

No 7: Burglary and Aggravated Burglary

Dr Lorana Bartels University of Canberra

Summary - Burglary Magistrates Court

- There were 100 sentences imposed in the Magistrates Court between 1 July 2012 and 31 August 2015 for burglary
- The most common penalty was a prison sentence, imposed in 52% of cases. The midpoint sentence length was 11 months and the most common term was 12 months (17% of prison sentences and 9% of all sentences for this offence)
- The second most common penalty was a fully suspended sentence (19% of sentences), with midpoint and most common length of 12 months (47% of fully suspended sentences and 8% of all sentences)
- Partly suspended sentences and good behaviour orders (GBOs) were each imposed in 13% of cases
- Males accounted for 86% of offenders
- The most common age for offenders was 18-20
- 87% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on their fourth or fifth occasion before a magistrate, and it took 6-10 appearances to finalise the matter
- 65% of offenders initially pleaded guilty; this rose to 86% for the final plea

Childrens Court

- There were 116 sentences imposed in the Childrens Court for burglary
- The most common penalty was a GBO, imposed in 28% of cases. The midpoint and most common length was 12 months, accounting for 55% of such orders and 16% of all sentences
- The next most common penalty was an 'other' sentence, imposed in 23% of cases
- Prison sentences were imposed in 21% of cases. The midpoint sentence was 9 months and the most common length was 12 months (43% of prison terms and 7% of all sentences)
- Fully suspended sentences accounted for 16% of sentences. The midpoint and most common term was 6 months (42% of such sentences and 7% of all sentences)
- Males accounted for 96% of offenders
- The most common age for offenders was 16-17
- 91% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on the second occasion before a magistrate, and it took 6-10 appearances to finalise the matter
- 86% of offenders initially pleaded guilty; this rose to 100% for the final plea

Introduction

This sentencing snapshot presents an overview of sentencing patterns in the Australian Capital Territory (ACT) Magistrates Court and Children's Court between 1 July 2012 and 31 August 2015 for the offences of burglary and aggravated burglary, based on data in the ACT Sentencing Database (ACTSD).

The offence of burglary is found in section 311 of the *Criminal Code 2002* (ACT) (the Code), which provides in relevant part:

- (1) A person commits an offence (burglary) if the person enters or remains in a building as a trespasser with intent—
- (a) to commit theft of any property in the building; or
 - (b) to commit an offence that involves causing harm, or threatening to cause harm, to anyone in the building; or
 - (c) to commit an offence in the building that—
 - (i) involves causing damage to property; and
 - (ii) is punishable by imprisonment for 5 years or longer.

Maximum penalty: 1 400 penalty units, imprisonment for 14 years or both.

1. *Crimes Act 1900* (ACT) s 375(15)(a).
2. *Crimes Act 1900* (ACT) s 375(16)(a).
3. Some options may not be available or suitable for all offences.

The offence of aggravated burglary is found in section 312 of the Code, which provides:

- A person commits an offence (aggravated burglary) if the person—
- (a) commits burglary in company with 1 or more people; or
 - (b) commits burglary and, at the time of the burglary, has an offensive weapon with him or her.

Maximum penalty: 2 000 penalty units, imprisonment for 20 years or both.

At the time of writing, a penalty unit was worth \$150, so the maximum fine for an offender convicted of burglary was \$210 000. The maximum fine for aggravated burglary was \$300 000. However, if either offence is finalised in the Magistrates Court, the maximum penalty is a fine of \$15 000 and/or imprisonment for 5 years¹. If the offence is finalised in the Children's Court, the maximum penalty is a fine of \$5 000 and/or imprisonment for 2 years.²

Sentencing options in the ACT are set out in section 9 of the *Crimes (Sentencing) Act 2005* (ACT), which provides in relevant part:

- (1) The penalty a court may impose for an offence is the penalty provided under this Act or any other territory law...³

Note 1 Under this Act, a court has the following sentencing and non-conviction options:

- imprisonment served by full-time detention at a correctional centre or detention place
- imprisonment served by periodic detention at a correctional centre
- suspension of a sentence of imprisonment
- good behaviour order
- fine order
- driver licence disqualification order
- non-conviction order
- reparation order
- non-association order
- place restriction order
- deferred sentence order
- accommodation order (young offenders only).

Note 2 A court may also impose a combination sentence combining 2 or more of the options listed in note 1 or otherwise available under a territory law.

When sentencing an offender, judicial officers are required to take a number of factors into account, including the nature and circumstances of the offence; the injury caused by the offence and impact on the victim; whether the offender pleaded guilty; and the offender’s cultural background, character, prior criminal record, age and physical or mental condition.⁴

Magistrates Court - Burglary

As set out in Table 1, there were 100 sentences imposed in the Magistrates Court between 1 July 2012 and 31 August 2015 for the offence of burglary (under section 311 of the Code). The most common penalty was a prison sentence, accounting for 52% of sentences. The second most common penalty was a fully suspended sentence (19%). Partly suspended sentences and good behaviour orders (GBOs) each accounted for 13% of sentences. Some ‘other’ order⁵ was imposed in 3% of cases.

