



Have New South Wales criminal courts become more lenient in the past 20 years?

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Aim: To investigate whether the NSW Higher and Local Courts have become more lenient across a range of offence categories.

Method: Examination of trends from 1994 to 2013 in bail outcomes, the use of imprisonment as a sanction for convicted offenders, and average length of prison sentence imposed for convicted offenders.

Results: The NSW criminal courts have become more restrictive in the granting of bail; have increased their use of imprisonment for convicted offenders; and have lengthened average prison sentences across many offence types in the past two decades.

Conclusion: There is no evidence that the NSW criminal court have become more lenient overall in the past two decades; on the contrary, sentencing has become more severe in many offence categories.

Keywords: New South Wales, criminal courts, bail outcome, sentence, imprisonment, trends

Introduction

Research by the New South Wales (NSW) Bureau of Crime Statistics and Research has shown that the NSW public generally underestimate the severity of sentences imposed by NSW courts on convicted offenders (Snowball & Jones, 2012). The same research also suggests that the perception of leniency in sentencing undermines public confidence in the administration of the criminal justice system. This Bulletin examines the question of whether or not the NSW criminal courts have become more lenient over the past two decades. It updates previous publications by the NSW Bureau of Crime Statistics and Research which explored this issue by examining trends in bail refusal rates and sentencing practices of NSW Higher and Local Courts (Baker, 1998; Fitzgerald, 2001; Lulham & Fitzgerald, 2008). These previous reports all largely concluded that, contrary to popular opinion, NSW criminal courts had become harsher rather than more lenient. However, there remains vigorous public debate from a variety of voices, including media, the legal fraternity, politicians and victim advocacy groups, regarding the perceived leniency of criminal courts. The availability of current and relevant data is needed

to promote informed discussion. This Bulletin presents timely updates on trends in bail outcomes, the use of imprisonment as a penalty for convicted offenders and the average length of sentence for offenders given a prison sentence.

Method

Data from the NSW Higher Courts (District and Supreme Courts) and Local Courts were examined to answer two questions:

1. Has the proportion of defendants refused bail changed over the past 20 years?
2. Has the severity of sentencing outcomes changed in the past 20 years?

Trends in bail and sentencing outcomes were examined for criminal matters finalised between 1994 and 2013. Analyses were limited to persons for whom the selected offence was the most serious offence they were defending or for which they were convicted.¹ The reason for considering only the most serious offence was to minimise the influence of more serious concurrent charges on the outcome for the offence of interest.

Trends in bail outcomes for defendants in Higher and Local Courts were examined by analysing the percentage of defendants who were refused bail in the period immediately prior to the finalisation date for their charge(s). Trends in sentencing severity were measured by examining trends in the percentage of convicted offenders imprisoned and the average length of prison sentence for offenders receiving a custodial penalty. Statistical tests were conducted to determine whether significant upward or downward trends exist.² Average prison sentences were computed based on the minimum (non-parole) or fixed term of imprisonment imposed for the offence.³ An Appendix is also provided which includes the raw numbers used to calculate the percentage of defendants who were bail refused and the percentage receiving a sentence of imprisonment.

The trend in the NSW prison population is also presented. This trend is based on all persons remanded or sentenced to adult custodial corrective services in NSW on the date of the National Prison Census (June 30) (Australian Bureau of Statistics, 2013). More details on the scope of the data on the prisoner population are available elsewhere (Australian Bureau of Statistics, 2013).

The offence categories used are based on the Australian Bureau of Statistics Australian and New Zealand Standard Offence Classification (ANZSOC, 2011), with the exception of *murder*, which has been shown separately from other offences included in the *homicide and related offences* category.⁴ Tables containing data from Local and Higher Criminal Courts exclude two offence categories: *miscellaneous* and *unknown offences* categories. In addition, Higher Courts tables exclude *traffic and vehicle regulatory offences* due to small annual number of incidents in this category.

Results

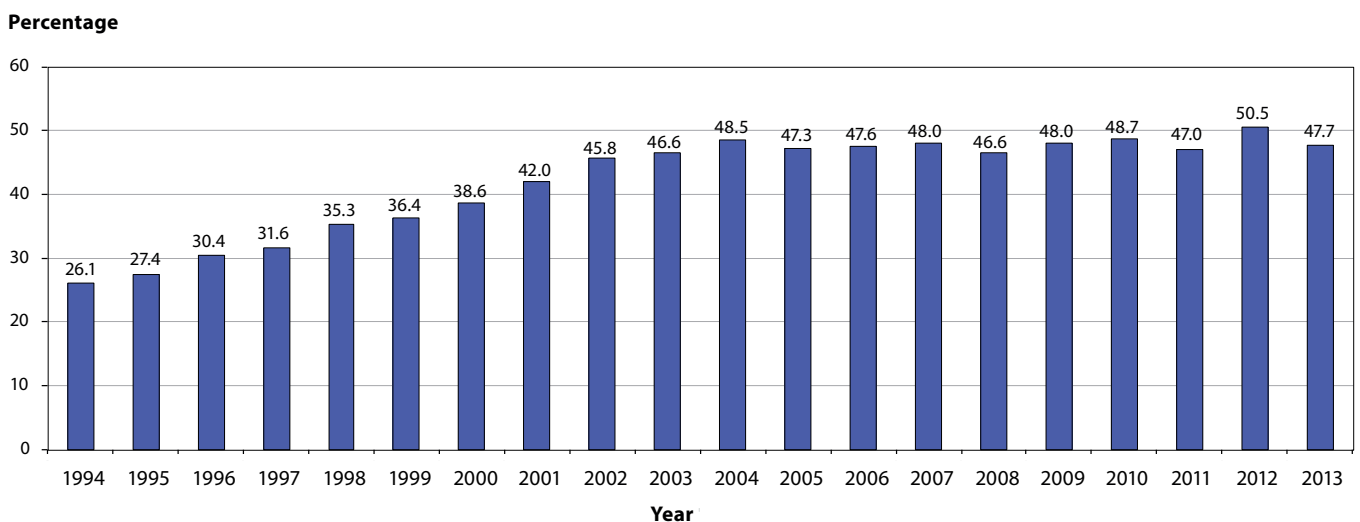
Trends in the Higher Courts

Bail outcomes

Figure 1 shows the percentage of all defendants appearing in the NSW Higher Courts between 1994 and 2013 who were refused bail. There has been a statistically significant upward trend in the proportion of defendants refused bail over the 20 year period ($p < .001$), with the percentage increasing by 23 percentage points from 26.1 per cent in 1994 to 47.7 per cent in 2013. However, it is important to note that, while there was a steady increase in the proportion of defendants refused bail over the first decade examined (1994 to 2003), this was followed by a period of relative stability between 2004 and 2013.

Table 1 shows the trends in the proportion of defendants in the NSW Higher Courts who were refused bail between 1994 and 2013, by offence type. There was a significant upward trend in the proportion of defendants who were refused bail over the 20 year period across 11 of the 15 offence categories examined. Offence categories that experienced pronounced increases in bail refusal between 1994 and 2013 include: *homicide and related offences* (up by 30.8 percentage points); offences involving *property damage and environmental pollution* (up by 34.7 percentage points); and *abduction, harassment and other offences against the person* (up by 27.3 percentage points); *prohibited and regulated weapons and explosives offences* (up by 28.1 percentage points); and *fraud, deception and related offences* (up by 25.8 percentage points).

Figure 1. Percentage of all defendants appearing in NSW Higher Courts who were refused bail in each year from 1994 to 2013



While there was no statistically significant trend in the proportion of defendants refused bail for *theft and related offences* over the entire study period, it can be seen from Table 1 that there were substantial increases over the period 1994 to 2005 (from 22.5% to 60.5%), after which the proportion declined and remained relatively stable. Likewise, while there was no statistically significant trends found for *unlawful entry*

with intent/burglary, break and enter offences, this is because the percentage of defendants refused bail rose fairly consistently between 1994 and 2005 but then declined again. It remains considerably higher than it was between 1994 and 1997. No significant downward trends were seen for any offence categories examined.

Table 1. Percentage of defendants who were refused bail, by principal offence, NSW Higher Criminal Courts, 1994 to 2013

| Year | Murder | Homicide and related offences | Acts intended to cause injury | Sexual assault and related offences | Dangerous or negligent acts endangering persons | Abduction, harassment and other offences against the person | Robbery, extortion and related offences | Unlawful entry with intent/burglary, break and enter | Theft and related offences | Fraud, deception and related offences | Illicit drug offences | Prohibited and regulated weapons and explosives offences | Property damage and environmental pollution | Public order offences | Offences against justice procedures, government security and government operations |
|-----------------------------------|---------|-------------------------------|-------------------------------|-------------------------------------|---|---|---|--|----------------------------|---------------------------------------|-----------------------|--|---|-----------------------|--|
| 1994 | 65.2 | 11.7 | 24.8 | 11.8 | 1.8 | 31.1 | 48.3 | 38.9 | 22.5 | 10.1 | 19.2 | 25.0 | 19.4 | 34.6 | 46.4 |
| 1995 | 59.1 | 21.9 | 23.3 | 11.4 | 4.2 | 37.5 | 48.9 | 47.8 | 24.8 | 9.9 | 19.0 | 44.4 | 20.6 | 33.3 | 40.6 |
| 1996 | 77.1 | 21.0 | 27.1 | 14.9 | 6.3 | 38.8 | 49.7 | 46.9 | 28.2 | 6.9 | 27.1 | 10.0 | 26.7 | 57.5 | 38.1 |
| 1997 | 60.8 | 24.5 | 29.3 | 11.6 | 5.3 | 50.5 | 55.7 | 46.8 | 26.7 | 16.4 | 25.9 | 25.0 | 29.3 | 27.6 | 33.0 |
| 1998 | 74.7 | 18.7 | 29.9 | 16.5 | 2.2 | 44.0 | 57.8 | 55.0 | 30.6 | 12.0 | 31.8 | 42.9 | 31.6 | 48.1 | 32.1 |
| 1999 | 53.5 | 22.1 | 32.4 | 12.2 | 4.7 | 40.5 | 60.1 | 60.9 | 45.3 | 17.9 | 33.0 | 18.2 | 21.3 | 57.1 | 33.3 |
| 2000 | 63.7 | 25.9 | 35.0 | 12.7 | 10.2 | 36.3 | 62.5 | 58.9 | 34.2 | 14.8 | 34.3 | 40.0 | 31.8 | 38.9 | 35.1 |
| 2001 | 78.9 | 29.6 | 38.3 | 15.7 | 3.8 | 45.5 | 62.7 | 60.9 | 52.5 | 18.4 | 36.3 | 54.5 | 24.2 | 29.4 | 32.6 |
| 2002 | 88.9 | 31.2 | 43.4 | 21.3 | 15.2 | 51.9 | 63.5 | 61.4 | 57.1 | 19.8 | 36.8 | 34.8 | 59.3 | 42.4 | 42.0 |
| 2003 | 82.6 | 36.3 | 52.3 | 22.0 | 4.4 | 60.0 | 60.2 | 59.5 | 50.0 | 22.7 | 40.5 | 44.4 | 44.4 | 56.3 | 43.7 |
| 2004 | 92.9 | 32.2 | 46.9 | 23.0 | 7.7 | 63.8 | 60.8 | 63.5 | 52.0 | 21.1 | 49.2 | 48.6 | 35.0 | 45.5 | 34.3 |
| 2005 | 85.9 | 36.5 | 40.7 | 24.0 | 4.0 | 56.9 | 63.6 | 67.6 | 60.5 | 22.6 | 45.1 | 46.9 | 57.7 | 38.9 | 37.3 |
| 2006 | 88.7 | 36.2 | 47.6 | 28.4 | 4.2 | 60.6 | 61.8 | 59.7 | 48.4 | 23.5 | 45.4 | 48.4 | 48.0 | 35.1 | 46.9 |
| 2007 | 91.4 | 41.2 | 48.3 | 24.1 | 2.9 | 67.3 | 66.9 | 53.6 | 46.8 | 27.1 | 45.3 | 50.0 | 52.8 | 65.5 | 37.7 |
| 2008 | 82.4 | 35.9 | 44.4 | 30.0 | 29.6 | 55.9 | 61.2 | 49.4 | 51.1 | 31.7 | 44.1 | 50.0 | 55.0 | 57.1 | 31.8 |
| 2009 | 86.3 | 49.6 | 44.8 | 35.7 | 14.8 | 52.3 | 60.3 | 55.5 | 43.5 | 21.4 | 46.1 | 51.9 | 65.8 | 36.0 | 37.9 |
| 2010 | 84.2 | 41.7 | 43.5 | 32.1 | 11.8 | 55.5 | 64.5 | 58.2 | 46.2 | 33.9 | 45.3 | 56.5 | 61.3 | 38.9 | 40.0 |
| 2011 | 85.5 | 31.1 | 45.5 | 28.9 | 13.8 | 62.6 | 59.9 | 50.1 | 38.5 | 29.9 | 47.9 | 48.6 | 52.6 | 30.0 | 69.8 |
| 2012 | 94.1 | 44.4 | 41.8 | 33.4 | 5.9 | 62.5 | 63.4 | 47.5 | 44.3 | 36.4 | 50.3 | 37.5 | 62.5 | 54.1 | 72.4 |
| 2013 | 86.1 | 42.5 | 48.9 | 28.4 | 20.0 | 58.4 | 63.6 | 55.0 | 47.9 | 35.9 | 43.3 | 53.1 | 54.1 | 36.4 | 30.2 |
| Percentage point change 1994-2013 | 20.9 | 30.8 | 24.1 | 16.6 | 18.2 | 27.3 | 15.3 | 16.1 | 25.4 | 25.8 | 24.1 | 28.1 | 34.7 | 1.8 | -16.2 |
| Trend | Upward* | Upward** | Upward** | Upward** | Upward* | Upward** | Upward** | Stable | Stable | Upward** | Upward** | Upward* | Upward** | Stable | Stable |

