

SENTENCING  
SPOTLIGHT ON...

# burglary



Queensland Sentencing  
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# Sentencing Spotlight on... burglary

This *Sentencing Spotlight* examines sentencing outcomes for Burglary offences under s 419 of the *Criminal Code* (Qld) finalised in Queensland courts between 2005–06 to 2017–18.



**28,276** cases.  
Burglary was the most  
serious offence (MSO) in  
**20,695**



**4.6 offences**  
**per day** in  
December



**69.7%** adult  
offenders  
**30.3%** young  
offenders



Average age  
**22.9 years**



**86.6%**  
male offenders



**39.3%**  
Aboriginal and/or Torres  
Strait Islander



**99.6%**  
pleaded guilty



**25.6%**  
repeat offenders

## ADULT OFFENDERS



**47.6%**  
imprisoned



Average  
imprisonment  
**1.5 years**

## YOUNG OFFENDERS



**26.9%**  
received probation



Average length  
of probation  
**8.6 months**

Source: Department of Justice and Attorney-General's Queensland Wide Inter-linked Courts (QWIC) database, as maintained by the Queensland Government Statistician's Office (QGSO).

# Burglary

Burglary is colloquially known as ‘breaking and entering’ or ‘unlawful entry’. It is defined under s 419 of the *Criminal Code* (Qld) which provides that ‘any person who enters or is in the dwelling of another’ and either commits an indictable offence, or intends to commit an indictable offence, is guilty of a crime.

‘Indictable offence’ is a term used for more serious types of criminal offences. This includes offences such as stealing, various kinds of assault, wilful damage and wounding.

‘Entering’ occurs as soon as any part of the offender’s body (or the instrument they are using, for instance, a screwdriver) is within the dwelling.<sup>1</sup>

‘Dwelling’ includes a building or structure (or part of these) used as a residence.<sup>2</sup> There is a separate offence of entering or being in non-dwelling premises (such as a shop or business) with the intent to commit an indictable offence; however, this offence is beyond scope of this paper.<sup>3</sup>

There are other offences similar to burglary, which are beyond the scope of this paper. These include possessing things used in connection with unlawful entry (s 425) and unlawful entry of a vehicle with intent to commit an indictable offence (s 427).

For the purposes of this *Sentencing Spotlight*, burglary offences will be categorised as follows:

- Burglary
- Burglary (aggravating circumstances)
- Burglary (and commit offence)

It is important to consider these different categories, as burglary (aggravating circumstances) and burglary (and commit offence) carry a higher maximum penalty.

Figure 1 shows the number of cases sentenced for each category of burglary from 2005–06 to 2017–18.

## Burglary

The first type of burglary involves entering, or being in, someone else’s dwelling with the intent to commit an indictable offence (s 419(1)).

It carries a maximum penalty of 14 years’ imprisonment.

## Burglary (aggravating circumstances)

The maximum penalty for burglary rises to life imprisonment if any of six circumstances of aggravation form part of the offence.<sup>4</sup> These are:

- entering by break (‘break and enter’);<sup>5</sup>
- committing the offence at night (between 9pm and 6am);<sup>6</sup>
- using or threatening to use actual violence;
- being (or pretending to be) armed with a dangerous or offensive weapon, instrument or noxious substance;
- being in company with someone else; or
- damaging, threatening or attempting to damage, any property.

Burglary and burglary (aggravating circumstances) are still the same offence. There is not a separate offence of ‘aggravated burglary’.<sup>7</sup> The difference between these two categories is that when aggravating circumstances are present, the maximum penalty rises to life imprisonment.

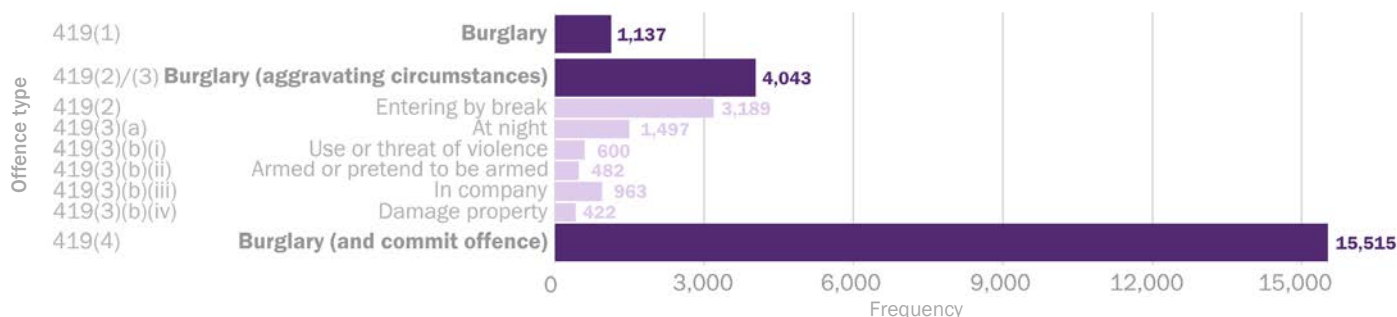
## Burglary (and commit offence)

If a person commits an indictable offence in another person’s dwelling, they can be charged with a second type of burglary under s 419(4).<sup>8</sup>

This is different from the type of burglary discussed above as the prosecution does not have to prove that the offender had an intent. The fact that an offence was committed is enough, regardless of the reason for entering or being in the dwelling.<sup>9</sup>

This offence has a maximum penalty of life imprisonment.

**Figure 1: Number of burglary cases (MSO) by type of offence, 2005–06 to 2017–18**



Source: Queensland Government Statistician’s Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: The aggravating circumstances displayed in the chart sum to more than the total (4,043), as multiple circumstances of aggravation can be attached to a single burglary charge.

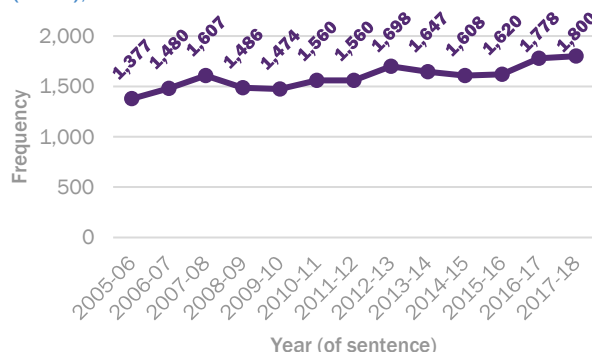
## Number of offenders

A total of 28,276 cases were sentenced for burglary between 2005–06 and 2017–18. For 20,695 (73.2%) of those cases, burglary was the most serious offence (MSO) heard at the sentencing event.<sup>10</sup> For the remaining 7,581 cases (26.8%) where burglary was not the MSO, the MSO most commonly involved assault (n=3,010, 39.7%) or robbery (n=1,070, 14.1%).

