

## No. 27: Sentencing trends for murder in the higher courts of Victoria, 2001-02 to 2005-06

### Introduction

This Sentencing Snapshot describes sentencing outcomes<sup>1</sup> for the offence of murder and details the age and gender<sup>2</sup> of people sentenced for this offence in the Supreme Court of Victoria between 2001-02 and 2005-06<sup>3</sup>.

The offence of murder applies to the most serious homicides – when a person intentionally or recklessly kills another or inflicts severe injury on another person who dies as a result. Murder is an indictable offence and carries a maximum penalty of life imprisonment<sup>4</sup>.

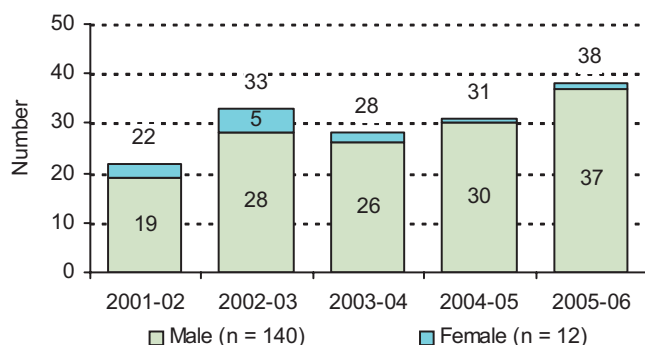
All murder offences were heard in the Supreme Court. Murder was the principal offence in 1.5% of cases sentenced in the higher courts between 2001-02 and 2005-06.

### People sentenced

Figure 1 shows the number of people sentenced for murder for the period 2001-02 to 2005-06. As shown, 152 people were sentenced for murder over the five year period. There were 38 people sentenced for this offence in 2005-06, up by 7 people from the previous year.

Over the five years depicted, the majority of those sentenced were men (92.1% or 140 of the 152 people), including 37 of the 38 people sentenced in 2005-06.

**Figure 1: The number of people sentenced for murder by gender, 2001-02 to 2005-06**



### Sentence types and trends

Figure 2 and Table 1 show the number of people sentenced for murder from 2001-02 to 2005-06 by the types of sentences imposed.

Over the five year period, all of the 152 people sentenced for murder received some kind of custodial order. The majority of those sentenced received a period of imprisonment (91% or 139 of 152 people).

**Table 1: The number and percentage of people sentenced for murder by sentence type, 2001-02 to 2005-06**

Sentence type	01-02	02-03	03-04	04-05	05-06
Imprisonment	21	30	27	27	34
	95%	91%	96%	87%	89%
Custodial supervision order	1	3	1	3	4
	5%	9%	4%	10%	11%
Hospital security order	0	0	0	1	0
	-	-	-	3%	-
<b>People sentenced</b>	<b>22</b>	<b>33</b>	<b>28</b>	<b>31</b>	<b>38</b>

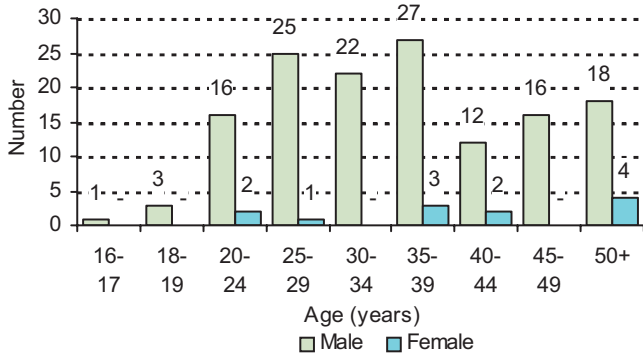
**Figure 2: The number of people sentenced for murder by sentence type, 2001-02 to 2005-06**



## Age and gender of people sentenced

Figure 3 shows the gender of people sentenced for murder grouped by their age<sup>5</sup> between 2001-02 and 2005-06. The average age of people sentenced for murder was thirty-six years and seven months. Women sentenced over this period were much older than men (an average age of forty-one years for women compared to thirty-six years and one month for men). One male juvenile was sentenced over this period.

