

Chapter 5

Sentencing trends for Other Offences

Sentencing trends for 'other' offences

This offence group comprises a large number of specific offence categories that cannot be classified as an offence against the person, a property offence or a drug offence. Some of the offence categories include justice procedure, weapons and explosives, harassment, and traffic offences.

Over 50% of offences within this offence group fall in the 'other' category. The total number of defendants sentenced for an 'other' principal proven offence type in the Higher Courts increased by more than 89% from 71 defendants in 2001/02 to 134 defendants in 2005/06. The increase in the number of defendants finalised did see some variability in numbers between offences from year to year.

The proportion of defendants sentenced to a weapons/explosives offence increased from 4% in 2001/02 to 15% in 2005/06 or, from 3 to 20 respectively.

Table 5.1

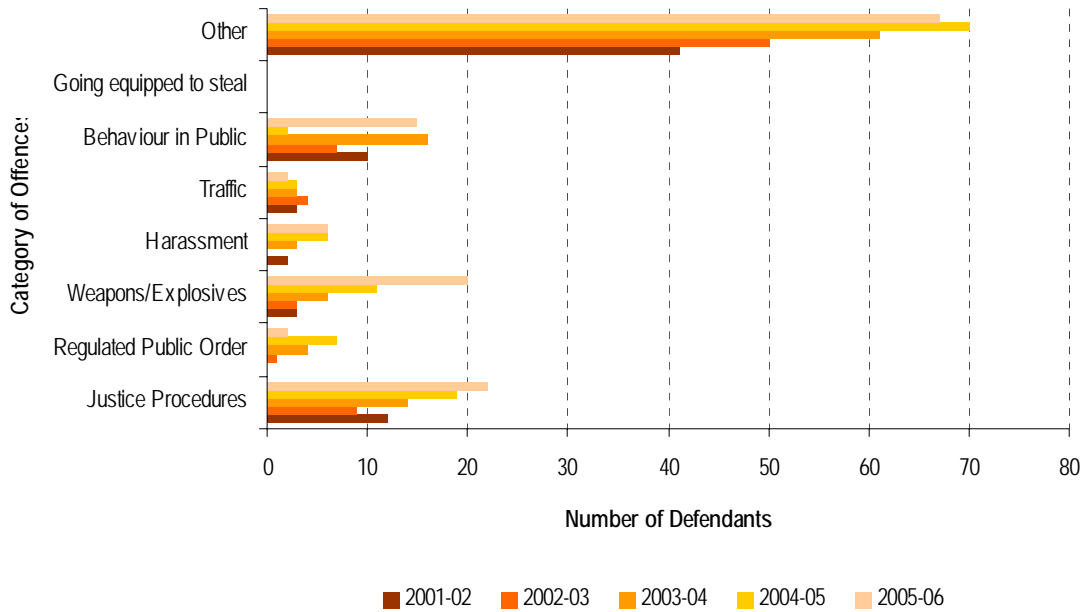
Defendants found guilty where the principal proven offence was an 'other' offence, by category of principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Justice Procedures	12	9	14	19	22
Regulated Public Order	-	1	4	7	2
Weapons/Explosives	3	3	6	11	20
Harassment	2	-	3	6	6
Traffic	3	4	3	3	2
Behaviour in Public	10	7	16	2	15
Going equipped to steal	-	-	-	-	-
Other	41	50	61	70	67
<i>Total</i>	<i>71</i>	<i>74</i>	<i>107</i>	<i>118</i>	<i>134</i>
	<i>Percent</i>				
Justice Procedures	17%	12%	13%	16%	16%
Regulated Public Order	-	1%	4%	6%	1%
Weapons/Explosives	4%	4%	6%	9%	15%
Harassment	3%	-	3%	5%	4%
Traffic	4%	5%	3%	3%	1%
Behaviour in Public	14%	9%	15%	2%	11%
Going equipped to steal	-	-	-	-	-
Other	58%	68%	57%	59%	50%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Sentencing trends for other Offences, continued

Figure 5.1

Number of defendants found guilty where the principal proven offence was an 'other' offence, by category of principal proven offence, 2001/02-2005/06



Sentencing trends for other Offences, continued

Total offences found proven

The trends for the total offences found proven have shown an increase in the number of offences found proven over the period. Interestingly, behaviour in public and going equipped to steal offences which did not appear as principal proven offences have been found proven in the Higher Courts.

Many more offences in the 'other' offence group are found guilty when looking at the total offences found proven. The offence categories of justice procedures and weapons/explosives in 2005/06 included 22 and 20 defendants found guilty respectively when looking at the principal proven offence, but had 115 and 160 offences found proven when looking at all offences.

