



Trends in bail and sentencing outcomes in New South Wales Criminal Courts: 1993-2007

Rohan Lulham and Jacqueline Fitzgerald

This bulletin presents trends in sentencing and bail outcomes for a number of major offence categories over the period 1993 to 2007 in NSW Higher and Local Courts. There was a statistically significant upward trend in the proportion of defendants 'refused bail' in NSW Higher Courts for all of the offence categories examined. The trend in the proportion of convicted offenders sentenced to prison in the Higher Courts also increased for eight out of the ten offence categories, while the trend in average length of imprisonment rose for four of the ten offence categories. 'Fraud' was the only category for which the average length of imprisonment decreased over the study period. In NSW Local Courts, the proportion of defendants refused bail in all 11 offence categories rose significantly between 1993 and 2007. The proportion of offenders sentenced to prison in NSW Local Courts increased significantly for eight out of the 11 offence categories, while the average length of imprisonment rose for nine of the 11 offence categories.

KEYWORDS: prison sentences, bail refused, trends, NSW courts

INTRODUCTION

Sentencing in NSW courts is an issue of major public interest (Jones, Weatherburn & McFarlane 2008). In the media, NSW courts are often portrayed as being increasingly lenient both in terms of the sentences given to convicted offenders and in their administration of bail (Clennell & Spencer 2007, 5 March). Interest in sentencing also stems from public concern about the increasing numbers of people held in NSW prisons, and the associated escalation in costs to the NSW taxpayer (Gittins 2002, 30 October).

In 1998 and 2001, the NSW Bureau of Crime Statistics and Research published bulletins exploring trends in the sentencing of convicted offenders in NSW Higher and Local Courts.¹ Baker (1998), in the first of these bulletins, concluded that between 1990 and 1997

NSW courts had not become more lenient in sentencing offenders. Imprisonment rates and maximum imposed prison sentences were found to be either stable or increasing for most offence categories over the study period. Fitzgerald (2001) came to similar conclusions in a bulletin on sentencing in NSW courts between 1990 and 2000. The current bulletin provides an update on sentencing trends in NSW Higher and Local Courts over the 15 year period from 1993 to 2007. In addition to examining sentencing outcomes, trends in bail outcomes are explored for NSW Higher and Local Courts.

Trends in sentencing outcomes and bail outcomes were examined for a number of major offence categories: murder, manslaughter, assault, sexual assault, robbery, burglary, theft, motor vehicle theft, fraud, deal, traffic or cultivate illicit drugs, property damage, high range

prescribed concentration of alcohol (PCA) and breach of domestic violence order.² For each of the selected offences, the analysis was limited to persons for whom the selected offence was the most serious offence for which they were convicted.³

In this bulletin, trends in sentencing outcomes for convicted offenders in NSW Higher and Local Courts were explored by analysing trends in two measures of imprisonment over the 15 year period. The first measure was the percentage of convicted offenders imprisoned, and the second was the average length of prison sentence. Average prison sentences were computed based on the minimum (non-parole) or fixed term of imprisonment imposed for the offence.⁴ 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 bail refusal rates were investigated individually for each major offence category as well as overall for all defendants who appeared on any charge(s) in the Higher or Local Courts. Statistical tests were conducted to determine whether significant upward or downward trends in sentencing and bail outcomes were evident over the period 1993 to 2007.⁵

charges, 27.4 percentage points for fraud charges and 32.3 percentage points for theft charges.

Figure 1 provides the percentage of all defendants appearing in the NSW Higher Courts for any offence who were refused bail. Again, there was a statistically significant upward trend over the period ($p < .001$), with the percentage doubling from 23.8 percent of defendants being refused bail in 1993 to 47.6 percent

in 2007. A total of 3,341 defendants appeared in NSW Higher Courts in 2007, with 1,591 defendants refused bail.

