

Sentencing Snapshot

Sentencing trends
in the Magistrates'
Court of Victoria
2004–05 to 2007–08

February 2009
No. 67

Possessing heroin

This Sentencing Snapshot describes sentencing outcomes¹ for the offence of possessing heroin² and details the age and gender³ of people sentenced for this offence in the Magistrates' Court of Victoria between 2004–05 and 2007–08.

A person who possesses heroin without legal authorisation is guilty of an indictable offence.⁴ This offence may be heard summarily in the Magistrates' Court if the court considers it appropriate and the defendant consents. This tends to occur where the offence is seen by the court as being less serious in nature. Where an offence is tried summarily, the matter will be heard before a magistrate rather than a judge and a jury.

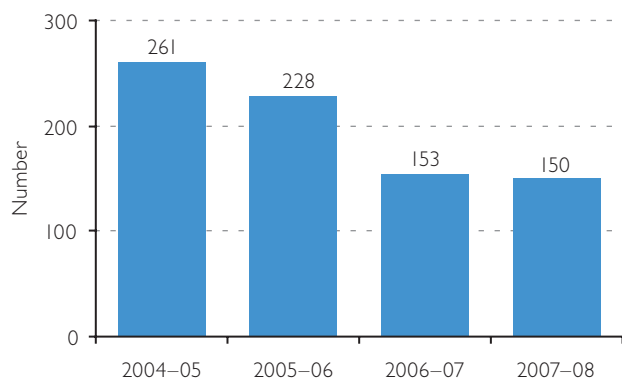
If the court is satisfied on the balance of probabilities that the drug was not possessed for any purpose related to trafficking, the maximum penalty is 30 penalty units,⁵ 1 year's imprisonment or both.⁶ In any other case, the maximum penalty is 400 penalty units, 5 years' imprisonment or both,⁷ however, where the offence is heard summarily, the most that the Magistrates' Court can impose for an individual charge is 2 years' imprisonment and/or a fine of 240 penalty units.⁸

Possessing heroin was the principal offence in 0.3% of cases sentenced in the Magistrates' Court between 2004–05 and 2007–08.

People sentenced

Over the four-year period, the Magistrates' Court sentenced 792 people for the principal offence of possessing heroin. In 2007–08, there were 150 people who were sentenced for the principal proven offence of possessing heroin.⁹ This has steadily decreased each year from 261 people in 2004–05.

Figure 1: The number of people sentenced for possessing heroin, 2004–05 to 2007–08



Sentencing outcomes

Table 1 shows the sentencing outcomes for people sentenced for possessing heroin during 2004–05 to 2007–08. Over the four-year period, the majority of those sentenced for possessing heroin received a non-custodial sentence (657 people or 83.0%), including 387 people who received a fine (48.9%), 168 people who received an adjourned undertaking (21.2%) and 82 people who received a community-based order (10.4%).

There were also 73 people who received an immediate custodial sentence (9.2%), including 70 people who were sentenced to imprisonment (8.8%).

An additional 50 people participated in the criminal justice diversion program. These people are not counted towards the total number of people sentenced and are not included in any further analyses in this paper (unless stated).¹⁰

Table 1: The number and percentage of people sentenced for possessing heroin by sentence type, 2004–05 to 2007–08

Sentence Type	Total	%
Immediate custodial	73	9.2
Imprisonment	70	8.8
Partially suspended sentence	3	0.4
Other custodial	62	7.8
Drug treatment order	6	0.8
Wholly suspended sentence	47	5.9
Intensive correction order	9	1.1
Non-custodial	657	83.0
Community-based order	82	10.4
Fine	387	48.9
Adjourned undertaking	168	21.2
Convicted and discharged (s 73 SA)	15	1.9
Dismissed (s 76 SA)	5	0.6
People sentenced	792	100.0
Criminal justice diversion program	50	
Total dispositions	842	

Sentencing outcomes by year

Table 3 shows the number and percentage of people sentenced each year from 2004–05 to 2007–08 for possessing heroin by the type of sentence imposed.

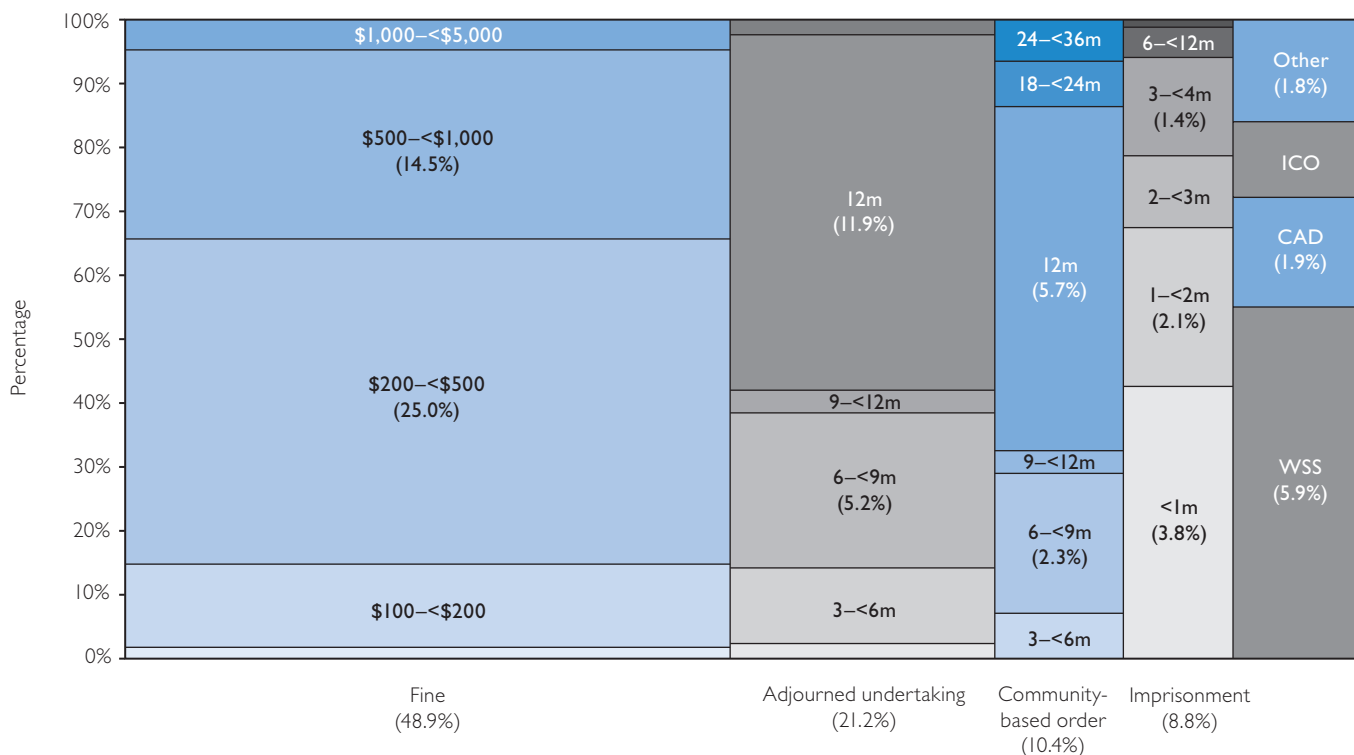
The number of people who received an immediate custodial sentence decreased from 23 people in 2004–05 to 8 people in 2006–07, before increasing again to 22 people in 2007–08.

