

Sentencing Snapshot

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

December 2008
No. 62

Causing injury intentionally

This Sentencing Snapshot describes sentencing outcomes¹ for the offence of causing injury intentionally and details the age and gender² of people sentenced for this offence in the Magistrates' Court of Victoria between 2004–05 and 2007–08.

A person who intentionally causes injury to another person without lawful excuse is guilty of the offence of causing intentionally injury.³ 'Injury' includes unconsciousness, hysteria, pain and any substantial impairment of bodily function.⁴ These definitions are not exhaustive.

Causing injury intentionally is an indictable offence which carries a maximum penalty of 10 years' imprisonment and/or a fine of 1200 penalty units.⁵ Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court.

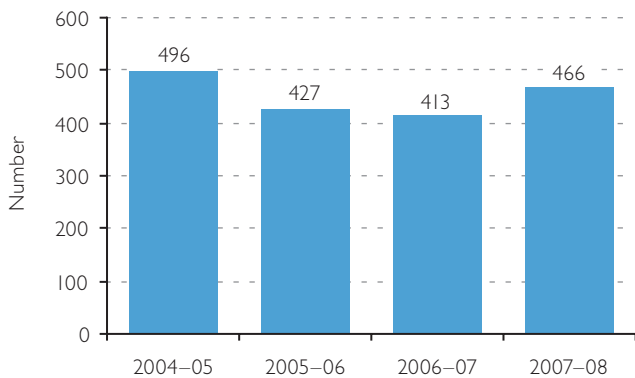
This offence may be heard summarily in the Magistrates' Court if the court considers it appropriate and the defendant consents. This tends to occur where the offence is seen by the court as being less serious in nature. Where an offence is tried summarily, the matter will be heard before a magistrate rather than a judge and a jury. Where causing injury intentionally is heard summarily, it carries a maximum penalty of 2 years' imprisonment and/or a fine of 240 penalty units.⁶

Causing injury intentionally was the principal offence in 0.7% of cases sentenced in the Magistrates' Court between 2004–05 and 2007–08.

People sentenced

Over the four-year period, the Magistrates' Court sentenced 1,802 people for the principal offence of causing injury intentionally. In 2007–08, there were 466 people who were sentenced for the principal proven offence of causing injury intentionally.⁷ This is a 12.8% increase from 413 in 2006–07, after remaining relatively stable the previous two years.

Figure 1: The number of people sentenced for causing injury intentionally, 2004–05 to 2007–08



Sentencing outcomes

Table 1 shows the sentencing outcomes for people sentenced for causing injury intentionally during 2004–05 to 2007–08. Over the four-year period, the majority of those sentenced for causing injury intentionally received a non-custodial sentence (1,007 people or 55.9%), including 422 people who received a community-based order (23.4%) and 403 people who received a fine (22.4%).

There were also 453 people who received a non-immediate custodial sentence (25.1%), including 294 people who received a wholly suspended sentence (16.3%) and 158 people who received an intensive correction order (8.8%).

An additional 245 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).⁸

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

Sentence Type	Total	%
Immediate custodial	342	19.0
Imprisonment	241	13.4
Partially suspended sentence	72	4.0
Hospital security order	1	0.1
Combined custody and treatment order	2	0.1
Youth justice centre order	26	1.4
Other custodial	453	25.1
Drug treatment order	1	0.1
Wholly suspended sentence	294	16.3
Intensive correction order	158	8.8
Non-custodial	1,007	55.9
Community-based order	422	23.4
Fine	403	22.4
Adjourned undertaking	178	9.9
Convicted and discharged (s 73 SA)	1	0.1
Dismissed (s 76 SA)	3	0.2
People sentenced	1,802	100.0
Criminal justice diversion program	245	
Total dispositions	2,047	

When examining individual sentence types, a higher percentage of men received intensive correction orders (9.6% compared to 2.0% of women), sentences of imprisonment (14.1% compared to 7.5%) and fines (23.0% compared to 16.9%). Conversely, a higher percentage of women received community-based orders (34.3% compared to 22.0% of men) and adjourned undertakings (15.9% compared to 9.1%).

A higher percentage of older people received an immediate custodial sentence, including an imprisonment term and a non-immediate custodial sentence. Conversely, a higher percentage of younger people received a non-custodial sentence.

