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Predictors of guilty pleas in the NSW District Court

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Aim: *To examine factors associated with early, late, and not guilty pleas in the District Court of NSW.*

Method: *Data relating to NSW District Court matters between 2011 and 2013 were extracted from the Re-offending Database. Logistic regression was used to examine the association between demographic details, the number and type of offences, and previous experience with the criminal justice system, and whether a plea of not guilty or guilty was entered, and whether guilty pleas were entered 'early' or 'late'.*

Results: *Overall, 55 per cent of defendants entered an early guilty plea, 28 per cent a late guilty plea and 17 per cent pleaded not guilty. A range of factors were associated with a defendant's plea. For example, with increasing age, defendants were more likely to plead not guilty, and those who did plead guilty were more likely to plead guilty late rather than early. In terms of offence type/s, defendants charged with aggravated sexual assault and serious assault resulting in injury were more likely to plead not guilty, and those who did plead guilty were more likely to plead guilty late rather than early. Defendants charged with robbery, break and enter, and illicit drug offences were more likely to plead guilty, and were more likely to plead guilty early. With increased time between the alleged offence and the committal date, defendants were more likely to plead not guilty and when a guilty plea was entered it was more likely to be entered late than early. While defendants with a prior conviction were more likely than those without a prior conviction to plead guilty than not guilty, they were more likely to enter a guilty plea late. Similarly, compared to those with no concurrent offences, those charged with more than one offence were more likely to plead guilty, and more likely to plead guilty late than early.*

Conclusion: *Having a prior conviction and being charged with more than one offence were factors associated with an increased likelihood of a late guilty plea and a decreased likelihood of a not guilty plea. Targeting cases with these characteristics may help to increase the rate of early guilty pleas.*

Keywords: *court processes, plea, NSW District Court*

Introduction

There are well established practical, financial and emotional benefits of obtaining guilty pleas early in criminal proceedings (Flynn & Fitzgibbon, 2011). While criminal proceedings in NSW are most commonly resolved by a guilty plea (e.g., in 2012, 82% of criminal matters proved in the District Court of NSW were resolved via a guilty plea), approximately one third of guilty pleas are not submitted until after the matter has been committed for trial (NSW Bureau of Crime Statistics & Research, 2012). These late guilty pleas typically involve at least three Local Court appearances prior to committal (including the committal hearing itself) and two appearances in the District Court (including the arraignment and sentence hearing) before being finalised. When a guilty plea is received late (e.g., on the first day of trial), it is likely that many hours of victim, witness, juror, court, police, and legal practitioner time will have gone to waste. The issue of late guilty pleas has been an ongoing concern for government, legal practitioners and courts for many years in NSW. In 2013, at the direction of the Attorney General, the NSW Law Reform Commission commenced a review into encouraging appropriate early guilty pleas. A consultation paper was released in November 2013 with the purpose of generating discussion on what models could be adopted by NSW to improve the rate of appropriate early guilty pleas (NSW Law Reform Commission, 2013).

The current study

The timing of a guilty plea is very much influenced by prosecution and defence practice. The Law Reform Commission (2013) identified the following obstacles to defendants pleading guilty earlier in criminal proceedings: the prosecution serves parts of the brief of evidence late; the defence expects further evidence will be disclosed closer to the trial; the defence

believes charges will be reduced as the proceedings advance; and the prosecution accepts a plea to a lesser charge late in the proceedings. Other potential influences on late guilty pleas include: a desire on the part of the defendant to postpone the inevitable penalty; a reluctance on the part of the defendant to accept the seriousness of the situation until the first day of trial; and a hope or belief on the part of the defendant that the case will fall over due to lack of witnesses or evidence (NSW Law Reform Commission, 2013). The importance of these factors may vary depending on the age, gender and Indigenous status of the offender, on the nature of the charges laid against him/her and/or on his or her prior criminal record.

Knowing which types of criminal case are more likely to result in a late guilty plea could be of assistance in devising strategies to increase the rate of early guilty pleas. The aim of this study is to examine the effect of demographic and offending characteristics on whether an early, late or not guilty plea is made. We examine factors associated with pleading guilty versus not guilty, and factors associated with pleading guilty late versus pleading guilty early, and pleading not guilty versus pleading guilty late.

