



No. 174

Imprisonment in Australia: Sentenced Populations

Carlos Carcach and John Chisholm

Australia's imprisonment rate per 100,000 population has risen from 89.8 in 1982 to 139.2 in 1998 (Carcach and Grant 1999). The total prison population is made up of two different groups—those on remand and those in prison under sentence. Sentenced prisoners constitute the majority of persons held at correctional institutions, and thus have a major impact on the size of the total prison population. In Australia, about 85 per cent of the persons held in prison are sentenced. The rate at which sentenced prisoners are admitted to the correctional system and the time they spent under detention are the main factors affecting the size of prison populations at a given point in time.

Analysis of the size, composition and evolution of sentenced prison populations is important not only to understand variations in the total number of prisoners but also to gain knowledge about the impact of sentencing and correctional policies. Sentenced admissions are primarily a function of sentencing policies and practices. The time a person spends in prison, though also dependent upon sentencing policies and practices, is a function of correctional policies associated with parole and early release mechanisms.

This paper uses data from the National Prison Census (Australian Institute of Criminology (AIC) 1982–93; Australian Bureau of Statistics (ABS) 1994–98) to examine trends and characteristics associated with sentenced prison populations. Interest focuses on the proportion of sentenced prisoners in the total prison population and its evolution over time. The paper discusses the main characteristics of Australian sentenced prison populations in order to identify major changes over the period from 1982 to 1998.

Adam Graycar
Director

According to the counting rules used in conducting the prison census, the legal status of prisoners is determined from the warrant(s) or court order(s) providing the legal basis for the detention in custody of the offender (ABS 1998). At census date—30 June each year—offenders, according to legal status, are classified into one of the categories below.

Under Sentence: no appeal current; awaiting appeal; or unfit to plead, not guilty on grounds of insanity, or preventive detention.

Unsentenced: unconvicted—awaiting court hearing/trial; awaiting sentence; or awaiting deportation.

Offenders may have dual or even multiple legal status, as more than one type of warrant may have been issued against them. An inmate can be under sentence for some offences and awaiting results for others. During the period from 1982 to 1998, there have not been significant changes to the rules used to establish the legal status of prisoners at census date. A description of these rules can be found in ABS 1998.

Caution must be exercised when analysing the legal status of prisoners using census data. Unless the person is under detention for a single offence, it is impossible to determine the exact offence for which he/she is in custody and the legal status for each of these

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offences. Moreover, for prisoners with dual status, it is not possible to uniquely associate the current legal status with offences, as the census records the most serious offence only. The recorded legal status may correspond to an offence other than the most serious offence. As an example, a person may be sentenced for an offence of theft, but he/she may be on remand for another more serious offence such as assault.

The definition of sentenced inmates used in this study includes any person who is under detention with no appeal current or awaiting appeal or unfit to plead or not guilty on the grounds of insanity and preventive detention, and so on.

Sentenced Populations

As shown by Table 1, for Australia, the proportion of prisoners counted on 30 June each year who were under sentence has remained relatively stable during the 16 years from 1982 to 1998. As shown in Figure 1, the percentage of sentenced prisoners in the Australian states and territories seem to have followed different patterns compared to the Australian total.

Table 1: AUSTRALIA, STATES AND TERRITORIES, 1982-1998. Sentenced Prisoners¹ as a Percentage of Total Prisoners at Census Date

