

# The Criminal Justice Diversion Program in Victoria

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## Abstract

The Criminal Justice Diversion Program has become an important option for the Magistrates' Court in dealing with low-level offending. The imposition of conditions on the defendant can fulfil purposes such as punishment and denunciation, and the fact that participation in the program does not result in a criminal record can have a significant rehabilitative effect.

This statistical profile presents a detailed analysis of data on the use of diversion plans in the Magistrates' Court.

The Magistrates' Court placed over 5,000 people on a diversion plan in 2006–07. It was the third most common disposition for criminal defendants and comprised 7.2 per cent of all defendants in the Magistrates' Court in that year.

While most (59.4%) were aged between 17 and 29, young defendants (between 17–19 years) and older defendants (65 years and older) were statistically more likely to be placed on the program than other defendants.

Almost three-quarters of defendants placed on the program were male (71.2%); however, female defendants were statistically more likely to be placed on the program than male defendants.

The most common offence categories for defendants on the program were property offences (35.6%) and traffic offences (21.7%). Most defendants were required to complete two or more conditions as part of their diversion plan (56.1%). The most common conditions were donation (71.7%), letter of apology to victim (33.1%), letter of gratitude to informant (24.0%) and compensation to the victim (17.7%). While a diversion plan can run for up to one year, just over half of all diversion plans were required to be completed within a three to four month period (51.3%).

## Introduction

This statistical profile presents descriptive data on the Criminal Justice Diversion Program (CJDP), the sentencing alternative operating out of the Magistrates' Court of Victoria. The profile examines 2006–07 data on the types of defendants and offending for which the program is used, as well as the requirements placed on the program's participants.

The profile begins with an overview of the CJDP, describing its key features and evolution. It then presents data comparing the use of diversion plans with sentences in the Magistrates' Court as well as the percentage of defendants who received a diversion plan according to offence and demographic characteristics. The third section examines data on the population of diversion defendants, including their offence and demographic profiles, while the fourth section explores the conditions placed on defendants serving diversion plans. The fifth section examines the use of diversion plans and the diversion population for specific offences, and the final section analyses specific defendant groups.

## The Criminal Justice Diversion Program (CJDP)

The CJDP is designed to provide defendants with the opportunity to avoid a criminal record by undertaking specific conditions, such as apologising or paying compensation to the victim, undertaking counselling and/or community work. A large range of conditions is available providing magistrates with flexibility to impose conditions appropriate to the situation.

It focuses on first-time offenders and those who have committed relatively minor offences.

Diversion can only be considered for a defendant under certain conditions: the offence is triable summarily, the defendant acknowledges responsibility for the offence, there is sufficient evidence to gain a conviction and a diversion is appropriate in the circumstances.

### Legislation

The CJDP is governed by section 128A of the *Magistrates' Court Act 1989*. The legislation provides that, if a defendant acknowledges responsibility for the offence, the court may adjourn the matter for up to 12 months to enable the defendant to participate in the program.

The legislation states that the defendant's acknowledgement of responsibility does not constitute a formal plea. With this underpinning, there is no finding of guilt against the defendant that can subsequently be divulged by police to employers and others.

On completing the diversion plan the defendant is discharged without a finding of guilt.

Offences punishable by a minimum or fixed sentence or penalty are not eligible for diversion, with the exception of loss of demerit points.

### History

The CJDP began as a pilot program in 1997. It initially operated in Broadmeadows Magistrates' Court and later expanded to Sunshine and Mildura.

A review of the program in 2000 found favourably high completion rates and low recidivism for people placed on diversion plans. Widespread expansion followed, firstly to all metropolitan courts in August 2001, then to all country courts in November 2001.

The program gained formal ongoing status in July 2003.

### Procedure

A defendant is referred to the diversion program by the prosecution agency, most commonly Victoria Police.

Prior to the formal diversion hearing, a diversion co-ordinator conducts a referral interview with the defendant. If the defendant does not appear or does not wish to be considered for a diversion plan, the charges are referred back to mainstream court.

If it is agreed by all parties at the referral interview that diversion may be appropriate, then the matter goes to a magistrate for a decision. In this diversion hearing, the role of the magistrate is to assess the suitability of the defendant for diversion. If the defendant is refused a diversion plan by the magistrate, the charges are referred back to mainstream court.

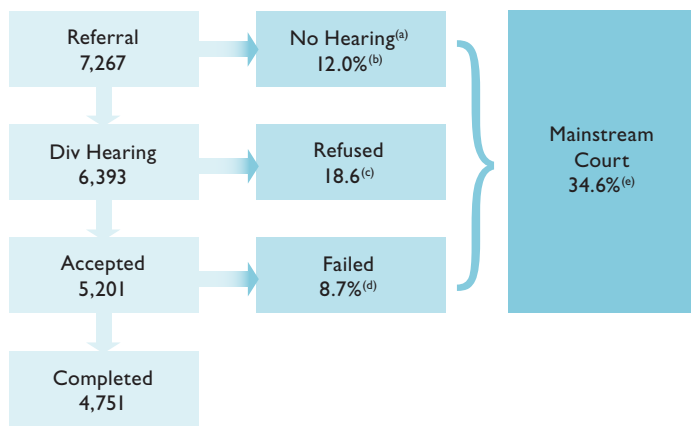
If the magistrate decides to place the defendant on a diversion plan, the charges are adjourned and a return date set. Before the return date, the defendant is required to undertake conditions set by the magistrate. Apart from cases involving an offence without a specific victim (for example, drug offences), victims are consulted on the content of the diversion plan. For example, the value of damaged property may be ascertained in order for a compensation amount to be set. The court may also undertake to notify the victim of any outcome if the victim requests it to do so.

If the defendant successfully completes the conditions set, the defendant is discharged on the return date and the outcome is recorded in a similar manner to a caution. In this way, the charges do not form part of the person's formal criminal record and therefore are not available to employers and cannot be alleged as prior offences.

Where the conditions are not completed, the matter is referred back to the court as if it were the case's first listing. However, under section 128A the magistrate must consider the extent to which the defendant complied with the diversion plan.

Figure 1 shows the stages in the diversion process from referral to completion, along with the numbers of offenders at each stage in 2006–07. As is evident, the majority of defendants who had a diversion hearing received a diversion plan (81.4%), and the vast majority of diversion plans were completed (91.3%).

Figure 1: Number of defendants at each stage of the diversion process, 2006–07



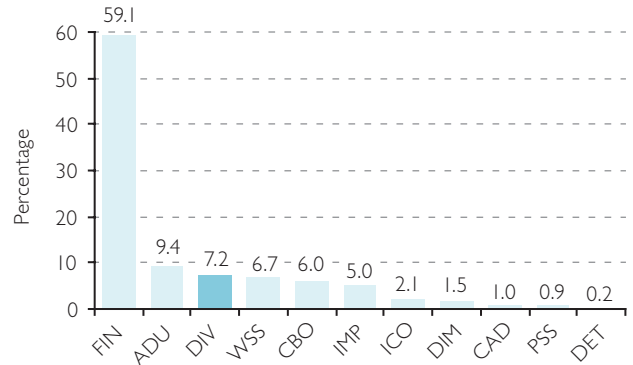
(a) Defendant either decides s/he does not wish to undertake diversion or does not appear at diversion hearing.  
 (b) Percentage of referrals.  
 (c) Percentage of diversion hearings.  
 (d) Percentage of defendants accepted for diversion.  
 (e) Percentage of total referrals.

## Diversion and Sentencing

This section places the use of diversion plans in a sentencing context,<sup>1</sup> firstly by comparing the percentage of defendants who received diversion plans with the percentages who received various types of sentences, and secondly by examining the percentage of defendants who received a diversion plan in relation to their offending and demographic characteristics. All data are from the 2006–07 financial year and were obtained from Court Support and Diversion Services and Courtlink in the Department of Justice Victoria.<sup>2</sup>

Figure 2 shows the percentage of defendants who received a diversion plan and various sentence types in the Magistrates' Court in 2006–07. Diversion plans were imposed on 5,147 defendants<sup>3</sup> and, at 7.2 per cent, they were the third most commonly used disposition, behind fines (59.1%) and adjourned undertakings (9.4%).

Figure 2: Percentage of defendants who received a disposition in the Magistrates' Court according to disposition type, 2006–07



Acronyms:  
 FIN = fine  
 ADU = adjourned undertaking  
 DIV = diversion plan  
 WSS = wholly suspended sentence  
 CBO = community-based order  
 IMP = imprisonment  
 ICO = intensive correction order  
 DIM = dismissed  
 CAD = convicted and discharged  
 PSS = partially suspended sentence  
 DET = youth justice centre order

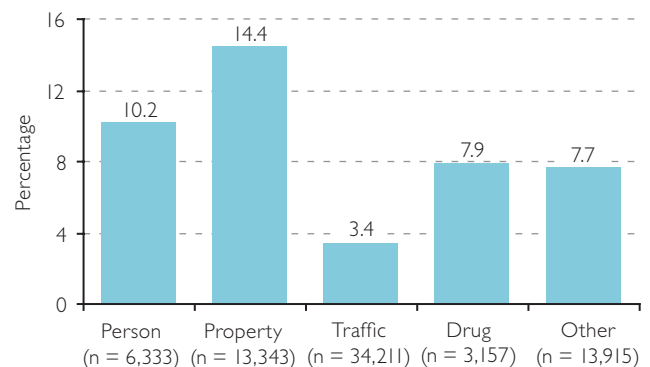
## Principal offence

A primary consideration for a magistrate when sentencing an offender, or adjourning a matter under section 128, is the offence for which the person has been found guilty or for which the defendant has acknowledged responsibility.

This section examines the percentage of defendants who received a diversion plan according to five broad categories into which their principal offence fell (offences against the person, property offences, traffic offences, drug offences and other offences).<sup>4</sup>

As Figure 3 shows, defendants who received a disposition for property offences were most likely to receive a diversion plan (14.4%) followed by offences against the person (10.2%) and drug offences (7.9%), while traffic offences were least likely to receive a diversion plan (3.4%). Because the volume of traffic offences was so high (34,211), their percentage translates into a substantial number of diversion plans.

Figure 3: Percentage of all defendants who received a disposition in the Magistrates' Court that received a diversion plan according to principal offence, 2006–07



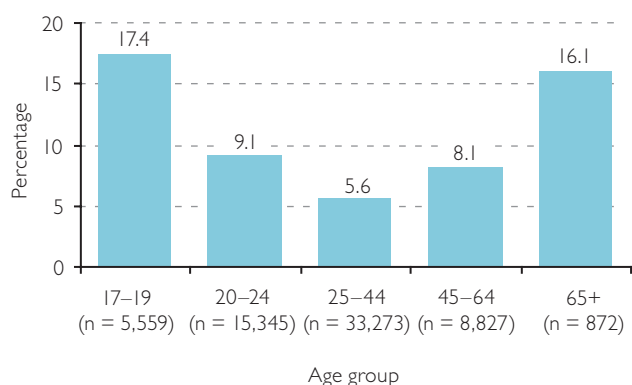
In terms of sentence types imposed for these offences, fines were the most common for all offence categories, but particularly for traffic offences (78.0%) and other offences (58.4%).

