CRIME AND JUSTICE STATISTICS

#### **BUREAU BRIEF**

# Trends in police legal action rates in New South Wales: 2009 to 2023

**Neil Donnelly** 

#### AIM

To examine changes in the clear up rate for New South Wales (NSW) crimes by considering offence-specific trends in the NSW Police Force 90-day legal action rate over the 15 years from 2009 to 2023.

#### **METHOD**

Data were extracted from the NSW Police Force's Computerised Operational Policing System (COPS) for incidents reported between 2009 and 2023. This includes the total number of incidents reported, the number of persons of interest legally proceeded against, and the percentage of incidents where police commenced legal action against at least one person within 90 days of reporting. Trends were examined separately across 11 major offence categories using the percentage point change and the total percentage change. The Kendall's rank order correlation test to determine statistical significance.

#### **RESULTS**

Over the 15 years from 2009 to 2023, there were significant increases in the 90-day legal action rate for nine of the 11 offences examined. The largest percentage point changes were observed for robbery (up 19.9 percentage points (p.p.)), malicious damage to property (up 14.2 p.p.), break and enter non-dwelling (up 12.7 p.p.), break and enter dwelling (up 8.5 p.p.), motor vehicle theft (up 7.9 p.p.) and domestic violence (DV) related assault (up 6.5 p.p.). Smaller, though significant, increases were also found for steal from motor vehicle (up 3.0 p.p.), non-DV related assault (up 2.5 p.p.) and sexual touching, sexual act and other sexual offences (up 2.0 p.p.). By contrast there was a significant decline in the 90-day legal action rate for reported incidents of sexual assault over the 15-year period examined (down -3.4 p.p.). For most property offences, the upward trend in legal action rates has not caused a significant growth in criminal court workload. This is because the fall in crime rates over the last 15 years has been even greater than the rise in legal actions. This is not true for DV assault and sexual touching, sexual acts and other sexual offences. The combination of a rise in incident counts and the improvements in legal action rates has resulted in more people being brought before the criminal courts for these offences. The overall number of sexual assault incidents recorded by police over the 15-year period also increased. This increase offset the decline in the legal action rate in recent years, leading to a higher number of offenders being proceeded against to court for this offence.

#### CONCLUSION

Across most offence categories in NSW, there has been a consistent and long-term upward trend in the police legal action rate. While this may have increased public confidence in policing and deterred offenders, this higher rate of police proceedings means that the criminal court caseload has not decreased in line with the large drop in property crime observed over the last two decades. The higher volume of DV assaults and sex offences combined with the rise in legal action rates for these offences has also impacted court caseload.

**KEYWORDS** 

Legal action rate

Persons proceeded against

Crime trends

Crime and policing

## INTRODUCTION

Over the past few decades, the rate of reported crime has steadily declined across most western countries, including Australia (Weatherburn & Rahman, 2021). However, this trend has not always been accompanied by a corresponding decrease in the number of criminal court cases. While the number of recorded theft and break and enter incidents decreased in New South Wales (NSW) between 2019 and 2023, the number of guilty defendants in the criminal courts was stable (NSW Bureau of Crime Statistics and Research, 2024a). The primary reason for this discrepancy is the legal action rate, also known as the clear-up rate. This rate reflects the percentage of recorded incidents where police legally proceed against a person of interest (POI) within a specified timeframe.