	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	AUS
1982	86.0	88.2	93.0	93.1	87.6	92.4	93.9	- ²	89.8
1983	84.3	89.8	90.6	93.1	84.4	85.7	82.8	- ²	88.1
1984	85.0	88.6	89.8	92.2	80.5	86.4	81.9	63.2	87.4
1985	84.3	86.6	89.0	90.7	75.2	89.1	82.0	77.5	85.8
1986	84.9	87.9	89.0	90.1	76.5	88.0	83.0	69.9	86.3
1987	84.8	86.2	91.2	88.1	76.0	84.6	89.1	65.7	86.2
1988	83.6	86.7	90.3	88.2	76.2	88.2	86.9	79.7	85.7
1989	85.5	85.9	91.4	88.6	78.6	88.2	87.2	58.0	86.6
1990	86.2	83.7	91.2	89.4	76.7	85.3	83.8	72.4	86.2
1991	87.7	82.7	90.0	90.4	72.8	87.1	88.4	84.8	86.5
1992	89.6	83.9	91.7	89.6	74.8	87.7	92.0	80.4	87.9
1993	89.4	87.2	87.5	88.8	78.7	86.0	92.0	85.7	87.9
1994	90.0	86.8	87.0	90.0	83.8	85.2	86.8	78.2	88.4
1995	90.2	85.9	88.4	88.2	84.0	81.2	88.1	80.4	88.2
1996	88.8	84.3	87.5	88.9	81.6	82.9	84.2	70.5	87.0
1997	87.0	84.1	88.3	87.1	81.9	87.0	88.1	74.8	86.4
1998	85.7	84.7	87.4	87.2	81.9	81.4	85.5	78.4	85.6

(1) Sentenced prisoners include all those persons currently under sentence and/or awaiting appeal.

(2) Percentage of sentenced prisoners cannot be calculated for the ACT because of the impossibility to separate ACT prisoners held in NSW prisons.

Source: AIC, National Prison Census 1998; ABS, Prisoners in Australia 1998.

Factors Affecting Trends in Sentenced Prisoner Populations

Sentenced prisoners represent a sizeable proportion of the total prison population, so they are expected to have a significant impact on imprisonment rates. Carcach and Grant (1999) discuss some of the factors affecting general imprisonment rates.

The rate of sentenced admissions and the length of time sentenced prisoners spend under detention are the main determinants explaining size and movements in sentenced prison populations. These variables play a crucial role in some of the best-known prison population models (Stollmack 1973; Blumstein et al. 1980), where they are seen as a function of two factors.

- Legislative changes, which can affect both the sentence length and the use of alternative sanctions.
- Executive decisions regarding parole and early release mechanisms.

Assessing the effect that these factors have upon both aggregate sentence lengths and expected times to serve is a complex exercise. Examination of trends in sentence length and expected times to serve is a first step in this process.