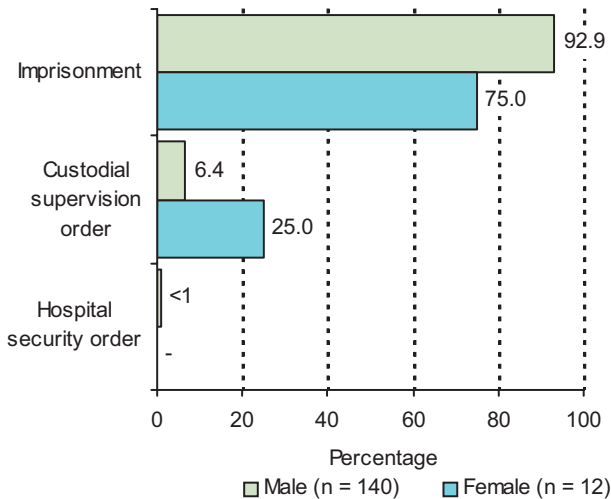
**Figure 3: The number of people sentenced for murder by gender and age, 2001-02 to 2005-06**



## Sentence types by gender

Figure 4 and Table 2 show the types of sentence imposed for murder grouped by gender. As shown, a higher percentage of men received a period of imprisonment (92.9% compared to 75.0% of women). Conversely, a higher percentage of women received a custodial supervision order (25.0% compared to 6.4% of men).

**Figure 4: The percentage of people sentenced for murder by sentence type and gender, 2001-02 to 2005-06**



**Table 2: The number and percentage breakdown of people sentenced for murder by gender, 2001-02 to 2005-06**

Sentence type	Male	Female	Total
Imprisonment	130	9	139
	93%	75%	91%
Custodial supervision order	9	3	12
	6%	25%	8%
Hospital security order	1	0	1
	<1%	-	<1%
<b>People sentenced</b>	<b>140</b>	<b>12</b>	<b>152</b>

## Sentence types by age

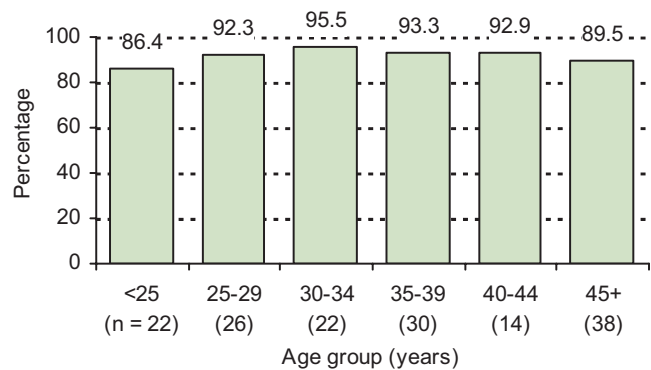
As shown in the table above, the two most common sentence types were imprisonment and custodial supervision orders. The following analysis examines these sentence types by the offender's age group.

### Imprisonment

Sentences of imprisonment were most likely to be given to people aged 30-34 years old (95% or 21 of the 22 people in this age group).

Conversely, sentences of imprisonment were least common for those aged under 25 years (86% or 19 of the 22 people in this age group).

**Figure 5: The percentage of people who received a period of imprisonment for murder by age group, 2001-02 to 2005-06**

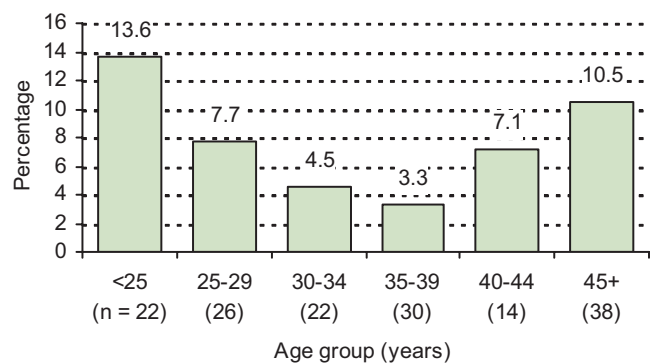


### Custodial supervision orders

Custodial supervision orders were most likely to be given to people aged under 25 years (14% or three of the 22 people in this age group).

Conversely, custodial supervision orders were least common for those aged 35-39 years old (3% or one of the 30 people in this age group).

**Figure 6: The percentage of people who received a custodial supervision order for murder by age group, 2001-02 to 2005-06**



## Principal and total effective sentences

There are two methods for describing sentence types and lengths - the principal sentence and the total effective sentence.