In some countries, such as the United States (US), the legal action rate has declined dramatically alongside the crime rate. This is particularly true for violent crime in the US, where the rate of legal action dropped from 48% to 37% of cases between 2013 and 2022 (Gramlich, 2024). This has raised some concern, as the legal action rate affects more than just the volume of cases in court (Robinson et al., 2024). A higher legal action rate signals that police are successfully identifying and prosecuting offenders and this can act as a deterrent to potential offenders. Higher legal action rates might also improve public confidence in the criminal justice system (Leipold, 2021). In other jurisdictions the legal action rate has increased as the crime rate has declined. This is the case in New South Wales (NSW). Holmes and Fitzgerald (2017) examined long term trends in the 90-day legal action rate for a variety of offences and found that between 2007 and 2016 the legal action rate increased significantly for both violent crime (from 36% to 42%) and property crime (from 8% to 11%). Among individual offences, the 10-year legal action rate increased for eight out of 11 major offence categories examined. For seven of these 11 offences, the number of recorded incidents significantly declined over the same 10-year period. However, the reduction in court workload resulting from these declines in crime was smaller than expected given that police were proceeding against more offenders. A different pattern emerged for domestic violence (DV) assault, with a rise in both the number of recorded incidents and the legal action rate. This resulted in a large increase in the number of DV assault offenders being brought before the criminal courts (Holmes & Fitzgerald, 2017).

The legal action rate is an important measure for understanding police efficiency and can inform policy decisions by highlighting areas where police may need additional support or where specific interventions may be required. However, critiques of the measure have highlighted the need to consider contextual factors when interpreting trends in legal action rates. One significant issue is the variability in how offences and legal actions are both defined and reported between jurisdictions, which can make cross-jurisdictional comparisons difficult. Additionally, legal action rates can be influenced by factors beyond police control, such as changes in crime reporting behaviour, the availability of resources, and the complexity of cases.

#### The current study

Drawing on policing data from a 15-year period between 2009 and 2023, the current study aims to examine trends in the 90-day legal action rate in NSW for 11 major offence categories. To provide context to these trends, concurrent changes in the number of incidents reported and the number of persons proceeded against are also considered.

<sup>1</sup> Interested readers are directed to Leipold (2021) for a detailed overview of the legal action rate, relevant criticisms, and considerations for its interpretation in a policy context.

## **METHOD**

#### **Data**

To examine long-term trends in the legal action rate, we used an extract of data from the NSW Police Force's Computerised Operational Policing System (COPS). This extract contained aggregated counts of police incidents between 1 January 2009 and 31 December 2023, including the total number of incidents reported to or detected by police, the number of unique persons proceeded against, and the number and percentage of incidents with a legal action within 90 days of the offence being reported. A legal action is defined as any Court Attendance Notice (CAN), fine (Criminal Infringement Notices) or formal diversion under the Young Offenders Act 1997 (NSW) (including Youth Justice Conferences, cautions and warnings).

Incident, person and legal action counts were disaggregated by offence type across 11 major offence categories and were available both monthly and annually.<sup>2</sup> These 11 offence groups represent a sub-set of the 13 major offences that feature in the NSW Bureau of Crime Statistics and Research (BOCSAR) quarterly crime report and are those reported on by Holmes and Fitzgerald (2017). These offences have been included as they are generally reported to police rather than discovered or detected by them. The final extract contained information pertaining to 3,647,381 police incidents, and 910,988 offenders.

In alignment with regular BOCSAR reporting on recorded crime, specific offences are grouped into the following categories:<sup>3</sup>

- 1. **Violent offences:** DV related assault; non-DV related assault; robbery; sexual assault; sexual touching, sexual act and other sexual offences; and murder.
- 2. **Property offences:** Break and enter dwelling, break and enter non-dwelling, motor vehicle theft, and steal from motor vehicle.

#### Statistical analysis

Offence-specific trends in the 90-day legal action rate between 2009 and 2023 are graphed and descriptively analysed. To determine the scale of these trends and to provide context to their interpretation, the percentage point change in the 90-day legal action rate between 2009 and 2023 is examined for each offence type. The total percentage change in the number of incidents and the number of POIs proceeded against between 2009 and 2023 are also examined. The Kendall's rank-order correlation test (otherwise known as Kendall's tau-b) is applied to the monthly data to determine whether any of the long-term changes are statistically significant.<sup>4</sup>

<sup>2</sup> These include DV related assault; non-DV related assault; robbery; sexual assault; sexual touching, sexual act and other sexual offences; murder; malicious damage to property; break and enter dwelling; break and enter non-dwelling; motor vehicle theft; and steal from motor vehicle.

