

No 8: Damage or Destroy Property

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Summary - Damage Property

Magistrates Court

- There were 244 sentences imposed in the Magistrates Court between 1 July 2012 and 31 August 2015 under the Criminal Code for damaging property
- The most common penalty was a good behaviour order (GBO), imposed in 46% of cases. The midpoint and most common length was 12 months (62% of GBOs and 28% of all sentences for this offence)
- The second most common penalty was prison (23%), with a midpoint and most common sentence length of 5 months (26% of prison sentences and 6% of all sentences)
- Fully suspended sentences accounted for 13% of sentences, with a midpoint sentence length of 6 months. The most common term was 9 months (36% of such sentences and 5% of all sentences)
- Fines were imposed in 11% of cases. The midpoint fine was \$500, while the most common fine was \$200 (23% of fines)
- Males accounted for 93% of offenders
- The most common age for offenders was 26-30, followed closely by offenders aged 21-25 and 31-40
- 63% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on their second occasion before a magistrate, and it took 6-10 appearances to finalise the matter
- 71% of offenders initially pleaded guilty; this rose to 89% for the final plea

Childrens Court

- There were 90 sentences imposed in the Children's Court for damaging property
- The most common penalty was a GBO, imposed in 63% of cases. The midpoint and most common length was 12 months (63% of GBOs and 39% of all sentences)
- Prison sentences were the second most common penalty, being imposed in 19% of cases. The midpoint sentence length was 6 months and the most common term was 8 months (35% of prison terms and 7% of all sentences)
- Fully suspended sentences accounted for 8% of sentences. The midpoint sentence length was 4 months, while the most common term was 3 months (43% of such sentences)
- Males accounted for 82% of offenders
- The most common age for offenders was 16-17
- 65% 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
- 84% of offenders initially pleaded guilty; this rose to 99% 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 damage property and destroy/damage property, based on data in the ACT Sentencing Database (ACTSD).

The offence of damage property is found in section 403 of the *Criminal Code 2002* (ACT) (the Code), which provides in relevant part:

- (1) A person commits an offence if the person—
- (a) causes damage to property belonging to someone else; and
 - (b) intends to cause, or is reckless about causing, damage to that property or any other property belonging to someone else.

Maximum penalty: 1 000 penalty units, imprisonment for 10 years or both.

At the time of writing, a penalty unit was worth \$150, so the maximum fine was \$150 000. However, if this 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

There is a separate offence of destroy/damage property in section 116(3) of the *Crimes Act 1900* (ACT), which provides:

A person commits an offence if—

- (a) the person destroys or causes damage to property, other than by fire or explosive; and
- (b) the property belongs to—
 - (i) someone else; or
 - (ii) the person and someone else; and
- (c) the person intends to destroy or cause damage, or is reckless about destroying or causing damage, to the property; and
- (d) the damage to the property does not exceed \$5 000.

1. *Crimes Act 1900* (ACT) s 375(15)(a).
2. *Crimes Act 1900* (ACT) s 375(16)(a).

Maximum penalty: 50 penalty units, imprisonment for 2 years or both.

The maximum penalty for this offence at the time of writing was \$7 500.

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 Damage Property - Criminal Code

As set out in Table 1, there were 244 sentences imposed in the Magistrates Court between 1 July 2012 and 31 August 2015 (under section 403 of the Code) for the offence of damage property ('damage property'). The most common penalty was a good behaviour order (GBO), accounting for 46% of sentences. The second most common penalty was prison, which accounted for 23% of sentences. Fully suspended sentences represented 13% of sentences, while fines accounted for 11%. Partly suspended sentences made up 3% of sentences. Some 'other' order and periodic detention orders accounted for 4% and 0% of sentences respectively.

3. Some options may not be available or suitable for all offences.

4. *Crimes (Sentencing) Act 2005* (ACT) s 33(1).

5. Data on the non-parole period was not available.

6. Data was not available on what portion of the sentence was suspended.

7. 'Other' order includes forfeiture, rehabilitation and treatment orders, as well as nominal penalties, such as a dismissal.

8. Data on the term of the GBO was missing for one case.

Table 1: Sentencing outcomes in the Magistrates Court for damage property

	Number of cases (244)	Proportion of all sentences	Range	80% range	Midpoint
Prison	55	23%	1-18 months ⁵	1-6 months	5 months
Periodic detention (PD)	1	0%	3 months	3 months	3 months
Partly suspended sentence (PSS)	8	3%	2-9 months ⁶	3-7 months	6 months
Fully suspended sentence (FSS)	31	13%	1-12 months	2-9 months	6 months
Good behaviour order (GBO)	113	46%	3-24 months	12-18 months	12 months
Fine	26	11%	\$200-\$2000	\$200-\$1000	\$500
Other order	10	4%	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

As set out in Table 1, there were 244 sentences imposed in the Magistrates Court between 1 July 2012 and 31 August 2015 (under section 403 of the Code) for the offence of damage property ('damage property'). The most common penalty was a good behaviour order (GBO), accounting for 46% of sentences. The second most common penalty was prison, which accounted for 23% of sentences. Fully suspended sentences represented 13% of sentences, while fines accounted for 11%. Partly suspended sentences made up 3% of sentences. Some 'other' order⁷ and periodic detention orders accounted for 4% and 0% of sentences respectively.

Table 1 also sets out details of these sentences. The term of prison sentences (n=55) ranged from 1 to 18 months, although 80% of sentences were 1-6 months long. The midpoint and most common term was 5 months (26% of prison sentences and 6% of all sentences for this offence). The periodic detention order was 3 months long. The range for partly suspended sentences (n=8) was 2-9 months, with 80% of sentences 3-7 months long. The midpoint and most common length was 6 months (38% of such sentences). The range for fully suspended sentences (n=31) was 1-12 months, while 80% fell within the range of 2-9 months. The midpoint was 6 months and the most common term was 9 months (36% of such sentences and 5% of all sentences). GBOs (n=112)⁸ ranged from 3 to 24 months, with 80% of sentences 12-18 months long. The midpoint and most common length was 12 months, accounting for 62% of GBOs and 28% of all penalties for this offence. Fines (n=26) ranged from \$200-\$2000; 80% of fines were for \$200-\$1000. The midpoint fine was for \$500, while the most common fine was \$200 (23% of fines). No further details were available for the cases where some other order was imposed (n=10).

