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Adult Courts and Corrections statistics, 2004

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Each year the Office of Crime Statistics and Research publishes *Crime and Justice in South Australia*, a comprehensive three volume report containing crime and criminal justice statistics for this state. This Information Bulletin summarises the data contained in Volume 3 of that report, including information on the Magistrates Court, Higher Courts and Correctional Services for the period 1 January to 1 December 2004¹.

The information contained in this Bulletin is presented in four main sections:

- Magistrates Court;
- Higher Courts;
- Correctional Services;
 - Prison receptions;
 - Daily averages;
 - Census figures;
 - Escapes from custody;
- Community based Corrections;
 - Orders commenced during 2004;
 - Persons supervised at 31 December 2004;
 - Orders completed during 2004.

¹ Volume 1 reports on offences reported to police, the victims and alleged perpetrators, and Volume 3 deals exclusively with young offenders and the juvenile justice system. Refer to Information Bulletins 49 and 47 respectively for summaries.

Summary of key findings from the 2004 statistics

Magistrates Courts

During 2004, there were 27,499 cases finalised in the Magistrates Court, which is 5.8% lower than the 29,206 cases finalised in 2003.

- *Driving offences* were listed as the major charge in approximately one quarter (27.7%) of these cases, while *offences against good order* accounted for a further 20.1% and *larceny and receiving* offences for 12.5%. At the other end of the scale, very few cases involved either a *sexual offence* (1.3%) or *robbery and extortion* (0.8%). In addition, 5.4% of cases involved *non-offence* matters. These consisted almost entirely of restraining orders.
- Of the cases dealt with in the Magistrates Court in 2004, 929 (3.4%) were committed to the District or Supreme Court for trial or sentence. This number is 5.6% lower than the 984 cases committed in 2003 and 48.1% lower than the 1,791 committals recorded in 1992 when legislative changes were introduced to ensure that matters were heard at the lowest, most appropriate jurisdictional level.
- In 2004, over half of all cases finalised in the Magistrates Court (57.2%) resulted in the defendant being convicted of the major charge. In a further 12.9% of cases, the defendant was found guilty of the major charge but was not convicted.
- In just over one fifth of cases (21.5%) the major charge was either withdrawn by the prosecution or dismissed. However, in 19.4% of the cases where the major charge resulted in an acquittal, dismissal or withdrawal, there was a finding of guilt to a lesser or other charge.
- In total then, of the 26,570 cases finalised in the Magistrates Court (excluding those committed to a higher court) just under three quarters (77.0% or 20,455 cases) resulted in a finding of guilt to at least one charge.
- Of the 1,493 *restraining, domestic violence or paedophile restraining orders* matters finalised in 2004, 926 (62.0%) resulted in the issuance of an order, 258 (17.3%) were varied, while 292 (19.6%) were either revoked, cancelled, withdrawn, dismissed or refused.
- Of the 20,455 cases finalised in 2004 by way of a conviction or a finding of guilt to at least one charge, one third (30.1%) received a fine as the major penalty, while approximately one quarter (27.9%) resulted in a driver's license suspension. Overall, 4.4% of cases resulted in direct imprisonment while 9.1% received suspended imprisonment.

- The average length of imprisonment (amongst offence categories with more than one case of imprisonment) was highest for those cases where the major charge proved was a *serious criminal trespass offence* (average imprisonment of 70 weeks).
- Although females featured in only a small proportion (17.7%) of cases finalised in 2004, their level of involvement varied depending on the type of offence. For example, females accounted for only 1.6% of those cases in which a *sexual offence* was listed as the major charge, but 40.1% of all cases involving *fraud and misappropriation*.
- Just under two fifths (38.9%) of defendants dealt with in the Magistrates Court were aged between 20 and 29 years while relatively few (6.9%) were aged 50 years and over.
- The rate of appearance for Aboriginal defendants was considerably higher than that of non-Aboriginal defendants (266.4 per 1,000 adult Aboriginal population compared with 21.1 per 1,000 adult non-Aboriginal population respectively).
- Seven out of ten defendants (69.7%) in the Magistrates Court had at least one prior conviction, with an average of 14.0 previous convictions per defendant. Over one in five cases (19.9%) involved defendants who had previously been sentenced to imprisonment.
- In the 8,341 cases finalised at the first court hearing, only eight defendants were remanded in custody at the time (0.1%). In contrast, 22.0% of defendants who were committed to a higher court for trial or sentence were being held in custody at the time of finalisation.
- The proportion of cases that had legal representation varied depending upon the number of appearances required to finalise the matter. Of those cases finalised at the first hearing, only 34.7% had a lawyer. This rose to over three quarters (78.4%) of those cases that required more than one hearing to finalise and 96.6% of those which were committed to a higher court for trial or sentence.

