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# A statistical snapshot of crime and justice in New South Wales

by

Talina Drabsch

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## SUMMARY

Crime and the perception of crime is the subject of debate at many levels and in different forums, including the media, politics and among the representatives of various stakeholder groups. The passing of legislation in this area and the development and implementation of numerous policy initiatives reflects a range of objects and purposes. These include the reduction of crime, the protection of the innocent and the desire to deter would-be offenders, along with the punishment of offenders, and, in some cases, the rehabilitation of those who have already found their way into the criminal justice system.

This paper looks at aspects of the criminal justice system including: perceptions of crime; victimisation levels; recorded crime; offenders and their characteristics; the police; the courts; and the correctional system – both adult and juvenile.

The Australian Institute of Criminology estimated that the cost of crime in Australia in 2005 was \$35.8 billion.<sup>1</sup> A large portion of government expenditure is directed towards crime and justice. How successful it is in preventing or reducing crime is a matter of some debate. This paper does not seek to answer such questions directly. However, its findings do show a number of trends:

- Crime rates are largely stable (see p 11).
- The number of inmates is increasing (see p 22ff).
- The Indigenous imprisonment rate is rising (see p 28ff).
- The number of juvenile justice detainees continues to grow (see p 32).

Many have noted the link between crime levels and social problems, as low levels of education, unemployment, substance abuse, and dysfunctional family backgrounds may increase the likelihood of an individual engaging in criminal activity.<sup>2</sup> Mental health issues may also be relevant. For example, 88% of young people in custody in NSW report symptoms of mental illness consistent with a clinical disorder.<sup>3</sup> Those interested in the politics of social disadvantage and exclusion are likely to be interested in the successes and failures of the criminal justice system.

This paper draws statistics from a number of sources but is particularly indebted to the following:

- Australian Bureau of Statistics
- Australian Institute of Criminology

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<sup>1</sup> Rollings, K, *Counting the costs of crime in Australia: a 2005 update*, Research and Public Policy Series No 91, Australian Institute of Criminology, Canberra, June 2008.

<sup>2</sup> Haski-Leventhal D, *The Common Cause Report into Sydney's Key Social Issues 2009*, Centre for Social Impact and United Way Sydney, 2009.

<sup>3</sup> NSW Juvenile Justice, Department of Human Services, *Annual Report 2008/09*, p 24.

- NSW Bureau of Crime Statistics and Research
- Steering Committee for the Review of Government Service Provision,  
*Report on Government Services 2010*

## COMMUNITY PERCEPTIONS OF CRIME AND SAFETY

Whilst community perceptions of crime are not always accurate, it can still be a helpful way of measuring social wellbeing, as a person's impression of their own safety may influence certain behaviours, such as the willingness to use public transport, how often one leaves home, and at what times.

The following table shows the proportion of people who perceived a crime or public nuisance problem in their neighbourhood in NSW in recent years. It reveals that the proportion of people who believe there is a problem with crime in their neighbourhood has declined since 2001 from 55.4% to 45.1% in 2008.

Therefore, on the basis of the survey evidence, the majority of people in NSW do not believe there is a problem with crime in their neighbourhood.

### Proportion of people who perceive a crime or public nuisance problem in their neighbourhood – NSW

|                      | 1999 | 2000 | 2001 | 2003 | 2004 | 2006 | 2007 | 2008 |
|----------------------|------|------|------|------|------|------|------|------|
| Perceived problem    | 52.9 | 51.4 | 55.4 | 49.7 | 48.1 | 46.9 | 46.5 | 45.1 |
| No perceived problem | 47.1 | 48.6 | 44.6 | 50.3 | 51.9 | 53.1 | 53.5 | 54.9 |

The sort of crime that is seen as a problem in a particular locality varies. In 2008, 26% of people thought vandalism, graffiti and/or damage to property was a problem in their neighbourhood (not necessarily the main problem) and 25% thought dangerous, noisy driving was an issue. The table below shows the proportion of people in NSW who thought the following issues were the *main* problem in their neighbourhood in 2008.

### Proportion of people who perceive particular crimes as the main problem in their neighbourhood

| Perceived to be the main problem           | %           |
|--|-------------|
| Vandalism graffiti damage to property      | 8.5         |
| Housebreaking burglaries theft from homes  | 8.3         |
| Dangerous noisy driving                    | 7.6         |
| Louts youth gangs                          | 6.2         |
| Drunkenness                                | 4.9         |
| Illegal drugs                              | 3.3         |
| Problems with neighbours domestic problems | 2.2         |
| Car theft                                  | 1.4         |
| Prowlers loiterers                         | 1.0         |
| Other theft                                | 0.9         |
| Other assault                              | 0.4         |
| Sexual assault                             | 0.1         |
| Other                                      | 0.3         |
| <i>No perceived problem</i>                | <i>54.9</i> |

81% of people in NSW feel safe or very safe at home alone during the day, which is slightly lower than the Australian average, and lower than all other Australian States and Territories with the exception of the Northern Territory. The proportion of people who feel safe or very safe drops to 68% after dark. On the other hand, compared to the average in Australia more people feel safe or very safe in NSW when using public transport alone after dark, or when walking alone after dark in their own neighbourhood.

**% of persons who feel safe or very safe, 2008/09**

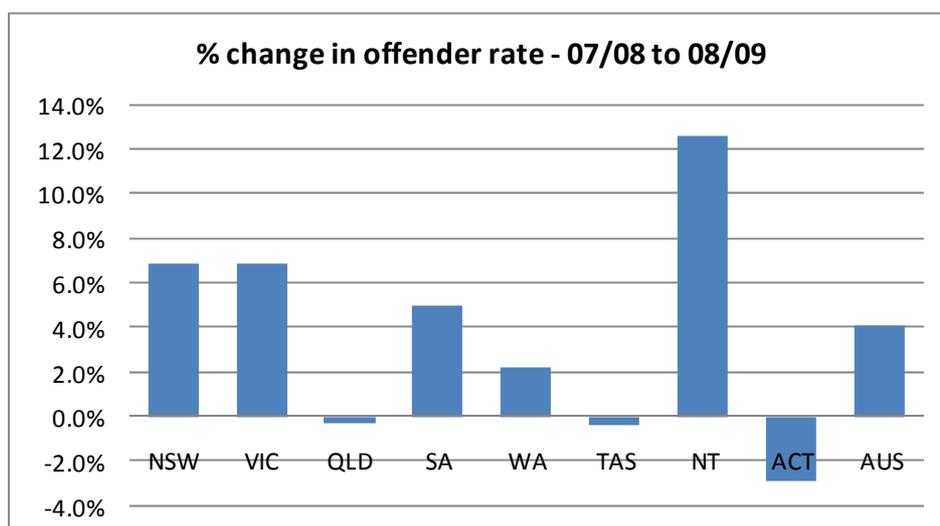
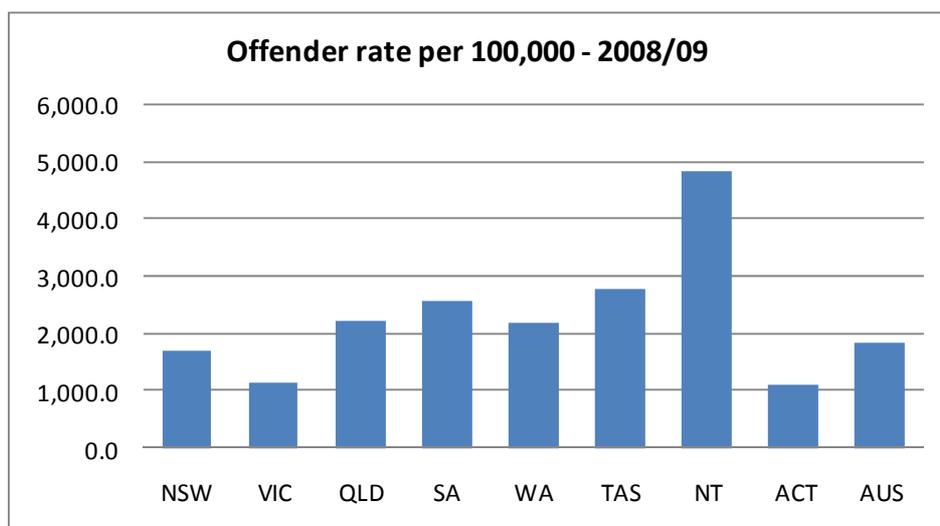
|   | <b>NSW</b> | <b>VIC</b> | <b>QLD</b> | <b>SA</b> | <b>WA</b> | <b>TAS</b> | <b>NT</b> | <b>ACT</b> | <b>AUS</b> |
|---|------------|------------|------------|-----------|-----------|------------|-----------|------------|------------|
| At home alone during the day                  | 80.9       | 84         | 84.6       | 84.2      | 83        | 85.2       | 76.7      | 87.5       | 83         |
| At home alone after dark                      | 67.8       | 71.2       | 71         | 71.4      | 65.1      | 75.3       | 62.9      | 74.8       | 69.5       |
| Using public transport alone after dark       | 16.8       | 16.7       | 14         | 11.5      | 9.8       | 7.2        | 6.8       | 17.3       | 14.8       |
| Walking alone after dark in own neighbourhood | 37.1       | 39.4       | 34.5       | 37.2      | 31.5      | 39.6       | 22.5      | 43.8       | 36.7       |

Sources:

- ABS, *Crime and Safety, New South Wales*, 4509.1, April 2008
- ABS, *Crime Victimisation, Australia, 2008-09*, 4530.0, 2010

## OFFENDERS

The *number* of offenders in NSW increased by 8.5% from 2007/08 to reach 103,853 offenders in 2008/09 (30% of all Australian offenders). The *offender rate* increased by 6.5% in that same period. This equates to 1688.1 offenders for every 100,000 people in NSW, the third lowest rate of the States and Territories.



The table below compares the offender rate (per 100,000 people aged 10 years and over) by principal offence. The top three principal offences were:

1. Acts intended to cause injury (27.5% of NSW offenders);
2. Theft and related offences (17.6% of offenders); and
3. Public order offences (14.6%).

The offender rate in NSW was above the Australian average for the following offences:

- Homicide and related offences;
- Acts intended to cause injury;
- Robbery, extortion and related offences;
- Property damage and environmental pollution;
- Offences against justice; and
- Miscellaneous offences.

#### Offender rate by principal offence 2008/09

|   | NSW            | VIC            | QLD            | SA             | WA             | TAS            | NT             | ACT            | AUS            |
|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Homicide and related offences                   | 4.5            | 3.2            | 4.6            | 5.7            | 3.6            | 4.1            | 12.9           | 3.0            | 4.2            |
| Acts intended to cause injury                   | 463.4          | 250.8          | 262.3          | 455.3          | 515.4          | 530.3          | 1,163.8        | 281.4          | 380.6          |
| Sexual assault and related offences             | 23.0           | 26.6           | 47.7           | 46.8           | 44.2           | 19.9           | 90.9           | 22.0           | 33.3           |
| Dangerous or negligent acts endangering persons | 2.1            | 13.5           | 16.1           | 8.2            | 2.3            | 14.4           | 19.4           | 2.3            | 8.7            |
| Abduction/harassment                            | 13.1           | 13.2           | 1.0            | 16.9           | 80.8           | 4.8            | 49.0           | 9.5            | 18.0           |
| Robbery, extortion and related offences         | 21.9           | 9.9            | 19.6           | 21.5           | 45.4           | 20.8           | 24.2           | 19.0           | 20.8           |
| Unlawful entry with intent                      | 49.1           | 66.4           | 116.9          | 93.0           | 125.3          | 101.0          | 182.9          | 53.5           | 80.6           |
| Theft and related offences                      | 297.7          | 293.5          | 337.6          | 246.0          | 294.0          | 288.0          | 204.5          | 245.3          | 298.4          |
| Fraud, deception and related offences           | 47.7           | 44.7           | 49.7           | 36.1           | 132.4          | 84.1           | 32.3           | 28.9           | 55.5           |
| Illicit drug offences                           | 188.7          | 138.8          | 402.1          | 789.6          | 319.9          | 412.6          | 426.7          | 74.5           | 283.1          |
| Prohibited/regulated weapons and explosives     | 18.1           | 54.4           | 47.0           | 101.9          | 61.6           | 41.0           | 164.6          | 58.8           | 46.2           |
| Property damage and environmental pollution     | 109.5          | 75.3           | 123.8          | 122.6          | 137.4          | 145.0          | 96.8           | 67.0           | 107.7          |
| Public order offences                           | 246.1          | 107.2          | 510.1          | 424.8          | 301.0          | 801.8          | 1,753.5        | 154.0          | 309.5          |
| Offences against justice                        | 121.1          | 35.2           | 191.8          | 170.7          | 123.6          | 263.7          | 188.3          | 73.5           | 121.0          |
| Miscellaneous offences                          | 75.8           | 7.6            | 19.6           | 18.3           | 2.3            | 52.9           | 29.6           | 3.0            | 33.6           |
| <b>Total</b>                                    | <b>1,688.1</b> | <b>1,141.1</b> | <b>2,223.8</b> | <b>2,557.3</b> | <b>2,199.2</b> | <b>2,784.5</b> | <b>4,831.7</b> | <b>1,095.6</b> | <b>1,823.0</b> |

*Please note that the ABS deems the Victorian data to be considerably underestimated for the offences of public order, property damage and offences against justice and the data for South Australia to be overstated regarding the offences of illicit drugs, public order and offences against justice. This should be kept in mind when comparing the offender rates in the different jurisdictions.*

The offender rate for males is significantly higher than it is for females. The following chart compares the offender rates for males and females in each of the Australian States and Territories. NSW has one of the lowest offender rates for males (2705.3 per 100,000 males), with only Victoria and the ACT having lower rates. The rate of female offenders in NSW was just over a quarter of the male offender rate at 696.4 female offenders per 100,000 females in NSW. Once again, only Victoria and the ACT had a lower rate of female offenders.



