

**10**

**CRIME AND JUSTICE**

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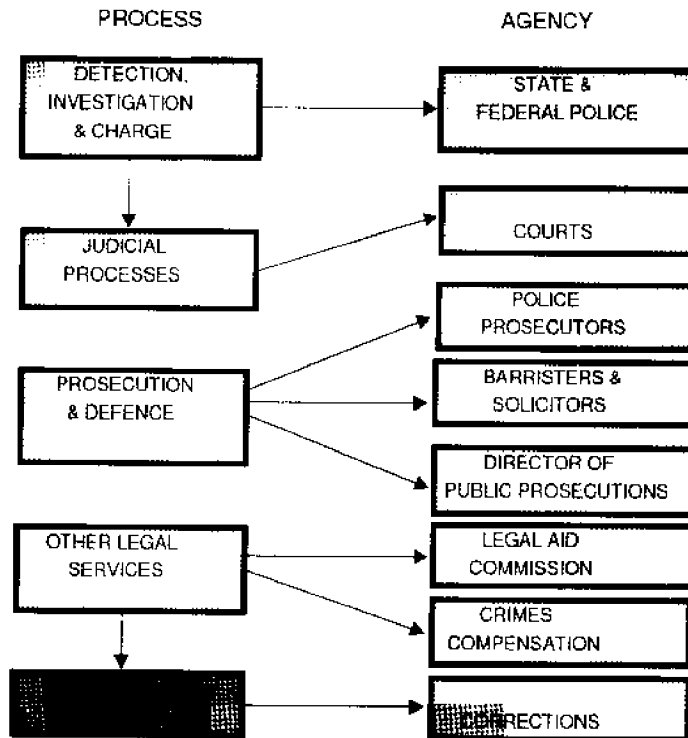
## Introduction

This chapter contains data based on National justice statistics, focusing on crime victimisation, crimes reported to police, courts, and corrections.

### OVERVIEW

The Victorian criminal justice system consists of the State institutions, agencies, departments and personnel who are responsible for dealing with persons accused or convicted of committing a crime. The justice system also has a responsibility for dealing with the victims of crime. In Victoria, as in other states, there exists two systems of criminal justice; the federal criminal justice system, based on offences against Commonwealth laws, and the state system, based on offences against State laws.

### CRIMINAL JUSTICE SYSTEM



Source: Department of Justice, Victoria

The objective of national justice statistics is to make available comparable data across jurisdictions, thus providing indicators of the relative level and nature of crime and criminal justice agency activity in Australia.

### Crime victimisation

The Crime and Safety survey measures the level of crime victimisation over the previous twelve months for a sample of households and residents. The national Crime and Safety survey was conducted in 1993, with Victorian State surveys in 1994 and 1995. Information was collected from individuals and households about their experience of selected crimes, reporting behaviour and factors such as if the household possessed security devices. A crime victim is defined as a person or household reporting at least one offence, and is counted only once for each type of offence. Crime victims surveys aid in providing a more comprehensive picture of the nature and extent of crime and complement national crimes statistics, as not all crimes are reported to police.

**TABLE 10.1 VICTIMS AND NON VICTIMS OF CRIME (a) IN THE LAST 12 MONTHS  
TYPE OF OFFENCE, VICTORIA**

	1994		1995		1993	1994	1995
	Victims	Non-victims	Victims	Non-victims	Victimisation rate		
	'000				% (b)		
<b>Households -</b>							
Break and enter	54.9	1 549.7	52.7	1 574.2	3.3	3.4	3.2
Attempted break and enter	39.6	1 565.1	36.6	1 590.2	2.6	2.5	2.3
Break and enter or attempted break and enter (c)	85.7	1 519.0	81.9	1 545.0	5.4	5.3	5.0
Motor vehicle theft	29.9	1 574.7	23.8	1 603.0	1.7	1.9	1.5
<b>Total household crime (c)</b>	<b>111.8</b>	<b>1 492.8</b>	<b>103.3</b>	<b>1 523.6</b>	<b>7.0</b>	<b>7.0</b>	<b>6.3</b>
<b>Persons -</b>							
Robbery	39.2	3 370.9	27.9	3 409.1	1.0	1.1	0.8
Assault	88.3	3 321.8	81.8	3 355.2	2.2	2.6	2.4
Sexual Assault (d)	8.2	1 640.8	4.7	1 653.1	0.5	0.5	0.1
<b>Total personal crime (b)</b>	<b>126.8</b>	<b>3 283.3</b>	<b>106.8</b>	<b>3 330.2</b>	<b>3.2</b>	<b>3.7</b>	<b>3.1</b>

(a) Refers to households or persons who were/were not victims of any of the types of offences specified.