Sentencing outcomes by year

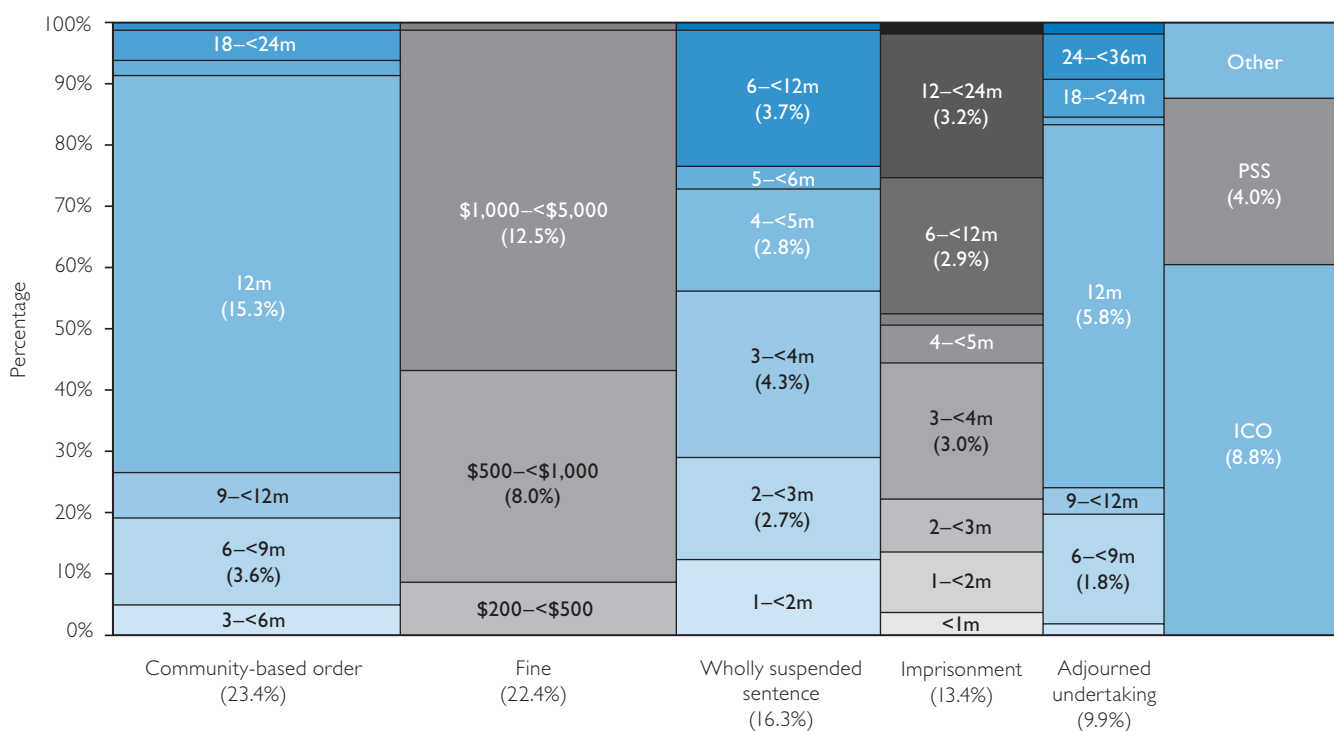
Table 3 shows the number and percentage of people sentenced each year from 2004–05 to 2007–08 for causing injury intentionally by the type of sentence imposed.

The number and percentage of people who received an immediate custodial sentence decreased from 95 people and 19.2% in 2004–05 to 79 people and 17.0% in 2007–08.

Sentencing map

Figure 3 presents both the sentencing outcome and the quantum for that outcome for people sentenced for causing injury intentionally. For example, 23.4% of people sentenced received a community-based order including 15.3% who received a community-based order of 12 months. 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 causing injury intentionally by sentencing outcomes and sentencing quanta, 2004–05 to 2007–08¹³



Note: ICO refers to intensive correction order and PSS refers to partially suspended sentence. Other includes youth justice centre order, dismissed (s 76 SA), combined custody and treatment order, hospital security order, drug treatment order and convicted and discharged (s 73 SA).

Table 3: The number and percentage of people sentenced for causing injury intentionally by sentence type and year, 2004–05 to 2007–08¹²

Sentence Type	2004–05	2005–06	2006–07	2007–08
Immediate custodial	95 (19.2%)	82 (19.2%)	86 (20.8%)	79 (17.0%)
Imprisonment	61 (12.3%)	57 (13.3%)	64 (15.5%)	59 (12.7%)
Partially suspended sentence	27 (5.4%)	17 (4.0%)	18 (4.4%)	10 (2.1%)
Hospital security order	0 –	0 –	0 –	1 (0.2%)
Combined custody and treatment order	0 –	2 (0.5%)	0 –	0 –
Youth justice centre order	7 (1.4%)	6 (1.4%)	4 (1.0%)	9 (1.9%)
Other custodial	120 (24.2%)	101 (23.7%)	114 (27.6%)	118 (25.3%)
Drug treatment order	0 –	0 –	1 (0.2%)	0 –
Wholly suspended sentence	88 (17.7%)	72 (16.9%)	63 (15.3%)	71 (15.2%)
Intensive correction order	32 (6.5%)	29 (6.8%)	50 (12.1%)	47 (10.1%)
Non-custodial	281 (56.7%)	244 (57.1%)	213 (51.6%)	269 (57.7%)
Community-based order	114 (23.0%)	106 (24.8%)	95 (23.0%)	107 (23.0%)
Fine	120 (24.2%)	82 (19.2%)	83 (20.1%)	118 (25.3%)
Adjourned undertaking	46 (9.3%)	56 (13.1%)	34 (8.2%)	42 (9.0%)
Convicted and discharged (s 73 SA)	1 (0.2%)	0 –	0 –	0 –
Dismissed (s 76 SA)	0 –	0 –	1 (0.2%)	2 (0.4%)
People sentenced	496	427	413	466

Principal sentence

This section examines the use of the five most common principal sentencing outcomes for this offence.¹⁴ 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.¹⁵ Finally, where relevant, the details of the sentence (length of order or fine amount) are examined.¹⁶

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

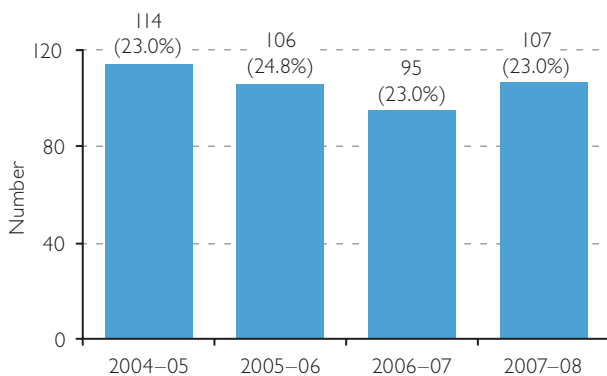
Community-based order

Trends

There were 422 people who received a community-based order for causing injury intentionally. This represented 23.4% of all people sentenced for this offence. Of the 202 people who received a community-based order in 2006–07 and 2007–08, 69.3% also had a conviction recorded (140 people). Figure 4 shows the trends in the number and percentage of people who received a community-based order for causing injury intentionally.