The number of female offenders in NSW is increasing. In the 10 years to June 2009 the number of females proceeded against by police rose by 15% yet the number of male offenders remained stable. Significantly more females were proceeded against for breaching judicial orders, committing assault, liquor offences, offensive behaviour, and maliciously damaging property than were proceeded against for those same offences in previous years.<sup>4</sup> Shoplifting was the most common offence by females, involving 15% of all female offenders in NSW in the 10 years to June 2009. Almost one-third of female offenders were proceeded against by police for shoplifting, non domestic violence assault, and fraud in NSW in the 10 years to June 2009.

**Top 10 offences with the highest number of female and top 10 offences with the highest number of male offenders, NSW, July 1999 to June 2009**

|   | Female                         |                           |        | Male                           |                         |        |
|---|--------------------------------|---------------------------|--------|--------------------------------|-------------------------|--------|
|   | Offence                        | % of all female offenders | Number | Offence                        | % of all male offenders | Number |
| 1 | Shoplifting                    | 15                        | 49251  | Domestic violence assault      | 8.1                     | 119896 |
| 2 | Non domestic violence assault  | 8.6                       | 28101  | Possession and/or use of drugs | 8                       | 118371 |
| 3 | Fraud                          | 7.2                       | 23599  | Non domestic violence assault  | 7.1                     | 105566 |
| 4 | Possession and/or use of drugs | 6.6                       | 21598  | Malicious damage to property   | 7                       | 103285 |
| 5 | Domestic violence assault      | 5.1                       | 16836  | Offensive behaviour            | 4.9                     | 72641  |

<sup>4</sup> Jessie Holmes, 'Female offending: has there been an increase?', Bureau Brief, Issue Paper no 46, April 2010.

|    |                              |     |       |                          |     |       |
|----|------------------------------|-----|-------|--------------------------|-----|-------|
| 6  | Malicious damage to property | 5   | 16476 | Breach AVO               | 4.7 | 70123 |
| 7  | Offensive behaviour          | 4.8 | 15574 | Shoplifting              | 4.1 | 60331 |
| 8  | Breach bail conditions       | 3.2 | 10516 | Breach bail conditions   | 3.8 | 56642 |
| 9  | Resist or hinder officer     | 3.1 | 10159 | Resist or hinder officer | 3.5 | 51234 |
| 10 | Liquor offences              | 2.8 | 9242  | Fraud                    | 2.8 | 41367 |

As shown by the table below, prostitution, shoplifting, and fraud offences had large proportions of female offenders. However, sexual assault, indecent assault and robbery with a firearm offences were much more dominated by male offenders. For example, 98.3% of sexual assault offences involved a male offender compared to the most female-dominated offence – prostitution – where 49% of offenders were females.

**Top 10 offences with the highest proportion of female and male offenders, NSW, July 1999 to June 2009**

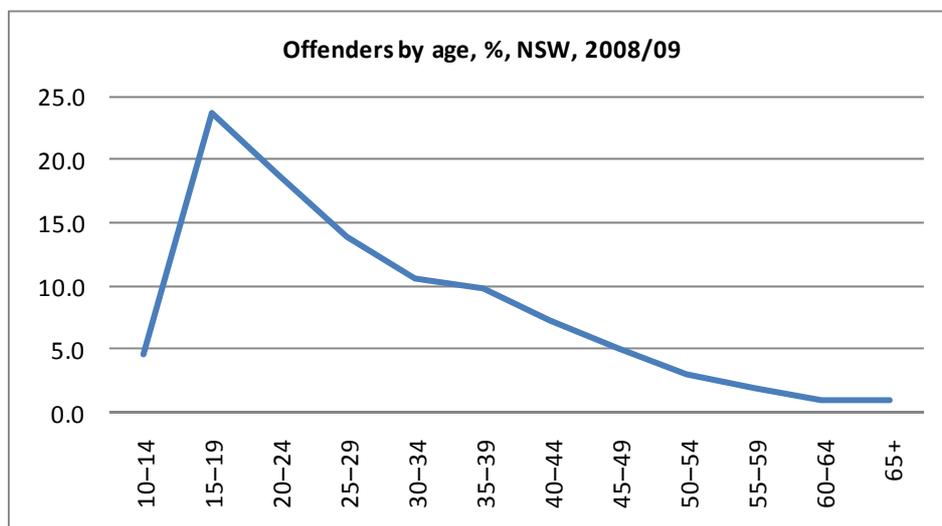
|    | <b>Offence</b>                | <b>% female</b> | <b>Offence</b>  | <b>% male</b> |
|----|-------------------------------|-----------------|---|---------------|
| 1  | Prostitution offences         | 49.0            | Sexual assault  | 98.3          |
| 2  | Shoplifting                   | 44.9            | Indecent assault, act of indecency, and other sexual offences | 98.0          |
| 3  | Fraud                         | 36.3            | Robbery with a firearm  | 95.7          |
| 4  | Steal from person             | 24.8            | Burglary of non-dwelling                                      | 92.8          |
| 5  | Assault police                | 24.5            | Steal from motor vehicle                                      | 92.6          |
| 6  | Non domestic violence assault | 21.0            | Robbery with a weapon not a firearm                           | 90.2          |
| 7  | Liquor offences               | 19.9            | Breach AVO  | 88.6          |
| 8  | Steal from dwelling           | 19.1            | Motor vehicle theft   | 88.4          |
| 9  | Dealing, trafficking in drugs | 18.4            | Burglary of dwellings   | 87.8          |
| 10 | Offensive behaviour           | 17.7            | Domestic violence assault                                     | 87.7          |

Offenders as a total group tend to be at the younger end of the age spectrum with more than half of offenders in NSW in 2008/09 under the age of 30 years. Almost one quarter of offenders in NSW in 2008/09 were between the ages of 15 and 19 years and more than 40% were between the ages of 15 and 24 years.

**Age of offenders, %, 2008/09**

| Age group (years) | NSW          | VIC          | QLD          | SA           | WA           | TAS          | NT           | ACT          | AUS          |
|-------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 10–14             | 4.6          | 7.5          | 6.3          | 4.1          | 10.0         | 5.8          | 5.5          | 8.2          | 6.2          |
| 15–19             | 23.6         | 24.6         | 24.0         | 20.8         | 23.7         | 26.9         | 16.9         | 32.3         | 23.6         |
| 20–24             | 18.7         | 18.0         | 21.4         | 19.4         | 18.1         | 21.4         | 16.5         | 17.7         | 19.3         |
| 25–29             | 13.8         | 13.1         | 14.3         | 13.3         | 13.6         | 13.4         | 14.1         | 12.1         | 13.7         |
| 30–34             | 10.6         | 10.0         | 10.1         | 11.3         | 10.4         | 9.4          | 12.9         | 8.6          | 10.4         |
| 35–39             | 9.8          | 9.3          | 8.5          | 10.8         | 9.2          | 7.9          | 11.7         | 7.2          | 9.4          |
| 40–44             | 7.3          | 6.7          | 5.8          | 8.3          | 6.2          | 5.5          | 9.7          | 4.7          | 6.8          |
| 45–49             | 5.0          | 4.4          | 4.2          | 5.7          | 4.2          | 4.0          | 5.8          | 4.2          | 4.7          |
| 50–54             | 3.0          | 2.6          | 2.5          | 3.1          | 2.3          | 2.5          | 3.3          | 2.2          | 2.7          |
| 55–59             | 1.8          | 1.6          | 1.3          | 1.4          | 1.2          | 1.4          | 2.0          | 1.5          | 1.5          |
| 60–64             | 0.9          | 1.0          | 0.9          | 0.8          | 0.7          | 0.8          | 0.8          | 0.6          | 0.9          |
| 65 years and over | 0.9          | 1.2          | 0.7          | 0.8          | 0.5          | 0.7          | 0.6          | 0.6          | 0.8          |
| <b>Total</b>      | <b>100.0</b> |

The following graph shows the proportion of offenders in NSW who fall into each age group. There are more 15 to 19 year old offenders than any other age group (almost a quarter of all offenders), and the proportion of offenders in each group continues to decline from that age onwards.



Some of the factors thought to be associated with youth involvement in criminal behaviour include:<sup>5</sup>

- Alcohol and substance abuse
- Poor parental supervision
- Difficulties in school and employment

<sup>5</sup> NSW Juvenile Justice, Department of Human Services, *Annual Report 2008/09*, p 24.

- Negative peer associations
- Poor personal and social skills
- Homelessness
- Neglect and abuse

Police proceeded against offenders in NSW an average of 1.5 times in 2008/09. 74% of offenders in NSW in 2008/09 were proceeded against once in those 12 months; 3.3% of offenders in NSW were proceeded against five or more times in one year.

**Proportion of offenders proceeded against by police by number of times in 2008/09**

| Number of times proceeded against | NSW          | Vic.         | Qld          | SA           | Tas.         | NT           | ACT          |
|-----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1                                 | 74.0         | 77.8         | 69.4         | 79.0         | 67.2         | 69.1         | 77.7         |
| 2                                 | 14.6         | 12.7         | 17.0         | 10.9         | 14.7         | 17.8         | 12.8         |
| 3                                 | 5.6          | 4.6          | 6.6          | 4.6          | 6.6          | 7.1          | 5.1          |
| 4                                 | 2.5          | 2.2          | 3.1          | 2.2          | 3.5          | 3.3          | 1.9          |
| 5 and over                        | 3.3          | 2.7          | 3.9          | 3.3          | 7.9          | 2.8          | 2.5          |
| <b>Total</b>                      | <b>100.0</b> |

Sources:

- Jessie Holmes, 'Female offending: has there been an increase?', *Bureau Brief*, Issue Paper no 46, NSW Bureau of Crime Statistics and Research, April 2010.
- ABS, *Recorded Crime – Offenders, 2008/09*, 4519.0, 2010

## RECORDED CRIME

Crime rates should be interpreted with care as there are many factors which can influence the level of crime in a given year, including: police recording systems; differences in legislation between the States; and the impact of special task forces.<sup>6</sup>

The NSW Bureau of Crime Statistics and Research found that the crime rate in the past two years for 12 of the 17 major categories of crime was stable and the rate for the following five categories went down:<sup>7</sup>

- Break and enter (dwelling) – down 6%
- Break and enter (non-dwelling) – down 15.3%
- Motor vehicle theft – down 4.9%
- Stealing from a motor vehicle – down 9.7%
- Malicious damage to property – down 9.7%

The use and possession of cocaine went up 76.6% and the use or possession of narcotics increased by 11.9%. These increases are thought to be due to a rise in consumption. The proportion of the population reporting recent use of cocaine is at its highest level since 1993 and the number of cocaine-related arrests in NSW in 2008/09 was 474, up 23.1% from the previous year.<sup>8</sup>

The table below notes the number of recorded criminal incidents for major offences in each of the 12 statistical divisions in NSW in 2009/10.

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<sup>6</sup> ABS, *Recorded Crime – Victims, Australia*, 2009, 4510.0, p 2.

<sup>7</sup> NSW Bureau of Crime Statistics and Research, *Recorded Crime Statistics, Quarterly Update*, June 2010.

<sup>8</sup> Australian Crime Commission, *Illicit Drug Data Report 2008/09*, ACC, Canberra, June 2010, pp 63 and 67.