The *principal sentence* is the individual sentence imposed for a single charge. When imposing a sentence for multiple charges, the court imposes a 'total effective sentence'. The *total effective sentence* aggregates the principal sentence handed down for each charge, and takes into account whether sentences are ordered by the court to be served concurrently (at the same time) or cumulatively.

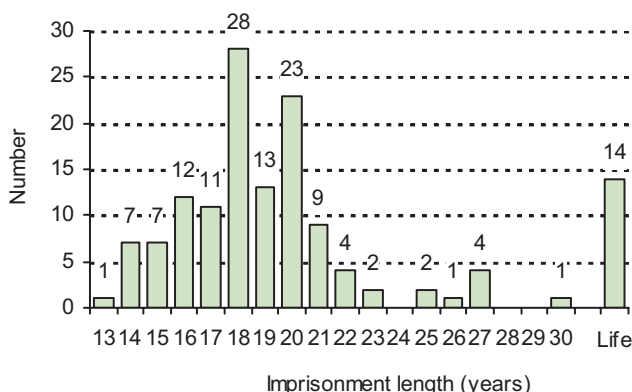
The total effective sentence imposed on a person may be longer than individual principal sentences. The following sections analyse the use of imprisonment for murder over 2001-02 to 2005-06.

### Principal sentence of imprisonment

Figure 7 shows the number of people sentenced to imprisonment for murder between 2001-02 and 2005-06 by the length of the imprisonment term. Imprisonment terms ranged from 13 years to life, while the median length of imprisonment was eighteen years (meaning that half of the imprisonment terms were shorter than eighteen years and half were longer).

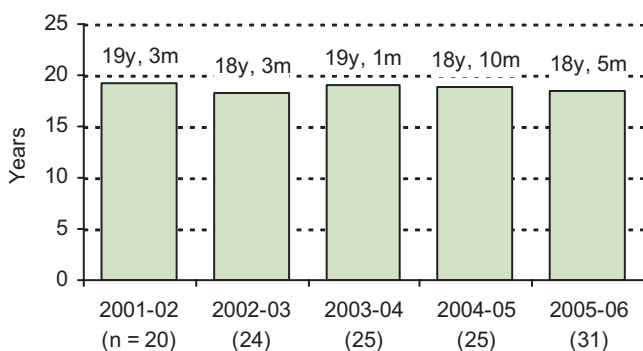
The most common length of imprisonment imposed was 18 years (28 people).

**Figure 7: The number of people sentenced to imprisonment for murder by length of imprisonment term, 2001-02 to 2005-06**



As shown in Figure 8, the average length of imprisonment term imposed on people sentenced for murder ranged from 18 years and three months in 2002-03 to 19 years and three months in 2001-02.

**Figure 8: The average length of imprisonment term imposed on people sentenced for murder, 2001-02 to 2005-06**

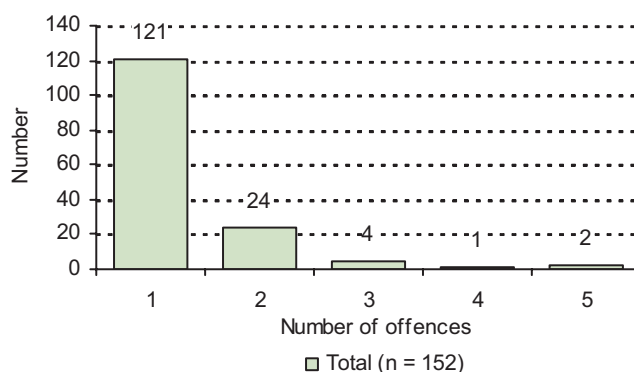


## Other offences finalised at the same hearing

A person prosecuted for murder may 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 murder.

Figure 9 shows the number of people sentenced for the principal offence of murder by the total number of offences for which sentences were set. There were 121 people (79.6%) sentenced for the single offence of murder alone. The highest number of sentenced offences per person was 5 (2 people).

**Figure 9: The number of people sentenced for the principal offence of murder by the number of sentenced offences per person, 2001-02 to 2005-06**



While Figure 9 presents the number of sentenced offences for those sentenced for murder, Figure 10 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, 5 of the total 152 people (3.3%) also received sentences for arson. On average, they were sentenced for 1 count of arson.

