

# Victoria's Prison Population: 2001 to 2006

Geoff Fisher

This paper examines trends in factors associated with Victoria's rising prison population between 2001 and 2006. Its focus is on factors within the criminal justice system, drawing data from the police, courts and prison sectors. Factors assessed include sentenced prisoner receptions, length of stay in prison, imprisonment sentence lengths, custody rates, crime rates and offending patterns. By examining trends in these data, the paper concludes that increasing imprisonment sentence lengths and rises in offences against the person, good order offences and motor vehicle offences, were key contributors to the rising prison population. It recognises however that due to data constraints some potentially important factors were not examined and that a more rigorous form of analysis using more complete data is required in order to quantify the relative influence of the full range of factors.

## Introduction

In August 2006, Victoria's prison population exceeded 4,000 for the first time ever and in April 2007 it stood at over 4,100 (Corrections Victoria, 2006a; Corrections Victoria, 2007a). Over the last three decades, the number of prisoners housed in Victoria's prisons has grown by 170 per cent, and between 1996 and 2003 it rose by an average of 180 prisoners per year (Freiberg and Ross, 1999; Corrections Victoria 2007b). A number of explanations have been put forward for rising prison populations in Western nations such as the United States, United Kingdom, Canada and New Zealand. These explanations include increasing crime rates, more punitive penal policies, and more severe sentencing practices. The aim of this paper is to examine trends in factors that may have influenced Victoria's rising prison population, focussing on the six-year period from 2001 to 2006.

Housing prisoners is an expensive exercise and the immediate financial cost has grown in recent years. The total recurrent cost per Victorian prisoner in 2005-06 was nearly \$75,000 – over \$200 per day (Steering Committee for the Review of Government Service Provision, 2007). Compared with other Australian states, Victoria's cost per prisoner was the second highest in 2005-06 behind Tasmania. In terms of the total amount spent on Victorian prisoners, the total recurrent cost in 2005-06 was \$270 million, representing a 59 per cent increase since 2000-01.

Under Victorian law, imprisonment is the sanction of last resort, to be imposed only when the court considers that the purpose or purposes for which the sentence is imposed cannot be achieved by a sentence that does not involve the confinement of the offender (*Sentencing Act 1991 (Vic)*, s.5(4)). The ability of prison to rehabilitate offenders and reduce offending in the long-term is questionable. There is evidence suggesting that nearly

half of Victorian prisoners released into the community re-offend within two years. Of prisoners released in 2003-04, 45 per cent returned to corrective services within two years and 37 per cent returned to prison within two years (Steering Committee for the Review of Government Service Provision, 2007). While these rates have declined in recent years and are low compared with other Australian states, they are still substantial.

In light of the high financial costs and questionable effectiveness of imprisonment as a long-term crime prevention strategy, Victoria's rising prison population is of concern. This paper is an attempt to understand the drivers of the increasing prison population both as an historical explanation of sentencing patterns over the past half decade and as an aid to planning for the future.



**Sentencing Advisory Council**  
Level 4, 436 Lonsdale Street  
Melbourne Victoria 3000  
Dx 210307

Telephone 03 9603 9047  
Facsimile 03 9603 9030  
contact@sentencingcouncil.vic.gov.au  
www.sentencingcouncil.vic.gov.au

## Previous research

While there has been a considerable volume of research into drivers of past change in prison populations, the findings of these vary widely. Some studies have examined criminal justice system factors such as prisoner receptions and sentence length, crime rates, court flow and custody rates, and offending patterns. Another body of research, not discussed here, has examined the effects of changes and differences in factors external to the criminal justice system such as demographics, poverty levels, sentencing policy, and public opinion and the media (for example, see Freiberg, 1999; Tonry, 1999; Bartlett, 2005; Greenberg and West, 2000; Doob and Webster, 2006; Young, 1986). The current study examines factors within the criminal justice system and therefore provides only partial explanation for what is a very complex phenomenon.

### Prisoner receptions and sentence length

A number of studies have focussed on the relative importance of two factors: the number of people received into prison (receptions) and the length of time they remain in prison. As part of Freiberg and Ross' (1999) examination of long-term trends in Victoria's prison population, the relative importance of receptions versus sentence length was considered. They found evidence that changes in the imprisonment rate between 1871 and 1999 were related to changes in the reception rate rather than to sentence length. Another study, which attempted to explain higher imprisonment rates in New South Wales compared with Victoria in the years 1980 and 1990, attributed the differential imprisonment rates mainly to reception rates, and to a lesser extent the length of stay (Gallagher, 1995).

A study which focussed on length of stay for Australian prisoners between 1982 and 1998 concluded that this factor was influential in the rise in Australia's imprisonment rates. Carcach and Chisholm (2000) compared length of stay data for prisoners convicted of different offence types in each Australian state and territory. Increases were found in the expected time to serve for most offence types in most jurisdictions, leading the researchers to conclude that "the length of sentence imposed is a major determinant of the increase in Australian prison populations" (p. 6). However, in Victoria, the expected time to serve decreased for most offences, despite Victoria's increased prison population. This supports the conclusions of Freiberg and Ross (1999) that sentence length played a limited role in influencing the size of Victoria's prison population during that period.

## Crime rates

Studies have analysed the role played by crime rates, but conclusions vary according to the offence type for which prisoners are convicted and to the jurisdiction. In their cross-jurisdictional analysis, Freiberg and Ross (1999) correlated crime and imprisonment rates for particular offence types, and found relationships between the crime rates and imprisonment rates for some offences (assault, robbery, and break and enter), but not for murder or theft. They suggested that the lack of relationship with murder rates was due to the already long prison sentences for that offence, and that the lack of relationship with theft rates was due to the use of police cautions and non-custodial sentences which did not result in entry into prison.

Other studies have looked at the influence of general crime rates, rather than rates for specific offence types. Biles (1983) examined the crime-imprisonment relationship in England and Wales and in Australia between 1960 and 1980. For England and Wales, there was a strong positive relationship between crime rates and imprisonment rates, both of which had generally increased throughout the period. In Australia, however, the opposite was found: increases in crime rates were associated with decreases in the imprisonment rate. Tonry (1999) found similarly conflicting evidence of a crime-imprisonment link for another set of countries. Between 1960 and the early 1990s the violent crime rate in the United States, Germany and Finland grew steadily, but while the United States' imprisonment rate increased, Germany and Finland's imprisonment rates generally decreased.

### Court flow and custody rates

With mixed evidence of a link between crime and imprisonment, some studies have examined stages of the criminal justice system between the occurrence of crime and admission to prison. Suhling (2003) considered arrest and court flow data in his attempt to explain the increase in Germany's imprisonment rate between 1990 and 1998. He found that the increasing numbers of offenders apprehended for violent offences was partially contributing to the imprisonment rate. However, the numbers of people accused, convicted, and sentenced to imprisonment for violent offences were seen as more important factors in explaining the increasing imprisonment rate.