## Age of defendant

In addition to the offence type, consideration of the age of the defendant may also be relevant. Figure 4 shows the percentage of all defendants who received a disposition in the Magistrates' Court in 2006–07 that received a diversion plan according to their age group.

The likelihood of receiving a diversion plan was highest for 17–19 year olds (17.4%) followed closely by the 65 and over group (16.1%), while defendants aged 25–44 were the least likely to receive a diversion plan (5.6%). Thus it appears as though diversion plans were particularly targeted at the youngest and oldest age groups.

**Figure 4:** Percentage of defendants who received a disposition in the Magistrates' Court that received a diversion plan according to age group, 2006–07



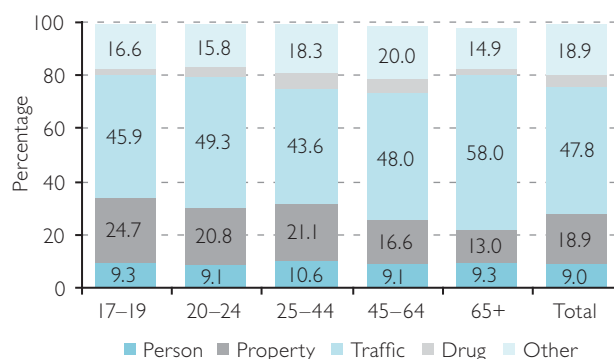
In order to better understand how age affects the likelihood of a defendant receiving a diversion plan, age needs to be considered in light of the principal offence. As already indicated, property offences were the most likely to receive a diversion plan.

Figure 5 shows the principal offence distribution for all defendants who received a disposition in the Magistrates' Court according to age group. The age group most likely to receive a diversion plan (17–19 year olds) had a substantially higher proportion of property offences (24.7%) than all defendants who received a disposition (18.9%).

The age group next most likely to receive a diversion plan (65 years and over) had a relatively low proportion of property offences (13.0%) but had the highest proportion of traffic offences (58.0%).

Despite having a similar likelihood of diversion, the different offending patterns of these age groups suggest that decisions by magistrates to impose diversion plans are based on a complex relationship between age and offence. Other factors are likely to be at play as well, such as gender.

**Figure 5:** Percentage of all defendants who received a disposition in the Magistrates' Court according to offence category and age group of defendant,<sup>(a)</sup> 2006–07

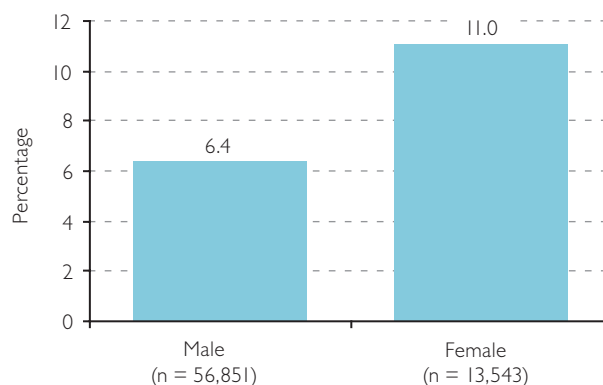


<sup>(a)</sup> Percentages for an age group do not always sum to 100 because some specific offences could not be categorised.

## Gender of defendant

The gender of the defendant may also be relevant for the disposition imposed. As shown in Figure 6, a higher percentage of female defendants received a diversion plan (11.0%) than male defendants (6.4%).

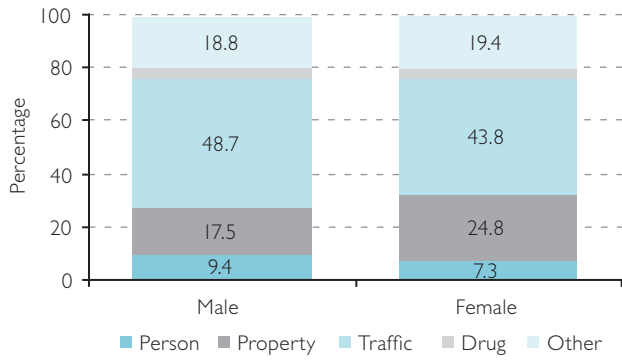
**Figure 6:** Percentage of male and female defendants who received a disposition in the Magistrates' Court that received a diversion plan, 2006–07



To better understand the relationship between the likelihood of diversion and gender, Figure 7 shows principal offences of all defendants who received a disposition in the Magistrates' Court according to gender. Female defendants had a higher proportion of property offences (24.8% versus 17.5%), while males had a higher proportion of traffic offences (48.7% versus 43.8%) and offences against the person (9.4% versus 7.3%).

The higher proportion of property offences among female defendants may help explain their increased likelihood of receiving a diversion plan.

**Figure 7:** Percentage of defendants who received a disposition in the Magistrates' Court according to offence category and gender of defendant,<sup>(a)</sup> 2006–07



<sup>(a)</sup> Percentages do not always sum to 100 because some specific offences could not be categorised.

While the preceding analyses examined what appear to be three key factors in sentencing, sentencing decisions are based on many more factors and interactions of factors. In fact, the *Sentencing Act 1991* lists a range of factors that must be taken into account, which include plea type and timing of plea (although these are not relevant to diversion plans), the impact on the victim, remorse, prospects for rehabilitation and offending history. Thus, in order to fully understand sentencing decisions a far more rigorous analysis is required.

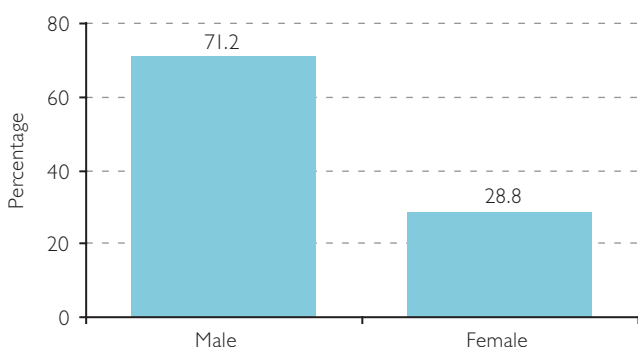
## Diversion Defendants

The previous section examined the use of diversion plans in relation to sentencing in general. This section turns to characteristics of the diversion population itself (that is, defendants who received a diversion plan in 2006–07).<sup>5</sup> Data on defendant demographics and offending are presented and discussed.

### Defendant demographics

The diversion population comprised 5,206 people. As Figure 8 shows, the majority of defendants placed on a diversion plan were male (71.2%). This is despite females being more likely than males to receive diversion as a disposition (11.0% versus 6.4% for males; see previous section).

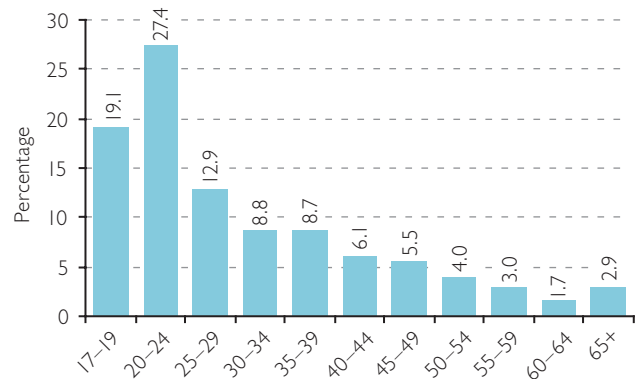
**Figure 8:** Percentage of defendants placed on diversion according to gender, 2006–07



In terms of age, as shown in Figure 9, the most common age groups among defendants who received a diversion plan were 20–24 years (27.4%) and 17–19 years (19.1%). Only 2.9 per cent were aged 65 and over.

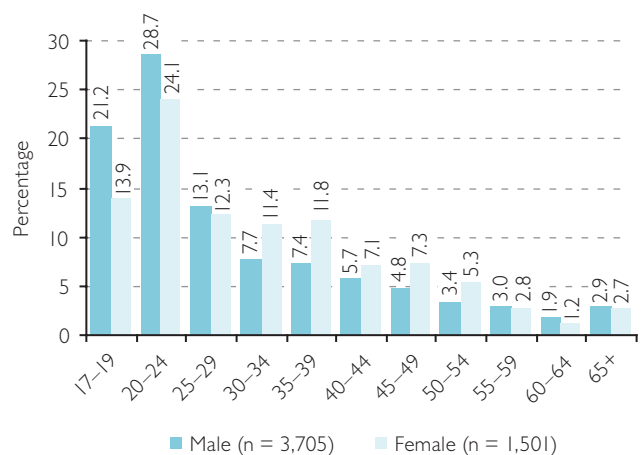
The median age of diversion defendants was 26. This age distribution is interesting in the context of the previous section which found that defendants of the youngest and oldest age groups were most likely to receive diversion plans. It is the youngest defendants that dominate the diversion population.

**Figure 9:** Percentage of defendants placed on diversion according to age group, 2006–07



The median age of male defendants was 26, three years younger than females (29). The age distribution for males and females is shown in Figure 10. While males had higher percentages of defendants in the age groups 17 through 29 and 55 and over, females had higher percentages of defendants in the 30 to 54 year age groups, most particularly in the 30 to 39 year age span.

**Figure 10:** Percentage of defendants placed on diversion according to gender and age group, 2006–07

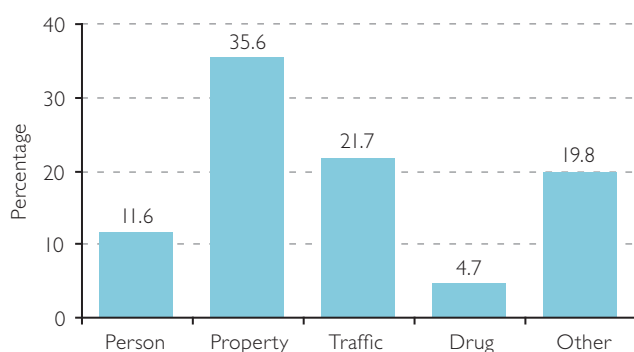


## Principal offence

The types of offences for which defendants were placed on diversion varied considerably. As previously indicated, for all defendants who received a disposition in the Magistrates' Court, property offences (14.4%) were the most likely to receive diversion plans, followed by offences against the person (10.2%) while traffic offences (3.4%) were least likely to receive diversion.

Figure 11 shows the distribution of offence categories within the diversion population itself. Property offences comprised the most common offence category (35.6%), followed by traffic (21.7%), and other offences (19.8%). Offences against the person comprised 11.6 per cent of diversion defendants, while drug offences comprised 4.7 per cent.