<sup>3</sup> In line with standard BOCSAR reporting practices, malicious damage to property offence is excluded from these groupings. Additionally, when considering murder, the unit of analysis is victims rather than incidents.

<sup>4</sup> Statistical significance is identified in this paper using a p-value threshold of .05. Where 12-monthly totals in each series have a value of less than 20, a trend test is not conducted.

# **RESULTS**

# Has the 90-day legal action rate for specific offences changed between 2009 and 2023?

Figure 1 shows trends in the annual 90-day legal action rate for four different property offences in NSW over the 15 years between 2009 and 2023. This includes trends in break and enter dwelling, break and enter non-dwelling, motor vehicle theft and steal from motor vehicle. Each of these property offences shows large and somewhat linear increases in the legal action rate between 2009 and 2023. For break and enter non-dwelling offences, the legal action rate more than tripled from 6.1% in 2009 to 18.9% in 2023, while the break and enter dwelling legal action rate increased from 5.0% to 13.4% (2.7 times higher). The motor vehicle theft legal action rate also increased from 4.7% in 2009 to 13.9% in 2022 and then slightly declined to 12.6% in 2023 (2.7 times higher). Over the 15-year period the 90-day legal action rate for steal from motor vehicle increased from 2.1% to 5.1% which is almost two and a half times higher.

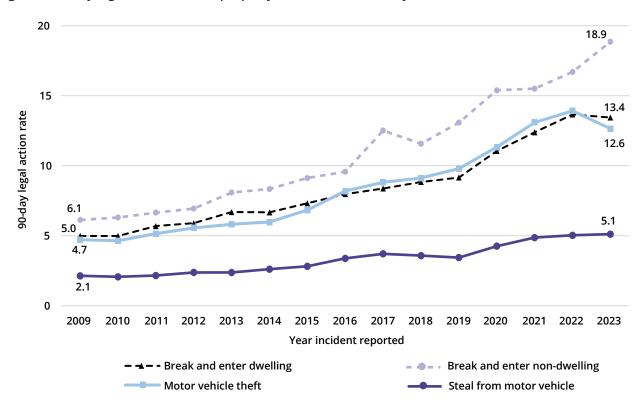


Figure 1. 90-day legal action rate for property incidents recorded by NSW Police, 2009 to 2023

Figure 2 shows trends in the annual 90-day legal action rate for six different violent offences from 2009 to 2023. These include: DV related assault; non-DV related assault; robbery; sexual assault; sexual touching, sexual act and other sexual offences; and murder. Compared with property offences, the legal action rates for violent offences were generally higher and saw proportionally smaller changes over the 15-year period. For example, the 90-day legal action rate for DV related assault was 60% in 2009 and increased to 66.5% by 2023 (11% increase). The murder 90-day legal action rate was 62.5% in 2009, declined to a just over 50% in 2015 and then increased to 79% by 2023 (26% increase over the 15 years). The legal action rates for robbery, non-DV assault and sexual touching, sexual act and other sexual offences were overall lower compared with DV assault and murder but generally followed the same upward trend. For robbery offences, the legal action rate almost doubled from 21% in 2009 to 40% in 2023. Additionally, the 90-day legal action rate for non-DV related assault increased from 27% in 2009 to just over 29% in 2023 (9% increase) and the sexual touching, sexual act and other sexual offences 90-day legal action rate increased from 18% in 2009 to 20% in 2023 (11% higher). A very different pattern can be seen for the 90-day legal action rate for sexual assault, which declined from 10% in 2009 to around 7% in 2023 (30% reduction).

90 78.6 80 70 62.5 66.5 90-day legal action rate 60 60.0 50 40.4 40 29.4 30 26.9 20.5 20.3 20 18.3 10 10.2 6.9 0 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 Year incident reported Sexual assault Sexual touching, sexual act and other sexual offences Non-domestic violence related assault Robbery Domestic violence related assault Murder \*

Figure 2. 90-day legal action rate for violent incidents recorded by NSW Police, 2009 to 2023

Note. \* In line with standard BOCSAR reporting practices, murder offences are recorded as unique victims rather than incidents.

