

Sentencing Snapshot

Sentencing trends
in the higher courts
of Victoria
2006–07 to 2010–11

June 2012
No. 125

Causing serious injury intentionally

Introduction

This Sentencing Snapshot describes sentencing outcomes¹ for the offence of causing serious injury intentionally and details the age and gender² of people sentenced for this offence in the County and Supreme Courts of Victoria between 2006–07 and 2010–11.³

A person who intentionally causes serious injury to another person without lawful excuse is guilty of this offence.⁴ 'Injury' includes unconsciousness, hysteria, pain and any substantial impairment of bodily function. 'Serious injury' includes a combination of injuries. These definitions are not exhaustive.⁵

Causing serious injury intentionally is an indictable offence that carries a maximum penalty of 20 years' imprisonment and/or a fine of 2,400 penalty units.⁶ Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court. Causing serious injury intentionally was the principal offence in 5.9% of cases sentenced in the higher courts between 2006–07 and 2010–11.

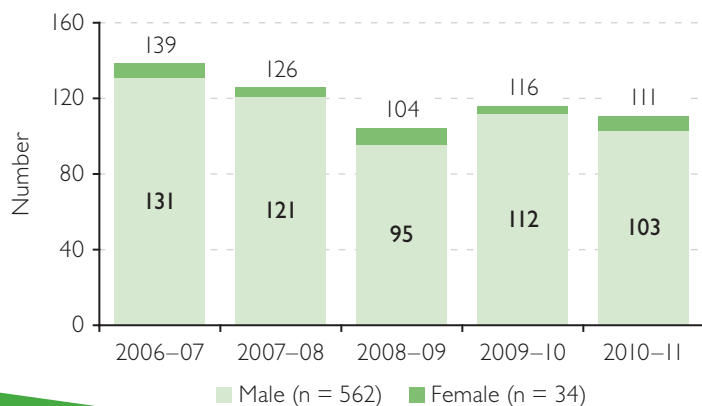
As with previous publications in this series, this report presents a snapshot of first instance sentences in the higher courts of Victoria. The Council is now collecting data on all sentence appeals. A section on appeals has been included immediately before the Summary section of this report. Information on sentences that have changed on appeal is also noted in other sections of this report. Unless otherwise noted, the data represent sentences imposed at first instance.

People sentenced

Figure 1 shows the number of people sentenced for the principal offence of causing serious injury intentionally for the period 2006–07 to 2010–11. As shown, 596 people were sentenced for causing serious injury intentionally over the five-year period. There were 111 people sentenced for this offence in 2010–11, down by 5 people from the previous year.

Over the five years depicted, the majority of those sentenced were men (94.3% or 562 of the 596 people), including 103 of the 111 people sentenced in 2010–11.

Figure 1: The number of people sentenced for causing serious injury intentionally by gender, 2006–07 to 2010–11



Sentence types and trends

Figure 2 shows the total number of people sentenced for causing serious injury intentionally and the number who received an immediate custodial sentence. An immediate custodial sentence is one that involves at least some element of immediate (as opposed to wholly suspended) imprisonment or detention.⁷ Over the five-year period, 82% of people were given an immediate custodial sentence. This peaked at 89% (99 of 111) in 2010–11 after a low of 75% (94 of 126) in 2007–08.

Figure 2: The number of people sentenced for causing serious injury intentionally and the number who received an immediate custodial sentence, 2006–07 to 2010–11

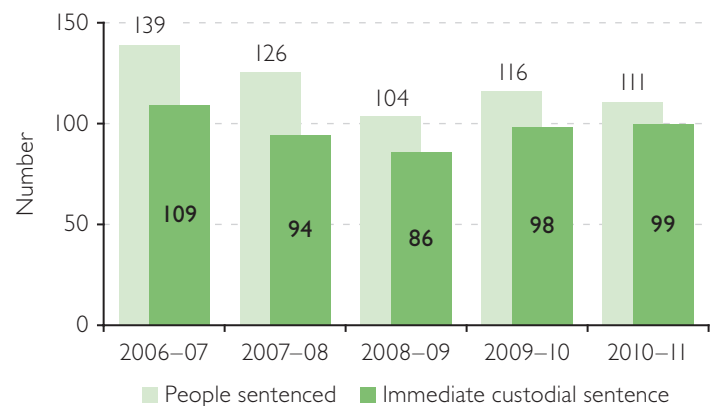


Table 1 shows the number of people sentenced for causing serious injury intentionally from 2006–07 to 2010–11 by the types of sentences imposed.

Over the five-year period, the majority of the people sentenced for causing serious injury intentionally received a period of imprisonment (65% or 389 of 596 people), while 10% received a wholly suspended sentence of imprisonment⁸ and 10% received a youth justice centre order.

The number of people receiving a sentence of imprisonment was lowest during 2008–09 (71 people) and highest during 2006–07 (86 people). The percentage receiving imprisonment was lowest during 2007–08 (73 of 126 people, or 58%) and highest during 2010–11 (83 of 111 people, or 75%).

The number and percentage of wholly suspended sentences of imprisonment were lowest during 2010–11 (7 of 111 people, or 6%) and highest during 2006–07 (16 of 139 people, or 12%).

The number and percentage of people receiving a youth justice centre order were lowest during 2007–08 (7 of 126 people, or 6%). The number was highest during 2006–07 (17 people) while the percentage was highest during both 2006–07 and 2009–10 (12% each).

Age and gender of people sentenced

Figure 3 shows the gender of people sentenced for causing serious injury intentionally grouped by their age⁹ between 2006–07 and 2010–11. The average age of people sentenced for causing serious injury intentionally was 29 years and 10 months. Women sentenced over this period were older than men (an average age of 31 years and 7 months for women compared with 29 years and 8 months for men). One male juvenile was sentenced over this period.¹⁰

Figure 3: The number of people sentenced for causing serious injury intentionally by gender and age, 2006–07 to 2010–11

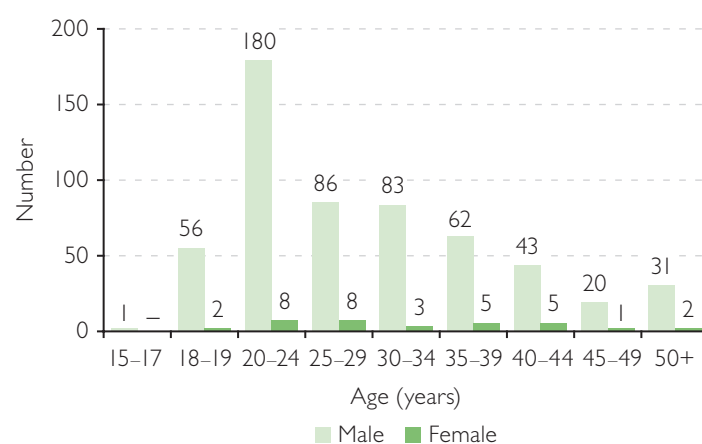


Table 1: The number and percentage of people sentenced for causing serious injury intentionally by sentence type, 2006–07 to 2010–11