Table 5.2

Total number of offences found proven where the offence was an 'other' offence, by offence category, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Justice Procedures	76	100	98	72	115
Regulated Public Order	6	11	22	50	59
Weapons/Explosives	65	76	102	144	160
Harassment	11	16	16	22	13
Traffic	72	167	163	117	108
Behaviour in Public	23	11	23	7	22
Going equipped to steal	15	16	14	8	6
Other	80	80	126	109	117
<i>Total</i>	<i>348</i>	<i>477</i>	<i>564</i>	<i>529</i>	<i>600</i>
	<i>Percent</i>				
Justice Procedures	22%	21%	17%	14%	19%
Regulated Public Order	2%	2%	4%	9%	10%
Weapons/Explosives	19%	16%	18%	27%	27%
Harassment	3%	3%	3%	4%	2%
Traffic	21%	35%	29%	22%	18%
Behaviour in Public	7%	2%	4%	1%	4%
Going equipped to steal	4%	3%	2%	2%	1%
Other	23%	17%	22%	21%	20%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Other (Offence Category)

As well as an offence group being known as 'other', within this offence group there is an offence category also known as 'other'. The most common types of offences falling in this offence category include failing to maintain and safe workplace, blackmail and importing a prohibited import. The seriousness of offences falling under this category vary significantly.

Principal proven offence

In 2005/06 there were 67 defendants found guilty where the principal proven offence was an 'other' offence. This is an increase of 63% from 2001/02. Between 2001/02 and 2005/06:

- Over half of all defendants received a custodial sentence with imprisonment being the most common custodial sentencing disposition in 2005/06 with 39%;
- Fines and adjourned undertakings accounted for over 20% of sentences imposed, except in 2001/02 (14%).

Table 5.3

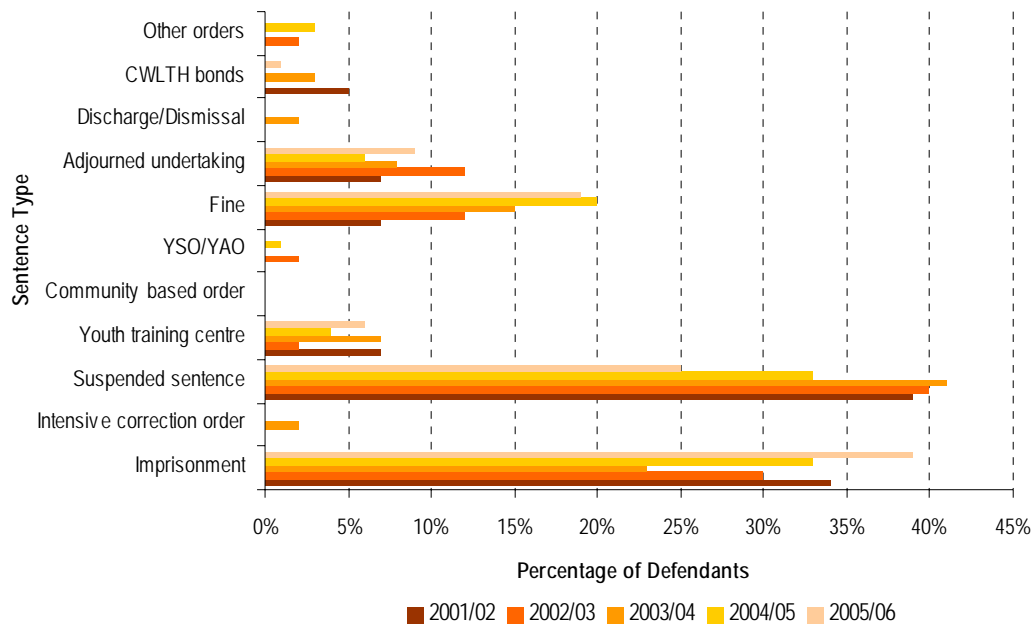
Sentence types imposed where the principal proven offence was an 'other' offence type, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	14	15	14	23	26
Intensive correction order	-	-	1	-	-
Suspended sentence	16	20	25	23	17
Youth training centre	3	1	4	3	4
Community based order	-	-	-	-	-
YSO/YAO	-	1	-	1	-
Fine	3	6	9	14	13
Adjourned undertaking	3	6	5	4	6
Discharge/Dismissal	-	-	1	-	-
CWLTH bonds	2	-	2	-	1
Other orders	-	1	-	2	-
<i>Total</i>	<i>41</i>	<i>50</i>	<i>61</i>	<i>70</i>	<i>67</i>
	<i>Percent</i>				
Imprisonment	34%	30%	23%	33%	39%
Intensive correction order	-	-	2%	-	-
Suspended sentence	39%	40%	41%	33%	25%
Youth training centre	7%	2%	7%	4%	6%
Community based order	-	-	-	-	-
YSO/YAO	-	2%	-	1%	-
Fine	7%	12%	15%	20%	19%
Adjourned undertaking	7%	12%	8%	6%	9%
Discharge/Dismissal	-	-	2%	-	-
CWLTH bonds	5%	-	3%	-	1%
Other orders	-	2%	-	3%	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Other, (Offence Category) continued