Gender

Males accounted for 93% of offenders sentenced (n=226). There were clearly different sentencing patterns, with women only receiving a GBO (67% vs 45% for men) or fine (33% vs 9% for men). All other sentencing outcomes were only imposed on men, namely, prison (24%), partly suspended sentences (4%), fully suspended sentences (14%) and other orders (4%). However, the small number of female offenders (n=18) should be noted.

Age

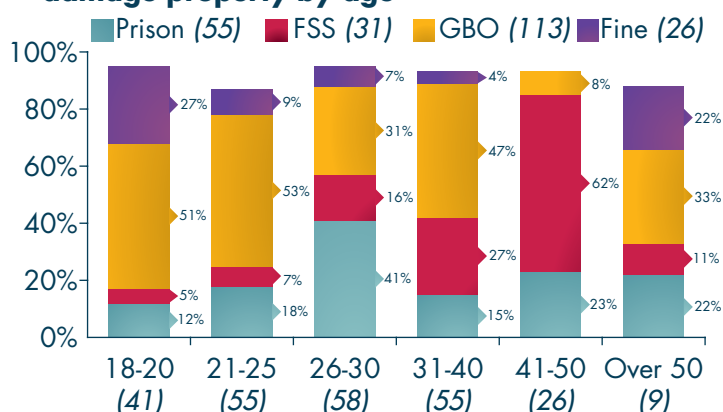
Table 2: Sentencing outcomes in the Magistrates Court for damage property by age

	18-20 (41)	21-25 (55)	26-30 (58)	31-40 (55)	41-50 (26)	Over 50 (9)
Prison (55)	5	10	24	8	6	2
PD (1)	0	1	0	0	0	0
PSS (8)	1	3	0	2	2	0
FSS (31)	2	4	9	15	0	1
GBO (113)	21	29	18	26	16	3
Fine (26)	11	5	4	2	2	2
Other (10)	1	3	3	2	0	1

Table 2 sets out the distribution of sentences by age. The largest group of offenders was aged 26-30 (24% of offenders), followed closely by those aged 21-25 and 31-40 (each accounting for 23%). The periodic detention order was imposed on a 21-25 year old.

Figure 1 sets out the distribution of the most common penalties (prison, fully suspended sentences, GBOs and fines), which together accounted for 92% of sentences, by age. There were very different sentencing patterns, with the use of prison ranging from 12% for offenders aged 18-20 to 41% for offenders aged 26-30. The remaining offenders received a prison sentence in 15%-23% of cases. The use of fully suspended sentences generally increased with age, from 5% for offenders aged 18-20 to 62% for offenders aged 41-50. Offenders aged 50 and over were less likely to receive such an outcome (11%), although the small number of these offenders (n=9) should be noted. The use of GBOs ranged from 8% for offenders aged 41-50 to 53% for 21-25 year olds. Finally, fines were most commonly imposed on offenders aged 18-20 (27%) or over 50 (22%), but only accounted for 0%-9% of sentences imposed on the other age groups.

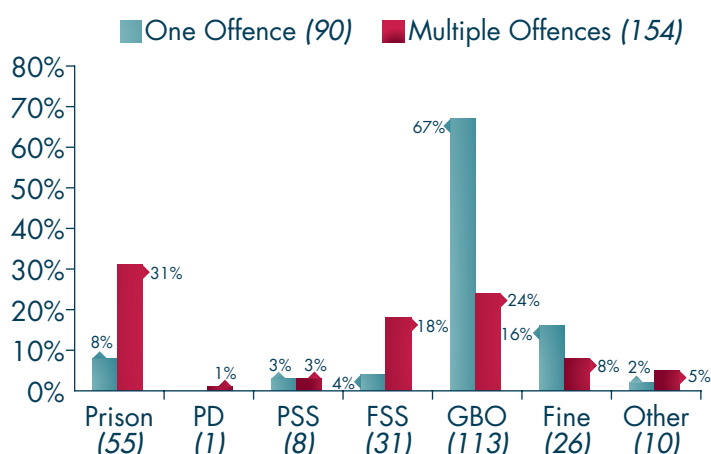
Figure 1: Sentencing outcomes for the most common penalties in the Magistrates Court for damage property by age



Number Of Offences

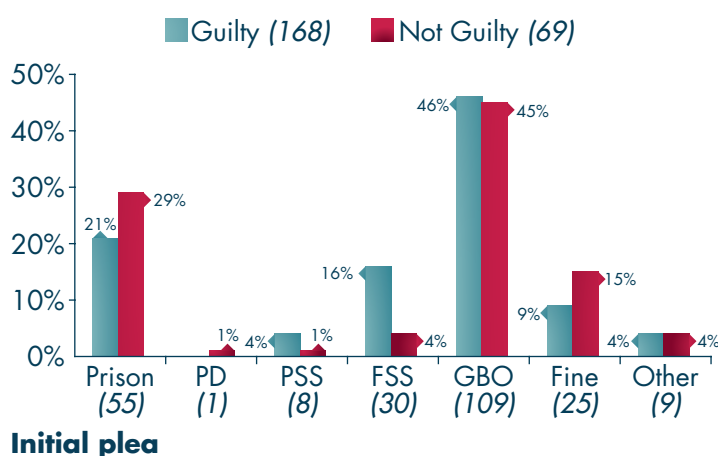
The majority of offenders (63%; n=154) committed multiple offences, while 37% were sentenced for a single offence. Figure 2 shows that multiple offenders were more likely to receive a prison sentence (31% vs 8%), fully suspended sentence (18% vs 4%) or other order (5% vs 2%). Conversely, offenders who committed a single offence were more likely to receive a GBO (67% vs 24%) or fine (16% vs 8%). The periodic detention order was imposed on a multiple offender (1% vs 0%), while both groups received partly suspended sentences in 3% of cases.