The number and percentage of people who received a non-immediate custodial sentence decreased from 21 people and 8.0% in 2004–05 to 6 people and 4.0% in 2007–08. The number and percentage of people who received a non-custodial sentence decreased from 217 people and 83.1% in 2004–05 to 122 people and 81.3% in 2007–08.

Sentencing Map

Figure 3 presents both the sentencing outcomes and the quanta for those outcomes for people sentenced for possessing heroin. For example, 48.9% of people sentenced received a fine including 25.0% who received a fine of \$200 to less than \$500. The right most column of the graph presents the least common sentencing outcomes without showing the quantum information.

Figure 3: Sentencing Map: The percentage of people sentenced for possessing heroin by sentencing outcomes and sentencing quanta, 2004–05 to 2007–08¹⁵



Note: WSS refers to wholly suspended sentence, CAD refers to convicted and discharged (s 73 SA) and ICO refers to intensive correction order. Other includes drug treatment order; dismissed (s 76 SA) and partially suspended sentence.

Table 3: The number and percentage of people sentenced for possessing heroin by sentence type and year, 2004–05 to 2007–08¹⁴

Sentence Type	2004–05	2005–06	2006–07	2007–08
Immediate custodial	23 (8.8%)	20 (8.8%)	8 (5.2%)	22 (14.7%)
Imprisonment	21 (8.0%)	20 (8.8%)	7 (4.6%)	22 (14.7%)
Partially suspended sentence	2 (0.8%)	0 –	1 (0.7%)	0 –
Other custodial	21 (8.0%)	17 (7.5%)	18 (11.8%)	6 (4.0%)
Drug treatment order	2 (0.8%)	2 (0.9%)	2 (1.3%)	0 –
Wholly suspended sentence	16 (6.1%)	13 (5.7%)	13 (8.5%)	5 (3.3%)
Intensive correction order	3 (1.1%)	2 (0.9%)	3 (2.0%)	1 (0.7%)
Non-custodial	217 (83.1%)	191 (83.8%)	127 (83.0%)	122 (81.3%)
Community-based order	26 (10.0%)	25 (11.0%)	20 (13.1%)	11 (7.3%)
Fine	120 (46.0%)	117 (51.3%)	76 (49.7%)	74 (49.3%)
Adjourned undertaking	64 (24.5%)	47 (20.6%)	26 (17.0%)	31 (20.7%)
Convicted and discharged (s 73 SA)	7 (2.7%)	2 (0.9%)	2 (1.3%)	4 (2.7%)
Dismissed (s 76 SA)			3 (2.0%)	2 (1.3%)
People sentenced	261	228	153	150

Principal sentence

This section examines the use of the five most common principal sentencing outcomes for this offence.¹⁶ Firstly, it provides an analysis of the trends in the use of each sentencing outcome, both in terms of the number and percentage of people sentenced. Secondly, a demographic analysis of the people sentenced to each sentencing outcome is provided.¹⁷ Finally, where relevant, the details of the sentence (length of order or fine amount) are examined.¹⁸

The five most common sentences imposed for possessing heroin are fine, adjourned undertaking, community-based order, imprisonment and wholly suspended sentence.

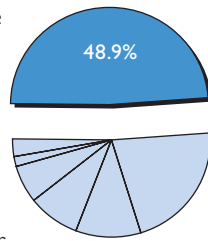
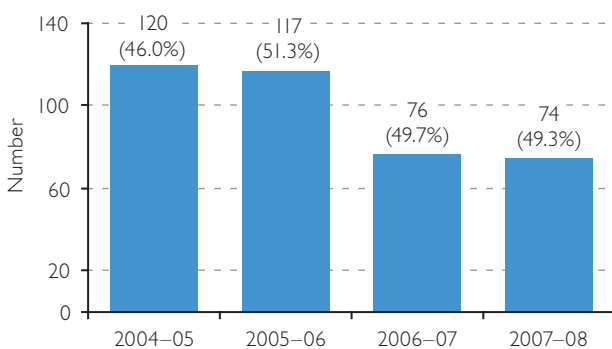
Fine

Trends

There were 387 people who received a fine for possessing heroin. This represented 48.9% of all people sentenced for this offence. Of the 150 people who received a fine in 2006–07 and 2007–08, 89.3% also had a conviction recorded (134 people). Figure 4 shows the trends in the number and percentage of people who received a fine for possessing heroin.

In 2007–08, 74 people received a fine for the principal proven offence of possessing heroin. This has remained relatively stable over the past two years, after decreasing substantially the previous year. However, the proportion of people who received a fine for possessing heroin remained relatively stable over the past three years, ranging from 49.3% in 2007–08 to 51.3% in 2005–06.