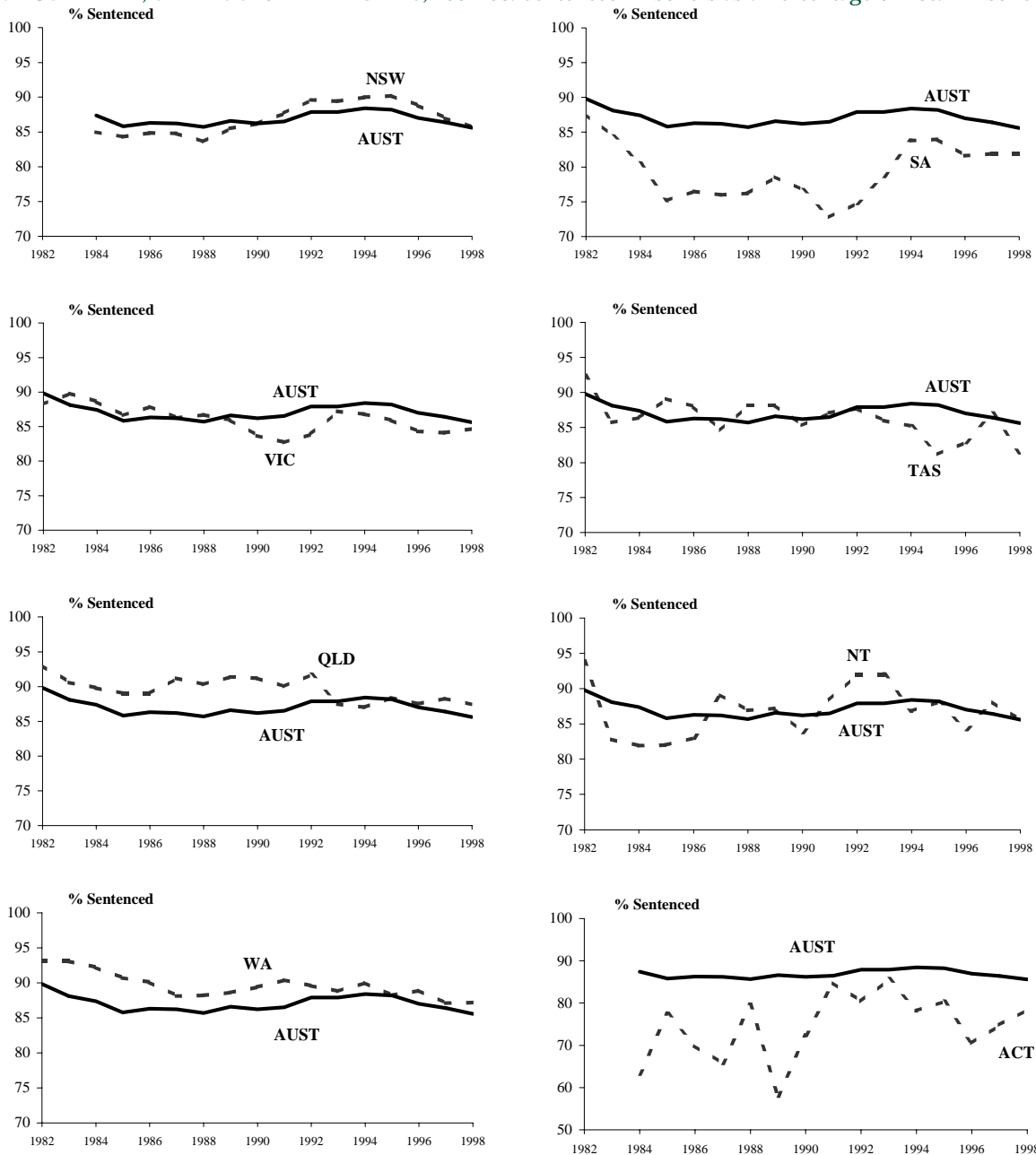
Most Serious Offence

The impact that length of sentence and length of stay may have on the size of prison populations depends to a greater extent on the offence composition. Prisoners serving sentences for serious offences are expected to stay under detention for relatively long periods of time. These prisoners are expected to have a major impact on the size of a prison population, in particular if they arrive in larger numbers than prisoners sentenced to less serious offences. On the other hand, sentenced receptions may be dominated by prisoners convicted for less serious offences, which may attract relatively short periods of imprisonment, who arguably might have a lower impact on imprisonment rates in the long term.

Figure 2 shows the distribution of sentenced prisoners according to most serious offence of imprisonment. Nationally, there have been some changes to the offence composition of the sentenced prison population. Offences against the person, robbery and drug offences, which usually attract harsher sentences, have increased the proportion of prisoners from 51 per cent in 1988 to 57 per cent in 1998. For these offences, both the average sentence length and the average length of stay have increased between 1988 and 1998, the former by 14 months (22%) relative to 1988, and the latter by 3 months (6%) relative to 1988. Also, for these offences, the number of sentenced prisoners has increased by an average 85 per cent between 1988 and 1998.

For the remaining offences, which are considered as less serious than offences against the person, robbery and drug offences, the sentenced prison population has increased by an average 42 per cent, the median sentenced length has increased by 5.5 per cent, and the median length of stay has remained stable between 1988 and 1998.