Note. Excludes *miscellaneous offences*; *unknown offences*; and *traffic and regulatory offences*.
*Statistically significant at < .05, **statistically significant at < .001

Sentencing outcomes

Table 2 displays the trends in the proportion of convicted offenders who received a sentence of imprisonment in NSW Higher Courts from 1994 to 2013, by offence type. From this Table, it can be seen that the use of imprisonment in NSW Higher Courts increased significantly for 10 of the 15 offence categories presented. The offence categories with the most marked increases in the proportion of convicted offenders receiving a sentence of imprisonment were: *fraud, deception and related offences* (up by 44.9 percentage points); *dangerous*

or negligent acts endangering persons (up by 41.4 percentage points);⁵ and *prohibited and regulated weapons and explosive offences* (up by 37.7 percentage points).

It should be noted that the imprisonment rate for *murder* remained stable as all defendants convicted in this category received a custodial penalty throughout the entire 20 year period. Moreover, while the imprisonment rates for *robbery, extortion and related offences*, and *unlawful entry with intent/burglary, break and enter*, showed no statistically significant increase over the 20 year period, neither category of offence

Table 2. Percentage of convicted offenders imprisoned, by principal offence, NSW Higher Criminal Courts, 1994 to 2013

| Year | Murder | Homicide and related offences | Acts intended to cause injury | Sexual assault and related offences | Dangerous or negligent acts endangering persons | Abduction, harassment and other offences against the person | Robbery, extortion and related offences | Unlawful entry with intent/burglary, break and enter | Theft and related offences | Fraud, deception and related offences | Illicit drug offences | Prohibited and regulated weapons and explosives offences | Property damage and environmental pollution | Public order offences | Offences against justice procedures, government security and government operations |
|-----------------------------------|--------|-------------------------------|-------------------------------|-------------------------------------|---|---|---|--|----------------------------|---------------------------------------|-----------------------|--|---|-----------------------|--|
| 1994 | 100.0 | 60.6 | 44.0 | 62.2 | 14.9 | 40.7 | 72.7 | 59.5 | 45.7 | 32.7 | 45.2 | 42.9 | 32.9 | 45.7 | 57.3 |
| 1995 | 100.0 | 46.0 | 45.6 | 68.1 | 28.3 | 57.1 | 71.8 | 67.4 | 51.6 | 34.7 | 47.0 | 50.0 | 43.8 | 44.4 | 54.5 |
| 1996 | 100.0 | 60.0 | 55.9 | 68.3 | 38.7 | 57.9 | 74.1 | 73.8 | 58.2 | 40.5 | 57.6 | 69.6 | 33.3 | 70.8 | 47.2 |
| 1997 | 100.0 | 69.2 | 54.1 | 67.5 | 30.2 | 80.0 | 78.1 | 64.2 | 55.3 | 49.7 | 58.5 | 61.9 | 36.0 | 35.3 | 58.5 |
| 1998 | 100.0 | 76.3 | 49.4 | 67.1 | 37.5 | 71.4 | 78.9 | 69.3 | 55.5 | 40.9 | 61.0 | 66.7 | 34.2 | 59.3 | 60.4 |
| 1999 | 100.0 | 71.6 | 57.8 | 66.9 | 57.1 | 56.1 | 85.1 | 71.2 | 66.1 | 48.4 | 63.9 | 62.5 | 36.8 | 34.8 | 57.9 |
| 2000 | 100.0 | 74.0 | 55.9 | 65.3 | 62.5 | 56.4 | 83.1 | 73.3 | 54.2 | 57.8 | 64.4 | 45.2 | 43.6 | 44.1 | 52.8 |
| 2001 | 100.0 | 78.8 | 60.1 | 64.9 | 56.0 | 68.1 | 77.5 | 73.1 | 61.3 | 59.3 | 60.5 | 54.5 | 43.5 | 47.1 | 51.7 |
| 2002 | 100.0 | 75.6 | 63.4 | 70.0 | 61.5 | 71.1 | 79.1 | 74.9 | 67.8 | 62.9 | 61.0 | 72.7 | 55.6 | 51.4 | 60.7 |
| 2003 | 100.0 | 72.8 | 66.1 | 66.4 | 54.5 | 83.0 | 80.1 | 77.4 | 61.5 | 70.1 | 62.6 | 66.7 | 53.3 | 54.5 | 50.0 |
| 2004 | 100.0 | 74.1 | 64.8 | 72.4 | 51.0 | 86.0 | 80.0 | 76.3 | 60.2 | 56.8 | 67.0 | 72.0 | 45.9 | 54.2 | 52.9 |
| 2005 | 100.0 | 76.5 | 61.1 | 73.6 | 51.0 | 77.1 | 80.8 | 75.4 | 72.0 | 68.2 | 65.4 | 69.8 | 76.2 | 40.5 | 53.7 |
| 2006 | 100.0 | 71.3 | 59.0 | 73.8 | 52.1 | 60.0 | 77.3 | 75.7 | 64.1 | 55.9 | 65.8 | 65.1 | 50.0 | 35.9 | 60.3 |
| 2007 | 100.0 | 78.6 | 67.6 | 75.9 | 58.3 | 85.4 | 78.5 | 68.8 | 67.1 | 73.8 | 66.6 | 66.7 | 63.6 | 45.7 | 33.3 |
| 2008 | 100.0 | 74.4 | 62.4 | 73.5 | 63.0 | 82.0 | 78.5 | 69.0 | 59.8 | 61.5 | 61.6 | 75.5 | 66.7 | 40.8 | 48.8 |
| 2009 | 100.0 | 79.0 | 72.0 | 79.8 | 81.3 | 71.2 | 78.8 | 66.8 | 64.6 | 69.9 | 62.4 | 78.7 | 66.7 | 47.1 | 66.7 |
| 2010 | 100.0 | 85.1 | 65.8 | 74.0 | 50.0 | 80.3 | 79.3 | 70.1 | 65.5 | 72.2 | 61.8 | 75.0 | 64.3 | 50.0 | 53.8 |
| 2011 | 100.0 | 77.9 | 72.1 | 78.8 | 70.6 | 74.5 | 76.1 | 61.7 | 64.3 | 67.6 | 63.7 | 63.8 | 61.5 | 55.6 | 67.1 |
| 2012 | 100.0 | 82.9 | 70.7 | 74.3 | 76.2 | 78.9 | 76.8 | 63.2 | 56.0 | 59.4 | 65.9 | 74.1 | 78.6 | 56.9 | 58.2 |
| 2013 | 100.0 | 88.3 | 69.0 | 74.6 | 56.3 | 76.7 | 79.1 | 66.2 | 68.5 | 77.6 | 59.8 | 80.6 | 35.0 | 61.3 | 57.6 |
| Percentage point change 1994-2013 | 0.0 | 27.7 | 25.0 | 12.4 | 41.4 | 36.0 | 6.4 | 6.7 | 22.8 | 44.9 | 14.6 | 37.7 | 2.1 | 15.6 | 0.3 |
| Trend | Stable | Upward** | Upward** | Upward** | Upward* | Upward* | Stable | Stable | Upward* | Upward** | Upward* | Upward* | Upward** | Stable | Stable |

Note. Excludes *miscellaneous offences*; *unknown offences*; and *traffic and regulatory offences*.

Includes persons sentenced to prison or a juvenile institution.

*Statistically significant at < .05, **statistically significant at < .001

could be said to have remained stable. The imprisonment rate for *robbery, extortion and related offences* increased between 1994 and 1999 before stabilising for the remainder of the period. The imprisonment rate for offenders convicted of offences involving *unlawful entry with intent/burglary or break and enter* increased between 1994 and 2003 but then declined between 2003 and 2013. There were no statistically significant downward trends for any of the offence categories over the 20 year period examined.