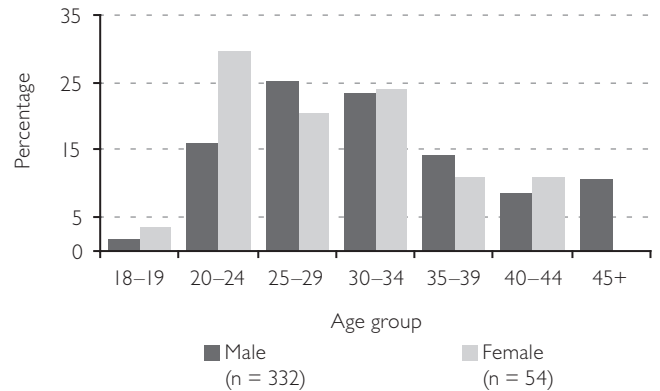
Figure 4: The number and percentage of people who received a fine for possessing heroin, 2004–05 to 2007–08



Age and gender

Of the 387 people who received a fine, 86.0% were men. Figure 5 shows the age groups of people who received a fine for possessing heroin by gender. The median age of these people was 30 years, while men were generally older than their female counterparts (a median age of 31 years compared to 28 years).

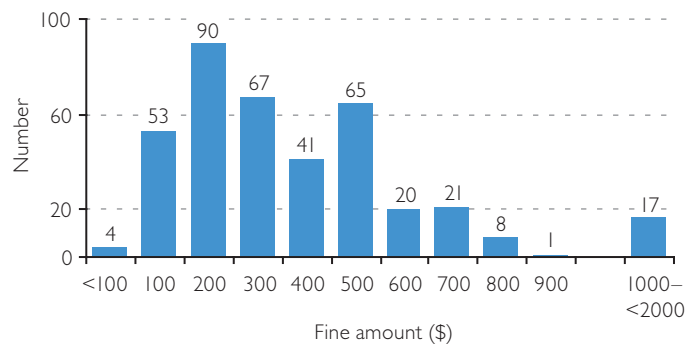
Figure 5: The percentage of people who received a fine for possessing heroin by age and gender, 2004–05 to 2007–08



Fine Amount

Figure 6 shows the number of people who received a fine for possessing heroin by the amount of the fine. While the amount of the fine ranged from \$20 to \$1,500, the median was \$300. Aggregate fines were imposed for 37.5% of people who received a fine.¹⁹

Figure 6: The number of people who received a fine for possessing heroin by the amount of the fine, 2004–05 to 2007–08



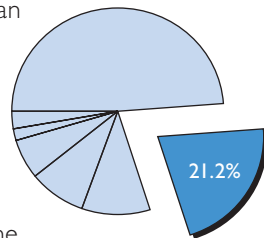
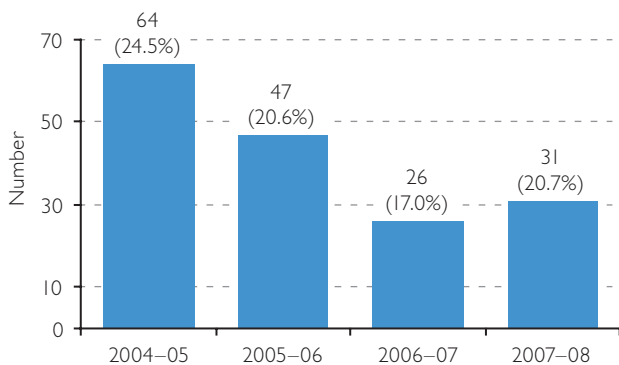
Adjourned undertaking

Trends

There were 168 people who received an adjourned undertaking for possessing heroin. This represented 21.2% of all people sentenced for this offence. Of the 57 people who received an adjourned undertaking in 2006–07 and 2007–08, 26.3% also had a conviction recorded (15 people). Figure 7 shows the trends in the number and percentage of people who received an adjourned undertaking for possessing heroin.

In 2007–08, 31 people received an adjourned undertaking for the principal proven offence of possessing heroin. This has increased over the past year from 26 people in 2006–07, after decreasing the previous two years. Also, the proportion of people who received an adjourned undertaking for possessing heroin increased over the past year from 17.0% to 20.7%.

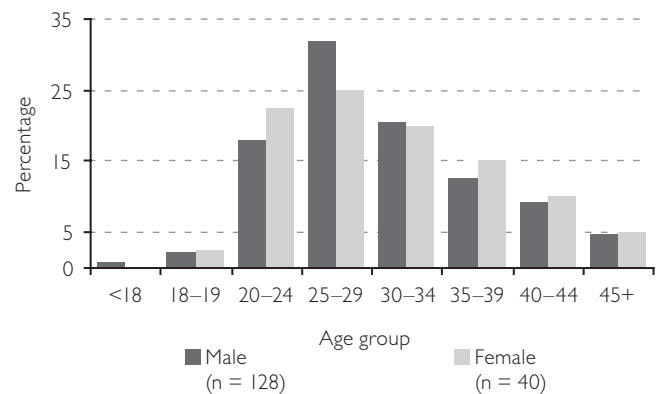
Figure 7: The number and percentage of people who received an adjourned undertaking for possessing heroin, 2004–05 to 2007–08



Age and gender

Of the 168 people who received an adjourned undertaking, 76.2% were men. Figure 8 shows the age groups of people who received an adjourned undertaking for possessing heroin by gender. The median age of these people was 29 years, while women were generally older than their male counterparts (a median age of 30 years and six months compared to 28 years and six months).

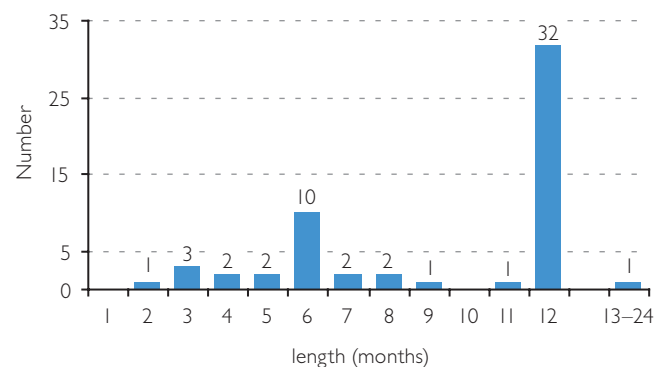
Figure 8: The percentage of people who received an adjourned undertaking for possessing heroin by age and gender, 2004–05 to 2007–08



Length of sentence

Figure 9 shows the number of people who received an adjourned undertaking for possessing heroin by the length of the sentence. While the length of adjourned undertakings ranged from two months to one year and six months, the majority were for 12 months (56.1%).