Figure 1: AUSTRALIA, STATES and TERRITORIES, 1982-98. Sentenced Prisoners as a Percentage of Total Prisoners

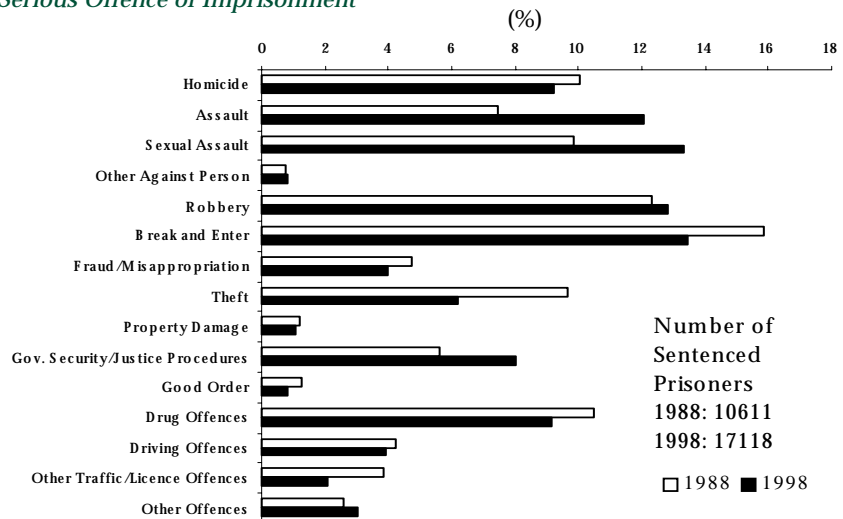


(1) Vertical scale starts at 70 per cent for all states and territories, except ACT, which starts at 50.
 Source: AIC, National Prison Census 1998; ABS, Prisoners in Australia 1998.

Aggregate Sentence Length and Most Serious Offence

Figure 3 shows the median aggregate sentence length for sentenced prisoners by most serious offence and jurisdiction, according to the prisoner counts at the 1988 and 1998 census. For New South Wales, data include Australian Capital Territory prisoners serving sentences in New South Wales prisons. Prisoners with indeterminate and periodic detention sentences were excluded from the calculation of the median aggregate sentence length.

Figure 2: AUSTRALIA, Sentenced Prisoners, 1988 and 1998. Distribution by Most Serious Offence of Imprisonment



Source: AIC, National Prison Census 1998; ABS, Prisoners in Australia 1998.

Nationally, there has been a decline in median aggregate sentence length over the majority of offences between 1988 and 1998, with the exception of homicide and fraud/misappropriation. This trend is not uniform across jurisdictions (Figure 3).