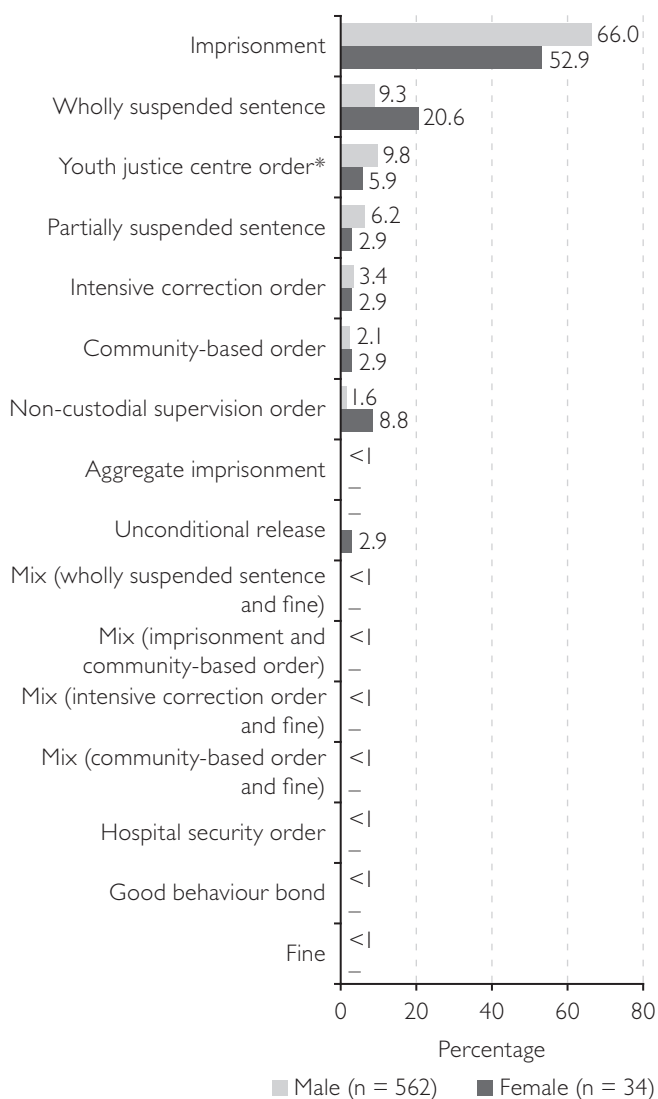
Sentence type	2006–07	2007–08	2008–09	2009–10	2010–11
Imprisonment	86 (62%)	73 (58%)	71 (68%)	76 (66%)	83 (75%)
Wholly suspended sentence	16 (12%)	13 (10%)	11 (11%)	12 (10%)	7 (6%)
Youth justice centre order*	17 (12%)	7 (6%)	9 (9%)	14 (12%)	10 (9%)
Partially suspended sentence	5 (4%)	13 (10%)	6 (6%)	7 (6%)	5 (5%)
Intensive correction order	3 (2%)	13 (10%)	2 (2%)	1 (<1%)	1 (<1%)
Community-based order	4 (3%)	5 (4%)	2 (2%)	0 (–)	2 (2%)
Non-custodial supervision order	3 (2%)	0 (–)	2 (2%)	5 (4%)	2 (2%)
Aggregate imprisonment	1 (<1%)	1 (<1%)	0 (–)	0 (–)	0 (–)
Unconditional release	0 (–)	0 (–)	1 (<1%)	0 (–)	0 (–)
Mix (wholly suspended sentence and fine)	1 (<1%)	0 (–)	0 (–)	0 (–)	0 (–)
Mix (imprisonment and community-based order)	0 (–)	0 (–)	0 (–)	0 (–)	1 (<1%)
Mix (intensive correction order and fine)	1 (<1%)	0 (–)	0 (–)	0 (–)	0 (–)
Mix (community-based order and fine)	1 (<1%)	0 (–)	0 (–)	0 (–)	0 (–)
Hospital security order	0 (–)	0 (–)	0 (–)	1 (<1%)	0 (–)
Good behaviour bond	0 (–)	1 (<1%)	0 (–)	0 (–)	0 (–)
Fine	1 (<1%)	0 (–)	0 (–)	0 (–)	0 (–)
People sentenced	139	126	104	116	111

*Prior to 23 April 2007, a youth justice centre order was referred to as a youth training centre order.

Sentence types by gender

Figure 4 and Table 2 show the types of sentences imposed for causing serious injury intentionally grouped by gender. As shown, a higher percentage of men received a period of imprisonment (66.0% compared with 52.9% of women), a youth justice centre order (9.8% compared with 5.9%) and a partially suspended sentence of imprisonment (6.2% compared with 2.9%). Conversely, a higher percentage of women received a wholly suspended sentence of imprisonment (20.6% compared with 9.3% of men) and a non-custodial supervision order (8.8% compared with 1.6%).

Figure 4: The percentage of people sentenced for causing serious injury intentionally by sentence type and gender, 2006–07 to 2010–11



*Prior to 23 April 2007, a youth justice centre order was referred to as a youth training centre order.

Table 2: The number and percentage of people sentenced for causing serious injury intentionally by sentence type and gender, 2006–07 to 2010–11

Sentence type	Male	Female	Total
Imprisonment	371 (66%)	18 (53%)	389 (65%)
Wholly suspended sentence	52 (9%)	7 (21%)	59 (10%)
Youth justice centre order*	55 (10%)	2 (6%)	57 (10%)
Partially suspended sentence	35 (6%)	1 (3%)	36 (6%)
Intensive correction order	19 (3%)	1 (3%)	20 (3%)
Community-based order	12 (2%)	1 (3%)	13 (2%)
Non-custodial supervision order	9 (2%)	3 (9%)	12 (2%)
Aggregate imprisonment	2 (<1%)	0 (—)	2 (<1%)
Unconditional release	0 (—)	1 (3%)	1 (<1%)
Mix (wholly suspended sentence and fine)	1 (<1%)	0 (—)	1 (<1%)
Mix (imprisonment and community-based order)	1 (<1%)	0 (—)	1 (<1%)
Mix (intensive correction order and fine)	1 (<1%)	0 (—)	1 (<1%)
Mix (community-based order and fine)	1 (<1%)	0 (—)	1 (<1%)
Hospital security order	1 (<1%)	0 (—)	1 (<1%)
Good behaviour bond	1 (<1%)	0 (—)	1 (<1%)
Fine	1 (<1%)	0 (—)	1 (<1%)
People sentenced	562	34	596

*Prior to 23 April 2007, a youth justice centre order was referred to as a youth training centre order.