Table 1: Sentencing outcomes in the Magistrates Court for burglary

	Number of cases (100)	Proportion of all sentences	Range	80% range	Midpoint
Prison	52	52%	3-24 months ⁶	6-18 months	11 months
Partly suspended sentence (PSS)	13	13%	4-24 months ⁷	6-12 months	10 months
Fully suspended sentence (FSS)	19	19%	3-18 months	6-12 months	12 months
Good behaviour order (GBO)	13	13%	12-24 months	12-24 months	18 months
Other order	3	3%	N/A	N/A	N/A

Note: All data in the ACTSD is rounded upwards, eg a term of 5 weeks’ imprisonment would be shown as ‘2 months’. Percentages may not sum to 100 due to rounding

Table 1 also sets out details of these sentences. Prison sentences (n=52) ranged from 3 to 24 months, with 80% of sentences falling between 6 and 18 months. The midpoint length was 11 months, although the most common term was 12 months (accounting for 17% of prison sentences and 9% of all sentences). The range for partly suspended sentences (n=13) was 4-24 months, with 80% of sentences 6-12 months long. The midpoint length was 10 months and the most common length was 9 months (23% of such sentences). The range for fully suspended sentences (n=17)⁸ was 3-18 months, while 80% fell within the range of 6-12 months. The midpoint and most common term was 12 months, accounting for 47% of such sentences and 8% of all sentences for this offence. GBOs (n=13) ranged from 12 to 24 months, with 80% of sentences also falling in this range. The midpoint for this penalty was 18 months, although the most common term was 12 months (46% of GBOs and 6% of all sentences). No further details were available for the cases where some other order was imposed (n=3).

Gender

Figure 1: Sentencing outcomes in the Magistrates Court for burglary by gender

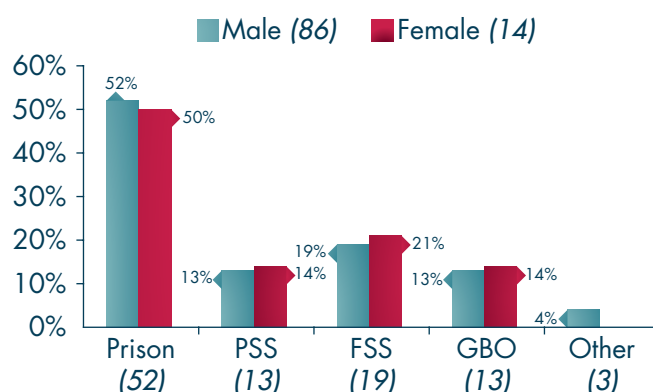


Figure 1 sets out the sentencing patterns on the basis of gender. Males accounted for 86% of offenders sentenced (n=86). As can be seen, there were very similar sentencing patterns overall, with men and women receiving a prison sentence in 52% and 50% of cases respectively. There were also similar rates for partly suspended sentences (14% vs 13%), fully suspended sentences (21% vs 19%) and GBOs (14% vs 13%). All the other orders were imposed on men (4% vs 0%).

4. Crimes (Sentencing) Act 2005 (ACT) s 33(1).
5. ‘Other’ order includes forfeiture, rehabilitation and treatment orders, as well as nominal penalties, such as a dismissal.
6. Data on the non-parole period was not available.
7. Data was not available on what portion of the sentence was suspended.
8. Data on length was missing for 2 cases.

Age

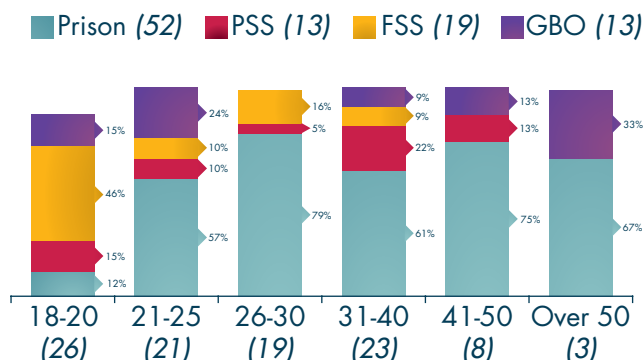
Table 2 sets out the distribution of sentences by age. The largest group of offenders was aged 18-20 (26% of all offenders), followed by offenders aged 31-40 (23%). All the other orders were imposed on offenders aged 18-20.

Table 2: Sentencing outcomes in the Magistrates Court for burglary by age

	18-20 (26)	21-25 (21)	26-30 (19)	31-40 (23)	41-50 (8)	Over 50 (3)
Prison (52)	3	12	15	14	6	2
PSS (13)	4	2	1	5	1	0
FSS (19)	12	2	3	2	0	0
GBO (13)	4	5	0	2	1	1
Other (3)	3	0	0	0	0	0

Figure 2 sets out the distribution of the most common penalties (prison, partly and fully suspended sentences and GBOs), which together accounted for 97% of sentences, by age. As can be seen, there were different sentencing patterns on the basis of age, with the use of prison ranging from 12% for offenders aged 18-20 to 79% for offenders aged 26-30. The remaining age groups received a prison sentence in 57% to 75% of cases. Offenders aged 41-50 were most likely to receive a partly suspended sentence (22%); this penalty was not used for offenders aged 50 and over, although the small number of such offenders (n=3) must be noted. Offenders aged 26-30 were also unlikely to receive a partly suspended sentence (5%). The use of fully suspended sentences ranged from 0% for offenders aged 41 and over to 46% for 18-20 year olds. Finally, the use of GBOs ranged from 0% for offenders aged 26-30 to 33% for offenders aged over 50. Nearly a quarter (24%) of offenders aged 21-25 also received a GBO.