Another aspect of the criminal justice system relevant to the prison population is the 'custody rate', which is the proportion of all convicted defendants who receive a custodial sentence. The custody rate has been a key factor for predicting future prisoner populations in the successful projection models used by the United Kingdom Home Office (2002). Few studies, however, have examined the custody rate in relation to drivers of past changes in the prison population. In attempting to explain New South Wales' higher imprisonment rate than Victoria's, Babb (1992) suggested that there was little difference in the jurisdictions' relative willingness to use imprisonment sentences. However, more recently, Indyk and Donnelly (2007) found that in New South Wales the proportion of offenders sentenced to full-time imprisonment is higher than other Australian jurisdictions for sexual assault (96%), robbery (83%), and more serious robberies (86%), and higher than both Australian and international jurisdictions for break and enter/burglary offences (78%).

## Offending patterns

Changing offending patterns have also been suggested as a source in changing prison populations. Gelb (2003) examined the increasing female prison population in Australia between 1995 and 2002. Using the representation of different offence types in the female prison population, Gelb found that violent offences, in particular robbery, became more prevalent among female prisoners over this period and concluded that the changing nature of female offending towards more violent offending was a key factor in the rising female prison population. This suggests that it is important to consider the type of offending as a factor in an increasing prison population.

## Focus of this paper

This paper examines trends in most of the factors discussed above. Its purpose is not to measure causal connections between the factors and the prison population – to do so would require multivariate time series modelling, as well as more complete data. Establishing a link between various components of the criminal justice system is fraught with difficulty, not just because of different counting rules used in data collection and extraction, but also because of time lags and issues concerning reliability of data.

Rather, the purpose of the paper is to provide indicative evidence for which of the factors considered were important in driving the prison population change between 2001 and 2006. After a brief discussion of the data used, it examines general changes in the composition of the prison population. It then considers trends in various potentially important factors, namely prisoner receptions, length of stay, custody rates, crime rates and offending patterns.

## Data and data sources

All prisoner data were obtained from Corrections Victoria (2007b; 2006b). Two major types of prisoner data were examined: the number in prison at a given point in time (sometimes referred to as the 'stock') and the number received into prison (sometimes referred to as the 'flow'). For the number in prison the census count was used. This is the count taken on 30 June each year.

A number of aspects of the census count were considered, including the prisoner's legal status, gender and Indigenous status. The legal status represents whether a prisoner has received a sentence (sentenced) or is on remand awaiting trial or sentence (unsentenced). The two categories are affected by different processes; however both are counted in the prison population. The unsentenced prisoner population reflects the seriousness of charges and the willingness of police and judiciary to grant bail, and can also be affected by capacity to house remand prisoners. The sentenced prisoner population is a result of actual sentences.

For sentenced prisoners in the census count, two aspects were examined: expected time to serve and most serious offence. The expected time to serve is generally the difference between a sentenced prisoner's reception date and their earliest date of release (Corrections Victoria, 2007b). This was examined, as was most serious offence, which is the offence deemed most serious where a prisoner is in prison for multiple offences. It is important to note that often prisoners are serving sentences for multiple offences, and therefore many offences are not counted because they are masked by more serious offences. Six offence types were examined: offences against the person, robbery, property offences, motor vehicle offences, drug offences and public order offences. These broad offence groupings represent the vast majority of offences.

Prisoner receptions data were examined both at the total level and disaggregated according to legal status, expected time to serve and most serious offence.

Court data were obtained from unpublished sources, namely databases held by the Department of Justice to which the Sentencing Advisory Council had access. Magistrates' Court data were extracted from Magistrates' Court data cubes. Higher courts (Supreme and County Courts) sentencing data were extracted from the higher courts sentencing database. Court data were used to calculate custody rates and imprisonment sentence lengths.

Custody rates were calculated by obtaining the total number of defendants who received a custodial sentence (defined here as imprisonment, partially suspended sentences and combined custody and treatment orders) and dividing it by the total number of defendants proven guilty (defendants who either pleaded guilty or were found guilty in court). It should be noted that not all defendants who receive a custodial sentence will subsequently enter the prisoner population. For instance, some defendants who receive a custodial sentence have already served their entire sentence while on remand, in advance of their sentence date.

For imprisonment sentence lengths slightly different counting rules were used for the two court levels. For Magistrates' Court defendants, where a defendant received a sentence of imprisonment, the sentence length attached to the record containing the principal proven offence was used. The principal proven offence is the offence for which a defendant is convicted that is deemed most serious according to a hierarchy of sentence types and sentence quantum. It does not consider the lengths of imprisonment sentences attached to other offences the defendant may have been found guilty of, nor does it consider non-parole periods.

For higher courts defendants, the imprisonment sentence length of the total effective sentence was used. The total effective sentence is imposed by the court in cases where there are multiple proven charges, and it takes into account sentences attached to all charges. In cases where there are multiple sentences, it is a more accurate representation of the true sentence length than, for example, the length attached to an individual charge. However, it is also possible that defendants are released before the end of their total effective sentence, if a non-parole period is set.

A further reason for a discrepancy in the imprisonment sentence length handed down in court and the actual time served in prison as a sentenced prisoner is that after a sentence is handed down, magistrates and judges will credit against the sentence the time, if any, that the defendant has already been held in custody. Consequently, the time served as a sentence prisoner may be less than the length of the imprisonment sentence. Additionally, defendants who have served their entire imprisonment sentenced while on remand, will not spend any time as a sentenced prisoner, despite having received an imprisonment sentence.

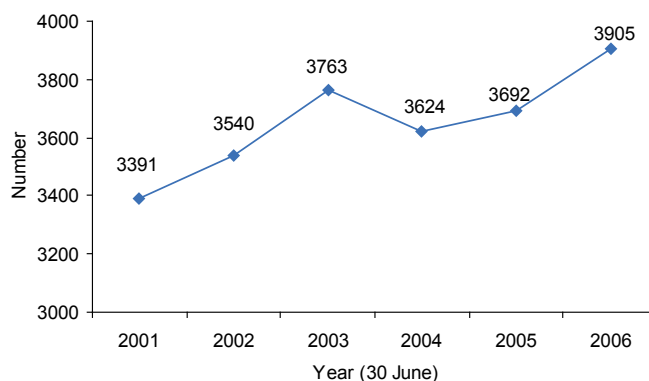
Police data were obtained from annual crime statistics publications (Victoria Police, various). The total number of offences recorded by Victoria Police was examined, as was the total number of offenders processed. The offender population was also disaggregated by offence type. Although the offence categories are the same as those used for the prison population, the counting rules are different. An offender is counted against each offence category for which they are processed by police, whereas prisoners are only counted against a single offence category. Therefore fewer offences are likely to be 'masked' for the offender population than for the prison population.