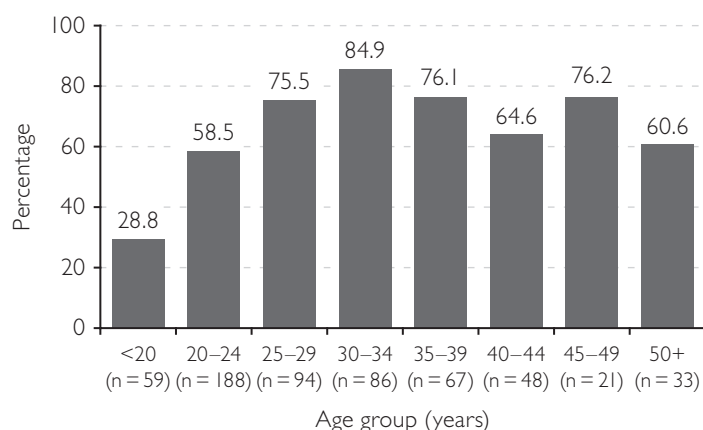
Sentence types by age

As shown in Table 2, the two most common sentence types were imprisonment and wholly suspended sentences of imprisonment. The following analysis examines these sentence types by the offenders' age group.

Imprisonment

As shown in Figure 5, sentences of imprisonment were most likely to be given to people aged 30–34 years (85% or 73 of the 86 people in this age group). Conversely, sentences of imprisonment were least common for those aged under 20 years (29% or 17 of the 59 people in this age group).

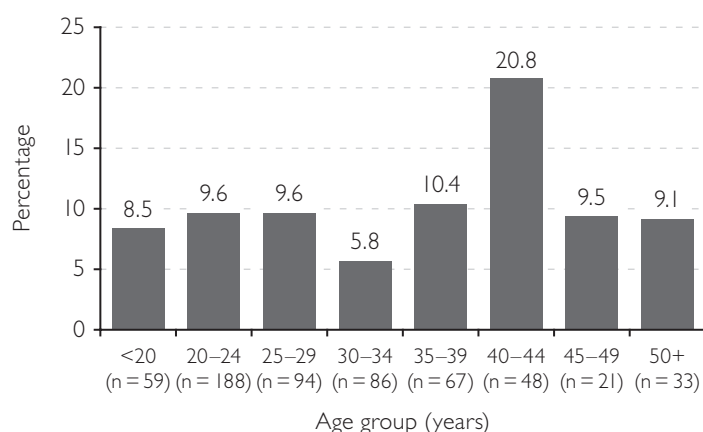
Figure 5: The percentage of people who received a period of imprisonment for causing serious injury intentionally by age group, 2006–07 to 2010–11



Wholly suspended sentences of imprisonment

As shown in Figure 6, wholly suspended sentences of imprisonment were most likely to be given to people aged 40–44 years (21% or 10 of the 48 people in this age group). Conversely, wholly suspended sentences of imprisonment were least common for those aged 30–34 years (6% or 5 of the 86 people in this age group).

Figure 6: The percentage of people who received a wholly suspended sentence of imprisonment for causing serious injury intentionally by age group, 2006–07 to 2010–11



Principal and total effective sentences

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

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

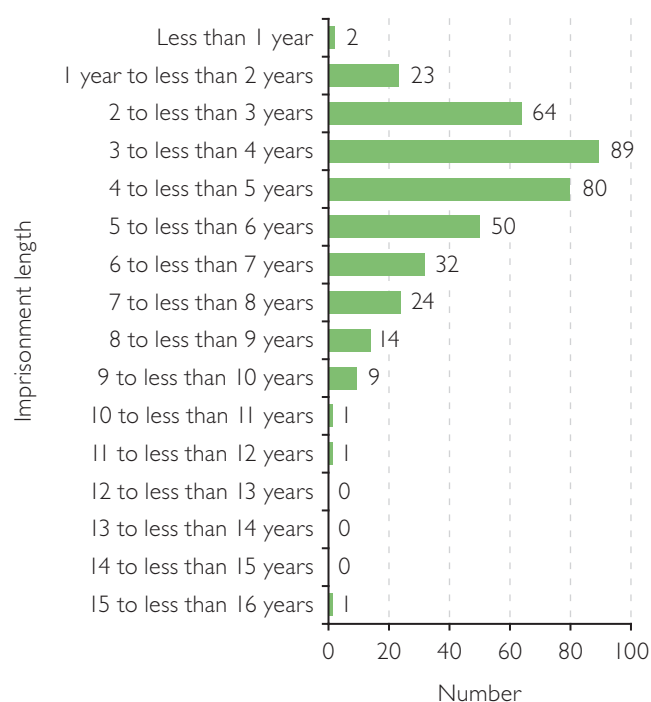
In many cases, the total effective sentence imposed on a person will be longer than individual principal sentences. Principal sentences for causing serious injury intentionally must be considered in this broader context. The following sections analyse the use of imprisonment for the offence of causing serious injury intentionally from 2006–07 to 2010–11.

Principal sentence of imprisonment

Figure 7 shows the number of people sentenced to imprisonment for causing serious injury intentionally between 2006–07 and 2010–11 by the length of the imprisonment term.¹¹ Imprisonment terms ranged from 5 days¹² to 15 years,¹³ while the median length of imprisonment was 4 years (meaning that half of the imprisonment terms were shorter than 4 years and half were longer).

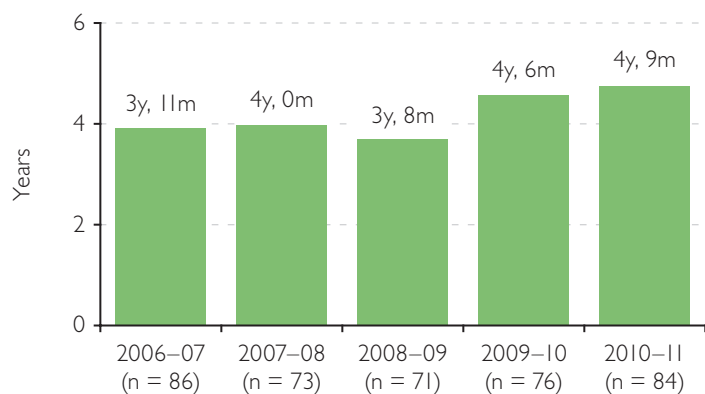
The most common length of imprisonment imposed was 3 years to less than 4 years (89 people).

Figure 7: The number of people sentenced to imprisonment for causing serious injury intentionally by length of imprisonment term, 2006–07 to 2010–11



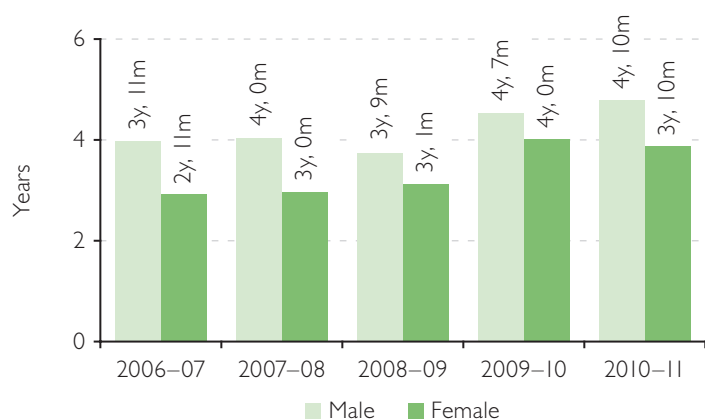
As shown in Figure 8, the average length of imprisonment term imposed on people sentenced for causing serious injury intentionally ranged from 3 years and 8 months in 2008–09 to 4 years and 9 months in 2010–11.