SENTENCING OUTCOMES

Table 2 displays the proportion of convicted offenders who received a sentence of imprisonment in NSW Higher Courts for the ten major offence categories in each year from 1993 to 2007. From this table it can be seen

TRENDS IN THE HIGHER COURTS

BAIL OUTCOMES

In NSW Higher Courts between 1993 and 2007, there was a significant upward trend in the proportion of defendants who were refused bail for the ten major offence categories, as displayed in Table 1. For example, between 1993 and 2007, the percentage of defendants who were refused bail rose by 37.4 percentage points for murder charges, 49.2 percentage points for manslaughter

Figure 1: Percentage of all defendants appearing in NSW Higher Courts who were refused bail, 1993 to 2007

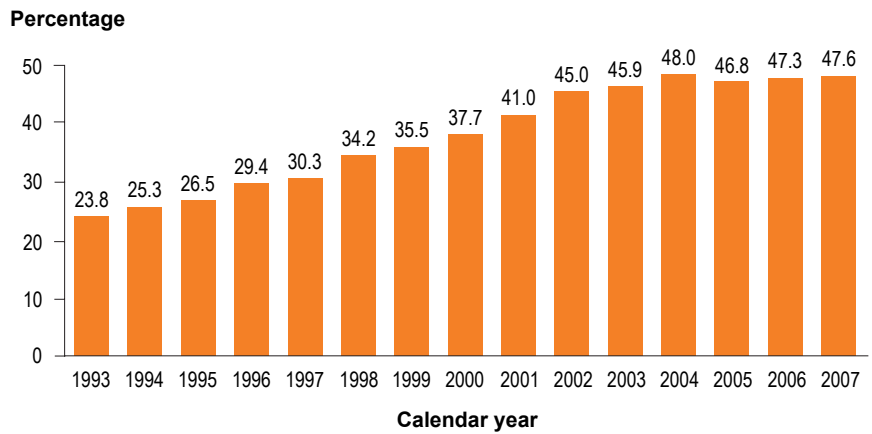


Table 1. Percentage of defendants who were refused bail, by principal offence, NSW Higher Courts, 1993 to 2007

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Trend
Murder - s18(1)(a)	54.0	65.2	59.1	77.1	60.8	74.4	53.5	62.4	77.3	88.9	81.6	94.0	86.1	88.7	91.4	Upward**
Manslaughter	25.0	46.3	31.6	37.9	39.0	39.7	25.5	36.5	66.0	48.3	50.0	58.5	64.2	57.9	74.2	Upward**
Assault	24.3	30.2	31.1	35.0	36.5	35.8	39.2	37.8	45.4	48.6	54.2	51.4	48.2	52.5	53.1	Upward**
Sexual assault & related offences	13.4	13.2	13.0	15.4	12.4	17.7	13.3	13.4	17.9	22.8	23.9	23.8	25.9	31.5	27.6	Upward**
Robbery	41.4	47.0	46.8	48.4	54.5	55.1	57.4	59.8	60.6	62.0	61.2	61.7	64.2	62.0	67.2	Upward*
Break & enter	39.8	38.9	47.2	45.1	46.9	54.8	59.3	59.1	59.5	60.4	58.2	63.4	66.3	61.2	55.6	Upward**
Theft (except motor vehicles)	32.9	35.5	35.8	39.5	51.1	54.4	54.8	50.0	61.5	59.2	60.8	60.4	69.0	62.2	65.2	Upward**
Motor vehicle theft & related offences	45.2	55.0	53.7	61.6	59.9	63.7	67.8	65.6	72.0	70.9	70.8	79.4	77.1	77.9	80.9	Upward**
Fraud & related offences	11.7	11.6	12.7	8.7	22.7	10.8	20.0	18.1	20.0	22.0	27.3	26.9	28.3	29.6	39.1	Upward**
Deal, traffic or cultivate illicit drugs	15.7	15.9	16.1	20.6	18.2	20.3	26.5	29.7	32.7	32.0	34.0	41.4	39.5	39.3	40.5	Upward**

* Statistically significant at $< .05$

** Statistically significant at $< .001$

Table 2. Percentage of convicted offenders imprisoned, by principal offence, NSW Higher Courts, 1993 to 2007

