

Mandatory Sentencing for Adult Property Offenders

A Statistical Overview

Presentation to Criminal Lawyers Association of the Northern Territory
June 2003

Scope of Presentation

- Overview of Mandatory Sentencing (MS) legislation
- Profile of adult offenders
- Indigenous / non-Indigenous reconviction rates
- “Strikes” / Impact on adult prison population
- Recorded property offences 1999-2003
- Comparison of court outcomes pre / post MS

Mandatory Sentencing Legislation Overview

- Scope:
 - Property Offences
 - Violent and Sexual Offences included later
- Minimum Imprisonment Terms:
 - vary according to “strike”
 - different for adults and juveniles
 - exceptional circumstances

“Strikes” under Mandatory Sentencing

- Number of sentencing occasions referred to as “strike” (colloq.)
- Criminal history prior to mandatory sentencing did not contribute to number of “strikes”

Mandatory Minimum Sentences

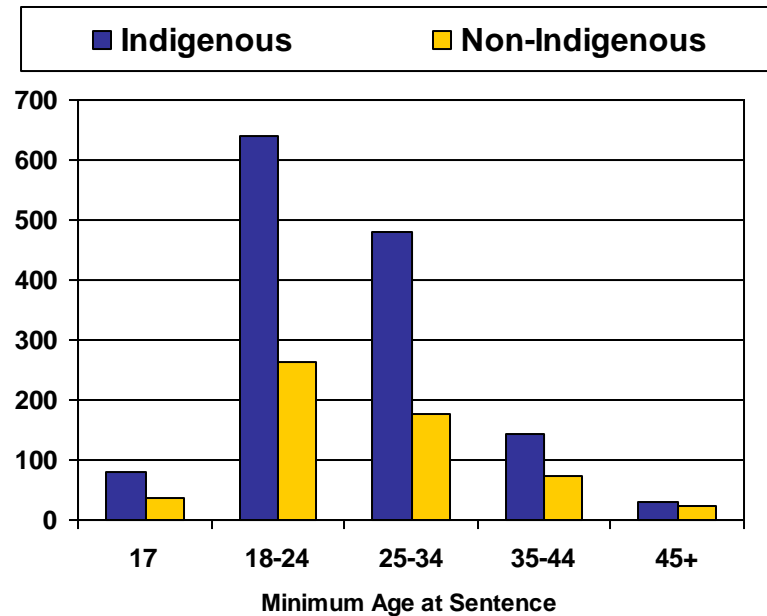
- First strike
 - 14 days imprisonment
- Second strike
 - 90 days imprisonment
- Third or subsequent strike
 - 12 months imprisonment

Key Dates

- Introduction 8 Mar 1997
- Exceptional Circumstances Provisions (adults) 4 Jul 1999
- Inclusion of Violent and Sexual Offences 4 Jul 1999
- 17 Year Olds Treated as Juveniles 1 Jun 2000
- Repeal of Mandatory Sentencing legislation 22 Oct 2001

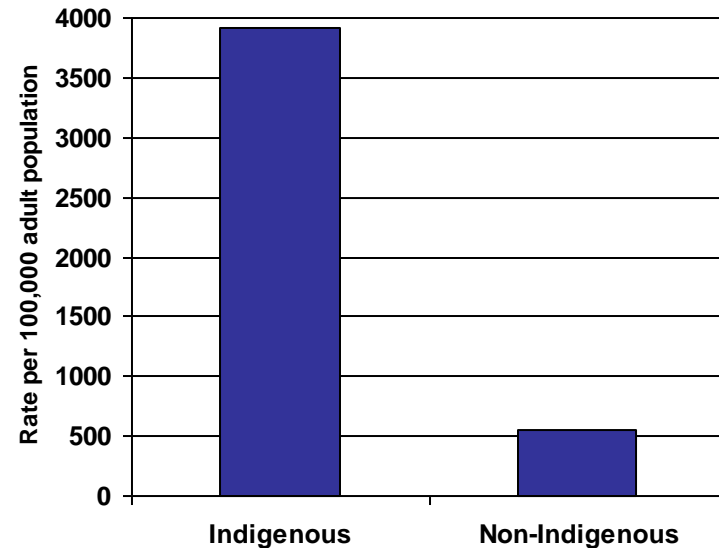
Profile of Convicted Property Offenders

- 1,953 “distinct” offenders
- 1,377 Indigenous offenders
 - 1,254 males
 - 123 females
- 576 non-Indigenous offenders
 - 509 males
 - 67 females
- 1,023 offenders 17-24 yrs of age