**Figure 11:** Percentage of defendants placed on diversion according to principal offence category,<sup>(a)</sup> 2006–07



<sup>(a)</sup> Percentages do not sum to 100 because some specific offences could not be categorised.

**Table 1:** Number and percentage of defendants placed on a diversion plan according to specific offence for the 20 most common principal offences to receive diversion, 2006–07

Offence	No.	%
Careless driving	696	13.7
Other theft <sup>(a)</sup>	413	8.1
Theft from a shop	372	7.3
Unlawful assault	297	5.8
Criminal damage	229	4.5
Behave in an offensive manner in a public place	163	3.2
Recklessly cause injury	129	2.5
Wilfully damage property	119	2.3
Cultivate narcotic plant–cannabis	106	2.1
Obtain property by deception	105	2.1
Drive without 'L' plates displayed	103	2.0
Burglary	94	1.9
Drunk in a public place	88	1.7
Intentionally damage property	79	1.6
Intentionally cause injury	55	1.1
Possess cannabis	55	1.1
Possess prohibited weapon without exemption/approval	54	1.1
Obtain financial advantage by deception	53	1.0
Breach of intervention order	52	1.0
Handle/receive/retain stolen goods	48	0.9

<sup>(a)</sup> Other theft is theft that excludes theft from a shop or motor vehicle and theft of motor vehicle, bicycle, trailer or boat/vessel.

Thus, while traffic offences were the offence category least likely to receive a diversion plan (see Figure 3 above), the volume of traffic offences meant that they were one of the more common offence categories in the diversion population.

In terms of more specific offences, Table 1 shows the 20 most frequent principal offences in the diversion population. Careless driving (13.7%), 'other' theft (8.1%) and theft from a shop (7.3%) were the three most common specific principal offences or offence categories.

## Summary

This section has shown that the diversion population tends to be generally male and in the 17 to 24 age group. The average age of males (26) was younger than females (29). The most common offences among the diversion defendant population were careless driving, 'other' theft and theft from a shop.

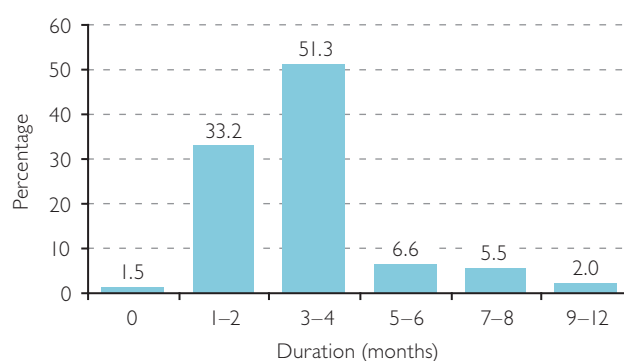
## Diversion Plan Requirements

The Criminal Justice Diversion Program is designed to enable magistrates to impose conditions tailored to address the offending behaviour and redress the harm caused. This section initially examines the length of diversion plans for the diversion defendant population, then presents a detailed analysis of the types of conditions imposed.

### Duration

A diversion plan may be imposed for up to 12 months from the diversion hearing date. In 2006–07 the average diversion plan was for 2.6 months. As Figure 12 shows, the most common length was 3–4 months (51.3%), followed by 1–2 months (33.2%). Very few exceeded 9 months (2.0%).

**Figure 12:** Percentage of defendants placed on a diversion plan according to duration of plan in grouped months, 2006–07



### Conditions

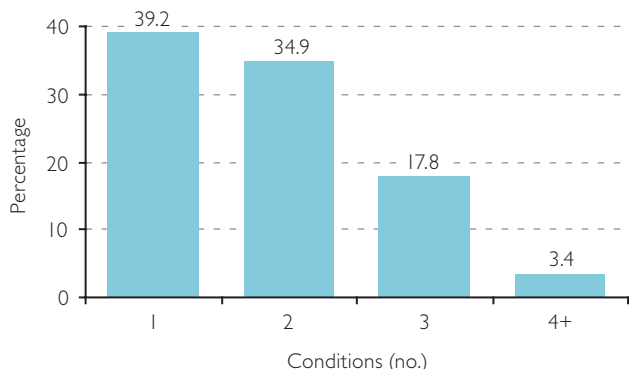
Magistrates may attach a number of different conditions to a diversion plan. Conditions include:

- apology to victim
- letter of gratitude to informant
- donation
- compensation
- good behaviour
- voluntary work
- anger management course
- defensive driving course
- road trauma awareness course
- drug awareness program
- drug counselling or treatment
- alcohol counselling or treatment
- other

The 'other' condition, as well as the specific conditions listed, gives magistrates the flexibility to tailor a diversion plan to suit the needs of the defendant and the offending situation. This is an important feature of the CJDP. In terms of the data analysis presented below, the 'other' condition category is excluded due to the lack of specificity of the category. It should be noted that the category itself comprises approximately 8 per cent of all conditions.

Figure 13 shows the percentage of diversion defendants in 2006–07 according to the number of conditions imposed in their plan. While the most common number of conditions was one (39.2%), the majority of diversion plans had more than one condition (56.1%). Over one-third of diversion plans had two conditions imposed (34.9%), while 3.4 per cent had 4 or more conditions.

**Figure 13:** Percentage of defendants placed on a diversion plan according to the number of conditions attached to the plan,<sup>(a)</sup> 2006–07



<sup>(a)</sup> The number of conditions was not known for 4.7 per cent of diversion plans.

Figure 14 shows the number and percentage of diversion defendants according to condition type. The most common condition types related to written responses to a victim or informant or monetary payment:

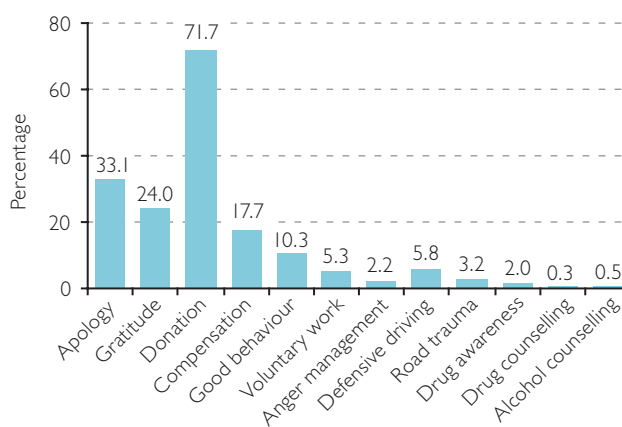
- donation (71.7%)
- apology to victim (33.1%)
- letter of gratitude to informant (24.0%)
- compensation (17.7%)

Good behaviour (10.3%) and voluntary work (5.3%) were imposed less frequently.

Conditions to address specific offending needs were also imposed, but less frequently again:

- anger management course (2.2%)
- defensive driving course (5.8%)
- drug awareness course (2.0%)

**Figure 14:** Percentage of diversion defendants according to condition type,<sup>(a)(b)</sup> 2006–07



<sup>(a)</sup> As more than one condition may be imposed on a diversion plan, the percentages of all condition types sum to more than 100.  
<sup>(b)</sup> These are not the only conditions imposed. A range of other conditions is available but because they are all classified under an 'other' category in the data, data for these conditions are not presented. The 'other' category comprises roughly 8% of conditions.

Donations and compensation conditions were examined further in terms of dollar amounts. The median donation amount was \$200 (range: \$20 to \$5,000) while the median compensation amount was \$298 (range: \$2 to \$6,233). These medians were somewhat lower than the median amount for fines imposed in the Magistrates' Court in 2006–07 (\$400).

The median number of hours of voluntary work was 16 and values ranged from 3 to 120 hours. This median was considerably lower than the median number of work hours for community-based orders (100) in the Magistrates' Court in 2006–07.

### Condition combinations

Further analysis of how magistrates used combinations of conditions in diversion plans was undertaken.

Figure 15 shows the percentage of each condition type that was imposed with at least one other condition in a diversion plan. Letter of gratitude to informant (97.8%), apology to victim (95.4%) and road trauma awareness course (92.8%) were the conditions most likely to be imposed along with some other condition, while donation (61.9%) was least likely to be imposed.

**Figure 15:** Percentage of each condition type that was in a diversion plan that had multiple conditions, 2006–07

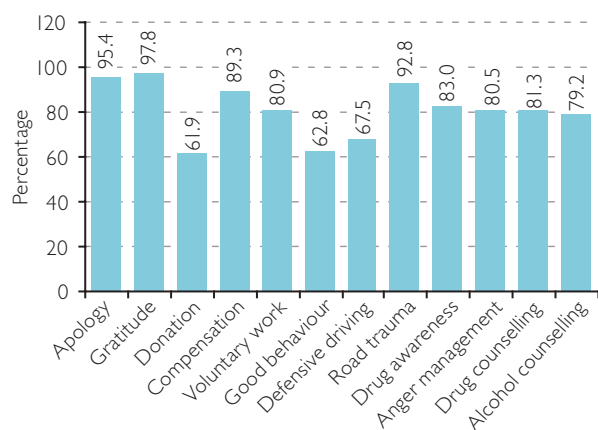


Table 2 shows the percentage of each condition type that was paired with every other condition. Percentages in the table are calculated using column totals as denominators; thus, of the 1,725 diversion plans with an apology condition, 71.1 per cent also had a donation condition.