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Trend
Murder - s18(1)(a)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	Stable
Manslaughter	87.5	92.9	70.8	78.9	92.9	97.2	84.4	73.7	92.7	85.7	92.0	90.9	97.4	85.2	86.5	Stable
Assault	43.3	43.6	45.6	56.3	54.3	49.3	58.3	55.5	60.1	63.8	65.9	65.5	62.1	60.7	67.6	Upward**
Sexual assault & related offences	66.6	62.2	68.1	68.3	67.5	67.1	66.9	65.3	64.8	70.2	66.5	71.3	73.7	73.7	75.5	Upward*
Robbery	70.8	73.2	71.9	74.2	78.2	78.9	85.3	83.3	77.5	79.6	80.0	80.2	81.0	77.0	78.5	Upward*
Break & enter	61.0	59.5	67.4	73.8	64.2	69.3	71.2	73.3	73.1	74.9	77.5	76.4	75.1	75.6	69.1	Upward*
Theft (except motor vehicles)	45.7	46.0	39.6	58.5	50.0	55.4	68.8	58.5	67.9	71.1	68.0	64.2	63.8	63.5	59.5	Upward*
Motor vehicle theft & related offences	52.0	53.6	57.6	75.0	68.9	62.5	84.2	61.9	60.0	79.2	66.7	80.8	95.8	71.4	75.0	Upward*
Fraud & related offences	29.1	31.5	36.3	39.2	50.0	35.9	46.4	54.9	62.5	62.1	72.4	55.7	68.9	58.2	74.3	Upward**
Deal, traffic or cultivate illicit drugs	44.2	42.6	45.1	52.3	53.1	52.2	58.1	61.6	57.8	57.0	58.9	61.8	62.5	62.5	64.1	Upward**

* Statistically significant at < .05

** Statistically significant at < .001

that the use of imprisonment in NSW Higher Courts has increased for most of the selected offences. For each of the offence categories of assault, sexual assault, robbery, break and enter, theft, motor vehicle theft, fraud and deal, traffic or cultivate illicit drugs, there was a statistically significant upward trend between 1993 and 2007 in the proportion of convicted offenders receiving a custodial penalty. For the two other offences, the proportion of convicted offenders receiving a custodial penalty remained stable, with no offence category showing a significant downward trend in the proportion of offenders imprisoned over this time period.

Table 3 displays the average length of prison sentences imposed by the Higher Courts for each of the ten observed offence categories over the period 1993 to 2007. The average length of prison sentences increased significantly for the offences of murder, assault, sexual assault, and motor vehicle theft. The trend remained stable for all other offences, with the exception of fraud offences for which the average length of imprisonment imposed by Higher Courts declined significantly over the period.

TRENDS IN LOCAL COURTS

BAIL OUTCOMES

The trends in the proportion of defendants refused bail in NSW Local Courts between 1993 and 2007 for the 11 offence categories are displayed in Table 4. During this period, bail refusal rates rose significantly for all 11 offence categories. Some particularly notable increases in bail refusal rates

between 1993 and 2007 included a 11.2 percentage point increase for theft charges, a 21.5 percentage point increase for break and enter charges, and a 22.6 percentage point increase for motor vehicle theft charges.

Figure 2 shows the percentage of all defendants appearing in the Local Courts for any offence who were refused bail. There is a statistically significant upward trend ($p < .001$) over the period, with the proportion doubling from 3.6 percent of

Figure 2: Percentage of all defendants appearing in NSW Lower Courts who were refused bail, 1993 to 2007