Method

Sample

The data were drawn from the NSW Bureau of Crime Statistics and Research Reoffending Database (ROD). ROD is a collection of data from agencies within the criminal justice system in NSW and includes data on finalised court appearances since 1994. All cases finalised in a District Court of NSW between 2011 and 2013 where the matter proceeded to sentence only or to trial were included in the dataset.[1] These matters are referred to as 'index cases'. Defendants less than 18 years of age (n=79) and those with unknown values for age (n=1) were excluded from the dataset. However, defendants with unknown Indigenous status were retained due to the relatively large number (6.6%) in this group.

The final dataset contained 9,094 index cases - 3,078 which were finalised in 2011, 2,848 in 2012 and 3,168 in 2013.

Variables

Outcome variable

In order to classify whether a defendant pleaded guilty 'early' or 'late' or defended the matter at trial the following definitions were used:

- if a person was committed for sentence they were defined as entering an 'early guilty plea';
- if a person was committed for trial but the matter was resolved by a guilty plea (i.e., proceeded to sentence only) they were defined as entering a 'late guilty plea';
- if a person was committed for trial and proceeded to a defended trial they were defined as entering a 'not guilty plea'.

Explanatory variables

The following variables were examined to determine whether they were associated with the decision to enter a guilty plea or defend at least one of the matters at trial; and separately with the decision to enter a guilty plea at committal or later in the proceeding or enter a not guilty plea:

- year the index case was finalised (2011, 2012, 2013)
- sex of the defendant (female, male)
- Indigenous status of the defendant (non-Indigenous, Indigenous, unknown)
- age of the defendant at the time the index case was finalised
- number of finalised court matters in the 10 years prior to the index case where the defendant was convicted
- whether the defendant had a matter finalised in the Higher Court in the 10 years prior to the index case
- whether the defendant had been found 'not guilty on any offence' at a court appearance in the 10 years prior to the index case
- whether the defendant had been given a sentence of imprisonment in the 10 years prior to the index case
- number of charges/concurrent offences at the index case
- offence type/s at the index case
- time from the earliest offence date to the date of committal.

Offence type was coded using the Australian and New Zealand Standard Offence Classification (ANZSOC) developed by the Australian Bureau of Statistics (2011), in conjunction with the 'law part' codes used to describe offences more specifically. Based on their frequency and their expected relationship with plea, the following offence types were examined:

- aggravated sexual assault (ANZSOC group 311)
- serious assault resulting in injury (ANZSOC group 211)
- other assault or acts intended to cause injury (ANZSOC groups 212, 213, 291, 299)
- robbery (ANZSOC subdivision 61)
- break and enter (ANZSOC division 7)
- theft and related offences (ANZSOC division 8)
- illicit drug offences (ANZSOC division 10)
- prohibited and regulated weapons and explosives offences (ANZSOC division 11)
- public order offences (ANZSOC division 13).

Using law part codes, offences that were child sex offences, domestic violence related, and those that were strictly indictable were also examined.

Statistical Analysis

Binary logistic regression was used to examine the explanatory variables independently associated with not guilty pleas versus guilty pleas. This model was assessed using diagnostics including the Hosmer-Lemeshow test and the area under the curve (AUC). Models with higher AUC values are considered to demonstrate better discriminatory abilities. A multinomial logistic regression was used to examine factors independently

associated with both late guilty pleas versus early guilty pleas, and not guilty pleas versus late guilty pleas.

Results

Of the 9,094 matters included in the study, 55 per cent were committed for sentence (an early guilty plea), 28 per cent were committed for trial and resolved by guilty plea (a late guilty plea) and 17 per cent were committed for trial and proceeded to a defended trial (not guilty plea). Table 1 presents the frequency distributions of the explanatory variables as well as the bivariate relationships between the explanatory variables and plea.