Table 3 displays the average length of prison sentences imposed by the Higher Courts for each offence category over the period 1994 to 2013. The average length of prison sentences increased significantly for six offence categories: *murder; homicide and related offences; acts intended to cause injury; unlawful entry with intent/burglary, break and enter; prohibited and regulated weapons and explosive offences; and offences against justice procedures, government security and government operations*. The increases in average length of prison sentence over the

Table 3. Average length of prison sentence (months) imposed against convicted offenders by principal offence, NSW Higher Criminal Courts, 1994 to 2013

| Year | Murder | Homicide and related offences | Acts intended to cause injury | Sexual assault and related offences | Dangerous or negligent acts endangering persons | Abduction, harassment and other offences against the person | Robbery, extortion and related offences | Unlawful entry with intent/burglary, break and enter | Theft and related offences | Fraud, deception and related offences | Illicit drug offences | Prohibited and regulated weapons and explosives offences | Property damage and environmental pollution | Public order offences | Offences against justice procedures, government security and government operations |
|-----------------------------|----------|-------------------------------|-------------------------------|-------------------------------------|---|---|---|--|----------------------------|---------------------------------------|-----------------------|--|---|-----------------------|--|
| 1994 | 154.5 | 35.3 | 19.0 | 29.8 | 10.7 | 22.2 | 27.0 | 16.9 | 15.3 | 22.6 | 27.1 | 18.3 | 17.8 | 11.0 | 9.5 |
| 1995 | 150.3 | 37.7 | 17.1 | 27.5 | 11.9 | 41.2 | 25.9 | 19.5 | 16.1 | 19.4 | 26.8 | 15.2 | 16.7 | 16.1 | 8.8 |
| 1996 | 134.9 | 32.1 | 23.8 | 32.9 | 11.5 | 19.6 | 27.3 | 19.3 | 14.9 | 20.6 | 36.0 | 18.1 | 12.6 | 12.5 | 11.3 |
| 1997 | 145.0 | 43.9 | 19.0 | 33.9 | 18.2 | 30.9 | 25.8 | 18.0 | 15.3 | 21.4 | 39.1 | 16.1 | 16.1 | 11.7 | 11.5 |
| 1998 | 158.9 | 44.2 | 21.6 | 33.3 | 21.9 | 29.7 | 26.3 | 18.1 | 16.1 | 26.1 | 43.9 | 19.5 | 14.5 | 14.5 | 17.3 |
| 1999 | 154.9 | 39.9 | 21.5 | 28.8 | 18.2 | 26.9 | 28.2 | 18.1 | 15.0 | 19.5 | 39.6 | 22.9 | 13.2 | 16.0 | 13.5 |
| 2000 | 188.1 | 39.4 | 20.3 | 31.5 | 18.8 | 21.2 | 24.7 | 18.2 | 13.3 | 19.8 | 28.0 | 15.7 | 13.5 | 15.3 | 10.4 |
| 2001 | 172.6 | 37.8 | 23.0 | 30.3 | 12.8 | 28.6 | 25.7 | 19.4 | 16.3 | 21.1 | 32.0 | 11.8 | 20.6 | 12.4 | 12.9 |
| 2002 | 166.8 | 30.7 | 21.3 | 41.5 | 15.3 | 33.6 | 25.7 | 20.8 | 15.0 | 18.8 | 31.6 | 20.4 | 12.9 | 19.5 | 11.6 |
| 2003 | 177.3 | 41.6 | 25.6 | 38.1 | 14.8 | 29.3 | 27.6 | 20.0 | 14.3 | 20.5 | 33.5 | 25.3 | 19.0 | 13.6 | 10.4 |
| 2004 | 168.0 | 39.3 | 25.8 | 38.3 | 13.2 | 37.1 | 29.8 | 21.2 | 14.6 | 17.1 | 34.6 | 21.9 | 16.7 | 14.2 | 14.4 |
| 2005 | 176.1 | 43.2 | 24.4 | 36.0 | 15.9 | 26.5 | 27.6 | 19.9 | 17.5 | 17.1 | 31.3 | 23.2 | 13.2 | 11.1 | 11.6 |
| 2006 | 206.5 | 49.6 | 23.6 | 39.3 | 16.5 | 33.3 | 24.8 | 19.3 | 15.6 | 16.4 | 31.4 | 18.3 | 15.3 | 14.8 | 15.3 |
| 2007 | 183.9 | 43.8 | 26.0 | 37.2 | 13.0 | 33.7 | 24.3 | 20.6 | 21.7 | 17.5 | 29.8 | 20.8 | 19.2 | 16.3 | 16.7 |
| 2008 | 208.8 | 48.8 | 27.6 | 36.8 | 13.4 | 35.7 | 26.4 | 22.2 | 24.7 | 20.5 | 31.0 | 23.0 | 18.3 | 14.0 | 14.4 |
| 2009 | 201.0 | 50.3 | 26.3 | 34.5 | 13.2 | 28.9 | 25.4 | 21.8 | 20.2 | 17.4 | 32.1 | 21.3 | 23.5 | 15.9 | 21.3 |
| 2010 | 181.6 | 43.6 | 23.8 | 36.2 | 15.2 | 33.3 | 25.3 | 20.4 | 19.1 | 19.2 | 33.3 | 22.2 | 19.6 | 12.5 | 67.3 |
| 2011 | 185.3 | 46.4 | 25.5 | 34.6 | 14.2 | 27.6 | 24.1 | 18.3 | 18.2 | 16.0 | 30.2 | 24.9 | 16.0 | 15.9 | 26.2 |
| 2012 | 208.1 | 56.5 | 21.7 | 30.7 | 16.5 | 26.9 | 23.8 | 19.2 | 15.2 | 19.7 | 30.7 | 21.3 | 14.9 | 22.7 | 23.3 |
| 2013 | 193.2 | 61.8 | 25.3 | 33.4 | 13.7 | 23.4 | 24.5 | 19.8 | 16.4 | 22.3 | 29.6 | 23.9 | 19.1 | 13.4 | 18.7 |
| Percentage change 1994-2013 | 25.0 | 75.1 | 33.2 | 12.1 | 28.0 | 5.4 | -9.3 | 17.2 | 7.2 | -1.3 | 9.2 | 30.6 | 7.3 | 21.8 | 96.8 |
| Trend | Upward** | Upward** | Upward* | Stable | Stable | Stable | Downward* | Upward* | Stable | Stable | Stable | Upward* | Stable | Stable | Upward** |

Note. Excludes *miscellaneous offences*; and *unknown offences*.
Includes persons sentenced to prison or a juvenile institution.
This table excludes 61 persons who were sentenced to life imprisonment.
*Statistically significant at < .05, **statistically significant at < .001

20 year period are particularly large for *offences against justice procedures, government security and government operations* (up by 96.8% from 9.5 months to 18.7 months), *homicide and related offences* (up by 75.1% from 35.3 months to 61.8 months), and *acts intended to cause injury* (up by 33.2% from 19.0 months to 25.3 months). There was one statistically significant downward trend: *robbery, extortion and related offences* (down by 9.3% from 27.0 months to 24.5 months). The decrease in the average sentence length for robbery may be linked to the increase in the proportion of persons convicted of robbery given a prison sentence (see Discussion section, below).

Trends in Local Courts

Bail outcomes

The trend in the proportion of all defendants refused bail in NSW Local Courts between 1994 and 2013 is shown in Figure 2. There is a statistically significant upward trend ($p < .001$) over the 20 year period, with the proportion almost doubling from 4.7 per cent of defendants being refused bail in 1994 to 8.8 per cent in 2013. It can be seen from Figure 2 that the trend in bail refusal in the Local Court has not been constant, but grew between 1994 and 2008, then dipped to 7.2 per cent in 2011 before climbing again to a high of 8.8 per cent in 2013.

Figure 2. Percentage of all defendants appearing in NSW Local Courts who were refused bail in each year from 1994 to 2013

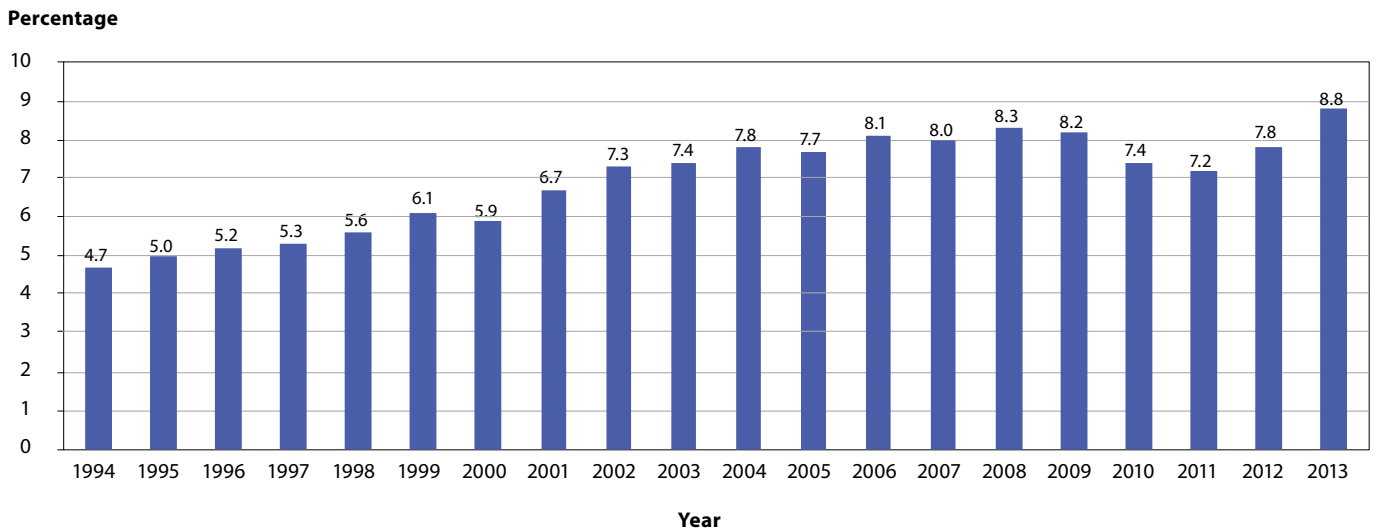


Table 4 shows the trends in the proportion of defendants refused bail in NSW Local Courts by offence category. During this period the proportion of defendants refused bail rose significantly for 12 of the 15 offence categories. Some particularly notable increases include: *unlawful entry with intent/burglary, break and enter* (up by 27.4 percentage points); *theft and related offences* (up by 11.6 percentage points); and *fraud, deception and related offences* (up by 9.1 percentage points).

There were no statistically significant trends for three offence categories: *homicide and related offences*; *robbery, extortion and related offences*; and *illicit drug offences*. Interestingly, the proportion of defendants refused bail for *illicit drug offences* was increasing until it peaked in 2004, then fell consistently until 2012. A similar, yet less consistent pattern is seen for *robbery, extortion and related offences*, with the proportion of defendants refused bail generally increasing until 2004, and then declining until 2011.