Higher Courts

- In 2004, there were 52 cases finalised in the Supreme Court and 924 finalised in the District Court, giving a total of 976. This was 7.2% lower than the number of cases disposed of in 2003.
- Considering the major charge per case indicates that the largest offence groups were the *drug offences* (29.8% of the total), *serious criminal trespass* (24.7%) and offences *against the person (excluding sexual offences)* (12.9%) categories.

- The majority of defendants (76.2%) pleaded or were found guilty of at least one charge at trial. In 58.4% of cases the defendant pleaded guilty to either the major or a lesser charge. In a further 16.5% of cases, a trial was held which resulted in either a plea or finding of guilt. In another 3.0% of cases the major charge was dropped but there was a guilty outcome for another or lesser offence.
- The two most frequently imposed penalties in 2004 were imprisonment, imposed in 44.9% of cases where one or more charges had an outcome of *guilty*, and suspended imprisonment (imposed in 41.9% of such cases).
- The average length of imprisonment was just over four years (or 49.4 months, excluding sentences of life imprisonment). The average non-parole period set was just over three years (36.7 months).
- The offence group with the highest percentage imprisoned was *fraud and misappropriation*, with 11 of the 13 defendants convicted receiving this penalty, followed by *sexual offences* (67.8%).
- Almost nine out of ten defendants (88.1%) were males, whose average age was 31.2 years. Females had an average age of 31.8 years.
- Persons of Aboriginal appearance made up 9.6% of defendants, with a rate of appearance of 7.2 per 1,000 adult Aboriginal population. This was much higher than other defendants, whose appearance rate was 0.8 per 1,000 adult non-Aboriginal population.
- Approximately four out of five defendants had at least one prior conviction, while 9.2% had 50 or more previous convictions. Almost one third (32.3%) had been imprisoned before.
- Just under one third of defendants (28.6%) were being held in custody at the commencement of proceedings.

Correctional Services

Prison receptions

- In 2004, there were 3,440 prisoners received into custody. Of the 3,381 prison receptions where legal status was available, 10.9% were sentenced prisoners, 0.6% were fine defaulters and 88.6% were on remand. The number of receptions in 2004 was 1.5% lower than recorded in 2003, and well below the peak of 7,618 recorded in 1992.

- In 2004, a slightly lower proportion of prison receptions involved sentenced prisoners (10.9% compared with 12.8% in 2003). In contrast, the proportion of admissions involving remanded prisoners was marginally higher (88.6% in 2004 compared with 86.6% in 2003) and the proportion of fine defaulters remained stable (0.6% of all receptions in 2003 and 2004).
- The overwhelming majority of persons received into custody in 2004 were male (89.2%). This figure was consistent for both remand and sentenced prison receptions, while 17 of the 19 fine default receptions were male.
- For those 3,485 receptions where age was known, four out of ten (39.5%) involved persons aged 20 to 29 years, while those in the older age groups (notably 50 years and over) accounted for only 4.2%.
- Persons identified as Aboriginal accounted for 24.4% of the 3,084 prison receptions where information on racial identity was recorded. This figure was similar to that recorded for remand receptions (24.8% identified as Aboriginal), but slightly higher than the proportion of sentenced receptions (18.8%) and fine defaulters (14.3%).

Daily averages

- Daily average prison numbers decreased marginally in 2004 from 1,481 per day in 2003 to 1,475 in 2004.
- The majority of the 1,475 prisoners were serving a prison sentence (998 or 67.8%), while 473 (32.2%) were on remand.
- In 2004, males accounted for 94.0% of the daily average prison population, with a rate of 2.38 per 1,000 adult male population, compared with only 0.15 per 1,000 adult female population.
- On average, 257 Aboriginal persons were held in custody each day in 2004, which represents 19.4% of those for whom racial identity was recorded.

Census figures

- At midnight on 31 December 2004 there were 1,507 prisoners in custody. Remandees accounted for 31.2% of those for whom information on legal status was recorded while two thirds (68.8%) were sentenced prisoners.