## Prison population

This section presents trends in the prison population and imprisonment rate in Victoria, then examines changes in the composition of the prison population according to legal status, gender and Indigenous status.

Figure 1 presents the number of Victorian prisoners on 30 June of each year between 2001 and 2006. As is evident, the trend was an increasing one with the only decline occurring in 2004. Between 2001 and 2003, the prison population increased from 3,391 to 3,763, a rise of 11 per cent. Between 2004 and 2006, it increased from 3,624 to 3,905, or 7.5 per cent. The overall rise between 2001 and 2006 was 15.2 per cent or 514 prisoners.

**Figure 1: Prisoners on 30 June, 2001 to 2006**

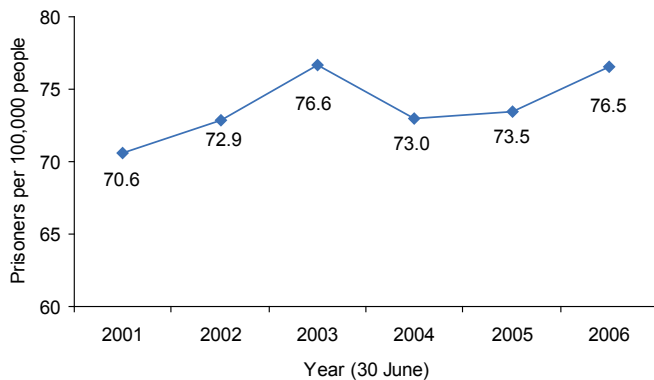


Source: Corrections Victoria (2007b; 2006b)

Changes in the underlying general population can potentially influence the prison population. Such changes can be accounted for by using imprisonment rates, represented here as the number of prisoners per 100,000 people. The general population figures used to calculate rates are the estimated resident population in the June quarter of each year (Australian Bureau of Statistics, 2006).

As shown in Figure 2, Victorian imprisonment rates between 2001 and 2006 followed a very similar trend to the prison population itself, increasing between 2001 and 2003, decreasing in 2004, and then increasing in 2005 and 2006. The overall increase was by 8.4 per cent, from 70.6 to 76.5 prisoners per 100,000 persons. This suggests that the prison population increased at a greater rate than the general population (15.2% compared with 8.4%).

**Figure 2: Imprisonment rates (prisoners per 100,000 people), 2001 to 2006**



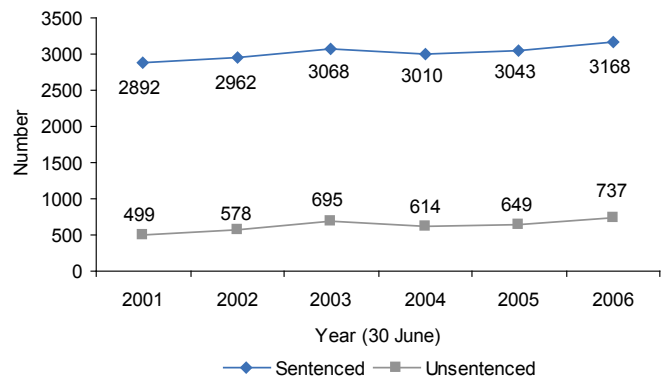
Source: Corrections Victoria (2007b; 2006b); Australian Bureau of Statistics (2006)

## Legal status

When the prison population is examined according to the legal status of prisoners, it is clear that most prisoners are serving a sentence (see Figure 3). In 2006, there were 3,168 sentenced prisoners, representing 84 per cent of the prison population.

Both sentenced and remand prisoners contributed approximately equally to the rise in the prison population between 2001 and 2006 (514 prisoners). The increase in sentenced prisoners was 276, only marginally higher than the 238 prisoner rise in unsentenced prisoners. Sentenced prisoners contributed 54 per cent and unsentenced prisoners contributed 46 per cent to the overall rise in the prisoner population. However, the *rate* of increase for the unsentenced population far exceeded that for sentenced prisoners. The percentage increase across the six years for unsentenced prisoners was 47.7 per cent, nearly five times the increase of 9.5 per cent for sentenced prisoners.

**Figure 3: Prisoners by legal status, 30 June 2001 to 30 June 2006**



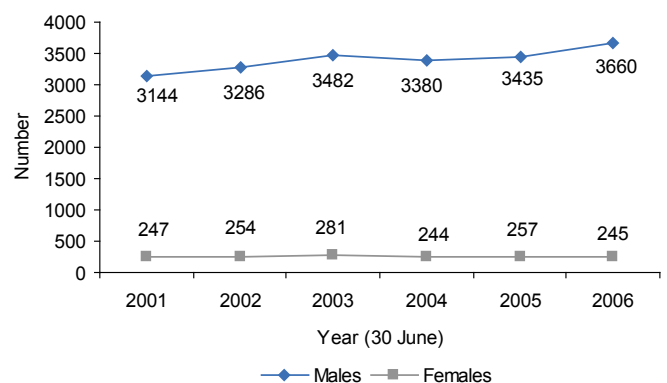
Source: Corrections Victoria (2007b; 2006b)

## Gender

Males comprise the vast majority of prisoners (see Figure 4). In 2006, there were 3,660 males in prison, or 94 per cent of the total prison population. Changes in the male prisoner population will therefore be a major determinant of the total prison population.

The male prison population followed a similar trend to the total prison population and increased by 516 prisoners or 16 per cent. The trend in the female population was, over the period as a whole, relatively stable. Thus it appears that the increase in the prison population between 2001 and 2006 was due almost entirely to the increase in male prisoners.

**Figure 4: Prisoners by gender, 30 June 2001 to 30 June 2006**



Source: Corrections Victoria (2007b; 2006b)

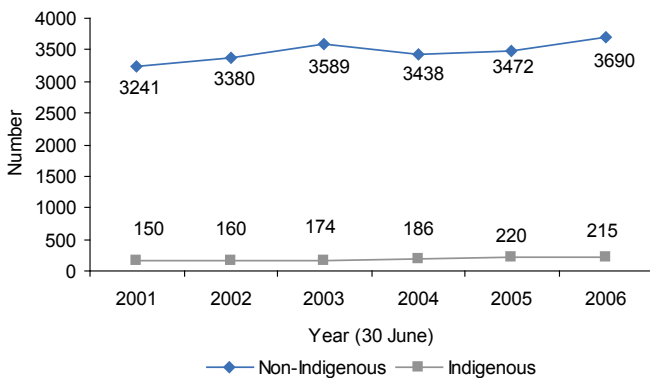
## Indigenous status

The Indigenous prisoner proportion of the prison population remained stable, comprising between 5 and 6 per cent of population over the six years (see Figure 5).

The trend in the non-Indigenous prisoner population was similar to the overall prison population, and increased between 2001 and 2006 by 14 per cent or 449 prisoners. The Indigenous prisoner population also increased, rising each year between 2001 (150) and 2005 (220), before slightly decreasing in 2006 (to 215). The overall increase among Indigenous prisoners was 65 prisoners or 43 per cent, much higher than the increase in non-Indigenous (14%).