Table 4. Percentage of defendants who were refused bail, by principal offence, NSW Local Courts, 1994 to 2013

| Year | Homicide and related offences | Acts intended to cause injury | Sexual assault and related offences | Dangerous or negligent acts endangering persons | Abduction, harassment and other offences against the person | Robbery, extortion and related offences | Unlawful entry with intent/burglary, break and enter | Theft and related offences | Fraud, deception and related offences | Illicit drug offences | Prohibited and regulated weapons and explosives offences | Property damage and environmental pollution | Public order offences | Traffic and vehicle regulatory offences | Offences against justice procedures, government security and government operations |
|-----------------------------------|-------------------------------|-------------------------------|-------------------------------------|---|---|---|--|----------------------------|---------------------------------------|-----------------------|--|---|-----------------------|---|--|
| 1994 | 0.0 | 5.5 | 7.3 | 1.3 | 7.2 | 28.9 | 17.8 | 7.6 | 6.6 | 3.6 | 2.8 | 3.5 | 2.3 | 1.2 | 14.1 |
| 1995 | 0.0 | 5.8 | 6.7 | 1.1 | 9.7 | 22.3 | 21.4 | 8.2 | 7.1 | 4.5 | 4.3 | 3.8 | 3.0 | 1.2 | 13.2 |
| 1996 | 0.0 | 5.4 | 5.9 | 1.5 | 7.8 | 24.7 | 23.5 | 9.1 | 6.3 | 4.6 | 4.7 | 3.4 | 3.7 | 1.3 | 11.5 |
| 1997 | 0.0 | 5.5 | 5.8 | 1.4 | 8.0 | 27.9 | 22.6 | 9.7 | 6.6 | 5.2 | 4.5 | 4.1 | 3.7 | 1.2 | 9.9 |
| 1998 | 0.0 | 5.6 | 5.7 | 1.9 | 10.8 | 29.5 | 25.3 | 10.7 | 7.7 | 3.9 | 3.9 | 3.8 | 4.3 | 1.3 | 11.2 |
| 1999 | 2.8 | 7.1 | 8.1 | 2.1 | 10.9 | 31.1 | 29.8 | 11.4 | 9.0 | 4.9 | 2.7 | 4.4 | 4.2 | 1.7 | 10.8 |
| 2000 | 0.0 | 6.2 | 5.8 | 2.5 | 9.0 | 27.1 | 29.4 | 12.0 | 8.8 | 4.8 | 4.0 | 4.5 | 4.2 | 1.7 | 9.9 |
| 2001 | 0.8 | 7.1 | 7.5 | 2.6 | 12.1 | 32.1 | 36.5 | 13.2 | 10.1 | 6.1 | 4.4 | 3.6 | 7.0 | 1.8 | 10.0 |
| 2002 | 0.8 | 8.1 | 9.8 | 2.5 | 15.2 | 24.3 | 34.2 | 13.5 | 10.0 | 7.3 | 6.1 | 5.1 | 7.3 | 2.1 | 13.5 |
| 2003 | 4.3 | 8.8 | 9.8 | 2.8 | 16.0 | 25.2 | 39.4 | 14.5 | 9.8 | 7.4 | 5.3 | 4.5 | 7.9 | 2.1 | 15.5 |
| 2004 | 1.8 | 9.8 | 11.1 | 2.6 | 14.4 | 39.6 | 44.2 | 16.1 | 9.5 | 8.0 | 6.4 | 4.6 | 7.6 | 2.1 | 18.0 |
| 2005 | 0.0 | 10.4 | 9.8 | 2.9 | 11.6 | 37.9 | 44.4 | 16.5 | 9.8 | 6.8 | 7.1 | 5.0 | 7.1 | 1.9 | 18.6 |
| 2006 | 3.7 | 10.6 | 13.8 | 2.9 | 14.6 | 35.4 | 44.1 | 16.4 | 11.2 | 6.4 | 7.3 | 5.7 | 7.2 | 2.2 | 18.3 |
| 2007 | 0.0 | 10.4 | 14.3 | 3.3 | 15.0 | 33.3 | 41.1 | 16.2 | 10.4 | 6.2 | 6.4 | 6.2 | 6.5 | 2.2 | 19.0 |
| 2008 | 2.0 | 10.5 | 13.7 | 3.6 | 16.5 | 34.9 | 41.7 | 19.4 | 13.3 | 6.3 | 6.6 | 5.9 | 8.6 | 2.0 | 18.5 |
| 2009 | 0.0 | 11.0 | 14.8 | 3.6 | 15.7 | 32.0 | 41.2 | 19.3 | 12.1 | 5.3 | 5.9 | 6.7 | 9.4 | 2.0 | 18.0 |
| 2010 | 0.0 | 8.7 | 14.3 | 3.0 | 14.4 | 27.0 | 39.9 | 17.7 | 10.0 | 4.5 | 4.2 | 4.8 | 8.6 | 1.9 | 15.1 |
| 2011 | 0.0 | 8.4 | 13.6 | 3.4 | 11.9 | 22.6 | 42.1 | 15.8 | 12.5 | 4.0 | 5.8 | 4.8 | 8.3 | 1.9 | 14.6 |
| 2012 | 4.3 | 8.1 | 13.1 | 3.9 | 11.2 | 23.3 | 40.6 | 16.7 | 15.4 | 3.8 | 4.8 | 5.6 | 8.6 | 2.0 | 15.6 |
| 2013 | 3.5 | 9.0 | 14.8 | 4.5 | 10.0 | 31.0 | 45.2 | 19.2 | 15.7 | 4.5 | 5.7 | 5.9 | 10.6 | 2.2 | 18.0 |
| Percentage point change 1994-2013 | 3.5 | 3.5 | 7.5 | 3.2 | 2.8 | 2.1 | 27.4 | 11.6 | 9.1 | 0.9 | 2.9 | 2.4 | 8.3 | 1.0 | 3.9 |
| Trend | Stable | Upward** | Upward** | Upward** | Upward* | Stable | Upward** | Upward** | Upward** | Stable | Upward* | Upward** | Upward** | Upward** | Upward* |

Note. Excludes *miscellaneous offences*; and *unknown offences*.

*Statistically significant at < .05, **statistically significant at < .001

Sentencing outcomes

Table 5 shows the proportion of convicted offenders sentenced to imprisonment in the NSW Local Courts from 1994 to 2013, by offence type. The percentage of offenders imprisoned by the Local Courts increased significantly for 10 of the 15 offence categories. The offence categories with the largest increase in the proportion of offenders sentenced to imprisonment was *unlawful entry with intent/burglary, break and enter*, where the proportion imprisoned increased 15.9 percentage points (from 33.8% in 1994 to 49.7% in 2013). Table 5 shows that the

increases predominantly occurred in the first half of the study period, remaining relatively stable for 2004 onwards. Similarly, the proportion of offenders receiving an imprisonment sentence for *sexual assault and related offences* more than doubled between 1994 and 2013, from 13.6 per cent to 28.1 per cent. Most of the increase occurred in the first decade of the study period. The only significant downward trend was for offenders convicted of *illicit drug offences*, which fell 1.7 percentage points, from 4.4 per cent in 1994 to 2.7 per cent in 2013.

Table 5. Percentage of convicted offenders imprisoned by principal offence, NSW Local Courts, 1994 to 2013

| Year | Homicide and related offences | Acts intended to cause injury | Sexual assault and related offences | Dangerous or negligent acts endangering persons | Abduction, harassment and other offences against the person | Robbery, extortion and related offences | Unlawful entry with intent/burglary, break and enter | Theft and related offences | Fraud, deception and related offences | Illicit drug offences | Prohibited and regulated weapons and explosives offences | Property damage and environmental pollution | Public order offences | Traffic and vehicle regulatory offences | Offences against justice procedures, government security and government operations |
|-----------------------------------|-------------------------------|-------------------------------|-------------------------------------|---|---|---|--|----------------------------|---------------------------------------|-----------------------|--|---|-----------------------|---|--|
| 1994 | 7.7 | 8.2 | 13.6 | 1.7 | 6.1 | 58.3 | 33.8 | 11.3 | 7.5 | 4.4 | 1.8 | 2.8 | 1.5 | 2.1 | 15.6 |
| 1995 | 8.7 | 9.1 | 15.1 | 1.6 | 6.0 | 27.0 | 36.9 | 11.6 | 7.4 | 5.4 | 2.7 | 3.0 | 2.2 | 2.1 | 17.1 |
| 1996 | 0.0 | 8.0 | 17.0 | 2.0 | 4.1 | 39.5 | 39.3 | 11.8 | 6.6 | 5.6 | 2.9 | 3.5 | 2.3 | 1.8 | 12.7 |
| 1997 | 5.0 | 7.9 | 14.5 | 2.0 | 7.5 | 41.7 | 40.1 | 13.1 | 6.7 | 5.3 | 3.9 | 3.6 | 2.3 | 1.8 | 11.1 |
| 1998 | 2.9 | 8.9 | 12.8 | 2.8 | 12.6 | 48.6 | 42.8 | 14.3 | 9.2 | 4.1 | 5.4 | 3.6 | 2.5 | 2.0 | 13.1 |
| 1999 | 3.1 | 8.8 | 14.8 | 3.2 | 12.2 | 48.3 | 44.4 | 14.2 | 8.5 | 3.9 | 3.7 | 4.2 | 2.0 | 2.4 | 10.8 |
| 2000 | 7.4 | 7.8 | 15.5 | 3.2 | 13.3 | 24.3 | 41.1 | 14.5 | 7.4 | 3.5 | 5.5 | 3.6 | 2.5 | 2.5 | 9.1 |
| 2001 | 1.8 | 8.3 | 23.4 | 3.0 | 14.1 | 43.9 | 45.0 | 14.0 | 8.6 | 5.1 | 3.7 | 3.0 | 4.4 | 2.6 | 9.0 |
| 2002 | 4.3 | 9.0 | 21.2 | 2.7 | 16.2 | 37.2 | 43.7 | 14.1 | 8.9 | 5.7 | 6.6 | 3.3 | 4.5 | 2.8 | 11.9 |
| 2003 | 4.7 | 9.6 | 22.2 | 2.8 | 15.9 | 43.1 | 45.3 | 13.5 | 8.4 | 5.9 | 4.5 | 3.4 | 4.2 | 2.6 | 13.5 |
| 2004 | 5.4 | 10.1 | 30.3 | 2.3 | 15.9 | 43.9 | 48.5 | 15.7 | 8.2 | 5.1 | 5.2 | 3.5 | 3.9 | 2.6 | 15.9 |
| 2005 | 2.3 | 10.2 | 26.6 | 2.8 | 10.6 | 47.8 | 49.0 | 15.4 | 8.6 | 5.1 | 5.2 | 3.4 | 4.1 | 2.3 | 14.6 |
| 2006 | 7.1 | 11.4 | 26.5 | 3.0 | 15.1 | 45.9 | 48.0 | 15.3 | 8.4 | 4.5 | 6.7 | 3.6 | 4.3 | 2.5 | 14.4 |
| 2007 | 11.9 | 11.0 | 27.9 | 3.0 | 14.6 | 45.0 | 47.7 | 15.0 | 9.1 | 4.3 | 5.5 | 4.2 | 3.7 | 2.5 | 15.5 |
| 2008 | 0.0 | 11.3 | 30.9 | 3.1 | 15.9 | 52.4 | 47.2 | 18.7 | 11.2 | 4.6 | 6.0 | 4.0 | 6.1 | 2.5 | 14.8 |
| 2009 | 0.0 | 12.5 | 26.3 | 3.1 | 14.5 | 46.4 | 47.1 | 17.4 | 11.1 | 3.3 | 6.3 | 4.4 | 6.8 | 2.4 | 14.7 |
| 2010 | 2.8 | 11.1 | 29.3 | 3.4 | 13.8 | 39.5 | 46.5 | 17.2 | 10.7 | 3.2 | 6.9 | 3.6 | 6.9 | 2.1 | 14.2 |
| 2011 | 4.3 | 10.6 | 29.8 | 4.8 | 14.2 | 35.7 | 49.5 | 15.1 | 12.4 | 2.9 | 6.5 | 3.6 | 6.5 | 2.2 | 12.8 |
| 2012 | 4.3 | 10.4 | 31.7 | 5.2 | 15.0 | 41.9 | 48.7 | 15.3 | 12.6 | 2.5 | 8.6 | 4.2 | 6.7 | 2.4 | 13.7 |
| 2013 | 6.1 | 11.4 | 28.1 | 7.3 | 13.6 | 45.6 | 49.4 | 16.9 | 12.3 | 2.7 | 6.1 | 5.0 | 8.5 | 2.4 | 14.0 |
| Percentage point change 1994-2013 | -1.6 | 3.2 | 14.5 | 5.6 | 7.5 | -12.1 | 15.9 | 5.6 | 4.8 | -1.7 | 4.3 | 2.2 | 7.0 | 0.3 | -1.6 |
| Trend | Stable | Upward** | Upward** | Upward** | Upward* | Stable | Upward** | Upward** | Upward** | Downward* | Upward** | Upward* | Upward** | Stable | Stable |

Note. Excludes *miscellaneous offences*; and *unknown offences*.