Figure 2: Sentencing outcomes in the Magistrates Court for damage property by number of offences



Plea

Figure 3: Sentencing outcomes in the Magistrates Court for damage property by initial plea



Initial plea

The data in the ACTSD indicates that 168 offenders initially entered a guilty plea, while 69 offenders entered a not guilty plea⁹. Of offenders whose initial plea was reported, 71% pleaded guilty. As set out in Figure 3, offenders who initially pleaded guilty were less likely to receive a prison sentence (21% vs 29%) or fine (9% vs 15%). Conversely, offenders with an initial not guilty plea were less likely to receive a partly suspended sentence (1% vs 4%) or fully

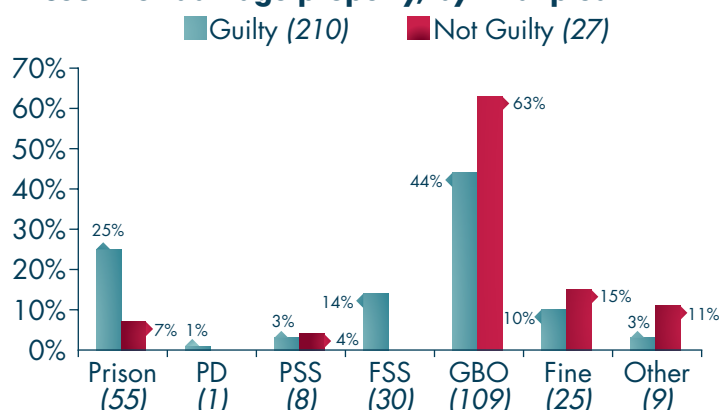
9. Data was not available for the remaining 7 offenders.

suspended sentence (4% vs 16%). The remaining orders were imposed at similar rates: 0% vs 1% for periodic detention and 46% vs 45% for GBOs, while both groups received other orders in 4% of cases.

Final plea

Data on the offender's final plea was also available for 237 offenders. Of these, 89% (n=210) entered a final plea of guilty, while 11% had a final plea of not guilty. Offenders with a final not guilty plea were more likely to receive a GBO (63% vs 44%), fine (15% vs 10%) or other order (11% vs 3%). Offenders with a final guilty plea were more likely to receive prison (25% vs 7%) or a fully suspended sentence (14% vs 0%). Periodic detention and partly suspended sentences were imposed at similar rates (0% vs 1% and 4% vs 3% respectively).

Figure 4: Sentencing outcomes in the Magistrates Court for damage property, by final plea



Point of plea entry

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

	1 (40)	2 (57)	3 (39)	4-5 (51)	6 or more (50)
Prison (55)	20%	16%	13%	22%	44%
PD (1)	0%	0%	3%	0%	0%
PSS (8)	0%	2%	8%	2%	6%
FSS (30)	0%	12%	3%	29%	14%
GBO (109)	60%	51%	54%	41%	28%
Fine (25)	18%	14%	18%	4%	2%
Other (9)	3%	5%	3%	2%	6%

Data was also available for 237 offenders on the point of plea entry, that is, how many times they appeared before a magistrate before they entered a plea. As set out in Table 3, 17% of offenders (n=40) did so on the first occasion, 24% (n=57) did so on the second occasion they appeared, and 16% (n=39) did so on their third occasion. A further 22% (n=51) appeared before a magistrate 4-5 times before entering a plea, while 21% (n=50) appeared six or more times.

Table 3 also sets out the sentencing patterns based on the point of plea entry. The use of GBOs generally decreased with later plea entry, decreasing from 60% of offenders who entered a plea at their first appearance to 28% of offenders who did so after six or more appearances. Fines also became a less likely outcome, decreasing from 18% of

offenders who entered their plea at the first appearance to 2% of offenders who did so after six or more appearances. None of the other sentencing options showed any clear pattern in usage on the basis of when an offender entered their plea. Prison sentences ranged from 13% to 44%, while partly suspended sentences ranged from 0% to 8%. Fully suspended sentences accounted for 0% to 29% of sentences and other orders for 2% to 6%.

Point of plea finalisation

Data was 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, 13% of offenders (n=32) appeared one or two times to get their matter finalised, and 21% (n=51) appeared 3-5 times. Offenders most commonly appeared 6-10 times (41%; n=100), while 25% (n=61) appeared 11 or more times before finalising their matter.

Table 4 also indicates that prison became an increasingly likely outcome with later plea finalisation, increasing from 0% of cases where the offender finalised their plea in 1-2 appearances to 44% of cases which took 11 or more appearances. In addition, partly suspended sentences increased (from 0% to 7%), and others orders generally increased (from 0% to 8%). The periodic detention order was imposed on an offender who finalised their plea in 6-10 appearances. The use of GBOs decreased, from 75% to 25%. Fines also became generally less likely, decreasing from 22% of offenders who finalised their plea in 1-2 appearances to 10% of offenders who did so after 11 or more appearances; however, this was lower still for offenders who finalised their matter in 6-10 appearances (7%). There was no clear relationship in relation to the use of fully suspended sentences.