While the increase in Indigenous prisoners was substantial, it comprised just 8 per cent of the (514) increase in total prisoners and therefore did not contribute significantly to the increase in the total prison population.

**Figure 5: Prisoners by Indigenous status, 30 June 2001 to 30 June 2006**



Source: Corrections Victoria (2007b; 2006b)

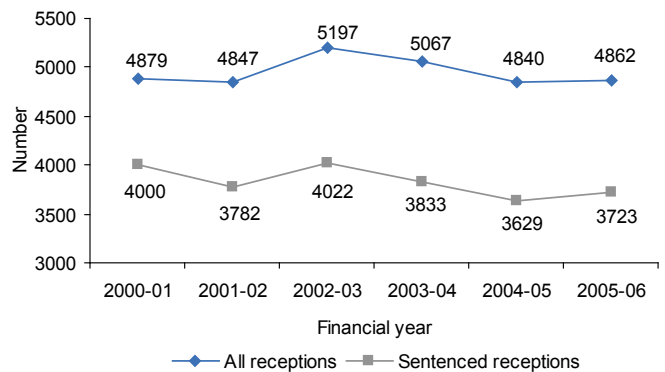
## Prisoner receptions

A possible cause of a rising prison population is the number of prisoners entering prison. Two categories of prisoner receptions are examined: all receptions and sentenced receptions. All receptions includes any prisoner received into prison, regardless of their legal status. Sentenced receptions includes prisoners who were sentenced when they were received as well as prisoners whose legal status changed from 'unsentenced' to 'sentenced' while in custody (Corrections Victoria, 2007b). This latter group relates to prisoners who receive their imprisonment sentence while on remand.

As Figure 6 shows, numbers in both categories followed similar, variable trends, but with a downward tendency. Decreases occurred in 2001-02, 2003-04 and 2004-05, and increases occurred in 2002-03 and 2005-06. The overall change in the number of all receptions was minimal – 4,879 in 2000-01 compared with 4,862 in 2005-06. In contrast, for sentenced receptions the decline was more substantial at 6.8 per cent representing 277 fewer sentenced prisoners.

In relation to the prison population, the direction of change in receptions was similar in 2002-03 (up), 2003-04 (down) and 2005-06 (up). Therefore in these years it is likely that change in sentenced receptions did have an effect on the prison population. However, overall the trend in all receptions did not reflect the trend in the prison population.

**Figure 6: Prisoner receptions, 2000-01 to 2005-06**



Source: Corrections Victoria (2007b; 2006b)

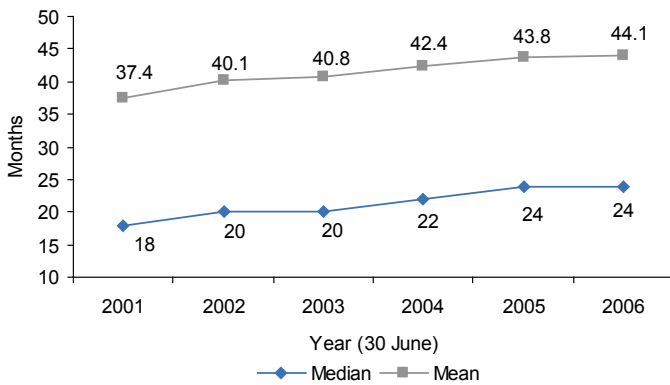
## Length of stay

Another possible factor contributing to a rising prison population is the length of time that a prisoner spends in prison. Given that receptions generally did not increase over the relevant period, it could be expected that length of stay will have increased. In this section, expected time to serve for sentenced prisoners is presented first, followed by imprisonment sentence lengths handed down in court, and finally the percentage of sentenced receptions over 12 months.

The expected time to serve of sentenced prisoners followed an increasing trend between 30 June 2001 and 30 June 2006. Figure 7 presents both median and mean averages across the six years. The median is the middle value of sorted values, and is not as affected by extreme values as the mean. Also, the median takes into account prisoners on life or indeterminate sentences, whom the mean excludes.

The mean expected time to serve of sentenced prisoners increased each year and rose overall by 17.9 per cent or 6.7 months. The median also increased – by 33.3 per cent or 6 months.

**Figure 7: Expected time to serve of sentenced prisoners, 30 June 2001 to 30 June 2006**

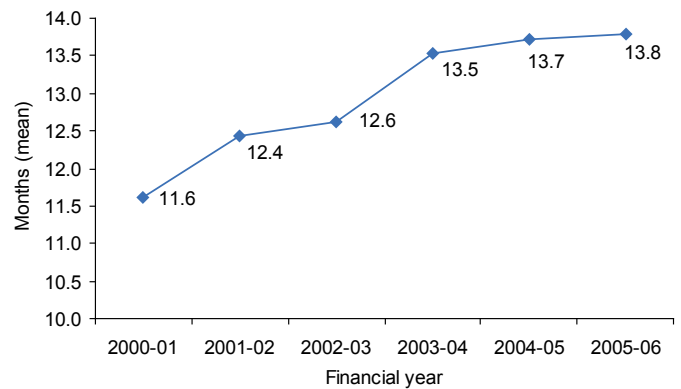


Source: Corrections Victoria (2007b; 2006b)

The expected time to serve of sentenced prisoners as measured by an annual census is not necessarily an accurate portrayal of sentencing patterns because the census count (a) comprises prisoners on long sentences who received their sentence more than 12 months prior to the census count and (b) excludes prisoners who served a very short sentence that was handed down in the previous 12 month period. On balance, the sentence length of sentenced prisoners is skewed towards longer sentences, which is illustrated by comparing the mean expected time to serve in Figure 7 with mean imprisonment sentence lengths handed down in court in Figure 8. For example, on 30 June 2006, the mean expected time to serve of sentenced prisoners was 44 months, over three times higher than the 13.8 months mean of imprisonment sentences handed down in court in 2005-06.

A more accurate picture of changing sentence length practices can be gained from court data and sentenced receptions data. Imprisonment sentence length data from the courts show a similar trend to the expected time to serve of sentenced prisoners. As Figure 8 shows, the mean sentence length increased each financial year. It should be noted that life or indefinite sentences are not included in the mean. In 2000-01 the mean sentence length was 11.6 months, and by 2005-06 it reached 13.8 months, an increase of 2.2 months or 18.7 per cent.