This *Sentencing Spotlight* focuses primarily on the 20,695 cases where burglary was the MSO.

Figure 2 presents the number of finalised cases sentenced for burglary (MSO) by financial year. The number of cases increased from 1,377 cases in 2005–06 to a high of 1,800 cases in 2017–18.

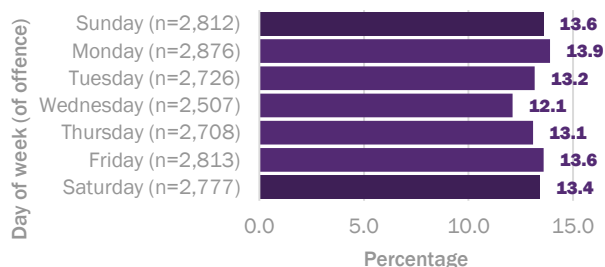
**Figure 2: Number of offenders sentenced for burglary (MSO), 2005–06 to 2017–18**



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Burglaries were most frequently committed on a Monday (n=2,876, 13.9%). Friday, Saturday and Sunday also saw a high number of burglary offences – see Figure 3. Burglaries were less likely to occur in the middle of the week, with only 12.1 per cent of burglaries taking place on a Wednesday.

**Figure 3: Number of burglary offences (MSO) by day of week of offence, 2005–06 to 2017–18**

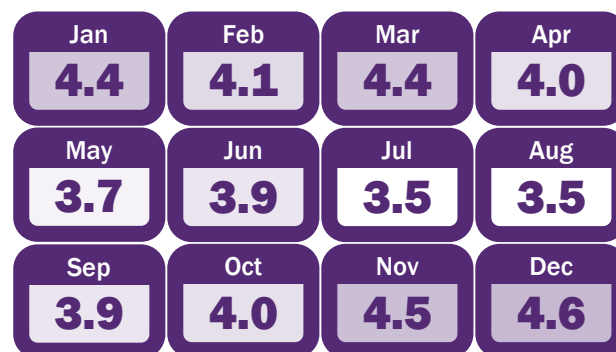


Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.  
Note: the day of week was unknown for 1,476 cases (7.1%).

Figure 4 shows the average number of burglary offences (MSO) committed each day, by month. December had the

highest frequency of burglary offences, with an average of 4.6 offences committed each day throughout the month. From November to January, the average number of offences remained high, with an average of 4.5 offences per day in November, and an average of 4.4 offences per day in January. The fewest burglaries were committed in the months of July and August, with an average of 3.5 offences committed each day during these months.

**Figure 4: Average number of burglary offences (MSO) per day, by month of offence, 2005–06 to 2017–18**



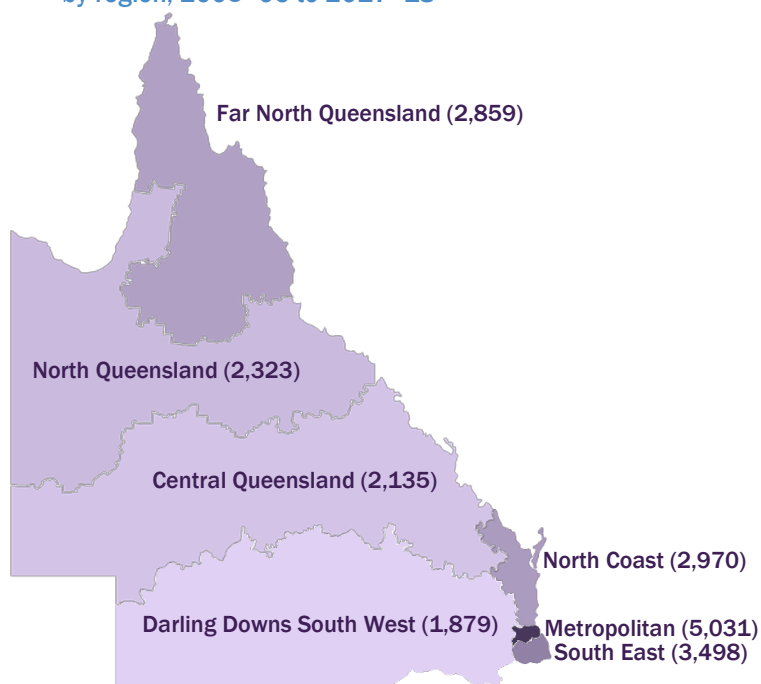
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: the month of offence was unknown for 1,476 cases (7.1%).

## Regions

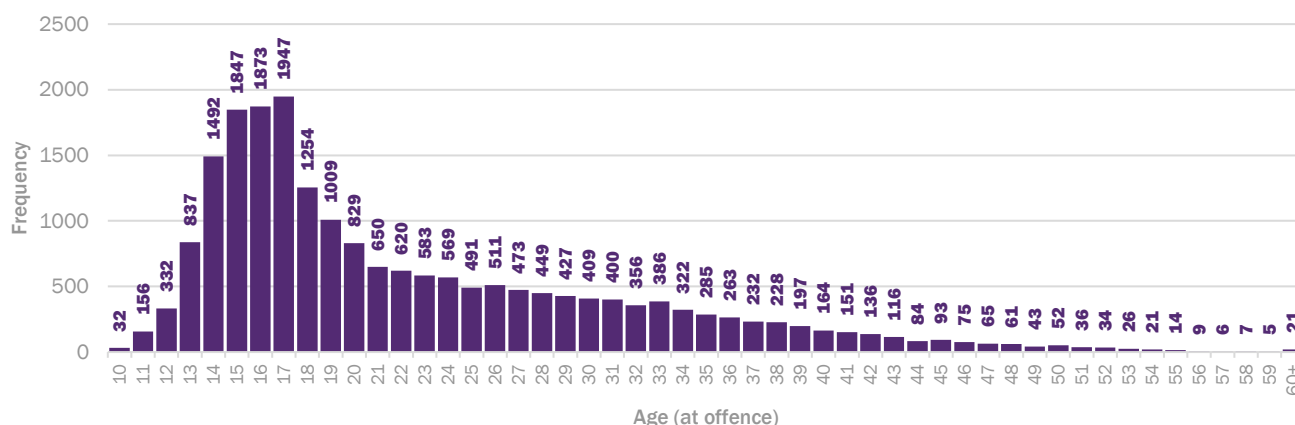
Figure 5 illustrates the regions in which burglary was the MSO within Queensland. The region with the most cases sentenced was the Metropolitan region with 5,031 burglary cases (MSO).