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

	1-2 (32)	3-5 (51)	6-10 (100)	11 or more (61)
Prison (55)	0%	12%	22%	44%
PD (1)	0%	0%	1%	0%
PSS (8)	0%	2%	3%	7%
FSS (30)	3%	10%	21%	7%
GBO (109)	75%	61%	43%	25%
Fine (25)	22%	12%	7%	10%
Other (9)	0%	4%	3%	8%

Case study

The following represents a typical offender and sentencing outcome in the Magistrates Court for the offence of damage property: Milo was aged 27 and committed multiple offences. He entered a plea on his second occasion before a magistrate, and it took nine court appearances to finalise

Childrens Court

As set out in Table 5, there were 90 sentences imposed in the Childrens Court under the Code for the offence of damage property. The most common penalty was a GBO, accounting for 63% of sentences. The second most common penalty was prison (19%), followed by fully suspended sentences (8%). Partly suspended sentences and other orders represented 3% and 7% of sentences respectively.

Table 5: Sentencing outcomes in the Childrens Court for damage property

	Number of cases (90)	Proportion of all sentences	Range	80% range	Midpoint
Prison	17	19%	2-12 months	3-8 months	6 months
PSS	3	3%	8-12 months	8-12 months	12 months
FSS	7	8%	3-7 months	3-6 months	4 months
GBO	57	63%	6-18 months	9-12 months	12 months
Other	6	7%	N/A	N/A	N/A

The term of prison sentences (n=17) ranged from 2 to 12 months, with 80% of sentences falling between 3 and 8 months. The midpoint sentence length was 6 months and the most common length was 8 months, accounting for 35% of prison terms and 7% of all sentences. The range for partly suspended sentences (n=3) was 8-12 months; 80% of sentences also fell in this range. The midpoint and most common term was 12 months (67% of such sentences). Fully suspended sentences (n=7) ranged from 3 to 7 months, with 80% 3-6 months long. The midpoint was 4 months, while the most common term was 3 months (43% of such sentences). GBOs (n=56)¹⁰ ranged from 6 to 18 months, although 80% were 9-12 months long. The midpoint and most common length for this penalty was 12 months, accounting for 63% of GBOs and 39% of all sentences. No further details were available for the other orders imposed (n=6).

Gender

Males accounted for 82% of offenders sentenced (n=74). There were clear differences in sentencing outcomes, with females only receiving GBOs (94%, compared with 57% for males) or some other order (6% vs 7%). Males also received prison (23%), partly suspended sentences (4%) and fully suspended sentences (10%).

Age

There were no offenders aged 10-11; 6% of offenders (n=5) were aged 12-13. Juveniles aged 14-15 represented 37% of offenders (n=33), while 16-17 year olds accounted for 57% (n=51). Table 6 sets out the distribution of sentences by age. As can be seen, 9% of 14-15 year olds received a prison sentence, as did 24% of 16-17 year olds and 40% of 12-13 year olds, although the small number of such offenders (n=5) should be acknowledged. Partly suspended sentences were only imposed on 16-17 year olds (accounting for 8% of sentences). The use of fully

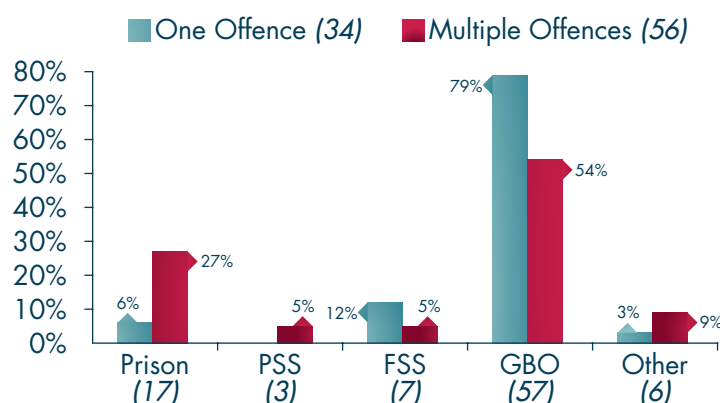
suspended sentences (n=7) increased with age, ranging from 0% for 12-13 year olds to 10% for 16-17 year olds. The use of GBOs ranged from 51% for 16-17 year olds to 73% for those aged 14-15. Other orders (n=5)¹¹ were imposed on 12% of 14-15 year olds and 3% of offenders aged 16-17, but not used for offenders aged 12-13.

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

	12-13 (5)	14-15 (33)	16-17 (51)
Prison (17)	40%	9%	24%
PSS (3)	0%	0%	8%
FSS (7)	0%	6%	10%
GBO (57)	60%	73%	51%
Other (5)	0%	12%	3%

Number of offences

Figure 5: Sentencing outcomes in the Childrens Court for damage property by number of offences



The majority of offenders (62%; n=56) were sentenced for multiple offences, while 38% committed a single offence. Figure 5 demonstrates that multiple offenders were more likely to receive a prison sentence (27% vs 6%), partly suspended sentence (5% vs 0%) or other order (9% vs 3%). Conversely, offenders who committed a single offence were more likely to receive a GBO (79% vs 54%) or fully suspended sentence (12% vs 5%).

Plea

Initial plea

The majority of offenders (84%; n=76) initially entered a guilty plea, while 16% (n=14) entered an initial not guilty plea. Offenders who initially pleaded not guilty either received prison (14% vs 20% for offenders with a guilty plea) or a GBO (86% vs 59%). Only offenders with an initial guilty plea received a partly suspended sentence (4%), fully suspended sentence (9%) or other order (8%).

Final plea

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

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

11. Details on age were missing for one offender who received some other order.

Point of plea entry

Table 7: Sentencing outcomes in the Childrens Court by point of plea entry

	1 (14)	2 (32)	3 (22)	4-5 (13)	6 or more (9)
Prison (17)	7%	34%	9%	0%	33%
PSS (3)	0%	9%	0%	0%	0%
FSS (7)	7%	3%	9%	8%	22%
GBO (57)	86%	53%	64%	85%	33%
Other (5)	0%	0%	18%	8%	11%

As set out in Table 7, 16% of offenders (n=14) entered their plea on the first occasion they appeared before a magistrate. Offenders most commonly entered a plea on their second appearance before a magistrate (36%; n=32). Another 24% of offenders (n=22) entered their plea on their third appearance, 14% (n=13) did so after 4-5 appearances, and 10% (n=9) took six or more court appearances to enter a plea.