Compared with any other condition, a higher proportion of:

- apology was combined with compensation (59.7%)
- gratitude was combined with apology (32.0%)
- donation was combined with road trauma awareness (79.5%)
- compensation was combined with apology (32.0%)
- anger management course was combined with alcohol counselling (12.5%)
- defensive driving course was combined with road trauma awareness course (18.1%)

**Table 2:** Percentage of each condition type that was paired with every other condition type in diversion plans, 2006–07

Condition	AP	GR	DO	CO	VW	GB	AM	DD	RT	DA	DC	AC	Total
Apology	n.a.	44.2	32.9	59.7	46.4	24.2	31.9	16.9	16.9	3.8	6.3	29.2	33.1
Gratitude	32.0	n.a.	26.1	22.7	27.7	19.9	16.8	19.2	19.3	19.8	25.0	16.7	24.0
Donation	71.1	78.1	n.a.	54.4	13.7	41.0	51.3	44.4	79.5	76.4	68.8	58.3	71.7
Compensation	32.0	16.8	13.5	n.a.	24.5	12.5	17.7	4.0	4.8	4.7	6.3	20.8	17.7
Voluntary work	7.5	6.2	1.0	7.4	n.a.	2.6	0.9	3.0	1.8	1.9	6.3	0.0	5.3
Good behaviour	7.5	8.6	5.9	7.3	5.0	n.a.	9.7	3.6	3.0	4.7	12.5	8.3	10.3
Anger management	2.1	1.5	1.6	2.2	0.4	2.0	n.a.	0.0	0.0	0.0	0.0	12.5	2.2
Defensive driving	3.0	4.6	3.6	1.3	3.2	2.0	0.0	n.a.	18.1	0.0	0.0	0.0	5.8
Road trauma	1.6	2.6	3.5	0.9	1.1	0.9	0.0	9.9	n.a.	0.0	0.0	0.0	3.2
Drug awareness	0.2	1.7	2.2	0.5	0.7	0.9	0.0	0.0	0.0	n.a.	0.0	0.0	2.0
Drug counselling	0.1	0.3	0.3	0.1	0.4	0.4	0.0	0.0	0.0	0.0	n.a.	0.0	0.3
Alcohol counselling	0.4	0.3	0.4	0.5	0.0	0.4	2.7	0.0	0.0	0.0	0.0	n.a.	0.5
<b>Total<sup>(a)</sup></b>	<b>1,725</b>	<b>1,249</b>	<b>3,734</b>	<b>924</b>	<b>278</b>	<b>537</b>	<b>113</b>	<b>302</b>	<b>166</b>	<b>106</b>	<b>16</b>	<b>24</b>	<b>5,206<sup>(b)</sup></b>

n.a.: not applicable

Acronyms: AP = Letter of apology  
 GR = Letter of gratitude  
 DO = Donation  
 CO = Compensation  
 VW = Voluntary work  
 GB = Good behaviour  
 AM = Anger management course  
 DD = Defensive driving course  
 RT = Road trauma awareness course  
 DA = Drug awareness course  
 DC = Drug counselling  
 AC = Alcohol counselling

<sup>(a)</sup> The sum of all condition percentages equal more than 100 due to multiple conditions being imposed as part of the one diversion plan.

<sup>(b)</sup> Totals vary slightly in this report.<sup>6</sup>

### Condition type and principal offence

The distribution of conditions varied considerably depending on the offence type. Table 3 shows the distribution of conditions according to the principal offence category. Donation was the most common condition across all offence categories, though it was considerably higher for drug offences (79.4%) and 'other' offences (80.1%).

Compared to other offence categories, people who had a principal offence of offences against the person were substantially more likely to receive anger management (12.9%), while property offences were more likely to be met with compensation (37.9%), apology (54.1%) and gratitude (26.3%) conditions.

Traffic offences were more likely than other offence categories to receive a defensive driving course condition (25.2%) and a road trauma awareness course (14.1%), while drug offences were more likely to receive a drug awareness course (35.3%) and drug counselling (4.6%).

This substantial variation in conditions according to offence type suggests that the type of conditions imposed by magistrates was dependant on the nature of the offending in the matter.

The condition quanta for compensation and donation according to the offence category are shown in Figure 16. While the median donation amount was \$200 for all offence categories except offences against the person (\$250), the compensation amount varied considerably. Most notably the median compensation was highest for traffic offences (\$500) and lowest for drug offences (\$150). As with donations, compensation amounts for offences against the person were relatively high.

Figure 16: Median dollar amount imposed for donation and compensation conditions for principal offence categories, 2006–07

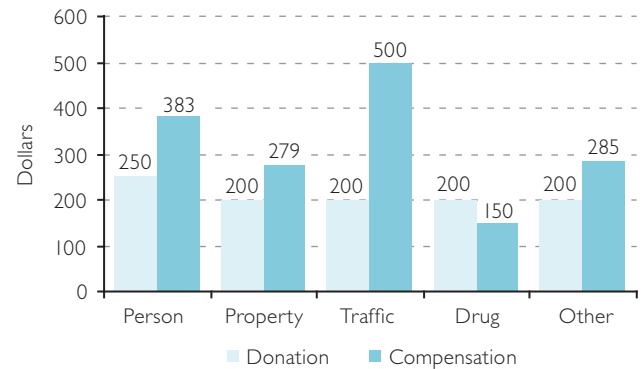


Figure 17 shows the median number of hours of community work according to the principal offence category. Once again, voluntary work was higher (20 hours) for offences against the person than for other offences.

Figure 17: Median number of hours of voluntary work for principal offence categories, 2006–07

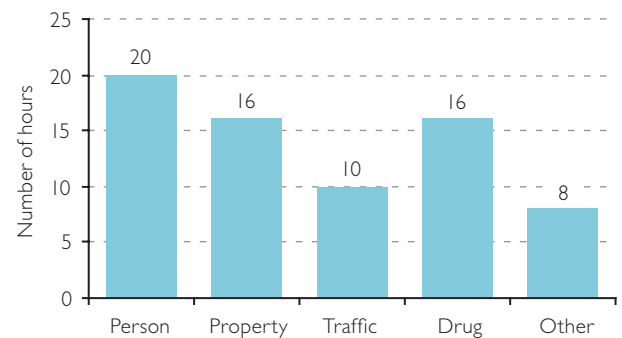


Table 3: Percentage of defendants placed on diversion according to condition type and principal offence category, 2006–07

Condition	Person	Property	Traffic	Drug	Other	Total
Apology	37.1	54.1	19.1	0.4	16.3	33.2
Gratitude	15.4	26.3	21.1	22.3	30.9	24.4
Donation	67.7	67.1	70.5	79.4	80.1	71.5
Compensation	8.8	37.9	5.5	1.3	5.2	17.7
Voluntary work	3.7	7.8	2.1	2.9	6.7	5.4
Good behaviour	11.0	11.7	7.7	8.4	10.7	10.5
Anger management	12.9	1.2	0.1	0.0	1.3	2.2
Defensive driving	0.2	0.1	25.2	0.0	0.1	5.8
Road trauma	0.2	0.2	14.1	0.0	0.1	3.2
Drug awareness	0.2	0.5	0.1	35.3	0.8	2.1
Drug counselling	0.3	0.1	0.0	4.6	0.1	0.3
Alcohol treatment	0.8	0.6	0.0	0.0	0.8	0.5
<b>Total (no.)<sup>(a)</sup></b>	<b>591</b>	<b>1,810</b>	<b>1,104</b>	<b>238</b>	<b>1,006</b>	<b>5,081<sup>(b)</sup></b>

<sup>(a)</sup> The sum of all condition percentages equals more than 100 due to multiple conditions being imposed on the one diversion plan.

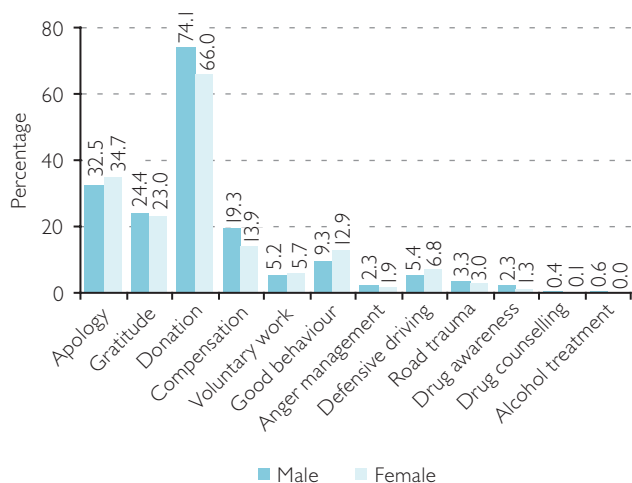
<sup>(b)</sup> Totals vary slightly in this report.<sup>7</sup>

### Condition type and defendant demographics

The analysis of conditions is taken further in this section which examines each condition type by age and gender of the defendant.

Figure 18 shows the condition distribution according to gender. The relative frequency of each condition type was similar for males and females with donation, apology, letter of gratitude and compensation the four most common conditions. However, a higher percentage of females received good behaviour (12.9% versus 9.3%), defensive driving (6.8% versus 5.4%) and apology (34.7% versus 32.5%), while a higher percentage of males received donation (74.1% versus 66.0%), and compensation (19.3% versus 13.9%).

**Figure 18:** Percentage of diversion defendants according to condition type and gender of defendant, 2006–07



As Figure 19 shows, there were also differences in the conditions distribution for the under 25 years and 25 years and over age groups.

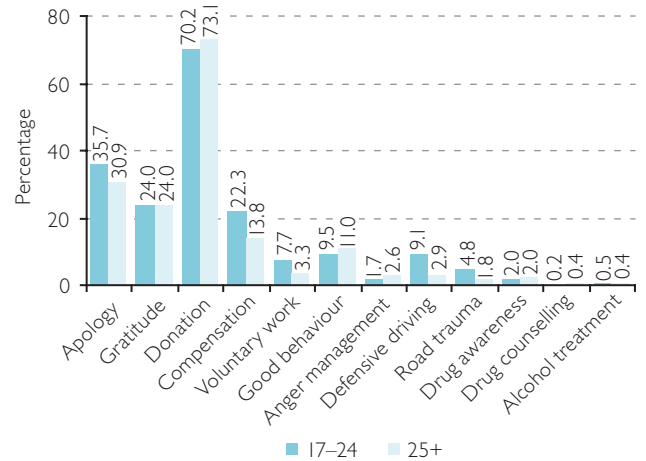
The under 25 age group was more likely to receive the following:

- defensive driving course (9.1% versus 2.9%)
- road trauma awareness course (4.8% versus 1.8%)
- compensation (22.3% versus 13.8%)
- apology (35.7% versus 30.9%)

The 25 years and over group was more likely to receive:

- anger management (2.6% versus 1.7%)
- good behaviour (11.0% versus 9.5%)
- donation (73.1% versus 70.2%)

**Figure 19:** Percentage of diversion defendants according to condition type and age group, 2006–07



This analysis has shown how conditions were frequently used in combination and that the use of condition types varied according to the principal offence and age and gender of the defendant.

### Summary

This section has shown that most diversion plans were for a period of 3–4 months and that most diversion plans had multiple conditions that defendants were required to fulfil. Donation, apology to victim and letter of gratitude to informant were the three most common conditions, however the distribution of conditions varied according to offence and defendant demographics.

### Specific Offence Profiles

In order to gain an understanding of the way specific offences are treated by magistrates and the CJDP, this section examines specific offences within each of the five offence categories in terms of (a) the likelihood of defendants receiving diversion and (b) the conditions attached to diversion plans.

The offences were chosen based on their relatively high frequency and diversity within the categories:

- Offences against the person – unlawful assault, recklessly causing serious injury and intentionally causing serious injury.
- Property offences: – theft, theft-from shop and criminal damage.
- Traffic offences – careless driving and driving without 'L' plates.
- Drug offences – possess cannabis and cultivate cannabis.
- Other offences – drunk in a public place, behave in an offensive manner in public and breach of an intervention order.

## Frequency and diversion likelihood

Table 4 presents data on various aspects of diversion and sentencing more generally for key specific offences within each broad offence category.

In the offences against the person offence category, unlawful assault was the most common offence against the person (50.3%) and comprised 5.8 per cent of diversion offences. Of the 2,261 defendants who received a disposition for the offence in the Magistrates' Court, 13.1 per cent were diversion plans. A greater proportion of intentionally causing injury (11.5%) than recklessly causing injury (6.9%) received a diversion plan.