**Figure 5: Number of cases sentenced for burglary (MSO) by region, 2005–06 to 2017–18**



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Figure 6: Number of offenders sentenced for burglary (MSO) by age at offence, 2005–06 to 2017–18



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: 13 offenders were excluded as their age was unknown.

## Offender characteristics

This section compares the age, gender and Aboriginal and Torres Strait Islander status of all offenders sentenced for burglary (MSO) over the period from 2005–06 to 2017–18.

### Age

On average, offenders sentenced for burglary (MSO) were much younger at the time of committing the offence (22.9 years) than the average age of all offenders sentenced in Queensland (31.0 years). The youngest person sentenced for burglary was 10 years old and the oldest was 70 years old, with a median age of 19.5 years. Figure 6 shows the offender's age at the time of committing the offence.



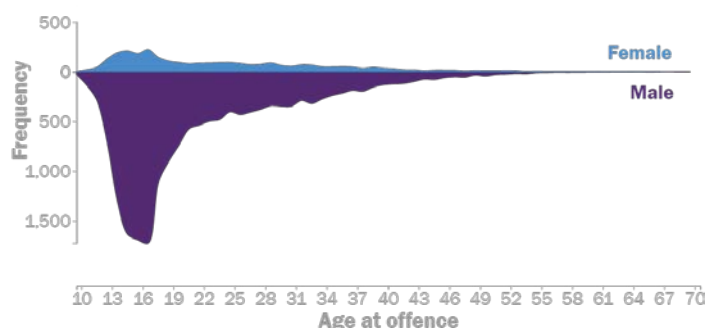
### Gender

The majority of offenders sentenced for burglary (MSO) were male (n=17,922, 86.6%). This represents a higher proportion of male offenders compared to all other offences sentenced in Queensland (76.2%).



On average, female offenders sentenced for burglary (MSO) were slightly older than male offenders. The average age at the time of the offence was 24.3 years (median=21.7) for female offenders, compared to 22.7 years (median=19.3) for male offenders – see Figure 7. This difference was statistically significant.<sup>11</sup>

Figure 7: Offenders sentenced for burglary (MSO) by gender and age at offence, 2005–06 to 2017–18

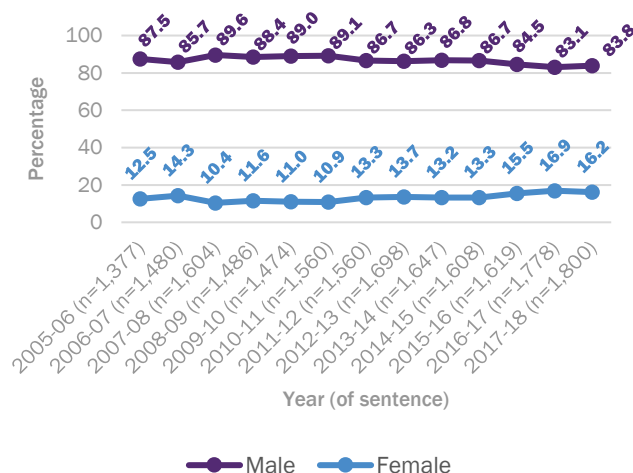


Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: 17 offenders were excluded as their age or gender was unknown.

The proportion of female offenders increased over the data period, from a low of 10.4 per cent of offenders in 2007–08 (n=167), to a high of 16.9 per cent of offenders in 2016–17 (n=301) – see Figure 8.

Figure 8: Proportion of offenders sentenced for burglary (MSO) by gender and year of sentence, 2005–06 to 2017–18



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: 4 offenders were excluded as their gender was unknown.



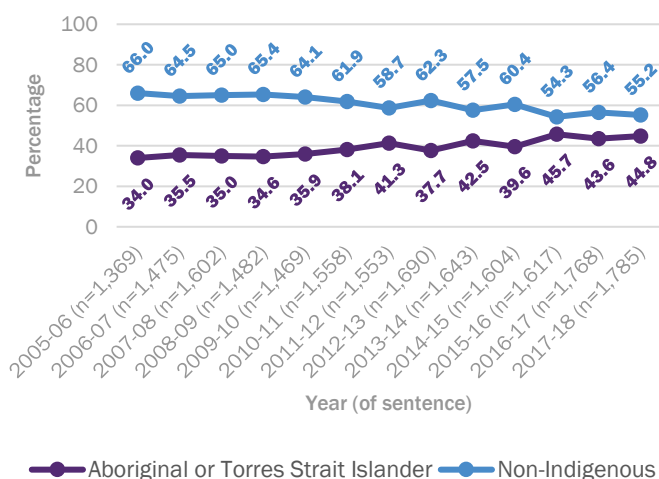
## Aboriginal and Torres Strait Islander people

Although people who identify as Aboriginal and Torres Strait Islander represent approximately 3.8 per cent of Queensland's population aged 10 years and over,<sup>12</sup> they accounted for 39.3 per cent (n=8,103) of offenders sentenced for burglary (MSO) over the 13 year data period.<sup>13</sup>



The proportion of Aboriginal and Torres Strait Islander offenders sentenced for burglary (MSO) has increased considerably over the data period, from a low of 34.0 per cent in 2005–06 (n=465) to a high of 45.7 per cent in 2015–16 (n=739) – see Figure 9. In 2017–18, Aboriginal and Torres Strait Islanders are close to representing half of all offenders for the offence of burglary (MSO) (n=799, 44.8%).

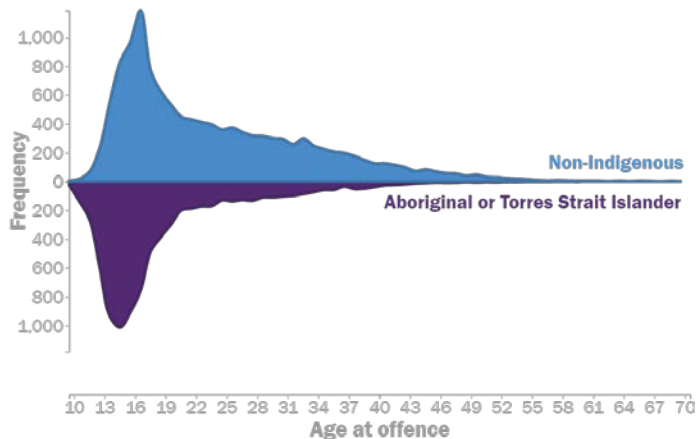
**Figure 9: Proportion of offenders sentenced for burglary (MSO) by Aboriginal and Torres Strait Islander status and year of sentence, 2005–06 to 2017–18**



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.  
 Note: 80 offenders were excluded as their Aboriginal and Torres Strait Islander status was unknown.