The distribution of sentencing outcomes by point of plea entry is also set out in Table 7, but there are no clear associations between point of plea entry and sentencing outcome. Prison sentences accounted for 0% to 34% of sentences. Partly suspended sentences were only imposed on offenders who entered their plea on the second occasion. The use of fully suspended sentences ranged from 3% to 22%, while GBOs accounted for 33% to 86% of sentences. Other orders were imposed in 0% to 18% of cases.

Point of plea finalisation

As set out in Table 8, only 7% of offenders (n=6) finalised their matter in 1-2 appearances. Offenders most commonly

took 3-5 court appearances to finalise their matter (42%; n=38). A further 22% (n=20) took 6-10 appearances to finalise their matter, and the remaining 29% (n=26) did so in 11 or more appearances.

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

	1-2 (6)	3-5 (38)	6-10 (20)	11 or more (26)
Prison (17)	0%	26%	10%	19%
PSS (3)	0%	8%	0%	0%
FSS (7)	17%	3%	10%	12%
GBO (57)	83%	61%	70%	58%
Other (5)	0%	3%	10%	12%

The use of GBOs generally decreased, from 83% of offenders who finalised their plea after 1-2 appearances to 58% of offenders who did so after 11 or more appearances. Conversely, offenders became more likely to receive some other order (increasing from 0% to 12%). There was no clear relationship for the other sentencing outcomes. Prison sentences accounted for 0% to 26% of sentences and fully suspended sentences for 3% to 17%. All the partly suspended sentences were imposed on offenders who finalised their plea after 3-5 appearances.

Case study

The following represents a typical offender and sentencing outcome in the Childrens Court for the offence of damage property: Will was aged 17 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.

Destroy/damage property - Crimes Act 1900

Summary - Destroy Property Magistrates Court

- There were 349 sentences imposed in the Magistrates Court under the Crimes Act for destroying/damaging property not exceeding \$5 000
- The most common penalty was a GBO, imposed in 67% of cases. The midpoint and most common sentence length was 12 months (69% of GBOs and 46% of all sentences)
- The second most common penalty was a fine (16%), with a midpoint fine of \$400 and most commonly imposed fine of \$500
- Prison sentences were imposed in 7% of cases. The midpoint was 2 months and the most common length was 1 month (36% of prison sentences)
- 90% of offenders were male
- The most common age for offenders was 21-25, followed closely by offenders aged 31-40
- 52% of offenders were sentenced for a single offence
- Offenders most commonly entered a plea on their second occasion before a magistrate, and it took 3-5 appearances to finalise the matter
- 84% of offenders initially pleaded guilty; this rose to 100% for the final plea

Childrens Court

- There were 117 sentences imposed in the Childrens Court for destroying/ damaging property
- The most common penalty was a GBO, imposed in 86% of cases. The midpoint and most common length was 12 months (65% of GBOs and 44% of all sentences)
- The second most common penalty was a prison sentence (5%), with a midpoint term of 3 months
- Males accounted for 72% of offenders
- The most common age for offenders was 16-17
- 53% 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
- 85% of offenders initially pleaded guilty; this rose to 99% for the final plea

Magistrates Court

As set out in Table 9, there were 349 sentences in the Magistrates Court for the offence of destroy/damage property not exceeding \$5 000 (under s 116(3) of the Crimes Act) ('destroy property'). The most common penalty was a GBO, accounting for 67% of sentences. The second most common penalty was a fine, which represented 16% of sentences. Prison terms were imposed in 7% of cases. Fully suspended sentences represented 5% of sentences, while partly suspended sentences accounted for 1%. Periodic detention and some other order were imposed in 0% and 4% of cases respectively.

Table 9: Sentencing outcomes in the Magistrates Court for destroy property

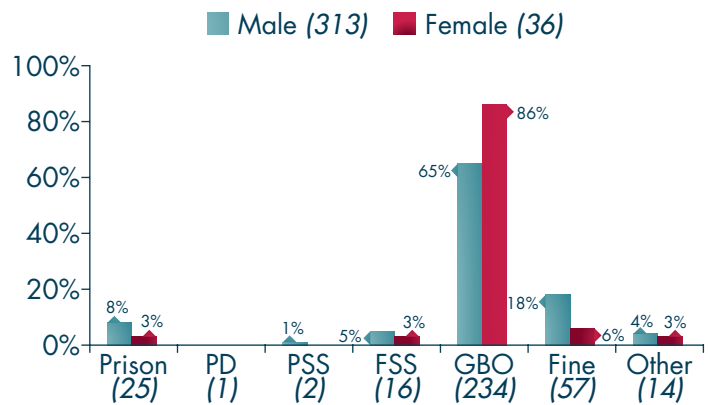
	Number of cases (49)	Proportion of all sentences	Range	80% range	Midpoint
Prison	25	7%	1-10 months	1-3 months	2 months
PD	1	0%	3 months	3 months	3 months
PSS	2	1%	2-10 months	2-10 months	2 months
FSS	16	5%	2-12 months	2-6 months	4 months
GBO	234	67%	3-24 months	6-18 months	12 months
Fine	57	16%	\$50-\$2000	\$250-\$750	\$400
Other	14	4%	N/A	N/A	N/A

Table 9 also sets out details of the sentences imposed in the Magistrates Court. Prison sentences (n=25) ranged from 1 to 10 months, with 80% 1-3 months long. The midpoint was 2 months and the most common length was 1 month (36% of prison sentences). The periodic detention order imposed was for 3 months. The partly suspended sentences (n=2) were 2 and 10 months long, with 2 months representing the midpoint. The fully suspended sentences (n=16) were 2-12 months long, with 80% falling between 2 and 6 months and a midpoint length of 4 months. GBOs (n=234) ranged from 3 to 24 months, with 80% of sentences 6-18 months long. The midpoint and most common length was 12 months, accounting for 69% of GBOs and 46% of all penalties for this offence. Fines (n=57) ranged from \$50 to \$2000, with 80% of fines for \$250 to \$750. The midpoint fine was for \$400 and the most commonly imposed fine was \$500 (19% of fines). No further details were available for the 14 cases where some other order was imposed.