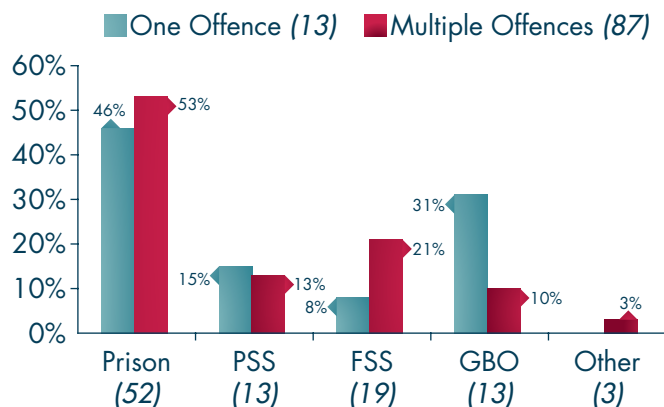
Figure 2: Sentencing outcomes for the most common penalties in the Magistrates Court for burglary by age



Number Of Offences

Most offenders (87%; n=87) committed multiple offences, while 13% were sentenced for a single offence. Figure 3 shows that multiple offenders were more likely to receive a prison sentence (53% vs 46%), fully suspended sentence (21% vs 8%) or some other order (3% vs 0%). Conversely, single offenders were much more likely to receive a GBO (31% vs 10%). Partly suspended sentences were imposed at similar rates (13% vs 15%).

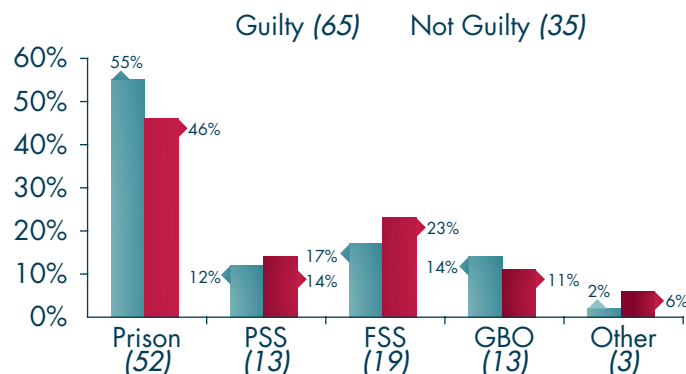
Figure 3: Sentencing outcomes in the Magistrates Court for burglary by number of offences



Plea

Initial plea

Figure 4: Sentencing outcomes in the Magistrates Court for burglary by initial plea

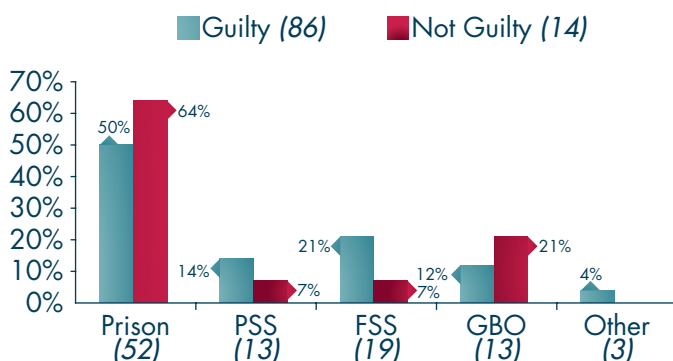


Nearly two-thirds (65%; n=65) of offenders initially pleaded guilty, while 35% pleaded not guilty. Offenders who initially pleaded guilty were more likely to receive a prison sentence (55% vs 46%). They were less likely to receive a fully suspended sentence (17% vs 23%) or other order (2% vs 6%). Partly suspended sentences and GBOs were imposed at fairly similar rates (12% vs 14% and 14% vs 11% respectively).

Final plea

The overwhelming majority of offenders (86%) entered a final plea of guilty. Offenders with a final not guilty plea were more likely to receive a prison sentence (64% vs 50%) or GBO (21% vs 12%). On the other hand, offenders who pleaded guilty were more likely to receive a partly suspended sentence (14% vs 7%), fully suspended sentence (21% vs 7%) or some other order (4% vs 0%).

Figure 5: Sentencing outcomes in the Magistrates Court for burglary by final plea



Point of plea entry

Data was also available for all offenders on the point of plea entry, that is, how many times they appeared before a magistrate before they first entered a plea. This indicates that 11% of offenders did so on the first occasion, 26% did so on the second occasion they appeared, and 25% did so on their third occasion. A further 28% appeared before a magistrate 4-5 times before entering a plea, while 10% appeared six or more times.

Table 3: Sentencing outcomes in the Magistrates Court by point of plea entry

	1 (11)	2 (26)	3 (25)	4-5 (28)	6 or more (10)
Prison (52)	46%	50%	40%	64%	60%
PSS (13)	9%	23%	0%	18%	10%
FSS (19)	18%	8%	44%	7%	20%
GBO (13)	27%	19%	8%	7%	20%
Other (3)	0%	0%	8%	4%	0%

Table 3 sets out the sentencing patterns based on the point of plea entry. None of the sentencing options showed any clear pattern in usage on the basis of when an offender entered their plea. Prison sentences ranged from 40% to 64%, while partly suspended sentences ranged from 0% to 23%. Fully suspended sentences accounted for 7% to 44% of sentences, GBOs for 7% to 27%, and other orders for 0% to 8% (although the small number of such sentences should be noted).

Point of plea finalisation

Data was also available for all offenders as to the point when they finalised their plea, that is, how many times they appeared before a magistrate to get the matter settled. As set out in Table 4, only 2% of offenders appeared one or two times to get their matter finalised, and 31% appeared 3-5 times. Offenders most commonly appeared 6-10 times (41%), while 26% appeared 11 or more times before finalising their matter.

Table 4 also indicates that there was no clear association between sentencing outcomes and the point at which an offender finalised their plea, although the small number of offenders who finalised their plea in 1-2 appearances (n=2) should be noted. Prison sentences were imposed in 31% to 63% of cases, while partly suspended sentences were imposed in 0% to 15% of cases. The use of fully suspended sentences ranged from 0% to 38%. GBOs were imposed in 10% to 50% of cases, and other orders accounted for 0% to 5% of matters.