### Number of recorded criminal incidents for major offences over the 12 months to June 2010, NSW Statistical Divisions

*NB. The count for murder is the number of victims not incidents.*

| Statistical division | Murder | Assault - domestic violence | Assault - non-domestic | Sexual assault | Indecent assault, act of indecency | Robbery without a weapon | Robbery with a firearm | Robbery with a weapon not a firearm |
|----------------------|--------|-----------------------------|------------------------|----------------|------------------------------------|--------------------------|------------------------|-------------------------------------|
| Sydney               | 48     | 14607                       | 22414                  | 2252           | 3060                               | 3072                     | 361                    | 1343                                |
| Hunter               | 7      | 2380                        | 3955                   | 468            | 491                                | 209                      | 18                     | 72                                  |
| Illawarra            | 2      | 1491                        | 2284                   | 291            | 320                                | 144                      | 4                      | 49                                  |
| Richmond-Tweed       | 3      | 939                         | 1596                   | 207            | 247                                | 71                       | 7                      | 18                                  |
| Mid-North Coast      | 2      | 1284                        | 1951                   | 302            | 284                                | 63                       | 4                      | 35                                  |
| Northern             | 4      | 1045                        | 1427                   | 179            | 200                                | 41                       | 3                      | 8                                   |
| North Western        | 2      | 1083                        | 1316                   | 156            | 163                                | 26                       | 1                      | 16                                  |
| Central West         | 1      | 917                         | 1375                   | 185            | 161                                | 46                       | 2                      | 19                                  |
| South Eastern        | 1      | 731                         | 1122                   | 168            | 179                                | 25                       | 0                      | 12                                  |
| Murrumbidgee         | 2      | 713                         | 1092                   | 126            | 175                                | 27                       | 0                      | 11                                  |
| Murray               | 3      | 513                         | 678                    | 81             | 110                                | 20                       | 0                      | 9                                   |
| Far West             | 0      | 271                         | 223                    | 24             | 21                                 | 4                        | 0                      | 0                                   |
| NSW                  | 76     | 25978                       | 40165                  | 4452           | 5424                               | 3749                     | 400                    | 1592                                |

| Statistical division | Break and enter dwelling | Break and enter non-dwelling | Motor vehicle theft | Steal from motor vehicle | Steal from retail store | Steal from dwelling | Steal from person | Fraud | Malicious damage to property |
|----------------------|--------------------------|------------------------------|---------------------|--------------------------|-------------------------|---------------------|-------------------|-------|------------------------------|
| Sydney               | 23620                    | 7629                         | 14119               | 28266                    | 13419                   | 10394               | 7526              | 28121 | 51987                        |
| Hunter               | 3926                     | 2605                         | 2608                | 4799                     | 1782                    | 2629                | 522               | 2518  | 10703                        |
| Illawarra            | 2515                     | 1165                         | 1176                | 2290                     | 1267                    | 1296                | 317               | 1220  | 6431                         |
| Richmond-Tweed       | 1305                     | 966                          | 563                 | 1582                     | 696                     | 1102                | 214               | 641   | 3384                         |
| Mid-North Coast      | 2265                     | 1205                         | 919                 | 2161                     | 782                     | 1372                | 223               | 744   | 4720                         |
| Northern             | 1577                     | 798                          | 433                 | 1163                     | 583                     | 860                 | 84                | 534   | 3479                         |
| North Western        | 1369                     | 613                          | 384                 | 1078                     | 388                     | 682                 | 56                | 336   | 2966                         |
| Central West         | 1376                     | 686                          | 454                 | 1325                     | 483                     | 893                 | 96                | 465   | 3674                         |
| South Eastern        | 932                      | 662                          | 388                 | 1131                     | 456                     | 716                 | 95                | 577   | 3062                         |
| Murrumbidgee         | 1080                     | 654                          | 371                 | 1083                     | 413                     | 855                 | 69                | 363   | 2828                         |
| Murray               | 934                      | 652                          | 307                 | 846                      | 295                     | 632                 | 84                | 276   | 2135                         |
| Far West             | 239                      | 79                           | 48                  | 134                      | 46                      | 166                 | 8                 | 45    | 521                          |
| NSW                  | 41138                    | 17718                        | 21772               | 45859                    | 20610                   | 21597               | 9296              | 35842 | 96019                        |

The following table notes the trend in recorded criminal incidents as determined by the NSW Bureau of Crime Statistics and Research for each of the statistical divisions in NSW. Violent offences have been stable in each division for the last

five years, except for the North Western, South Eastern and the Murray statistical divisions where there was a decrease in violent offences. Property offences were either stable or experienced a decrease in the last five years.

**Trends in recorded criminal incidents, violent and property offences over the 60 months to June 2010, NSW Statistical Divisions**

| Statistical division | Violent offences                        |  | Property offences                       |  |
|----------------------|---|--|---|--|
|                      | Annual % change over the last 24 months | Av annual % change over the last 60 months | Annual % change over the last 24 months | Av annual % change over the last 60 months |
| Sydney               | Stable                                  | Stable                                     | -7.3                                    | -4.9                                       |
| Hunter               | Stable                                  | Stable                                     | -8.3                                    | -3.3                                       |
| Illawarra            | -8.6                                    | Stable                                     | -2.1                                    | -5.7                                       |
| Richmond-Tweed       | Stable                                  | Stable                                     | Stable                                  | -1.9                                       |
| Mid-North Coast      | Stable                                  | Stable                                     | Stable                                  | Stable                                     |
| Northern             | Stable                                  | Stable                                     | Stable                                  | Stable                                     |
| North Western        | Stable                                  | -2.7                                       | Stable                                  | -5.9                                       |
| Central West         | Stable                                  | Stable                                     | Stable                                  | Stable                                     |
| South Eastern        | Stable                                  | -2.6                                       | Stable                                  | -1.5                                       |
| Murrumbidgee         | Stable                                  | Stable                                     | -3.4                                    | Stable                                     |
| Murray               | Stable                                  | -1.8                                       | Stable                                  | Stable                                     |
| Far West             | Stable                                  | Stable                                     | Stable                                  | -4.6                                       |
| NSW                  | Stable                                  | Stable                                     | -5.6                                    | -4   |

Sources:

- ABS, *Recorded Crime - Victims, Australia, 2009, 4510.0*
- NSW Bureau of Crime Statistics and Research, *NSW Recorded Crime Statistics, Quarterly Update, June 2010*

## VICTIMS

Not all crime is reported to the police. Some victims and witnesses may feel that the matter does not warrant police attention, or they may believe that informing the police will not achieve anything. Other reasons for not reporting crime include a desire to protect the offender, or there may be a fear of personal endangerment as a result of contacting the police. Crime and victim surveys can thus be helpful in gaining an idea of the proportion of crime that goes unreported.

The following table compares the rates at which household and personal crime in NSW was reported to the police in recent years.

**% of household and personal crime in NSW that was reported to the police**

|                           | 2004 | 2006 | 2007 | 2008 |
|---------------------------|------|------|------|------|
| Households                |      |      |      |      |
| Break and enter           | 66.7 | 71.5 | 73.5 | 59.6 |
| Attempted break and enter | 25.1 | 22.2 | 33.9 | 12.7 |
| Motor vehicle theft       | 90.5 | -    | 93.7 | -    |
| Persons                   |      |      |      |      |
| Robbery                   | 38.0 | 41.2 | 30.7 | 37.5 |
| Assault                   | 36.0 | 32.8 | 32.4 | 31.0 |
| Sexual Assault            | -    | -    | 13.8 | 35.9 |

7% of households in NSW were victims of household crime in the 12 months to April 2008. In 2008, the victimisation rate for household crime was higher in Sydney than in the rest of NSW – 7.2% of households compared to 6.8%.

Whilst 4.2% of persons were victims of personal crime in 2008, it varied between age groups. 6.6% of 15 to 24 year olds were victims of personal crime compared to 1% of those aged 65 years and over. There was also a gender difference: 5% of males were victims of personal crime compared to 3.4% of females.

Contrary to the pattern for household crime, a greater proportion of people were victims of personal crime outside of Sydney. 4% of people in Sydney were victims of personal crime compared to 4.6% of those in the rest of NSW.

**Victimisation rate in NSW – household and personal crime**

|                                   | 2004 | 2006 | 2007 | 2008 |
|-----------------------------------|------|------|------|------|
| Household crime - % of households | 7.4  | 6.8  | 6.5  | 7.0  |
| Personal crime - % of persons     | 4.5  | 4.2  | 5.0  | 4.2  |

47.2% of the 196,800 victims of assault in NSW knew the offender. The most common location for the assault was in the street or other open land (30.1%), followed by the victim's place of work or study (19.7%), and 17.3% were assaulted in the home.

The following table shows the victimisation rate for various crimes in each of the States and Territories. 10.8% of persons in NSW were victims of malicious property damage, 3.9% were the victims of theft from a motor vehicle, and 3.8% of persons were threatened with assault.

**Victimisation rate, %, 2008/09**

|                           | NSW   | VIC   | QLD   | SA    | WA    | TAS   | NT    | ACT  | AUS  |
|---------------------------|-------|-------|-------|-------|-------|-------|-------|------|------|
| Physical assault          | 2.8   | 3.3   | 3     | 2.8   | 3.8   | 4.1   | 5.7   | 2.8  | 3.1  |
| Threatened assault        | 3.8   | 4.3   | 4.4   | 4.2   | 4.4   | 5     | 8.2   | 5.6  | 4.2  |
| Robbery                   | 0.6   | 0.6   | 0.4** | 0.5** | 1     | 0.7*  | 0.9** | 0.4* | 0.6  |
| Sexual assault            | 0.3** | 0.3** | 0.4   | 0.4** | 0.1** | 0.5** | 0.4** | 0.2* | 0.3  |
| Break-in                  | 3     | 2.8   | 3.4   | 3.2   | 5.1   | 2.6   | 7.7   | 4.2  | 3.3  |
| Attempted break-in        | 3.2   | 2.6   | 2.6   | 2.7   | 4.8   | 3.1   | 8.1   | 2.1  | 3.1  |
| Motor vehicle theft       | 1.3   | 1.1   | 0.8   | 1.1   | 1.1   | 1.5   | 2     | 1.3  | 1.1  |
| Theft from motor vehicle  | 3.9   | 5.1   | 3.4   | 4.3   | 7.5   | 3.6   | 7.9   | 5.1  | 4.5  |
| Malicious property damage | 10.8  | 10.7  | 9.5   | 11.8  | 14.7  | 11.1  | 19.6  | 15.3 | 11.1 |
| Other theft               | 4     | 4.4   | 4.4   | 4.9   | 5.3   | 4.2   | 8.2   | 5.3  | 4.4  |

\* Figure is considered too unreliable for use due to a relative standard error of more than 50%.

\*\* Should be used with caution as the relative standard error is between 25% and 50%.

*Physical assault, threatened assault, robbery, and sexual assault are measured as a proportion of total persons.*

*Victimisation rates are the proportion of total households for break-in, attempted break-in, motor vehicle theft, theft from motor vehicle, malicious property damage, and other theft.*

**Sources:**

- ABS, *Crime and Safety, New South Wales*, 4509.1, April 2008
- ABS, *Crime Victimisation, Australia, 2008-09*, 4530.0, 2010

## POLICE

There were 19,680 employees of the NSW Police Force in 2008/09, of whom 15,720 were police officers (an increase of 7.4% since 2004/05) and the remaining 3,960 were administrative staff. The Police Force covered 80 local area commands and received NSW government funding of \$2.4 billion (an increase of 24.4% since 2004/05).<sup>9</sup>

|                                  | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 |
|----------------------------------|---------|---------|---------|---------|---------|
| Number of police officers        | 14643   | 14634   | 15333   | 15324   | 15720   |
| NSW Government contribution \$bn | 1.919   | 2.027   | 2.178   | 2.304   | 2.388   |

There are 19 sworn police officers per 1000 square kilometres in NSW, with only the ACT and Victoria having a higher ratio. NSW has 272 police per 100,000 people, less than the Australian average of 297. Only Victoria has fewer police with 259 for every 100,000 people. However, in terms of actual numbers, almost one-third of all sworn police officers in Australia are in NSW.

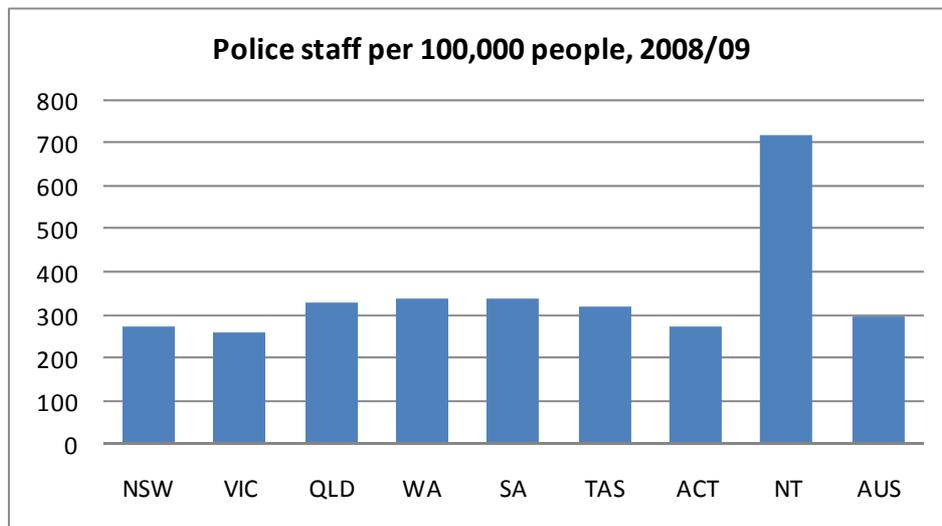
### Composition of State and Territory police services at 30 June 2008

| Jurisdiction | Sworn police officers | Civilian | Total | Sworn officers per 1000 sq km |
|--------------|-----------------------|----------|-------|-------------------------------|
| NSW          | 15020                 | 3803     | 18822 | 19                            |
| VIC          | 11021                 | 2734     | 13755 | 48                            |
| QLD          | 9695                  | 3875     | 13570 | 6                             |
| SA           | 4116                  | 1217     | 5333  | 4                             |
| WA           | 5382                  | 1634     | 7016  | 2                             |
| TAS          | 1181                  | 432      | 1613  | 17                            |
| NT           | 931                   | 533      | 1464  | 1                             |
| ACT          | 678                   | 204      | 882   | 288                           |
| AUS          | 48024                 | 14432    | 62455 | 6                             |

### Police staff per 100 000 population, 2008-09

|                      | NSW   | VIC   | QLD   | WA   | SA   | TAS  | ACT | NT   | AUS   |
|----------------------|-------|-------|-------|------|------|------|-----|------|-------|
| Police staff numbers | 19153 | 13901 | 14222 | 7474 | 5431 | 1602 | 945 | 1587 | 64315 |
| Per 100,000 people   | 272   | 259   | 327   | 339  | 337  | 320  | 272 | 716  | 297   |

<sup>9</sup> NSW Police Force, Annual Report 2008/09.