Figure 9: The number of people who received an adjourned undertaking for possessing heroin by the length of order, 2006–07 and 2007–08



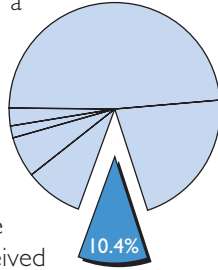
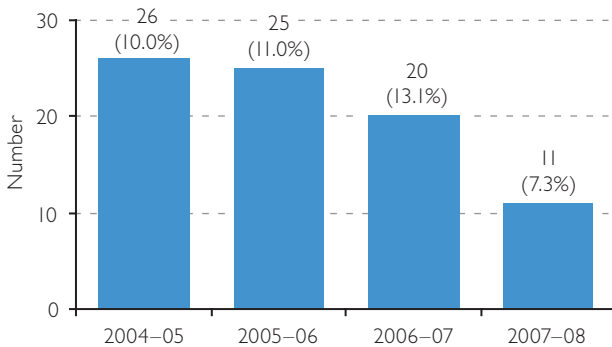
Community-based order

Trends

There were 82 people who received a community-based order for possessing heroin. This represented 10.4% of all people sentenced for this offence. Of the 31 people who received a community-based order in 2006–07 and 2007–08, 83.9% also had a conviction recorded (26 people). Figure 10 shows the trends in the number and percentage of people who received a community-based order for possessing heroin.

In 2007–08, 11 people received a community-based order for the principal proven offence of possessing heroin. This has decreased each of the past three years from 26 people in 2004–05. Also, the proportion of people who received a community-based order for possessing heroin decreased over the past year from 13.1% to 7.3%.

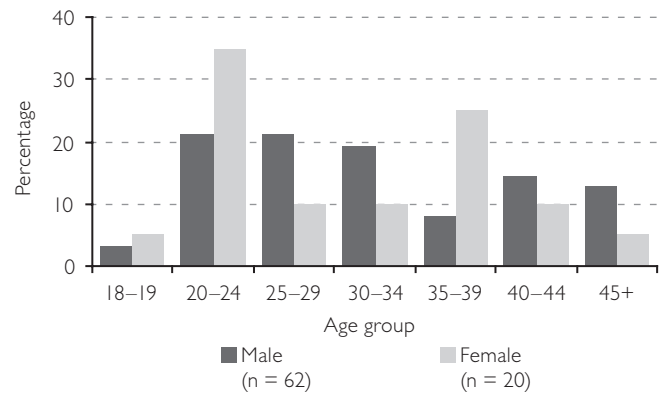
Figure 10: The number and percentage of people who received a community-based order for possessing heroin, 2004–05 to 2007–08



Age and gender

Of the 82 people who received a community-based order, 75.6% were men. Figure 11 shows the age groups of people who received a community-based order for possessing heroin by gender. The median age of these people was 31 years and six months, while men were generally slightly older than their female counterparts (a median age of 32 years compared to 30 years and six months).

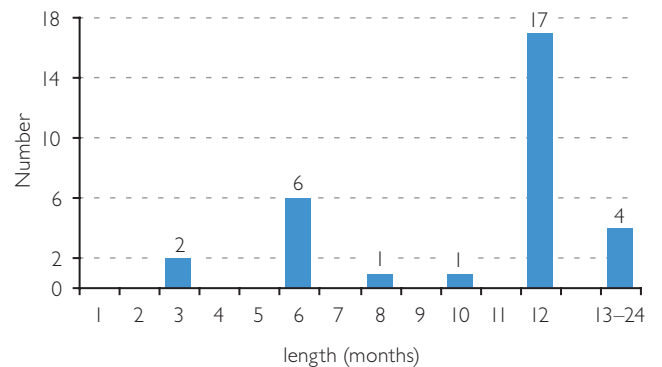
Figure 11: The percentage of people who received a community-based order for possessing heroin by age and gender, 2004–05 to 2007–08



Length of sentence

Figure 12 shows the number of people who received a community-based order for possessing heroin by the length of the sentence. While the length of community-based orders ranged from three months to two years, the majority were for 12 months (54.8%).

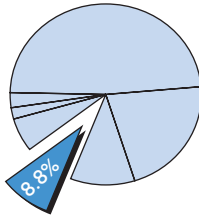
Figure 12: The number of people who received a community-based order for possessing heroin by the length of order, 2006–07 and 2007–08



Imprisonment

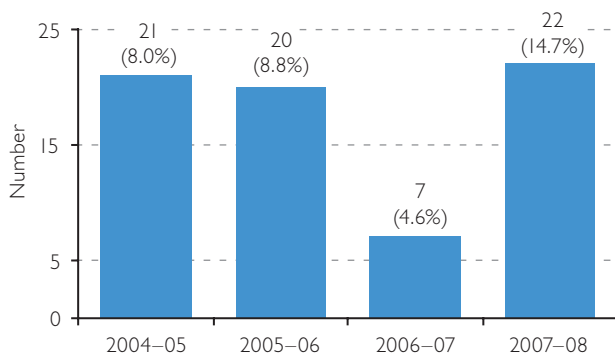
Trends

There were 70 people who were sentenced to imprisonment for possessing heroin. This represented 8.8% of all people sentenced for this offence. Figure 13 shows the trends in the number and percentage of people who were sentenced to imprisonment for possessing heroin.



In 2007–08, 22 people were sentenced to imprisonment for the principal proven offence of possessing heroin. This has increased over the past year from 7 people in 2006–07, after decreasing the previous year. Also, the proportion of people who were sentenced to imprisonment for possessing heroin increased over the past year from 4.6% to 14.7%.