The yearly trends described in Figures 1 and 2 are subject to both random and seasonal fluctuations between years and do not provide information about how the legal action rate has changed over the 15-year period examined. To overcome this, Table 1 shows the percentage point (p.p.) change in the 90-day legal action rate between 2009 and 2023 for each offence type and the results of statistical significance testing to confirm the existence of an upward or downward trend. Table 1 also includes information about the total number of incidents recorded and the 90-day legal action rate in each year for each offence type. The offences are ranked in descending order in Table 1 based on the percentage point change in the legal action rate in the 15-year period.

The largest significant percentage point increase in the 90-day legal action rate was for robbery (up 19.9 p.p.). This was followed by malicious damage to property (up 14.2 p.p.), break and enter non-dwelling (up 12.7 p.p.), break and enter dwelling (up 8.5 p.p.), motor vehicle theft (up 7.9 p.p.) and DV related assault (up 6.5 p.p.)<sup>5</sup> Several offences had smaller statistically significant increases in the 90-day legal action rate. These include: steal from motor vehicle (up 3.0 p.p.), non-DV related assault (up 2.5 p.p.) and sexual touching, sexual act and other sexual offences (up 2.0 p.p.).<sup>6</sup> Though the 90-day legal action rate for murder offences increased by 16.1 p.p., this change was not statistically significant (p = .260) and cannot be differentiated from a regular fluctuation in the data. Only one offence, sexual assault, showed a significant decrease in the legal action rate, with a decline of 3.4 p.p..<sup>7</sup>

<sup>5</sup> Large significant increases in the 90-day legal action rate were found over the 10-year period 2014 to 2023 for robbery (percentage point change = 11.8), break and enter non-dwelling (up 10.5 p.p.) and malicious damage to property (up 9.1 p.p.). Modest significant increases over 10-years were found for break and enter dwelling (up 6.8 p.p.), motor vehicle theft (up 6.7 p.p.) and DV related assault (up 4.9 p.p.). While not significant over the 15-year period there was a significant increase over the 10-year period for murder (up 18.4 p.p., p = .020\*).

<sup>6</sup> Smaller significant increases in the 90-day legal action rate over 10-years were also found for steal from motor vehicle (percentage point change = 2.5) and non-DV related assault (up 1.6 p.p.). Sexual touching, sexual act and other sexual offences no longer had a significant increase in the 90-day legal action rate over 10-years (0.8 p.p.).

<sup>7</sup> There was a significant reduction in the 90-day legal action rate over 10-years for sexual assault which was bigger in magnitude compared with 15-years (percentage point change = -5.0).

Table 1. Number of incidents recorded by NSW Police and the 90-day legal action rate for selected offences, NSW, 2009 to 2023

Table 1. Number of incidents recorded by NSW Police and the 90-day legal action rate for selected offences, NSW, 2009 to 2023 (continued ....)