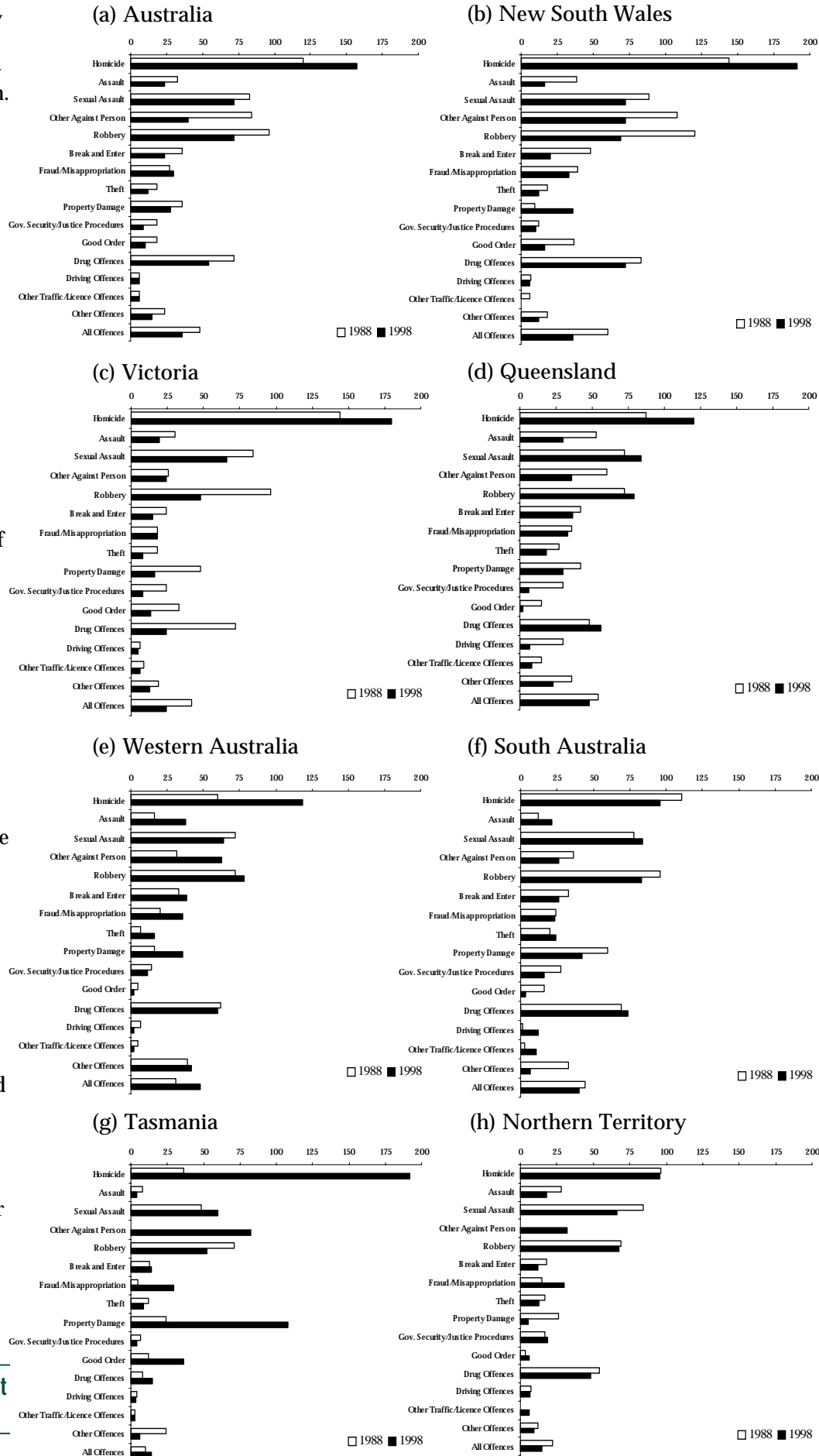
South Australia is the only jurisdiction that recorded a decline in the median aggregate sentence length for homicide, while the Northern Territory remained unchanged. The increase in the median sentence length for fraud/misappropriation seems to have been caused by increases in the medians for Western Australia, Tasmania and the Northern Territory.

Besides homicide, property damage was the only offence recording an increase in length of sentence in New South Wales. Victoria has experienced reductions in the median sentence length across all offences, except for homicide. In Queensland, increases to median length of sentence have occurred for the offences of homicide, sexual assault, robbery and drug offences.

Western Australia has recorded increases in the sentence length for homicide, robbery, break and enter, fraud/misappropriation, property damage and other offences. Note that, together with Tasmania, it has experienced an overall increase in the median sentence length.

In South Australia, the median sentence length increased for sexual assault and drug offences. Tasmania recorded increases in sentence length for homicide, sexual assault, property damage and good order offences. In the Northern Territory, the only offence that had an increase in its median length of sentence was fraud/misappropriation.

Figure 3: AUSTRALIA, STATES AND TERRITORIES, 1988–1998
 Median Aggregate Sentence Length (Months) and Most Serious Offence



Expected Time to Serve and Most Serious Offence

The expected time to serve is the period of imprisonment that a sentenced prisoner is expected to

Source: AIC, National Prison Census 1998; ABS, Prisoners in Australia 1998.