Table 4: Sentencing outcomes in the Magistrates Court by point of plea finalisation

	1-2 (2)	3-5 (31)	6-10 (41)	11 or more (26)
Prison (52)	50%	55%	63%	31%
PSS (13)	0%	13%	15%	12%
FSS (19)	0%	19%	7%	38%
GBO (13)	50%	13%	10%	15%
Other (3)	0%	0%	5%	4%

Case study

The following represents a typical offender and sentencing outcome in the Magistrates Court for the offence of burglary: Angus was aged 19 and committed multiple offences. He entered a plea on his fourth occasion before a magistrate, and it took eight court appearances to finalise his plea. He pleaded guilty and received a 12 month prison sentence.

Childrens Court- Burglary

Table 5: Sentencing outcomes in the Childrens Court for burglary

	Number of cases (116)	Proportion of all sentences	Range	80% range	Midpoint
Prison	24	21%	2-15 months	4-12 months	9 months
PSS	11	10%	6-24 months	7-18 months	10 months
FSS	19	16%	2-10 months	6-9 months	6 months
GBO	33	28%	3-36 months	12-18 months	12 months
Reparation	2	2%	N/A	N/A	N/A
Other	27	23%	N/A	N/A	N/A

As set out in Table 5, there were 116 sentences imposed in the Childrens Court for the offence of burglary. The most common penalty was a GBO, which was imposed in 28% of cases. This was followed by some other order, which accounted for 23% of sentences. Prison was imposed on 21% of offenders, while fully suspended sentences accounted for 16% of sentences. Partly suspended sentences and reparation/compensation orders were imposed in 10% and 2% of cases respectively.

The term of prison sentences (n=24) ranged from 2-15 months, with 80% of sentences falling between 2 and 12 months. The midpoint length was 9 months and the most common length was 12 months (43% of prison terms and 7% of all sentences). The range for partly suspended sentences (n=11) was 6-24 months, with 80% of sentences 7 to 18 months long. The midpoint term was 10 months and the most common terms were 7 and 18 months (each 27%). The range for fully suspended sentences (n=19) was 2-10 months, while 80% fell within the range of 6-9 months. The midpoint and most common term was 6 months (42% of such sentences and 7% of all sentences for this offence). GBOs (n=33) ranged from 3 to 36 months, although 80% were 12-18 months long. The midpoint and most common length was 12 months, accounting for 55% of GBOs and 16% of all sentences. No further details were available for the reparation/compensation orders (n=2) or cases where some other order (n=27) was imposed.

Gender

Males accounted for 96% of offenders (n=111). There were 5 female offenders, 3 of whom received other orders (60% vs 22% for males). One female offender received a prison sentence (20% vs 21% for males) and the remaining female offender received a GBO (20% vs 29% for males). Male offenders also received partly suspended sentences (10% of cases), fully suspended sentences (17%) and reparation orders (2%).

Age

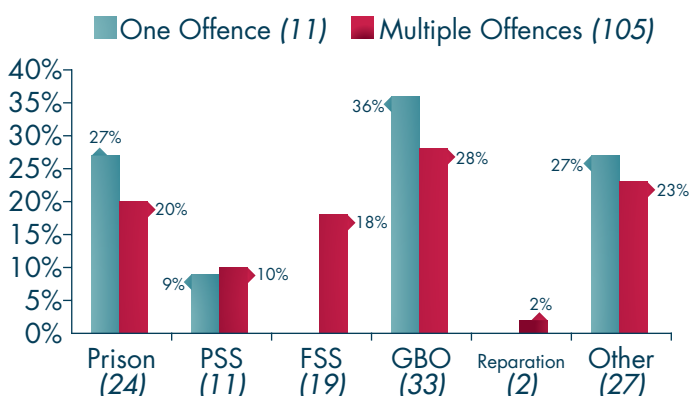
Table 6: Sentencing outcomes in the Childrens Court for burglary by age

	12-13 (10)	14-15 (51)	16-17 (54)
Prison (23)	10%	18%	24%
PSS (11)	0%	6%	15%
FSS (19)	10%	8%	26%
GBO (33)	40%	31%	24%
Reparation (2)	0%	0%	4%
Other (27)	10%	37%	7%

Table 6 sets out the distribution of sentences by age (n=115)⁹. There were no offenders aged 10-11 and 10 aged 12-13 (9% of offenders). Juveniles aged 14-15 represented 44% of offenders (n=51), while 16-17 year olds (n=54) accounted for the remaining 47%. As can be seen, the likelihood of an offender receiving a prison sentence increased with age, from 10% for 12-13 year olds to 24% for 16-17 year olds. The use of partly suspended sentences also increased, from 0% for 12-13 year olds to 15% for offenders aged 16 or 17. Offenders aged 16-17 were also most likely to receive a fully suspended sentence (26%), compared with 10% of offenders aged 12-13 and 8% of those aged 14-15. Conversely, the use of GBOs decreased with age, from 40% of offenders aged 12-13 to 24% of 16-17 year olds. Offenders aged 16-17 received both of the reparation orders (2%). Other orders were most commonly imposed on 14-15 year olds, 37% of whom received this sentencing option, while these orders were only imposed on 10% of 12-13 year olds and 7% of those aged 16-17.