Figure 8: The average length of imprisonment term imposed on people sentenced for causing serious injury intentionally, 2006–07 to 2010–11



From 2006–07 to 2010–11, the majority of people who received a term of imprisonment for causing serious injury intentionally were men (372 people or 95.4%). Figure 9 shows that the average length of imprisonment for men ranged from 3 years and 9 months in 2008–09 to 4 years and 10 months in 2010–11. The average length of imprisonment for women ranged from 2 years and 11 months in 2006–07 to 3 years and 10 months in 2010–11.

Figure 9: The average period of imprisonment imposed on people sentenced for causing serious injury intentionally by gender, 2006–07 to 2010–11



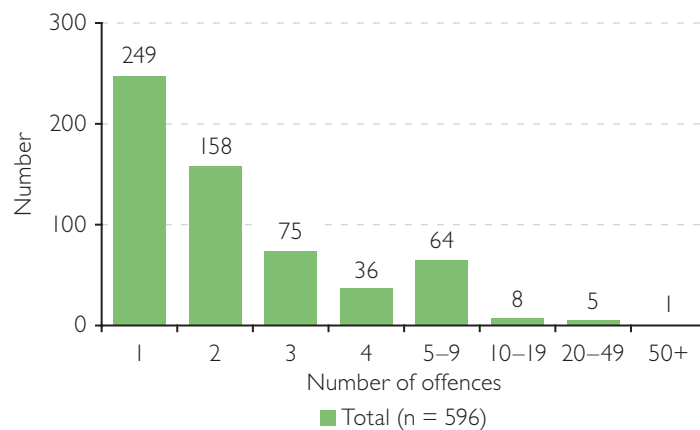
Other offences finalised at the same hearing

Often people prosecuted for causing serious 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 serious injury intentionally.

Figure 10 shows the number of people sentenced for the principal offence of causing serious injury intentionally by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 66,

while the median was 2 offences. There were 249 people (41.8%) sentenced for the single offence of causing serious injury intentionally. The average number of offences per person sentenced for causing serious injury intentionally was 2.79.

Figure 10: The number of people sentenced for the principal offence of causing serious injury intentionally by the number of sentenced offences per person, 2006–07 to 2010–11



While Figure 10 presents the number of sentenced offences for those sentenced for causing serious injury intentionally, Table 3 shows what the accompanying offences were. It shows the number and percentage of people sentenced for the 10 most common offences. The last column sets out the average number of offences sentenced per person. For example, 81 of the total 596 people (13.6%) also received sentences for aggravated burglary. On average, they were sentenced for 1.14 counts of aggravated burglary.

Table 3: The number and percentage of people sentenced for the principal offence of causing serious injury intentionally by the most common offences that were sentenced and the average number of those offences that were sentenced, 2006–07 to 2010–11

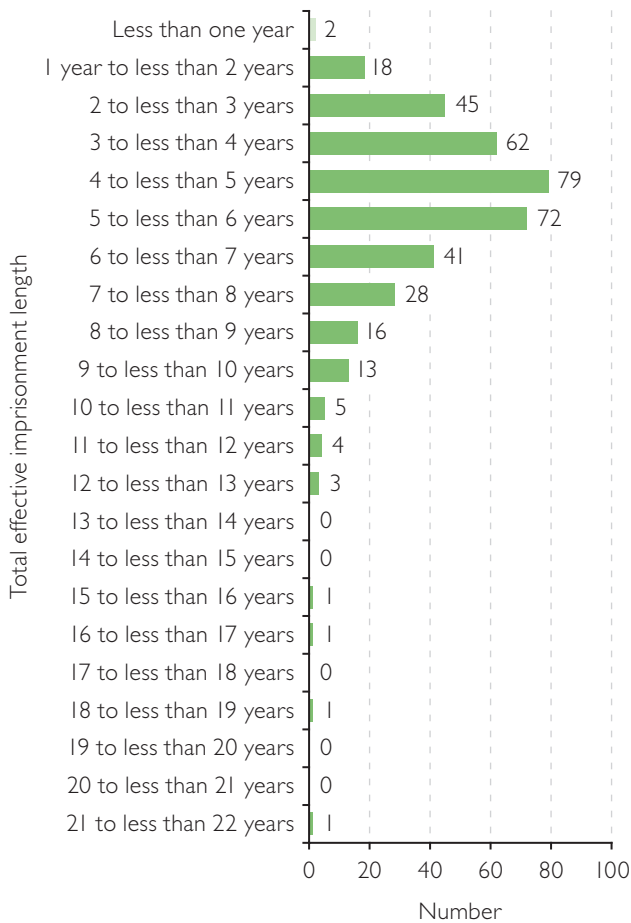
Offence	No.	%	Avg.
1 Causing serious injury intentionally	596	100.0	1.09
2 Aggravated burglary	81	13.6	1.14
3 Causing injury	78	13.1	1.41
4 Theft	54	9.1	2.15
5 Intentionally destroy/damage property (criminal damage)	47	7.9	1.55
6 Affray	46	7.7	1.11
7 Common law assault	41	6.9	1.44
8 False imprisonment	36	6.0	1.08
9 Making a threat to kill	35	5.9	1.09
10 Causing serious injury recklessly	34	5.7	1.09
People sentenced	596	100.0	2.79

Total effective sentence of imprisonment

There were 392 people given a total effective sentence of imprisonment.¹⁴ Figure 11 shows the number of people sentenced to imprisonment for causing serious injury intentionally between 2006–07 and 2010–11 by length of total effective sentence. The lengths of total effective sentences ranged from 5 days¹⁵ to 21 years and 4 months,¹⁶ while the median total effective length of imprisonment was 4 years and 6 months (meaning that half of the total effective sentence lengths were below 4 years and 6 months and half were above).

The most common total effective imprisonment length was 4 years to less than 5 years (79 people).