Figure 5.2

Proportion of sentence types imposed where the principal proven offence was an 'other' offence type, 2001/02-2005/06



Other, (Offence Category) continued

Imprisonment length for principal proven offence

Due to the variety of other offences included in this category the length of imprisonment varied significantly. The average imprisonment lengths ranged from 31 months to 69 months over the five year period. The maximum imprisonment length also varied significantly between 54 months (4.5 years) and life imprisonment.

Table 5.4

Defendants sentenced to imprisonment, and length of term of imprisonment, where the principal proven offence was an 'other' offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
<i>Number</i>					
0<1 year (0 - 11.9 months)	-	2	2	3	4
1<2 years (12 - 23.9 months)	1	1	4	1	4
2<3 years (24 - 35.9 months)	1	3	2	-	2
3<4 years (36 - 47.9 months)	3	2	2	1	3
4<5 years (48 - 59.9 months)	2	4	5	1	1
5<10 years (60 - 119.9 months)	6	3	-	16	11
10<15 years (120 - 179.9 months)	1	-	-	1	-
15<20 years (180 - 239.9 months)	-	-	-	-	1
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	1	-
<i>Total</i>	<i>14</i>	<i>15</i>	<i>15</i>	<i>24</i>	<i>26</i>
<i>Percent</i>					
0<1 year (0 - 11.9 months)	-	13%	13%	13%	15%
1<2 years (12 - 23.9 months)	7%	7%	27%	4%	15%
2<3 years (24 - 35.9 months)	7%	20%	13%	-	8%
3<4 years (36 - 47.9 months)	21%	13%	13%	4%	12%
4<5 years (48 - 59.9 months)	14%	27%	33%	4%	4%
5<10 years (60 - 119.9 months)	43%	20%	-	67%	42%
10<15 years (120 - 179.9 months)	7%	-	-	4%	-
15<20 years (180 - 239.9 months)	-	-	-	-	4%
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	4%	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	12	6	0.5	2	6
Maximum (months)	156	96	54	Life	180
Average (months)	63	44	31	69	51
90th percentile (months)	96	96	48	108	108

Other, (Offence Category) continued

Total Effective Sentence

Due to the variability of sentence lengths from year to year no real trend was evident. Where defendants were sentenced to imprisonment on the principal proven offence, the minimum total effective sentence of imprisonment was 2 weeks in 2003/04, and the maximum sentence of imprisonment was life in 2004/05. The life imprisonment sentence was imposed for an offence of conspiracy to import a prohibited import. The type of goods to be imported was not specified.

Table 5.5

Defendants sentenced to imprisonment, by total effective sentence, where the principal proven offence category was 'other', 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
<i>Number</i>					
0<1 year (0 - 11.9 months)	-	1	2	2	3
1<2 years (12 - 23.9 months)	-	1	1	1	2
2<3 years (24 - 35.9 months)	1	2	2	-	3
3<4 years (36 - 47.9 months)	1	3	2	1	4
4<5 years (48 - 59.9 months)	4	4	4	1	-
5<10 years (60 - 119.9 months)	6	1	3	16	12
10<15 years (120 - 179.9 months)	1	2	-	1	-
15<20 years (180 - 239.9 months)	-	-	-	-	1
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	1	-
<i>Total</i>	<i>13*</i>	<i>14*</i>	<i>14*</i>	<i>23*</i>	<i>25*</i>
<i>Percent</i>					
0<1 year (0 - 11.9 months)	-	7%	14%	9%	12%
1<2 years (12 - 23.9 months)	-	7%	7%	4%	8%
2<3 years (24 - 35.9 months)	8%	14%	14%	-	12%
3<4 years (36 - 47.9 months)	8%	21%	14%	4%	16%
4<5 years (48 - 59.9 months)	31%	29%	29%	4%	-
5<10 years (60 - 119.9 months)	46%	7%	21%	70%	48%
10<15 years (120 - 179.9 months)	8%	14%	-	4%	-
15<20 years (180 - 239.9 months)	-	-	-	-	4%
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	4%	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	30	9	0.5	3	6
Maximum (months)	156	132	72	Life	180
Average (months)	70	52	41	71	55
90th percentile (months)	96	126	72	108	108

* The total does not match the total for the table relating to the principal proven offence due to counting rules relating to the sentence hierarchy (see Appendix A – paragraphs 39 - 41).