Table 1. Bivariate relationships between demographic, prior history and index offence characteristics and plea

		Sample		Early guilty	Late guilty	Not guilty
		n	%	%	%	%
All		9,094	100.0	54.8	28.2	17.0
Year index case was finalised	2011	3,078	33.9	56.5	27.0	16.5
	2012	2,848	31.3	53.8	29.1	17.1
	2013	3,168	34.8	54.1	28.7	17.2
Sex of the defendant	Female	855	9.4	56.5	28.8	14.7
	Male	8,239	90.6	54.6	28.2	17.2
Indigenous status of the defendant	Non-Indigenous	6,680	73.5	55.1	27.9	17.0
	Indigenous	1,812	19.9	54.3	32.0	13.8
	Indigenous unknown	602	6.6	53.0	20.9	26.1
Age of the defendant at court finalisation (years)	18-20	892	9.8	70.0	21.9	8.2
	21-24	1,667	18.3	61.1	27.4	11.5
	25-29	1,571	17.3	57.3	27.9	14.8
	30-34	1,326	14.6	50.5	31.9	17.7
	35-39	1,034	11.4	53.6	28.1	18.3
	40-44	908	10.0	47.1	32.4	20.5
	45-49	618	6.8	46.9	29.5	23.6
	50+	1,078	11.9	46.5	26.6	26.9
Number of court appearances with at least one conviction in the 10 years prior to the index case	0	2,988	32.9	54.5	23.6	21.9
	1	1,228	13.5	55.0	28.0	16.9
	2 – 3	1,579	17.4	52.7	31.5	15.8
	4 – 5	1,059	11.6	55.3	29.7	15.0
	6+	2,240	24.6	56.3	31.6	12.1
Higher Court appearance in the 10 years prior to the index case	No	7,374	81.1	55.6	27.6	16.8
	Yes	1,720	18.9	51.3	31.0	17.7
Court appearance in the 10 years prior to the index case where 'not guilty on any offence'	No	5,927	65.2	57.0	25.7	17.3
	Yes	3,167	34.8	50.7	32.9	16.4
Prison sentence in 10 years prior to the index case	No	6,015	66.1	54.5	26.9	18.7
	Yes	3,079	33.9	55.5	31.0	13.5
Number of charges/concurrent offences at the index case	1	3,062	33.7	59.9	23.9	16.2
	2 – 3	3,293	36.2	52.3	31.3	16.4
	4 – 5	1,275	14.0	52.6	30.2	17.3
	6+	1,464	16.1	51.7	28.6	19.7
Time between offence date and committal date	Up to 6 months	2,507	27.6	67.7	21.9	10.3
	6 – 12 months	3,746	41.2	54.6	30.0	15.4
	>12 months	2,841	31.2	43.7	31.5	24.9
Offence type/s at the index case	Aggravated sexual assault	1,147	12.6	24.1	28.3	47.6
	Serious assault resulting in injury	1,447	15.9	36.8	42.4	20.8
	Other assault or acts intended to cause injury	529	5.8	45.2	38.8	16.1
	Robbery	1,798	19.8	61.7	26.1	12.2
	Break and enter	1,641	18.0	63.0	26.8	10.2
	Theft and related offence	1,604	17.6	61.2	30.5	8.4
	Illicit drug offence	2,570	28.3	68.0	23.2	8.8
	Weapons and explosives offence	558	6.1	57.9	31.0	11.1
	Public order offence	512	5.6	51.8	36.1	12.1
	Child sex offence	827	9.1	39.5	26.2	34.2
	Domestic violence related offence	581	6.4	35.5	41.3	23.2
	Strictly indictable offence	7,294	80.2	55.8	26.4	17.8

From Table 1 it appears that:

- early guilty pleas were more likely in 2011 than in 2012 or 2013;
- the proportions of males and females pleading guilty early were similar;
- the proportions of Indigenous and non-Indigenous defendants pleading guilty early were similar; there was a tendency for non-Indigenous defendants to be less likely to plead not guilty;
- younger defendants were more likely than older defendants to plead guilty early; older defendants were more likely than younger defendants to plead not guilty;
- as the number of prior convictions increased, the likelihood of pleading not guilty decreased;
- defendants with at least one Higher Court appearance in the 10 years prior to the index case were less likely to plead guilty early;
- defendants who had been found 'not guilty on any offence' at a court appearance in the 10 years prior to the index case were less likely to plead guilty early, and more like to plead guilty late;
- defendants with a previous prison sentence were more likely to enter a late guilty plea whereas defendants with no prior prison sentence were more likely to plead not guilty at trial;
- defendants with only one offence/ charge at the index case were more likely to plead guilty early, and less likely to plead guilty late;
- with increased time from offence date to the date of committal, defendants were less likely to plead guilty early, and more likely to plead not guilty;
- defendants charged with aggravated sexual assault and child sex offences were more likely to plead not guilty; those with robbery, break and enter, theft and illicit drug offences were more likely to enter an early guilty plea; those with serious assault offences and domestic violence offences were more likely to enter a late guilty plea than were those charged with other offences.