(b) For all households/persons.

(c) Because an individual household or person could be a victim of more than one type of offence, figures given for individual offence types do not always sum to the totals.

(d) Sexual assault questions were asked only of females aged 18 years and over.

Source: *Crime and Safety Victoria, April 1995* (4509.2)

During the 12 months to April 1995, an estimated 103,300 or 6.3% of households in Victoria were victims of at least one break and enter (burglary), attempted break and enter, or motor vehicle theft offence. The most common offence for households was a break and enter or attempted break and enter offence, of which 5% of households were victims. Over the past three years the victimisation rate for households has remained relatively stable, with 1995 showing a slight decrease to 6.3%. The 1993 national survey showed that the rate of household victimisation in Victoria was among the lowest for any Australian State.

Similarly the rate of personal victimisation in Victoria was one of the lowest among the States. For personal crime (robbery, assault or sexual assault), the most common offence experienced in 1995 was that of assault, with 2.4% of persons experiencing assault, 0.1% experiencing sexual assault and 0.8% experiencing a robbery offence. The number of people who were victims of personal crime decreased from 3.7% in 1994 (126,800 persons) to 3.1% (106,800 persons) in 1995.

**TABLE 10.2 VICTIMS OF CRIME<sup>(a)</sup> IN THE LAST 12 MONTHS: WHETHER LAST INCIDENT WAS REPORTED TO POLICE, BY TYPE OF OFFENCE, VICTORIA**

	Offences reported to police		
		% (b)	
Households -			
Break and enter	82.9	83.8	76.5
Attempted break and enter	39.6	37.0	37.4
Motor vehicle theft	94.2	93.7	96.5
Persons -			
Robbery	52.2	67.8	56.7
Assault	35.3	35.0	33.2
Sexual Assault (c)	33.1	12.0	14.9

(a) Refer to households or persons who were victims of any of the types of offence specified.

(b) Of all households/persons.

(c) Sexual assault questions were asked only of females aged 18 years and over.

Source: *Crime and Safety Victoria, April 1995* (4509.2)

### Crimes reported to police

Reported to Police figures for households in 1995 revealed that 96.5% of households experiencing motor vehicle theft reported the latest event to the police, followed by a decrease in the reporting rate to 76.5% for the last break and enter category. The reporting rate for attempted break and enter remained relatively stable at 37.4%. Victims of robbery in 1995 reported this offence at a rate of 56.7%, a decrease on the 1994 figure of 67.8%. The reporting rate for sexual assault victims increased from 12% in 1994 to 14.9% in 1995.

### National Crime Statistics

In 1994 the ABS commenced the publication of nationally comparable statistics for crimes reported to police. The national crime statistics relate to selected offence categories. These are murder, attempted murder, manslaughter, driving causing death, sexual assault, kidnapping/abduction, armed robbery, unarmed robbery, blackmail/extortion, unlawful entry with intent, and motor vehicle theft. To aid interpretation of these statistics it should be noted however that only the most serious offence is counted in the crime statistics.

There are a number of common offences for which information is not currently collected. These offences will be progressively added to the collection as comparability is achieved and data become available. Theft and assault are expected to be the next offences added.

**TABLE 10.3 VICTIM (a) BY OFFENCE CATEGORY, VICTORIA AND AUSTRALIA, 1994**

Offence category	Victoria Number	Victoria Rate (b)	Australia Rate (b)
Homicide -			
Murder	56	1.25	1.61
Attempted murder	56	1.25	1.87
Manslaughter	5	0.11	0.18
Driving causing death	15	0.34	1.10
Sexual assault	3 388	75.69	74.41
Kidnapping/abduction	99	2.21	3.07
Robbery -			
Armed robbery	788	17.60	28.36
Unarmed robbery	849	18.97	50.01
Blackmail/extortion	85	1.90	0.94
Unlawful entry with intent	72 260	1 614.35	2 130.50
Motor vehicle theft	27 701	618.86	671.18

(a) The definition of a crime victim varies according to the category of offence.

(b) Rate per 100,000 population.

Source: *National Crime Statistics* (4510.0)

Table 10.3 shows that the most common offence to be reported to Victorian Police in 1994 was that of unlawful entry with intent (UEWI). More than 72,000 UEWIs were reported, representing a rate of 1,614.35 per 100,000 population. The next most frequently reported offence was motor vehicle theft, with 27,701 stolen vehicles reported to police, a rate of 618.86 per 100,000 population.