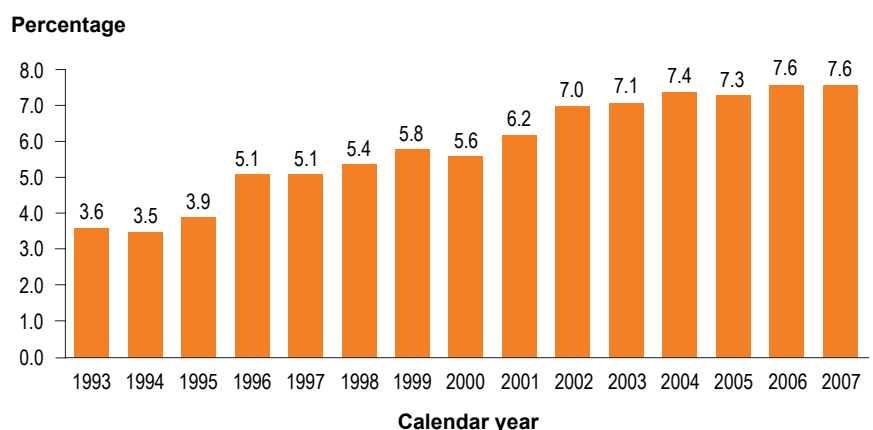


Table 3. Average length of prison sentence (months) imposed against convicted offenders, by principal offence, NSW Higher Courts, 1993 to 2007

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Trend
Murder - s18(1)(a)	140.8	154.5	150.3	134.9	145.0	158.9	154.9	188.1	172.6	166.8	177.3	168.0	176.1	206.5	183.9	Upward**
Manslaughter	47.1	60.8	48.6	55.2	58.0	54.2	46.8	44.1	49.9	48.3	51.1	49.5	54.9	52.6	52.4	Stable
Assault	22.4	18.7	17.1	23.3	19.0	21.7	21.5	20.0	23.1	20.7	24.7	25.6	24.3	23.0	26.3	Upward*
Sexual assault & related offences	32.4	29.8	27.5	32.9	33.9	33.3	28.8	31.5	29.8	41.5	38.2	36.9	36.2	39.6	38.2	Upward*
Robbery	30.5	27.1	25.9	27.4	25.9	26.3	28.3	24.7	25.6	25.7	27.6	29.7	27.6	24.9	24.1	Stable
Break & enter	20.7	16.9	19.5	19.3	18.0	18.1	18.1	18.2	19.4	20.8	20.0	21.1	19.9	19.3	20.7	Stable
Theft (except motor vehicles)	13.5	15.0	13.3	13.7	13.6	13.3	12.2	10.6	14.4	14.4	13.6	12.4	14.6	13.7	12.8	Stable
Motor vehicle theft & related offences	15.8	13.8	15.4	16.3	21.5	22.2	20.9	16.5	16.7	16.2	23.8	19.5	23.0	20.5	24.3	Upward*
Fraud & related offences	19.2	22.8	18.5	21.5	20.6	25.5	18.6	18.9	22.2	18.8	21.0	16.1	16.7	15.9	16.9	Downward*
Deal, traffic or cultivate illicit drugs	25.1	21.0	20.2	22.6	23.9	23.7	21.8	21.0	23.5	23.0	24.5	24.0	25.1	26.1	23.8	Stable

* Statistically significant at < .05

** Statistically significant at < .001

Table 4. Percentage of defendants who were refused bail, by principal offence, NSW Local Courts, 1993 to 2007

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Trend
Assault	5.6	5.7	5.8	7.0	7.0	7.4	8.9	8.2	9.5	10.4	11.1	12.3	12.6	13.0	12.8	Upward**
Sexual assault & related offences	5.5	5.2	5.5	5.8	5.7	5.8	7.7	5.8	7.8	8.9	9.2	10.1	10.7	13.4	14.1	Upward**
Robbery	24.8	26.6	19.7	24.4	27.2	26.9	28.1	23.2	30.0	24.5	24.7	37.6	34.2	34.9	31.0	Upward*
Break & enter	16.5	15.4	18.2	24.0	22.4	24.0	26.9	25.6	30.0	30.1	34.6	39.1	40.2	40.2	38.0	Upward**
Theft (except motor vehicles)	6.1	5.7	6.5	9.0	9.1	11.2	12.6	12.8	14.7	15.1	15.7	17.9	18.7	18.6	17.3	Upward**
Motor vehicle theft & related offences	16.6	17.3	19.7	23.5	23.4	23.7	26.0	25.4	29.3	29.2	35.5	36.2	40.4	41.1	39.2	Upward**
Fraud & related offences	7.0	5.9	7.2	7.4	7.5	8.8	9.8	9.9	11.3	11.4	11.0	11.2	11.3	11.7	11.1	Upward**
Deal, traffic or cultivate illicit drugs	4.1	4.0	5.4	6.2	6.8	5.7	9.5	7.5	10.8	12.1	12.6	12.6	12.2	12.4	11.8	Upward**
Property damage	5.1	5.7	5.8	7.0	7.4	7.6	8.8	8.6	10.4	12.1	12.4	13.7	13.9	14.3	14.6	Upward**
High range PCA	1.9	1.5	2.0	2.1	1.9	1.8	2.4	2.4	2.4	2.7	3.1	3.3	3.1	3.7	3.9	Upward**
Breach of domestic violence order	17.5	18.3	15.8	17.2	15.7	15.4	16.3	15.6	17.3	19.4	19.7	23.3	24.4	25.9	26.3	Upward*