Percentage point change		3.0 ***		2.5 ***		2.0 ***		16.1		-3.4 ***
2023	29,073	5.1	34,363	29.4	8,064	20.3	99	78.6	6,873	6.9
2022	27,179	5.0	31,179	31.7	8,213	19.7	59	71.2	9,153	7.3
2021	27,736	4.9	28,362	32.2	7,909	18.8 8.8	52	67.3	8,190	8.4
2020	28,339	4.3	29,556	30.9	7,908	19.9	69	66.7	7,108	9.6
2019	38,193	3.4	32,406	29.3	8,256	19.3	73	68.5	6,436	10.0
2018	38,114	3.6	31,896	28.8	7,939	20.1	75	66.7	5,947	6.6
2017	39,076	3.7	32,220	28.5	7,628	20.3	52	73.1	6,040	11.0
2016	40,473	3.4	31,753	28.4	6,946	19.9	29	62.7	5,262	11.6
2015	39,944	2.8	30,859	28.7	962'9	18.0	73	50.7	4,987	10.2
2014	42,724	2.6	31,757	27.8	6,518	19.5	93	60.2	4,998	6.11
2013	44,767	2.4	34,075	27.1	6,356	18.3	95	61.1	4,720	9.7
2012	47,097	2.4	35,566	25.9	5,709	15.7	73	58.9	4,788	9.6
2011	48,187	2.2	37,359	26.6	5,878	15.0	93	71.0	4,484	9.3
2010	44,746	2.1	39,857	26.3	5,265	18.3	79	75.9	4,514	9.7
2009	47,015	2.1	40,615	26.9	5,286	——————————————————————————————————————	88	62.5	4,483	10.2
	Incidents recorded (n)	Legal action rate (%)	Incidents recorded (n)	Legal action rate (%)	Incidents recorded (n)	Legal action rate (%)	Victims recorded (n)#	Legal action rate (%)	Incidents recorded (n)	Legal action rate (%)
	Steal from	motor vehicle	Non-domestic	related assault	Sexual touching,	sexual act and other sexual offences	, v	D D D D D D D D D D D D D D D D D D D	Aoviial accailt	
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Note. \* - In line with standard BOCSAR reporting measures, the unit of counting for incidents of murder is victims rather than recorded incidents. Stars indicate statistical significance at a variety of conventional thresholds of statistical significance: \* < .05; \*\* < .01; \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .001, \*\*\* < .

# How has the number of persons proceeded against by NSW Police changed between 2009 and 2023?

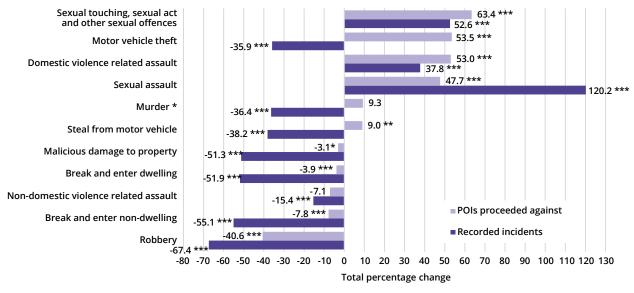
Small changes in the police action rate can have a significant impact on the number of people appearing in court, particularly for higher volume offences. For this reason, we also compare trends in the absolute number of persons proceeded against by police with trends in incident counts. Figure 3 shows the total percentage change in the number of recorded incidents and the number of people proceeded against over the 15-year period from 2009 to 2023 for each of the 11 offences considered in this report.<sup>8</sup>

Figure 3 shows significant declines in the number of people proceeded against for robbery, break and enter non-dwelling, break and enter dwelling and malicious damage to property between 2009 and 2023. However, we see an even greater decrease in the number of incidents recorded for these offence types. This suggests that while there has been a large decline in these offences over the last 15 years this has not resulted in an equivalent sized drop in court caseload because the police legal action rate has increased over time.

Five offences recorded a significant rise in the number of people proceeded against by police between 2009 and 2023: sexual touching, sexual act and other sexual offences (up 63.4%), motor vehicle theft (up 53.5%), DV assault (up 53.0%), sexual assault (up 47.7%) and steal from motor vehicle (up 9.0%). For DV assault and sexual touching, sexual act and other sexual offences there were also significant increases in the number of recorded incidents (up 37.8% and 52.6% respectively) though these were not as large as the percentage increase in the number of people proceeded against. We see an even larger increase in the number of recorded incidents of sexual assault (by 120.2%), so while the legal action rate for this offence declined between 2009 and 2023 there was still a significant rise in the number of people proceeded against. In contrast, the number of incidents of motor vehicle theft and steal from motor vehicle dropped significantly over the 15-year period (by 35.9% and 38.2% respectively) but the number of people proceeded against rose due to the increased legal action rate for these offences.