'Other' theft (22.8%) and theft from a shop (20.6%) were the most common property offences to receive a diversion plan. Diversions were used in approximately one-fifth of cases where these were the principal offences (21.3% of 'other' theft and 16.8% of theft from a shop).

Careless driving was the most common traffic offence to receive a diversion (13.7%) and 16.8 per cent of defendants who received a disposition for this offence received a diversion plan.

Drug offences that received a diversion mainly comprised cultivate narcotic plant–cannabis (44.5%) and possess cannabis (23.1%) while behave in an offensive manner in a public place (16.2%) was the most common other offence to receive a diversion.

## Conditions

In terms of condition types for these specific offences, there was a good deal of variation. Table 5 (page 12) shows the distribution of conditions for these offences while the subsequent graphs and discussion examine key points.

Figure 20 (page 12) shows the percentage breakdown of condition types for the three offences against the person.

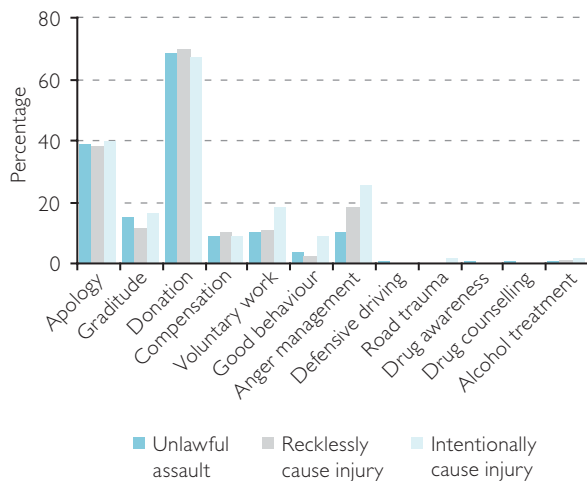
The main point of variation was for intentionally causing injury, which was more likely to receive anger management (25.5%), voluntary work (18.2%) and good behaviour (9.1%), than the other offences. This offence received smaller proportions of the other condition types.

**Table 4:** Number and percentage of diversion plans and all dispositions imposed in the Magistrates' Court according to selected specific principal offence, 2006–07

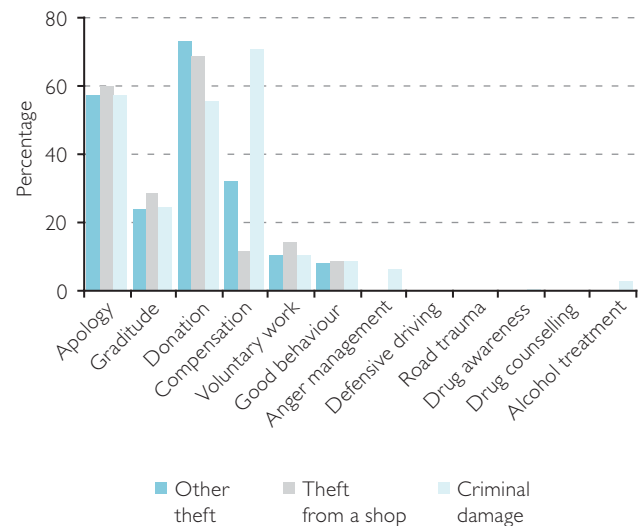
Offence	Diversion plans			All dispositions		
	No.	% of offence category	% of diversions for all offences	% of dispositions for offence	No.	% of dispositions for all offences
<b>Offences against the person</b>						
Unlawful assault	297	50.3	5.8	13.1	2,261	3.2
Recklessly cause injury	129	21.8	2.5	6.9	1,883	2.6
Intentionally cause injury	55	9.3	1.1	11.5	477	0.7
<b>Property</b>						
Other theft <sup>(a)</sup>	413	22.8	8.1	21.3	1,938	2.7
Theft from a shop	372	20.6	7.3	16.8	2,219	3.1
Criminal damage	229	12.7	4.5	21.8	1,050	1.5
<b>Traffic</b>						
Careless driving	696	63.0	13.7	16.8	4,134	5.8
Drive without 'L' plates displayed	103	9.3	2.0	9.1	1,130	1.6
<b>Drug</b>						
Cultivate narcotic plant–cannabis	106	44.5	2.1	12.4	853	1.2
Possess cannabis	55	23.1	1.1	7.7	714	1.0
<b>Other</b>						
Behave in an offensive manner in a public place	163	16.2	3.2	30.8	530	0.7
Drunk in a public place	88	8.7	1.7	8.0	1,103	1.5
Breach of intervention order	52	5.2	1.0	5.0	1,042	1.5

<sup>(a)</sup> 'Other' theft is theft that excludes theft from a shop or motor vehicle and theft of motor vehicle, bicycle, trailer or boat/vessel.

**Figure 20:** Percentage of diversion defendants with selected person offences according to condition type, 2006–07



**Figure 21:** Percentage of diversion defendants with selected property offences according to condition type, 2006–07



For property offences (Figure 21), a key difference in conditions was in criminal damage, for which 70.7 per cent of diversion plans included a compensation component. Anger management was also more likely to be imposed on criminal damage (6.6%) than the theft offences. Theft from a shop was less likely to include compensation (11.3%) but more likely to receive voluntary work (14.5%).

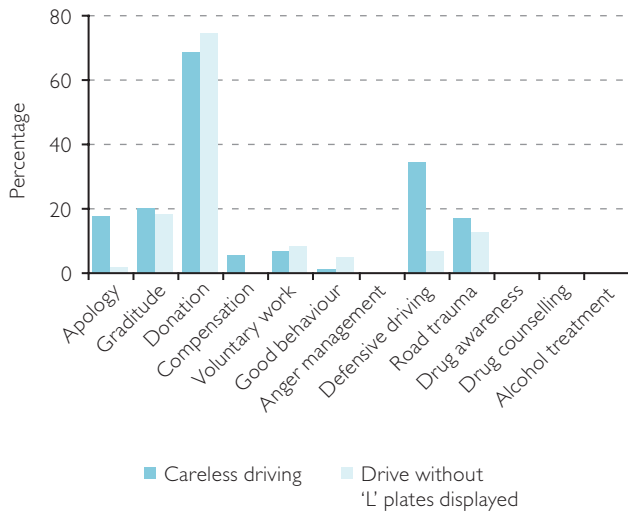
For traffic offences (Figure 22), compared with drive without 'L' plates displayed, careless driving was substantially more likely to receive a condition of defensive driving course (34.6%) and apology to victim (17.4%), while it was just as likely to receive a letter of gratitude to the informant and donation.

**Table 5:** Percentage of defendants placed on diversion according to condition and selected principal offence, 2006–07

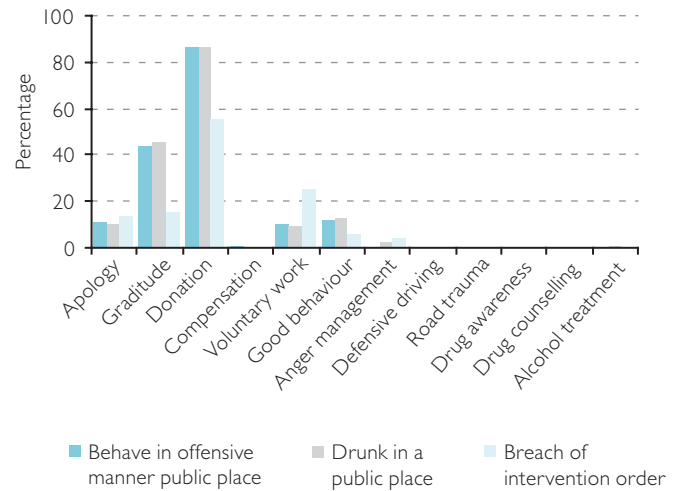
Principal Offence	AP	GR	DO	CO	VW	GB	AM	DD	RT	DA	DC	AC
<b>Offences against the person</b>												
Unlawful assault	38.7	15.2	68.4	9.1	10.1	3.7	10.1	0.3	0.0	0.3	0.3	0.7
Recklessly cause injury	38.0	11.6	69.8	10.1	10.9	2.3	18.6	0.0	0.0	0.0	0.0	1.6
Intentionally cause injury	40.0	16.4	67.3	9.1	18.2	9.1	25.5	0.0	1.8	0.0	0.0	1.8
<b>Property</b>												
Theft	57.4	24.2	73.4	32.2	10.2	8.2	0.2	0.0	0.2	0.0	0.2	0.2
Theft from a shop	60.2	28.8	68.8	11.3	14.5	8.3	0.0	0.0	0.0	0.0	0.3	0.0
Criminal damage (intent damage/destroy)	57.2	24.5	55.5	70.7	10.5	8.3	6.6	0.0	0.0	0.4	0.0	2.6
<b>Traffic</b>												
Careless driving	17.4	20.3	68.5	5.2	6.6	1.1	0.0	34.6	17.1	0.0	0.0	0.0
Drive without 'L' plates displayed	1.9	18.4	74.8	0.0	8.7	4.9	0.0	6.8	12.6	0.0	0.0	0.0
<b>Drugs</b>												
Cultivate narcotic plant–cannabis	0.0	17.0	81.1	2.8	7.5	1.9	0.0	0.0	0.0	3.8	29.2	0.0
Possess cannabis	1.8	23.6	74.5	0.0	5.5	0.0	0.0	0.0	0.0	1.8	50.9	0.0
<b>Other</b>												
Behave in offensive manner public place	11.0	43.6	86.5	0.6	10.4	11.7	0.0	0.0	0.0	0.0	0.0	0.0
Drunk in a public place	10.2	45.5	86.4	0.0	9.1	12.5	2.3	0.0	0.0	0.0	0.0	1.1
Breach intervention order	13.5	15.4	55.8	0.0	25.0	5.8	3.8	0.0	0.0	0.0	0.0	0.0
<b>All offences</b>	<b>33.2</b>	<b>24.4</b>	<b>71.5</b>	<b>17.7</b>	<b>10.5</b>	<b>5.4</b>	<b>2.2</b>	<b>5.8</b>	<b>3.2</b>	<b>0.3</b>	<b>2.1</b>	<b>0.5</b>

Acronyms: AP = Letter of apology  
 GR = Letter of gratitude  
 DO = Donation  
 CO = Compensation  
 VW = Voluntary work  
 GB = Good behaviour  
 AM = Anger management course  
 DD = Defensive driving course  
 RT = Road trauma awareness course  
 DA = Drug awareness course  
 DC = Drug counselling  
 AC = Alcohol counselling.