* Statistically significant at < .05

** Statistically significant at < .001

defendants being refused bail in 1993 to 7.6 percent in 2007. A total of 134,913 defendants appeared in Local Courts in 2007, with 10,235 defendants refused bail.

SENTENCING OUTCOMES

Table 5 shows the proportion of convicted offenders sentenced to imprisonment in the Local Courts for each of the 11 offence categories over

the period 1993 to 2007. The percentage of offenders imprisoned by the Local Courts rose significantly in eight of the 11 offence categories: assault, sexual assault, break and enter,

Table 5. Percentage of convicted offenders imprisoned, by principal offence, NSW Local Courts, 1993 to 2007

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Trend
Assault	7.5	8.1	9.1	8.0	7.9	8.9	8.8	7.8	8.4	9.1	10.0	10.1	10.4	11.5	10.8	Upward**
Sexual assault & related offences	15.7	13.6	15.1	17.1	14.6	12.7	15.2	16.1	24.6	21.8	21.7	30.7	27.1	24.0	24.3	Upward*
Robbery	75.0	58.3	27.0	40.5	40.9	47.9	49.1	25.8	45.7	40.7	45.7	50.0	51.4	44.3	45.3	Stable
Break & enter	33.7	33.9	36.9	39.3	40.2	42.8	44.4	41.1	44.6	44.7	46.1	48.5	49.7	48.8	48.5	Upward**
Theft (except motor vehicles)	8.0	8.1	8.0	8.5	9.0	10.9	11.7	11.8	11.4	11.5	10.7	12.9	12.6	12.5	12.4	Upward**
Motor vehicle theft & related offences	31.9	31.8	33.6	33.3	39.6	33.6	34.8	33.7	39.9	38.5	38.5	40.3	42.2	42.0	39.5	Upward**
Fraud & related offences	8.8	9.2	9.7	7.9	7.9	11.2	10.2	9.8	8.7	9.0	9.0	9.3	10.2	8.1	9.4	Stable
Deal, traffic or cultivate illicit drugs	8.5	7.9	9.8	9.8	10.7	9.2	11.4	10.2	14.8	13.4	13.5	12.2	14.7	14.3	13.3	Upward*
Property damage	2.9	2.7	3.0	3.5	3.6	3.5	4.1	3.7	4.4	4.4	4.4	4.7	4.9	4.5	5.1	Upward**
High range PCA	2.5	2.8	3.3	2.2	2.6	2.9	2.6	2.3	2.2	2.8	2.9	3.9	4.3	5.0	5.1	Upward*
Breach of domestic violence order	13.2	13.9	14.0	10.6	11.1	11.5	12.1	11.0	9.9	10.9	10.0	12.3	12.4	13.0	16.0	Stable

* Statistically significant at < .05

** Statistically significant at < .001

theft, motor vehicle theft, deal, traffic or cultivate illicit drugs, property damage and high range PCA. Break and enter showed the largest increase, with a 14.8 percentage point increase between 1993 and 2007. Trends in imprisonment were stable for the offence categories of robbery, fraud, and breach domestic violence order.