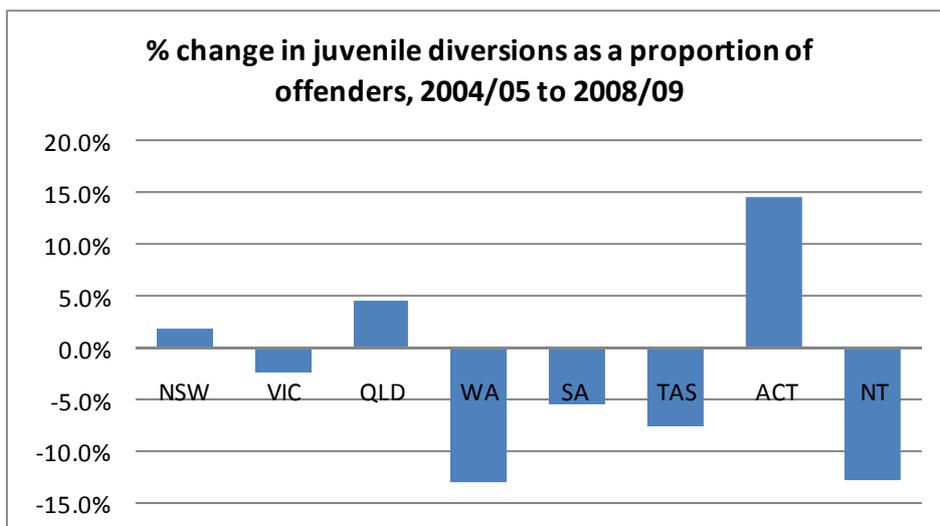
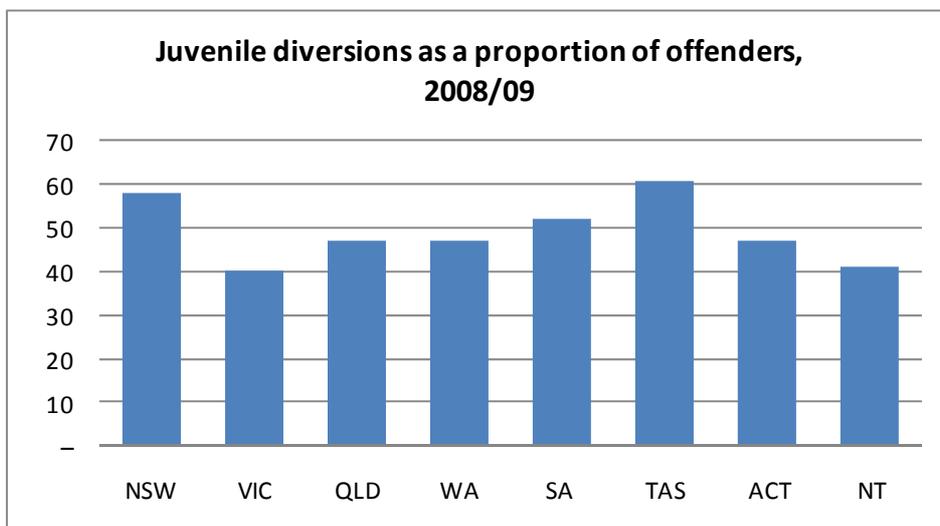
55.8% of people in NSW had contact with the police in the last 12 months, a smaller proportion than in any other Australian State or Territory. More than half of the population in every State and Territory thus had some contact with police.



### Juveniles and police

Police may choose not to prosecute young offenders and instead issue warnings, cautions, or refer offenders to youth justice conferences, as appropriate.<sup>10</sup> Almost 60% of juvenile offenders in NSW were diverted from the system in 2008/09, one of only three jurisdictions in Australia to experience an increase in the proportion of juveniles diverted since 2004/05.

<sup>10</sup> See *Young Offenders Act 1997* (NSW).



Sources:

- Steering Committee for the Review of Government Service Provision, *Report on Government Services 2010*, p 6.4, 6.56, 6.6
- AIC, *Australian Crime: Facts And Figures 2009*, Australian Institute of Criminology, Canberra, March 2010, p 117.
- NSW Police, *Annual Report 2008/09*

## COURTS

185,387 defendants were finalised in NSW courts in 2008/09 (27% of all defendants in Australia). More than 85% were proven guilty and 4.6% were acquitted. 12% of all sentence outcomes involved some form of custodial order (includes custody in a correctional sentence, custody in the community, and fully suspended sentences).

### All defendants, 2008/09

|   | NSW    | VIC    | QLD    | SA    | WA     | TAS   | NT    | ACT  | AUS    |
|---|--------|--------|--------|-------|--------|-------|-------|------|--------|
| Number of defendants finalised            | 185387 | 115903 | 175189 | 55356 | 118966 | 26977 | 11852 | 5701 | 695331 |
| % male                                    | 78.7   | 79.1   | 77.8   | 79.2  | 75.3   | 73    | 79.6  | 77.9 | 77.8   |
| % female                                  | 19.2   | 19.1   | 21.4   | 20.5  | 22.9   | 25.6  | 19.3  | 20.9 | 20.7   |
| % proven guilty                           | 85.1   | 79.2   | 91.2   | 82.6  | 90.7   | 79.7  | 87.8  | 65.8 | 86.1   |
| % acquitted                               | 4.6    | 10     | 0.9    | 0.5   | 0.8    | 15    | 6     | 4.2  | 4      |
| % of sentence outcomes - custodial orders | 12     | 13.5   | 7.6    | 11.1  | 6.8    | 11.7  | 31.8  | 14.5 | 10.4   |

10,379 defendants were finalised in the Children's Court in NSW in 2008/09. Almost 76% were proven guilty and 15.3% of sentence outcomes were custodial orders.

### Children's Courts, 2008/09

|   | NSW   | VIC  | QLD  | SA   | WA   | TAS  | NT   | ACT  | AUS   |
|---|-------|------|------|------|------|------|------|------|-------|
| Number of defendants finalised            | 10379 | 8951 | 7338 | 4002 | 9008 | 1256 | 779  | 485  | 42198 |
| % male                                    | 82.1  | 78   | 77.2 | 80.3 | 80.3 | 79.7 | 80.1 | 74.2 | 79.6  |
| % female                                  | 17.9  | 22   | 22.7 | 19.7 | 19   | 20.3 | 19.9 | 25.8 | 20.2  |
| % proven guilty                           | 75.7  | 81.3 | 87.7 | 69.2 | 69.8 | 82.1 | 80.4 | 57.7 | 77.2  |
| % acquitted                               | 7.5   | 4.7  | 0.9  | 0.3  | 0.8  | 12.7 | 9    | 8.7  | 3.9   |
| % of sentence outcomes - custodial orders | 15.3  | 8.5  | 5.5  | 8.5  | 5.2  | 14.5 | 24.1 | 4.3  | 9.4   |

### Children's Courts, NSW, 2009

|   |      |
|---|------|
| Persons charged   | 9810 |
| % of persons with offence proven  | 78.1 |
| Bail status   |      |
| % of persons in custody   | 17.9 |
| % of persons granted bail   | 48   |
| % of persons where bail not required or dispensed with                          | 32.5 |
| Most frequently imposed principal penalty                                       |      |
| Bond  | 2364 |
| Probation   | 1494 |
| Dismissed with caution  | 1091 |
| Control order   | 809  |
| % of persons found guilty who had no prior proven offences in previous 10 years | 43.5 |

The NSW Local Courts dealt with 133,743 persons charged in 2009. 87.8% were found guilty. Fines were the most common principal penalty. Only 42.2% of those found guilty had no prior proven offences in the previous 10 years.

### Local Courts, NSW, 2009

|  |        |
|--|--------|
| Number of persons charged  | 133743 |
| Number of charges determined   | 241858 |
| % of finalised appearances with defended hearings                    | 13     |
| Number of persons found guilty                                       | 117471 |
| % of persons found guilty  | 87.8   |
| Bail status  |        |
| % of persons in custody  | 8.1    |
| % of persons granted bail  | 26     |
| % of persons where bail not required or dispensed with               | 64.8   |
| Persons sentenced to imprisonment as a % of all persons found guilty | 7      |
| Most frequently imposed principal penalty                            |        |
| Fine   | 53543  |
| Bond without supervision   | 14916  |
| Bond without conviction  | 12675  |
| Average duration of imprisonment for offences (months)               | 5.9    |
| % of Indigenous Australians found guilty sentenced to imprisonment   | 20     |
| Most frequently imposed principal penalty for Indigenous Australians |        |
| Fine   | 4947   |
| Imprisonment   | 2976   |
| Bond without supervision   | 2019   |
| Gender of persons found guilty                                       |        |
| % male   | 79.9   |
| % female   | 20.1   |
| Average age of persons found guilty                                  | 33.5   |

|   |       |
|---|-------|
| % of persons found guilty who had no prior proven offences in previous 10 years | 42.2  |
| Rate of AVOs granted  |       |
| Domestic AVOs   | 340.7 |
| Personal AVOs   | 110.5 |

3681 cases were registered in the District and Supreme Courts in NSW in 2009, with aggravated sexual assault being the most common offence. 86% of defendants were found guilty and imprisonment was the most commonly imposed penalty. Almost 90% of those found guilty were males compared to 80% in the Local Courts. Even fewer had no prior proven offences in the previous 10 years (compared to the Local Courts) at 29.4% of persons found guilty.

#### Higher Courts, NSW, 2009

|   |      |
|---|------|
| Total persons registered in higher courts                                       | 3681 |
| Supreme Court   | 100  |
| District Court  | 3581 |
| % of persons registered in trial cases  | 50.6 |
| Supreme Court   | 91   |
| District Court  | 49.4 |
| Most frequently charged offence   |      |
| Aggravated sexual assault   | 2060 |
| Serious assault resulting in injury   | 981  |
| Unlawful entry with intent/burglary, break and enter                            | 977  |
| Deal or traffic in illicit drugs – non-commercial quantity                      | 972  |
| % of persons found guilty   | 86   |
| Most frequently imposed principal penalty                                       |      |
| Imprisonment  | 2200 |
| Suspended sentence  | 489  |
| Bond  | 204  |
| Average duration of imprisonment (months)                                       | 30.6 |
| Gender of persons found guilty  |      |
| % male  | 89.5 |
| % female  | 10.5 |
| Average age of persons found guilty   |      |
| Male  | 30.5 |
| Female  | 33.5 |
| Bail status - % of all finalisations where person in custody                    | 49.1 |
| % of persons found guilty who had no prior proven offences in previous 10 years | 29.4 |

**Sources:**

- NSW Bureau of Crime Statistics and Research, *NSW Criminal Courts Statistics 2009, 2010*
- ABS, *Criminal Courts, 2008-09*, 4513.0, pp 10 and 94

**Specialist courts and schemes**

A range of specialist courts and schemes operate in NSW, of which many are designed to better deal with certain offenders and so reduce the risk of their reoffending. A sample of them is discussed below.

The Magistrates Early Referral into Treatment (MERIT) scheme is based in 61 Local Courts in NSW. It provides adult defendants who have drug problems with the opportunity to access drug treatment and rehabilitation services whilst on bail. Between 1 July 2000 and 30 June 2009, 19,513 defendants were referred to MERIT, of whom 62% were accepted.<sup>11</sup> 7,438 defendants successfully completed the program. An evaluation of the MERIT scheme by the NSW Bureau of Crime Statistics and Research in 2009 found that completion of the scheme reduced the proportion of offenders reconvicted of any offence by 12% and the proportion reconvicted of a theft offence fell by 4%.<sup>12</sup>

The Drug Court (Adult Drug Court and Youth Drug Court) is a specialist court (with Local and District Court jurisdiction) that has been operating in NSW since 1999. It deals with nonviolent offenders who are dependent on drugs and who have committed a drug-related crime. Intensive judicial supervision, drug treatment and case management are part of the process. 1,767 offenders had been accepted to the program as at 30 June 2009. 1,583 cases were finalised, of which 590 successfully completed the program and received a non-custodial sentence.

A 2008 evaluation of the Drug Court by the NSW Bureau of Crime Statistics and Research found that participants were:<sup>13</sup>

- 17% less likely to be reconvicted for any offence;
- 30% less likely to be reconvicted for a violent offence; and
- 38% less likely to be reconvicted for a drug offence.

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<sup>11</sup> K Martire and S Larney, 'Magistrates Early Referral into Treatment: An overview of the MERIT program as at 30 June 2009', *Crime Prevention Issues*, no 8, November 2009, p 1.

<sup>12</sup> R Lulham, 'The Magistrates Early Referral into Treatment Program: Impact of program participation on reoffending by defendants with a drug use problem', *Crime and Justice Bulletin*, No 131, July 2009.