**Figure 22:** Percentage of diversion defendants with selected traffic offences according to condition type, 2006–07

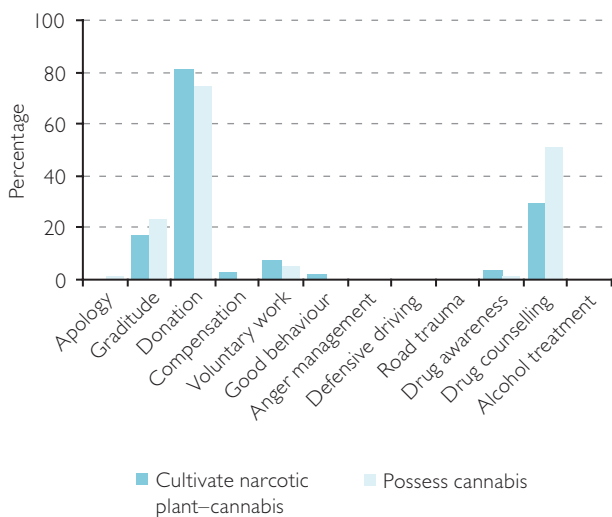


**Figure 24:** Percentage of diversion defendants with selected other offences according to condition type, 2006–07



For drug offences (Figure 23), more than half of possessing cannabis offences received drug counselling (50.9%) compared with under one-third for cultivate cannabis (29.2%). Letter of gratitude to informant was also more common for possess cannabis (23.6%) than cultivate cannabis (17.0%), while donation was more common for cultivate cannabis (81.1%) than possess cannabis (74.1%).

**Figure 23:** Percentage of diversion defendants with selected drug offences according to condition type, 2006–07



For 'other' offences (Figure 24), breach of intervention order was more likely than the other offences to receive voluntary work (25.0%) and less likely to receive donation (55.8%) and letter of gratitude to the informant (15.4%). Drunk in a public place and behave in an offensive manner in a public place received similar conditions, with donation dominating (~85%) and letter of gratitude to the informant substantial (~44%).

### Summary

This section has shown in detail how conditions were used in a way that directly relates to the offending behaviour of the defendant, such as drug counselling for possessing cannabis offences, as well as attempting to address the harm caused through apologies and/or compensation payments.

### Specific Defendant Profiles

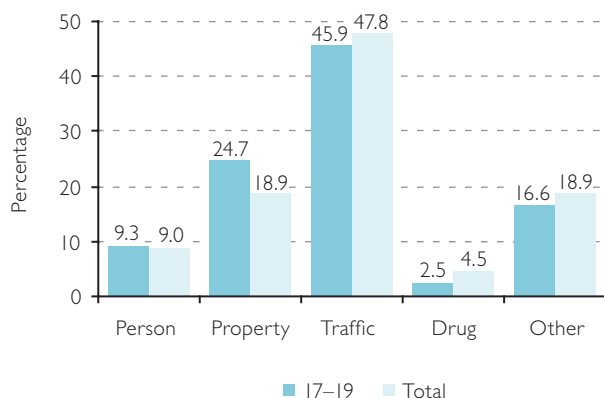
The final section of the report delves deeper into the CJDP by examining specific defendant groups, using the available demographic information and condition information. The first part focuses on diversion and specific age groups, and the second part focuses on diversion and the gender of the defendant.

#### Younger defendants: 17–19 year olds

The number of defendants aged 17–19 years who received a diversion plan in 2006–07 was 967. As already indicated, the likelihood of this age group receiving a diversion plan was 17.4 per cent, more than double the 7.2 per cent for all defendants who received a disposition in the Magistrates' Court.

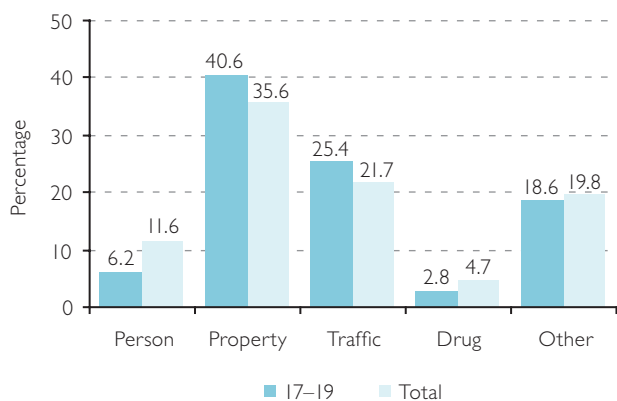
Figure 25 (page 14) compares the offence distributions of this group of defendants with all defendants who received a disposition in the Magistrates' Court in 2006–07. Compared to all disposed defendants, these young diversion defendants had a higher proportion of property offences (24.7% versus 18.9%) and generally lower proportions in other offence categories.

**Figure 25:** Percentage of 17–19 year old defendants versus all defendants who received any disposition in the Magistrates' Court according to principal offence, 2006–07



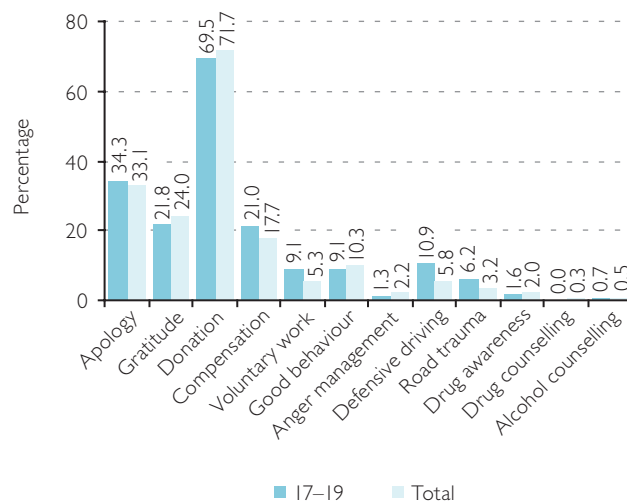
The offence distribution of these young defendants in the diversion population is shown in Figure 26. Compared with all diversion defendants, these young defendants had higher proportions of property offences (40.6% versus 35.6%) and traffic offences (25.4% versus 21.7%).

**Figure 26:** Percentage of 17–19 year old diversion defendants versus all diversion defendants according to principal offence, 2006–07



The conditions profile of these young diversion defendants is shown in Figure 27. They had a similar condition profile to the general diversion population, with donation, apology, letter of gratitude and compensation most common. However, defensive driving (10.9%), road trauma awareness (6.2%), compensation (21.0%) and voluntary work (9.1%) were more common in this group than among the general diversion population.

**Figure 27:** Percentage of diversion defendants aged 17–19 versus all diversion defendants according to condition type, 2006–07



### Older defendants: 65 years and over

The number of defendants aged 65 years and over who received a diversion plan in 2006–07 totalled 140. As already indicated, the likelihood of this age group receiving a diversion plan was 16.1 per cent, more than double that of the overall defendant population (7.2%).

Figure 28 compares the offence distribution for all defendants who received any disposition in the Magistrates' Court, with those aged 65 years and over. Defendants aged 65 years and over were nearly twice as likely to receive a disposition for a traffic offence (41.2% versus 21.7%) but were less likely to receive a disposition for property, drug and 'other' offences.

**Figure 28:** Percentage of defendants aged 65 years and over versus all defendants who received any disposition in the Magistrates' Court according to principal offence, 2006–07

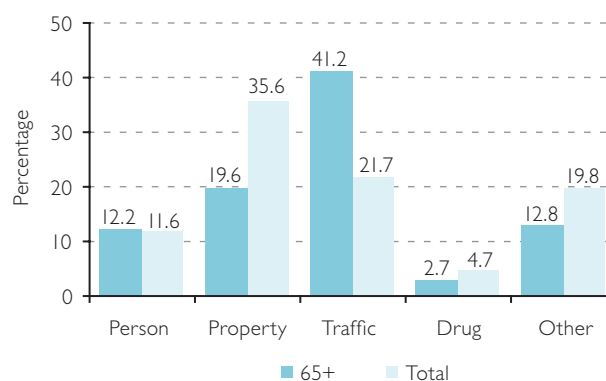
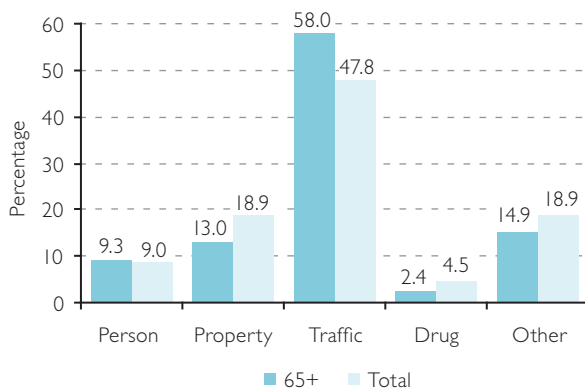


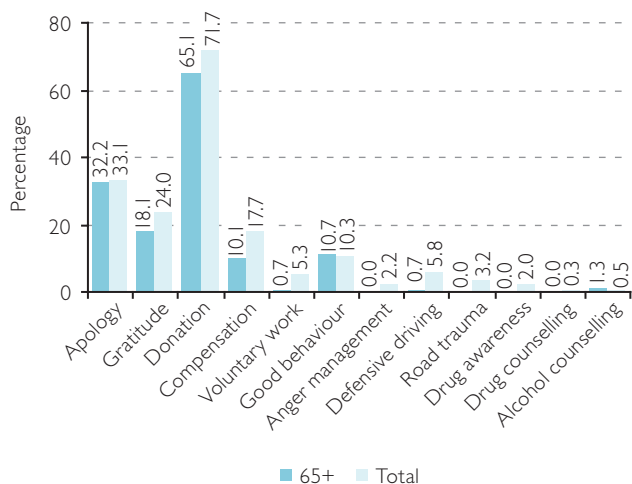
Figure 29 compares the offence distribution in the diversion population for defendants aged 65 years and over with all defendants in the diversion population. The 65 years and over group in the diversion population had a higher proportion of traffic offences compared with the general diversion population (58.0% versus 47.8%) and lower proportions of property, drug and 'other' offence categories.

**Figure 29:** Percentage of diversion defendants aged 65 years and over versus all diversion defendants according to principal offence, 2006–07



In terms of the conditions imposed (see Figure 30), these older defendants had a generally similar conditions profile to the general diversion population. Donation, apology, gratitude and good behaviour were the most common conditions. However, with the exception of a good behaviour condition, the 65 years and over age group had lower percentages than the diversion population as a whole. This was particularly pronounced for compensation (10.1% versus 17.7%), letter of gratitude (18.1% versus 24.0%), defensive driving (0.7% versus 5.8%) and voluntary work (0.7% versus 5.3%).

**Figure 30:** Percentage of diversion defendants aged 65 years and over versus all diversion defendants according to condition type, 2006–07



### Female defendants

The analysis of diversion for female defendants begins with a focus on offence types, then goes on to examine the age breakdown.

The number of female defendants who received a diversion plan in the Magistrates' Court in 2006–07 totalled 1,496. As already indicated, this comprised 11.0 per cent of all female defendants who received a disposition.