For both non-DV related assault and murder, there was no significant change in the number of people proceeded against but there was a significant decline in the number of recorded incidents/victims.

Figure 3. Total percentage change in people proceeded against and incidents recorded by NSW Police, 2009 to 2023



Note. \* - In line with standard reporting measures, the unit of counting for incidents of murder is victims rather than recorded incidents. Stars indicate statistical significance at a variety of conventional thresholds of statistical significance: \* < .05; \*\* < .01; \*\*\* < .001.

<sup>8</sup> For more detailed data concerning the number of people proceeded against and the number of incidents, see Appendix A. In these figures, the number of people proceeded against was not restricted to legal action having commenced within 90-days.

## **SUMMARY**

Between 2009 and 2023, the 90-day legal action rate in NSW increased significantly for nine of the 11 major offence categories. The rise in legal action rates was greatest for robbery, malicious damage to property and break and enter non-dwelling. Among these offences the percentage point change increased by between 12.7 p.p. and 19.9 p.p.. Large increases were also found for break and enter non-dwelling, motor vehicle theft and DV assault where the percentage point change increased by between 6.5 p.p. and 8.5 p.p.. The 90-day legal action rate was also significantly higher for steal from motor vehicle, non-DV assault and sexual touching, sexual acts and other sexual offences, but the magnitude of the increase over the 15-year period was much smaller, with the percentage point change ranging from 2.0 p.p. to 3.0 p.p.. The exceptions to this pattern were murder and sexual assault. Since 2009, there has been no significant change in the legal action rate for murder. In the case of sexual assault, the legal action rate has dropped significantly, from 10.2% in 2009 to 6.9% in 2023.

Our findings are generally consistent with those reported by Holmes and Fitzgerald (2017) and show that the risk of apprehension for most criminal offences, particularly property offences, has continued to climb in recent years. Reasons for the improvement in legal action rates include the growth of the National Criminal Investigation DNA database, improved forensic procedures, more time available for police to spend on investigations due to the drop in rates of property crime and police proactively targeting certain offences, such as DV-related assault (Donnelly, 2024; Holmes & Fitzgerald, 2017). These improvements are likely to generate benefits for both victims, who feel that offenders are being appropriately prosecuted and punished for their crimes, and potential offenders, who may be deterred from crime because they perceive it more likely that they will be caught by police (Nagin, 2013). It may also increase public confidence in the criminal justice system.

Where our results depart from those of Holmes and Fitzgerald (2017) is that we report a significant decline in the 90-day legal action rate for sexual assault whereas they reported a stable pattern. From 2009 to 2020, roughly one in 10 recorded sexual assaults resulted in police proceeding against a person of interest within 90-days. By 2023, this percentage had dropped to 6.9%. This decline is apparent even when the observation period is extended to 180-days (Gilbert, 2024). One possible reason for this decline is an increase in sexual assault reports being made online through the Sexual Assault Reporting Option (SARO).9 SARO does not result in a criminal investigation and therefore does not result in a charge. The SARO reporting option was made available online in January 2023 and in 2024 22.5% of all sexual assault reports were made via SARO. Another possibly related factor is a change in the composition of sexual assaults coming to police attention. Over the last five years, we have seen a sharper rise in adult victims reporting contemporary and historical sexual assaults (average annual percentage change up 12.8% and 16.6%, respectively) compared to child victim reports (up 3.0%) (NSW Bureau of Crime Statistics and Research, 2024b). Recent data reported by the Bureau also shows that the legal action rate for adult reports of historical sexual assault is lower and has declined faster than other categories of sexual assault (unpublished data NSW Bureau of Crime Statistics and Research, 2025). 10 We know that historical child sexual assaults are more likely to be contested in court than child sexual assaults (Gilbert, 2024). In practice this could mean that police seek a higher level of evidence before deciding to proceed against a person of interest. Further research is needed to confirm the drivers of this drop in legal actions for sexual assault, ideally this would include interviews with police officers given administrative data is lacking in this area (Gilbert, 2024).