- Males again dominated. For every 1,000 adult males in the South Australian population, 2.43 were in custody on that particular day compared with only 0.15 females per 1,000 adult female population.
- Aboriginal males accounted for 20.2% of all males in custody on 31 December 2004 where racial identity was known (compared with 19.7% in 2003), while Aboriginal females accounted for 31.7% of all females in custody (compared with 23.0% in 2003).

Escapes from custody

- In 2004, four prisoners escaped from the custody of the Department for Correctional Services. Three escapes were from an institution (Cadell Training Centre) while one was from escort.

Prison discharges

- In 2004, there were 3,400 discharges from custody. Where legal status was known, 34.2% were, at the time of discharge, serving a prison sentence. A further 65.2% were discharged from remand and 0.6% were discharged after having 'cut out' a fine.
- A higher proportion of females were on remand at the time of discharge (74.2% compared with 64.2% of males), while a lower proportion were classified as sentenced prisoners (25.2% compared with 35.2% of males).
- Of the 1,156 sentenced prisoners who were discharged in 2004, 14.8% spent less than one month in prison, while 34.3% were in prison for three months or less. At the other end of the scale, only 1.2% were incarcerated for more than five years. However, the time served varied depending on the nature of the offence for which the prisoner was being held at the time of release. Of the 106 discharges involving a *licence/registration* offence, more than one third (37.7%) were for periods of less than one month. However, of the 148 sentenced prisoners discharged after serving sentences for *serious criminal trespass*, only 1.4% had served less than one month, while 51.4% involved terms of more than one year.
- The most prominent offence type for which sentenced prisoners were being held just prior to their discharge was that of *offences against justice procedures*. These were listed as the major offence in 31.0% of the discharges where the type of offence was recorded, followed by *serious criminal trespass* (12.9%) and *licence/registration* offences (9.2%).
- Overall, Aboriginal sentenced prisoners were more likely to serve periods of between two and six months (50.9% compared with 36.8%), but less likely to serve terms of six months or more than were their non-Aboriginal counterparts (35.6% compared with 48.3%).

Community-based Corrections

Orders commenced during 2004

- In 2004, there were 8,809 community-based correction orders commenced, which was 4.0% higher than the 8,474 recorded in 2003.
- Over one-third (37.7%) of the community-based correction orders commenced in 2004 involved some form of community work. This included stand-alone community service orders (27.4%) as well as instances where a financial penalty was expiated through community service (10.3%).
- Only 9.8% of supervisions involved home detention, generally as part of a bail agreement (7.3%) or for sentenced prisoners released from gaol (2.5%).
- The 8,809 orders commenced in 2004 involved 6,662 discrete individuals, giving an average of 1.32 orders per person. The total number of individuals who commenced an order in 2004 was almost identical to that recorded in 2003 (6,660) but 57.7% lower than the 15,738 persons recorded in 1999. This decrease is largely due to the continuing affect of the abolition in 2000 of CSO (expiation notice) and CSO as fine option orders.
- Males accounted for 81.1% of all individuals and 81.7% of all orders commenced where relevant data were available.

Persons supervised at 31 December 2004

- On 31 December 2004, Correctional Services were supervising 6,447 distinct individuals, some of whom were serving more than one community-based correction order.
- The order which recorded the highest caseload on that day was that of probation, with 2,510 discrete individuals registered. This equates to 38.9% of all persons under Correctional Services community supervision on that day.
- The total number of persons supervised was 14.1% higher than the 5,648 individuals under supervision twelve months earlier, on 31 December 2003.

Orders completed during 2004

- The number of community-based correction orders completed decreased in 2004 (by 6.1% from 9,209 in 2003 to 8,651).
- The majority of these orders were completed successfully (61.5%).
- The extent to which orders were revoked or estreated in 2004 varied depending on the type of order involved. The highest level of estreatment/revocation was recorded for home detention bail orders (48.4%), followed by orders where a financial penalty was expiated through community service (48.0%) and community service orders (46.0%). In contrast, only 9.6% of home detentions completed by sentenced prisoners in 2004 were estreated or revoked.

Copies of the full report “Crime and Justice in South Australia, 2004: Adult Courts and Corrections” can be downloaded from the publications page of the OCSAR website - www.ocsar.sa.gov.au