Gender

Males accounted for 90% of offenders (n=313). As set out in Figure 6, they were more likely to receive a prison sentence (8% vs 3%) or fine (18% vs 6%), while females were more likely to receive a GBO (86% vs 65%). There were few differences in the use of the other sentencing options: 1% vs 0% for partly suspended sentences, 5% vs 3% for fully suspended sentences and 4% vs 3% for other orders.

Figure 6: Sentencing outcomes for the most common penalties in the Magistrates Court for destroy property by gender



Age

Table 10: Sentencing outcomes in the Magistrates Court for destroy property by age

	18-20 (68)	21-25 (90)	26-30 (62)	31-40 (86)	41-50 (37)	Over 50 (6)
Prison (25)	0	6	6	11	2	0
PD (1)	0	0	0	0	1	0
PSS (2)	0	0	1	1	0	0
FSS (16)	2	2	5	5	2	0
GBO (234)	56	57	38	49	29	5
Fine (57)	9	21	8	17	1	1
Other (14)	1	4	4	3	2	0

Table 10 sets out the distribution of sentences by age. As can be seen, the largest group of offenders was aged 21-25 (26% of all offenders), followed closely by offenders aged 31-40 (25%).

Figure 7: Sentencing outcomes for the most common penalties in the Magistrates Court for destroy property by age

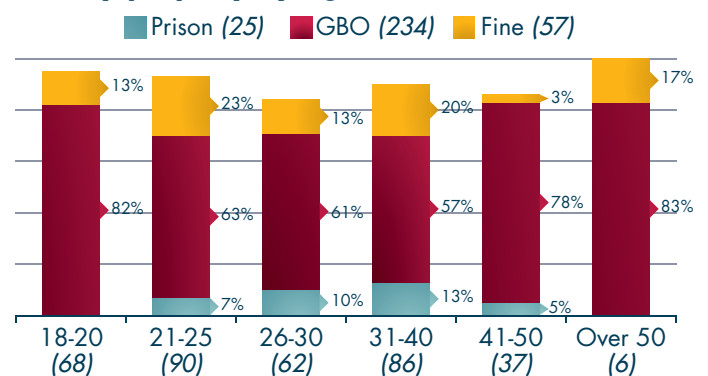
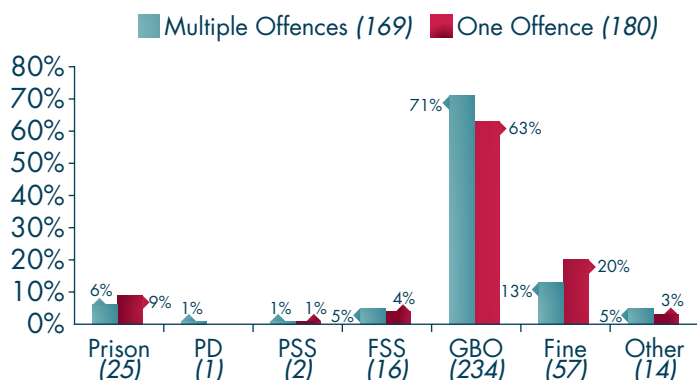


Figure 7 sets out the distribution of the most common penalties (prison, GBOs and fines), which together accounted for 91% of sentences, by age. The use of prison ranged from 0% for offenders aged 18-20 or over 50, to 13% for offenders aged 31-40. GBOs were imposed on 82% of offenders aged 18-20 and 83% of those aged over 50, while offenders aged 31-40 were least likely to receive such an outcome (57%). Fines were most commonly imposed on offenders aged 21-25 (23%), while 41-50 year old offenders were least likely to receive a fine (3%).

Number Of Offences

Just over half of the offenders (52%; n=180) committed a single offence, while 48% were sentenced for multiple offences. Figure 8 shows that multiple offenders were more likely to receive prison (9% vs 6%) or a fine (20% vs 13%), while offenders who committed a single offence were more likely to receive a GBO (71% vs 63%). The remaining orders were imposed at similar rates: 1% vs 0% for periodic detention, both 1% for partly suspended sentences, 5% vs 4% for fully suspended sentences and 5% and 3% for other orders.

Figure 8: Sentencing outcomes in the Magistrates Court for destroy property by number of offences



Point of plea entry

Data was also available for 339 offenders on the point of plea entry. As Table 11 indicates, 35% of offenders (n=119) entered a plea on the first occasion before a magistrate, 28% (n=95) did so on the second occasion they appeared, and 16% (n=55) did so on their third occasion. A further 15% (n=50) appeared before a magistrate 4-5 times before entering a plea, while 6% (n=20) appeared six or more times.

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

	1 (119)	2 (95)	3 (55)	4-5 (50)	6 or more (20)
Prison (23)	7%	5%	11%	6%	5%
PD (1)	0%	1%	0%	0%	0%
PSS (2)	1%	0%	0%	2%	0%
FSS (15)	3%	2%	9%	8%	5%
GBO (227)	72%	68%	66%	54%	65%
Fine (56)	13%	19%	13%	24%	15%
Other (14)	3%	4%	2%	6%	10%

Table 11 also 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 5% to 11%. The periodic detention order was imposed on an offender who entered a plea on the second court appearance. The use of partly suspended sentences ranged from 0% to 2%, while fully suspended sentences ranged from 2% to 9%. GBOs were imposed on 54% to 72% of offenders, while fines accounted for 13% to 24% of sentences. Other orders were imposed on 2% to 10% of offenders.