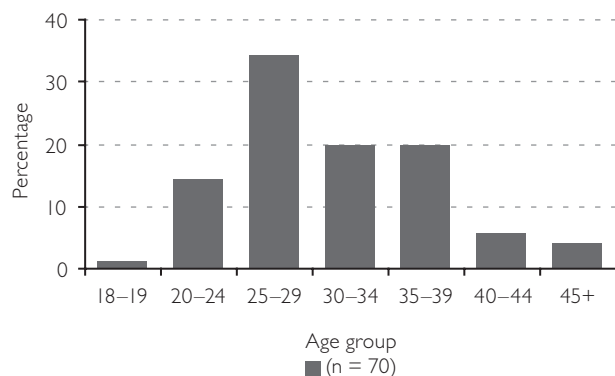
Figure 13: The number and percentage of people who were sentenced to imprisonment for possessing heroin, 2004–05 to 2007–08



Age and gender

Of the 70 people who received a period of imprisonment, 82.9% were men. Figure 14 shows the age groups of people who were sentenced to imprisonment for possessing heroin. The median age of these people was 29 years and six months.

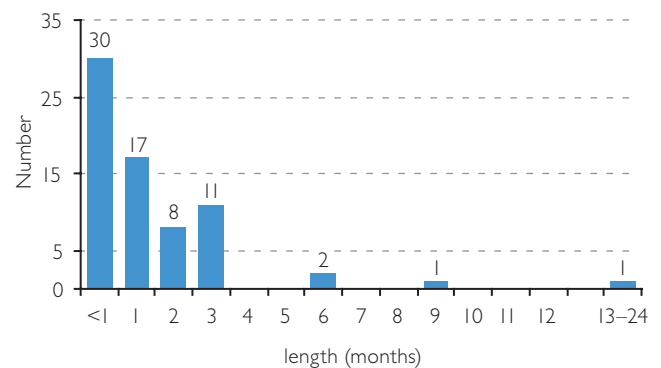
Figure 14: The percentage of people who were sentenced to imprisonment for possessing heroin by age, 2004–05 to 2007–08



Length of sentence

Figure 15 shows the number of people who were sentenced to imprisonment for possessing heroin by the length of the sentence. While the length of imprisonment ranged from one day to one year and two months, the median was one month (meaning that half were shorter than one month and half were longer than one month). Aggregate periods of imprisonment were imposed for 37.1% of people who were sentenced to imprisonment.²⁰

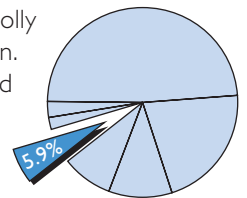
Figure 15: The number of people who were sentenced to imprisonment for possessing heroin by the length of order, 2004–05 to 2007–08



Wholly suspended sentence

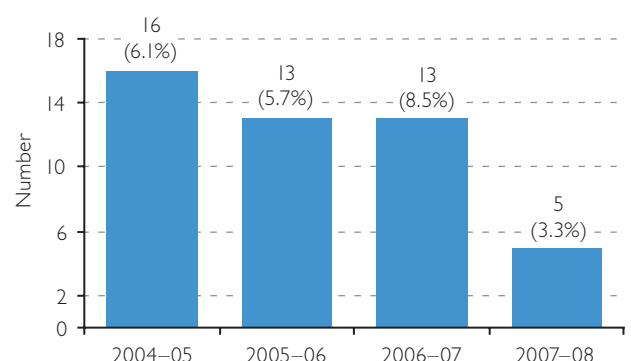
Trends

There were 47 people who received a wholly suspended sentence for possessing heroin. This represented 5.9% of all people sentenced for this offence. Figure 16 shows the trends in the number and percentage of people who received a wholly suspended sentence for possessing heroin.



In 2007–08, 5 people received a wholly suspended sentence for the principal proven offence of possessing heroin. This has decreased over the past year from 13 people in 2006–07, after remaining stable the previous year. Also, the proportion of people who received a wholly suspended sentence for possessing heroin decreased over the past year from 8.5% to 3.3%.

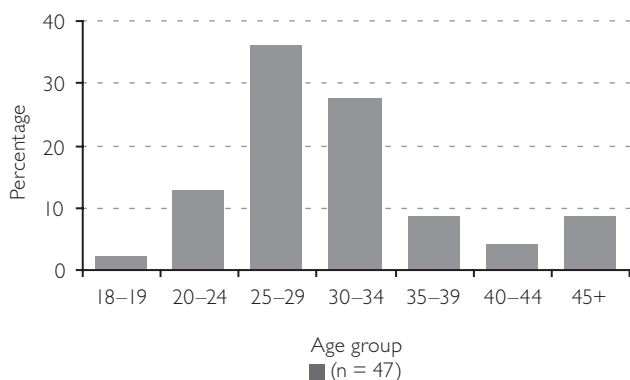
Figure 16: The number and percentage of people who received a wholly suspended sentence for possessing heroin, 2004–05 to 2007–08



Age and gender

Of the 47 people who received a wholly suspended sentence, 66.0% were men. Figure 17 shows the age groups of people who received a wholly suspended sentence for possessing heroin. The median age of these people was 29 years.