In 2007–08, 107 people received a community-based order for the principal proven offence of causing injury intentionally. This has increased over the past year from 95 people in 2006–07, after decreasing the previous two years. The proportion of people who received a community-based order for causing injury intentionally remained stable over the past two years at 23.0%.

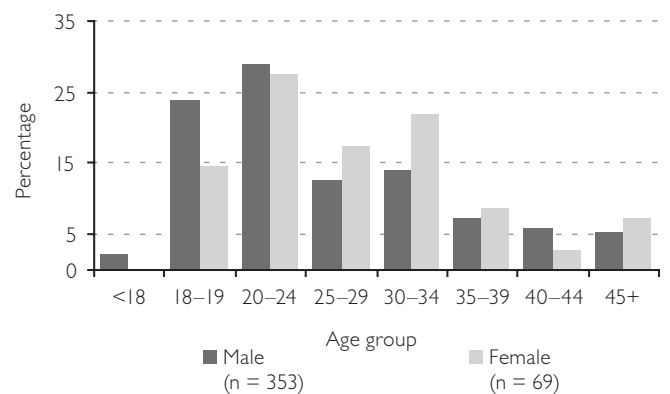
Figure 4: The number and percentage of people who received a community-based order for causing injury intentionally, 2004–05 to 2007–08



Age and gender

Of the 422 people who received a community-based order, 83.6% were men. Figure 5 shows the age groups of people who received a community-based order for causing injury intentionally by gender. The median age of these people was 24 years, while women were much older than their male counterparts (a median age of 27 years compared to 23 years).

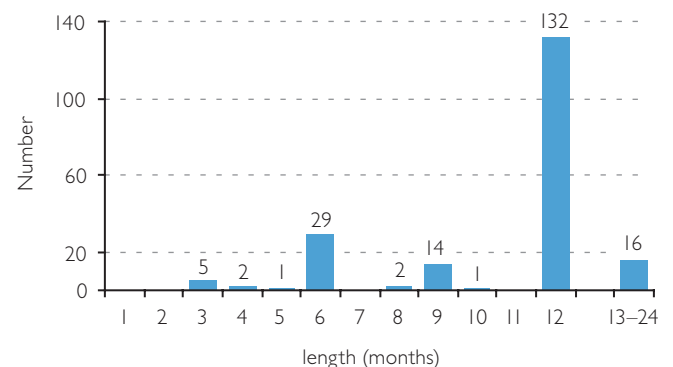
Figure 5: The percentage of people who received a community-based order for causing injury intentionally by age and gender, 2004–05 to 2007–08



Length of sentence

Figure 6 shows the number of people who received a community-based order for causing injury intentionally 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 (65.3%).

Figure 6: The number of people who received a community-based order for causing injury intentionally by the length of order, 2006–07 and 2007–08



Fine

Trends

There were 403 people who received a fine for causing injury intentionally. This represented 22.4% of all people sentenced for this offence. Of the 201 people who received a fine in 2006–07 and 2007–08, 59.7% also had a conviction recorded (120 people). Figure 7 shows the trends in the number and percentage of people who received a fine for causing injury intentionally.

In 2007–08, 118 people received a fine for the principal proven offence of causing injury intentionally. This has increased each of the past two years from 82 people in 2005–06, after decreasing the previous year. Also, the proportion of people who received a fine for causing injury intentionally increased each of the past two years from 19.2% in 2005–06 to 25.3% in 2007–08.

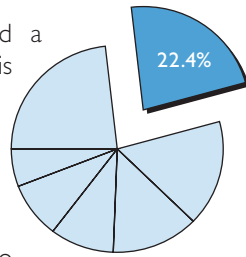
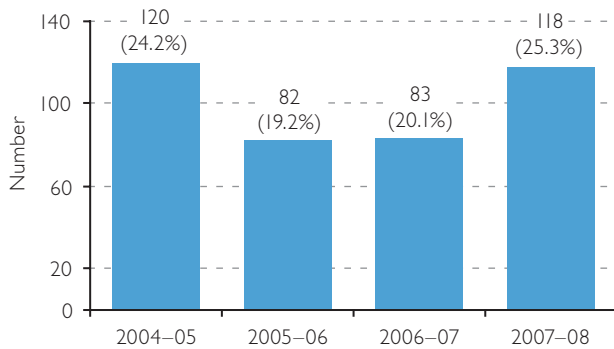


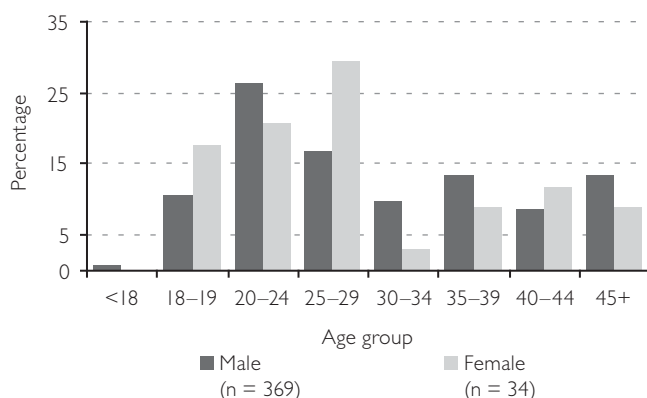
Figure 7: The number and percentage of people who received a fine for causing injury intentionally, 2004–05 to 2007–08



Age and gender

Of the 403 people who received a fine, 91.6% were men. Figure 8 shows the age groups of people who received a fine for causing injury intentionally by gender. The median age of these people was 28 years, while men were generally older than their female counterparts (a median age of 28 years compared to 26 years).