Among the violent crimes within the national collection the most common types of crime reported to police in 1994 were sexual assault and robbery. In Victoria there were 3,388 victims of sexual assault, representing a rate of 75.6 per 100,000 population. Robbery comprised 788 reports for armed robbery and 849 reports for unarmed robbery.

In Victoria the rate per 100,000 is generally lower in all the above offence groups when compared with national rates, except in the sexual assault and blackmail/extortion offence categories. State figures in the national collection indicate that offences against property are much more common than the offences against person, with Victoria reflecting this trend. Victoria showed a higher than average rate of blackmail/extortion at 1.9 per 100,000 population, but both armed and unarmed robberies were below the national average with rates of 17.6 and 19.0 per 100,000 population respectively. Victoria also had a lower than average rate of UEWI at 1,614.4 per 100,000 population.

**TABLE 10.4 VICTIMS BY OFFENCE CATEGORY BY TYPE OF WEAPON USED IN COMMISSION OF OFFENCE, VICTORIA, 1994**

Offence category	Weapon used			Total weapon used	No weapon used
	Firearm	Other weapon	Weapon n.f.d.		
	%				
Homicide -					
Murder	28.6	35.7	-	64.3	35.7
Attempted murder	30.4	32.1	-	62.5	37.5
Manslaughter	-	60.0	-	60.0	40.0
Sexual assault	0.2	1.7	-	1.9	98.1
Kidnapping/abduction	5.1	12.1	-	17.2	82.8
Robbery	12.4	21.0	14.7	48.1	51.9

Source: *National Crime Statistics* (4510.0)

#### Weapon used

The collection of crime statistics published by the ABS include not only victims by offence category, but also whether a weapon was used in the commission of an offence, and the location of the offence. A weapon was involved in 64.3% of reported murders, 62.5% of attempted murders, 60.0% of manslaughters and 48.1% of robberies. The use of a weapon was relatively uncommon in sexual assaults, with only 1.9% involving a weapon.

#### Courts

Table 10.5 shows penalties based on the principal offence for each case in the Magistrates', County and Supreme Courts in Victoria. The tables do not show the number of cases where the charges were struck out, dismissed or where the defendant was acquitted.

The statistics relating to penalties imposed by courts reveal that the most common penalty imposed in the Magistrates' Courts was a fine, 38,343 of which were imposed in 1994. Licence cancellation/suspension and Adjourment Bonds were the next most common penalties imposed by the Magistrates' Courts (15,873 and 12,813 respectively), followed by Community Corrections Orders (5,514), suspended sentences of imprisonment (4,492) and sentences of imprisonment (4,296).

By way of comparison, the Higher Courts sentenced 1,243 persons, 582 of whom were given custodial sentences.

**TABLE 10.5 SENTENCES IMPOSED BY CRIMINAL COURTS - PRINCIPAL OFFENCES, MAGISTRATES AND HIGHER COURTS, 1994**

		no.
Custodial -		
Imprisonment	(a) 4 296	553
Youth Training Centre	263	29
Non custodial -		
Suspended sentence of imprisonment	4 492	435
Intensive Corrections order	628	19
Community corrections order	5 514	83
Licence cancelled or suspended	15 873	-
Fine	38 343	39
ADU/Bonds (b)	12 813	69
S28 ADDP(c)	153	-
Other-		16
Convicted and discharged	3 762	-
<b>Total</b>	<b>86 137</b>	<b>1 243</b>

(a) Includes sentences that combine a term of imprisonment of which part is suspended.

(b) Adjourned undertakings.

(c) Suspended sentences under S28 of Alcoholic and Drug Dependant Persons Act.

Source: *Magistrates' & Higher Courts Sentencing Statistics* (Department of Justice, Victoria)

### **Corrections/ prisoners and offenders**

Responsibility for the annual National Prison Census was formerly undertaken by the Australian Institute of Criminology. In 1995 the ABS undertook the responsibility for the collection of prison and correctional statistics.

The number of sentenced prisoners rose from 1,981 in 1993 to 2,190 in 1994. The number of unsentenced prisoners also experienced an increase, from 291 in 1993 to 333 in 1994. Total numbers for sentenced and unsentenced prisoners showed a decreasing trend between 1990 and 1993, before rising by 11% in 1994. The imprisonment rate for Victoria as at 30 June 1992 was 67.4 (per 100,000 population).

The average daily number of male prisoners during 1994-95 was 2,343, an increase on the 2,148 figure in 1992-93. Of the 2,523 prisoners in custody at 30 June 1994, 5.3 % were female. The average daily number of female prisoners rose from 113 in 1992-93 to 116 in 1994-95.