Includes persons sentenced to prison or a juvenile institution.

*Statistically significant at < .05, **statistically significant at < .001

Table 6. Average length of prison sentence (months) imposed against convicted persons by principal offence, NSW Local Courts, 1994 to 2013

| Year | Homicide and related offences | Acts intended to cause injury | Sexual assault and related offences | Dangerous or negligent acts endangering persons | Abduction, harassment and other offences against the person | Robbery, extortion and related offences | Unlawful entry with intent/ burglary, break and enter | Theft and related offences | Fraud, deception and related offences | Illicit drug offences | Prohibited and regulated weapons and explosives offences | Property damage and environmental pollution | Public order offences | Traffic and vehicle regulatory offences | Offences against justice procedures, government security and government operations |
|-----------------------------|-------------------------------|-------------------------------|-------------------------------------|---|---|---|---|----------------------------|---------------------------------------|-----------------------|--|---|-----------------------|---|--|
| 1994 | 6.0 | 4.2 | 5.1 | 5.0 | 5.1 | 8.4 | 7.9 | 5.1 | 5.0 | 4.1 | 4.7 | 2.9 | 4.3 | 3.7 | 3.2 |
| 1995 | 7.5 | 4.3 | 6.8 | 4.7 | 5.4 | 7.1 | 7.7 | 4.9 | 5.4 | 4.3 | 4.5 | 3.1 | 4.5 | 4.0 | 3.2 |
| 1996 | - | 4.3 | 5.3 | 4.7 | 3.0 | 6.3 | 7.4 | 4.7 | 5.3 | 4.0 | 4.7 | 3.2 | 4.9 | 4.0 | 3.2 |
| 1997 | 6.0 | 4.3 | 7.2 | 5.3 | 4.5 | 6.3 | 7.7 | 4.9 | 5.5 | 4.7 | 5.9 | 3.2 | 4.8 | 4.1 | 3.3 |
| 1998 | 8.0 | 4.6 | 6.7 | 5.7 | 4.1 | 8.4 | 7.6 | 4.8 | 5.1 | 4.6 | 5.0 | 3.2 | 4.5 | 4.2 | 3.4 |
| 1999 | 12.0 | 4.4 | 6.2 | 5.1 | 3.5 | 7.9 | 7.5 | 4.4 | 5.3 | 5.0 | 6.6 | 3.6 | 4.8 | 4.9 | 3.5 |
| 2000 | 8.5 | 4.8 | 8.6 | 5.1 | 4.3 | 5.4 | 7.4 | 4.4 | 5.5 | 4.4 | 8.3 | 3.5 | 4.7 | 5.3 | 3.5 |
| 2001 | 9.0 | 4.9 | 6.8 | 5.6 | 4.3 | 6.3 | 7.4 | 4.6 | 5.1 | 5.5 | 5.7 | 3.6 | 5.3 | 5.4 | 3.9 |
| 2002 | 6.0 | 5.1 | 6.7 | 6.4 | 5.1 | 7.1 | 8.1 | 5.0 | 5.7 | 5.5 | 6.2 | 3.8 | 5.2 | 5.9 | 4.3 |
| 2003 | 6.0 | 5.5 | 7.3 | 5.7 | 5.0 | 7.2 | 8.2 | 5.1 | 5.6 | 5.9 | 7.3 | 3.8 | 5.7 | 6.3 | 4.6 |
| 2004 | 7.0 | 5.8 | 7.8 | 5.4 | 5.3 | 6.8 | 8.4 | 5.2 | 6.1 | 5.5 | 6.6 | 3.7 | 5.6 | 6.7 | 4.8 |
| 2005 | 5.0 | 6.2 | 7.5 | 5.6 | 5.0 | 7.8 | 8.5 | 5.4 | 6.0 | 5.3 | 7.8 | 3.4 | 5.4 | 6.6 | 4.9 |
| 2006 | 5.0 | 6.1 | 8.3 | 5.9 | 4.7 | 6.9 | 8.8 | 5.4 | 6.0 | 5.7 | 6.8 | 4.0 | 5.6 | 6.6 | 5.0 |
| 2007 | 6.8 | 6.0 | 7.3 | 5.8 | 4.5 | 7.7 | 8.3 | 4.9 | 6.2 | 5.1 | 7.2 | 3.7 | 5.5 | 6.3 | 4.8 |
| 2008 | - | 6.2 | 8.3 | 5.5 | 5.2 | 7.8 | 8.5 | 5.1 | 5.9 | 5.0 | 7.3 | 4.7 | 5.6 | 6.3 | 4.6 |
| 2009 | - | 6.3 | 8.3 | 6.1 | 5.3 | 8.1 | 9.2 | 5.0 | 6.0 | 4.8 | 7.7 | 4.1 | 5.9 | 6.4 | 4.5 |
| 2010 | 6.0 | 6.2 | 8.0 | 6.5 | 5.1 | 7.2 | 8.9 | 5.0 | 6.6 | 5.1 | 7.2 | 5.4 | 5.9 | 6.2 | 4.5 |
| 2011 | 3.5 | 6.1 | 8.2 | 7.4 | 5.4 | 7.6 | 8.2 | 4.8 | 5.9 | 5.0 | 7.7 | 4.3 | 5.8 | 6.1 | 4.4 |
| 2012 | 12.0 | 6.0 | 8.1 | 7.2 | 4.8 | 8.0 | 8.1 | 4.8 | 6.3 | 4.8 | 7.6 | 4.3 | 5.4 | 6.1 | 4.2 |
| 2013 | 5.5 | 6.0 | 8.3 | 7.1 | 5.0 | 7.4 | 8.3 | 5.0 | 6.7 | 5.2 | 6.9 | 4.5 | 5.9 | 5.9 | 4.2 |
| Percentage change 1994-2013 | -8.3 | 42.9 | 62.7 | 42.0 | -2.0 | -11.9 | 5.1 | -2.0 | 34.0 | 26.8 | 46.8 | 55.2 | 37.2 | 59.5 | 31.3 |
| Trend | Stable | Upward** | Upward** | Upward** | Stable | Stable | Upward* | Stable | Upward** | Stable | Upward** | Upward** | Upward** | Upward* | Upward* |

Note. Excludes *miscellaneous offences*; and *unknown offences*.

Includes persons sentenced to prison or a juvenile institution.

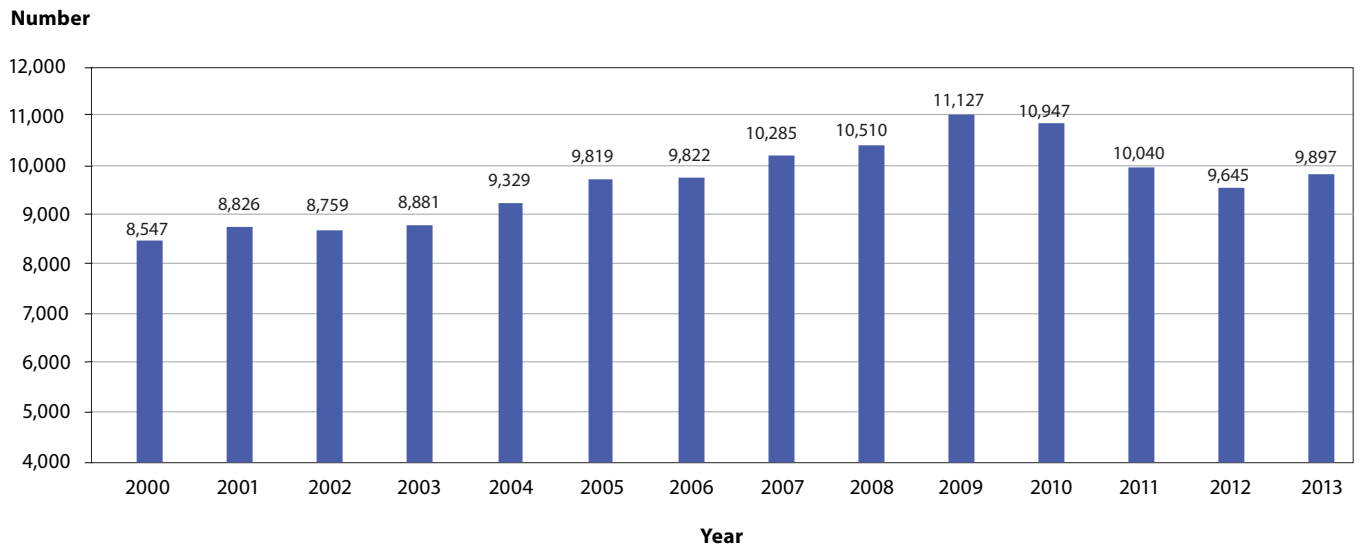
*Statistically significant at < .05, **statistically significant at < .001

Table 6 displays the average length of prison sentence imposed by the Local Courts between 1994 and 2013 for each offence category. Trends in the average length of prison sentences increased for 10 of the 15 offence categories. Notable increases occurred for *sexual assault and related offences* (from 5.1 months to 8.3 months: up by 62.7%); *traffic and regulatory offences* (from 3.7 months to 5.9 months: up by 59.5%); and *property damage and environmental pollution offences* (from 2.9 to 4.5 months: up by 55.2%).

Trends in the NSW Prison Population

The trend toward higher bail refusal rates, higher imprisonment rates and longer sentences has had a marked impact on the size of the prison population. Figure 3 shows the number of adult prisoners (both on remand and sentenced) in the legal custody of NSW Corrective Services on June 30 each year from 2000 to 2013 (including periodic detainees). There has been a significant increase in the number of adult prisoners in the care of NSW Corrective Services over the past 14 years ($p < .0001$), from 8,547 in 2000 to 9,897 in 2013. Figure 3 shows, however, that the increase has not been uniform across this time period, with a sharp dip occurring from 2010 to 2013.

Figure 3. Number of people in prison, NSW, 2000 to 2013



Discussion

As with earlier reports in this series, this report shows that, over the last 20 years in NSW, the proportion of defendants refused bail, the proportion of convicted offenders given a prison sentence and the average length of prison terms, have all risen. The increases have not been uniform across all offence categories but they have been present in most. Of the 90 tests conducted to see if there had been a change in the proportion of defendants refused bail, the proportion of convicted offenders imprisoned, or the average length of sentences imposed, only two showed a statistically significant decline (average sentence lengths for *robbery, extortion and related offences* in the Higher Courts, and proportion of convicted offenders sentenced to prison for *illicit drug offences* in the Local Court). It is true that much of the trend toward tougher bail and sentencing decisions occurred in the decade between 1994 and 2004. However, for most offences, the proportion of defendants refused bail, the proportion of convicted offenders given a prison sentence and the average length of prison terms have all remained high.