<sup>13</sup> See D Weatherburn, C Jones, L Snowball, and J Hua, 'The NSW Drug Court: A re-evaluation of its effectiveness', *Crime and Justice Bulletin*, no 121, September 2008 for more information.

|   | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 |
|---|---------|---------|---------|---------|---------|
| % of people successfully completing Drug Court Diversion Programs | 47      | 49      | 40      | 44      | 43      |
| People accepted into the MERIT program                            | -       | 1433    | 1659    | 1834    | 1857    |

Circle sentencing is an alternative sentencing court for adult Indigenous offenders which involves local Indigenous people in the sentencing process. More than 500 circle sentences have been held in the last five years.<sup>14</sup> 142 were held in 2009 and 70 were held in 2010 up to August. Whilst a review by the NSW Bureau of Crime Statistics and Research found that it did not reduce rates of reoffending, it concluded that circle sentencing was still a worthwhile initiative because of the other benefits associated with it.<sup>15</sup>

Source:

- Attorney General's Department of NSW, *Annual Report 2008/09*.

<sup>14</sup> The Hon J Hatzistergos MLC, *NSWPD*, 21/9/10, p 25,708.

<sup>15</sup> J Fitzgerald, 'Does circle sentencing reduce Aboriginal offending?', *Crime and Justice Bulletin*, no 115, May 2008.

## CORRECTIONS

Various considerations are taken into account by the courts when determining the appropriate sentence for an offender including:<sup>16</sup>

- The protection of the public
- Retribution or punishment
- Deterrence (general and specific)
- Denunciation
- Rehabilitation

In general, prisoners are more likely to be young and male. Indigenous people are disproportionately represented in the prisoner population and a substantial number of prisoners have previously been imprisoned. A high proportion of prisoners have mental health problems, high levels of psychological distress, and a history of head injury leading to a loss of consciousness. Rates of hepatitis B and C are significantly higher and there are high levels of smoking, alcohol consumption and illicit drug use.<sup>17</sup>

It should be noted that there is not necessarily a direct correlation between movement in imprisonment rates and differences in the level of crime and/or success in apprehending offenders. Changes in community attitudes and prison capacity may also influence imprisonment rates.<sup>18</sup>

### Community based orders

Corrective Services NSW provides custodial and community based correctional services in NSW. Home detention, community service, parole and probation orders are community based forms of correction. Whilst the number of offenders with home detention and community orders has declined since 2004/05, the number of offenders subject to parole and probation orders has continued to rise.

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<sup>16</sup> For more information see volume 12 'Criminal Sentencing' of *Laws of Australia*.

<sup>17</sup> Australian Institute of Health and Welfare, *The health of Australia's prisoners 2009*, AIHW, Canberra, 2010, p iii.

<sup>18</sup> ABS, *Measures of Australia's Progress*, 2010, 1370.0

**Offenders with community-based orders 2004/05 to 2008/09 – monthly average**

|   | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 |
|---|---------|---------|---------|---------|---------|
| Restricted movement (home detention)      | 190     | 208     | 213     | 152     | 175     |
| Reparation (community service orders)     | 4674    | 4759    | 4318    | 4015    | 4088    |
| Supervision (parole and probation orders) | 13556   | 13974   | 14265   | 15079   | 15109   |
| Total number of orders                    | 17498   | 18037   | 17970   | 17988   | 18124   |

Source: Corrective Services NSW, *Annual Report 2008/09*, p 39.

**Imprisonment**

The number of prisoners in NSW has increased by 32% since 1999. However, this is the third lowest increase in Australia, with only Queensland and the ACT experiencing smaller growth in prisoner numbers. The Aboriginal and Torres Strait Islander Social Justice Commissioner noted in his 2009 report that NSW will require a new gaol every two years if growth continues at the current rate.<sup>19</sup>

**Prisoners in NSW, 1999–2009**

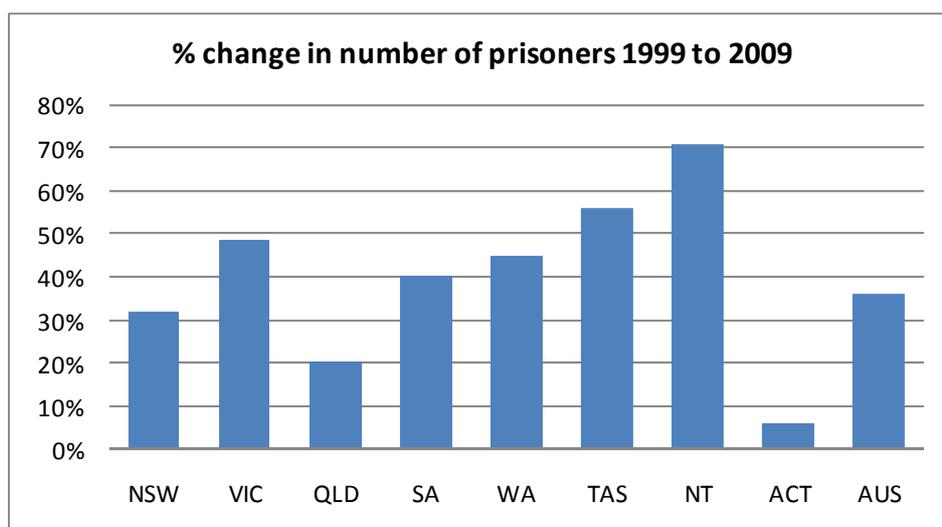
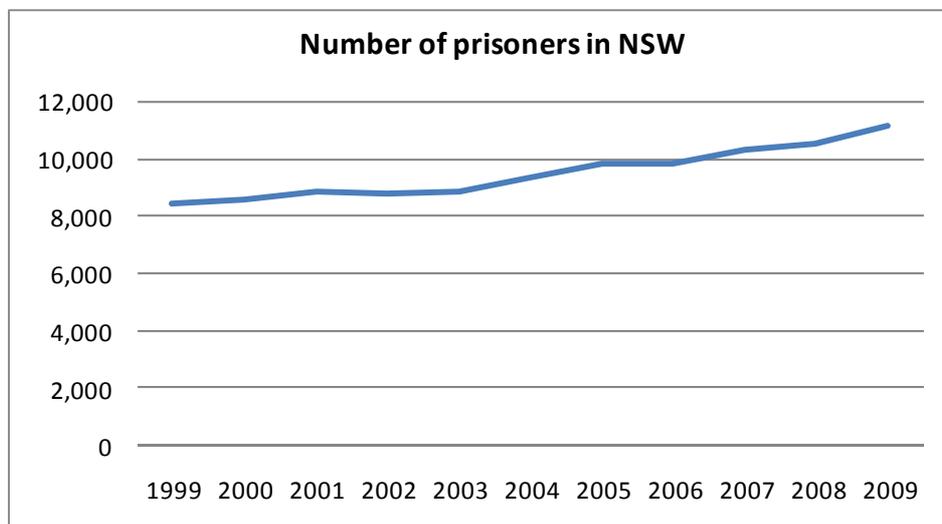
|      | Number of prisoners | Mean age (yrs) | Females (%) | Indigenous (%) | Known prior imprisonment (%) | Unsentenced (%) |
|------|---------------------|----------------|-------------|----------------|------------------------------|-----------------|
| 1999 | 8,433               | 32.9           | 6.8         | 15.0           | 54.9                         | 15.7            |
| 2000 | 8,547               | 33.1           | 6.7         | 14.6           | 51.5                         | 17.4            |
| 2001 | 8,846               | 32.9           | 7.0         | 15.1           | 54.3                         | 18.5            |
| 2002 | 8,759               | 33.0           | 6.9         | 17.2           | 54.4                         | 18.7            |
| 2003 | 8,881               | 33.4           | 6.7         | 17.6           | 53.3                         | 20.7            |
| 2004 | 9,329               | 33.8           | 7.1         | 16.9           | 55.8                         | 20.1            |
| 2005 | 9,819               | 34.3           | 7.1         | 17.1           | 61.8                         | 20.2            |
| 2006 | 9,822               | 34.4           | 7.5         | 19.9           | 57.3                         | 21.7            |
| 2007 | 10,285              | 34.7           | 7.6         | 20.0           | 53.1                         | 22.4            |
| 2008 | 10,510              | 34.9           | 7.4         | 20.4           | 52.4                         | 23.4            |
| 2009 | 11,127              | 34.9           | 7.7         | 21.3           | 53.6                         | 23.3            |

Prisoners are overwhelmingly male (92.3%), 53.6% have been in prison before, and more than one-fifth of prisoners are Indigenous (compared to 2% of the population in NSW).

The following charts depict the increase in the number of prisoners not only in NSW but in the other Australian States and Territories as well. NSW experienced the third smallest percentage change, with Queensland and the

<sup>19</sup> Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2009*, Australian Human Rights Commission, Sydney, 2009.

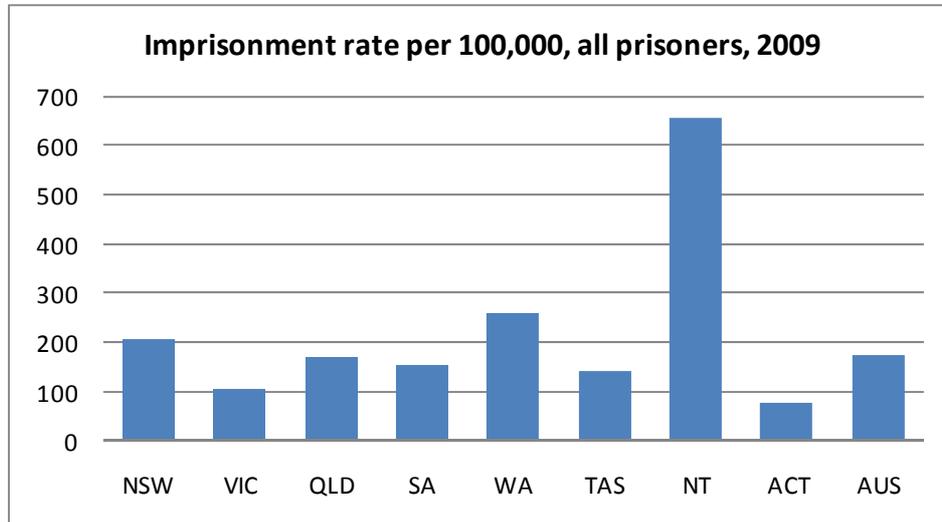
ACT being the only jurisdictions with smaller growth.



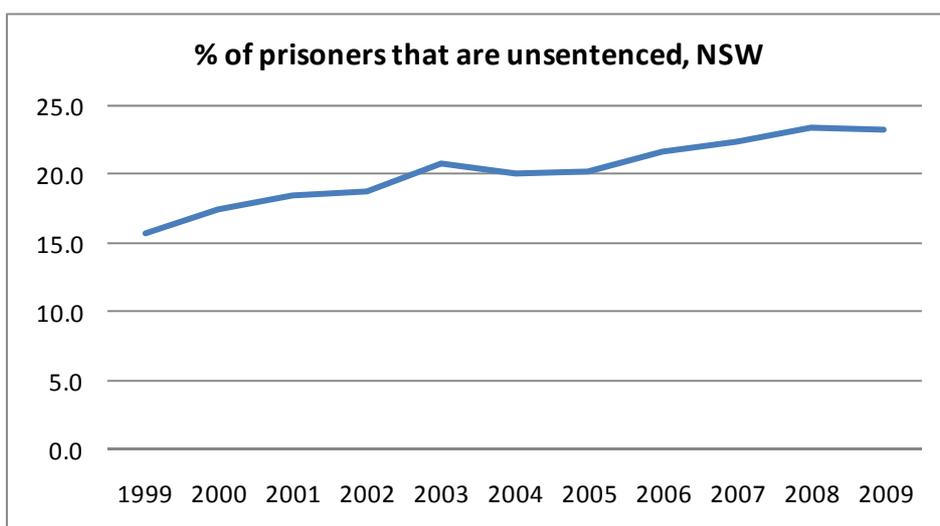
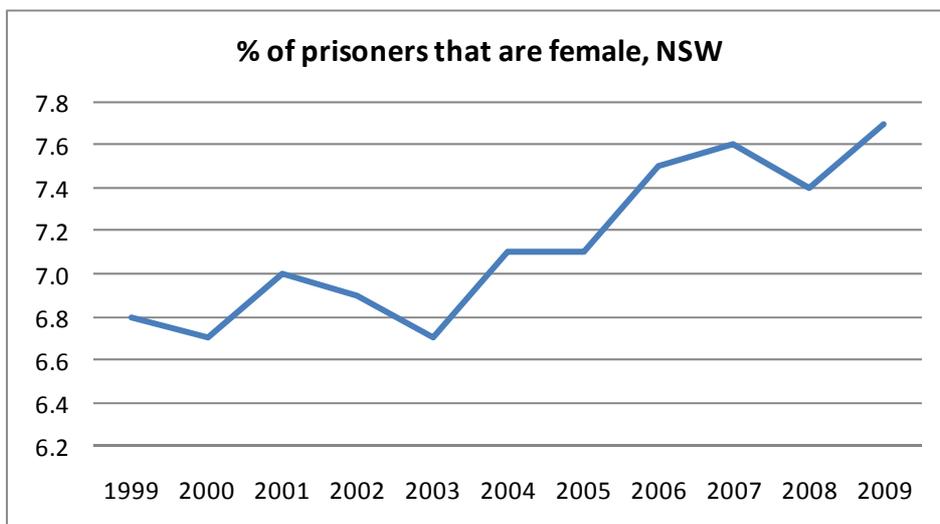
204.1 people were imprisoned for every 100,000 people in NSW in 2009. Males were imprisoned at more than 12 times the rate of females. 2591.1 Indigenous persons were imprisoned for every 100,000 Indigenous Australians in NSW, 16.5 times the imprisonment rate for non-Indigenous persons, the third highest rate in Australia after the Northern Territory and Western Australia.