Aboriginal and Torres Strait Islander offenders were younger than non-Indigenous offenders.<sup>14</sup> The average age at time of the offence was 19.9 years for Aboriginal and Torres Strait Islanders (median=17.2), compared to 24.9 years for non-Indigenous offenders (median=22.1) – see Figure 10.

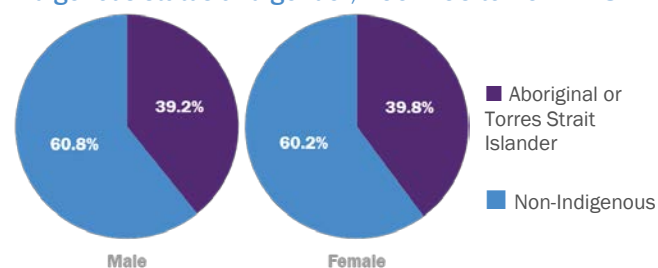
**Figure 10: Offenders sentenced for burglary (MSO) by indigenous status and age at offence, 2005–06 to 2017–18**



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.  
 Note: 92 offenders were excluded as their Aboriginal and Torres Strait Islander status or age was unknown.

Of the 17,860 male offenders sentenced for burglary (MSO), Aboriginal and Torres Strait Islander people accounted for 39.2 per cent (n=7,008). In comparison, of the 2,751 female offenders, Aboriginal and Torres Strait Islander people accounted for 39.8 per cent (n=1,095) – see Figure 11. This difference was not statistically significant.<sup>15</sup>

**Figure 11: Offenders sentenced for burglary (MSO) by indigenous status and gender, 2005–06 to 2017–18**



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.  
 Note: 84 offenders were excluded as their Aboriginal and Torres Strait Islander status or gender was unknown.

## Young offenders

If, at the time of offence, an offender was aged 10–17 years, they may be dealt with as a child under the *Youth Justice Act 1992*



(Qld).<sup>16</sup> Across all offences in Queensland, 4.0 per cent of offenders were young offenders who were sentenced as a child. In comparison, the offence of burglary (MSO) had a much higher proportion of young offenders, with 30.3 per cent of burglaries committed by offenders aged 10–17 years (n=6,270).

Young offenders were considerably more likely to be Aboriginal or Torres Strait Islander and slightly more likely to be male compared to adult offenders.

Aboriginal and Torres Strait Islander people make up 60.7 per cent (n=3,796) of young offenders. This was much higher than the 30.0 per cent of adults who were Aboriginal or Torres Strait Islander (n=4,307).<sup>17</sup>

Female offenders accounted for 11.9 per cent of young offenders (n=746). This was slightly lower than the 14.0 per cent of adult offenders who were female (n=2,023).<sup>18</sup>

## Sentencing court

The nature of the burglary offence determines which court will hear a sentence in relation to it.

Burglary must be dealt with in the District Court if it involves circumstances of aggravation regarding actual violence, being armed, or causing damage (only if the value of the damage is \$30,000 or more and the offender does not plead guilty).

Burglary (and commit offence) must be dealt with in the District Court if the other offence committed as part of the burglary is of a type that would have to be dealt with in a higher court, or would be if it were laid along with the burglary (and commit offence) charge. A District Court charge could be sent to the Supreme Court if the offender has a more serious charge in the Supreme Court, so that all charges can be dealt with together.

All other forms of burglary must be dealt with in the Magistrates Courts.

The vast majority of burglary cases (MSO) were heard in the Magistrates Courts (85.9%, n=17,774). The remaining cases were heard in the higher courts, with 14.0 per cent of cases heard in the District Court (n=2,889), and 0.2 per cent of cases in the Supreme Court (n=32).