Figure 11: The number of people sentenced to imprisonment for causing serious injury intentionally by length of total effective imprisonment term, 2006–07 to 2010–11



Non-parole period

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

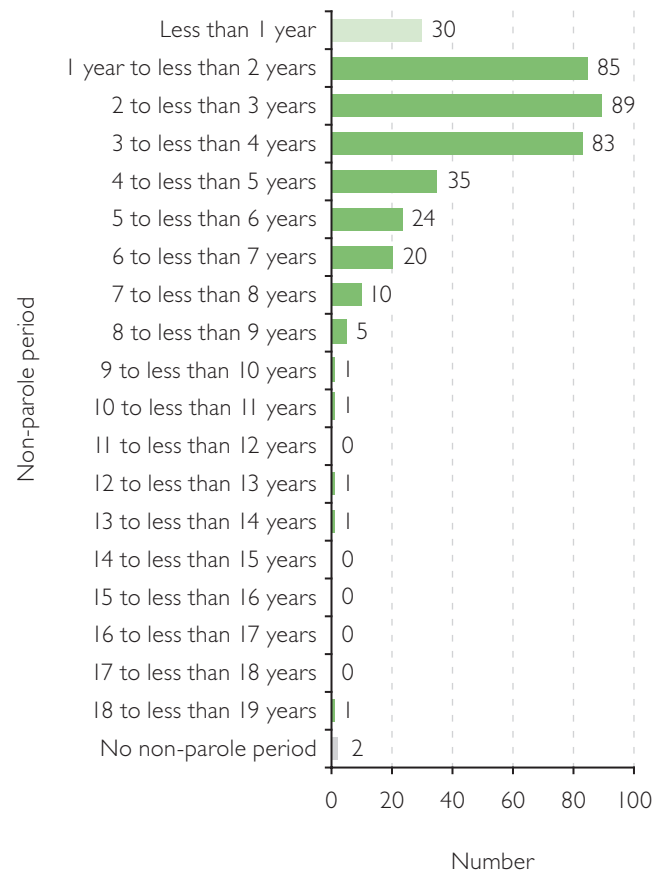
Under section 11(4) of the *Sentencing Act 1991* (Vic), if a court sentences an offender to imprisonment in respect of more than one offence, the non-parole period set by the court must

be in respect of the total effective sentence of imprisonment that the offender is liable to serve under all the sentences imposed. In many cases, the non-parole period will be longer than the individual principal sentence for causing serious injury intentionally. Sentences and non-parole periods must be considered in this broader context.

Of the 392 people who were sentenced to imprisonment for causing serious injury intentionally, 390 were eligible to have a non-parole period fixed.¹⁷ Of these people, 386 were given a non-parole period (99%).¹⁸ Figure 12 shows the number of people sentenced to imprisonment for causing serious injury intentionally between 2006–07 and 2010–11 by length of non-parole period. Non-parole periods ranged from 3 months to 18 years, while the median length of the non-parole period was 2 years, 8 months and 15 days (meaning that half of the non-parole periods were below 2 years, 8 months and 15 days and half were above). Adjusted for appeals, the median length of non-parole periods was slightly reduced to 2 years and 8 months.

The most common non-parole period imposed was 2 years to less than 3 years (89 people).

Figure 12: The number of people sentenced to imprisonment for causing serious injury intentionally by length of non-parole period, 2006–07 to 2010–11



Total effective sentences of imprisonment and non-parole periods

Figures 13, 14 and 15 present the average length of total effective sentences of imprisonment compared with the average length of non-parole periods for all people (Figure 13), for men (Figure 14) and for women (Figure 15) from 2006–07 to 2010–11.

From 2006–07 to 2010–11, the average length of total effective sentences for all people ranged from 4 years and 5 months in 2008–09 to 5 years and 8 months in 2009–10. Over the same period, the average length of non-parole periods ranged from 2 years and 7 months in 2008–09 to 3 years and 7 months in 2009–10.

Figure 13: The average total effective sentence and the average non-parole period imposed on people sentenced to imprisonment for causing serious injury intentionally, 2006–07 to 2010–11



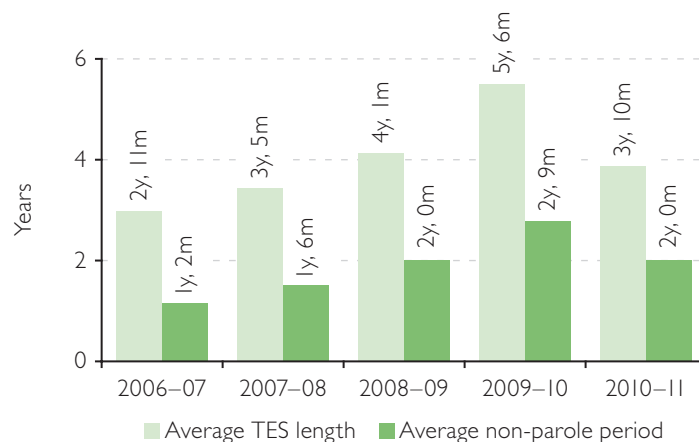
From 2006–07 to 2010–11, the average length of total effective sentences for men ranged from 4 years and 6 months in 2008–09 to 5 years and 8 months in 2009–10. Over the same period, the average length of non-parole periods for men ranged from 2 years and 8 months in 2008–09 to 3 years and 7 months in 2009–10.

Figure 14: The average total effective sentence and the average non-parole period imposed on men sentenced to imprisonment for causing serious injury intentionally, 2006–07 to 2010–11



The average length of total effective sentences for women ranged from 2 years and 11 months in 2006–07 to 5 years and 6 months in 2009–10. Over the same period, the average length of non-parole periods for women ranged from 1 year and 2 months in 2006–07 to 2 years and 9 months in 2009–10.

Figure 15: The average total effective sentence and the average non-parole period imposed on women sentenced to imprisonment for causing serious injury intentionally, 2006–07 to 2010–11