**Imprisonment rate per 100,000 (2009)**

|                | NSW    | VIC    | QLD    | SA     | WA     | TAS   | NT     | ACT   | AUS    |
|----------------|--------|--------|--------|--------|--------|-------|--------|-------|--------|
| Male           | 384.4  | 198.3  | 313.6  | 297.6  | 476.5  | 263.5 | 1210.1 | 134.5 | 328.6  |
| Female         | 30.7   | 13.2   | 24.4   | 18.7   | 40.6   | 21.9  | 58.4   | 16.7  | 24.7   |
| Indigenous     | 2591.1 | 1158.8 | 1732.9 | 2596.6 | 4075.4 | 577.5 | 2104.2 | 965.5 | 2309.8 |
| Non-Indigenous | 156.3  | 98.7   | 124.5  | 121.2  | 159.1  | 126.1 | 160.6  | 65.8  | 130.9  |
| All prisoners  | 204.1  | 104    | 167.9  | 155.1  | 260.5  | 139.5 | 657.6  | 74.8  | 174.7  |



The percentage of prisoners in NSW that are female continues to rise, as has the proportion of unsentenced prisoners (however, this has recently stabilised).



The most serious offence for 19.5% of prisoners in NSW was acts intended to cause injury (the most serious offence for the most prisoners in every State and Territory in Australia, except for Victoria where it was the second most common). Illicit drug offences were the most serious offence for 13.3% of prisoners, also one of the top three most serious offences for the most offenders in Victoria.

**Prisoners by most serious offence, %, top three, 2009**

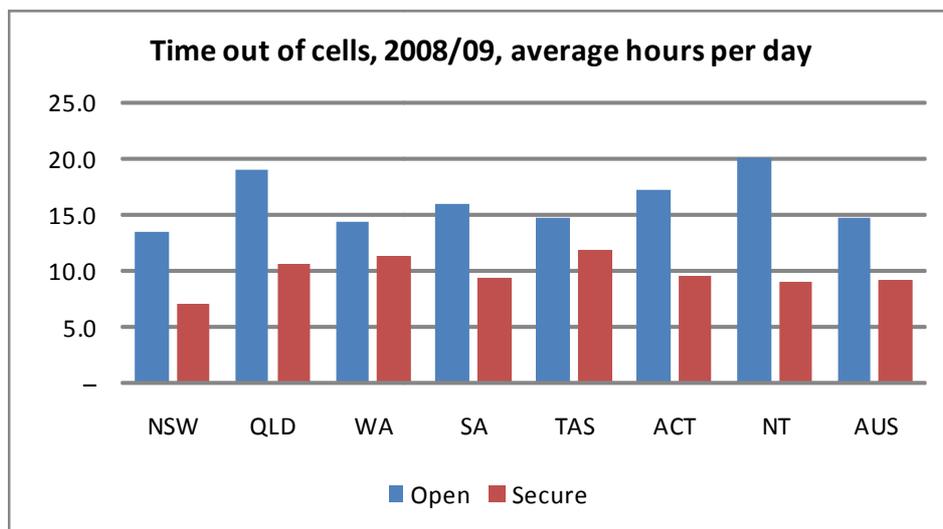
| NSW   | VIC   | QLD  | SA  | WA   | TAS   | NT  | ACT  | AUS   |
|---|---|--|---|--|---|---|--|---|
| <ul style="list-style-type: none"> <li>• Acts intended to cause injury 19.5%</li> <li>• Illicit drug offences 13.3%</li> <li>• Offences against justice procedures, government security and operations 10.3%</li> </ul> | <ul style="list-style-type: none"> <li>• Sexual assault and related offences 16%</li> <li>• Acts intended to cause injury 13.9%</li> <li>• Illicit drug offences 13.4%</li> </ul> | <ul style="list-style-type: none"> <li>• Acts intended to cause injury 20.9%</li> <li>• Sexual assault and related offences 15.5%</li> <li>• Unlawful entry with intent 13.1%</li> </ul> | <ul style="list-style-type: none"> <li>• Acts intended to cause injury 15.7%</li> <li>• Sexual assault and related offences 13.5%</li> <li>• Offences against justice procedures, government security and operations 12.6%</li> </ul> | <ul style="list-style-type: none"> <li>• Acts intended to cause injury 19%</li> <li>• Unlawful entry with intent 13.8%</li> <li>• Sexual assault and related offences 13.4%</li> </ul> | <ul style="list-style-type: none"> <li>• Acts intended to cause injury 19.3%</li> <li>• Homicide and related offences 12.9%</li> <li>• Sexual assault and related offences 12%</li> </ul> | <ul style="list-style-type: none"> <li>• Acts intended to cause injury 38.1%</li> <li>• Sexual assault and related offences 13.9%</li> <li>• Traffic and regulatory offences 10.5%</li> </ul> | <ul style="list-style-type: none"> <li>• Acts intended to cause injury 14.8%</li> <li>• Theft and related offences 13.3%</li> <li>• Offences against justice procedures, government security and operations 13.3%</li> </ul> | <ul style="list-style-type: none"> <li>• Acts intended to cause injury 19.2%</li> <li>• Sexual assault and related offences 12.4%</li> <li>• Illicit drug offences 11%</li> </ul> |

Sources:

- ABS, *Prisoners in Australia*, 2009, 4517.0
- Steering Committee for the Review of Government Service Provision, *Report on Government Services 2010*, 2010

**Time out of cells**

Prisoners in NSW in prisons with an open security classification spent an average of 13.4 hours a day out of cells, and those in secure prisons spent 7.1 hours. This was less than in any other State or Territory.



NB. Information not available for Victoria.

Source:

- Steering Committee for the Review of Government Service Provision, *Report on Government Services 2010*, 2010

## Deaths in correctional custody

There were four unnatural deaths in correctional custody in NSW in 2008/09, the same as the previous year, and half of the number of deaths in 2004/05.

### Apparent unnatural deaths in correctional custody 2004/05 to 2008/09, NSW

|                | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 |
|----------------|---------|---------|---------|---------|---------|
| Indigenous     | 3       | 0       | 2       | 0       | 1       |
| Non-Indigenous | 5       | 5       | 3       | 4       | 3       |
| Total          | 8       | 5       | 5       | 4       | 4       |

Source:

- Corrective Services NSW, *Annual Report 2008/09*, p 31.

## Escapes

There were 11 escapes from prisons classified as open security in NSW in 2008/09 (an increase of five from 2007/08 but less than the 24 in 2004/05). There were four escapes from secure prisons.

### Number of escapes 2004/05 to 2008/09 NSW

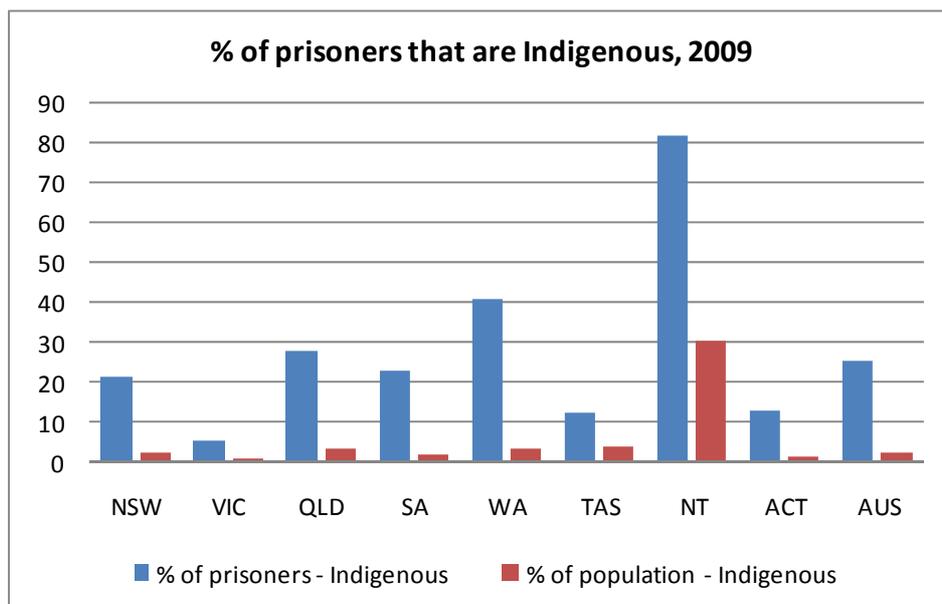
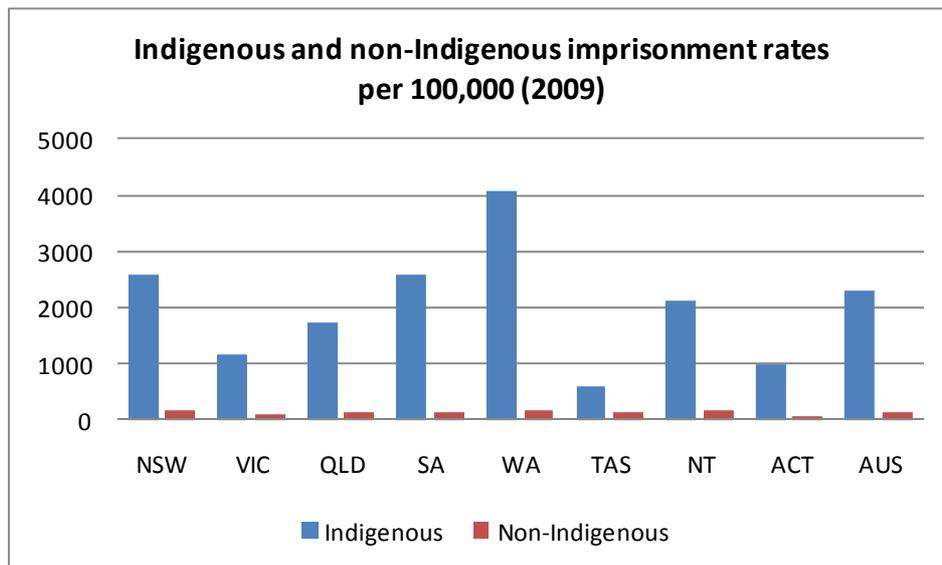
| Security              | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 |
|-----------------------|---------|---------|---------|---------|---------|
| Open                  | 24      | 13      | 6       | 6       | 11      |
| Secure                | 3       | 4       | 0       | 1       | 4       |
| Other eg work release | 3       | 7       | 4       | 3       | 2       |

Source:

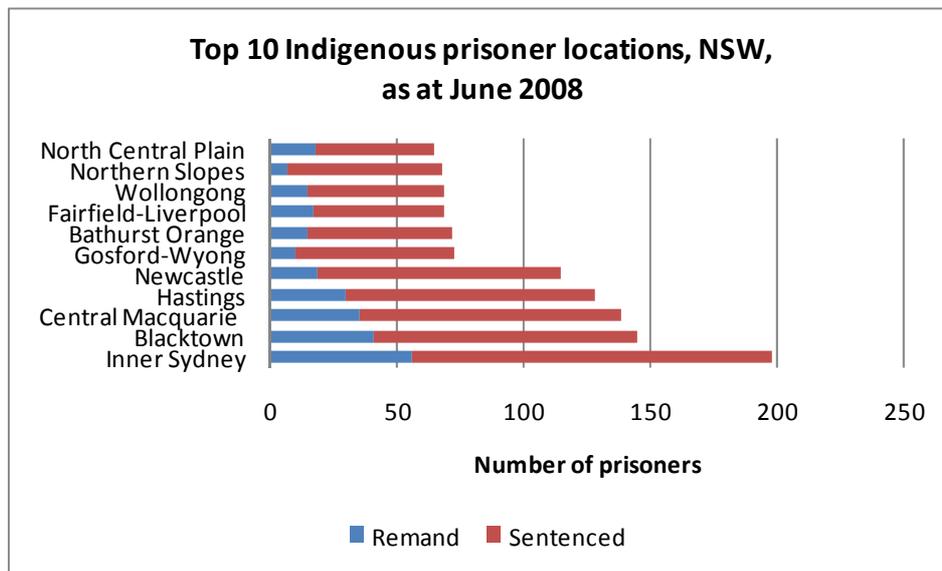
- Corrective Services NSW, *Annual Report 2008/09*, p 28.

## Imprisonment rates - Indigenous prisoners

Indigenous persons are imprisoned at a disproportionate rate in every jurisdiction in Australia. The graphs below depict just how extreme the difference is – the first graph compares Indigenous and non-Indigenous imprisonment rates and the second compares the proportion of prisoners that are Indigenous with the proportion of the community that is Indigenous.