Point of plea finalisation

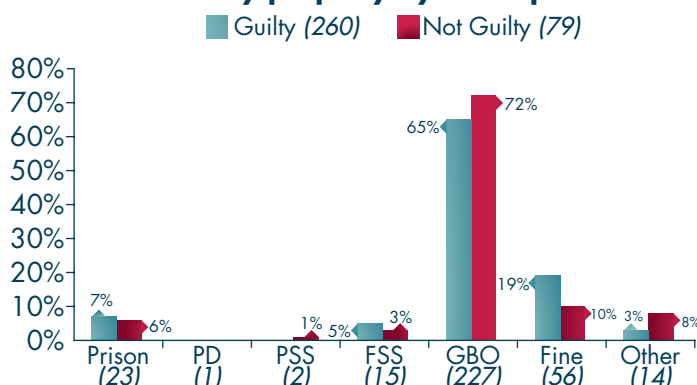
Data was available for all offenders (n=349) as to the point when they finalised their plea. As set out in Table 12, 30% of offenders (n=104) only appeared one or two times to get their matter finalised, and 42% (n=145) appeared 3-5 times. Offenders with 6-10 appearances accounted for 21% of offenders (n=74), while 7% (n=26) appeared 11 or more times before finalising their matter.

As set out in Table 12, prison became an increasingly likely outcome with a later plea finalisation, increasing from 5% of offenders who entered their plea on the first or second appearance to 19% for offenders whose plea took 11 or more appearances to finalise. The periodic detention order was imposed on an offender who finalised their plea after 3-5 appearances, while the partly suspended sentences were imposed on offenders who took 6-10 appearances to do so. Fully suspended sentences became a more likely outcome (increasing from 3% to 8%), while GBOs generally decreased (from 68%-74% for offenders who took up to five appearances to finalise their plea, compared with 50% for those who took 11 or more appearances). The use of fines also decreased (from 20% to 12%). Other orders were imposed in 1% to 12% of cases.

12. Data was not available for the remaining 10 offenders.

Plea

Figure 9: Sentencing outcomes in the Magistrates Court for destroy property by initial plea



Initial plea

The data in the ACTSD indicates that 260 offenders (77%) initially entered a guilty plea, while 79 (23%) offenders entered a not guilty plea¹². As set out in Figure 9, offenders who initially pleaded guilty were more likely to receive a fine (19% vs 10%), while offenders with an initial not guilty plea were more likely to receive a GBO (72% vs 65%) or some other order (8% vs 3%). There were similar rates for prison (7% vs 6%), periodic detention (both 0%), partly suspended sentences (0% vs 1%), and fully suspended sentences (5% vs 3%).

Final plea

All offenders for whom data was available (n=339) entered a final plea of guilty.

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

	1-2 (104)	3-5 (145)	6-10 (74)	11 or more (26)
Prison (25)	5%	6%	8%	19%
PD (1)	0%	1%	0%	0%
PSS (2)	0%	0%	3%	0%
FSS (16)	3%	3%	8%	8%
GBO (234)	68%	74%	58%	50%
Fine (57)	20%	15%	15%	12%
Other (14)	4%	1%	8%	12%

Case study

The following represents a typical offender and sentencing outcome in the Magistrates Court for the offence of destroy property: Carl was aged 23 and committed a single offence. 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.

Childrens Court

As set out in Table 13, there were 117 sentences imposed in the Childrens Court under the Crimes Act for the offence of destroy property. The most common penalty was a GBO, accounting for 86% of sentences. The second most common penalties were prison and other orders (both 5%). Offenders were equally likely to receive a fully suspended sentence or fine (both 2%).

Table 13: Sentencing outcomes in the Childrens Court for destroy property

	Number of cases (117)	Proportion of all sentences	Range	80% range	Midpoint
Prison	6	5%	1-3 months	1-3 months	2 months
FSS	2	2%	2 months	2 months	2 months
GBO	101	86%	3-30 months	6-12 months	12 months
Fine	2	2%	\$100-\$200	\$100-\$200	\$100
Other	6	5%	N/A	N/A	N/A

The prison sentences (n=6) were equally distributed across 1 and 3 months, with 80% of sentences also falling in this range and a midpoint length of 2 months. The fully suspended sentences (n=2) were both 2 months long. GBOs (n=92)¹³ ranged from 3 to 30 months, although 80% were 6-12 months long. The midpoint and most common length for this penalty was 12 months, accounting for 65% of GBOs and 44% of all sentences for this offence. The fines (n=2) were for \$100 and \$200. No further details were available for the cases where some other order was imposed (n=6).

13. Details on the length of GBO were missing for 9 cases.

Gender

Males accounted for 72% of offenders sentenced (n=84). There were 33 female offenders, all of whom received a GBO (100% vs 81% for males). Prison and other orders were each imposed on 7% of male offenders, while fully suspended sentences and fines were each imposed on 4% of male offenders.

Age

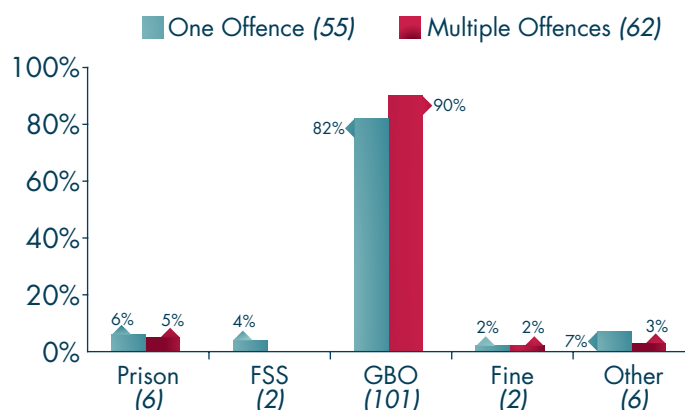
Table 14: Sentencing outcomes in the Childrens Court for destroy property by age