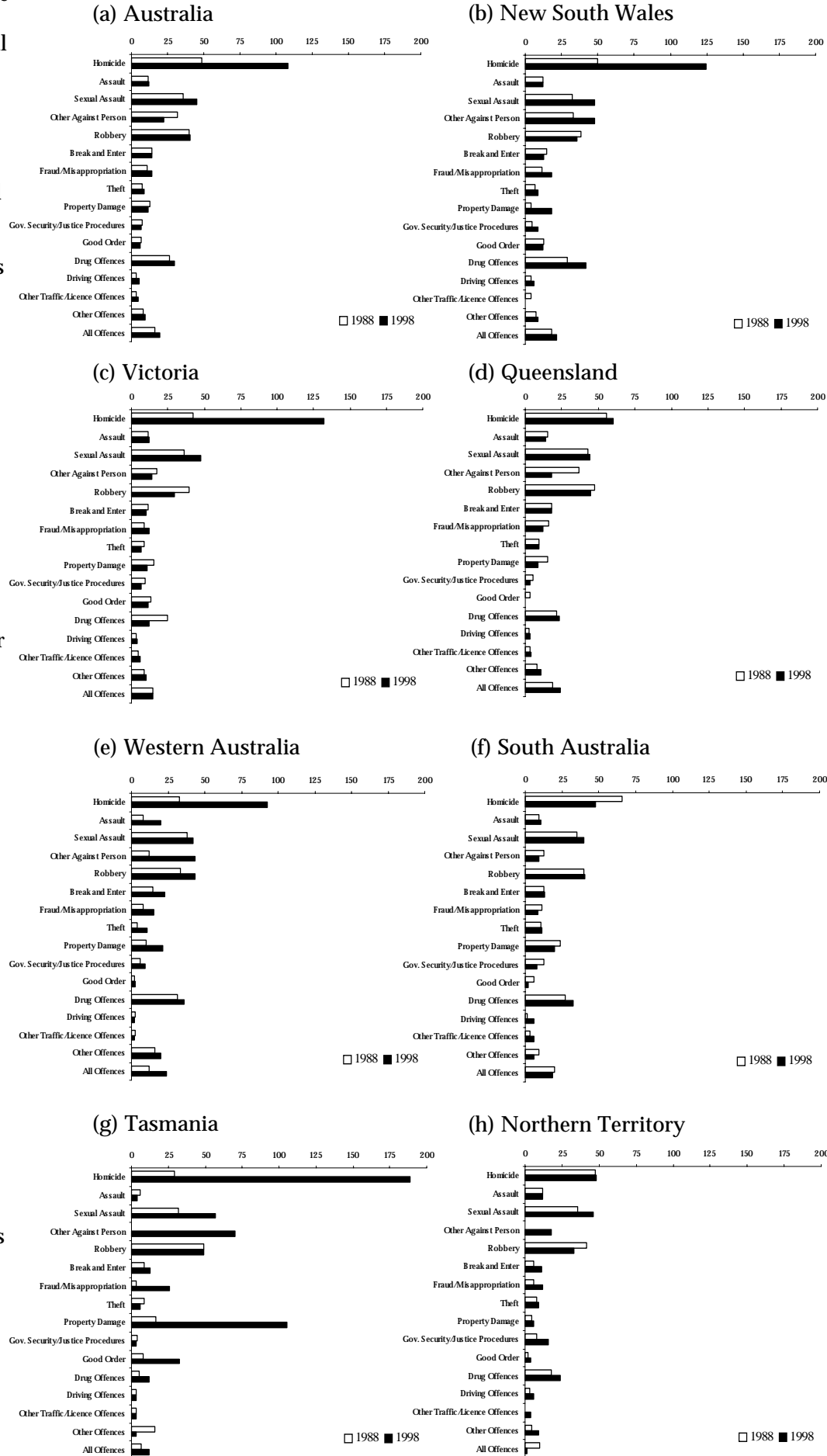
serve. In most cases, it refers to the time elapsed between the date of reception and the earliest date of release. There are jurisdictional differences in the calculation of the earliest date of release. Refer to ABS (1998) for a detailed description of these rules.