Table 2. Logistic regression results comparing the likelihood of not guilty versus guilty pleas

	Odds ratio (95% confidence interval)	*p*-value
Age of the defendant at court finalisation (years)		
18 – 20	1.00	
21 – 24	1.38 (1.02, 1.85)	.035
25 – 29	1.95 (1.45, 2.63)	<.001
30+	2.60 (1.98, 3.41)	<.001
At least one conviction in the 10 years prior to the index case		
0	1.00	
1-5	0.74 (0.63, 0.86)	<.001
6+	0.58 (0.46, 0.74)	<.001
Higher Court appearance in the 10 years prior to the index case		
No	1.00	
Yes	1.48 (1.23, 1.78)	<.001
Court appearance in the 10 years prior to the index case where 'not guilty on any offence'		
No	1.00	
Yes	1.28 (1.11, 1.49)	.001
Prison sentence in 10 years prior to the index case		
No	1.00	
Yes	0.78 (0.64, 0.95)	.012
Time between offence date and committal date		
0 – 6 months	1.00	
6 – 12 months	1.58 (1.34, 1.87)	<.001
> 12 months	2.10 (1.76, 2.51)	<.001
Number of charges/ concurrent offences at the index case		
1	1.00	
2+	0.86 (0.75, 0.99)	.038
Offence type/s at the index case		
Aggravated sexual assault, with no child sex offence	4.97 (3.97, 6.22)	<.001
Aggravated sexual assault, with child sex offence	2.12 (1.69, 2.65)	<.001
Child sex offence, with no aggravated sexual assault	0.21 (0.11, 0.39)	<.001
Serious assault resulting in injury	1.45 (1.22, 1.74)	<.001
Robbery	0.73 (0.60, 0.89)	.002
Break and enter	0.56 (0.45, 0.68)	<.001
Theft and related offence	0.58 (0.47, 0.71)	<.001
Illicit drug offence	0.36 (0.30, 0.44)	<.001
Domestic violence related offence	0.67 (0.53, 0.84)	.001
Strictly indictable offence	2.06 (1.74, 2.44)	<.001

Note. Only those variables that were independently associated with plea were included in the model. Hosmer-Lemeshow test =14.26 (p=.075, df = 8), area under the curve = .760 (95% confidence interval (.746, .774))

Some of these factors may not be independently associated with plea once other listed factors have been taken into account. In the next sections we look at the factors that remain independently associated with plea after adjusting for the effect of other factors.

Predictors of not guilty versus guilty pleas

Of the matters included in the study, 83 per cent were resolved by a guilty plea (whether early or late), while 17 per cent were committed for trial and proceeded to a defended trial. Presented in Table 2 are the results of the logistic regression model examining factors associated with a defendant pleading not guilty versus guilty. An odds ratio of more than one suggests that the characteristic is associated with a higher likelihood of a not guilty plea. An odds ratio of less than one suggests that the characteristic is associated with a lower likelihood of a not guilty plea (i.e., a higher likelihood of a guilty plea). The performance of the model can be considered 'fair' in terms of its ability to discriminate cases resulting in not guilty versus guilty pleas (area under the curve = .760).

After controlling for other factors, older defendants were more likely than younger defendants to plead not guilty, as were defendants with at least one prior Higher Court appearance and those who had previously been found not guilty on any offence. Defendants with more prior convictions, and those with a prior prison sentence were less likely to plead not guilty. Defendants charged with aggravated sexual assault (whether or not charged with a child sex offence), serious assault resulting in injury and strictly indictable offences were more likely to plead not guilty than were defendants not charged with these offences. Defendants charged with child sex offences not involving aggravated sexual assault, robbery, break and enter, theft and drug offences, and those charged with more than one offence and with domestic-violence related offences were less likely to plead not guilty (i.e., they were more likely to plead guilty) than were defendants not charged with these offences. With more time from the earliest offence date to the date of committal defendants were more likely to plead not guilty.