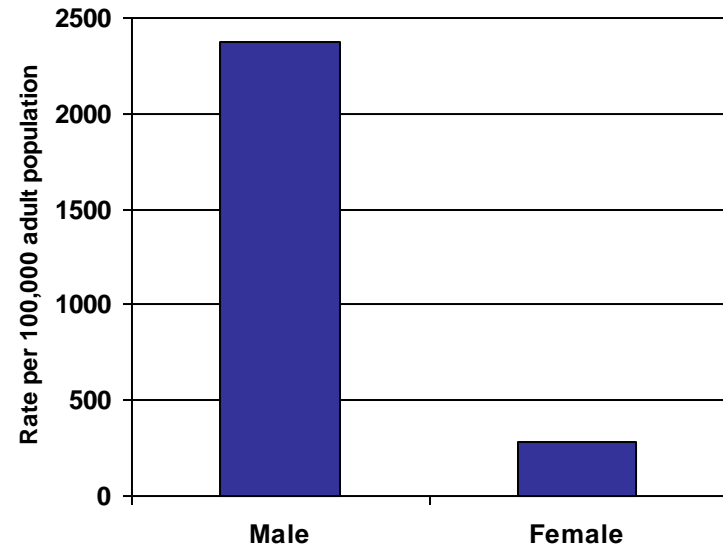
Adult Distinct Offenders: Indigenous Over-Representation

- Indigenous representation:
 - 3,921 distinct offenders per 100,000 adult population
- Non-Indigenous representation:
 - 544 distinct offenders per 100,000 adult population
- Ratio of rates: 7.2



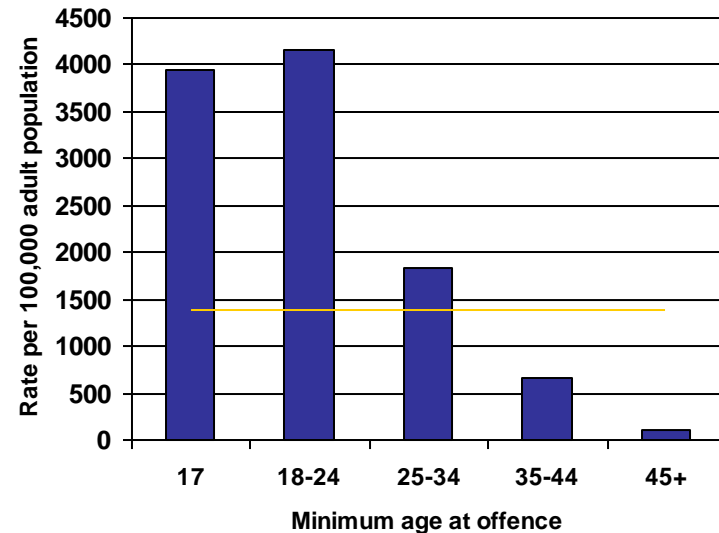
Adult Distinct Offenders: Male Over-Representation

- Male representation:
 - 2,377 distinct offenders per 100,000 adult population
- Female representation:
 - 284 distinct offenders per 100,000 adult population
- Ratio of rates: 8.4



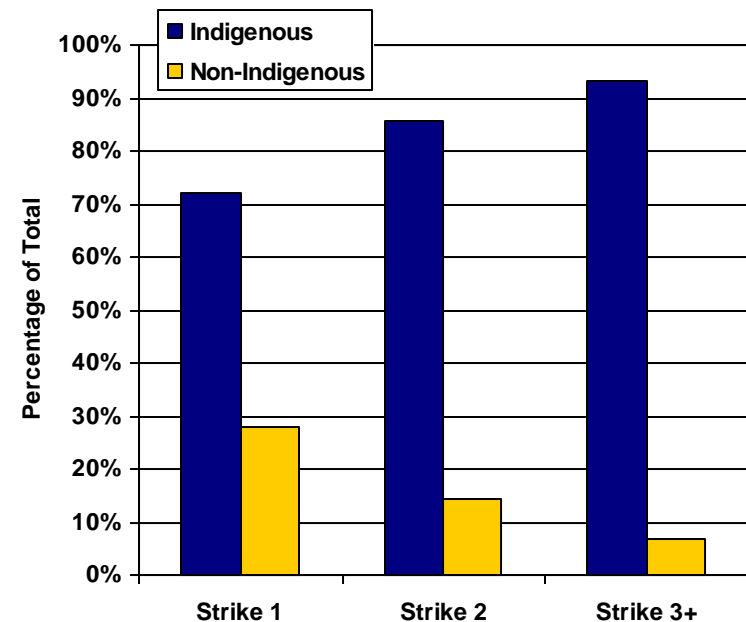
Adult Distinct Offenders: Age Over-Representation

- Under 25 years:
 - 4,140 distinct offenders per 100,000 adult population
- 25 Years and over:
 - 800 distinct offenders per 100,000 adult population
- Ratio of rates: 5.2