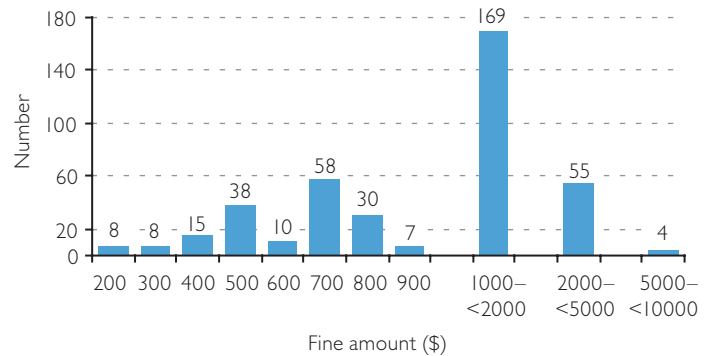
Figure 8: The percentage of people who received a fine for causing injury intentionally by age and gender, 2004–05 to 2007–08



Fine Amount

Figure 9 shows the number of people who received a fine for causing injury intentionally by the amount of the fine. While the amount of the fine ranged from \$200 to \$7,000, the median was \$1,000. Aggregate fines were imposed for 35.0% of people who received a fine.¹⁷

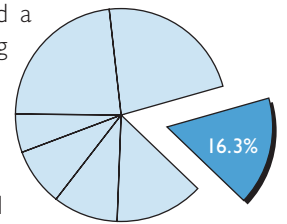
Figure 9: The number of people who received a fine for causing injury intentionally by the amount of the fine, 2004–05 to 2007–08



Wholly suspended sentence

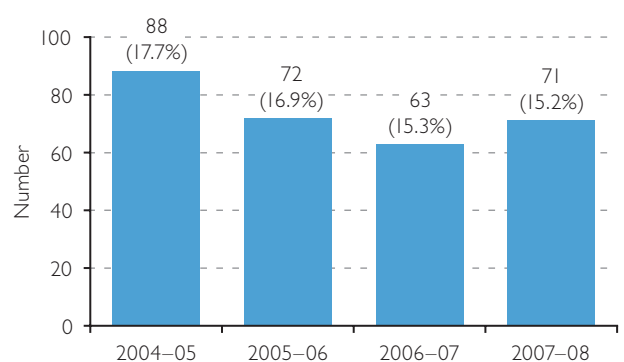
Trends

There were 294 people who received a wholly suspended sentence for causing injury intentionally. This represented 16.3% of all people sentenced for this offence. Figure 10 shows the trends in the number and percentage of people who received a wholly suspended sentence for causing injury intentionally.



In 2007–08, 71 people received a wholly suspended sentence for the principal proven offence of causing injury intentionally. This has increased over the past year from 63 people in 2006–07, after decreasing the previous two years. The proportion of people who received a wholly suspended sentence for causing injury intentionally remained relatively stable over the past two years.

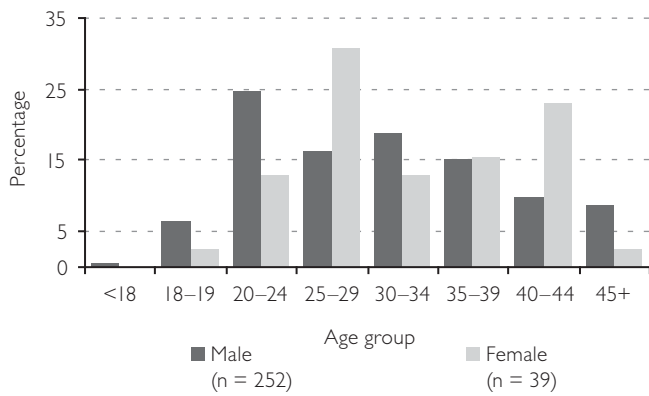
Figure 10: The number and percentage of people who received a wholly suspended sentence for causing injury intentionally, 2004–05 to 2007–08



Age and gender

Of the 294 people who received a wholly suspended sentence, 86.7% were men. Figure 11 shows the age groups of people who received a wholly suspended sentence for causing injury intentionally by gender. The median age of these people was 30 years. This was similar for both men and women (31 years for women and 30 years for men).

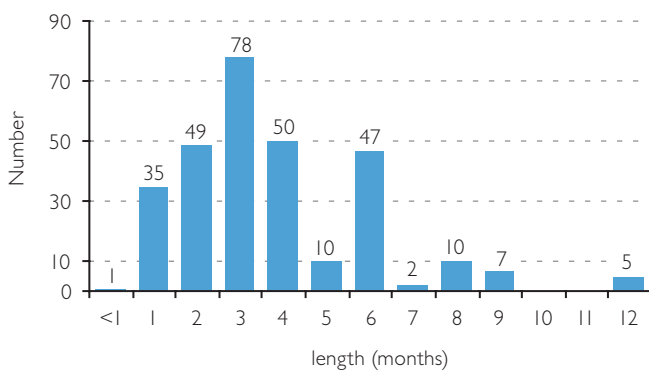
Figure 11: The percentage of people who received a wholly suspended sentence for causing injury intentionally by age and gender, 2004–05 to 2007–08



Length of sentence

Figure 12 shows the number of people who received a wholly suspended sentence for causing injury intentionally by the length of the sentence. While the length of wholly suspended sentences ranged from twenty one days to one year, 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 38.8% of people who received a wholly suspended sentence.¹⁸