	12-13 (9)	14-15 (30)	16-17 (77)
Prison (6)	0%	3%	7%
FSS (2)	0%	0%	3%
GBO (100)	100%	87%	84%
Fine (2)	0%	0%	3%
Other (6)	0%	10%	4%

Table 14 sets out the distribution of sentences by age. There were no offenders aged 10-11, while 8% (n=9) were aged 12-13. Juveniles aged 14-15 (n=30) represented 26% of offenders and 16-17 year olds (n=77) accounted for 66% of offenders¹⁴. As can be seen, the use of prison increased with age, from 0% for 12-13 year olds to 7% for 16-17 year olds. By contrast, the use of GBOs decreased, from 100% for 12-13 year olds to 84% for offenders aged 16-17. Fully suspended sentences and fines and other orders were only imposed on offenders aged 16-17. Other orders were imposed on 14-15 year olds (in 10% of cases) and 16-17 year olds (4%).

Number of offences

Figure 10: Sentencing outcomes in the Childrens Court for destroy property by number of offences



Just over half of the offenders sentenced (53%; n=62) committed multiple offences, while 47% were sentenced for a single offence. As set out in Figure 10, single offenders more likely to receive a fully suspended sentence (4% vs 0%) or other order (7% vs 3%) and less likely to receive a GBO (82% vs 90%). Prison was imposed at similar rates (6% vs 5%), while fines were imposed on 2% of offenders in each group.

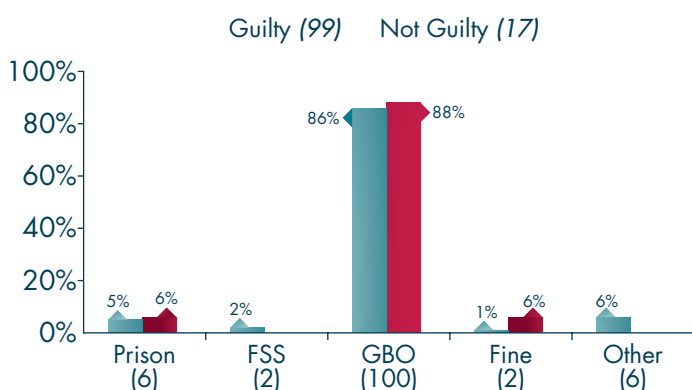
14. Details on age were missing for one offender.

Plea

Initial plea

The data in the ACTSD indicates that 99 offenders initially entered a guilty plea (85%), while 17 offenders (15%) entered a not guilty plea¹⁵. Offenders who initially pleaded guilty were more likely to receive some other order (6% vs 0%), while those with an initial not guilty plea were more likely to receive a fine (6% vs 1%). The other options were imposed at similar rates: 5% and 6% for prison, 2% and 0% for fully suspended sentences, and 85% and 88% for GBOs.

Figure 11: Sentencing outcomes in the Childrens Court for destroy property by initial plea



Final plea

All but one of the offenders for whom data was available (99%) entered a final plea of guilty. The offender with a final not guilty plea received a GBO.

Point of plea entry

Data on when offenders entered a plea was also available for 116 offenders. As set out in Table 14, 30% of offenders (n=35) entered their plea on the first occasion they appeared before a magistrate. Offenders most commonly entered a plea on their second appearance before a magistrate (34%; n=40). Another 17% of offenders (n=20) entered their plea on their third appearance, 8% (n=9) did so after 4-5 appearances, and 10% (n=12) took six or more court appearances to enter a plea.

Table 14: Sentencing outcomes in the Childrens Court by point of plea entry

	1 (35)	2 (40)	3 (20)	4-5 (9)	6 or more (12)
Prison (6)	6%	3%	0%	11%	17%
FSS (2)	0%	3%	5%	0%	0%
GBO (100)	91%	90%	90%	77%	58%
Fine (2)	0%	5%	0%	0%	0%
Other (6)	3%	0%	5%	11%	8%

15. Data was not available for the remaining offender.

The distribution of sentencing outcomes by point of plea entry is also set out in Table 14, indicating that GBOs became a less likely outcome with delayed plea entry; they accounted for 91% of outcomes for offenders who entered a plea on the first or second appearance, but this fell to 58% after six or more appearances. The other outcomes did not show any clear association with point of plea entry. Prison sentences accounted for 0% to 17% of sentences, while fully suspended sentences ranged from 0% to 5%. Fines were only imposed on offenders who entered a plea on the second appearance. Other orders accounted for 0% to 11% of sentences.

Point of plea finalisation

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

	1-2 (30)	3-5 (39)	6-10 (33)	11 or more (15)
Prison (6)	0%	5%	0%	27%
FSS (2)	0%	3%	3%	0%
GBO (101)	100%	85%	94%	47%
Fine (2)	0%	3%	0%	7%
Other (6)	0%	5%	3%	20%

As set out in Table 15, 26% of offenders (n=30) finalised their matter in 1-2 appearances. Offenders most commonly took 3-5 court appearances to finalise their matter (33%; n=39). A further 28% (n=33) took 6-10 appearances to finalise their matter, and the remaining 13% (n=15) did so in 11 or more appearances.

The use of prison ranged from 0% to 27% of sentences, with offenders who took 11 or more appearances to finalise their matter much more likely to receive such an outcome. Fully suspended sentences were imposed in 0% and 3% of cases. The use of GBOs generally decreased, from 100% of offenders who finalised their plea on the first appearances to only 47% of offenders who did so after 11 or more appearances. Fines were imposed in 0% to 7% of cases. Finally, the use of other orders ranged from 0% to 20%.

Case study

The following represents a typical offender and sentencing outcome in the Childrens Court for the offence of destroy/damage property: Nick was aged 17 and committed multiple offences. He entered a plea on his second occasion before a magistrate, and it took five court appearances to finalise his matter. He pleaded guilty and received a 12 month GBO.