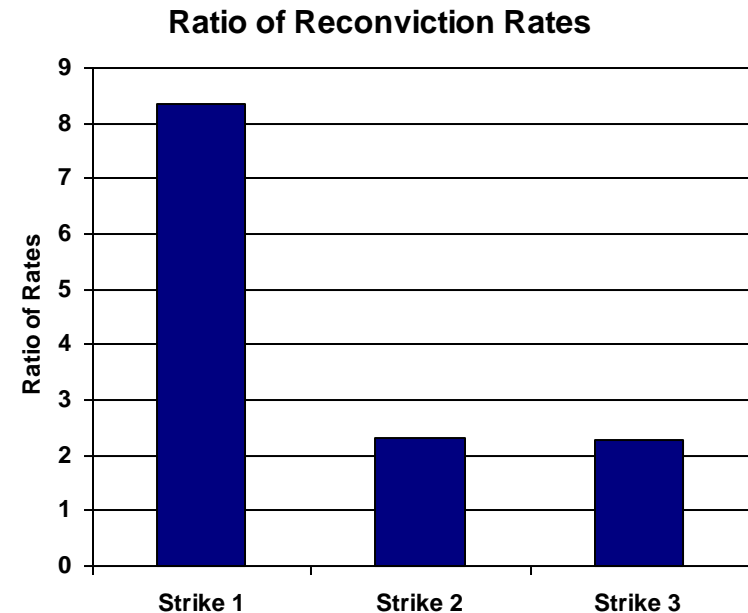
Reconviction Under MS

- “Strikes” identified:
 - 1779 1st strikes
 - 391 2nd strikes
 - 102 3rd+ strikes
- Indigenous offenders:
 - 72% of 1st strikers
 - 86% of 2nd strikers
 - 93% of 3rd+ strikers