No independent effects on plea were found for the year the matter was finalised, the sex or Indigenous status of the defendant.

Predictors of late versus early guilty pleas & Not guilty versus late guilty pleas

In this section we look more closely at the timing of guilty pleas, and examine factors associated with late versus early guilty pleas, and not guilty versus late guilty pleas.

Of the 7,552 matters included in the study that were resolved by a guilty plea, 66 per cent were committed for sentence (an early guilty plea), while 34 per cent were committed for trial and resolved by guilty plea (a late guilty plea). Table 3 presents results of the multinomial logistic regression model examining factors associated with a late versus an early guilty plea, as well as factors associated with a not guilty versus a late guilty plea. In the first comparison, a relative risk ratio of more than one suggests that the characteristic is associated with a higher likelihood of a late guilty plea, while a relative risk ratio of less than one suggests that the characteristic is associated with a lower likelihood of a late guilty plea (i.e., a higher likelihood of an early guilty plea). In the second comparison a relative risk ratio of more than one suggests that the characteristic is associated with a higher likelihood of a not guilty plea, while a relative risk ratio of less than one suggests that the characteristic is associated with a lower likelihood of a not guilty plea (i.e., a higher likelihood of a late guilty plea). The p-values show the strength of evidence for a difference between the groups being compared, where the smaller the p-value the stronger the evidence; $p < .05$ is often used as a benchmark indicating 'statistical significance'.

In relation to pleading guilty late versus early, after adjusting for other characteristics:

- a late guilty plea was more likely than an early guilty plea in 2012 and 2013 than in 2011;
- older defendants were more likely than younger defendants to plead guilty late than early;
- defendants with at least one conviction were more likely to enter a late guilty plea than an early guilty plea than were those with no convictions;
- those who had previously been found 'not guilty on any offence' were more likely to plead guilty late than early;
- defendants with more than one charge were more likely to plead guilty late than early than were those with only one charge;
- as the time from the earliest offence date to the committal date increased, defendants were more likely to plead guilty late;
- those charged with aggravated sexual assault were more likely to plead guilty late than early;
- defendants charged with child sex offences not involving aggravated sexual assault were less likely to plead guilty late (i.e. were more likely to plead guilty early);
- defendants charged with serious assault resulting in injury were more likely to plead guilty late (i.e., less likely to plead guilty early);
- defendants charged with break and enter and with illicit drug offences were less likely to plead guilty late (i.e., were more likely to plead guilty early);
- defendants charged with robbery were less likely to enter a late guilty plea (i.e., more likely to enter an early guilty plea).

In relation to pleading not guilty versus pleading guilty late, after adjusting for other characteristics:

- older defendants than younger defendants were more likely to plead not guilty than to plead guilty late;
- defendants with at least one conviction (compared to those with no convictions) were less likely to enter a not guilty plea than a late guilty plea (i.e., they were also more likely to enter a late guilty plea than a not guilty plea);
- defendants who had a prior Higher Court appearance were more likely to plead not guilty than to plead guilty late;
- those with a prior prison sentence were less likely to plead not guilty than to plead guilty late (i.e., were more likely to plead guilty late) than were those without a prior prison sentence;

Table 3. Multinomial logistic regression results comparing the likelihood of late versus early guilty pleas, and not guilty versus late guilty pleas