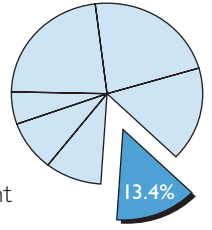
Figure 12: The number of people who received a wholly suspended sentence for causing injury intentionally by the length of order, 2004–05 to 2007–08



Imprisonment

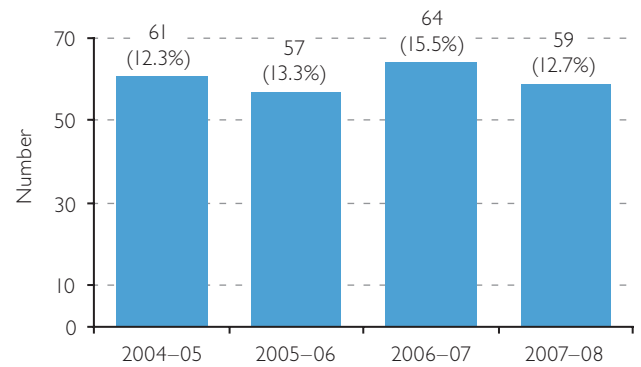
Trends

There were 241 people who were sentenced to imprisonment for causing injury intentionally. This represented 13.4% 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 causing injury intentionally.



In 2007–08, 59 people were sentenced to imprisonment for the principal proven offence of causing injury intentionally. This has decreased over the past year from 64 people in 2006–07, after increasing the previous year. Also, the proportion of people who were sentenced to imprisonment for causing injury intentionally decreased over the past year from 15.5% to 12.7%.

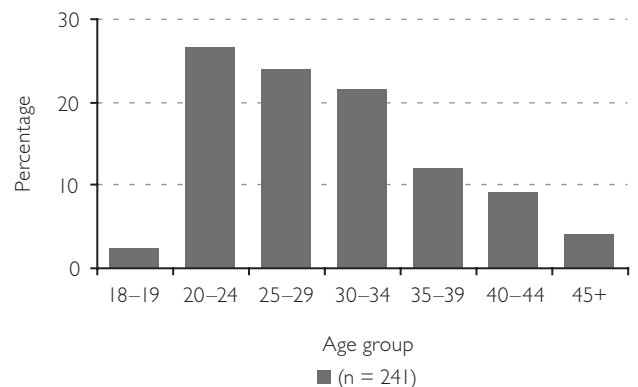
Figure 13: The number and percentage of people who were sentenced to imprisonment for causing injury intentionally, 2004–05 to 2007–08



Age and gender

Of the 241 people who received a period of imprisonment, 93.8% were men. Figure 14 shows the age groups of people who were sentenced to imprisonment for causing injury intentionally. The median age of these people was 29 years.

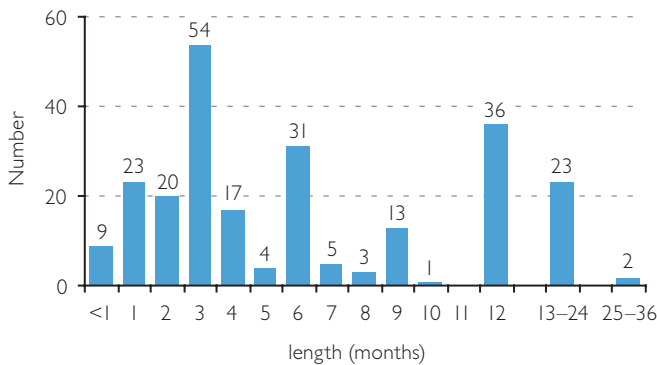
Figure 14: The percentage of people who were sentenced to imprisonment for causing injury intentionally by age, 2004–05 to 2007–08



Length of sentence

Figure 15 shows the number of people who were sentenced to imprisonment for causing injury intentionally by the length of the sentence. While the length of imprisonment ranged from one day to three years, the median was four months (meaning that half were shorter than four months and half were longer than four months). Aggregate periods of imprisonment were imposed for 45.6% of people who were sentenced to imprisonment.¹⁹

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



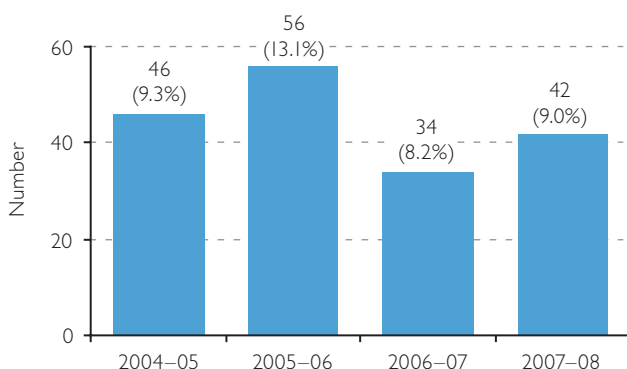
Adjourned undertaking

Trends

There were 178 people who received an adjourned undertaking for causing injury intentionally. This represented 9.9% of all people sentenced for this offence. Of the 76 people who received an adjourned undertaking in 2006–07 and 2007–08, 14.5% also had a conviction recorded (11 people). Figure 16 shows the trends in the number and percentage of people who received an adjourned undertaking for causing injury intentionally.

In 2007–08, 42 people received an adjourned undertaking for the principal proven offence of causing injury intentionally. This has increased over the past year from 34 people in 2006–07, after decreasing the previous year. Also, the proportion of people who received an adjourned undertaking for causing injury intentionally increased over the past year from 8.2% to 9.0%.