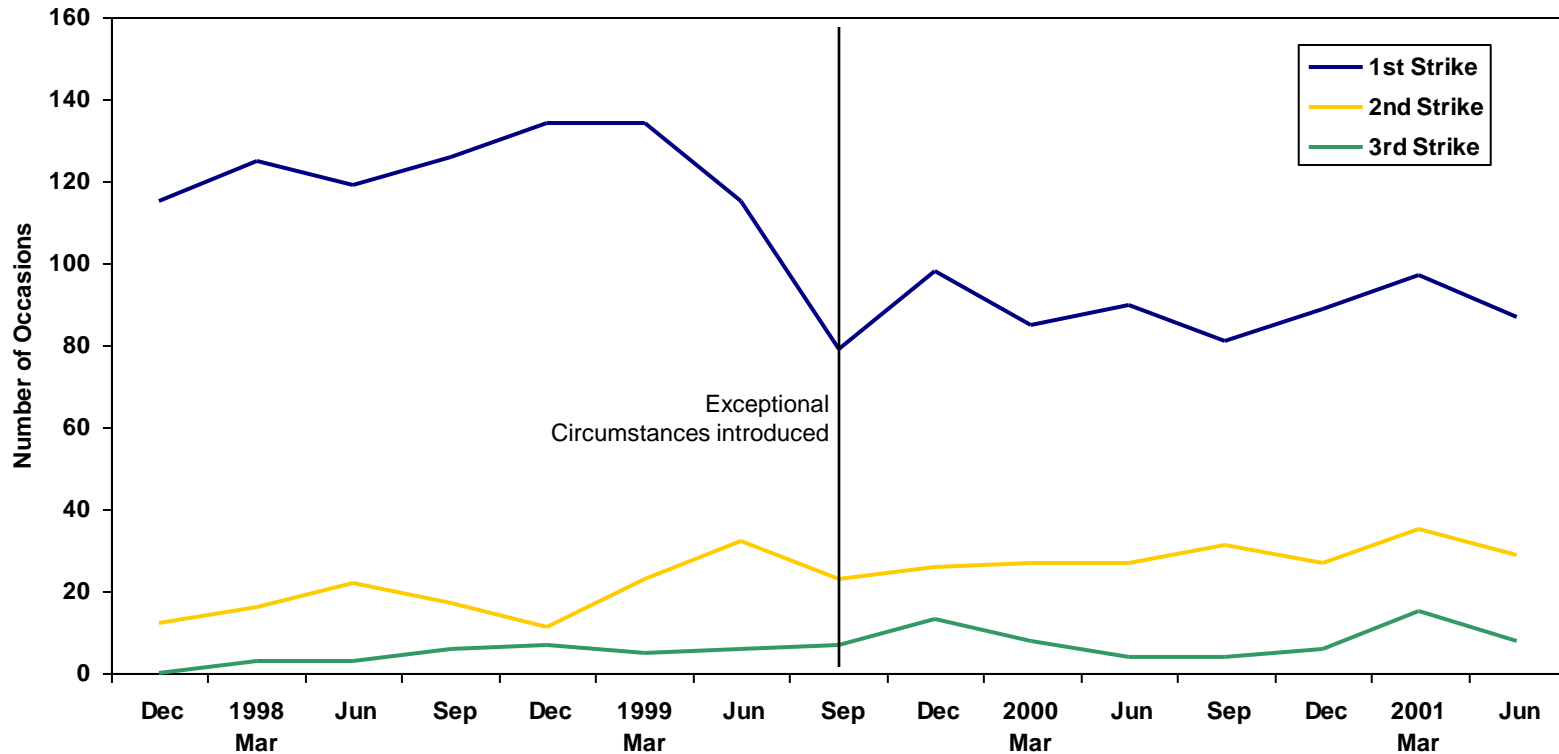


Reconviction Under MS

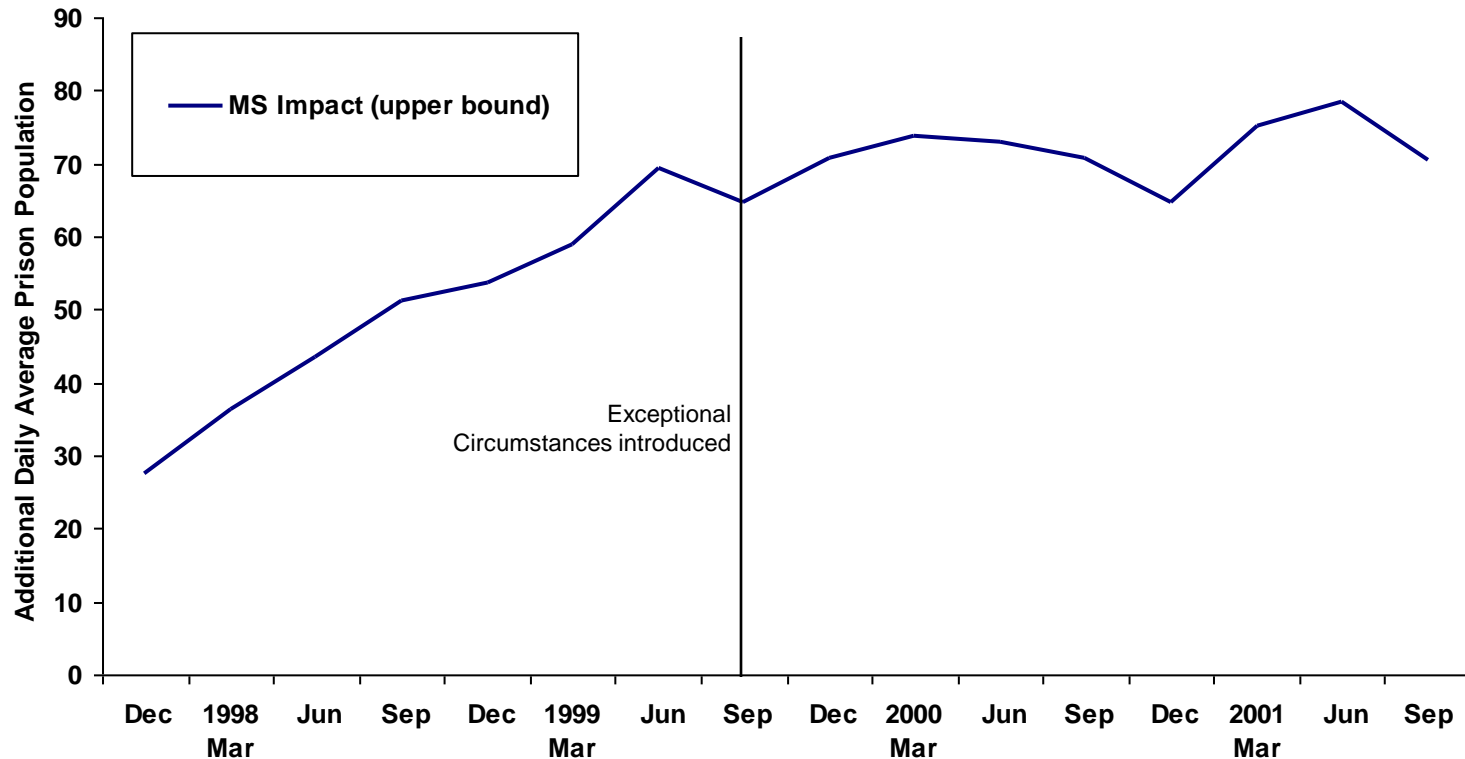
- If no previous mandatory sentencing convictions:
 - Indigenous people 8.4 times more likely to have 1st “strike”
- If 1 previous “strike”:
 - Indigenous people 2.3 times more likely to have 2nd “strike”
- If 2 previous “strikes”
 - Indigenous people 2.3 times more likely to have 3rd “strike”