	Late vs. early guilty plea		Not guilty vs. late guilty plea	
	Relative risk ratio (95% confidence interval)	***p*-value**	**Relative risk ratio (95% confidence interval)**	***p*-value**
Year index case was finalised				
2011	1.00		1.00	
2012	1.13 (1.00, 1.28)	.050	1.03 (0.87, 1.22)	.716
2013	1.15 (1.02, 1.29)	.027	1.04 (0.88, 1.22)	.644
Age of the defendant at court finalisation (years)				
18 – 20	1.00		1.00	
21 – 24	1.27 (1.04, 1.56)	.020	1.13 (0.82, 1.57)	.448
25 – 29	1.34 (1.09, 1.66)	.006	1.54 (1.11, 2.13)	.010
30+	1.72 (1.42, 2.08)	<.001	1.81 (1.34, 2.45)	<.001
At least one conviction in the 10 years prior to the index case				
No	1.00		1.00	
Yes	1.22 (1.07, 1.40)	.003	0.65 (0.55, 0.77)	<.001
Higher Court appearance in the 10 years prior to the index case				
No	1.00		1.00	
Yes	1.03 (0.89, 1.20)	.660	1.47 (1.20, 1.80)	<.001
Court appearance in the 10 years prior to the index case where 'not guilty on any offence'				
No	1.00		1.00	
Yes	1.36 (1.21, 1.53)	<.001	1.04 (0.89, 1.22)	.626
Prison sentence in 10 years prior to the index case				
No	1.00		1.00	
Yes	0.88 (0.77, 1.01)	.066	0.75 (0.62, 0.91)	.003
Number of charges/concurrent offences at the index case				
1	1.00		1.00	
2+	1.24 (1.10, 1.39)	<.001	0.76 (0.65, 0.88)	<.001
Time between the earliest offence date and committal date relating to the index case				
0 – 6 months	1.00		1.00	
6 – 12 months	1.65 (1.46, 1.88)	<.001	1.14 (0.95, 1.38)	.163
> 12 months	2.08 (1.80, 2.39)	<.001	1.35 (1.11, 1.65)	.003
Offence type/s at index case				
Aggravated sexual assault, with no child sex offence	2.78 (2.05, 3.76)	<.001	3.11 (2.42, 4.00)	<.001
Aggravated sexual assault, with child sex offence	1.20 (0.94, 1.52)	.147	1.93 (1.50, 2.50)	<.001
Child sex offence, with no aggravated sexual assault	0.30 (0.20, 0.47)	<.001	0.47 (0.23, 0.95)	.037
Serious assault resulting in injury	1.99 (1.71, 2.32)	<.001	1.02 (0.84, 1.23)	.850
Robbery	0.79 (0.67, 0.93)	.001	0.84 (0.68, 1.05)	.130
Break and enter	0.67 (0.58, 0.79)	<.001	0.70 (0.56, 0.88)	.002
Theft and related offence	0.99 (0.86, 1.13)	.868	0.57 (0.46, 0.72)	<.001
Illicit drug offence	0.53 (0.47, 0.61)	<.001	0.55 (0.45, 0.69)	<.001
Domestic violence related offence	1.20 (0.97, 1.49)	.089	0.62 (0.65, 0.88)	<.001
Strictly indictable offence	0.91 (0.80, 1.04)	.174	2.18 (1.82, 2.62)	<.001

Note. Only those variables that were independently associated with plea were included in the model.

- defendants with more than one charge were less likely to plead not guilty than plead guilty late (i.e., were more likely to plead guilty late) than were those with only one charge;
- as the time from the earliest offence date to the committal date increased, defendants were more likely to enter a not guilty plea than to enter a late guilty plea;
- those charged with aggravated sexual assault were more likely to plead not guilty than to plead guilty late;
- those charged with both aggravated sexual assault (with or without child sex offences) and a child sex offence were more likely to enter a not guilty plea than a late guilty plea;
- defendants charged with child sex offences not involving aggravated sexual assault were less likely to plead not guilty than to plead guilty late (i.e., were more likely to plead guilty late);
- defendants charged with break and enter, theft and related offences, illicit drug offences and with domestic violence related offences were less likely to plead not guilty than to plead guilty late (i.e., more likely to plead guilty late);
- defendants charged with strictly indictable offences were more likely to plead not guilty than enter a late guilty plea.

Discussion

The aim of this study was to examine the effect of demographic and offending characteristics and prior experience with the criminal justice system on how a defendant pleads, whether a not guilty or guilty plea is entered, and whether the guilty plea is entered early or late.