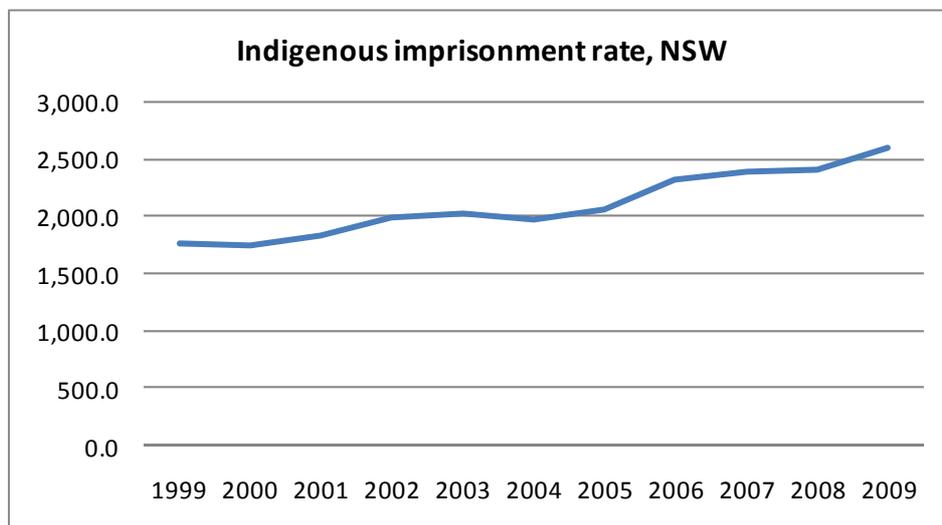


In NSW, the daily average number of Indigenous prisoners for May 2009 was 2,390, with 1,763.6 on remand, 544.5 sentenced and 82 serving periodic detention. This was the highest monthly average in the period from July 2007 to May 2009. The most common locations for Indigenous prisoners were Inner Sydney, Blacktown and Central Macquarie.



Source: Aboriginal and Torres Strait Islander Commissioner, *Social Justice Report 2009*, Australian Human Rights Commission, Sydney, 2009.

The situation is not improving, with the Indigenous imprisonment rate in NSW continuing to rise over the last 10 years, as shown by the graph below. Jacqueline Fitzgerald found that the increase in NSW is largely due to tougher bail and sentencing policies rather than increased offending.<sup>20</sup>



The Aboriginal and Torres Strait Islander Social Justice Commissioner noted in his 2009 *Social Justice Report* that Indigenous persons are more likely to have been imprisoned if:<sup>21</sup>

<sup>20</sup> J Fitzgerald, 'Why are Indigenous imprisonment rates rising?', NSW Bureau of Crime Statistics and Research, *Issues Paper No 41*, August 2009.

<sup>21</sup> Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2009*, Australian Human Rights Commission, Sydney, 2009.

- They had not completed year 12
- Were unemployed
- Lived in poverty
- Lived in overcrowded dwellings
- Were a member or had a family member who was from the Stolen Generations
- Lived in a remote area
- Abused alcohol or drugs.

Sources:

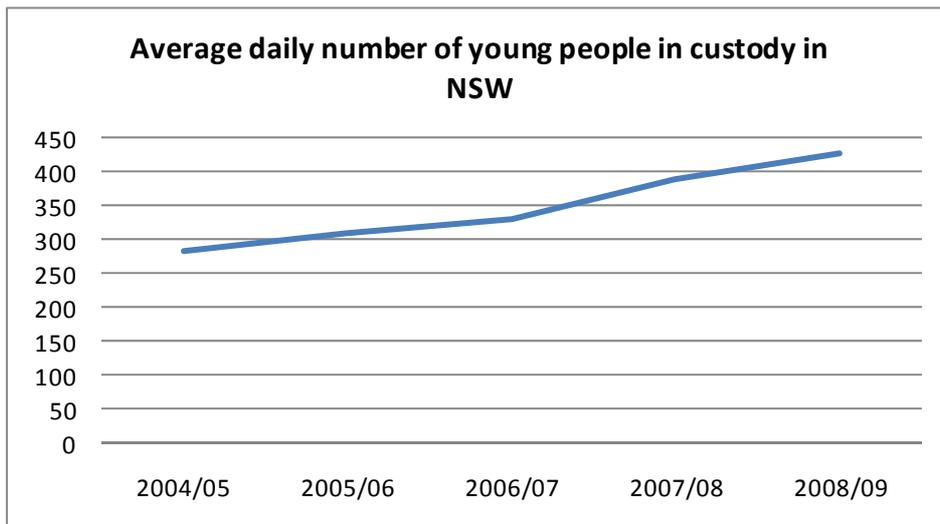
- ABS, *Prisoners in Australia*, 2009, 4517.0
- Aboriginal and Torres Strait Islander Commissioner, *Social Justice Report 2009*, Australian Human Rights Commission, Sydney, 2009.

## JUVENILE DETENTION

There was an average of 427 young people in custody each day in NSW in 2008/09, of whom 31 were women and almost half were Indigenous Australians. More than half were waiting for their court proceedings to be finalised.

### Average daily number of young people in custody in NSW

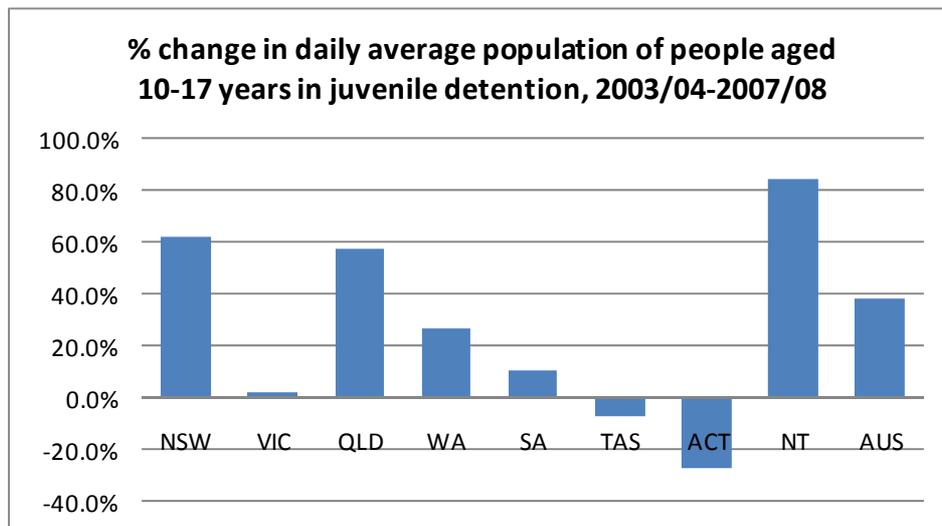
|  | 2007/08 | 2008/09 | % change |
|--|---------|---------|----------|
| Total  | 390     | 427     | 9.5%     |
| Women  | 27      | 31      | 14.8%    |
| ATSI   | 200     | 205     | 2.5%     |
| Serving custodial sentences  | 180     | 200     | 11.1%    |
| Remanded in custody awaiting the finalisation of court proceedings | 210     | 227     | 8.1%     |



The number of people aged 10 to 17 years in juvenile detention in NSW increased by more than 60% between 2003/04 and 2007/08. Only the Northern Territory experienced greater growth.

### Daily average number of people aged 10–17 years in juvenile detention

|         | NSW | VIC | QLD | WA  | SA | TAS | ACT | NT | AUS |
|---------|-----|-----|-----|-----|----|-----|-----|----|-----|
| 2003-04 | 209 | 62  | 91  | 122 | 50 | 26  | 18  | 13 | 590 |
| 2004-05 | 218 | 53  | 89  | 110 | 58 | 33  | 15  | 22 | 596 |
| 2005-06 | 244 | 53  | 127 | 115 | 39 | 27  | 13  | 17 | 634 |
| 2006-07 | 277 | 48  | 138 | 132 | 42 | 19  | 14  | 26 | 696 |
| 2007-08 | 338 | 63  | 143 | 154 | 55 | 24  | 13  | 24 | 814 |



**Average rates of detention in juvenile detention, per 100,000 people\***

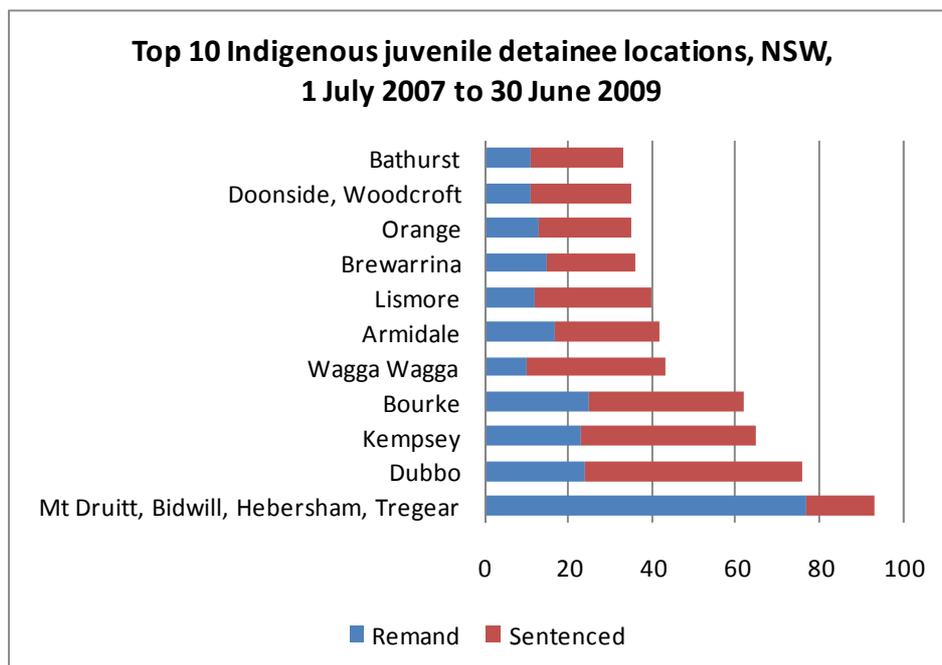
|                |         | NSW   | VIC   | QLD   | WA    | SA    | TAS   | ACT** | NT    | AUS   |
|----------------|---------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Indigenous     | 2003-04 | 339.3 | 231.0 | 202.6 | 671.8 | 333.2 | 158.7 | 503.2 | 108.6 | 310.1 |
|                | 2004-05 | 368.5 | 179.4 | 189.0 | 616.3 | 508.3 | 181.9 | 696.8 | 174.9 | 322.8 |
|                | 2005-06 | 405.9 | 168.0 | 246.5 | 570.9 | 256.1 | 148.3 | 594.8 | 146.3 | 324.1 |
|                | 2006-07 | 455.0 | 138.5 | 298.9 | 661.8 | 338.7 | 161.1 | 494.8 | 207.6 | 376.9 |
|                | 2007-08 | 585.4 | 195.3 | 296.0 | 880.6 | 442.3 | 288.6 | 946.8 | 196.0 | 456.1 |
| Non-Indigenous | 2003-04 | 15.9  | 9.1   | 8.9   | 13.8  | 20.3  | 39.6  | 39.4  | 12.2  | 13.9  |
|                | 2004-05 | 15.4  | 7.8   | 8.6   | 10.8  | 19.2  | 49.8  | 25.4  | 17.4  | 13.0  |
|                | 2005-06 | 16.7  | 7.8   | 12.7  | 15.4  | 15.8  | 40.6  | 22.0  | 6.9   | 14.1  |
|                | 2006-07 | 18.5  | 7.1   | 10.3  | 15.7  | 14.1  | 25.4  | 27.8  | 18.1  | 13.7  |
|                | 2007-08 | 21.3  | 7.9   | 13.2  | 15.6  | 19.2  | 26.1  | 15.5  | 9.8   | 15.3  |

\* Jurisdictional comparisons need to be treated with caution, especially for those States and Territories with low Indigenous populations, where small number effects can introduce statistical variations that do not accurately represent trends over time or consistent comparisons with other jurisdictions.

\*\* The rate for Indigenous young people should be treated with caution due to the small Indigenous population in the ACT. The rate ratio should also be taken into account.

As with adult corrections, Indigenous juveniles are significantly overrepresented.

In NSW, the total number of Indigenous young people in custody between 1 July and 30 June 2009 was 1,440, with 526 serving a control order and 1,351 on remand. The following graph shows the top 10 Indigenous juvenile detainee locations. Mt Druitt, Bidwill, Hebersham and Tregear had the largest number of detainees, followed by Dubbo and Kempsey.



Sources:

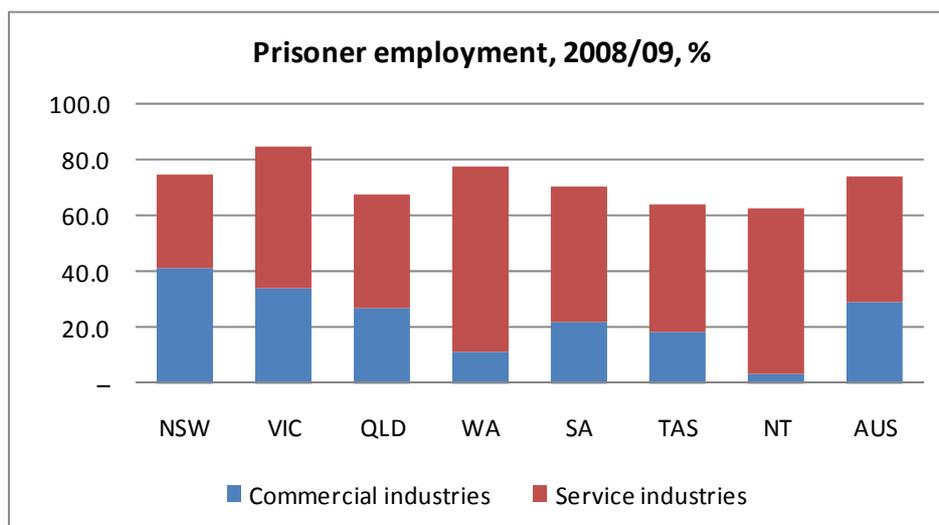
- Steering Committee for the Review of Government Service Provision, *Report on Government Services 2010*, 2010
- NSW Juvenile Justice, Department of Human Services, *Annual Report 2008/09*.
- Aboriginal and Torres Strait Islander Commissioner, *Social Justice Report 2009*, Australian Human Rights Commission, Sydney, 2009.