Table 6 displays the average length of prison sentence imposed by the Local Courts between 1993 and 2007 for the 11 observed offence categories. Trends in the average length of prison sentences increased for nine of the 11 offence categories between 1993 and 2007: assault, sexual assault, break and enter, theft, fraud, deal, traffic or cultivate illicit drugs, property damage, high range PCA and breach of domestic violence order. Average length of imprisonment remained stable over the period for robbery and motor vehicle theft offences.

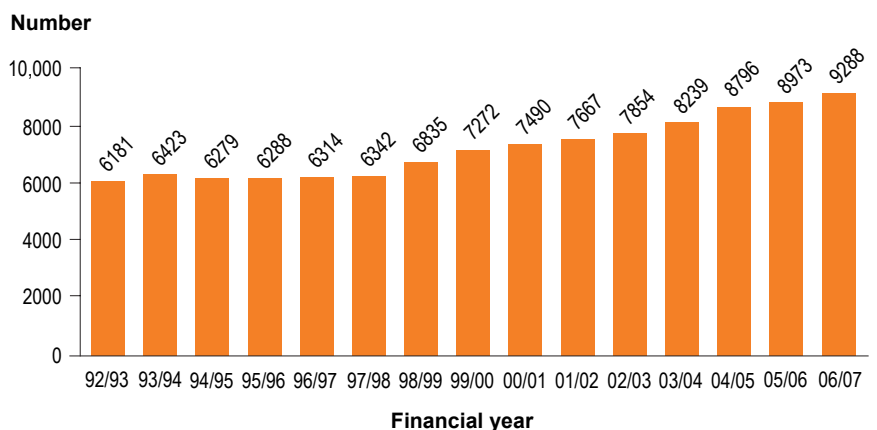
TRENDS IN THE NSW PRISON POPULATION

While a number of factors influence the size of the prison population at any one time, the administration of bail and

the sentencing of convicted offenders in NSW Higher and Local Courts are likely contributing factors. The trends described in this bulletin indicate that, for many offence categories, defendants are more often being refused bail and convicted offenders are more often receiving prison sentences. Due to these results, it appeared relevant to also report the overall trend in the size of the NSW

prison population from 1993 to 2007. Figure 3 displays the significant rising trend (p< .0001) in the number of people in NSW prisons in each financial year over the period 1992/1993 to 2006/2007. There has been a 50.3 percent increase in the yearly prison population, with 6,181 people imprisoned in the 1992/1993 financial year and 9,288 imprisoned in the 2006/2007 financial year.

Figure 3: Number of people in NSW prisons in each financial year, 1993 to 2007



Source: NSW Department of Corrective Services

Table 6. Average length of prison sentence (months) imposed against convicted persons, by principal offence, NSW Local Courts, 1993 to 2007

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Trend
Assault	4.5	4.2	4.3	4.3	4.3	4.6	4.4	4.8	5.0	5.0	5.6	6.0	6.2	6.2	6.2	Upward**
Sexual assault & related offences	6.6	5.1	6.8	5.3	7.2	6.7	5.9	8.6	6.9	6.3	7.3	7.6	7.1	7.6	7.1	Upward*
Robbery	8.4	8.4	7.1	6.3	6.6	8.0	8.1	5.4	6.3	7.7	7.2	6.9	8.4	7.1	7.6	Stable
Break & enter	8.0	7.9	7.7	7.4	7.7	7.6	7.5	7.4	7.5	8.2	8.4	8.6	8.7	8.9	8.5	Upward*
Theft (except motor vehicles)	4.2	4.4	3.8	4.1	4.2	4.2	4.0	4.0	4.2	4.5	4.8	5.0	4.9	5.0	4.8	Upward*
Motor vehicle theft & related offences	7.2	7.1	7.3	6.6	6.7	6.7	6.1	6.3	6.2	6.9	7.0	7.0	7.6	7.8	6.8	Stable
Fraud & related offences	5.0	5.1	5.2	5.3	5.2	5.1	5.2	5.4	5.2	5.9	5.7	6.3	6.1	6.1	6.2	Upward**
Deal, traffic or cultivate illicit drugs	4.9	5.3	5.4	5.1	5.9	6.1	6.6	6.1	6.7	7.2	7.6	7.6	6.9	7.2	6.7	Upward**
Property damage	2.9	2.8	3.1	3.2	3.2	3.1	3.7	3.5	3.7	3.9	4.0	3.5	3.6	4.2	3.9	Upward**
High range PCA	4.5	4.1	4.7	4.5	4.6	5.1	5.5	5.4	5.4	5.9	6.5	6.3	6.9	7.1	7.0	Upward**
Breach of domestic violence order	2.1	2.7	2.7	2.6	2.8	2.8	3.2	3.4	3.4	4.1	4.5	4.6	4.4	4.7	4.5	Upward**