Sentencing Occasions for Property Offences



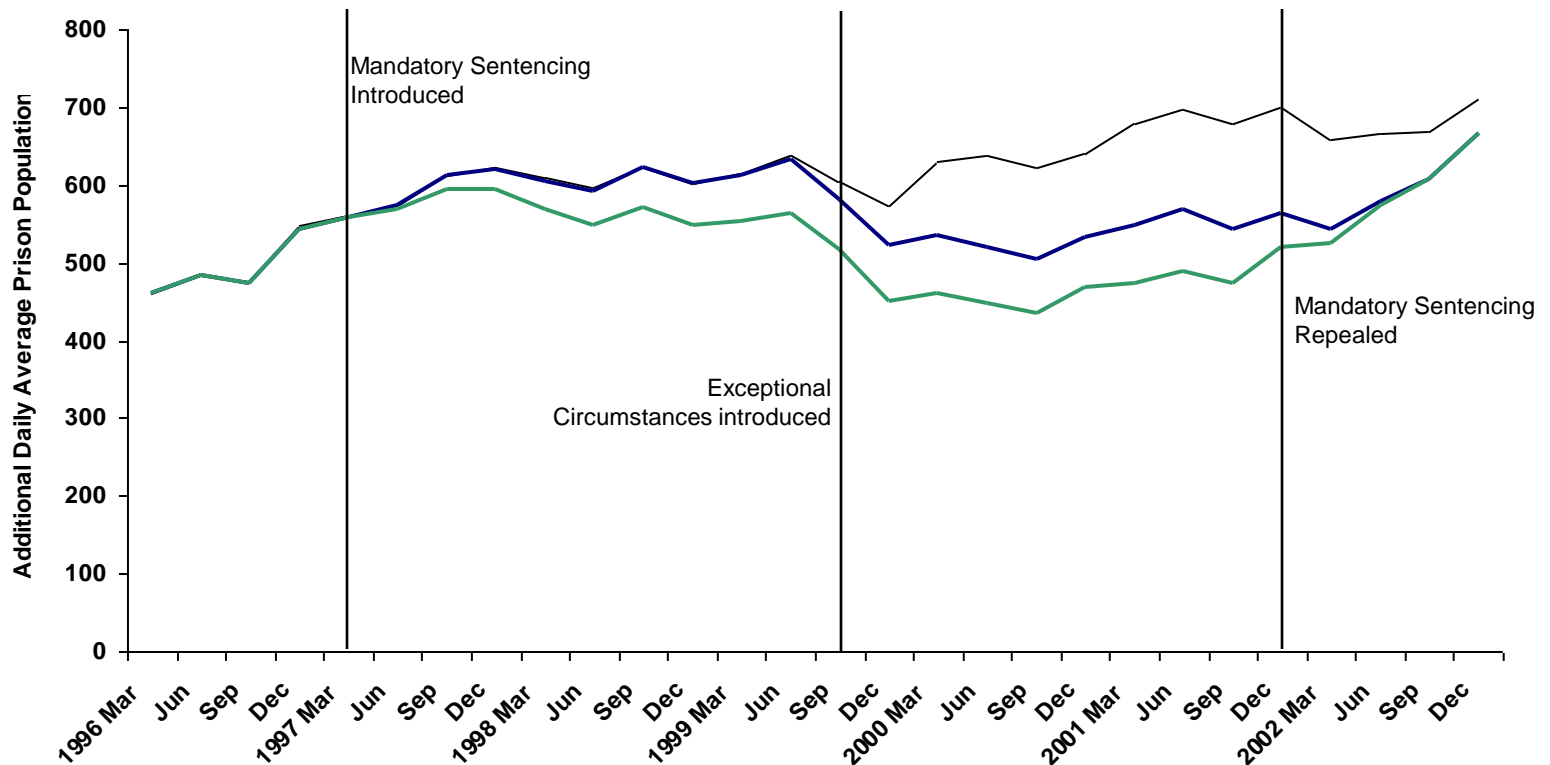
Contribution* of Minimum Sentences to Daily Average Prison Population



* The true impact of minimum sentencing lies between 0 and this upper bound



Daily Average Prison Population 1996–2002

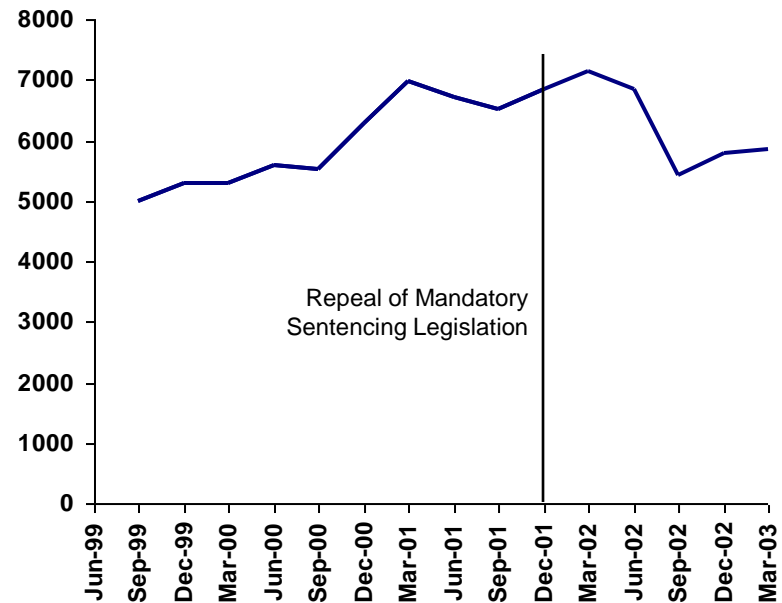


[Exceptional Circumstances ⇒](#)



Recorded Crime: Sch. 1 Property Offences

- Steady growth immediately prior to repeal of MS
- Period of decline following repeal of MS
- Cause(s) of decline not clear:
 - inherent volatility?
 - cyclical?
 - legislation?
 - policing?
 - other policy?