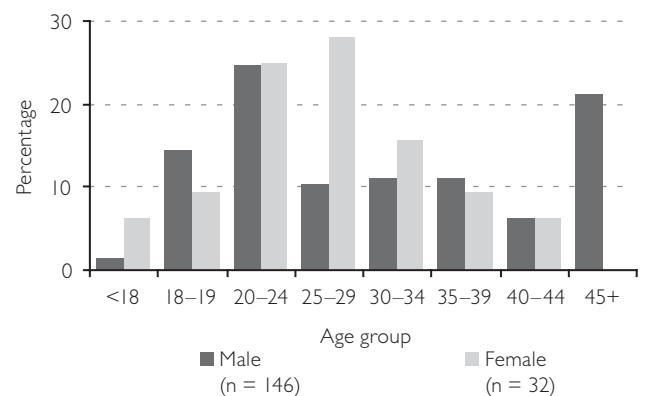
Figure 16: The number and percentage of people who received an adjourned undertaking for causing injury intentionally, 2004–05 to 2007–08



Age and gender

Of the 178 people who received an adjourned undertaking, 82.0% were men. Figure 17 shows the age groups of people who received an adjourned undertaking for causing injury intentionally by gender. The median age of these people was 28 years, while men were generally older than their female counterparts (a median age of 29 years compared to 25 years and six months).

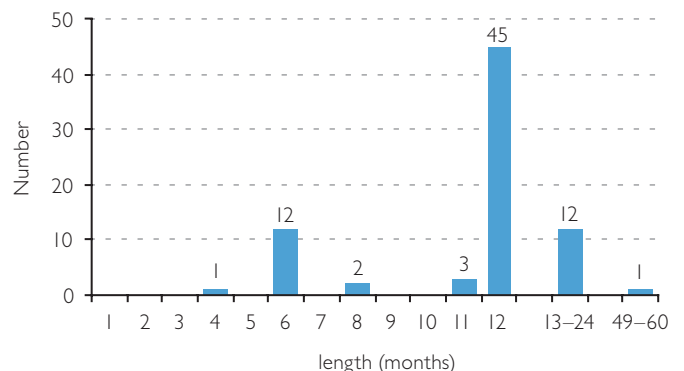
Figure 17: The percentage of people who received an adjourned undertaking for causing injury intentionally by age and gender, 2004–05 to 2007–08



Length of sentence

Figure 18 shows the number of people who received an adjourned undertaking for causing injury intentionally by the length of the sentence. While the length of adjourned undertakings ranged from four months to five years, the majority were for 12 months (59.2%).

Figure 18: The number of people who received an adjourned undertaking for causing injury intentionally by the length of order, 2006–07 and 2007–08

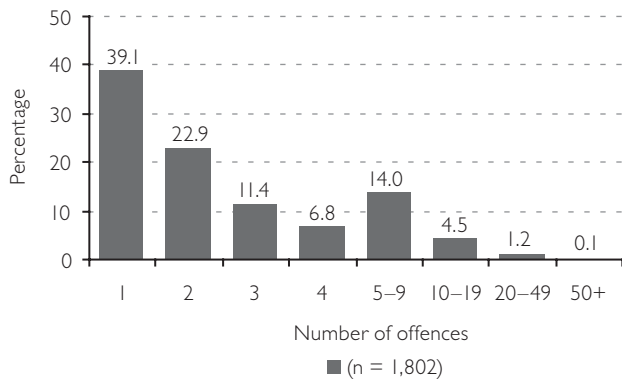


Other offences finalised at the same hearing

Often people prosecuted for causing injury intentionally 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 causing injury intentionally.

Figure 19 shows the number of people sentenced for the principal offence of causing injury intentionally by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 90, while the median was 2 offences. There were 705 people (39.1%) sentenced for the single offence of causing injury intentionally alone. The average number of offences per person sentenced for causing injury intentionally was 3.35.

Figure 19: The percentage of cases where causing injury intentionally 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 causing injury intentionally, 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, 277 of the total 1,802 people (15.4%) also received sentences for unlawful assault. On average, they were sentenced for 1.46 charges of unlawful assault. The first row indicates that the average number of charges of causing injury intentionally sentenced per person was 1.19.

Table 4: The number and percentage of people sentenced for the principal offence of causing injury intentionally 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 causing injury intentionally	1,802	100.0	1.19
2 unlawful assault	277	15.4	1.46
3 criminal damage	256	14.2	1.30
4 failing to appear on bail	179	9.9	1.62
5 theft	167	9.3	2.59
6 make threat to kill	144	8.0	1.16
7 aggravated assault	135	7.5	1.15
8 assault police	124	6.9	1.75
9 breach of intervention order	111	6.2	1.86
10 possession of a drug of dependence	71	3.9	1.37
People sentenced	1,802	100.0	3.35

Sentence combinations

This section looks at the range of sentence types imposed in the entire case for people who had the principal offence of causing injury intentionally. This includes all sentences imposed for the principal proven offence and for all other offences that were sentenced as part of that case.²⁰

Table 5 shows the percentages of the six most common sentence types imposed in cases in the Magistrates' Court from 2004–05 to 2007–08 where the principal proven offence was causing injury intentionally, by the other sentence types also imposed in the case. For example, of the 638 people who received a fine as part of their total effective sentence, 16.5% also received a wholly suspended sentence.

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

- a fine with a wholly suspended sentence (34.0% of the 309 people who received a wholly suspended sentence);
- a fine with an imprisonment term (21.5% of the 251 people);
- a fine with an intensive correction order (20.0% of the 160 people); and
- a community-based order with a wholly suspended sentence (14.2% of the 309 people).