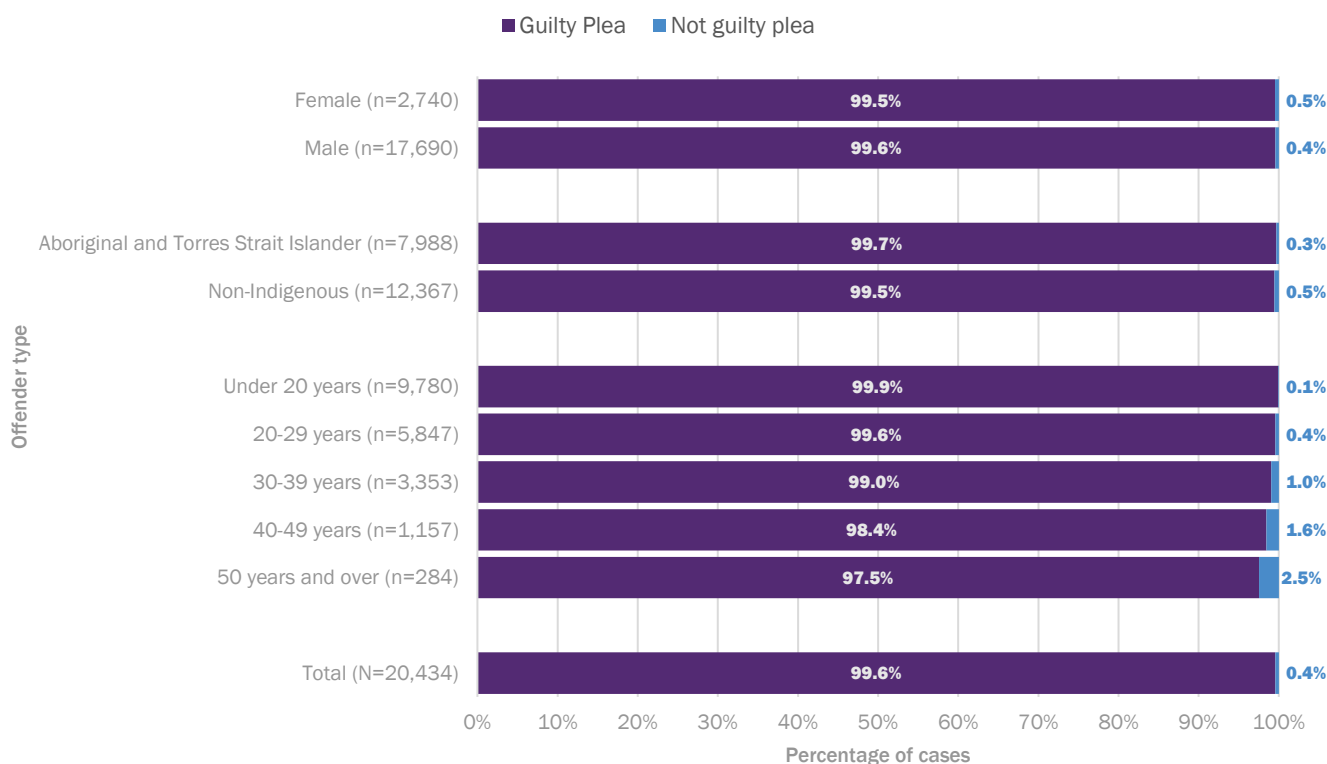
## Type of plea

In most burglary cases (MSO), the offender pleaded guilty, either initially or at a subsequent date (99.6%, n=20,344). Only 90 offenders pleaded not guilty (0.4%).

Males and females were equally likely to plead guilty (males 99.6%; females 99.5%).<sup>19</sup> Similarly, there was no difference in the type of plea by Aboriginal and Torres Strait Islander status (99.7% of Aboriginal and Torres Strait Islander people pleaded guilty, compared to 99.5% of non-Indigenous people).<sup>20</sup>

The age of an offender played a significant role in how a person was likely to plead.<sup>21</sup> Almost all offenders under the age of 20 pleaded guilty (99.9%), whereas older offenders were slightly less likely to plead guilty, with 2.5 per cent of offenders aged 50 years or older entering a not guilty plea – see Figure 12.

**Figure 12: Type of plea for offenders sentenced for burglary (MSO) by gender, Aboriginal and Torres Strait Islander status and age at sentence, 2005–06 to 2017–18**

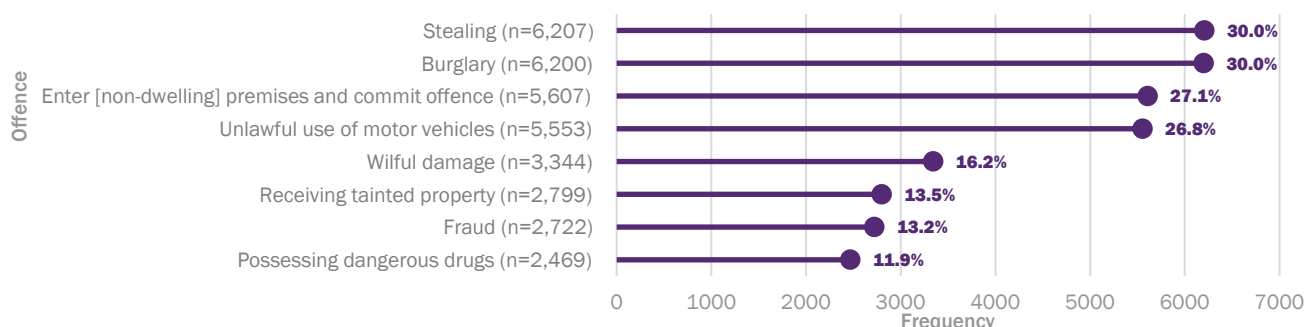


Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: 261 cases were excluded as the type of plea was unknown. Offenders with unknown characteristics were excluded from each subcategory.



**Figure 13: Top eight associated offences sentenced with burglary (MSO), 2005–06 to 2017–18**



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

## Associated offences

Some offenders sentenced for burglary (MSO) were also sentenced for other offences at the same court event. Of the 20,695 cases, 19.3 per cent were only sentenced for the burglary offence, 14.2 per cent were sentenced for one additional offence, and 66.5 per cent were sentenced for more than one additional offence.

Figure 13 shows the top eight most common associated offences. In nearly a third of cases (30.0%), the offender was sentenced for more than one burglary offence (n=6,200). Similarly, in 27.1 per cent of cases the offender was also sentenced for breaking and entering non-dwelling premises (n=5,553).

The offence of stealing was the offence most commonly sentenced alongside burglary (n=6,207, 30.0%). Unlawful use of a motor vehicle was another offence frequently

associated with burglary, presumably illustrating cases where an offender broke into a home to take a car (n=5,553, 26.8%).

The number of offences sentenced per offender per court event ranged from 1 to 433, with an average of 8.0 offences sentenced per event (median=4.0).

There was no significant difference in the number of offences sentenced at a sentencing event for burglary (MSO) by gender (an average of 7.9 offences per event for female offenders, compared to 8.0 for male offenders).<sup>22</sup>

On average, non-Indigenous offenders had slightly more offences sentenced at a burglary (MSO) sentencing event compared to Aboriginal and Torres Strait Islander offenders (8.3 offences per court event for non-Indigenous offenders, compared to 7.6 for Aboriginal and Torres Strait Islander offenders).<sup>23</sup>

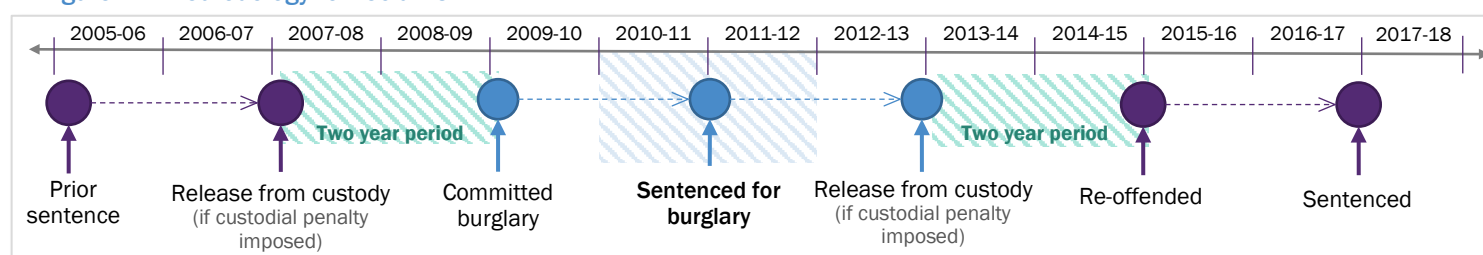
**Table 1: Number of sentenced offences per court event, 2005–06 to 2017–18**

Offender type	N	Single offence (%)	2 to 4 offences (%)	5 to 10 offences (%)	11+ offences (%)	Number of offences			
						Avg	Median	Min	Max
Female	2,769	20.5	34.2	23.2	22.1	7.9	4.0	1	168
Male	17,922	19.1	32.2	26.0	22.7	8.0	4.0	1	433
Aboriginal and Torres Strait Islander	8,103	16.8	33.4	28.4	21.4	7.6	4.0	1	142
Non-Indigenous	12,512	20.8	31.9	23.9	23.4	8.3	4.0	1	433
<b>Total</b>	<b>20,695</b>	<b>19.3</b>	<b>32.5</b>	<b>25.6</b>	<b>22.6</b>	<b>8.0</b>	<b>4.0</b>	<b>1</b>	<b>433</b>

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: Offenders with unknown characteristics were excluded from each subcategory.