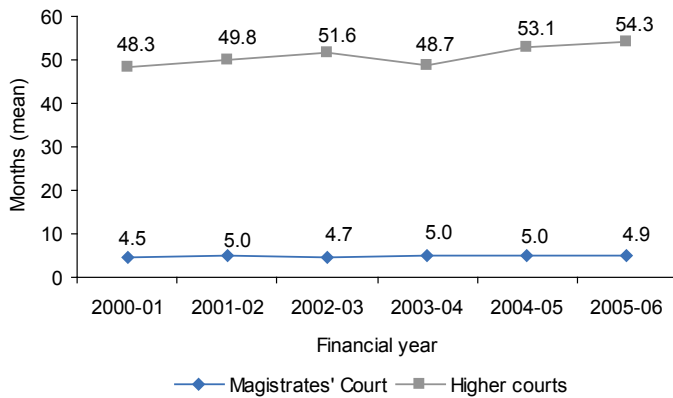
**Figure 8: Mean imprisonment sentence length for defendants, 2000-01 to 2005-06**



Source: Unpublished data from Court Services, Department of Justice

Disaggregating sentence lengths by court level, as shown in Figure 9, illustrates that increases occurred at both court levels but were most pronounced in the higher courts (Supreme and County). The overall increase in the higher courts was 12.4 per cent (from 48.3 to 54.3 months) while it was 8.1 per cent (from 4.5 to 4.9 months) in the Magistrates' Court.

**Figure 9: Mean imprisonment sentence length by court level, 2000-01 to 2005-06**



Source: Unpublished data from Court Services, Department of Justice

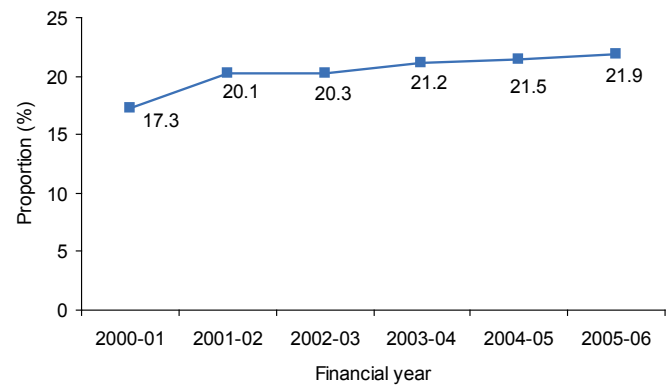
With increases in average imprisonment sentence length handed down to defendants in court, one would anticipate similar increases in the sentence length for sentenced prisoner receptions. The expected time to serve of sentenced prisoner receptions is examined here because it is arguably a more accurate indicator of the length of time prisoners will spend in prison and a better reflection of sentencing practices, than either the expected time to serve of the sentenced prisoner population or the imprisonment sentence length of defendants.

Data on expected time to serve of sentenced prisoner receptions are not published according to means or medians. The only published data are presented in terms of numbers and proportions of receptions in different categories of expected time to serve (Corrections Victoria, 2007b). An advantage of this approach over a mean is that life and indefinite imprisonment sentences can be included.

Expected time to serve data were examined by reference to the proportion of prisoners expected to serve at least 12 months in prison. This group was deemed particularly important to a changing prison population based on census counts, because regardless of when in a given financial year these prisoners are sentenced or received into prison, they are likely to be in prison on census night (30 June) at the end of the financial year, and therefore contribute to an increase in the count from the previous census.

The proportion of sentenced receptions that were expected to serve at least 12 months in prison increased each financial year and overall from 17.3 per cent to 21.9 per cent. The actual number in this group also increased: from 691 in 2000-01 to 815 in 2005-06, or 17.9 per cent. This suggests that while, as indicated previously, the overall number of sentenced receptions did not increase, there was an increase in receptions of a particular type of sentenced prisoner (i.e. those on relatively long sentences). Prisoners on long sentences are likely to be particularly influential on the prison population.

**Figure 10: Sentenced receptions (%) expected to serve 12 months and over, 2000-01 to 2005-06**

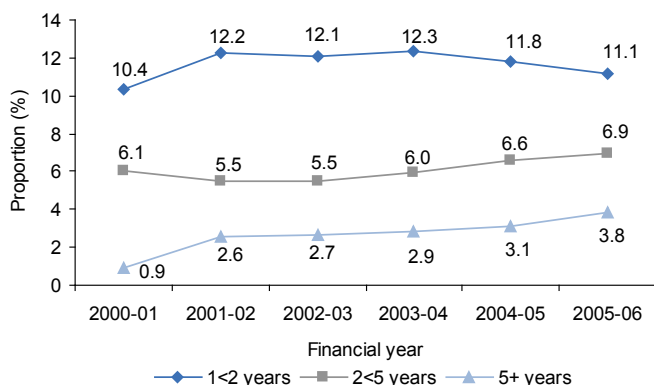


Source: Corrections Victoria (2007b; 2006b)

Further analysis disaggregated the '12 months and over' group of sentenced receptions into finer categories. As Figure 11 shows, increases mainly occurred for sentenced receptions expected to serve 2 years and over. In 2000-01, sentenced receptions expected to serve 5 years and over comprised just 0.9 per cent of all sentenced receptions, and by 2005-06 they comprised 3.8 per cent. The number of sentenced receptions in this category rose dramatically, trebling from 35 in 2000-01 to 142 in 2005-06.

The proportion of sentenced receptions expected to serve between 2 and under 5 years also increased, but only from 2002-03. In that financial year, they comprised 5.5 per cent of all sentenced receptions; by 2005-06 that had increased to 6.9 per cent. In contrast, the proportion of sentenced receptions expected to serve between 1 and under 2 years was variable, but decreased from 12.3 per cent in 2003-04 to 11.1 per cent in 2005-06.

**Figure 11: Sentenced receptions (%) expected to serve 1<2, 2<5 or 5+ years, 2000-01 to 2005-06**



Source: Corrections Victoria (2007b; 2006b)

The trend for sentenced receptions is consistent with the trends found for sentenced prisoners and for imprisonment sentences handed down in court. The increase in the proportion of sentenced receptions with an expected time to serve of 2 years and over, accords particularly with the increases in average imprisonment sentence length in the higher courts.

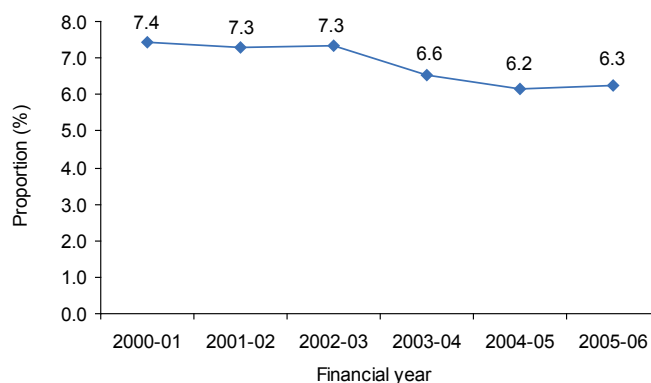
## Custody rates

The custody rate represents the proportion of defendants proven guilty in court who receive a custodial sentence. This can have a direct effect on prisoner reception numbers, even if the number of defendants proven guilty remains constant.