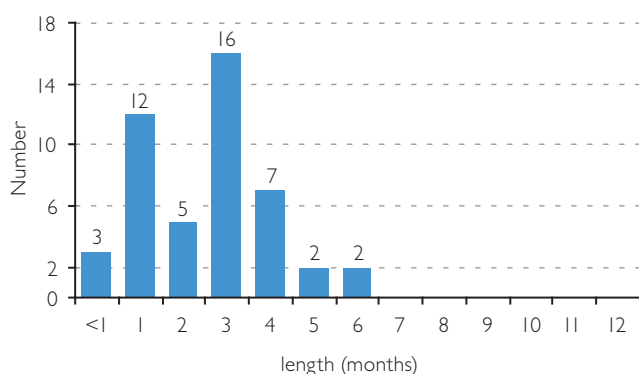
Figure 17: The percentage of people who received a wholly suspended sentence for possessing heroin by age, 2004–05 to 2007–08



Length of sentence

Figure 18 shows the number of people who received a wholly suspended sentence for possessing heroin by the length of the sentence. While the length of wholly suspended sentences ranged from seven days to six months, the median was three months (meaning that half were shorter than three months and half were longer than three months). Aggregate wholly suspended sentences were imposed for 63.8% of people who received a wholly suspended sentence.²¹

Figure 18: The number of people who received a wholly suspended sentence for possessing heroin by the length of order, 2004–05 to 2007–08

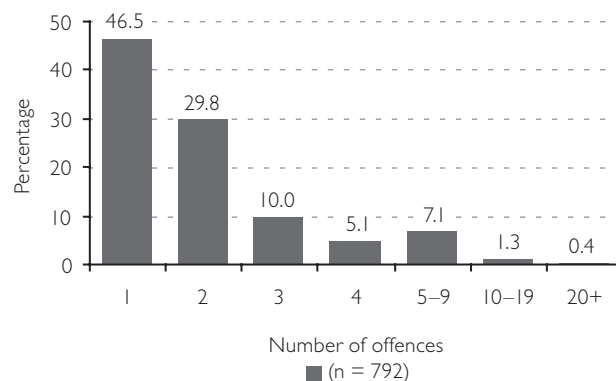


Other offences finalised at the same hearing

Often people prosecuted for possessing heroin face multiple charges, which are finalised at the same hearing. This section looks at the range of offences for which offenders have been sentenced at the same time as being sentenced for the principal offence of possessing heroin.

Figure 19 shows the percentage of people sentenced for the principal offence of possessing heroin by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 35, while the median was 2 offences. There were 368 people (46.5%) sentenced for the single offence of possessing heroin alone. A higher percentage of men were sentenced for a single offence only (48.2% compared to 38.9% of women). The average number of offences per person sentenced for possessing heroin was 2.30.

Figure 19: The percentage of cases where possessing heroin was the principal offence by the number of offences where a sentence was imposed in that case, 2004–05 to 2007–08



While Figure 19 presents the number of sentenced offences for those sentenced for possessing heroin, Table 4 shows what the accompanying offences were. It shows the number and percentage of people sentenced for the ten most common offences. The last column sets out the average number of offences sentenced per person. For example, 241 of the total 792 people (30.4%) also received sentences for using a drug of dependence. On average, they were sentenced for 1.11 charges of using a drug of dependence. The first row indicates that the average number of charges of possessing a drug of dependence sentenced per person was 1.24.

Table 4: The number and percentage of people sentenced for the principal offence of possessing heroin by the most common offences that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence	No.	%	Avg.
1 possessing a drug of dependence	792	100.0	1.24
2 using a drug of dependence	241	30.4	1.11
3 theft	65	8.2	1.94
4 failing to appear on bail	39	4.9	1.87
5 deal property suspected proceed of crime	22	2.8	1.45
6 assault police	21	2.7	1.43
7 drive while disqualified	20	2.5	1.25
8 unlicensed driving	19	2.4	1.21
9 drug trafficking	13	1.6	1.54
10 use an unregistered vehicle	13	1.6	1.23
People sentenced	792	100.0	2.30

Table 5 is an elaboration of Table 4. It shows the five most common drug types involved in possessing a drug of dependence for which people were sentenced in conjunction with possessing heroin. As shown, the average number of possessing a drug of dependence offences sentenced per person was 1.24, including 1.07 offences of possessing heroin. The most common other drug involved in possessing a drug of dependence sentenced was cannabis (64 people or 8.1% of those who were sentenced for possessing heroin). On average, these people were sentenced for 1.08 counts of this offence.

Table 5: The number and percentage of people sentenced for the principal offence of possessing heroin by the five most common types of drugs involved in possessing a drug of dependence offences that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence description	No.	%	Avg.
possessing heroin	792	100.0	1.07
possessing cannabis	64	8.1	1.08
possessing a drug of dependence – other	27	3.4	1.37
possessing amphetamines	22	2.8	1.09
possessing ecstasy	5	0.6	1.00
People sentenced	792	100.0	1.24

Table 6 also provides more detail from Table 4. It shows the five most common drug types involved in using a drug of dependence offences for which people were sentenced in conjunction with possessing heroin. As shown, there were 241 people sentenced for using a drug of dependence. On average, these people were sentenced for 1.11 charges of such offences. The most common drug involved in a charge of using a drug of dependence sentenced was heroin (227 people or 94.2% of those who were sentenced for using a drug of dependence offence). On average, these people were sentenced for 1.03 counts of this offence.

Table 6: The number and percentage of people sentenced for the principal offence of possessing heroin by the four most common types of drugs involved in the offences of using drugs of dependence that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence description	No.	%	Avg.
using heroin	227	94.2	1.03
using cannabis	17	7.1	1.06
using a drug of dependence – other	9	3.7	1.00
using amphetamines	8	3.3	1.00
People sentenced	241	100.0	1.11

Sentence combinations

This section looks at the range of sentence types imposed in the entire case for people who had the principal offence of possessing heroin. This includes all sentences imposed for the principal proven offence and for all other offences that were sentenced as part of that case.²²

Table 7 shows the percentages of the five most common sentence types imposed in cases in the Magistrates' Court from 2004–05 to 2007–08 where the principal proven offence was possessing heroin, by the other sentence types also imposed in the case. For example, of the 421 people who received a fine as part of their total effective sentence, 2.6% also were sentenced to imprisonment.

Common sentence types imposed in conjunction with another sentence type include:

- a fine with a wholly suspended sentence (20.8% of the 48 people); and
- a fine with an imprisonment term (15.5% of the 71 people).

Table 7: The percentage of selected sentence types used in conjunction with other sentence types imposed in the same case, 2004–05 to 2007–08

	Fine	ADU	CBO	Imp.	WSS
Fine	100%	3.9%	11.9%	15.5%	20.8%
ADU	1.7%	100%	3.6%	1.4%	2.1%
CBO	2.4%	1.7%	100%	1.4%	2.1%
Imp.	2.6%	0.6%	1.2%	100%	0.0%
WSS	2.4%	0.6%	1.2%	0.0%	100%
Total	421	180	84	71	48

Note: ADU refers to adjourned undertaking, CBO refers to community-based order; Imp. refers to imprisonment and WSS refers to wholly suspended sentence.