Figure 14: Methodology for recidivism.



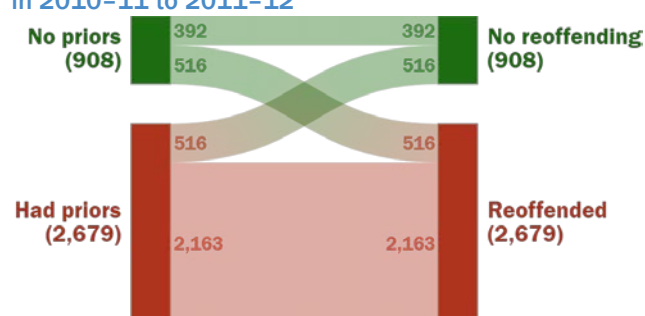
The 'two year period' refers to the time during which an offence must be committed for it to be included in the recidivism analysis. The offender must have committed a new offence within two years of being released from custody for a prior offence.

## Recidivism

Of the 17,230 offenders who were sentenced for burglary in 2005–06 to 2016–17 (regardless of whether burglary was their MSO), a quarter were repeat offenders (25.6%,  $n=4,404$ ). This means that they had been sentenced for multiple burglary offences over the 12-year period.

Offenders sentenced for burglary in 2010–11 to 2011–12 were examined in more detail to determine whether they had committed any other offences before or after being sentenced for burglary.<sup>24</sup> Prior and subsequent offending was operationalised as any sentencing event with an offence date that occurred within two years of an offender's expected release from custody – see Figure 14.

Figure 15: Reoffending by people sentenced for burglary in 2010–11 to 2011–12



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

In 2010–11 to 2011–12, there were 3,587 unique offenders sentenced for burglary. Of these, nearly three quarters had previously offended ( $n=2,679$ , 74.7%), and the same number committed a new offence following the burglary ( $n=2,679$ , 74.7%) – see Figure 15.

Over half of offenders had committed offences both before and after the burglary offence (60.3%,  $n=2,163$ ), whereas only 10.9 per cent had no prior and no subsequent offences recorded ( $n=392$ ). There were 516 offenders who reoffended, but had no prior sentenced offences (14.4%), and the same number of offenders had prior offences but did not reoffend ( $n=516$ , 14.4%).

Table 2 shows that the average number of prior events for male offenders is 3.0 – this is slightly more than female offenders with an average of 2.6 prior court events.<sup>25</sup> Similarly, male offenders were also slightly more likely to have a higher number of subsequent offences, with an average of 2.3 subsequent sentencing events, compared to 2.0 for female offenders.<sup>26</sup>

Aboriginal and Torres Strait Islander offenders were significantly more likely to have a higher number of both prior and subsequent court events compared to non-Indigenous offenders.<sup>27</sup> Aboriginal and Torres Strait Islander offenders had, on average, 3.6 prior court events (non-Indigenous=2.6), and 3.0 subsequent court events (non-Indigenous=1.9).









Table 2: Prior and subsequent court events for offenders sentenced for burglary in 2010–11 to 2011–12

Offender type	N	No court events (%)	1 to 4 court events (%)	5+ court events (%)	Number of court events			
					Average	Median	Min	Max
<b>Prior offending</b>	<b>3,587</b>	<b>25.3</b>	<b>49.9</b>	<b>24.8</b>	<b>3.0</b>	<b>2.0</b>	<b>0</b>	<b>52</b>
Female	448	29.7	49.1	21.2	2.6	2.0	0	20
Male	3,139	24.7	50.0	25.3	3.0	2.0	0	52
Aboriginal or Torres Strait Islander	1,266	19.3	48.7	32.0	3.6	3.0	0	52
Non-Indigenous	2,304	28.1	50.9	21.0	2.6	2.0	0	17
<b>Subsequent offending</b>	<b>3,587</b>	<b>25.3</b>	<b>60.5</b>	<b>14.2</b>	<b>2.3</b>	<b>2.0</b>	<b>0</b>	<b>17</b>
Female	448	30.4	58.7	10.9	2.0	1.0	0	15
Male	3,139	24.6	60.8	14.6	2.3	2.0	0	17
Aboriginal or Torres Strait Islander	1,266	16.7	61.6	21.7	3.0	2.0	0	17
Non-Indigenous	2,304	29.5	60.4	10.1	1.9	1.0	0	17

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: Offenders with unknown characteristics are excluded from each subgroup.

Figure 16: Top eight prior offences for offenders sentenced for burglary in 2010–11 to 2011–12

Offence	Sentenced cases	Offender count
 <b>Stealing</b> <i>Criminal Code (Qld) s 398</i>	<b>1,660</b>	<b>1,044</b> (29.1%)
 <b>Enter [non-dwelling] premises and commit offence</b> <i>Criminal Code (Qld) s 421</i>	<b>1,567</b>	<b>951</b> (26.5%)
 <b>Driving without a licence</b> <i>Transport Operations (RUM) Act 1995 s 78</i>	<b>1,381</b>	<b>920</b> (25.6%)
 <b>Burglary</b> <i>Criminal Code (Qld) s 419</i>	<b>1,304</b>	<b>834</b> (23.3%)
 <b>Public nuisance</b> <i>Summary Offences Act 2005 s 6</i>	<b>1,227</b>	<b>798</b> (22.2%)
 <b>Wilful damage</b> <i>Criminal Code (Qld) s 469</i>	<b>1,233</b>	<b>794</b> (22.1%)
 <b>Assault or obstruct police officer</b> <i>Police Powers and Responsibilities Act 2000 s 790</i>	<b>980</b>	<b>720</b> (20.1%)
 <b>Unlawful use of motor vehicle</b> <i>Criminal Code (Qld) s 408A</i>	<b>1,075</b>	<b>699</b> (18.7%)

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

### Most common prior offences

Figure 16 shows a list of the types of offences that were committed by offenders prior to committing a burglary offence in 2010–11 to 2011–12.