Custodial sentences in this case refer to sentences which result in a defendant being counted in the sentenced prisoner population – imprisonment, partially suspended sentences, combined custody and treatment orders and custodial supervision orders.

Figure 12 shows a slight decline in the custody rate over the period, but with a sharp drop between 2002-03 and 2003-04 which was reflected in the decreased receptions in that period (see Figure 6). However, between 2002-03 and 2003-04, the number of defendants proven guilty rose from 80,900 to 87,236 while custodial sentences dropped from 5,946 to 5,716. Therefore, the decline in sentenced receptions was most likely due to fewer custodial sentences, which occurred at the same time as a rise in the number of defendants proven guilty.

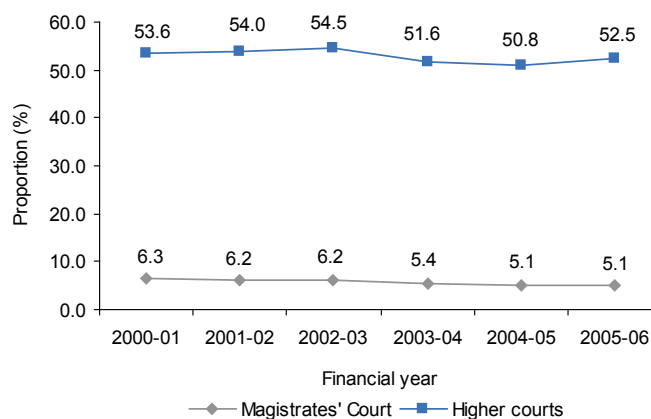
**Figure 12: Custody rates, 2000-01 to 2005-06**



Source: Unpublished data from Court Services, Department of Justice

Figure 13 presents custody rate trends separately for the Magistrates' Court and higher courts. As with imprisonment sentence lengths, the custody rate in the higher courts is substantially higher than in the Magistrates' Court. In the Magistrates' Court, the custody rate was stable apart from a decline between 2002-03 and 2003-04 (from 6.2 to 5.4 per cent). In the higher courts there was more variability. It increased from 53.6 per cent in 2000-01 to 54.5 per cent in 2002-03, declined to 50.8 per cent in 2004-05, before increasing again to 52.5 in 2005-06.

**Figure 13: Custody rates by court level, 2000-01 to 2005-06**

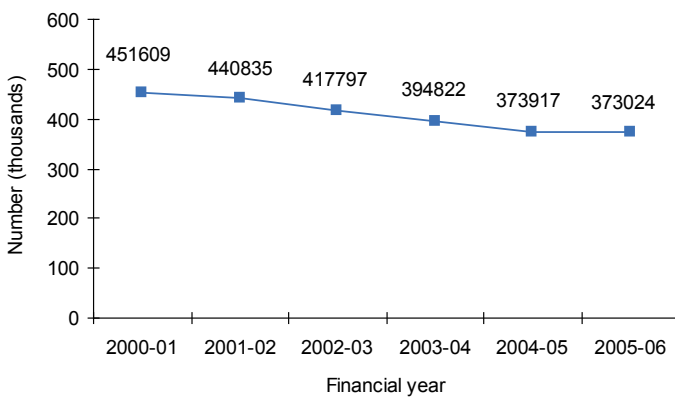


Source: Unpublished data from Court Services, Department of Justice

## Crime

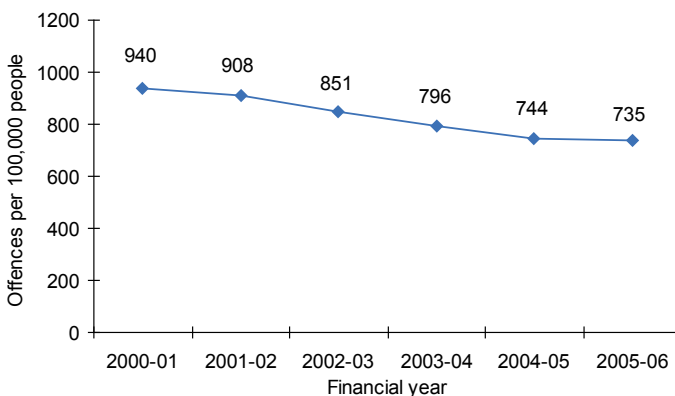
A rising prison population may be also influenced by rising crime. Figures 14 and 15 show the number and rate per 100,000 people of all offences recorded by police. Victoria's estimated resident population in the June quarter of each year was used to calculate rates (Australian Bureau of Statistics, 2006). In contrast to the prison population, both the number and rate of offences decreased each financial year between 2000-01 and 2005-06. Across the six years, the number of offences decreased by 17.4 per cent, from 451,609 to 373,024 offences, and the rate decreased by 21.9 per cent, from 940 to 735 per 100,000 people.

**Figure 14: Offences recorded by police, 2000-01 to 2005-06**



Source: Victoria Police (various)

**Figure 15: Offences recorded by police per 100,000 people, 2000-01 to 2005-06**



Source: Victoria Police (various)

## Offending patterns

A rising prison population is likely to be influenced by trends in particular types of offences. While trends in crime, custody rates, and prison receptions were generally downward, it may be that the nature of crime has changed. If more *serious* offences are being committed and offenders convicted and sentenced, the prison population may be expected to rise because both the custody rate and the length of sentence may be greater for these offences.

The offence mix is examined for both sentenced prisoners and sentenced receptions, as well as for offenders processed by police. The offence categories considered are: person, robbery, property, good order, drugs and motor vehicle offences. Table 1 shows some of the key offences falling within each category.

**Table 1: Offence categories and examples of their constituent offences**

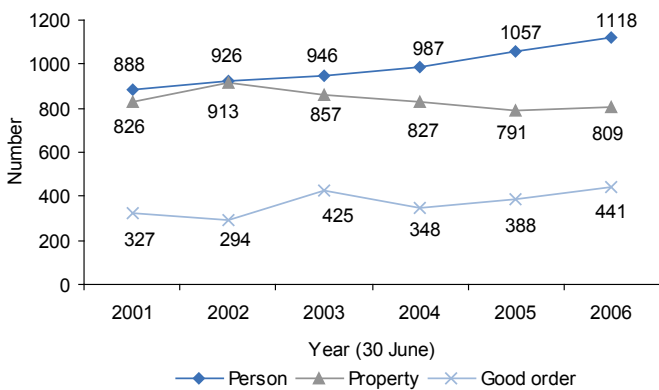
Offence category	Key examples of specific offences
Person	Homicide, Murder, Manslaughter, Driving causing death, Assault, Sexual assault
Robbery	Robbery, Extortion
Property	Break and enter, Fraud, Theft, Property damage
Good order	Offences against government security, Offences against justice procedures (incl. breaches of orders), Unlawful possession of weapons
Drugs	Possession and/or use of drugs, Importing/exporting drugs, manufacture and growing drugs
Motor vehicle	Driving under influence of alcohol/drugs, Dangerous, reckless or negligent driving, Driving licence offences

Source: modified from Appendix 1 of Corrections Victoria (2007b)

## Prisoners

Figure 16 and 17 present the number of sentenced prisoners for each offence type between 2001 and 2006. A clear increasing trend is evident for offences against the person (from 888 to 1,118) and motor vehicle offences (from 68 to 131). Property offences declined between 2002 and 2005 (913 to 791) and robbery declined between 2002 and 2006 (368 to 281). The number of drug offences was variable, as were good order offences, which however rose overall between 2001 and 2006 (327 to 441). In accounting for the increase in the sentenced prisoner population of 276 prisoners, it appears that offences against the person, good order offences and motor vehicle offences were particularly important, but were offset by declines in the number of prisoners imprisoned for property and robbery offences.