[House Break-ins](#) ⇒

Aggravated Property Offences Legislation

- Applies only to adults
- Aggravated Property Offences:
 - robbery
 - unlawful entry offences
 - unlawful use of vehicles
 - property damage over \$5,000
 - “serious” home invasion offences (new)

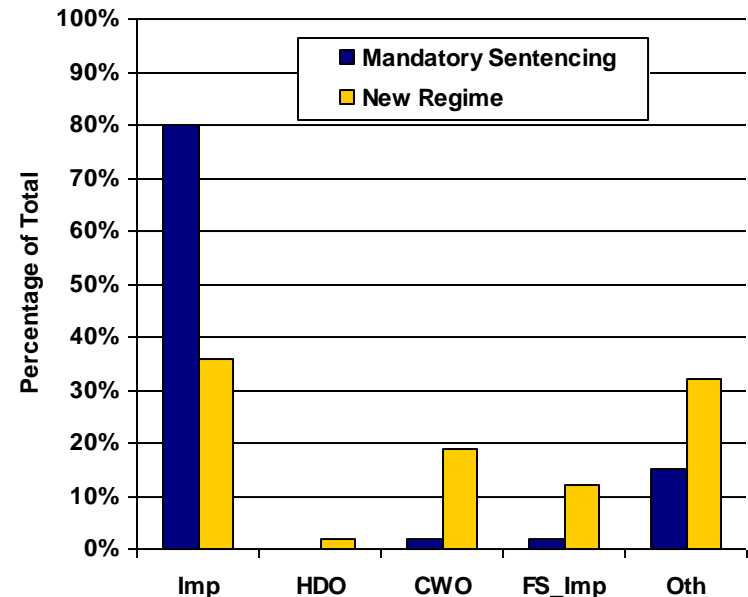
Aggravated Property Offences Legislation

- Court outcomes “presumed”:
 - Term of imprisonment
 - ▲ may be fully suspended upon entry into home detention order
 - Community work order
- Unless “exceptional circumstances” exist
 - exceptional circumstances not explicitly defined

Comparative Sentencing Outcomes

- Based on sentencing occasions involving one or more property offences
 - Imprisonment:
 - ▲ 80% of sentencing occasions (MS)
 - ▲ 36% of sentencing occasions (post-MS)
 - Home detention / Community Work Order:
 - ▲ 2% of sentencing occasions (MS)
 - ▲ 21% of sentencing occasions (post-MS)

Aggravated and non-Aggravated Offences *

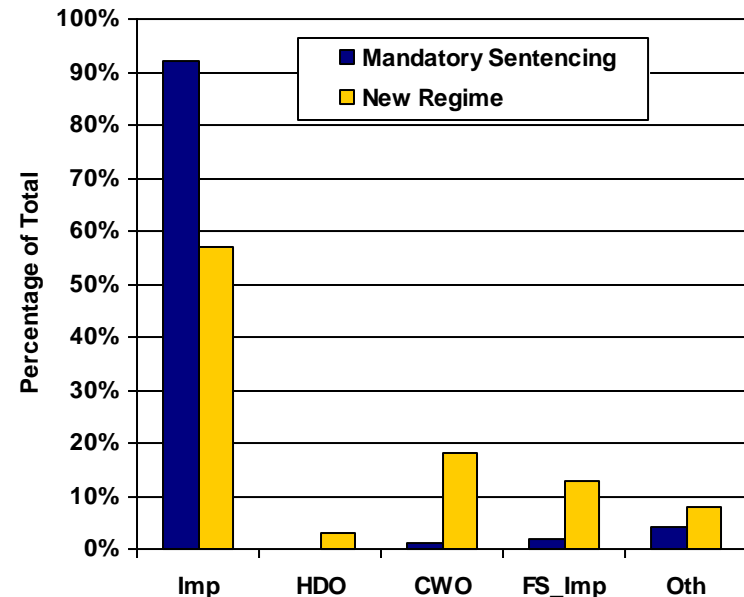


* includes offences not covered by new sentencing regime

Comparative Sentencing Outcomes

- Based on sentencing occasions involving one or more property offences
 - Imprisonment:
 - ▲ 92% of sentencing occasions (MS)
 - ▲ 57% of sentencing occasions (post-MS)
 - Home detention / Community Work Order:
 - ▲ 1% of sentencing occasions (MS)
 - ▲ 21% of sentencing occasions (post-MS)