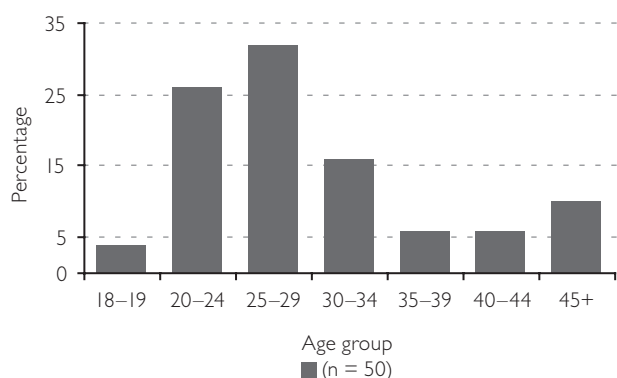
Criminal justice diversion plan²³

Although the criminal justice diversion plan is not a sentencing outcome, it is a dispositional process that does help to reflect the work of the courts. Over the four-year period, there were 50 people who were given a criminal justice diversion plan.

Age and gender

Of the 50 people who were referred to the criminal justice diversion program, 68.0% were men. Figure 20 shows the age groups of people who were referred to the criminal justice diversion program for possessing heroin. The median age of these people was 27 years and six months.

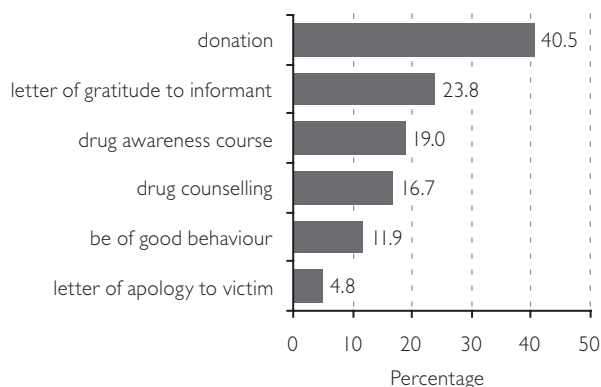
Figure 20: The percentage of people who were referred to the criminal justice diversion program for possessing heroin by age, 2004–05 to 2007–08



Conditions

Figure 21 shows the percentage of people who received a criminal justice diversion plan for possessing heroin by the types of conditions set. People can be given more than one condition on a diversion plan. As shown, the most common condition listed for diversion plans was a donation (40.5% of people).

Figure 21: The percentage of conditions set for people who received a criminal justice diversion plan for possessing heroin, 2004–05 to 2007–08



Summary

The Magistrates' Court sentenced 792 people for the principal offence of possessing heroin between 2004–05 and 2007–08. Over this period, the majority of those sentenced were men (643 people or 81.2%), while 67% were aged between 20 and 35 years.

Most people sentenced for possessing heroin received a non-custodial sentence (657 people or 83.0%), including 387 people who received a fine (48.9%), 168 people who received an adjourned undertaking (21.2%) and 82 people who received a community-based order (10.4%). A conviction was recorded with the principal sentence for 77.6% of people sentenced.

Men were more likely to receive fines. Conversely, women were more likely to receive adjourned undertakings and wholly suspended sentences.

Each of the 792 people was sentenced for an average of 2.30 offences, including 1.24 offences of possessing a drug of dependence. The most common offence finalised in conjunction with possessing heroin was using a drug of dependence (30.4% of all cases).

Common sentence types imposed in conjunction with another sentence type included a fine with an intensive correction order (22.2% of the 9 people who received an intensive correction order), a fine with a wholly suspended sentence (20.8% of the 48 people) and a fine with an imprisonment term (15.5% of the 71 people).

¹ The data analysed in this report are obtained from quarterly unit record extracts provided to the Sentencing Advisory Council by Courtlink (Department of Justice (Vic)). While every effort is made to ensure the analyses presented in this report are accurate, the data are subject to revision.

This report presents sentencing outcomes for people sentenced for the principal offence of possessing heroin in the Magistrates' Court of Victoria. The principal proven offence is the offence that attracted the most serious sentence according to the sentencing hierarchy. The analysis will therefore exclude people sentenced for possessing heroin who received a more serious sentence for another offence on the same charge sheet.

² Possessing heroin offences are identified by using the charge description of 'possess heroin' for offences listed under the *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 73(1).

³ The data used for analysis in this report contain information on age and gender characteristics. Indigenous status was unknown for 60.4% of people sentenced over this period. Therefore no analyses are presented on Indigenous status.

⁴ *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 73(1).

⁵ The value of a penalty unit changes each year and can be found in the Victorian Government Gazette and on the Office of the Chief Parliamentary Counsel website (www.ocpc.vic.gov.au).

⁶ *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 73(1)(b).

⁷ *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 73(1)(c).

⁸ Under section 113 of the *Sentencing Act 1991* (Vic) this general maximum term is prescribed for indictable offences triable summarily. Though section 113 does not specifically state the maximum number of penalty units that can be imposed for an indictable offence triable summarily, section 109(3)(a) sets the proportion between the maximum term of imprisonment and the maximum fine.

⁹ The number of people sentenced excludes those who participated in the criminal justice diversion program.

Only the people who had charges that were dismissed in 2006–07 and 2007–08 could be counted as dismissed in this report. These people are identified by having the dismissal grounds listed as 'proved and dismissed' (*Children, Youth and Families Act 2005* (Vic) s 360(1)(a)) or 'dismissed' (*Sentencing Act 1991* (Vic) s 76). The charges that were dismissed in 2004–05 and 2005–06 could not be counted because of changes in data recording practices. Therefore the count of the number of people sentenced over the four-year period could be an under-representation. In 2007–08, 3 people had charges that were dismissed pursuant to this legislation. This made up 2.0% of people sentenced in that year.