Total effective sentence of imprisonment by non-parole period

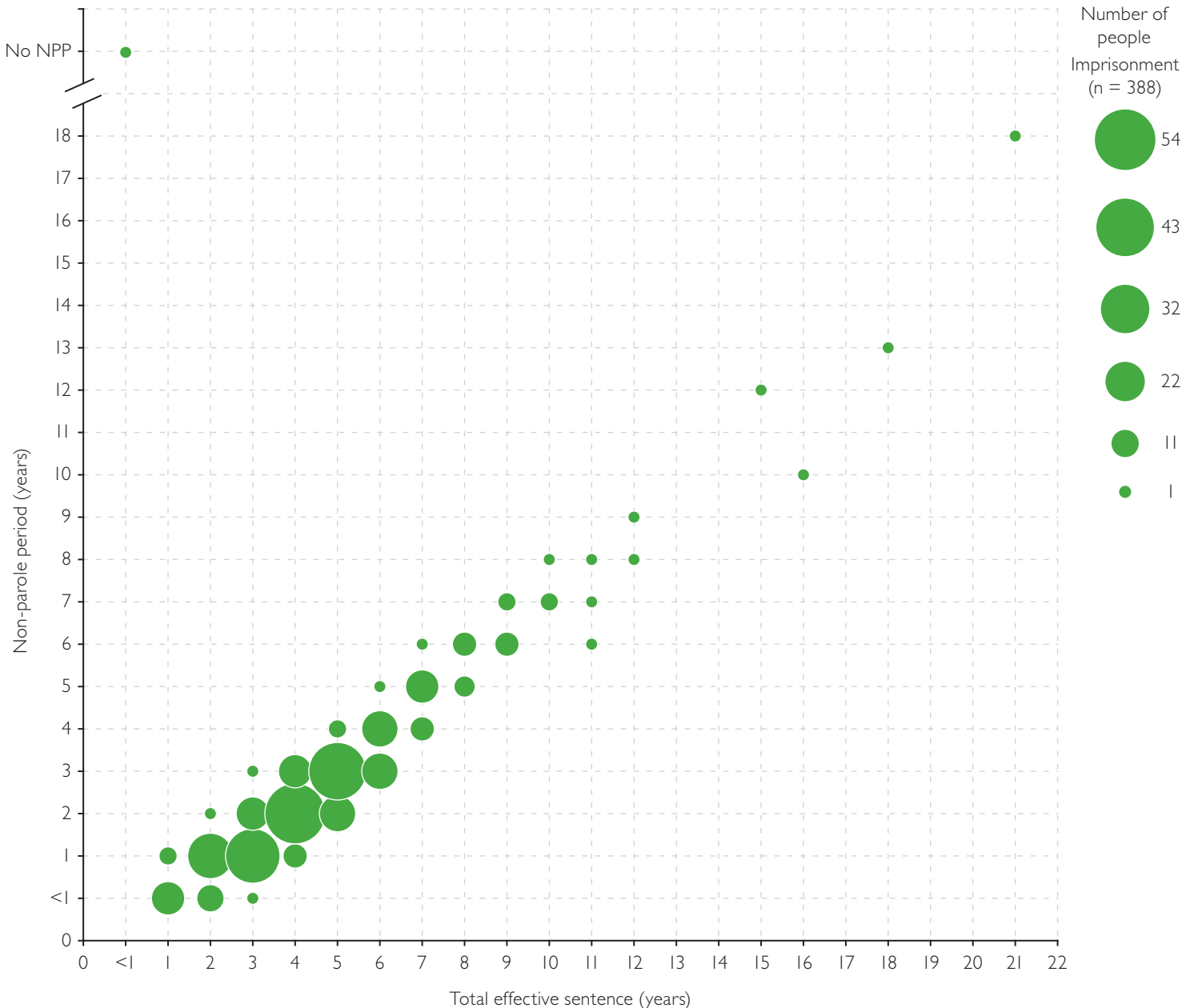
While Figures 11 and 12 present the lengths of the total effective sentences and non-parole periods separately, Figure 16 combines the two methods of describing sentence lengths in the one diagram. It shows the total effective sentence and non-parole period for causing serious injury intentionally for each individual person.

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. Sentence lengths and

non-parole periods that are longer than one year are rounded down to the nearest year of imprisonment, while sentence lengths and non-parole periods of less than one year are grouped into the '<1' year category. For example, a sentence length of 2 years and 6 months would be included as a sentence length of 2 years for the purpose of Figure 16.

As shown, the most common combination of imprisonment length and non-parole period imposed was 4 years with a non-parole period of 2 years (54 people – as represented by the largest 'bubble' on the chart). The length of imprisonment ranged from 5 days¹⁹ with no non-parole period to 21 years and 4 months with a non-parole period of 18 years.²⁰

Figure 16: The number of people sentenced to imprisonment for causing serious injury intentionally by the total effective sentence and the non-parole period imposed, 2006–07 to 2010–11



Note: No NPP refers to no non-parole period.