Number of offences

Figure 6: Sentencing outcomes in the Children's Court for burglary by number of offences



9. Details of one offender's age were missing.

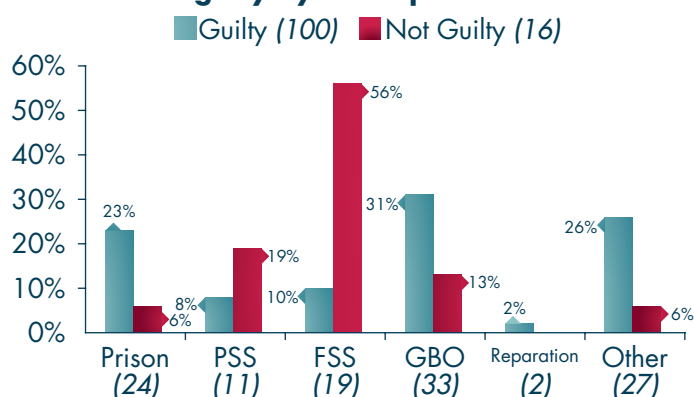
Most offenders (91%; n=105) were sentenced for multiple offences, while 10% (n=11) committed only one offence. Perhaps surprisingly, single offenders were more likely to receive a prison sentence (27% vs 20%). They were also more likely to receive a GBO (36% vs 28%) or other order (27% vs 23%). Only multiple offenders received fully suspended sentences (18% of sentences imposed on such offenders) and reparation orders (2%). Single and multiple offenders received partly suspended sentences at similar rates (9% and 10% respectively).

Plea

Initial plea

The majority of offenders (86%; n=100) entered an initial plea of guilty. As set out in Figure 7, offenders who initially pleaded not guilty were much more likely to receive a fully suspended sentence (56% vs 10%). They were also more likely to receive a partly suspended sentence (19% vs 8%). Offenders with an initial guilty plea were more likely to receive all other outcomes: prison (23% vs 6%), GBO (31% vs 13%), reparation (2% vs 0%) or other order (26% vs 6%).

Figure 7: Sentencing outcomes in the Children's Court for burglary by initial plea



Final plea

All 116 offenders entered a final plea of guilty.

Point of plea entry

Table 7: Sentencing outcomes in the Children's Court by point of plea entry

	1 (19)	2 (51)	3 (23)	4-5 (9)	6 or more (14)
Prison (23)	16%	22%	4%	11%	57%
PSS (11)	21%	10%	0%	22%	0%
FSS (19)	5%	20%	26%	11%	7%
GBO (33)	32%	28%	30%	33%	21%
Reparation (2)	0%	0%	9%	0%	0%
Other (27)	26%	22%	30%	22%	14%

One in six offenders (16%) entered their plea on the first occasion they appeared before a magistrate, with 44% doing so on the second time they came before a magistrate. Another 23 (20%) entered their plea on the third occasion, nine (8%) took 4-5 times before a magistrate, and 14 (12%) appeared before a magistrate six or more times before entering a plea.

As set out in Table 7, there was no clear relationship between sentencing outcome and the point of plea entry. Prison sentences ranged from 4% to 57%. Partly suspended sentences ranged from 0% to 22%. Fully suspended sentences ranged from 5% to 26%. The use of GBOs ranged from 21% to 33%. The reparation orders were both imposed on offenders who entered a plea after three appearances. The use of other orders ranged from 14% to 30%.

Point of plea finalisation

As set out in Table 8, 3% (n=4) of offenders finalised their matter in 1-2 appearances, 22% (n=26) did so in 3-5 appearances, 45% (n=52) took 6-10 appearances to finalise their matter, and the remaining 29% (n=34) did so in 11 or more appearances.

Table 8: Sentencing outcomes in the Childrens Court by point of plea finalisation

	1-2 (4)	3-5 (26)	6-10 (52)	11 or more (34)
Prison (23)	25%	35%	8%	29%
PSS (11)	0%	15%	10%	6%
FSS (19)	25%	8%	19%	18%
GBO (33)	50%	31%	19%	38%
Reparation (2)	0%	8%	0%	0%
Other (27)	0%	4%	44%	9%

Again, there was no clear relationship between the point of plea finalisation and an offender's sentence (although the small proportion of offenders who finalised their plea in 1-2 appearances should be borne in mind). Prison sentences ranged from 8% to 35%. Partly suspended sentences ranged from 0% to 15%, while fully suspended sentences ranged from 8% to 25%. GBOs were imposed in 19% to 50% of cases. Both reparation orders were imposed on offenders whose final plea was entered after 3-5 appearances. Other orders accounted for between 0% and 44% of matters.

Case study

The following represents a typical offender and sentencing outcome in the Children's Court for the offence of burglary: Sammy was aged 16 and committed multiple offences. He entered a plea on his second occasion before a magistrate, and it took seven appearances to finalise his matter. He pleaded guilty and received a 12 month GBO.

Aggravated Burglary

Summary - Aggravated Burglary Magistrates Court

- There were 43 sentences imposed in the Magistrates Court for aggravated burglary
- Fully suspended sentences were the most common outcome, imposed in 40% of cases. The midpoint term was 7 months and the most common length was 9 months (24% of fully suspended sentences and 9% of all sentences)
- The second most common penalty was a partly suspended sentence (23%), with sentences ranging from 4 to 18 months. The midpoint term was 10 months
- Prison was imposed in 21% of cases. The midpoint sentence length was 10 months and the most common term was 6 months (33% of prison sentences and 7% of all sentences)
- 91% of offenders were male
- The most common age for offenders was 18-20
- 67% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on their second occasion before a magistrate and it took 3-5 appearances to finalise the matter
- 65% of offenders initially pleaded guilty; this rose to 95% for the final plea

