

Sentencing Spotlight technical information

The *Sentencing Spotlight* series is produced by the Queensland Sentencing Advisory Council and summarises the sentencing outcomes of defendants finalised in the Queensland Courts for selected offences.

Each *Sentencing Spotlight* includes an analysis of sentencing outcomes, demographic characteristics of offenders, and other analysis such as recidivism, associated offences, and characteristics of the case.

Data sources

This series uses data that has been collected from administrative information systems used by the Department of Justice and Attorney-General (DJAG). The Queensland Government Statistician's Office (QGSO), Queensland Treasury provides the Courts database to the Queensland Sentencing Advisory Council. Additional information about cases may be sourced from sentencing remarks obtained from the Queensland Sentencing Information Service (QIS).

Limitations

The data presented in *Sentencing Spotlights* is a simplified representation of Queensland's complex criminal justice system and subject to a range of limitations. Caution should therefore be used when interpreting the data, particularly due to the following:

- Data is derived from an administrative system that is designed for operational, rather than research purposes. The accuracy of information presented in *Sentencing Spotlights* reflects how administrative information is structured, entered, maintained and extracted from the administrative system.
- The Courts Database is continually updated as more information is entered into the DJAG administrative database. Data presented in each *Sentencing Spotlight* will be clearly marked in terms of the valid timeframe from which the data has been derived.
- Sentencing outcome information is included for the court imposing the sentence, and not the court of original lodgement, as this is how this information is administratively recorded.
- Sentencing details reported may not include the results of any appeals and their outcomes.
- An offender may be sentenced for multiple offences at the same time. The sentencing outcomes presented in *Sentencing Spotlights* generally relate to the most serious offence for which the offender was sentenced, though additional details of other offences and sentencing outcomes are also presented where relevant.

Counting rules and methodologies

Determining offender characteristics

To determine the age, gender and Aboriginal and Torres Strait Islander status of an offender, the most frequently occurring attribute is applied to all court events for that offender.

For example, if an offender is recorded as having a different date of birth across different cases, the date of birth that is most frequently recorded across the highest number of cases is the date of birth that is used for all analyses pertaining to that offender.

If half of an offender's cases recorded the person as being male, and half as being female, the person's gender is classified as unknown.

If half of an offender's cases recorded the person as being Aboriginal and Torres Strait Islander, the person is classified as being Aboriginal and Torres Strait Islander.

Recidivism

To calculate recidivism, each unique offender is analysed to determine whether they committed a new offence in the two years following a sentencing event.

For offenders sentenced to a custodial penalty, the two year window during which recidivism is measured begins from the date they are estimated to be released from custody.

An offender's estimated release date is calculated using information about the offender's sentence:

- For community-based sentencing orders and wholly suspended sentences, the expected release date is the date the penalty was given.
- For partially suspended sentences, the expected release date is the date of sentence, plus any days of actual imprisonment to be served, less any days of declared pre-sentence custody.
- For sentences of imprisonment, the expected release date is the date an offender becomes eligible for parole. If no parole date is specified at sentencing, parole eligibility is estimated at 50 per cent of the sentence (less any pre-sentence custody), or 80 per cent for cases where a serious violent offence declaration is made.

Unique offenders

For the purposes of linking records within the court data, QGSO undertook a computational methodology to uniquely identify offenders in the dataset. This methodology involved both deterministic and probabilistic matching techniques to account for anomalies in relation to common administrative data errors, such as the use of nicknames, and incorrectly transposed details.

Young offenders

Offenders are classified as adults or juveniles based on the most serious penalty they received at sentencing. If the most serious penalty was made pursuant to the Youth Justice Act 1992 (Qld), the offender is categorised as a young offender. If the most serious penalty was made under the Penalties and Sentences Act 1992 (Qld), the offender is categorised as an adult.