* Statistically significant at $< .05$

** Statistically significant at $< .001$

SUMMARY

The analysis in this bulletin indicates that, contrary to popular opinion, courts in New South Wales have become harsher rather than more lenient when making bail and sentencing decisions. The proportion of defendants who were remanded in custody at their final court appearance has doubled in both jurisdictions across the last 15 years. The use of imprisonment as a sanction has also increased for most offence categories in NSW Higher and Local Courts. Furthermore, the average length of prison sentences increased significantly for the majority of offence categories analysed here for Local Courts and for four of the ten offence categories observed for the Higher Courts. As such, between 1993 and 2007, Higher Courts and Local Courts in NSW appear to have become more restrictive in their administration of bail, and more severe in the sentencing of convicted offenders. It is quite possible that these findings are related to the 50.3 percent increase in the NSW prison population over the same period.

The only offence category for which sentencing outcomes have become less restrictive was the length of prison sentences handed down to people convicted for fraud offences in the Higher Courts. This is perhaps not surprising in light of the dramatic increase in the proportion of people imprisoned for fraud offences over the same period (from 29.1 percent in 1993 to 74.3 percent in 2007). A reduction in the average prison sentence length would be expected if much of this increase in people being sent to prison were due to less serious fraud offences attracting custodial sanctions.

Unpacking the possible reasons why Higher and Local Courts in NSW have delivered bail and sentencing outcomes that are more restrictive and severe is a difficult analytic task. There have been several major sentencing reforms over this time period that may have impacted on the sentencing trends, most notably the introduction of the *NSW Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002*. Some of these reforms have been motivated by perceived community

demands for 'truth in sentencing' in which sentences imposed should not have the possibility of being remitted. There have also been many bail law reforms over this time period that may have impacted on bail refusal rates including the *Bail Amendment (Repeat Offenders) Act 2002* and the *Bail Amendment Act 2003*. Media, community and political pressure to be harsher on criminals may also be impacting on the decisions made by magistrates and judges in NSW courts (see Roberts et al. 2003). It is also possible that the characteristics of people appearing in NSW courts have changed over time. Contributing to such a trend could be modern policing practices that involve targeting known high-risk property and drug offenders (Harvey 2005). Greater seriousness in past or present offending of those presenting at NSW courts may be leading to more severe court outcomes. With so many factors potentially at play, targeted research and analysis is required to better understand the possible contributions of these factors to bail and sentencing outcomes in NSW courts.

REFERENCES

Baker, J 1998, 'Are the courts becoming more lenient? Recent trends in convictions and penalties in NSW Higher and Local Courts', *Crime and Justice Bulletin*, no. 40, NSW Bureau of Crime Statistics and Research, Sydney.

Clennell, A & Spencer, G 2007, 'Debnam says crime has devastated parts of NSW', *The Sydney Morning Herald*, 5 March, accessed September 19, 2008 from <http://www.smh.com.au>.

Conover, W 1980, *Practical nonparametric statistics*, Wiley, New York.

Fitzgerald, J 2001, 'Trends in sentencing in the New South Wales Criminal Courts: 1990-2000', *Crime and Justice Bulletin*, no. 62, NSW Bureau of Crime Statistics and Research, Sydney.