Childrens Court

- There were 77 sentences imposed in the Children's Court for aggravated burglary
- The most common penalty was a GBO (49%). The midpoint and most common length was 12 months (57% of GBOs and 27% of all sentences)
- Prison sentences were imposed in 26% of cases. The midpoint and most common term was 6 months (35% of prison sentences and 9% of all sentences)
- Fully suspended sentences were imposed in 14% of cases. The midpoint sentence length was 6 months
- Males accounted for 95% of offenders
- The most common age for offenders was 14-15 (45%), followed closely by offenders aged 16-17 (44%)
- 91% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on their second occasion before a magistrate and it took 3-5 appearances to finalise the matter
- 90% of offenders initially pleaded guilty; this rose to 99% for the final plea

Magistrates Court - Aggravated Burglary

Table 9: Sentencing outcomes in the Magistrates Court for aggravated burglary

	Number of cases (43)	Proportion of all sentences	Range	80% range	Midpoint
Prison	9	21%	6-14 months	6-14 months	10 months
PD	1	2%	12 months	12 months	12 months
PSS	10	23%	4-18 months	6-12 months	12 months
FSS	17	40%	1-16 months	4-9 months	7 months
GBO	6	14%	12-24 months	12-24 months	18 months

As set out in Table 9, there were 43 sentences imposed in the Magistrates Court for the offence of aggravated burglary. Fully suspended sentences were the most common penalty, accounting for 40% of sentences. This was followed by partly suspended sentences (23%) and prison (21%). GBOs were imposed in 14% of cases, while periodic detention accounted for 2%.

Table 9 also sets out details of these sentences. The term of prison sentences (n=9) ranged from 6-14 months, with 80% of sentences also falling in this range. The midpoint was 10 months and the most common term was 6 months (33% of prison sentences and 7% of all sentences). The periodic detention order imposed was 12 months long. The range for partly suspended sentences (n=10) was 4-18 months, although 80% of sentences were 6-12 months long. The midpoint term was 10 months, but the most common terms were 6 and 12 months (each 30%). The range for fully suspended sentences (n=17) was 1-16 months, with 80% between 4 and 9 months long. The midpoint term was 7 months and the most common term was 9 months (24% of such sentences and 9% of all sentences). GBOs (n=6) ranged from 12 to 24 months, with 80% of sentences also falling in this range. The midpoint for this penalty was 18 months.

Gender

The overwhelming majority of offenders (91%; n=39) were male. Two of the female offenders received a GBO (50% vs 10% of male offenders). One female offender received a partly suspended sentence (25% vs 23%). The remaining female offender received a fully suspended sentence (25% vs 41%). Male offenders also received prison (23%) and periodic detention (3%).

Age

Table 10 sets out the distribution of sentences by age- the relatively small cell sizes should be noted. The most common age for offenders was 18-20 (44%), followed by 31-40 (21%).

There was considerable variation in outcomes based on age. Prison was not used for offenders aged 21-25, whereas both offenders aged 41-50 received this outcome. The other age groups received a prison sentence in 14%-22% of cases. The only offender to receive periodic detention was aged 26-30 (14% of sentences for this age group). The use of partly suspended sentences increased from 26% for 18-20 year olds to 43% for 26-30 year olds, it was not used for offenders over this age. The use of fully suspended sentences ranged from 0% for offenders aged 41-50 to 78% for those aged 31-40. This was also the most common penalty imposed on offenders aged 18-20 (42%). GBOs were imposed on half of the offenders aged 21-25 but not at all on offenders aged 31 and over.

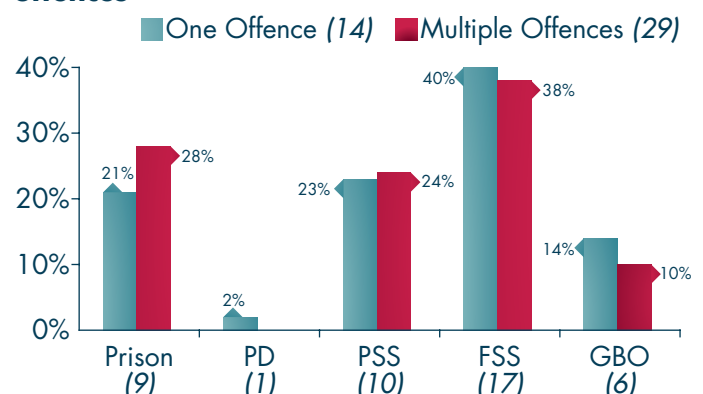
Table 10: Sentencing outcomes in the Magistrates Court for aggravated burglary by age

	18-20 (19)	21-25 (6)	26-30 (7)	31-40 (9)	41-50 (2)
Prison (9)	21%	0%	14%	22%	100%
PD (1)	0%	0%	14%	0%	0%
PSS (10)	26%	33%	43%	0%	0%
FSS (17)	42%	17%	14%	78%	0%
GBO (6)	11%	50%	14%	0%	0%

Number Of Offences

Most offenders (67%; n=29) committed multiple offences, while 33% were sentenced for a single offence. Figure 8 shows that multiple offenders were more likely to receive a prison sentence (28% vs 21%) and received the only periodic detention order (2% vs 0%). They were less likely to receive a GBO (10% vs 14%). There similar rates for the other penalties: 24% vs 23% for partly suspended sentences and 38% vs 40% for fully suspended sentences.