¹⁰ The criminal justice diversion program provides offenders with the opportunity to be diverted from the normal criminal process. If an offender acknowledges responsibility for the offence(s) and undertakes prescribed conditions, the offender will avoid the risk of a finding of guilt being made against them. The program can only be recommended if the offence is triable summarily, the defendant admits the facts, there is sufficient evidence to gain a conviction and a diversion is appropriate in the circumstances. The over-riding consideration is that diversion be appropriate in the circumstances. The existence of prior convictions does not disqualify an offender from this program but is a fact to be considered in determining appropriateness. Either the defence or the prosecution may request a disposition of a criminal justice diversion plan, however the plan cannot commence without the consent of the prosecution.

¹¹ *Sentencing Act 1991* (Vic) s 7, 8.

In exercising this discretion, the court must have regard to all the circumstances of the case, including the nature of the offence, the character and past history of the offender and the impact of the recording of a conviction on the offender's economic or social well being or on his or her employment prospects (*Sentencing Act 1991* (Vic) s 8(1)).

¹² Only those who had a conviction recorded against the principal proven offence in the case are counted. Information on conviction is not available for sentences imposed in 2004–05 and 2005–06.

¹³ The age was unknown for one man sentenced for possessing heroin (0.1%). This person is excluded from all age analyses in this report.

¹⁴ Refer fn. 9.

¹⁵ Aggregate sentence lengths are shown for people who received an aggregate sentence. Data for sentence lengths of community-based orders and adjourned undertakings are only available for 2006–07 and 2007–08.

¹⁶ The principal sentence is the individual sentence imposed for a single charge. The principal sentence is the most serious sentence in the case. If more than one type of sentence is imposed for a single charge, only the most serious sentence is counted.

¹⁷ Where there are sufficient numbers of both males and females sentenced for each sentencing outcome, the age groups are shown by gender. Otherwise the age groups are shown independent of gender. Also, the age was unknown for one person sentenced for possessing heroin. This person is excluded from these analyses.

¹⁸ Aggregate sentence lengths are shown for people who received an aggregate sentence. Fine amounts lower than \$1,000 are rounded up to the nearest \$100, while fine amounts equal to or over \$1,000 are grouped into categories. Sentence lengths shorter than one year are rounded up to the nearest month, while sentence lengths equal to or over one year are grouped into categories of years. Data for sentence lengths of community-based orders, adjourned undertakings and youth justice centre orders are only available for 2006–07 and 2007–08.

¹⁹ The amount of non-aggregate fines ranged from \$50 to \$1,000, with a median of \$300, while the amount of aggregate fines ranged from \$20 to \$1,500, with a median of \$400.

²⁰ The length of non-aggregate periods of imprisonment ranged from one day to one year and two months, with a median of one month, while the length of aggregate periods of imprisonment ranged from four days to six months, with a median of one month.

²¹ The length of non-aggregate wholly suspended sentences ranged from seven days to six months, with a median of two months, while the length of aggregate wholly suspended sentences ranged from thirteen days to six months, with a median of three months.

²² While a total of 71 people were sentenced to at least one period of imprisonment in the case, 70 people had imprisonment listed against their principal proven offence. There was one person sentenced to a period of imprisonment, but who received a partially suspended sentence of imprisonment for the principal proven offence.

Only sentence types that were imposed on the same date as the sentence imposed for the principal proven offence are included.

²³ The data analysed in this section were compiled by merging the sentencing outcomes database with an extract from the criminal justice diversion plan database. Of the 50 people who were placed on the diversion program for this offence, 42 were matched to and had conditions listed in the criminal justice diversion plan database (84.0%).

Sentencing Snapshots is a series presenting summary information on sentencing trends in Victoria

Sentencing trends in the Magistrates' Court, 2004–05 to 2007–08

- 71 Trafficking heroin
- 70 Trafficking ecstasy
- 69 Trafficking cannabis
- 68 Trafficking amphetamines
- 67 Possessing heroin
- 66 Possessing ecstasy
- 65 Possessing cannabis
- 64 Possessing amphetamines
- 63 Causing injury recklessly
- 62 Causing injury intentionally
- 61 Causing serious injury recklessly
- 60 Going equipped to steal
- 59 Handling stolen goods
- 58 Aggravated burglary
- 57 Burglary
- 56 Other theft
- 55 Theft of a bicycle
- 54 Theft from a shop
- 53 Theft from a motor vehicle
- 52 Theft of a motor vehicle

Sentencing trends in the Magistrates' Court, 2004–05 to 2006–07

- 51 Knowingly possess child pornography
- 50 Indecent act with a child under 16
- 49 Indecent Assault

Sentencing trends in the higher courts, 2002–03 to 2006–07

- 48 Cultivating a commercial quantity of narcotic plants
- 47 Cultivating narcotic plants
- 46 Trafficking in a large commercial quantity of drugs
- 45 Trafficking in a commercial quantity of drugs
- 44 Trafficking in a non-commercial quantity of drugs
- 43 Incest

- 42 Affray
- 41 Causing injury intentionally or recklessly
- 40 Causing serious injury recklessly
- 39 Causing serious injury intentionally
- 38 Aggravated burglary
- 37 Burglary
- 36 Attempted armed robbery
- 35 Armed robbery
- 34 Robbery

Sentencing trends in the higher courts, 2001–02 to 2005–06

- 33 Sexual penetration of a child aged under 10
- 32 Sexual penetration of a child aged 10 to 16 under the care, supervision or authority of the offender
- 31 Sexual penetration of a child aged between 10 and 16
- 30 Making a threat to kill
- 29 Culpable driving causing death
- 28 Manslaughter
- 27 Murder
- 26 Rape
- 25 Maintaining a sexual relationship with a child aged under 16
- 24 Indecent act with a child aged under 16
- 23 Indecent assault

Other topics

- 22 The Victorian criminal justice system

Sentencing trends in the higher courts, 2001–02 to 2005–06

- 21 Attempted murder
- 20 Arson
- 19 Obtaining property by deception
- 18 Obtaining financial advantage by deception
- 17 Theft
- 16 Handling stolen goods

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