Results of the logistic regression analyses examining not guilty versus guilty pleas, late versus early guilty pleas, and not guilty versus late guilty pleas are summarised in Table 4. In the 'not guilty vs. guilty plea' column, a '+' sign indicates that the factor was associated with an increased likelihood of a not guilty plea, and a '-' indicates that the factor was associated with a decreased likelihood of a not guilty plea (i.e., an increased likelihood of a guilty plea). Similarly, in the 'late vs. early guilty plea' column, a '+' sign indicates that the factor was associated with an increased likelihood of a late guilty plea, and a '-' indicates that the factor was associated with a decreased likelihood of a late guilty plea. In the 'not guilty vs. late guilty plea' column, a '+' sign indicates that the factor was associated with an increased likelihood of a not guilty plea, and a '-' indicates that the factor was associated with a decreased likelihood of a not guilty plea. Where there was no independent association between the factor examined and the plea outcome the column has been left blank.

The table shows that often factors that were associated with pleading not guilty versus guilty were also related to pleading guilty late versus early, and pleading not guilty versus pleading guilty late. For example, with increasing age, defendants were more likely to plead not guilty, and those who did plead guilty were more likely to plead guilty late rather than early. Similarly, as the time between offence and the date of committal increased the likelihood of a defendant pleading not guilty increased, as did the likelihood of a defendant pleading guilty late rather than early. In terms of the type of charge/s, defendants charged with aggravated sexual assault with no

Table 4. Summary of factors related to plea

	Not guilty vs. guilty plea	Late vs. early guilty plea	Not guilty vs. late guilty
Year index case was finalised		+	
Age of the defendant at court finalisation (years)	+	+	+
At least one conviction in the 10 years prior to the index case	-	+	-
Higher Court appearance in the 10 years prior to the index case	+		+
Court appearance in the 10 years prior to the index case where 'not guilty on any offence'	+	+	
Prison sentence in 10 years prior to the index case	-		-
Time between the earliest offence date and committal date relating to the index case	+	+	+
Number of charges/concurrent offences at the index case	-	+	-
Offence type/s at the index case			
Aggravated sexual assault, with no child sex offence	+	+	+
Aggravated sexual assault, with child sex offence	+		+
Child sex offence, with no aggravated sexual assault	-	-	-
Serious assault resulting in injury	+	+	
Robbery	-	-	
Break and enter	-	-	-
Theft and related offence	-		-
Illicit drug offence	-	-	-
Domestic violence related offence	-		-
Strictly indictable offence	+		+

child sex offence were more likely to plead not guilty, and when entering a guilty plea were more likely to enter a late guilty plea than an early guilty plea. Contrastingly, those charged with break and enter and illicit drug offences were more likely to enter a guilty plea than a not guilty plea and were more likely to plead guilty early rather than late.

In terms of identifying cases that could be targeted in order to increase the rate of early guilty pleas, the most useful results perhaps relate to factors found to be associated with an increased likelihood of a late guilty plea versus an early guilty plea, while also being associated with a decreased likelihood of a not guilty plea. The only factors found to have these effects were whether the defendant had a conviction in the 10 years prior to the index case, and the number of concurrent offences. That is, those with a prior conviction were less likely to plead not guilty than those without a prior conviction, while they were more likely to plead guilty late than were those without a prior conviction. Similarly, those with more than one charge were less likely to plead not guilty than those with only one charge, and they were more likely to plead guilty late rather than early than were those with only one charge. There was also a tendency for those charged with domestic violence offences to be more likely to plead guilty late rather than early, while being less likely to plead not guilty.

While this study identified factors associated with the type of plea entered by defendants, it is important to note that more complex factors, beyond the scope of the data used in this study, may influence the timing of a defendant's guilty plea. Further, it should not be assumed that the factors identified in this study as correlates or predictors of whether a defendant enters a guilty plea and whether that plea is entered early or late are themselves 'causes' or 'reasons' for the defendant's decision. These factors may have predictive value simply because they help signal the strength of the Crown case against an accused person.

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Notes

1. Ordinarily when presenting results from a multinomial logistic regression, the same reference category would be used for each of the comparisons (e.g., the comparisons could be early vs. late guilty pleas, and not guilty vs. late guilty pleas). In this study, the results are presented using different reference categories, so that late guilty pleas are compared to early guilty pleas, and not guilty pleas are compared to late guilty pleas.

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