A question arises as to why the average sentences imposed on most offenders by the Higher Criminal Courts have been rising, whereas the average sentences imposed by those same courts on persons convicted of robbery have fallen (slightly). It is possible that average sentences may have fallen because the courts are now sending less serious offenders to prison for these sorts of offences. A shift in the profile of imprisoned offenders toward the less serious end of the spectrum would be expected to produce a reduction in average sentence lengths. Another possibility is that the types of robbery offences being committed now are of a less serious variety than in the past.

Similarly, there is reason to attribute at least part of the downward trend in the proportion of illicit drug offenders sentenced to prison in the Local Court to changes in the profile of offences and offenders. An examination of illicit drug offences in the Local Courts reveals that the proportion of offenders receiving a prison sentence fell from 2008 to 2009, and then remained relatively stable. This coincides with a jump in the *number* of offenders convicted of *illicit drug offences* between 2008 and 2009, over 1,000 additional convictions (see Appendix Table A4). Given that the number of people charged with illicit drug offences is largely dependent on policing activity, the increase in convictions is likely to be related to a change in the policing of this offence. It is possible that, with the greater *number* of illicit drug offenders being convicted in the Local Court, the *proportion* of illicit drug offences of a serious nature declined, resulting in a reduction in the proportion of offenders given a prison sentence.

The reasons for the changes to bail and sentencing practices seen in the past two decades, and particularly from 1994 to 2004, are difficult to determine. There are several factors that may be at play, including a response by magistrates and judges to community, media and political pressure for harsher penalties (see Roberts, Stalans, Indermaur, & Hough, 2003). Additionally, legislative changes over this period, including numerous amendments to the *Bail Act 1976* (NSW), progressively restricted the presumption of bail for many offence types and defendants, contributing to the changes in bail refusal. Furthermore, it is possible that changes in bail refusal and sentencing outcomes may be affected by a change in characteristics of defendants over time as police target higher risk offenders.

Other factors that may have influenced trends in sentencing during the study period include the introduction of guideline

judgements in the late 1990s for several offences (see *Crimes (Sentencing Procedure) Act 1999* (NSW)), and the introduction of standard non-parole periods for a broad range of indictable offences (see *Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002* (NSW)). These changes were introduced to promote greater consistency and transparency of sentencing and may have produced some initial increases in severity of penalties and account for some of the greater stability of sentencing in the Higher Courts seen in the latter part of the study period (Poletti & Donnelly, 2010).

ACKNOWLEDGEMENTS

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NOTES

- 1 For bail outcomes, the most serious offence was determined using the offence with the highest Median Sentence Ranking at final appearance. For more information on how the Median Sentence Ranking is determined, see MacKinnell, Poletti, & Holmes (2010).
For sentencing outcomes, the most serious offence is the offence that attracted the maximum penalty. See New South Wales Bureau of Crime Statistics and Research (2014) for a hierarchy of penalty seriousness.
- 2 The trends reported in this bulletin were determined by application of Kendall's rank-order correlation test (two-tailed) with significance level 0.05 (see Conover, 1980). This test assesses whether or not there has been a sustained upward or downward trend in the data over the time period considered. This test for trend is not affected by single aberrantly high or low years.
- 3 Life sentences were excluded from all calculations so the figures presented in this Bulletin are actually an underestimate of the actual average sentence lengths.
- 4 The offence category of *murder* used in this Bulletin includes persons charged with Murder – s18(1)(a).
- 5 The number of people convicted of this offence type was relatively small, varying between 66 and 16 throughout the study period.

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Table A1. Number of defendants who were refused bail, by principal offence, in the NSW Higher Criminal Courts, 1994 to 2013

| Bail status | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Murder - s18(1)(a) | 45 | 26 | 27 | 45 | 68 | 38 | 58 | 75 | 72 | 71 | 78 | 67 | 63 | 74 | 70 | 69 | 64 | 47 | 95 | 68 |
| Total | 69 | 44 | 35 | 74 | 91 | 71 | 91 | 95 | 81 | 86 | 84 | 78 | 71 | 81 | 85 | 80 | 76 | 55 | 101 | 79 |
| Homicide and related offences | 19 | 33 | 35 | 39 | 32 | 38 | 43 | 45 | 44 | 53 | 39 | 54 | 42 | 47 | 42 | 65 | 45 | 32 | 40 | 34 |
| Total | 163 | 151 | 167 | 159 | 171 | 172 | 166 | 152 | 141 | 146 | 121 | 148 | 116 | 114 | 117 | 131 | 108 | 103 | 90 | 80 |
| Acts intended to cause injury | 70 | 76 | 90 | 78 | 115 | 121 | 128 | 140 | 168 | 197 | 168 | 145 | 172 | 188 | 158 | 171 | 151 | 160 | 127 | 156 |
| Total | 282 | 326 | 332 | 266 | 384 | 373 | 366 | 366 | 387 | 377 | 358 | 356 | 361 | 389 | 356 | 382 | 347 | 352 | 304 | 319 |
| Sexual assault and related offences | 92 | 68 | 100 | 90 | 140 | 93 | 77 | 84 | 95 | 96 | 107 | 120 | 133 | 112 | 149 | 184 | 165 | 153 | 154 | 152 |
| Total | 778 | 595 | 671 | 773 | 847 | 763 | 604 | 536 | 446 | 437 | 465 | 499 | 468 | 464 | 496 | 516 | 514 | 530 | 461 | 535 |
| Dangerous or negligent acts endangering | 1 | 1 | 2 | 2 | 2 | 1 | 2 | 5 | 2 | 7 | 3 | 4 | 2 | 2 | 1 | 8 | 4 | 2 | 4 | 1 |
| Total | 61 | 55 | 48 | 32 | 38 | 45 | 43 | 49 | 53 | 46 | 68 | 52 | 50 | 48 | 35 | 27 | 27 | 17 | 29 | 17 |
| Abduction, harassment and other offences against the person | 28 | 27 | 31 | 52 | 44 | 32 | 29 | 50 | 55 | 78 | 67 | 66 | 66 | 74 | 66 | 68 | 76 | 57 | 75 | 73 |
| Total | 90 | 72 | 80 | 103 | 100 | 79 | 80 | 110 | 106 | 130 | 105 | 116 | 109 | 110 | 118 | 130 | 137 | 91 | 120 | 125 |
| Robbery, extortion and related offences | 350 | 322 | 325 | 388 | 481 | 516 | 516 | 520 | 530 | 424 | 394 | 392 | 367 | 380 | 391 | 350 | 398 | 372 | 339 | 405 |
| Total | 725 | 658 | 654 | 697 | 832 | 858 | 826 | 830 | 835 | 704 | 648 | 616 | 594 | 568 | 639 | 580 | 617 | 621 | 535 | 637 |
| Unlawful entry with intent/burglary, break and enter | 193 | 199 | 168 | 133 | 170 | 167 | 172 | 204 | 232 | 304 | 350 | 328 | 276 | 221 | 224 | 248 | 246 | 230 | 217 | 287 |
| Total | 496 | 416 | 358 | 284 | 309 | 274 | 292 | 335 | 378 | 511 | 551 | 485 | 462 | 412 | 453 | 447 | 423 | 459 | 457 | 522 |
| Theft and related offences | 42 | 38 | 29 | 24 | 26 | 43 | 38 | 53 | 72 | 50 | 64 | 49 | 44 | 37 | 46 | 37 | 42 | 37 | 39 | 46 |
| Total | 187 | 153 | 103 | 90 | 85 | 95 | 111 | 101 | 126 | 100 | 123 | 81 | 91 | 79 | 90 | 85 | 91 | 96 | 88 | 96 |
| Fraud, deception and related offences | 39 | 37 | 19 | 39 | 28 | 29 | 28 | 30 | 32 | 30 | 32 | 37 | 32 | 38 | 40 | 24 | 43 | 29 | 36 | 37 |
| Total | 387 | 374 | 277 | 238 | 234 | 162 | 189 | 163 | 162 | 132 | 152 | 164 | 136 | 140 | 126 | 112 | 127 | 97 | 99 | 103 |
| Illicit drug offences | 200 | 147 | 170 | 139 | 156 | 202 | 221 | 241 | 245 | 299 | 380 | 358 | 367 | 334 | 360 | 422 | 359 | 406 | 384 | 370 |
| Total | 1041 | 773 | 627 | 537 | 490 | 613 | 645 | 663 | 665 | 739 | 772 | 793 | 809 | 737 | 816 | 915 | 793 | 848 | 763 | 854 |
| Prohibited and regulated weapons and explosives offences | 8 | 4 | 4 | 1 | 2 | 3 | 2 | 4 | 6 | 8 | 12 | 18 | 23 | 15 | 14 | 14 | 14 | 13 | 17 | 9 |
| Total | 14 | 16 | 9 | 10 | 8 | 7 | 11 | 10 | 11 | 23 | 27 | 37 | 49 | 31 | 28 | 28 | 27 | 23 | 35 | 24 |
| Property damage and environmental pollution | 19 | 14 | 16 | 12 | 12 | 10 | 14 | 8 | 16 | 16 | 14 | 15 | 12 | 19 | 22 | 25 | 19 | 10 | 15 | 20 |
| Total | 98 | 68 | 60 | 41 | 38 | 47 | 44 | 33 | 27 | 36 | 40 | 26 | 25 | 36 | 40 | 38 | 31 | 19 | 24 | 37 |
| Public order offences | 18 | 16 | 23 | 8 | 13 | 12 | 14 | 10 | 14 | 18 | 10 | 14 | 13 | 19 | 20 | 9 | 14 | 9 | 20 | 16 |
| Total | 52 | 48 | 40 | 29 | 27 | 21 | 36 | 34 | 33 | 32 | 22 | 36 | 37 | 29 | 35 | 25 | 36 | 30 | 37 | 44 |
| Offences against justice procedures, government security and government operations | 78 | 56 | 53 | 33 | 27 | 42 | 47 | 28 | 29 | 38 | 24 | 28 | 38 | 23 | 21 | 22 | 28 | 74 | 92 | 29 |
| Total | 168 | 138 | 139 | 100 | 84 | 126 | 134 | 86 | 69 | 87 | 70 | 75 | 81 | 61 | 66 | 58 | 70 | 106 | 127 | 96 |

Note. Excludes miscellaneous offences; unknown offences; and traffic and vehicle regulatory offences.