As shown by Figure 4, the overall national median expected time to serve has increased between 1988 and 1998. This seems to be the effect of increases in expected times to serve for homicide, sexual assault, fraud/misappropriation and drug offences. Patterns of increase in median expected time to serve vary across jurisdictions.

Western Australia has experienced an increase in the median expected time to serve across all offences. The Northern Territory recorded increased expected times to serve for the majority of offences, the exceptions being homicide, assault and robbery. On the other hand, median expected times to serve show the opposite trend in South Australia, with the exception of homicide and drug offences. Queensland has experienced reductions in expected times to serve across most offences except for homicide, sexual assault, drug offences and driving and other traffic offences. In Victoria, homicide, sexual assault and fraud/misappropriation are the only offences for which expected times to serve have increased between 1988 and 1998, New South Wales and Tasmania have experienced increases for homicide, sexual assault, fraud/misappropriation and drug offences.

Given the different trends observed for median aggregate and expected sentence length it is difficult to make definitive statements. Nevertheless as the latter reflects more closely the actual length of stay, we may tentatively conclude that the increase in the median expected length of stay has been a contributing factor in explaining the increase in Australia's imprisonment rate between 1988 and 1998.

Figure 4: AUSTRALIA, STATES AND TERRITORIES, 1988–1998.
Median Expected Time to Serve (Months) and Most Serious Offence



Source: AIC, National Prison Census 1998; ABS, Prisoners in Australia 1998.

The increase in median expected time to serve compared to the a decrease in the median aggregate sentence length, for many crimes across most jurisdictions, could be a reflection of changes in remission and other sentence reduction policies over the period under study. Most jurisdictions have changed their remission and sentencing reduction policies between 1988 and 1998, so the observed variations are not surprising. These results suggest that irrespective of jurisdictional differences in these respects, the net effect seems, in general, to have been the same as indicated by the national trend—a reduction in aggregate sentences together with an increase in effective time served.

Conclusion

This paper has examined trends in Australian sentenced prisoner populations covering the National Prisoner Census years from 1982 to 1998. The percentage of sentenced prisoners has fallen between these two periods; this corresponds to the rise in remand prisoner populations over the same period (Carcach and Grant 2000).

A breakdown of sentenced prisoner populations by jurisdiction reveals that the national trend is not uniform across Australia. Some jurisdictions have had a higher proportion of sentenced prisoners to total prisoners than the national average; for instance, Western Australia. Others have always been below the national average; for instance, South Australia and the Australian Capital Territory. The remaining jurisdictions have oscillated around the national average. Because it comprises over one third of Australia's total population the changing trends that have occurred within New South Wales have had a major impact in determining the national trend.

The paper has also explored changes between the period from 1988 to 1998 in the median aggregate sentence lengths and the median expected time to serve for the sentenced prisoner populations. There has been an overall percentage decrease of approximately 25 per cent in the median aggregate sentence lengths for total offences, this trend has not been consistent across different offences and/or jurisdictions. For Australia as a whole, there has been an overall percentage increase of approximately 23 per cent in the median expected time to serve for total offences. This increase occurred in all jurisdictions except for South Australia, which experienced a marginal decline.

In general, the median expected time to serve tended to increase for the most serious offences, which account for the majority of sentenced prisoners.

The results from this study suggest a great deal of variation in sentencing policies and practices among the jurisdictions. Executive policies regarding the time that sentenced prisoners spend under detention tend to show more consistency across jurisdictions. Nevertheless, the increase in median expected times to serve, in particular for those offences attracting longer terms of imprisonment, suggests that the length of sentences imposed is a major determinant of the increase in Australian prison populations.

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