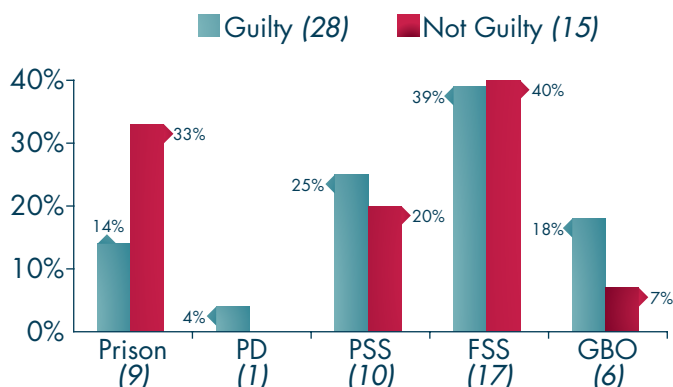
Figure 8: Sentencing outcomes in the Magistrates Court for aggravated burglary by number of offences



Plea

Initial plea

Figure 9: Sentencing outcomes in the Magistrates Court for aggravated burglary by initial plea



Most offenders (65%; n=28) entered an initial plea of guilty, while 35% initially pleaded not guilty. Offenders who entered an initial not guilty plea were much more likely to receive a prison sentence (33% vs 14%) but were less likely to receive a partly suspended sentence (20% vs 25%) or GBO (7% vs 18%). The only periodic detention order imposed was on an offender who pleaded guilty (4% vs 0%), while fully suspended sentences were imposed at similar rates (39% and 40%).

Final plea

All but two offenders (5%) entered a final plea of guilty. These offenders both received prison sentences, compared with only 17% of offenders who pleaded guilty. The most common outcome for an offender with a final guilty plea was a fully suspended sentence (42%), followed by partly suspended sentences (24%) and GBOs (15%). The periodic detention order represented 2% of sentences for offenders with a final guilty plea.

Point of plea entry

The data on the point of plea entry indicates that 5% of offenders (n=2) did so on the first occasion, 42% (n=18) did so on the second occasion they appeared, and 28% (n=12) did so on their third occasion. A further 9% (n=4) appeared before a magistrate 4-5 times before entering a plea, while 16% (n=7) appeared six or more times.

Table 11 sets out the sentencing patterns based on the point of plea entry. None of the sentencing options showed any clear pattern in usage on the basis of when an offender entered their plea, although the small cell sizes should be noted. Prison sentences ranged from 0% to 100%, while the periodic detention order was imposed on an offender who entered a plea on the third occasion before a magistrate. Partly suspended sentences and fully suspended sentences both ranged from 0% to 50%, while GBOs were imposed on 0% to 28% of offenders.

Table 11: Sentencing outcomes in the Magistrates Court by point of plea entry

	1 (2)	2 (18)	3 (12)	4-5 (4)	6 or more (7)
Prison (9)	100%	17%	25%	0%	14%
PD (1)	0%	0%	8%	0%	0%
PSS (10)	0%	17%	17%	50%	43%
FSS (17)	0%	39%	50%	50%	29%
GBO (6)	0%	28%	0%	0%	14%

Point of plea finalisation

As set out in Table 12, only 5% of offenders (n=2) appeared 1-2 times, 37% (n=16) appeared 3-5 times, 23% (n=10) appeared 6-10 times, and 35% (n=15) appeared 11 or more times before finalising their matter.

Prison sentences were generally associated with a later point of plea entry, and ranged from 0% to 30% of sentences. The periodic detention order was imposed on an offender who finalised their plea after 6-10 appearances. There was no clear association in the use of partly suspended sentences (which ranged from 0% to 33%) or fully suspended sentences (0% to 50%). GBOs became an increasingly less likely outcome, accounting for 50% of sentences for offenders who finalised their plea after 1-2 appearances, compared with 7% for those who took 11 or more appearances to finalise their plea. However, the small cell sizes should again be noted.

Table 12: Sentencing outcomes in the Magistrates Court by point of plea finalisation

	1-2 (2)	3-5 (16)	6-10 (10)	11 or more (15)
Prison (9)	0%	13%	30%	27%
PD (1)	0%	0%	10%	0%
PSS (10)	0%	19%	10%	33%
FSS (17)	0%	50%	40%	33%
GBO (6)	50%	19%	10%	7%

Case study

The following represents a typical offender and sentencing outcome in the Magistrates Court for the offence of aggravated burglary: Fred was aged 19 and committed multiple offences. He entered a plea on his second occasion before a magistrate, and it took four court appearances to finalise his matter. He pleaded guilty and received a 9 month fully suspended sentence.

Childrens Court - Aggravated Burglary

As set out in Table 13, there were 77 sentences imposed in the Childrens Court for the offence of aggravated burglary. The most common penalty was a GBO, accounting for 49% of sentences. The second most common penalty was prison (26%). Fully suspended sentences represented 14% of sentences and partly suspended sentences accounted for 7%. Reparation/compensation orders and other orders accounted for 1% and 3% of sentences respectively.

Table 13: Sentencing outcomes in the Childrens Court for aggravated burglary

	Number of cases (77)	Proportion of all sentences	Range	80% range	Midpoint
Prison	20	26%	3-19 months	6-15 months	6 months
PSS	5	7%	6-16 months	6-15 months	12 months
FSS	11	14%	3-18 months	4-18 months	6 months
GBO	38	49%	3-30 months	12-18 months	12 months
Reparation	1	1%	N/A	N/A	N/A
Other	2	3%	N/A	N/A	N/A

Prison sentences (n=20) ranged from 3 to 19 months, with 80% of sentences 6-15 months long. The midpoint and most common term was 6 months (35% of prison sentences and 9% of all sentences for this offence). The range for partly suspended sentences (n=5) was 6-16 months, with 80% of sentences 6-15 months long. The midpoint length was 12 months. The range for fully suspended sentences (n=11) was 3-18 months; 80% were 4-18 months long. The midpoint sentence length was 6 months. GBOs (n=37)¹⁰ ranged from 3 to 30 months, although 80% were 12-18 months long. The midpoint and most common length was 12 months, accounting for 57% of GBOs and 27% of all sentences. No further details were available for the reparation/compensation order or cases where some other order (n=2) was imposed.