Table A2. Number of convicted offenders imprisoned, by principal offence, in NSW Higher Criminal Courts, 1994 to 2013

| Principal penalty | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Murder - s18(1)(a) | 31 | 21 | 17 | 26 | 31 | 21 | 35 | 34 | 38 | 39 | 35 | 38 | 33 | 36 | 26 | 28 | 30 | 18 | 48 | 48 |
| Total | 31 | 21 | 17 | 26 | 31 | 21 | 35 | 34 | 38 | 39 | 35 | 38 | 33 | 36 | 26 | 28 | 30 | 18 | 48 | 48 |
| Homicide and related offences | 60 | 40 | 48 | 63 | 74 | 68 | 77 | 78 | 65 | 67 | 60 | 75 | 57 | 77 | 67 | 79 | 74 | 67 | 68 | 53 |
| Total | 99 | 87 | 80 | 91 | 97 | 95 | 104 | 99 | 86 | 92 | 81 | 98 | 80 | 98 | 90 | 100 | 87 | 86 | 82 | 60 |
| Acts intended to cause injury | 154 | 164 | 212 | 179 | 199 | 230 | 210 | 218 | 258 | 283 | 269 | 250 | 236 | 271 | 256 | 288 | 262 | 269 | 234 | 238 |
| Total | 350 | 360 | 319 | 331 | 403 | 398 | 376 | 363 | 407 | 428 | 415 | 409 | 400 | 401 | 410 | 400 | 398 | 373 | 331 | 345 |
| Sexual assault and related offences | 277 | 220 | 218 | 249 | 267 | 247 | 192 | 159 | 170 | 156 | 163 | 195 | 206 | 202 | 222 | 264 | 214 | 256 | 211 | 273 |
| Total | 445 | 323 | 319 | 369 | 398 | 369 | 294 | 245 | 243 | 235 | 225 | 265 | 279 | 266 | 302 | 331 | 289 | 325 | 284 | 366 |
| Dangerous or negligent acts endangering | 7 | 15 | 12 | 13 | 15 | 20 | 30 | 28 | 32 | 36 | 25 | 25 | 25 | 21 | 17 | 26 | 11 | 24 | 16 | 9 |
| Total | 47 | 53 | 31 | 43 | 40 | 35 | 48 | 50 | 52 | 66 | 49 | 49 | 48 | 36 | 27 | 32 | 22 | 34 | 21 | 16 |
| Abduction, harassment and other offences against the person | 11 | 12 | 11 | 16 | 20 | 23 | 22 | 32 | 32 | 39 | 37 | 37 | 30 | 41 | 50 | 42 | 53 | 35 | 45 | 56 |
| Total | 27 | 21 | 19 | 20 | 28 | 41 | 39 | 47 | 45 | 47 | 43 | 48 | 50 | 48 | 61 | 59 | 66 | 47 | 57 | 73 |
| Robbery, extortion and related offences | 397 | 347 | 341 | 400 | 526 | 595 | 566 | 530 | 558 | 475 | 423 | 392 | 382 | 375 | 439 | 408 | 438 | 405 | 370 | 447 |
| Total | 546 | 483 | 460 | 512 | 667 | 699 | 681 | 684 | 705 | 593 | 529 | 485 | 494 | 478 | 559 | 518 | 552 | 532 | 482 | 565 |
| Unlawful entry with intent/burglary, break and enter | 216 | 207 | 192 | 138 | 158 | 166 | 187 | 215 | 265 | 328 | 355 | 312 | 306 | 260 | 278 | 278 | 276 | 245 | 261 | 321 |
| Total | 363 | 307 | 260 | 215 | 228 | 233 | 255 | 294 | 354 | 424 | 465 | 414 | 404 | 378 | 403 | 416 | 394 | 397 | 413 | 485 |
| Theft and related offences | 137 | 128 | 110 | 94 | 81 | 82 | 78 | 73 | 82 | 72 | 80 | 72 | 59 | 53 | 52 | 53 | 72 | 63 | 42 | 76 |
| Total | 300 | 248 | 189 | 170 | 146 | 124 | 144 | 119 | 121 | 117 | 133 | 100 | 92 | 79 | 87 | 82 | 110 | 98 | 75 | 111 |
| Fraud, deception and related offences | 105 | 102 | 94 | 92 | 76 | 59 | 93 | 83 | 88 | 75 | 71 | 88 | 62 | 90 | 56 | 58 | 65 | 46 | 41 | 52 |
| Total | 321 | 294 | 232 | 185 | 186 | 122 | 161 | 140 | 140 | 107 | 125 | 129 | 111 | 122 | 91 | 83 | 90 | 68 | 69 | 67 |
| Illicit drug offences | 404 | 315 | 303 | 257 | 230 | 322 | 342 | 334 | 340 | 403 | 449 | 454 | 492 | 459 | 460 | 530 | 447 | 497 | 467 | 462 |
| Total | 894 | 670 | 526 | 439 | 377 | 504 | 531 | 552 | 557 | 644 | 670 | 694 | 748 | 689 | 747 | 850 | 723 | 780 | 709 | 773 |
| Prohibited and regulated weapons and explosives offences | 15 | 11 | 16 | 13 | 14 | 10 | 14 | 12 | 24 | 26 | 36 | 44 | 28 | 32 | 40 | 48 | 39 | 44 | 40 | 54 |
| Total | 35 | 22 | 23 | 21 | 21 | 16 | 31 | 22 | 33 | 39 | 50 | 63 | 43 | 48 | 53 | 61 | 52 | 69 | 54 | 67 |
| Property damage and environmental pollution | 26 | 28 | 17 | 18 | 13 | 14 | 17 | 10 | 10 | 16 | 17 | 16 | 12 | 14 | 14 | 14 | 9 | 8 | 11 | 7 |
| Total | 79 | 64 | 51 | 50 | 38 | 38 | 39 | 23 | 18 | 30 | 37 | 21 | 24 | 22 | 21 | 21 | 14 | 13 | 14 | 20 |
| Public order offences | 21 | 16 | 17 | 6 | 16 | 8 | 15 | 8 | 18 | 18 | 13 | 15 | 14 | 16 | 20 | 8 | 15 | 15 | 29 | 19 |
| Total | 46 | 36 | 24 | 17 | 27 | 23 | 34 | 17 | 35 | 33 | 24 | 37 | 39 | 35 | 49 | 17 | 30 | 27 | 51 | 31 |
| Offences against justice procedures, government security and government operations | 71 | 55 | 58 | 38 | 29 | 55 | 47 | 31 | 34 | 32 | 27 | 29 | 44 | 13 | 21 | 36 | 21 | 53 | 46 | 49 |
| Total | 124 | 101 | 123 | 65 | 48 | 95 | 89 | 60 | 56 | 64 | 51 | 54 | 73 | 39 | 43 | 54 | 39 | 79 | 79 | 85 |

Note. Excludes miscellaneous offences; unknown offences; and traffic and vehicle regulatory offences. Includes persons sentenced to prison or a juvenile institution.

Table A3. Number of defendants who were refused bail, by principal offence, in the NSW Local Courts, 1994 to 2013

| Bail status | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Homicide and related offences | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 1 | 5 | 2 | 0 | 3 | 0 | 1 | 0 | 0 | 0 | 2 | 2 |
| Total | 26 | 35 | 43 | 62 | 68 | 72 | 89 | 128 | 123 | 115 | 112 | 84 | 82 | 57 | 50 | 50 | 51 | 69 | 47 | 57 |
| Acts intended to cause injury | 778 | 850 | 877 | 928 | 903 | 1,133 | 965 | 1,214 | 1,470 | 1,634 | 1,793 | 1,971 | 2,141 | 2,222 | 2,311 | 2,450 | 1,817 | 1,736 | 1,591 | 1,742 |
| Total | 14,168 | 14,696 | 16,278 | 16,795 | 15,986 | 16,016 | 15,468 | 17,211 | 18,188 | 18,562 | 18,340 | 19,013 | 20,160 | 21,443 | 22,068 | 22,223 | 20,897 | 20,607 | 19,535 | 19,434 |
| Sexual assault and related offences | 44 | 37 | 42 | 46 | 42 | 55 | 38 | 51 | 63 | 62 | 63 | 67 | 90 | 98 | 105 | 107 | 105 | 88 | 94 | 102 |
| Total | 603 | 549 | 709 | 793 | 732 | 680 | 652 | 678 | 641 | 630 | 568 | 687 | 653 | 683 | 766 | 722 | 733 | 647 | 716 | 687 |
| Dangerous or negligent acts endangering | 75 | 64 | 104 | 95 | 117 | 131 | 145 | 155 | 150 | 167 | 171 | 180 | 174 | 193 | 210 | 204 | 143 | 151 | 167 | 167 |
| Total | 5,585 | 5,955 | 6,787 | 7,017 | 6,286 | 6,154 | 5,826 | 6,074 | 5,982 | 5,869 | 6,457 | 6,158 | 6,046 | 5,784 | 5,798 | 5,731 | 4,731 | 4,428 | 4,293 | 3,722 |
| Abduction, harassment and other offences against the person | 15 | 27 | 32 | 43 | 69 | 108 | 82 | 89 | 104 | 104 | 92 | 79 | 110 | 111 | 151 | 146 | 120 | 97 | 89 | 78 |
| Total | 209 | 277 | 410 | 540 | 638 | 987 | 907 | 733 | 682 | 651 | 639 | 679 | 751 | 741 | 915 | 930 | 834 | 814 | 796 | 778 |
| Robbery, extortion and related offences | 41 | 29 | 46 | 69 | 81 | 96 | 82 | 59 | 34 | 32 | 38 | 36 | 51 | 42 | 44 | 48 | 37 | 33 | 28 | 48 |
| Total | 142 | 130 | 186 | 247 | 275 | 309 | 303 | 184 | 140 | 127 | 96 | 95 | 144 | 126 | 126 | 150 | 137 | 146 | 120 | 155 |
| Unlawful entry with intent/ burglary, break and enter | 440 | 544 | 628 | 609 | 703 | 855 | 786 | 1,060 | 986 | 1,026 | 1,032 | 975 | 907 | 872 | 825 | 829 | 708 | 674 | 668 | 689 |
| Total | 2,470 | 2,548 | 2,669 | 2,695 | 2,776 | 2,871 | 2,671 | 2,908 | 2,881 | 2,605 | 2,335 | 2,195 | 2,059 | 2,124 | 1,979 | 2,013 | 1,773 | 1,601 | 1,645 | 1,526 |
| Theft and related offences | 979 | 1,078 | 1,243 | 1,251 | 1,423 | 1,562 | 1,560 | 1,777 | 1,695 | 1,722 | 1,734 | 1,563 | 1,483 | 1,474 | 1,546 | 1,483 | 1,187 | 1,021 | 1,110 | 1,252 |
| Total | 12,907 | 13,172 | 13,632 | 12,886 | 13,266 | 13,671 | 12,949 | 13,506 | 12,579 | 11,891 | 10,798 | 9,450 | 9,018 | 9,125 | 7,978 | 7,668 | 6,709 | 6,457 | 6,641 | 6,505 |
| Fraud, deception and related offences | 273 | 302 | 265 | 265 | 326 | 412 | 392 | 493 | 510 | 499 | 475 | 470 | 459 | 414 | 545 | 501 | 382 | 348 | 455 | 484 |
| Total | 4,122 | 4,275 | 4,212 | 4,036 | 4,225 | 4,595 | 4,472 | 4,881 | 5,100 | 5,107 | 4,995 | 4,805 | 4,083 | 3,963 | 4,096 | 4,124 | 3,831 | 2,778 | 2,948 | 3,074 |
| Illicit drug offences | 263 | 326 | 351 | 375 | 314 | 432 | 349 | 437 | 455 | 445 | 516 | 406 | 373 | 387 | 446 | 430 | 358 | 322 | 321 | 397 |
| Total | 7,402 | 7,261 | 7,589 | 7,193 | 8,076 | 8,865 | 7,282 | 7,194 | 6,270 | 6,009 | 6,421 | 5,967 | 5,812 | 6,268 | 7,124 | 8,172 | 7,895 | 8,097 | 8,421 | 8,917 |
| Prohibited and regulated weapons and explosives offences | 40 | 57 | 63 | 55 | 45 | 32 | 41 | 53 | 69 | 68 | 69 | 66 | 68 | 60 | 58 | 54 | 35 | 47 | 43 | 52 |
| Total | 1,445 | 1,327 | 1,331 | 1,231 | 1,154 | 1,199 | 1,032 | 1,197 | 1,137 | 1,284 | 1,072 | 933 | 929 | 942 | 874 | 913 | 838 | 810 | 897 | 919 |
| Property damage and environmental pollution | 124 | 145 | 132 | 151 | 135 | 156 | 165 | 148 | 212 | 184 | 190 | 207 | 237 | 268 | 258 | 296 | 182 | 180 | 195 | 205 |
| Total | 3,583 | 3,837 | 3,854 | 3,657 | 3,588 | 3,577 | 3,636 | 4,065 | 4,143 | 4,058 | 4,144 | 4,126 | 4,161 | 4,337 | 4,367 | 4,403 | 3,803 | 3,780 | 3,498 | 3,483 |
| Public order offences | 162 | 210 | 240 | 229 | 311 | 403 | 332 | 572 | 601 | 592 | 537 | 559 | 549 | 539 | 614 | 639 | 482 | 430 | 415 | 497 |
| Total | 7,059 | 6,987 | 6,448 | 6,241 | 7,260 | 9,611 | 7,923 | 8,215 | 8,248 | 7,510 | 7,081 | 7,824 | 7,641 | 8,353 | 7,156 | 6,825 | 5,600 | 5,209 | 4,843 | 4,682 |
| Traffic and vehicle regulatory offences | 363 | 387 | 422 | 395 | 430 | 669 | 628 | 686 | 836 | 872 | 1,013 | 951 | 1,058 | 1,043 | 1,033 | 984 | 814 | 755 | 697 | 766 |
| Total | 30,619 | 31,372 | 33,245 | 32,287 | 33,782 | 40,098 | 37,132 | 38,852 | 40,424 | 41,787 | 48,278 | 51,224 | 47,822 | 47,829 | 50,523 | 50,400 | 42,417 | 40,350 | 34,919 | 35,368 |
| Offences against justice procedures, government security and government operations | 743 | 792 | 916 | 921 | 987 | 1,065 | 943 | 1,057 | 1,507 | 1,632 | 1,996 | 2,310 | 2,285 | 2,422 | 2,559 | 2,533 | 2,355 | 2,179 | 2,428 | 2,940 |
| Total | 5,285 | 5,989 | 7,987 | 9,285 | 8,832 | 9,821 | 9,532 | 10,560 | 11,128 | 10,547 | 11,085 | 12,395 | 12,504 | 12,737 | 13,841 | 14,106 | 15,626 | 14,954 | 15,568 | 16,325 |