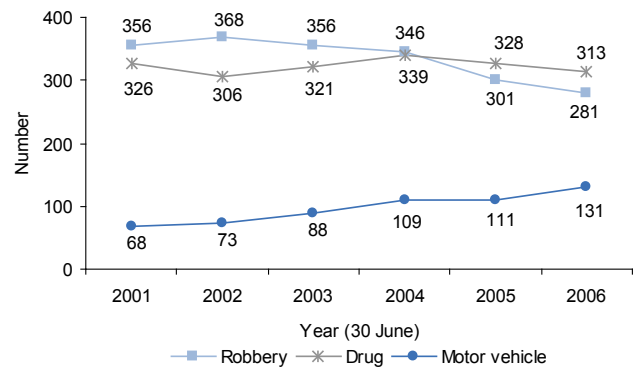
**Figure 16: Sentenced prisoners by most serious offences of person, property and good order offences, 30 June 2001 to 30 June 2006**



Source: Corrections Victoria (2007b; 2006b)

As with sentence length information, information on the most serious offence based on the sentenced prisoner population is skewed towards prisoners on longer sentences, for relatively serious offences. Offence breakdowns for sentenced prisoner receptions and for offenders overcome this bias.

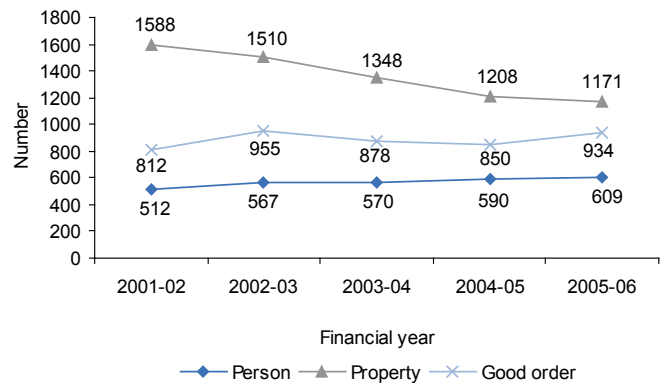
**Figure 17: Sentenced prisoners by most serious offences of robbery, drug and motor vehicle offences, 30 June 2001 to 30 June 2006**



Source: Corrections Victoria (2007b; 2006b)

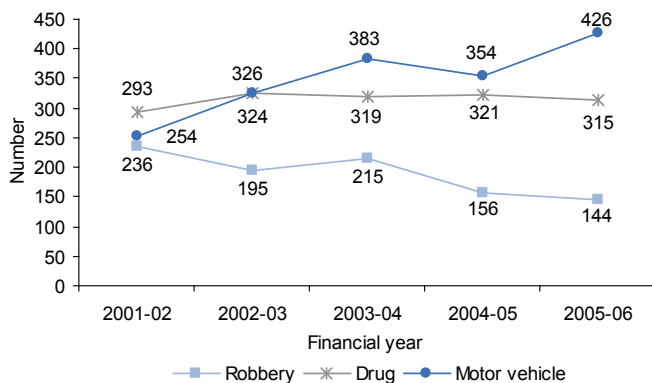
For sentenced receptions, most serious offence data were only available from 2001-02. As Figures 18 and 19 show, the trends were similar to those for the sentenced prisoners. Motor vehicle offences increased the most among receptions, rising from 254 in 2001-02 to 426 in 2005-06. Person offences also rose substantially, from 512 to 609, and while good order offences were variable, overall they increased from 812 to 934. Substantial decreases occurred for property offences (dropping from 1,588 to 1,171) and robbery (dropping from 236 to 144).

**Figure 18: Sentenced receptions by most serious offences of person, property and good order offences, 2001-02 to 2005-06**



Source: Corrections Victoria (2007b)

**Figure 19: Sentenced receptions by most serious offences of robbery, drug and motor vehicle offences, 2001-02 to 2005-06**



Source: Corrections Victoria (2007b; 2006b)

A limitation with sentenced prisoner and sentenced receptions data is that they use only the most serious offence for each prisoner. Where a prisoner has multiple offences only one is counted. For instance, if a prisoner is serving a prison sentence for robbery and a good order offence, such as breach of bail, only the robbery will be counted. This leads to a skewing towards relatively more serious offences.

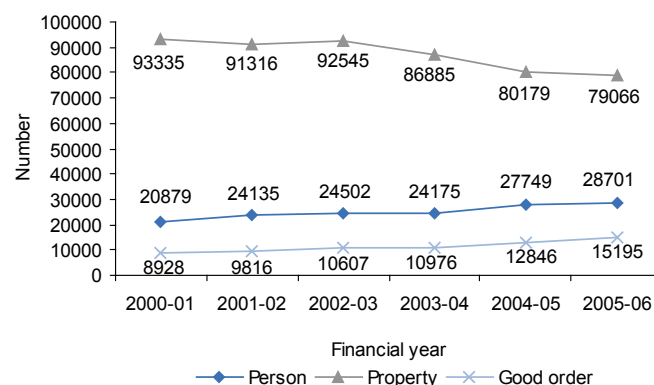
## Offenders

Data on offence types for which offenders are proceeded against by police overcome some of the problems of bias associated with offence type data of both sentenced prisoners and prisoner receptions. Offender data published by Victoria Police contain all offences for which an offender was processed, rather than simply the most serious offence. Despite this benefit, it is important to note that many offences recorded by police do not result in a prosecution, let alone an imprisonment sentence for the offender. This is due to a variety of reasons, such as police diverting the offender away from the courts (e.g. using a caution), the offender being acquitted in court, and the offender receiving a non-custodial sentence if found guilty. Therefore, there is a considerable difference between numbers of individual offence types from police data to prison data (see Burns (2007) for an indication of the level of attrition within the Victorian criminal justice system).

Nevertheless, crime trends for individual offences can provide an indication of changing offending patterns that the courts potentially have to deal with. In doing this, they can help assess whether increases in prisoner receptions for a particular offence are a result of the offence being heard more often in court, or are due to a more punitive response to the offence.