The most common prior offence was stealing, with 1,044 offenders (29.1%) sentenced at 1,660 court events for this offence.









The entering of non-dwelling premises and committing an indictable offence was the second most common prior offence (951 offenders, 26.5%). Similarly, there were 834 offenders with prior sentences for burglary (23.3% of offenders).

### Most common subsequent offences

Figure 17 shows the offences that were most commonly committed subsequent to being sentenced for a burglary offence. The types of offences committed subsequent to a burglary were very similar to the types of offences committed prior to a burglary – compare with Figure 16.

The most common types of subsequent offences were stealing (875 offenders, 24.4%), entering non-dwelling premises and committing an indictable offence (757 offenders, 21.1%), and burglary (751 offenders, 20.9%).

Figure 17: Top eight subsequent offences for offenders sentenced for burglary in 2010–11 to 2011–12

Offence	Sentenced cases	Offender count
 <b>Stealing</b> <i>Criminal Code (Qld) s 398</i>	<b>1,385</b>	<b>875</b> (24.4%)
 <b>Enter premises and commit offence</b> <i>Criminal Code (Qld) s 421</i>	<b>1,249</b>	<b>757</b> (21.1%)
 <b>Burglary</b> <i>Criminal Code (Qld) s 419</i>	<b>1,193</b>	<b>751</b> (20.9%)
 <b>Driving without a licence</b> <i>Transport Operations (RUM) Act 1995 s 78</i>	<b>967</b>	<b>726</b> (20.2%)
 <b>Unlawful use of motor vehicle</b> <i>Criminal Code (Qld) s 408A</i>	<b>1,155</b>	<b>672</b> (18.7%)
 <b>Wilful damage</b> <i>Criminal Code (Qld) s 469</i>	<b>926</b>	<b>648</b> (18.1%)
 <b>Assault or obstruct police officer</b> <i>Police Powers and Responsibilities Act 2000 s 790</i>	<b>838</b>	<b>628</b> (17.5%)
 <b>Possessing dangerous drugs</b> <i>Drugs Misuse Act 1986 s 9</i>	<b>701</b>	<b>596</b> (16.6%)

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

# Penalties and sentencing

A statutory mandatory penalty applies to burglary with a circumstance of aggravation and burglary by entering and committing an offence if these offences are committed in relation to a criminal organisation (this is referred to as a 'serious organised crime circumstance of aggravation'). The court must impose seven years' imprisonment (which must be served wholly in custody) in addition to, and cumulatively upon, a sentence of imprisonment for the burglary offence.<sup>28</sup> This law came into effect on 9 December 2016.

Over the data period, no offenders were sentenced for burglary with a serious organised crime circumstance of aggravation.

## Penalty type

From 2005–06 to 2017–18, there were 14,425 adult offenders and 6,270 young offenders who were sentenced for burglary (MSO). A different sentencing regime applies to young offenders sentenced in Queensland under the *Youth Justice Act 1992* to that which applies to offenders sentenced as adults under the *Penalties and Sentences Act 1992*. For this reason, the penalties imposed on adult offenders and young offenders are discussed separately.

### Adult penalties

From 2005–06 to 2017–18, a total of 62.2 per cent (n=8,979) of adult offenders sentenced for burglary (MSO) received a custodial penalty. This is much higher than the 9.6 per cent of adult offenders who were sentenced to a custodial penalty across all offences in Queensland.



The most common penalty imposed on adult offenders for burglary (MSO) was imprisonment (n=6,861, 47.6%). An additional 13.2 per cent of adult offenders received a suspended sentence of imprisonment (n=1,912). Only a

small proportion of offenders were sentenced to an intensive correction order (1.4%, n=206) – see Table 4.

Non-custodial penalties accounted for 37.8 per cent of penalties imposed on adult offenders (n=5,445). The most common non-custodial penalty was probation, with 2,102 offenders sentenced over the data period (14.6%). A fine was the most serious penalty issued in 10.9 per cent of cases (n=1,574), and a community service order was made in 8.4 per cent of cases (n=1,208).

There was a significant difference in the penalties issued based on the type of burglary offence – see Table 3.<sup>29</sup> Burglaries with aggravating circumstances were more likely to result in a term of imprisonment (51.3%) compared to burglaries without aggravating circumstances (35.1%). Similarly, burglary offences that involved an indictable offence were more likely to receive a sentence of imprisonment (47.5%), compared to burglaries without aggravating circumstances (35.1%).

There was also a significant difference in the length of imprisonment based on the type of burglary offence.<sup>30</sup> On average, burglary with no aggravating circumstances had the shortest imprisonment length (1.2 years), burglary (and commit offence) was longer at 1.4 years, and burglary (aggravating circumstances) was the longest at 2.0 years.

**Table 3: Penalties issued by type of burglary offence (MSO), adult offenders, 2005–06 to 2017–18**

Penalty type	Burglary	Burglary aggravating circumstances	Burglary and commit offence
Imprisonment	35.1%	51.3%	47.5%
Partially suspended	2.8%	7.4%	2.8%
Wholly suspended	11.0%	10.8%	9.0%
Intensive correction order	1.3%	1.6%	1.4%
Community service	6.7%	6.8%	9.0%
Probation	14.1%	10.3%	15.8%
Fine	21.2%	8.6%	10.8%
Recognisance	5.1%	1.5%	2.1%
Convicted, nfp*	2.8%	1.6%	1.7%

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

\* not further punished.