Note. Excludes miscellaneous offences; and unknown offences.

Table A4. Number of convicted offenders imprisoned, by principal offence, in NSW Local Courts, 1994 to 2013

| Principal penalty | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Homicide and related offences | 1 | 2 | 0 | 1 | 1 | 1 | 2 | 1 | 2 | 2 | 3 | 1 | 3 | 5 | 0 | 0 | 1 | 2 | 1 | 2 |
| Total | 13 | 23 | 23 | 20 | 34 | 32 | 27 | 56 | 47 | 43 | 56 | 43 | 42 | 42 | 33 | 29 | 36 | 46 | 23 | 33 |
| Acts intended to cause injury | 866 | 975 | 951 | 947 | 1,029 | 1,017 | 890 | 1,065 | 1,191 | 1,308 | 1,350 | 1,406 | 1,705 | 1,743 | 1,830 | 2,057 | 1,777 | 1,658 | 1,521 | 1,719 |
| Total | 10,595 | 10,748 | 11,853 | 12,042 | 11,549 | 11,565 | 11,368 | 12,900 | 13,263 | 13,566 | 13,394 | 13,777 | 14,989 | 15,885 | 16,205 | 16,506 | 16,041 | 15,577 | 14,666 | 15,027 |
| Sexual assault and related offences | 33 | 32 | 46 | 45 | 34 | 37 | 36 | 61 | 58 | 63 | 81 | 91 | 82 | 97 | 119 | 105 | 119 | 103 | 120 | 109 |
| Total | 242 | 212 | 270 | 311 | 266 | 250 | 233 | 261 | 273 | 284 | 267 | 342 | 310 | 348 | 385 | 399 | 406 | 346 | 378 | 388 |
| Dangerous or negligent acts endangering | 71 | 69 | 96 | 99 | 124 | 143 | 140 | 133 | 118 | 122 | 111 | 127 | 133 | 130 | 135 | 137 | 128 | 174 | 186 | 240 |
| Total | 4,059 | 4,237 | 4,812 | 4,937 | 4,493 | 4,420 | 4,428 | 4,500 | 4,366 | 4,351 | 4,866 | 4,564 | 4,476 | 4,372 | 4,356 | 4,472 | 3,727 | 3,632 | 3,576 | 3,278 |
| Abduction, harassment and other offences against the person | 7 | 8 | 9 | 19 | 39 | 62 | 62 | 71 | 74 | 71 | 74 | 50 | 85 | 83 | 110 | 107 | 95 | 92 | 99 | 90 |
| Total | 114 | 133 | 221 | 254 | 310 | 508 | 465 | 503 | 456 | 446 | 464 | 472 | 562 | 567 | 692 | 737 | 686 | 648 | 659 | 664 |
| Robbery, extortion and related offences | 14 | 10 | 15 | 20 | 36 | 29 | 17 | 43 | 29 | 22 | 18 | 22 | 39 | 27 | 33 | 39 | 30 | 25 | 18 | 36 |
| Total | 24 | 37 | 38 | 48 | 74 | 60 | 70 | 98 | 78 | 51 | 41 | 46 | 85 | 60 | 63 | 84 | 76 | 70 | 43 | 79 |
| Unlawful entry with intent/ burglary, break and enter | 560 | 620 | 733 | 679 | 703 | 793 | 680 | 932 | 826 | 801 | 807 | 734 | 683 | 705 | 651 | 702 | 623 | 587 | 562 | 529 |
| Total | 1,655 | 1,681 | 1,863 | 1,695 | 1,642 | 1,785 | 1,655 | 2,071 | 1,889 | 1,768 | 1,665 | 1,497 | 1,423 | 1,478 | 1,378 | 1,492 | 1,340 | 1,187 | 1,154 | 1,065 |
| Theft and related offences | 1,270 | 1,328 | 1,384 | 1,427 | 1,613 | 1,689 | 1,642 | 1,587 | 1,467 | 1,318 | 1,407 | 1,215 | 1,149 | 1,146 | 1,207 | 1,113 | 1,036 | 848 | 917 | 1,010 |
| Total | 11,223 | 11,452 | 11,685 | 10,929 | 11,292 | 11,866 | 11,305 | 11,369 | 10,419 | 9,789 | 8,986 | 7,891 | 7,493 | 7,637 | 6,456 | 6,391 | 6,023 | 5,620 | 5,981 | 5,994 |
| Fraud, deception and related offences | 216 | 217 | 196 | 189 | 270 | 270 | 237 | 305 | 332 | 315 | 293 | 311 | 281 | 287 | 366 | 376 | 341 | 268 | 290 | 292 |
| Total | 2,889 | 2,949 | 2,977 | 2,836 | 2,925 | 3,170 | 3,185 | 3,562 | 3,712 | 3,765 | 3,566 | 3,617 | 3,326 | 3,156 | 3,281 | 3,391 | 3,197 | 2,166 | 2,295 | 2,365 |
| Illicit drug offences | 308 | 370 | 402 | 356 | 315 | 334 | 250 | 341 | 331 | 327 | 314 | 292 | 257 | 267 | 324 | 272 | 253 | 241 | 221 | 247 |
| Total | 6,954 | 6,789 | 7,170 | 6,746 | 7,758 | 8,622 | 7,179 | 6,738 | 5,782 | 5,582 | 6,142 | 5,775 | 5,658 | 6,194 | 6,985 | 8,159 | 8,021 | 8,241 | 8,675 | 9,112 |
| Prohibited and regulated weapons and explosives offences | 21 | 27 | 31 | 37 | 46 | 36 | 46 | 37 | 62 | 48 | 47 | 40 | 55 | 43 | 46 | 52 | 58 | 52 | 77 | 56 |
| Total | 1,146 | 1,013 | 1,057 | 941 | 852 | 983 | 843 | 999 | 939 | 1,061 | 901 | 770 | 815 | 779 | 767 | 832 | 838 | 805 | 897 | 917 |
| Property damage and environmental pollution | 91 | 108 | 128 | 123 | 124 | 152 | 133 | 119 | 131 | 126 | 134 | 135 | 142 | 178 | 168 | 192 | 141 | 137 | 153 | 176 |
| Total | 3,300 | 3,603 | 3,654 | 3,463 | 3,482 | 3,654 | 3,711 | 3,903 | 3,932 | 3,689 | 3,865 | 3,936 | 3,988 | 4,229 | 4,211 | 4,323 | 3,971 | 3,807 | 3,653 | 3,541 |
| Public order offences | 99 | 144 | 139 | 133 | 170 | 191 | 190 | 321 | 332 | 276 | 244 | 288 | 288 | 271 | 373 | 392 | 337 | 296 | 284 | 360 |
| Total | 6,671 | 6,617 | 6,089 | 5,870 | 6,768 | 9,385 | 7,677 | 7,355 | 7,358 | 6,573 | 6,306 | 7,075 | 6,704 | 7,405 | 6,079 | 5,751 | 4,898 | 4,540 | 4,244 | 4,229 |
| Traffic and vehicle regulatory offences | 637 | 648 | 592 | 573 | 678 | 935 | 934 | 1,007 | 1,129 | 1,092 | 1,256 | 1,147 | 1,178 | 1,203 | 1,230 | 1,197 | 918 | 894 | 868 | 861 |
| Total | 30,084 | 30,874 | 32,823 | 31,813 | 33,209 | 39,552 | 37,277 | 38,736 | 40,149 | 41,442 | 48,121 | 50,711 | 47,255 | 47,324 | 50,065 | 50,250 | 42,882 | 40,835 | 35,705 | 36,014 |
| Offences against justice procedures, government security and government operations | 611 | 751 | 752 | 756 | 876 | 793 | 660 | 734 | 982 | 1,101 | 1,397 | 1,432 | 1,427 | 1,562 | 1,615 | 1,629 | 1,680 | 1,409 | 1,541 | 1,635 |
| Total | 3,907 | 4,402 | 5,941 | 6,820 | 6,684 | 7,318 | 7,253 | 8,122 | 8,229 | 8,137 | 8,780 | 9,808 | 9,931 | 10,102 | 10,906 | 11,046 | 11,821 | 11,006 | 11,259 | 11,659 |

Note: Excludes miscellaneous offences; and unknown offences.
Includes persons sentenced to prison or a juvenile institution.