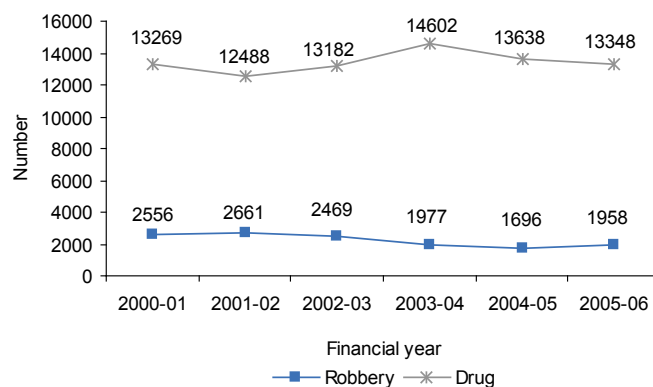
Published offender data exclude motor vehicle offences, which are therefore also excluded in this analysis. For offenders processed by police, Figures 20 and 21 show increasing trends for person and good order offences, declining trends for property offences and robbery, and a variable trend for drug offences. These trends are generally consistent with those found in the sentenced prisoner and sentenced receptions populations, which suggests that these increases have been driven, at least in part, by a greater volume of specific types of crime, rather than necessarily more severe sentencing practices.

**Figure 20: Offenders processed by police for person, property and good order offences, 2000-01 to 2005-06**



Source: Victoria Police (various)

**Figure 21: Offenders processed by police for robbery and drug offences, 2000-01 to 2005-06**



Source: Victoria Police (various)

## Discussion

The analyses presented here have identified a number of likely drivers of the recent increases in the size of the prison population in Victoria between 2001 and 2006. The primary factor appears to be the length of time prisoners spent in prison. Clear increasing trends in sentence length were evident using a number of measures, both from court and prison data sources. Prisoners increasingly were expected to serve longer periods in custody, and longer sentences of imprisonment were imposed. It logically follows that, particularly because there were few substantial increases in the number of prisoners received into prison, length of stay was a key contributor to the increasing prison population. Data availability and quality did not allow measurement of the precise effect of sentence length on the prison population, and is therefore an area for further research.

The reasons for the increasing imprisonment sentence lengths also require further investigation. Were the increases due to more punitive sentencing practices by the judiciary or were they due to a greater number of serious offences coming before the courts? Offender data showed that there were greater numbers of offences against the person, which may mean that there was a greater volume of relatively serious offences coming before the courts. However, such a conclusion cannot be made without an examination of court data according to offence type. Interestingly, another indicator of judicial punitiveness assessed in this study, the custody rate, was found to have remained constant and, if anything, to have declined. Therefore, while the tendency for the judiciary to use custodial sentences declined slightly, when custodial sentences were set, they were more severe.

The finding of the primary importance of sentence length over receptions as a factor in Victoria's increasing prison population contrasts with findings of other studies of Victoria's prison population over many decades. Freiberg and Ross (1999) ascertained that over the long term, changes in reception rates reflected imprisonment rates, while changes in sentence length did not, and Carcach and Chisholm (2000) found the expected time to serve for Victoria's prisoners declined between 1988 and 1998, despite an increase in the prison population. The apparent contradiction may be due to the different time periods and different length of time periods examined. Both of these studies considered longer term changes and data prior to 2000, while the current study considered six years of data from 2001.

It is notable that the prison population has been increasing while crime rates have been decreasing. Such a relationship has been reported in other studies (for example, see Biles, 1983 and Tonry, 1999). While the current paper has been concerned with factors affecting the prison population, the relationship between many factors investigated and the prison population is, in fact, two-way: for example, while crime can affect the prison population, the prison population can also affect crime.

Based on the medium term crime trends, an argument could be mounted that the prison population had a lagged effect on crime. In the five years leading up to 2000-01, overall crime increased each year in a similar trend to the prison population; and while the prison population continued to rise after that financial year, crime levels dropped. Thus, perhaps the prison population increases in the late 1990s eventually had an impact on crime, reducing it in the early 2000s. If this was the case, however, at some stage one would expect to see a stabilising of the prison population, providing crime continues to fall. Such a stabilising is yet to be seen. Furthermore, the crime rate is likely to be affected by factors other than simply imprisonment, such as policing practices.

Apart from increased sentence lengths, three offence categories in particular showed similar trends to the prison population: offences against the person, motor vehicle offences and good order offences. Offences against the person, comprising mainly assault, homicide and sexual offences, increased among sentenced prisoners, sentenced receptions and offenders. The increases in offences against the person seen at the offender level suggest that the increases in this component of the prison population were, at least in part, generated at the police stage. This suggests that there was more of this type of offending actually occurring and/or police became more likely to detect and record this type of offending. The introduction of the Code of Practice for Investigating Family Violence adopted in August 2004 has been credited by Victoria Police (2006a) with increasing the number of offenders processed for assault offences.

Motor vehicle offences increased for sentenced prisoners and sentenced receptions (data were not available on this offence for offenders). Among prisoners, motor vehicle offences include driving offences and licence and registration offences. Without offender data for these types of offences, conclusions cannot be made regarding whether the frequency of this type of offence increased or responses to it became more severe. Good order offences mainly include breaches of various community based sentences. The increases in these offences among sentenced prisoners appear to have been a result of increases at the offender level. Further research should be undertaken to determine why an increase in breach offences occurred, and whether the response of the judiciary to breach offences has changed.

Further research needs to be conducted in order to reach firmer conclusions about the drivers of the prison population. Multivariate time-series analysis (such as the ARIMA with regression errors technique) could be applied to help quantify the relative influence of the factors examined in this study, as well as that of other factors, such as restorations of suspended sentences following their breach, re-admissions to prison following breaches of bail, and the willingness of the Adult Parole Board to grant parole to eligible prisoners. Analysis using more accurate data regarding the length of time prisoners stay in prison would also be desirable; that used in the current study relied on predicted times based on (sometimes incomplete) sentence length information, rather than actual times.

## Conclusion

This paper has shown that the increases in Victoria's prison population between 2001 and 2006 were due to a combination of increased lengths of imprisonment sentences, and increases in the occurrence of offences against the person, motor vehicle offences and good order offences. More complete data which would enable a more complex form of analysis are required in order to better assess and quantify the relative influences of the different factors on Victoria's prison population.

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**Sentencing Advisory Council**  
Level 4, 436 Lonsdale Street  
Melbourne Victoria 3000  
Dx 210307

Telephone 03 9603 9047  
Facsimile 03 9603 9030  
[contact@sentencingcouncil.vic.gov.au](mailto:contact@sentencingcouncil.vic.gov.au)  
[www.sentencingcouncil.vic.gov.au](http://www.sentencingcouncil.vic.gov.au)

Authored by Geoff Fisher, Data Analyst, Sentencing Advisory Council.

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