### Principal offence

Figure 31 shows that the female offending pattern among all defendants who received a disposition in the Magistrates' Court differed from all defendants. Notably, females had a higher percentage of property offences (24.8%) and 'other' offences (19.4%), and a lower proportion of offences against the person (7.3%), traffic (43.8%) and drug offences (3.9%).

**Figure 31:** Percentage of female defendants versus all defendants who received a disposition in the Magistrates' Court according to principal offence, 2006–07

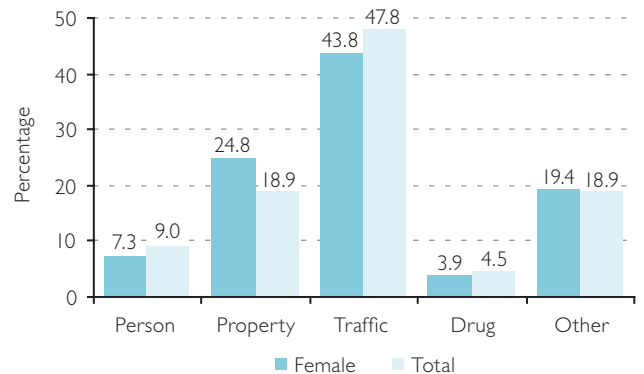


Figure 32 shows the offence distribution within the female diversion population. As in the general female defendant population, females on diversion plans had a higher proportion of property offences (39.7%). However, they also had a higher proportion of traffic offences (25.9%) and a lower proportion of 'other' offences (12.3%).

**Figure 32:** Percentage of female diversion defendants versus all diversion defendants according to principal offence, 2006–07

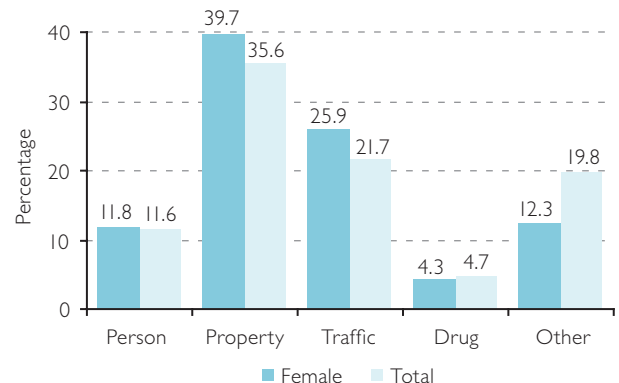
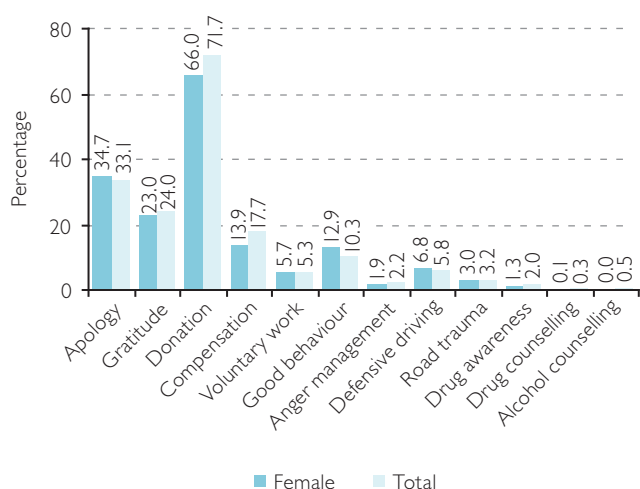


Figure 33 shows the conditions distribution for female diversion defendants. Compared with all diversion defendants, females had higher proportions of good behaviour (12.9%), defensive driving (6.8%) and apology (34.7%), but lower percentages of donation (66.0%), compensation (13.9%), anger management (1.9%), drug awareness (1.3%) and letter of gratitude (23.0%).

**Figure 33:** Percentage of female defendants versus all defendants who received diversion according to condition type, 2006–07



### Age

The likelihood of a diversion plan for female defendants who received a disposition varied according to age group (see Figure 34). The 65 years and over age group was the most likely to receive a diversion plan (30.8%), followed by 18–19 year olds (26.3%), while the 40–44 year age group was least likely to receive diversion (9.3%) among females.

**Figure 34:** Percentage of female defendants who received a disposition in the Magistrates' Court that received a diversion plan according to age group, 2006–07

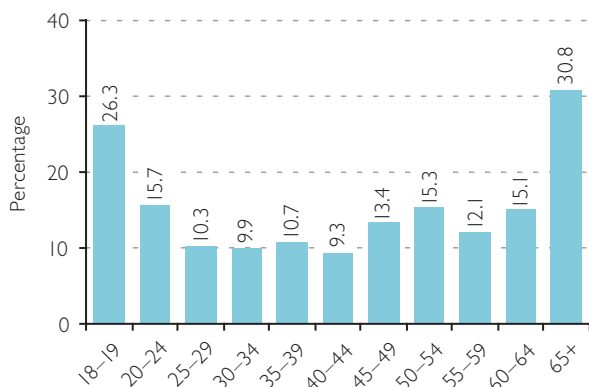


Figure 35 shows the offence distribution for all female defendants who received a disposition in the Magistrates' Court according to age group.

Generally there is not a large amount of variation across age groups. Perhaps the largest variation is in traffic offences, which ranged from 36.2 per cent for 30–34 year olds to 50.4 per cent for defendants 65 years and over.

**Figure 35:** Percentage of female defendants who received a disposition in the Magistrates' Court according to age group and principal offence,<sup>(a)</sup> 2006–07

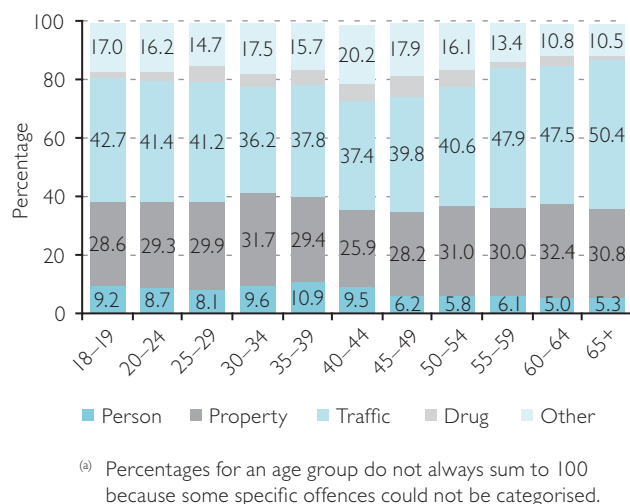


Figure 36 shows the percentage of each offence category for each age group in the female defendant diversion population. Traffic offences were more prevalent in the age groups of 55 years and over and 18–19, while property offences were most prevalent among 50–54 year olds (46.8%) and 20–24 year olds (46.3%).

**Figure 36:** Percentage of female defendants placed on diversion according to age group and principal offence category<sup>(a)</sup>, 2006–07

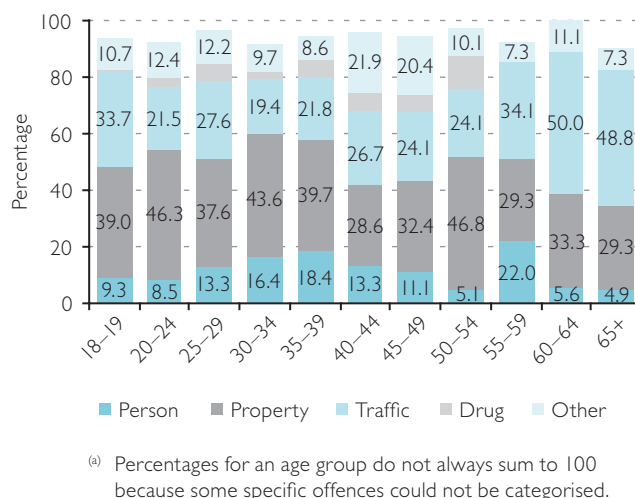
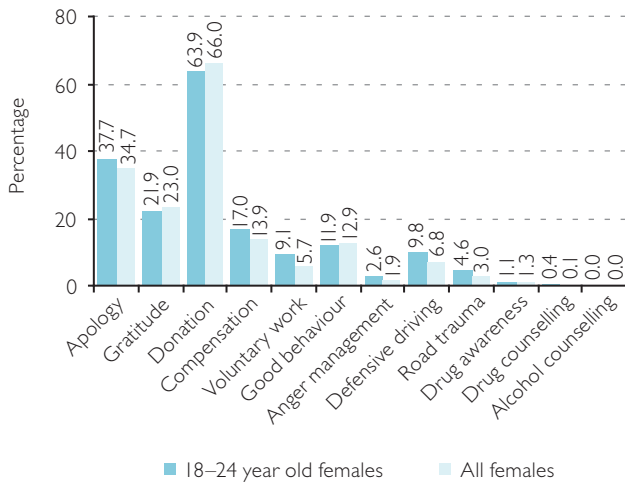


Figure 37 shows the conditions distribution for 18–24 year old female defendants placed on diversion. Generally, 18–24 year olds had a similar distribution to all female diversion defendants. However, notable differences were in defensive driving, voluntary work and compensation, all of which were considerably higher in the 18–24 year age group than average.

**Figure 37:** Percentage of female defendants placed on diversion according to selected age group and according to condition type, 2006–07



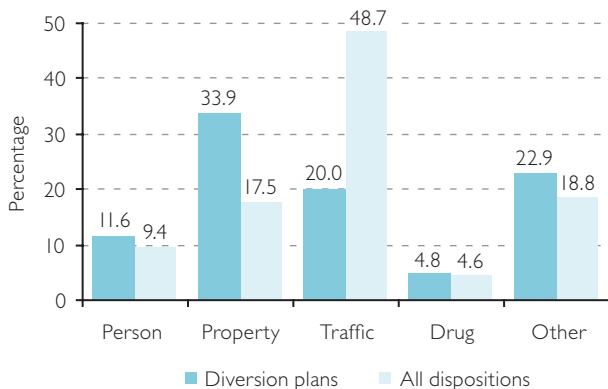
**Male defendants**

The number of male defendants who received a diversion plan in the Magistrates’ Court in 2006–07 totalled 3,649. This comprised 6.4 per cent of all male defendants who received a disposition.

**Principal offence**

Figure 38 shows the offence distribution for males, comparing those who received a diversion plan with those who received any disposition. For diversion plans the most common offence is property offences (33.9%), which comprised a substantially higher percentage of diversion defendants than all defendants. Conversely, traffic offences were the most common offence for all dispositions (48.7%), but comprised only 20.0 per cent of male diversion defendants.