Gender

Males accounted for 95% of offenders (n=73). There were 4 female offenders, 3 of whom received a GBO (75% vs 48% for males). The remaining female offender received some other order (33% vs 1% for males). By contrast, 27% of male offenders were sentenced to prison, 7% received a partly suspended sentence, 15% received a fully suspended sentence and 1% received a reparation order.

10. Details on the length of GBO were missing for one case.

Age

Table 14: Sentencing outcomes in the Childrens Court for aggravated burglary by age

	12-13 (8)	14-15 (35)	16-17 (34)
Prison (20)	25%	20%	32%
PSS (5)	0%	6%	9%
FSS (11)	0%	23%	9%
GBO (38)	63%	51%	44%
Reparation (1)	0%	0%	3%
Other (2)	13%	0%	3%

There were no offenders aged 10-11, while 10% (n=8) were aged 12-13. Juveniles aged 14-15 (n=35) represented 45% of offenders, while 16-17 year olds (n=34) accounted for the remaining 44%. Table 14 sets out the distribution of sentences by age. Prison sentences were imposed on 25% of 12-13 year olds, 20% of 14-15 year olds and 32% of 16-17 year olds. Offenders aged 12-13 did not receive any suspended sentences. Partly suspended sentences were imposed on 6% of 14-15 year olds and 9% of 16-17 year olds. Fully suspended sentences accounted for 23% of sentences imposed on 14-15 year olds, but only 9% of sentences for 16-17 year olds. The use of GBOs decreased with age, from 63% for 12-13 year olds to 44% for 16-17 year olds. The reparation order was imposed on an offender aged 16-17, while the other orders were imposed on a 12-13 year old and 16-17 year old, accounting for 13% and 3% of sentences respectively.

Number of offences

Most offenders (91%; n=70) were sentenced for multiple offences, while 9% committed a single offence. Offenders who committed a single offence were more likely to receive prison (29% vs 26%) or a partly suspended sentence (29% vs 4%). The only other sentence these offenders received was a GBO, which they were less likely to receive than multiple offenders (43% vs 50%). Offenders sentenced for multiple offences also received fully suspended sentences (16%), the reparation order (1%) and other orders (3%). However, the small number of single offenders (n=7) should be noted in interpreting these results.

Plea

Initial plea

Most offenders (90%; n=69) entered an initial plea of guilty, while 10% initially pleaded not guilty. Offenders who initially pleaded not guilty were similarly likely to receive prison (25% vs 26%) or a GBO (50% vs 49%) but were much more likely to receive a partly suspended sentence (25% vs 4%). All other orders were only imposed on offenders who entered an initial guilty plea: fully suspended sentences (16%), reparation (1%) and other orders (3%). Again, the small number of offenders who pleaded not guilty (n=8) should be noted.

Final plea

Only one offender (1%) entered a final not guilty plea. This offender received a GBO.

Point of plea entry

Table 15: Sentencing outcomes in the Childrens Court by point of plea entry

	1 (8)	2 (24)	3 (19)	4-5 (14)	6 or more (12)
Prison (20)	25%	33%	11%	14%	50%
PSS (5)	0%	4%	21%	0%	0%
FSS (11)	38%	8%	21%	14%	0%
GBO (38)	38%	46%	47%	64%	50%
Reparation (1)	0%	4%	0%	0%	0%
Other (2)	0%	4%	0%	7%	0%

Eight offenders (10%) entered their plea on the first occasion they appeared before a magistrate, with 31% (n=24) doing so on the second time they came before a magistrate. Another 25% (n=19) entered their plea on the third occasion, 18% (n=14) took 4-5 times before a magistrate, and 16% (n=12) appeared before a magistrate six or more times before entering a plea.

As set out in Table 15, there was no clear relationship between sentencing outcome and the point of plea entry. Prison sentences ranged from 11% to 50%. Partly suspended sentences ranged from 0% to 21%. Fully suspended sentences ranged from 0% to 38%. The use of GBOs ranged from 38% to 64%. The reparation order was imposed on an offender who entered a plea on their second appearance. The other orders were imposed on offenders who entered their plea after two or 4-5 appearances.

Point of plea finalisation

Table 16: Sentencing outcomes in the Childrens Court by point of plea finalisation

	1-2 (1)	3-5 (28)	6-10 (25)	11 or more (23)
Prison (20)	0%	25%	16%	39%
PSS (5)	0%	7%	0%	13%
FSS (11)	0%	21%	8%	13%
GBO (38)	100%	46%	68%	22%
Reparation (1)	0%	0%	4%	0%
Other (2)	0%	0%	4%	4%

As set out in Table 16, it was uncommon for offenders to finalise their matter in 1-2 appearances, with only 1% (n=1) of offenders doing so. By contrast, 28 offenders (36%) finalised their matter in 3-5 appearances, 32% (n=24) took 6-10 appearances to finalise their matter, and the remaining 30% (n=23) did so in 11 or more appearances.

Again, there was no clear relationship between the point of plea finalisation and an offender's sentence (although only one offender finalised their plea in 1-2 appearances). Prison sentences ranged from 0% to 39%. Partly suspended sentences ranged from 0% to 13%, while fully suspended sentences ranged from 0% to 21%. GBOs were imposed in 22% to 100% of cases (ie, the offender who finalised their matter in 1-2 appearances). The reparation order was imposed on an offender whose final plea was entered after 6-10 appearances. The other orders accounted for between 0% and 4% of matters.

Case study

The following represents a typical offender and sentencing outcome in the Childrens Court for the offence of aggravated burglary: Liam was aged 14 and committed multiple offences. He entered a plea on his second occasion before a magistrate, and it took four court appearances to finalise his matter. He pleaded guilty and received a 12 month GBO.