**Figure 10: The number and percentage of people sentenced for the principal offence of murder by the most common offences that were sentenced and the average number of those offences that were sentenced, 2001-02 to 2005-06**

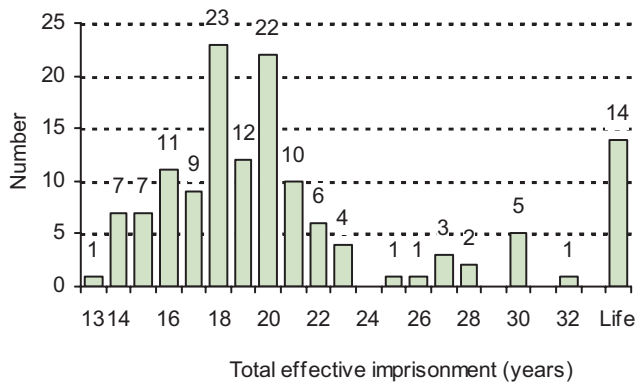
Offence	No.	%	Avg.
1 murder	152	100.0	1.11
2 arson	5	3.3	1.00
3 causing serious injury intentionally	5	3.3	1.00
4 aggravated burglary	2	1.3	1.00
5 theft	2	1.3	1.00
6 false imprisonment	2	1.3	1.00
7 making a threat to kill	2	1.3	1.00
8 causing injury	1	0.7	2.00
9 cultivate a narcotic plant - commercial quantity	1	0.7	1.00
10 kidnapping	1	0.7	1.00
<b>People sentenced</b>	<b>152</b>	<b>100.0</b>	<b>1.28</b>

## Total effective sentence of imprisonment

There were 139 people given a total effective sentence of imprisonment. Figure 11 shows the number of people sentenced to imprisonment for murder between 2001-02 and 2005-06 by the length of their total effective sentence. The length of total effective sentences ranged from thirteen years to life, while the median total effective length of imprisonment was nineteen years (meaning that half of the total effective sentence lengths were below nineteen years and half were above).

The most common total effective imprisonment length was 18 years (23 people).

Figure 11: The number of people sentenced to imprisonment for murder by total effective length of imprisonment term, 2001-02 to 2005-06



## Non-parole period

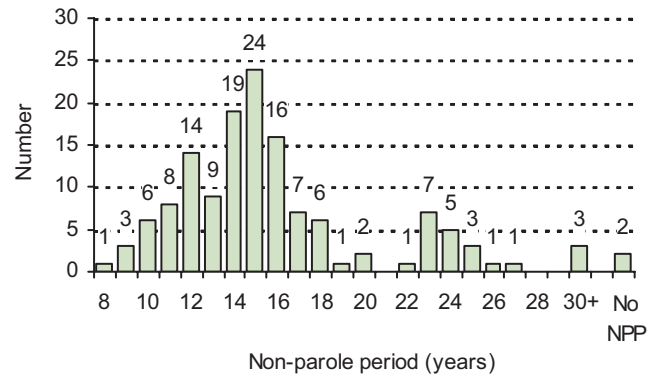
When a person is sentenced to a term of immediate imprisonment of one year or more, the court has the discretion to fix a non-parole period. Where a non-parole period is fixed, the person must serve that period before becoming eligible for parole. Where no non-parole period is set by the court, the person must serve the entirety of the imprisonment term.

Under s.11(4) of the *Sentencing Act 1991* (Vic), if a court sentences an offender to imprisonment in respect of more than one offence, the non-parole period set by the court must be in respect of the total effective sentence of imprisonment that the offender is liable to serve under all the sentences imposed. In many cases, the non-parole period will be lengthier than the individual principal sentence for murder. Sentences and non-parole periods must be considered in this broader context.

Of the 139 people who were sentenced to imprisonment for murder, all were eligible to have a non-parole period set. Of these people, 137 were given a non-parole period (99%). Two people who were sentenced to life imprisonment did not have a non-parole period set. Figure 12 shows the number of people sentenced to imprisonment for murder between 2001-02 and 2005-06 by the length of their non-parole period. Non-parole periods ranged from eight years to thirty-five years, while the median length of the non-parole period was fifteen years (meaning that half of the non-parole periods were below fifteen years and half were above).

The most common non-parole period imposed was 15 years (24 people).