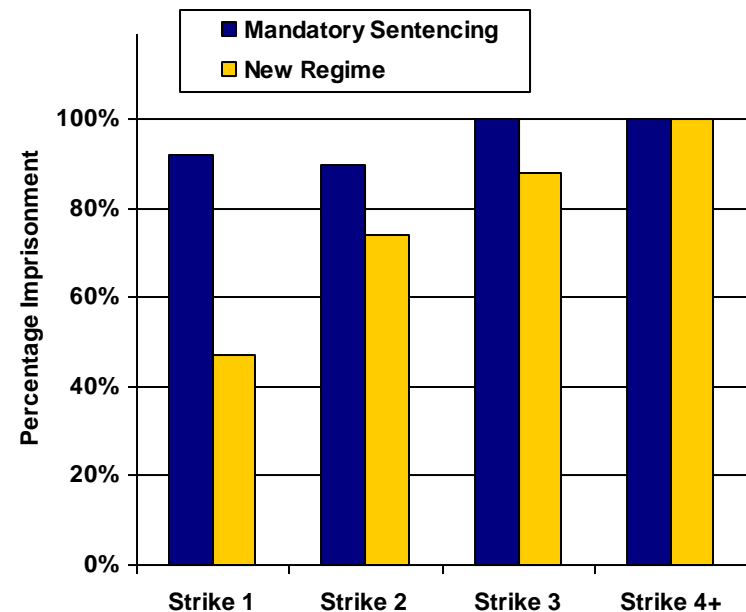
Aggravated Property Offences Only



Sentencing Occasions Resulting in Imprisonment

- Strike 1
 - 92% (MS)
 - 47% (post-MS)
- Strike 2
 - 90% (MS)*
 - 74% (post-MS)
- Strike 3
 - 100% (MS)
 - 88% (post-MS)
- Strike 4+
 - 100% Both regimes

Aggravated Property Offences Only



Conclusions

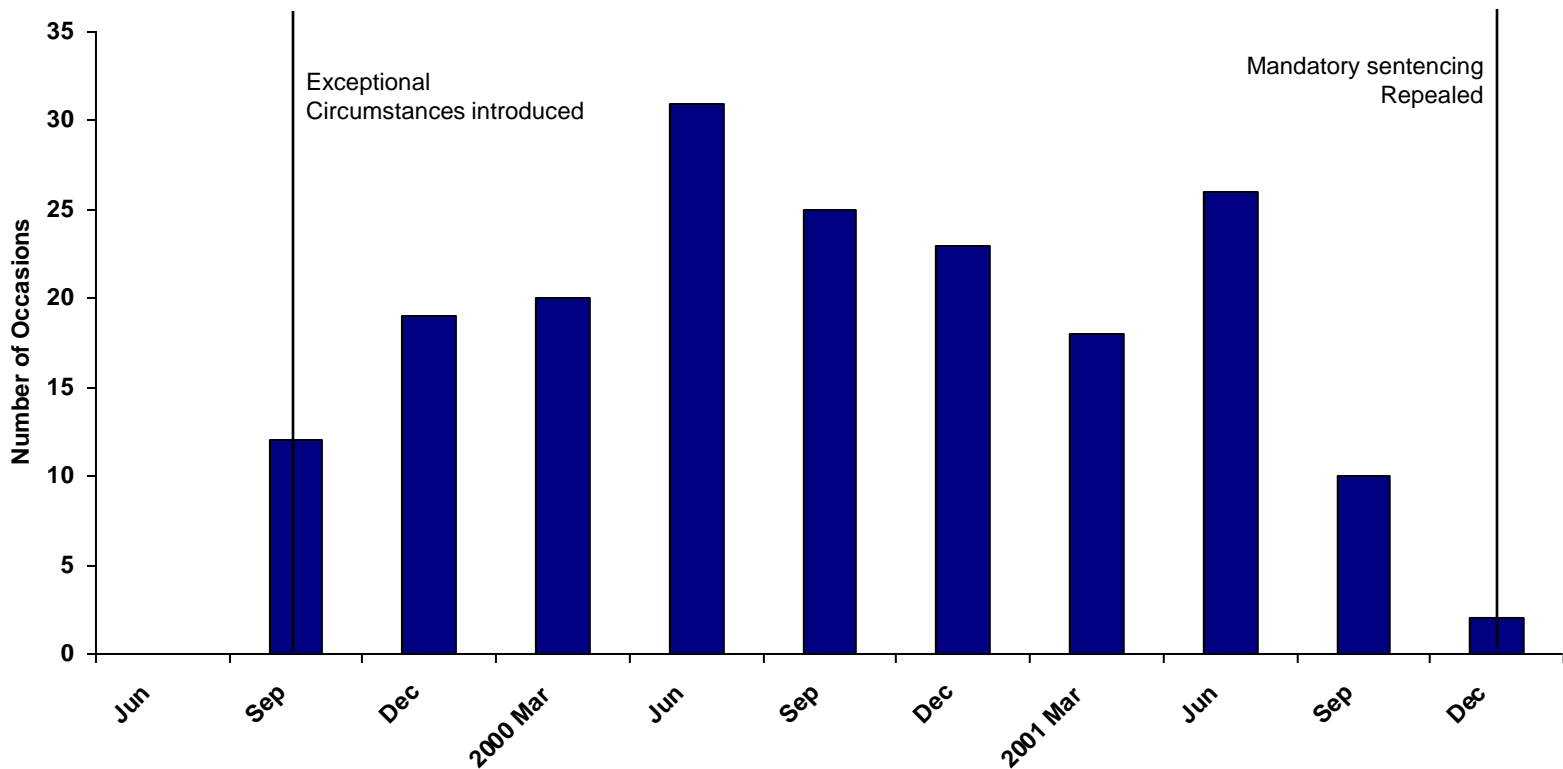
- Indigenous Over Representation
- Prisoner Numbers
- Recorded Crime
- Sentencing Outcomes