Table 5: The percentage of selected sentence types used in conjunction with other sentence types imposed in the same case, 2004–05 to 2007–08

	Fine	CBO	WSS	Imp.	ADU	ICO
Fine	100%	9.4%	34.0%	21.5%	6.9%	20.0%
CBO	7.1%	100%	14.2%	2.8%	0.9%	2.5%
WSS	16.5%	9.1%	100%	2.4%	6.9%	3.8%
Imp.	8.5%	1.5%	1.9%	100%	2.8%	1.3%
ADU	2.4%	0.4%	4.9%	2.4%	100%	1.9%
ICO	5.0%	0.8%	1.9%	0.8%	1.4%	100%
Total	638	481	309	251	217	160

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

Total effective sentence of imprisonment and non-parole period

The total effective sentence of imprisonment aggregates the sentences of imprisonment imposed for each charge in a case and takes into account whether the court orders sentences to be served concurrently (at the same time) or cumulatively. 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 the court does not set a non-parole period, the person must serve the entirety of the imprisonment term.

There were 121 people given a total effective sentence of imprisonment in 2006–07 and 2007–08.²¹ There were 32 people eligible for a non-parole period in 2006–07 and 2007–08, of whom 28 were given a non-parole period. This makes up 23.1% of all those who were given a total effective sentence of imprisonment.

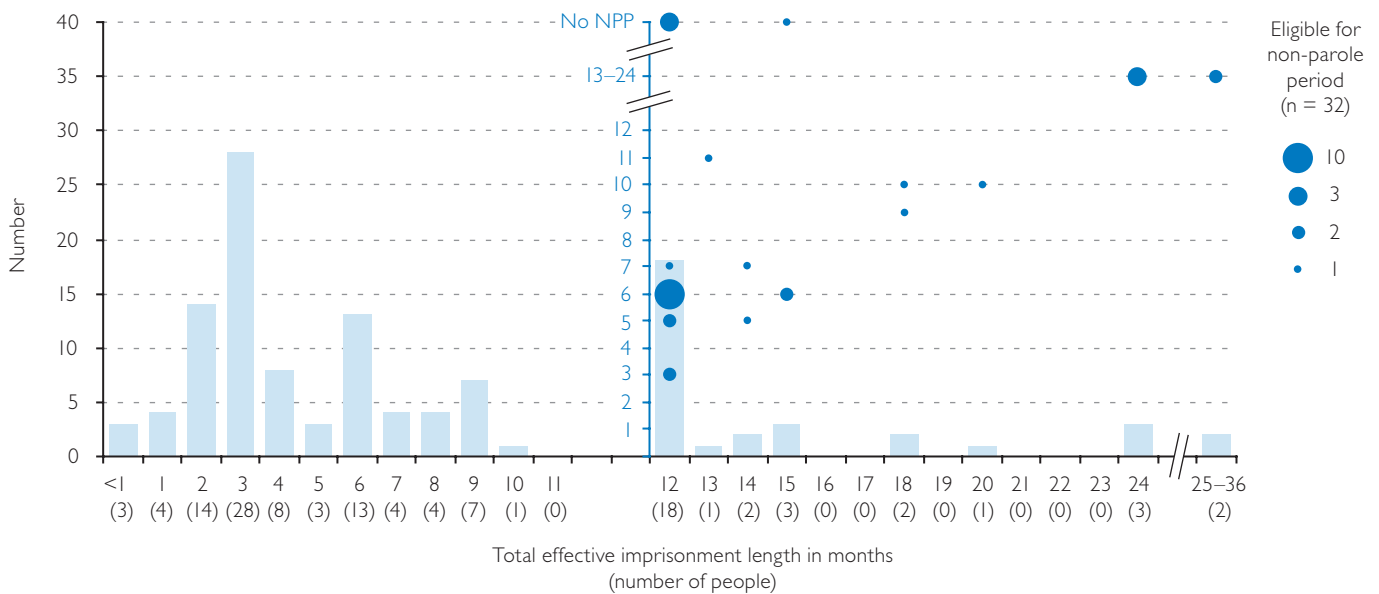
Figure 20 shows the number of people sentenced to imprisonment for causing injury intentionally during 2006–07

and 2007–08 by the length of their total effective sentence. The right side of the graph also shows the length of non-parole periods for people who were sentenced to a period of 12 months' imprisonment or more. The centre of each 'bubble' on the chart represents a combination of imprisonment length and non-parole period, while the size of the bubble reflects the number of people who received that particular combination.²²

Total effective imprisonment lengths ranged from sixteen days to three years, while the most common length was 3 months (28 people).

For people who were sentenced to a term of imprisonment of 12 months or longer, the most common combination of imprisonment length and non-parole period was one year with a non-parole period of six months (10 people – as represented by the largest bubble on the chart). The longest total effective sentence imposed was three years with a non-parole period of two years.

Figure 20: The number of people sentenced to imprisonment for causing injury intentionally by the total effective sentence length and the non-parole period imposed, 2006–07 and 2007–08



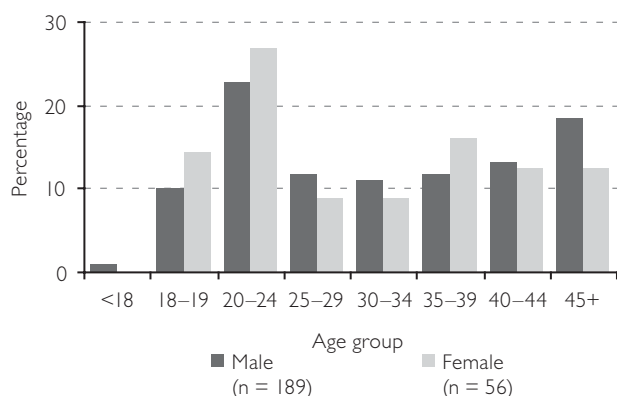
Criminal justice diversion plan²³

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 245 people who were given a criminal justice diversion plan.