Definitions

Average	<p>The average is a measure used to describe the central position of a dataset.</p> <p>The average is calculated by adding up all the values in a dataset and dividing the sum by the total number of values.</p> <p>The average is affected by outliers – extreme scores at either end of the distribution can cause the average to shift significantly. When the sample size is large and does not include extreme (or outlier) values, the mean usually provides the preferred measure of central tendency.</p>
Case (or sentencing event)	<p>A 'case' is the collection of offences for a single offender, which are finalised on the same day at the same court level and court location. Where there are multiple offenders dealt with jointly during a court event, the event is recorded as separate cases.</p>
Court level	<p>The type of court in which the offender was sentenced. The <i>Sentencing Spotlight</i> series will refer to three tiers of courts:</p> <ol style="list-style-type: none">1. Magistrates Courts2. District Court3. Supreme Court
Joint penalty	<p>In some instances, a single penalty may be applied jointly to multiple offences. This series reports on the outcome in relation to the most serious offence.</p>
Median	<p>The median is a measure used to describe the central value of a dataset.</p> <p>The median is the middle value (or the half-way point) of an ordered dataset. Half of the values lie above the median, and half below.</p> <p>The advantage of using the median is that, compared to the mean, it is relatively unaffected by extreme scores at either end of the distribution.</p>
Missing information	<p>Cases with missing demographic information, such as gender or age, are removed from the relevant analysis.</p>

Most serious offence (MSO)	Data presented in this series focusses on the most serious offence for which an offender was sentenced for each case. The most serious offence is defined as the offence which received the most serious sentence, as ranked by the classification scheme used by the ABS.
Multiple penalties	In some instances, it is possible for a single offence to receive multiple penalties. For example, an offender may receive both a probation order and a community service order. Where multiple penalties are received for a single offence, the most serious penalty is used for this series.
Offender	For the purpose of analyses presented in the <i>Sentencing Spotlight</i> series, an 'offender' is a person charged with one or more criminal offences who has either pleaded or been found guilty. A case may involve multiple offenders, and an offender may appear in multiple cases. Where there are multiple offenders in an individual case, these offenders are counted separately. Where an offender appears across multiple cases, each case is counted separately.
Young offender	The <i>Sentencing Spotlight</i> series examines cases concerning both adult and young offenders. For young offenders, the <i>Youth Justice Act 1992 (Qld)</i> applies instead of the <i>Penalties and Sentences Act 1992 (Qld)</i> . In Queensland, a person who offends under the age of 17 years is considered a child (and referred to as a young offender). ¹ Any child under the age of 10 years at the time of the offence is not considered to be legally responsible for any offending behaviour.

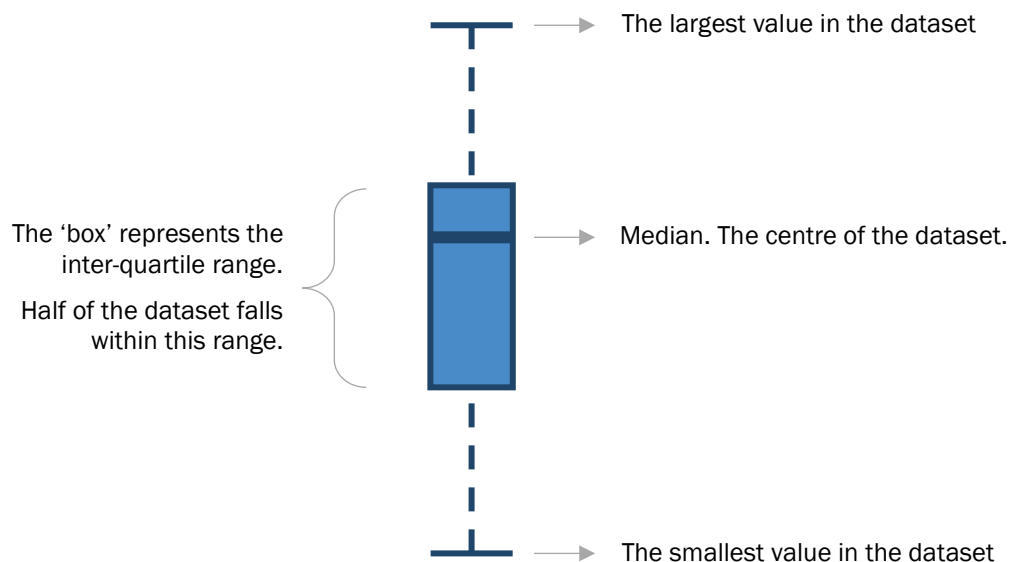
Interpreting a boxplot

The largest and smallest values are shown at the ends of each whisker.

The middle 50 per cent of all of the data points lie within the box.

A quarter of the data falls above and below the box.

The median is the line inside the middle of the box.



¹ Until 12 February 2018, children aged between 10 and 16 were sentenced as children. From 12 February 2018, 17-year-olds are also treated as children.