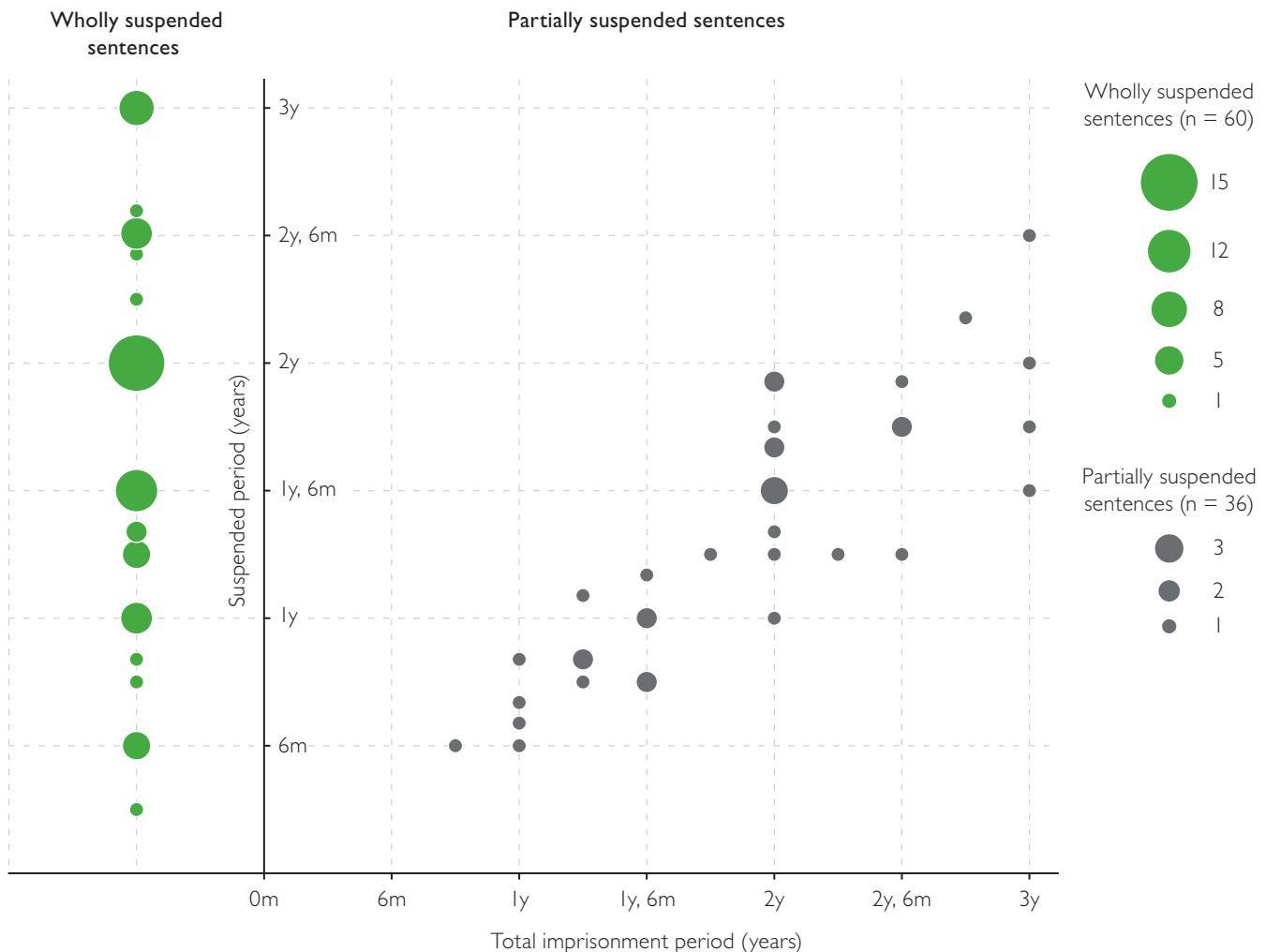
Suspended sentences of imprisonment

There were 96 people given a suspended sentence of imprisonment as their total effective sentence. Of these, 60 people had their prison sentence wholly suspended and 36 received a partially suspended sentence of imprisonment. Figure 17 shows the number of people with a suspended sentence of imprisonment as their total effective sentence by the suspended sentence type and length of sentence. The green 'bubbles' to the left of the vertical axis show the lengths of the wholly suspended sentences, while the grey 'bubbles' to the right of the vertical axis show the combination of total imprisonment length and the suspended period for those sentenced to a partially suspended sentence. The size of the bubble reflects the number of people who received either the wholly or the partially suspended prison term. Imprisonment lengths and suspended periods that end part way through a month are rounded down to the nearest complete month. For example, a wholly suspended sentence of 6 months and 12 days would be included as a sentence length of 6 months for the purpose of Figure 17.

Wholly suspended sentence lengths ranged from 3 months to 3 years. The most common wholly suspended sentence length was 2 years (15 people – as represented by the largest green 'bubble' on the chart).

Partially suspended sentences ranged from 9 months imprisonment with 6 months suspended to 3 years imprisonment with 2 years and 6 months suspended. The most common partially suspended sentence combination was 2 years imprisonment with 1 year and 6 months suspended (3 people – as represented by the largest grey 'bubble' on the chart).

Figure 17: The number of people given a wholly or partially suspended sentence of imprisonment for causing serious injury intentionally by sentence type and length, 2006–07 to 2010–11

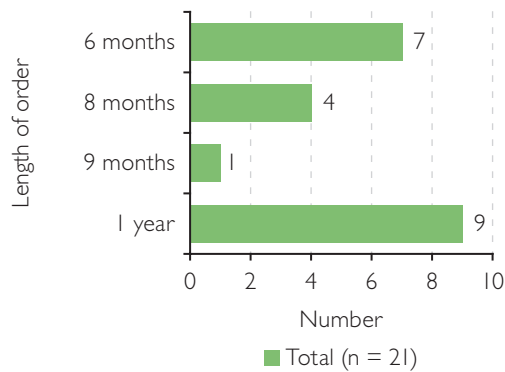


Intensive correction orders

There were 21 people given an intensive correction order as their total effective sentence.

The length of intensive correction orders for causing serious injury intentionally ranged from 6 months to 1 year, while the most common length was 1 year (9 people).

Figure 18: The number of people sentenced to an intensive correction order for causing serious injury intentionally by length of order imposed, 2006–07 to 2010–11

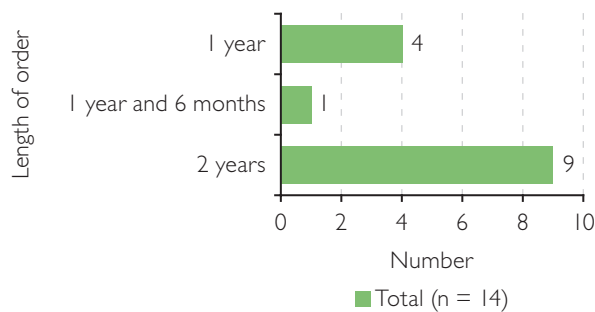


Community-based orders

There were 14 people given a community-based order as their total effective sentence.

The lengths of community-based orders for causing serious injury intentionally ranged from 1 year to 2 years, while the most common length was 2 years (9 people).

Figure 19: The number of people sentenced to a community-based order for causing serious injury intentionally by length of order imposed, 2006–07 to 2010–11



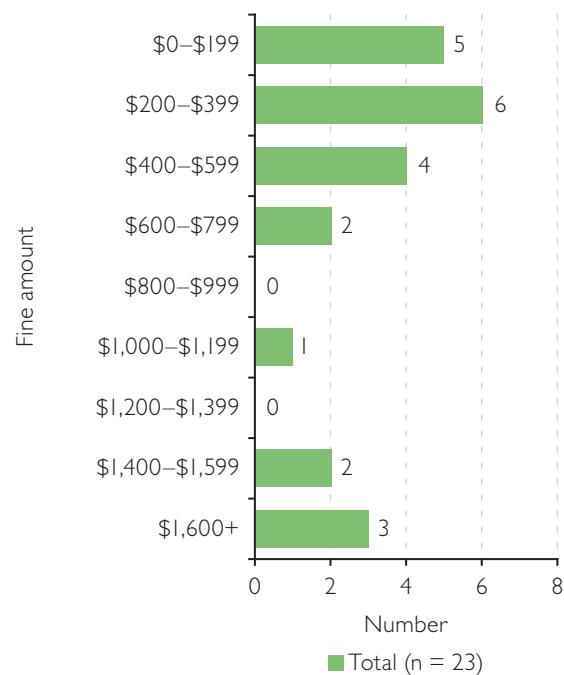
Fines

This analysis includes all fines that were imposed for cases where causing serious injury intentionally was the principal offence. Fines were imposed on 23 people.

The fine amount imposed ranged from \$100 to \$10,000, with a median of \$400 (meaning that half of the values fell below \$400 and half of the values were above \$400).

The average fine amount was \$1,035. Fines were only imposed against men.

Figure 20: The number of people who received a fine for causing serious injury intentionally by fine amount, 2006–07 to 2010–11



Appeals

A sentence imposed on a person may be appealed²¹ by that person or by the Crown. A person sentenced may also appeal against their conviction. All appeals made in relation to people sentenced in the higher courts are determined by the Court of Appeal.

Up to June 2011, 7 people sentenced for a principal offence of causing serious injury intentionally in the period 2006–07 to 2010–11 had successfully appealed their conviction, including 6 people granted a retrial and one person given an acquittal. The longest sentence in relation to which a conviction was overturned was a total effective sentence of 8 years and 6 months, with a non-parole period of 7 years. Thus, the number of people sentenced from 2006–07 to 2010–11 for a principal offence of causing serious injury intentionally is reduced to 589 people once appeals are considered.

As a result of successful appeals against sentence, the total effective sentence and/or the non-parole period changed for 37 people. Twenty-one of these appeals were made by the person sentenced and resulted in a sentence reduction. The greatest decrease occurred in a case that received a total effective sentence

of 10 years' imprisonment with a non-parole period of 7 years, which was changed to 7 years' imprisonment with a non-parole period of 4 years and 6 months. Sixteen successful appeals were made by the Crown and resulted in an increase in the total effective sentence. The largest increase occurred in a case that was originally given a total effective sentence of 2 years, which increased to 4 years and 6 months on appeal.