Figure 12: The number of people sentenced to imprisonment for murder by length of non-parole period, 2001-02 to 2005-06



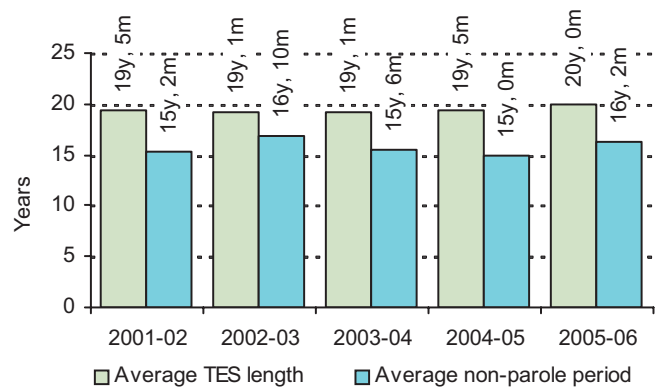
Note: No NPP refers to sentences of imprisonment that had no non-parole period fixed.

## Total effective sentences of imprisonment and non-parole periods

Figure 13 presents the average length of total effective sentence of imprisonment compared to the average length of non-parole period for all people from 2001-02 to 2005-06<sup>6</sup>.

From 2001-02 to 2005-06, the average length of total effective sentence for all people ranged from nineteen years and one month in 2002-03 and 2003-04 to twenty years in 2005-06. Over the same period, the average length of non-parole period ranged from fifteen years in 2004-05 to sixteen years and ten months in 2002-03.

Figure 13: The average total effective sentence and the average non-parole period imposed on people sentenced to imprisonment for murder, 2001-02 to 2005-06



## Sentences of life imprisonment

Between 2001-02 and 2005-06, there were 14 people sentenced to life imprisonment for murder. Of these people, 12 had a non-parole period set. The non-parole periods ranged from fourteen years and six months to thirty-five years with a median of twenty-four years and six months. Life sentences of imprisonment accounted for 9.2% of all sentences handed down for murder.



## Summary

Between 2001-02 and 2005-06, 152 people were sentenced for murder in the higher courts. Over this period, the majority of those sentenced were men (92%), while 51% were between the age of 25 and 40 years.

The majority of the people sentenced for murder received a period of imprisonment (91%).

Men were more likely than women to be sentenced to a period of imprisonment. Conversely, women were more likely to be given a custodial supervision order.

Of the 152 people sentenced for murder, 122 were sentenced for the single offence only. The highest number of sentenced offences per person was 5.

The number and range of offences for which people with a principal offence of murder were sentenced helps explain why imprisonment sentence lengths were longer for the total effective sentence than for the principal sentence. The median total effective imprisonment length was nineteen years, while the median principal imprisonment length was eighteen years.

Total effective imprisonment lengths ranged from thirteen years with a non-parole period of ten years to life with no parole. The most common sentence of imprisonment was twenty years with a fifteen year non-parole period.

1 This report presents sentencing outcomes for people sentenced for the principal offence of murder in the Supreme Court of Victoria. The principal offence describes the offence proven that attracted the most serious sentence according to the sentencing hierarchy. The analysis will therefore exclude people sentenced for murder who received a more serious sentence for another offence forming part of the same presentment. There were 152 people sentenced from 2001-02 to 2005-06 for 169 offences of murder. Murder was the principal proven offence for all of these people.

This Sentencing Snapshot is an update of Sentencing Snapshot No. 4, which described the sentencing trends for murder in Victoria between 1998-99 and 2003-04. This report is available for download from the Sentencing Advisory Council website [www.sentencingcouncil.vic.gov.au](http://www.sentencingcouncil.vic.gov.au)

- 2 The information source for sentencing outcomes for murder only contains information on age and gender characteristics. No other demographic analysis is possible.
- 3 The statistical information presented here was provided by Court Services, Department of Justice (Vic). This report describes sentencing trends for murder since 2001-02. Court Services advises that sentencing data from the higher courts prior to 2000-01 may be unreliable due to changed data collection processes and counting rules.
- 4 *Crimes Act 1958 (Vic)* s 3.
- 5 Age is as at the time of sentencing.
- 6 Due to the low number of women (9) who were imprisoned with a non-parole period, average lengths of imprisonment and non-parole periods by gender are not shown.
- 7 Sentence lengths that are longer than one year are rounded to the nearest year of imprisonment, while sentence lengths of less than one year are grouped into the '<1 year' category.
- 8 This graph includes the 139 people who were given a total effective sentence and a non-parole period that related to this case only.

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