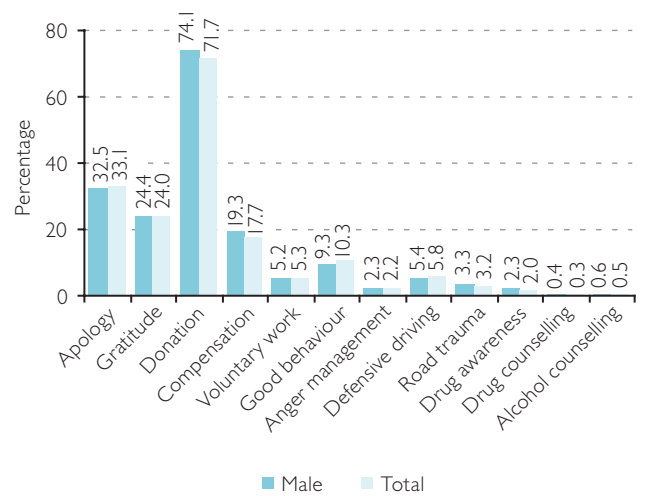
**Figure 38:** Percentage of male defendants who received a diversion plan versus male defendants who received any disposition in the Magistrates’ Court according to principal offence,<sup>(a)</sup> 2006–07



<sup>(a)</sup> Percentages do not sum to 100 because some specific offences could not be categorised.

Figure 39 shows the conditions distribution for male diversion defendants versus all diversion defendants. Male diversion defendants were most likely to receive a donation condition (74.1%), followed by apology to victim (32.5%), a letter of gratitude to the informant (24.4%) and compensation (19.3%). There were only marginal differences with the overall diversion population as males make up the vast majority of all defendants in the diversion population.

**Figure 39:** Percentage of male versus all defendants who received diversion according to condition type, 2006–07



**Age**

Figure 40 shows that the age group most likely to receive a diversion plan among male defendants was 17–19 year olds (16.0%), followed by the 65 and over group (13.4%). In contrast, 30–34 year olds were least likely to receive a diversion (3.9%). From the 30–34 year age group, the likelihood increased with age.

**Figure 40:** Percentage of male defendants who received a disposition in the Magistrates’ Court that received a diversion plan according to age group, 2006–07

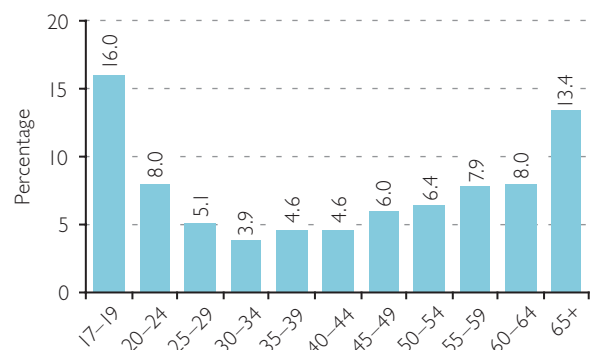
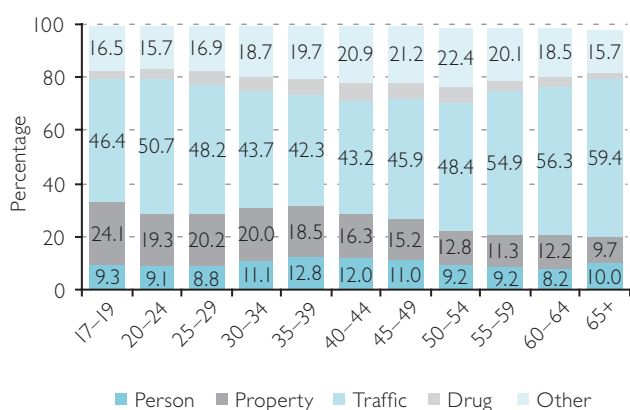


Figure 41 shows that 17–19 year olds had the highest level of property offences (24.1%) of any age group, while defendants aged 65 and over had the highest percentage of traffic offences (59.4%). It would appear as though these offences in particular were driving magistrates' decisions to impose diversion for these age groups among male defendants. However, the influence of age on its own is also likely to be strong.

**Figure 41:** Percentage of male defendants who received a disposition in the Magistrates' Court according to age group and principal offence category<sup>(a)</sup>, 2006–07



<sup>(a)</sup> Percentages for an age group do not always sum to 100 because some specific offences could not be categorised.

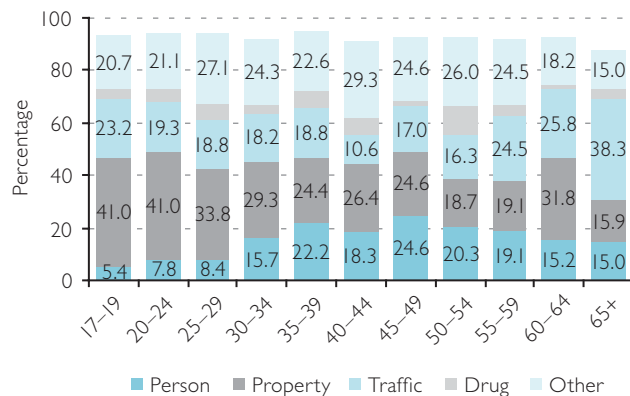
Offending patterns by age of all male defendants who received a disposition were reflected in the offending patterns by age of male diversion defendants. Figure 42 compares the broad offence breakdown for each age group of male diversion defendants.

Property offences were particularly common in the 17 to 24 year age group (41.0%) and generally decreased across the age groups, reaching 18.7 per cent for the 50–54 year age group and 15.9 per cent for 65+.

Offences against the person were most common among the 45–49 year age group (24.6%), and least common among 17–19 year olds (5.4%). These offences generally increased across the age groups until 45–49, then decreased steadily, reaching 15.0 per cent among the 65 and over group.

Traffic offences were most common among the 65 and over age group (38.3%) and least common among the 40–44 age group. Generally, traffic offences were more common among the 17 to 29 and 55 and over groups than the intervening age groups.

**Figure 42:** Percentage of male diversion defendants in selected age groups according to principal offence category<sup>(a)</sup>, 2006–07

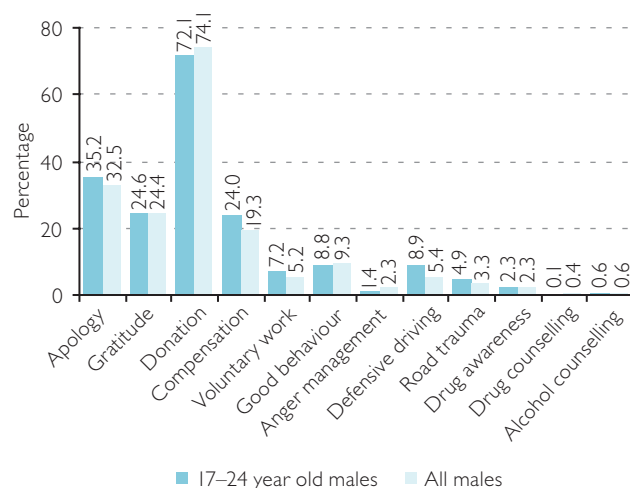


<sup>(a)</sup> Percentages for an age group do not always sum to 100 because some specific offences could not be categorised.

Analysis of conditions for male defendants focussed on the age group most likely to receive diversion plans: 17–24 years.

Generally there was fairly minor variation in the conditions. As Figure 43 shows, the 17–24 year olds were more prominent in a number of conditions, including compensation, voluntary work and apology, as well as educative conditions such as defensive driving and road trauma awareness courses.

**Figure 43:** Percentage of male diversion defendants in selected age groups according to diversion condition, 2006–07



## Summary

This report has examined data on the types of defendants placed on the CJDP and the requirements imposed on these defendants as part of their diversion plans.

In 2006–07, over 5,000 defendants received a diversion plan in the Magistrates' Court. This represented 7.2 per cent of all disposed defendants and was the third most commonly used disposition.

The use of diversion plans by magistrates varied according to the principal offence type and the defendant's age and gender.

The broad offence category most likely to receive a diversion plan was property offences (14.4%).

Diversion plans tended to be imposed at a higher rate on defendants aged between 17 and 19 years (17.4%) and 65 years and over (16.1%) and on female defendants generally (11.0%).

The diversion population comprised mainly male defendants (71.2%) and defendants aged 17 to 29 (59.4%), and male defendants (median age: 26) tended to be younger than female defendants (median age: 29).

The most common offence category within the diversion population was property offences (35.6%), followed by traffic (21.7%).

The average duration of diversion plans was 2.6 months, while the majority of plans had two or more conditions attached (56.1%). Donation (71.7%), apology to victim (33.1%), letter of gratitude to informant (24.0%) and compensation (17.7%) were the most common condition types.

## Endnotes

<sup>1</sup> Unlike imprisonment, community-based order, fine and other dispositions, a diversion plan is not classed as a sentence. A sentence involves a formal finding of guilt against the defendant. In this paper, the collective phrase for defendants who receive either a sentence or a diversion plan is: 'defendants who received a disposition in the Magistrates' Court' (or some variant thereof).

<sup>2</sup> Data presented in this paper are from two sources: Platypus and Courtlink. The Platypus system is used by Court Support and Diversion Services for recording detailed information about cases referred to the Criminal Justice Diversion Program (CJDP). Data from this system included all cases referred to the CJDP with a hearing date between 1 July 2003 and 30 June 2007. The data supplied included case number, outcomes of the referral and diversion hearing, as well as outcome of the diversion plan. The data also included hearing date, return date and latest extension date, allowing duration information to be calculated. They further contained conditions the defendant was required to complete. Courtlink is the case management system used by the Magistrates' Court. Data from this system are supplied to the Sentencing Advisory Council on a quarterly basis and include charges of all cases finalised with a sentence or by diversion. These data were used to compare cases that received a diversion plan with cases that received a sentence. They were also used to provide offence information for cases referred to the CJDP. The two systems share a common identifier unique to a case (case number), which was included in data from both systems enabling information about a case from the two systems to be linked.

An editing process was conducted on the data which included cross-checking outlying values in the Platypus data with data in Courtlink. Such outliers included hearing dates and end dates for cases where the duration exceeded 12 months, dates of birth for cases that were after 1990 and cases with no outcome. Amendments were also made to case numbers that were in a non-standard format (insufficient digits, etc). The amendments applied conform to automatic amendments made within the Courtlink system itself. Case information from Courtlink data was merged into the diversion data, using case number as the common link. Case numbers were missing for some diversion records, and, even after the above amendments were made, some case numbers could not find a match. Therefore offence information was unable to be obtained for some diversion records (less than 2.5%) from the Platypus system.

<sup>3</sup> Total counts of defendants who received a diversion plan in 2006–07 vary slightly (by less than 2.5%) across this report due to difficulties in matching records from the two data sources (see endnote 2).

<sup>4</sup> The principal offence, also known as the principal proven offence, is the offence that attracted the most serious sentence according to the sentencing hierarchy.

<sup>5</sup> See endnote 3.

<sup>6</sup> See endnote 3.

<sup>7</sup> See endnote 3.

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