Gittins, R 2002, 'Her Majesty's guests', *The Sydney Morning Herald*, 30 October, accessed September 19, 2008 from <http://www.smh.com.au>.

Harvey, S 2005, *Literature review: police practice in reducing residential burglary*, New Zealand Ministry of Justice, Wellington.

Jones, C, Weatherburn, D & McFarlane, K 2008, 'Public confidence in the New South Wales criminal justice system', *Crime and Justice Bulletin*, no. 118, NSW Bureau of Crime Statistics and Research, Sydney.

NSW Bureau of Crime Statistics and Research 2007, *New South Wales criminal court statistics 2006*, NSW Bureau of Crime Statistics and Research, Sydney.

Roberts, JV, Stalans, LJ, Indermaur, D & Hough, M 2003, *Penal populism and public opinion: lessons from five countries*, Oxford University Press, New York.

NOTES

1. Higher Courts in NSW refers to both NSW District Courts and NSW Supreme Courts.
2. Similar to the approach taken by Fitzgerald (2002), offence categories were selected to be consistent with the Australian Standard Offence Classification (ASOC) system. Offence categories selected for this bulletin were limited to those for which there was an adequate number of people processed each year to obtain reliable estimates. The ASOC category related to the chosen offence groups often included the additional descriptor "and related offences" (i.e. sexual assault and related offences). To facilitate readability, only the primary offence type is used to describe each category in the text of the bulletin (i.e. sexual assault).
3. The most serious offence is the offence which received the most serious penalty. A hierarchy of offence seriousness is provided in the appendix of the NSW Bureau of Crime Statistics and Research court statistics report (NSW Bureau of Crime Statistics and Research 2007).
4. The prison sentence data does not include those sentenced to life imprisonment. As such, average prison sentences for serious offences such as murder may be under estimated.
5. 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, W 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.

Other titles in this series

No.123	The Impact of the high range PCA guideline judgment on sentencing for PCA offences in NSW
No.122	CHERE report: The Costs of NSW Drug Court
No.121	The NSW Drug Court: A re-evaluation of its effectiveness
No.120	Trends in property and illicit drug-related crime in Kings Cross: An update
No.119	Juror understanding of judicial instructions in criminal trials
No.118	Public confidence in the New South Wales criminal justice system
No.117	Monitoring trends in re-offending among offenders released from prison
No.116	Police-recorded assaults on hospital premises in New South Wales: 1996-2006
No.115	Does circle sentencing reduce Aboriginal offending?
No.114	Did the heroin shortage increase amphetamine use?
No.113	The problem of steal from motor vehicle in New South Wales
No.112	Community supervision and rehabilitation: Two studies of offenders on supervised bonds
No.111	Does a lack of alternatives to custody increase the risk of a prison sentence?
No.110	Monitoring trends in re-offending among adult and juvenile offenders given non-custodial sanctions
No.109	Screening juvenile offenders for more detailed assessment and intervention
No.108	The psychosocial needs of NSW court defendants
No.107	The relationship between head injury and violent offending in juvenile detainees
No.106	The deterrent effect of higher fines on recidivism: Driving offences
No.105	Recent trends in property and drug-related crime in Kings Cross
No.104	The economic and social factors underpinning Indigenous contact with the justice system: Results from the 2002 NATSISS survey
No.103	Reoffending among young people cautioned by police or who participated in a Youth Justice Conference
No.102	Child sexual assault trials: A survey of juror perceptions
No.101	The relationship between petrol theft and petrol prices
No.100	Malicious Damage to Property Offences in New South Wales
No.99	Indigenous over-representation in prison: The role of offender characteristics
No.98	Firearms and violent crime in New South Wales, 1995-2005
No.97	The relationship between methamphetamine use and violent behaviour
No.96	Generation Y and Crime: A longitudinal study of contact with NSW criminal courts before the age of 21
No.95	Matching Court Records to Measure Reoffending
No.94	Victims of Abduction: Patterns and Case Studies