated Resident Population by Age and Sex in Statistical Local Areas, New South Wales, 30 June 1991**, Catalogue No. 3209.1, Australian Bureau of Statistics, Canberra.
5. NSW Bureau of Crime Statistics and Research (1992), **New South Wales Recorded Crime Statistics 1992**, Unpublished data, NSW Bureau of Crime Statistics and Research, Sydney.
6. Wallace, A. (1986), **Homicide - the Social Reality**, NSW Bureau of Crime Statistics and Research, Sydney.
7. Bonney, R. (1987), **Homicide 2**, NSW Bureau of Crime Statistics and Research, Sydney.
8. Robb, T. (1988), **Police Reports of Serious Assault in New South Wales**, NSW Bureau of Crime Statistics and Research, Sydney.
9. Bureau of Crime Statistics and Research (1987), **Robbery - Final Report**, NSW Bureau of Crime Statistics and Research, Sydney.
10. Roads and Traffic Authority (1993) **Road Traffic Accidents in New South Wales 1992, Statistical Statement: Year ended 31 December 1992**, Roads and Traffic Authority, Sydney.
11. NSW Bureau of Crime Statistics and Research (1987). **The Criminal Prosecution Process in N.S.W.**, Crime and Justice Bulletin No. 4, NSW Bureau of Crime Statistics and Research, Sydney.
12. NSW Bureau of Crime Statistics and Research (1993), **New South Wales Criminal Courts Statistics 1992**, NSW Bureau of Crime Statistics and Research, Sydney.
13. NSW Bureau of Crime Statistics and Research (1992), **New South Wales Criminal Courts Statistics 1991**, NSW Bureau of Crime Statistics and Research, Sydney.
14. NSW Bureau of Crime Statistics and Research (1989), **New South Wales Higher Criminal Courts Statistics 1988**, NSW Bureau of Crime Statistics and Research, Sydney.
15. NSW Bureau of Crime Statistics and Research (1990), **New South Wales Higher Criminal Courts Statistics 1989**, NSW Bureau of Crime Statistics and Research, Sydney.
16. NSW Bureau of Crime Statistics and Research (1991), **New South Wales Higher Criminal Courts Statistics 1990**, NSW Bureau of Crime Statistics and Research, Sydney.
17. NSW Bureau of Crime Statistics and Research (1990), **New South Wales Lower Criminal Courts and Children's Courts Statistics 1989**, NSW Bureau of Crime Statistics and Research, Sydney.
18. NSW Bureau of Crime Statistics and Research (1991), **New South Wales Lower Criminal Courts and Children's Courts Statistics 1990**, NSW Bureau of Crime Statistics and Research, Sydney.
19. NSW Court of Criminal Appeal Registry (1992), **Unpublished statistics**. Department of Courts Administration, Sydney.
20. NSW Department of Corrective Services (1992), **Unpublished statistics**. Department of Courts Administration, Sydney.

21. Potas, I. (1989). *Life Imprisonment in Australia*, Trends and Issues No. 19, Australian Institute of Criminology, Canberra.
22. Walker, J. (1993), *Australian Prisoners 1992: Results of the National Prison Census, 30 June 1992*, Australian Institute of Criminology, Canberra.
23. Australian Institute of Criminology (1990-1992), *Australian Prison Trends*, Nos. 164-199. Australian Institute of Criminology, Canberra.
24. NSW Treasury (1993), *New South Wales Budget Information 1993-94*, Budget Paper No. 2, NSW Treasury, Sydney.

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