ntcrime
prevention



BUILDING A SAFER TERRITORY

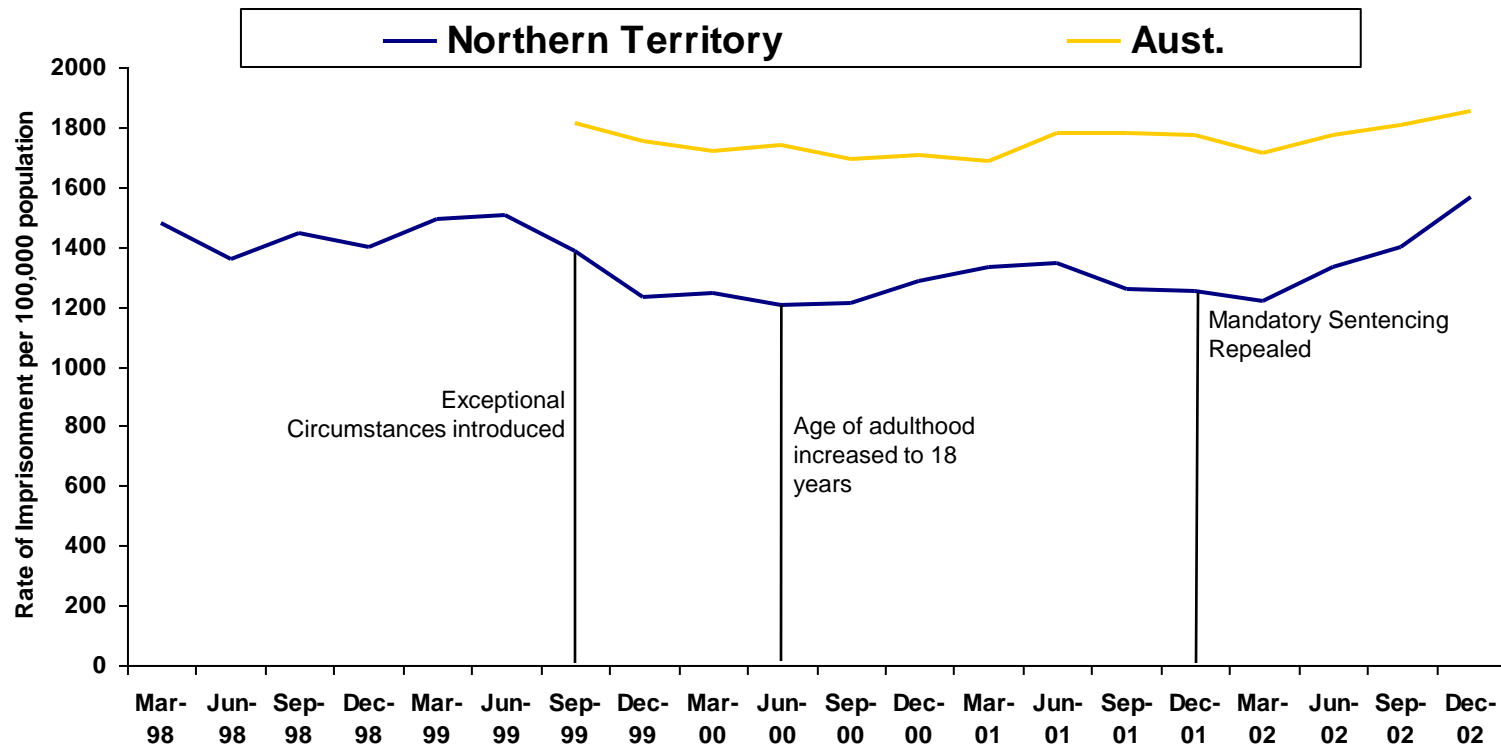
Exceptional Circumstances



← Prison Population



Indigenous Imprisonment Rates



National Imprisonment Rates