Langi Kal Kal prison, previously a Youth Training Centre, commenced operating as an adult correctional centre in August 1993. The number of offenders on community based correction programs in Victoria has decreased over the past three years. Community Based Orders saw the greatest reduction, with 560 less orders being handed down in 1994-95.



TABLE 10.6 SENTENCED AND UNSENTENCED PRISONERS, VICTORIA

Year	Prisoners in custody at 30 June		Total
	Sentenced prisoners	Unsentenced prisoners	
1989	1 942	311	2 253
1990	1 954	362	2 316
1991	1 925	385	2 310
1992	1 913	364	2 277
1993	1 981	291	2 272
1994	2 190	333	2 523

Source: Department of Justice, Victoria.

TABLE 10.7 PRISON CAPACITIES AND PRISONER NUMBERS, VICTORIA, 1995

Prison	Maximum capacity at 30 June 1995 (a)	Average number of prisoners in custody on each day during 1994-95 (b)
<b>Males -</b>		
Ararat	261	246
Barwon	250	212
Beechworth	123	78
Bendigo	80	78
Dhurringile	100	94
Langi Kal Kal	86	67
Loddon	250	243
Melbourne Remand Centre	260	226
Metropolitan Reception Prison	529	480
Morwell River	102	89
Pentridge	424	352
Sale	82	79
Won Wron	127	99
<b>Total Males</b>	<b>2 674</b>	<b>2 343</b>
<b>Females -</b>		
Fairlea	116	90
Tarngower	38	26
<b>Total Females</b>	<b>154</b>	<b>116</b>
<b>Total prisoners</b>	<b>2 828</b>	<b>2 459</b>

(a) Includes both general and special accommodation (e.g. hospital beds).

(b) Excludes all prisoners on temporary leave.

Source: Department of Justice, Victoria, *Annual Prison Statistics*.

**TABLE 10.8 COMMUNITY BASED CORRECTION OFFENDERS BY PROGRAM TYPE, VICTORIA**

Program Type	Offenders per program at 30 June (a)					
	1990	1991	1992	1993	1994	1995
Community Based Order	3 564	4 887	5 448	4 109	3 281	2 721
Community Based Order/Imprisonment (b)	21	42	52	37	24	17
Community Based Order (Fine Conversion) (c)	226	380	100	1	0	0
Community Based Order (Fine Default)	..	..	..	132	1 041	1 088
Parole	1 008	1 112	1 138	968	800	820
Pre-release	131	145	123	57	26	9
Interstate/Commonwealth Bonds (d)	169	210	215	209	200	186
Intensive Correction Order	n.a.	n.a.	101	341	308	320
Intensive Correction Order with Conditions	n.a.	n.a.	14	14	7	5
<b>Total</b>	<b>5 119</b>	<b>6 776</b>	<b>7 191</b>	<b>5 868</b>	<b>5 687</b>	<b>5 166</b>

(a) It is possible for individual offenders to be on more than one program at the same time and therefore counted separately in each program type.

(b) Community Based Order served after period of imprisonment.

(c) Community Based Order in default of payment of fines; this penalty was abolished on 28 April 1992.

(d) Includes Interstate and Commonwealth orders i.e. Parole, Pre-release and Good Behaviour Bonds.

Source: Department of Justice, Victoria, *Monthly Statistics*.

## REFERENCES

### Data sources

Over the past five years the Australian Bureau of Statistics in Victoria has established three statistical units with responsibility for the collection of criminal justice statistics: namely crime, court, and corrections figures, effectively creating a national centre for justice statistics.

The National Crime Statistics Unit was created in 1990, with the National Criminal Courts Unit and the National Correctional Services Unit established in 1994 and 1995 respectively. The general goal of the units is to develop a system of nationally comparable statistics on crimes reported to police, on the activities of Australia's criminal courts, and on the prison and community corrections system. These units aim to develop a high level of statistical expertise in the collection, analysis and dissemination of criminal justice information, and to be recognised as leading sources of information, analyses and interpretation about criminal justice statistics.

As the definition of Victim varies according to the offence category across collections, further information may be obtained from the publications.

### ABS publications

*Crime and Safety Victoria* (4509.2)

*Crime and Safety, Australia* (4509.0)

*National Crime Statistics* (4510.0)

### Non-ABS sources

*Magistrates' and Higher Courts Sentencing Statistics, Department of Justice, Victoria*

*Annual Prison Statistics 1994-1995, Department of Justice, Victoria*

*Australian Prisoners 1992, Australian Institute of Criminology*