Age and gender

Of the 245 people who were referred to the criminal justice diversion program, 77.1% were men. Figure 21 shows the age groups of people who were referred to the criminal justice diversion program for causing injury intentionally by gender. The median age of these people was 31 years. This was similar for both men and women (31 years for men and 30 years and six months for women).

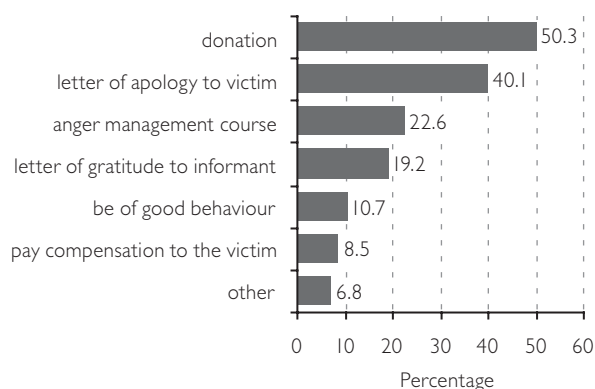
Figure 21: The percentage of people who were referred to the criminal justice diversion program for causing injury intentionally by age and gender, 2004–05 to 2007–08



Conditions

Figure 22 shows the percentage of people who received a criminal justice diversion plan for causing injury intentionally 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 (50.3% of people).

Figure 22: The percentage of conditions set for people who received a criminal justice diversion plan for causing injury intentionally, 2004–05 to 2007–08



Note: other includes voluntary work, alcohol counselling/treatment and road trauma awareness course.

Summary

The Magistrates' Court sentenced 1,802 people for the principal offence of causing injury intentionally between 2004–05 and 2007–08. Over this period, the majority of those sentenced were men (1,601 people or 88.8%), while 44% were aged between 20 and 30 years.

Most people sentenced for causing injury intentionally received a non-custodial sentence (1,007 people or 55.9%), including 422 people who received a community-based order (23.4%) and 403 people who received a fine (22.4%). A conviction was recorded with the principal sentence for 76.0% of people sentenced.

Men were more likely to receive intensive correction orders, sentences of imprisonment and fines. Conversely, women were more likely to receive community-based orders and adjourned undertakings.

A higher percentage of older people received an immediate custodial sentence, including an imprisonment term and a non-immediate custodial sentence. Conversely, a higher percentage of younger people received a non-custodial sentence.

Each of the 1,802 people was sentenced for an average of 3.35 offences, including 1.19 offences of causing injury intentionally. The most common offence finalised in conjunction with causing injury intentionally was unlawful assault (15.4% of all cases).

Common sentence types imposed in conjunction with another sentence type included a fine with a wholly suspended sentence (34.0% of the 309 people who received a wholly suspended sentence), a fine with an imprisonment term (21.5% of the 251 people), a fine with an intensive correction order (20.0% of the 160 people) and a community-based order with a wholly suspended sentence (14.2% of the 309 people).

Lengths of total effective sentences ranged from sixteen days to three years with a non-parole period of two years. The most common length was 3 months (28 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 causing injury intentionally 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 causing injury intentionally who received a more serious sentence for another offence on the same charge sheet.

² The data used for analysis in this report contain information on age and gender characteristics. Indigenous status was unknown for 61.2% of people sentenced over this period. Therefore no analyses are presented on Indigenous status.

³ *Crimes Act 1958* (Vic) s 18.

⁴ *Crimes Act 1958* (Vic) s 15.

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 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.

⁷ 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' (s 360(1)(a) *Children, Youth and Families Act 2005* (Vic)) or 'dismissed' (s 76 *Sentencing Act 1991* (Vic)). 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, one person had charges that were dismissed pursuant to this legislation. This made up 0.2% of people sentenced in that year.

⁸ 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.

⁹ *Sentencing Act 1991* (Vic) s 7 and s 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)).

¹⁰ 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.

¹¹ The age was unknown for 4 men sentenced for causing injury intentionally (0.2%). These people are excluded from all age analyses in this report.

¹² Refer fn. 7.

¹³ Aggregate sentence lengths are shown for people who received an aggregate sentence. Data for sentence lengths of adjourned undertakings and community-based orders are only available for 2006–07 and 2007–08.

¹⁴ 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.

¹⁵ 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 4 people sentenced for causing injury intentionally. These people are excluded from these analyses.

¹⁶ 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.

¹⁷ The amount of non-aggregate fines ranged from \$200 to \$7,000, with a median of \$1,000, while the amount of aggregate fines ranged from \$250 to \$3,500, with a median of \$1,000.

¹⁸ The length of non-aggregate wholly suspended sentences ranged from twenty one days to one year, with a median of three months, while the length of aggregate wholly suspended sentences ranged from one month to one year, with a median of three months and fifteen days.

¹⁹ The length of non-aggregate periods of imprisonment ranged from seven days to two years, with a median of four months, while the length of aggregate periods of imprisonment ranged from one day to three years, with a median of six months.

²⁰ While a total of 251 people were sentenced to at least one period of imprisonment in the case, 241 people had imprisonment listed against their principal proven offence. There were 10 people 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.

²¹ Total effective imprisonment lengths and non-parole periods are only available for 2006–07 and 2007–08.

²² Non-parole periods are rounded down to the nearest month, while non-parole periods greater than one year are grouped into categories of years.

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 245 people who were placed on the diversion program for this offence, 177 were matched to and had conditions listed in the criminal justice diversion plan database (72.2%).

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

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