## PRISONER EMPLOYMENT, EDUCATION AND TRAINING

Providing prisoners with employment and education opportunities whilst in prison may assist with their integration into the non-criminal community upon release. More than three-quarters of prisoners in NSW are engaged in some form of employment and more than a third are receiving some form of education or training. 14.5% of prisoners in NSW are enrolled in secondary school education and 23.6% are enrolled in Vocational Education and Training.

Prisoner employment, education and training, 2008/09, %

|                         | NSW  | VIC  | QLD  | WA   | SA   | TAS  | ACT | NT   | AUS  |
|-------------------------|------|------|------|------|------|------|-----|------|------|
| Prisoners in employment | 75.9 | 84.7 | 67.6 | 77.6 | 71.8 | 63.7 | na  | 63.6 | 74.8 |
| Prisoners in education  | 33.9 | 34.7 | 27.1 | 48.7 | 66   | 33.9 | na  | 25.3 | 36.4 |





Pathways to Employment, Education and Training (PEET) gives offenders with past drug issues the skills to enter education or employment. The nine week PEET course links to TAFE or other training courses directly related to government agency and local industry needs. 302 offenders were enrolled in PEET in the first semester of 2009. 14 obtained employment and 59 commenced further education.

#### Pathways to Employment, Education and Training

|  | <b>Feb-Jun 09</b> |
|--|-------------------|
| Offenders enrolled                                 | 302               |
| Completed the program                              | 166               |
| Obtained employment                                | 14                |
| Started further education                          | 59                |
| Intention to start further education or employment | 90                |

76% of eligible offenders in NSW prisons were employed in 2008/09, a greater proportion than in 2004/05, but less than the peak of 80.6% in 2007/08.

| Category  | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2007/08<br>nat av | 2008/09 |
|---|---------|---------|---------|---------|-------------------|---------|
| Daily average total inmate population                             | 8926    | 9101    | 9468    | 9634    | na                | 10068   |
| Population eligible for work                                      | 7393    | 7155    | 6715    | 6788    | na                | 7324    |
| Actual inmate number employed                                     | 5307    | 5297    | 5282    | 5469    | na                | 5561    |
| National performance indicator - % of eligible offenders employed | 71.78   | 74.03   | 78.66   | 80.57   | 77.8              | 75.93   |

Sources:

- Steering Committee for the Review of Government Service Provision, *Report on Government Services 2010*
- Corrective Services NSW, *Annual Report 2008/09*

## RECIDIVISM

Reducing recidivism, the number of offenders who return to prison, is a key issue in the criminal justice debate. Apart from the other advantages gained as a result of less offending, there is a significant financial benefit. Weatherburn, Froyland, Moffatt and Corben have calculated that a 10% reduction in the overall re-imprisonment rates would reduce the prison population by more than 800 inmates, saving \$28 million per year.<sup>22</sup> They highlight the opportunity provided by access to offenders whilst they are in prison, stating that governments generally have far less control over the flow of new offenders into prison than they have over the flow of offenders back to prison. This extends to the assistance provided to offenders when they are released back into the community.

The NSW Bureau of Crime Statistics and Research examined the effect of prison on reoffending.<sup>23</sup> It found that little is known about the effect of prison on reoffending and crime. There is little information on the contribution of rising imprisonment rates to the fall in crime in Australia.

Studies have found that approximately 40% of prisoners are back in prison within 10 years of their release.<sup>24</sup> However, it should be noted that half of the prisoners do not return to prison. Reimprisonment studies also do not capture all reoffenders as some crimes and/or criminals remain undetected by the criminal justice system, or they may not be reimprisoned for the offence (ie. they may be found guilty of the crime but a penalty other than prison is imposed). The table below shows the reimprisonment rate for each of the States and Territories in Australia. NSW/ACT has the third highest rate at 39.3%.

**Reimprisonment rate within 10 years of release  
(prisoners released in 1994-1997)**

| State or Territory | %    |
|--------------------|------|
| NSW/ACT            | 39.3 |
| Victoria           | 37.8 |
| Queensland         | 42.1 |
| South Australia    | 35.5 |
| Western Australia  | 38.3 |
| Tasmania           | 32.8 |
| Northern Territory | 48.2 |
| Australia          | 39.2 |

<sup>22</sup> D Weatherburn, G Froyland, S Moffatt and S Corben, 'Prison populations and correctional outlays: The effect of reducing reimprisonment', *Crime and Justice Bulletin*, No 138, December 2009.

<sup>23</sup> D Weatherburn, 'The effect of prison on adult re-offending', *Crime and Justice Bulletin*, no 143, August 2010.

<sup>24</sup> Australian Bureau of Statistics, 'Repeat imprisonment', *Australian Social Trends*, 4102.0, March 2010.

The ABS examined 14 Prisoner Censuses between 1994 and 2007 and found that reimprisonment is strongly associated with being young, Indigenous, or having previously been imprisoned.<sup>25</sup> With the exception of Queensland, the rate of reimprisonment was higher than the mid 1990s. The Northern Territory had a particularly high reimprisonment rate due to the demographic nature of its prisoners – young and Indigenous. However, when adjusted for these factors the reimprisonment rate was similar to elsewhere.

The ABS found:

- Rates of reimprisonment differed considerably by original offence type.
- There was a high degree of specialisation in illicit drug offences, sexual assault and road traffic offences in that these offenders generally did not move into other categories. However, people imprisoned for other offences did not tend to move into these categories either.
- There was a high level of specialisation in acts causing injury, robbery, burglary and theft. A high proportion also moved into these categories for subsequent prison episodes.
- Of the prisoners who were released between 1994 and 1997 about one in five were reimprisoned in the first two years, one quarter were reimprisoned within three years and 40% by ten years. 40% of male prisoners were reimprisoned within ten years compared to 31% of females.
- Reimprisonment rate for 17 to 19 year olds was 61% within 10 years compared to 23% for those aged 35+.
- About 58% of the Indigenous group was reimprisoned compared to 35% of the non-Indigenous group.
- Prisoners with prior imprisonment were twice as likely as those with no prior imprisonment to be reimprisoned at least once.

Sources:

- D Weatherburn, G Froyland, S Moffatt and S Corben, 'Prison populations and correctional outlays: The effect of reducing reimprisonment', *Crime and Justice Bulletin*, No 138, December 2009
- D Weatherburn, 'The effect of prison on adult re-offending', *Crime and Justice Bulletin*, no 143, August 2010
- Australian Bureau of Statistics, 'Repeat imprisonment', *Australian Social Trends*, 4102.0, March 2010
- Australian Bureau of Statistics, *An analysis of repeat imprisonment trends using prisoner census data from 1994 to 2007*, 1351.0.55.031, August 2010.

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<sup>25</sup> Australian Bureau of Statistics, *An analysis of repeat imprisonment trends using prisoner census data from 1994 to 2007*, 1351.0.55.031, August 2010.

## EXPENDITURE

The table below notes the cost of various aspects of the justice system per person. NSW spent \$525 per person on the justice system in 2008/09 (includes \$13 on the cost of administering the civil courts). The Northern Territory spent the most at \$1445 per person, followed by Western Australia and the ACT. Almost two-thirds of the cost in NSW can be attributed to police services.

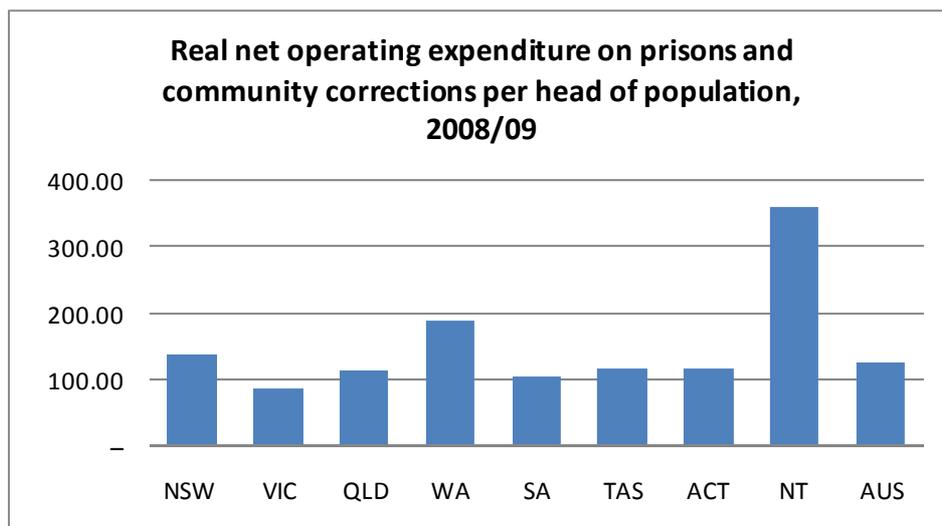
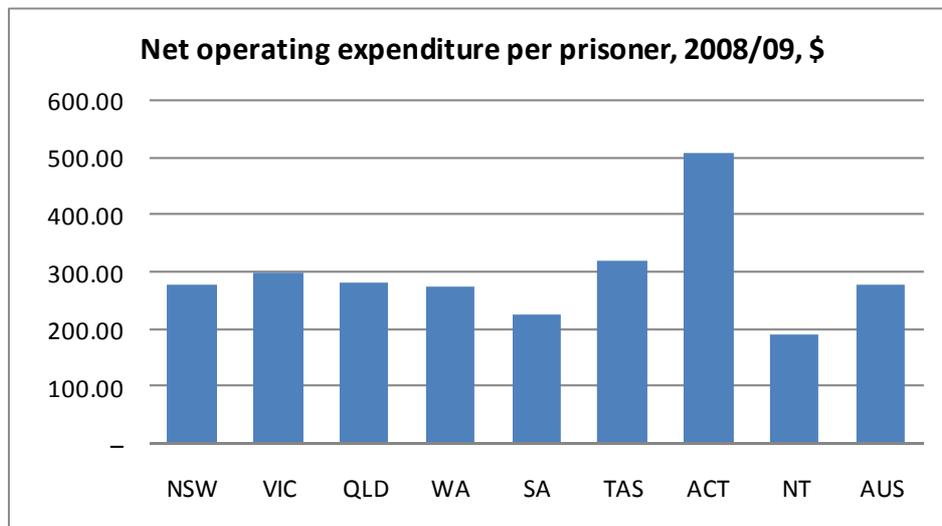
### Real recurrent expenditure per person on justice services, 2008-09

| Unit                   |    | NSW  | VIC  | QLD  | WA   | SA   | TAS  | ACT  | NT   | AUS  |
|------------------------|----|------|------|------|------|------|------|------|------|------|
| Police services        | \$ | 347  | 317  | 344  | 428  | 354  | 366  | 379  | 966  | 355  |
| Court admin – criminal | \$ | 26   | 28   | 27   | 45   | 31   | 29   | 37   | 76   | 30   |
| Court admin – civil    | \$ | 13   | 15   | 12   | 31   | 14   | 10   | 27   | 43   | 28   |
| Corrective services    | \$ | 139  | 86   | 115  | 187  | 105  | 117  | 115  | 360  | 125  |
| Total justice system   | \$ | 525  | 445  | 497  | 691  | 504  | 522  | 559  | 1445 | 537  |
| Police services        | %  | 66.1 | 71.1 | 69.1 | 61.9 | 70.3 | 70.1 | 67.8 | 66.9 | 66.1 |
| Court admin – criminal | %  | 5    | 6.4  | 5.5  | 6.5  | 6.2  | 5.6  | 6.7  | 5.3  | 5.6  |
| Court admin – civil    | %  | 2.5  | 3.3  | 2.3  | 4.5  | 2.8  | 1.9  | 4.8  | 2.9  | 5.1  |
| Corrective services    | %  | 26.4 | 19.3 | 23   | 27.1 | 20.8 | 22.4 | 20.7 | 24.9 | 23.2 |
| Total justice system   | %  | 100  | 100  | 100  | 100  | 100  | 100  | 100  | 100  | 100  |

It costs approximately \$276 a day to keep an offender in prison in NSW and \$22 if they are part of community corrections.

### Net operating expenditure per prisoner and offender per day, 2008-09

|                       | NSW    | VIC    | QLD    | WA     | SA     | TAS    | ACT    | NT     | AUS    |
|-----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Prisons               | 275.86 | 297.30 | 280.21 | 273.87 | 225.87 | 320.59 | 507.86 | 190.48 | 276.05 |
| Community corrections | 22.33  | 19.04  | 9.98   | 30.80  | 12.48  | 12.00  | 11.48  | 30.78  | 18.03  |



Source:

- Steering Committee for the Review of Government Service Provision, *Report on Government Services 2010*, 2010.