The principal sentence changed for 32 people as a result of a successful appeal, which comprised 17 cases receiving a sentence reduction and 15 receiving a sentence increase. The greatest decrease in principal sentences of imprisonment occurred in 2 cases, which were originally sentenced to 9 years' imprisonment and changed to 6 years on appeal. The greatest increase occurred in 2 cases, which were originally given 9 years' imprisonment and which were changed to 11 years and 6 months on appeal.

With the original sentencing data revised to incorporate appeal outcomes, the adjusted longest total effective imprisonment term remained at 21 years and 4 months²² and the adjusted median length remained at 4 years and 6 months. The adjusted longest non-parole period was also unchanged at 18 years²³ while the median slightly decreased to 2 years and 8 months.

The adjusted longest principal sentence of imprisonment was unchanged at 15 years,²⁴ and the adjusted median imprisonment term remained at 4 years.

Summary

Between 2006–07 and 2010–11, 596 people were sentenced for causing serious injury intentionally in the higher courts. Over this period, the majority of people sentenced were men (94%), while 62% were aged between 20 and 34 years.

The majority of the people sentenced for causing serious injury intentionally received a period of imprisonment (65%), while 10% received a wholly suspended sentence of imprisonment and 10% received a youth justice centre order.

Men were more likely than women to be sentenced to a period of imprisonment. Conversely, women were more likely to be sentenced to a wholly suspended sentence of imprisonment or given a non-custodial supervision order.

Imprisonment was most common for those aged 30 to 34 years while wholly suspended sentences of imprisonment were most common for those aged 40 to 44 years.

Each of the 596 people was sentenced for an average of 2.79 offences, including 1.09 offences of causing serious injury intentionally. The most common offence finalised in conjunction with causing serious injury intentionally was aggravated burglary (13.6% of all cases). The number and range of offences for which people with a principal offence of causing serious injury intentionally were sentenced help explain why imprisonment sentence lengths were longer for the total effective sentence than for the principal sentence. The median total effective imprisonment length was 4 years and 6 months, while the median principal imprisonment length was 4 years.

Total effective imprisonment lengths ranged from 5 days with no non-parole period to 21 years and 4 months with a non-parole period of 18 years. The most common sentence of imprisonment was 4 years with a non-parole period of 2 years.

The most common wholly suspended sentence length was 2 years.

A small number of people were able to successfully appeal against their sentences. When the results of the appeal outcomes are incorporated into the original sentencing data, the range of both total effective imprisonment lengths and principal imprisonment sentence lengths was unchanged.

Endnotes

1. This report presents sentencing outcomes for people sentenced for the principal offence of causing serious injury intentionally in the County and Supreme Courts of Victoria. The principal offence describes the offence proven that attracted the most serious sentence according to the sentencing hierarchy. The analysis will therefore exclude people sentenced for causing serious injury intentionally who received a more serious sentence for another offence forming part of the same presentment or indictment. There were 699 people sentenced from 2006–07 to 2010–11 for 767 offences of causing serious injury intentionally. Causing serious injury intentionally was the principal proven offence for 596 of these people.

This series of reports includes custodial and non-custodial supervision orders imposed under Part 5 of the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic)* as sentencing orders and in the count of people sentenced. These orders are not sentencing orders, as they are imposed in cases where the defendant is not guilty because of mental impairment. However, they are included in this report as they are an important form of disposition of criminal charges.

This Sentencing Snapshot is an update of Sentencing Snapshot no. 93, which describes sentencing trends for causing serious injury intentionally between 2004–05 and 2008–09.

2. The information source for sentencing outcomes for causing serious injury intentionally only contains information on age and gender characteristics. No other demographic analysis is possible using this data source.
3. The source data for the statistical information presented in this Snapshot were provided by the Business Intelligence area of the Courts and Tribunals unit within the Department of Justice (Vic). The Sentencing Advisory Council regularly undertakes extensive quality control measures for current and historical data. While every effort is made to ensure that the data analysed in this report are accurate, the data are subject to revision.
4. *Crimes Act 1958 (Vic)* s 16.
5. *Crimes Act 1958 (Vic)* s 15.
6. 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>.
7. Immediate custodial sentence includes imprisonment, youth justice centre order, partially suspended sentence, aggregate imprisonment, mix (imprisonment and community-based order) and hospital security order.

8. For offences committed between 1 November 2006 and 1 May 2011, a court was able to impose a wholly suspended sentence only if the court was satisfied that it was appropriate because of the existence of exceptional circumstances and that it was in the interests of justice. A court cannot impose a suspended sentence for an offence of causing serious injury intentionally committed on or after 1 May 2011 (*Sentencing Act 1991* (Vic) s 27(2B)).
9. Age is at the time of sentencing.
10. Some defendants who were under the age of 18 at the time of committing the alleged offence and who were not 19 years or older at the time proceedings commenced may have been dealt with in the Children's Court of Victoria.
11. Data presented in this section do not include imprisonment lengths for people who received an aggregate sentence of imprisonment. Sentence lengths for aggregate sentences of imprisonment apply to the whole case, while Figure 7 only deals with sentences of imprisonment for the principal proven offence of causing serious injury intentionally. During the 2006–07 to 2010–11 period, 2 people received an aggregate form of imprisonment.
12. This person was also placed on a community-based order for 2 years for his offending.
13. In 2007–08, a 35 year old man was sentenced for one count of causing serious injury intentionally. The judge remarked that the offence was 'a brutal assault resulting in permanent, disabling and catastrophic injury ... so extreme that even experienced criminals were sickened' and the offender had 'shown a complete lack of remorse'. The offender was given a total effective sentence of 15 years' imprisonment with a minimum non-parole period of 12 years.
14. All of the 390 people who were sentenced to imprisonment as the principal sentence were also given imprisonment as the total effective sentence. There were 2 additional people who received an aggregate sentence of imprisonment and who were also included in Figure 11.
15. See endnote 12.
16. During 2009–10, a 21 year old male was given a total effective sentence of 21 years and 4 months with a non-parole period of 18 years. The offender had engaged in several armed robberies over the course of a week, which also involved intentionally causing serious injuries to the victims. The judge remarked that the serious injuries, on several occasions, were inflicted even after the victim had agreed to hand over their money.
17. Two people were not eligible for parole because they were given a total effective sentence length of less than 1 year.
18. Four people were not given a non-parole period relating to that case alone, but a non-parole period that also related to other cases. It is not possible to determine the length of the non-parole period that relates to these cases. The non-parole periods for these people are excluded from the analysis.
19. See endnote 12.
20. See endnote 16.
21. Appeals data were collected by the Sentencing Advisory Council from transcripts of sentencing remarks of criminal appeals on the Australasian Legal Information Institute's website <www.austlii.gov.au>.
22. See endnote 16.
23. See endnote 16.
24. See endnote 13.

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Published by the Sentencing Advisory Council, Melbourne Victoria Australia.
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ISSN 1832-6153 (Print)
1836-6384 (Online)

Authorised by the Sentencing Advisory Council, Level 4, 436 Lonsdale Street, Melbourne.
Printed by BigPrint, 50 Lonsdale Street, Melbourne.

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