For most offences, the upward trend in legal action rates has not caused a significant growth in criminal court workload. This is because the fall in crime rates over the last 15 years has been even greater than the rise in legal actions. This is not true for DV assault and sexual touching, sexual acts and other sexual offences. The combination of a rise in incident counts and the improvements in legal action rates has

<sup>9</sup> For more information see: https://portal.police.nsw.gov.au/adultsexualassault/s/sexualassaultreportingoption?language=en\_US

<sup>10</sup> Between 2019 and 2023 the 90-day legal action rate fell from 12.1% to 7.7% among adult victims (down 4.4 p.p.). This was not as fast as the decline among child victims reported when an adult from 8.1% in 2019 to 2.5% in 2023 (down 5.6 p.p.). For child victims reported as a child the 90-day legal action rate fell from 8.9% in 2019 to 8.4% in 2023 (down -0.5 p.p.).

resulted in more people being brought before the criminal courts for these offences. We also observed an increase in the overall number of sexual assault incidents recorded by police over the 15-year period. This increase offset the decline in the legal action rate in recent years, leading to a higher absolute number of offenders being proceeded against to court for this offence.

# **ACKNOWLEDGEMENTS**

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# **APPENDIX A**

Table A1. Number of people proceeded against by NSW Police for selected offences, 2009 to 2023

2009 2010 2011 2012 20	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	T 2023	Total percentage Total percentage change in POIs change in proceeded recorded against incidents	otal percentage change in recorded incidents
Sexual touching, sexual act and other sexual offences	1,302	1,324	1,170	1,218	1,551	1,664	1,786	1,957	2,096	2,133	2,086	2,171	2,215	2,192	2,128	63.4 ***	52.6 ***
Motor vehicle theft	2,183	2,013	1,900	1,916	1,703	1,554	1,710	1,771	1,999	1,978	2,238	2,350	2,400	3,080	3,350	53.5 ***	-35.9 ***
Domestic violence related assault	16,405	16,295	16,838	16,737	17,351	18,652	19,003	19,581	19,387	20,285	21,326	22,681	23,023	24,634	25,102	53.0 ***	37.8 ***
Sexual assault	857	835	721	892	804	1,072	1,003	1,144	1,182	1,147	1,158	1,348	1,395	1,249	1,266	47.7 ***	120.2 ***
Murder #	108	141	105	77	16	105	18	75	78	86	113	112	79	109	1 8	9.3	-36.4 ***
Steal from motor vehicle	1,896	1,596	1,719	1,672	1,604	1,587	1,740	1,903	2,124	1,959	1,738	1,727	1,923	1,900	2,067	** 0.6	-38.2 ***
Malicious damage to property	14,826	13,588	13,719	13,167	13,395	13,362	13,782	13,994	13,977	14,064	14,315	14,590	14,124	14,374	14,367	-3.1 *	-51.3 ***
Break and enter dwelling	4,417	4,297	4,237	3,954	4,042	4,052	3,812	3,759	3,722	3,670	3,712	3,329	3,520	3,975	4,243	-3.9 ***	-51.9 ***
Non-domestic violence related assault	13,916	13,488	12,644	11,535	11,520	11,064	10,952	11,101	11,583	11,457	11,833	11,552	11,540	12,597	12,926	-7.1	-15.4 ***
Break and enter non-dwelling	2,910	2,653	2,622	2,350	2,433	2,193	2,231	2,110	2,392	2,188	2,363	2,104	1,894	2,097	2,684	-7.8 ***	-55.1 ***
Robbery	2,358	2,304	2,296	2,171	2,074	1,775	1,588	1,316	1,515	1,621	1,630	1,689	1,396	1,382	1,400	-40.6 ***	-67.4 ***

Note. \* - In line with standard reporting measures, the unit of counting for incidents of murder is victims rather than recorded incidents. Stars indicate statistical significance at a variety of conventional thresholds of statistical significance: \* < .05; \*\* < .01; \*\*\* < .001.