**Table 4: Penalty types for burglary (MSO), adult offenders by demographics, 2005–06 to 2017–18**

Penalty type	Total %	Male %	Female %	Aboriginal and Torres Strait Islander %	Non-Indigenous %	Aggravating circumstances %	No aggravating circumstances %
<b>Custodial penalties</b>							
Imprisonment (n=6,861)	47.6	49.5	36.0	53.7	45.1	48.3	35.1
Partially suspended (n=539)	3.7	3.9	2.6	2.7	4.2	3.8	2.8
Wholly suspended (n=1,373)	9.5	9.2	11.7	9.1	9.6	9.4	11.0
Intensive correction order (n=206)	1.4	1.4	1.6	1.3	1.5	1.4	1.3
<b>Non-custodial penalties</b>							
Community service (n=1,208)	8.4	8.5	7.7	8.9	8.2	8.5	6.7
Probation (n=2,102)	14.6	13.2	23.0	13.8	14.9	14.6	14.1
Fine (n=1,574)	10.9	10.8	11.6	7.7	12.2	10.3	21.2
Recognisance (n=313)	2.2	1.9	4.1	1.4	2.4	2.0	5.1
Convicted, nfp* (n=248)	1.7	1.7	1.7	1.4	1.9	1.7	2.8
<b>Total</b>	<b>100%</b> n=14,425	<b>100%</b> n=12,185	<b>100%</b> n=1,988	<b>100%</b> n=4,247	<b>100%</b> n=9,865	<b>100%</b> n=13,370	<b>100%</b> n=807

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018. Note: Offenders with unknown characteristics are excluded from each subgroup. 1 offender was not shown as the most serious penalty was the disqualification of their driver's licence. \* not further punished

## Length of sentence for adult offenders

The average sentence length for adults sentenced to imprisonment was 1.5 years (median=1.3 years). The longest sentence of imprisonment was 14 years. On average, male offenders had longer imprisonment sentences (1.6 years) compared to female offenders (1.2 years).<sup>31</sup> Aboriginal and Torres Strait Islander offenders had slightly shorter average sentences of imprisonment (1.4 years) compared to non-Indigenous offenders (1.6 years).<sup>32</sup>

The longest head sentence for a partially suspended sentence was 5 years (the longest period available by law). The average head sentence was 2.1 years (median=2.0 years). The longest amount of time a person was required to serve in prison before their sentence was suspended was 3 years. The average time served before release was 7.6 months (median=6 months).

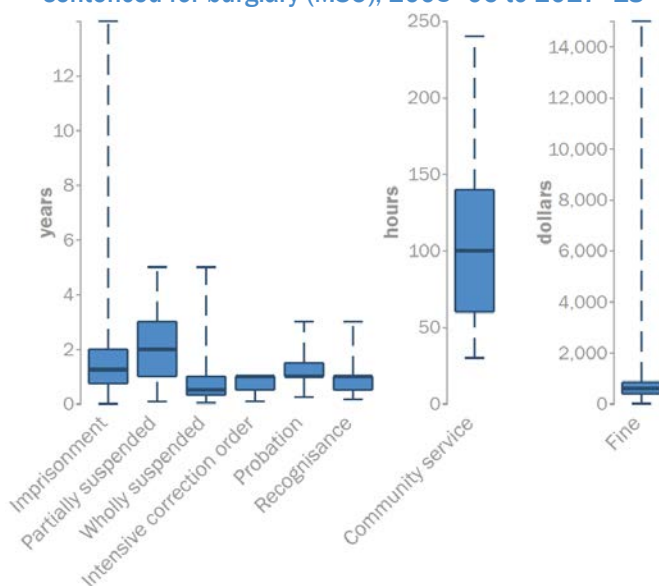
One in ten offenders sentenced for burglary received a wholly suspended sentence (9.5%). The longest sentence was 5 years, and the average was 0.7 years (median=0.5 years).

On average, offenders sentenced to community service were required to complete 107 hours of unpaid community work (median=100 hours).

Probation sentences ranged from 3 months to 3 years, with an average sentence length of 1.2 years (median=1.0 year).

The largest fine issued for a burglary offence was \$15,000. On average, offenders who received a fine were required to pay \$762 (median=\$600).

**Figure 18: Boxplot of length of penalties for adults sentenced for burglary (MSO), 2005–06 to 2017–18**



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

**Table 5: Sentence lengths for burglary (MSO), adult offenders by demographics, 2005–06 to 2017–18**

Offender type	N	Avg	Median	Min	Max
<b>Imprisonment (years)</b>					
Female	729	1.2	1.0	0.0	7.0
Male	6,131	1.6	1.3	0.0	14.0
Aboriginal or Torres Strait Islander	2,313	1.4	1.0	0.0	10.0
Non-Indigenous	4,533	1.6	1.3	0.0	14.0
<b>All offenders</b>	<b>6,861</b>	<b>1.5</b>	<b>1.3</b>	<b>0.0</b>	<b>14.0</b>
<b>Partially suspended (years)</b>					
Female	53	1.8	1.7	0.2	5.0
Male	485	2.2	2.0	0.1	5.0
Aboriginal or Torres Strait Islander	115	1.7	1.5	0.1	5.0
Non-Indigenous	419	2.3	2.0	0.1	5.0
<b>All offenders</b>	<b>539</b>	<b>2.1</b>	<b>2.0</b>	<b>0.1</b>	<b>5.0</b>
<b>Wholly suspended (years)</b>					
Female	236	0.8	0.5	0.1	4.0
Male	1,137	0.7	0.5	0.0	5.0
Aboriginal or Torres Strait Islander	394	0.6	0.5	0.1	4.0
Non-Indigenous	964	0.8	0.5	0.0	5.0
<b>All offenders</b>	<b>1,373</b>	<b>0.7</b>	<b>0.5</b>	<b>0.0</b>	<b>5.0</b>
<b>Intensive correction order (years)</b>					
Female	32	0.8	0.8	0.3	1.0
Male	174	0.8	1.0	0.1	1.0
Aboriginal or Torres Strait Islander	57	0.7	0.8	0.2	1.0
Non-Indigenous	149	0.8	1.0	0.1	1.0
<b>All offenders</b>	<b>206</b>	<b>0.8</b>	<b>1.0</b>	<b>0.1</b>	<b>1.0</b>
<b>Community service (hours)</b>					
Female	156	103	100	40	240
Male	1,051	108	100	30	240
Aboriginal or Torres Strait Islander	382	99	80	40	240
Non-Indigenous	820	112	100	30	240
<b>All offenders</b>	<b>1,208</b>	<b>107</b>	<b>100</b>	<b>30</b>	<b>240</b>
<b>Probation (years)</b>					
Female	465	1.3	1.0	0.3	3.0
Male	1,636	1.2	1.0	0.2	3.0
Aboriginal or Torres Strait Islander	594	1.2	1.0	0.3	3.0
Non-Indigenous	1,502	1.3	1.0	0.2	3.0
<b>All offenders</b>	<b>2,102</b>	<b>1.2</b>	<b>1.0</b>	<b>0.2</b>	<b>3.0</b>
<b>Fine (dollars)</b>					
Female	235	\$714	\$500	\$19	\$5,500
Male	1,339	\$770	\$600	\$10	\$15,000
Aboriginal or Torres Strait Islander	330	\$628	\$500	\$18	\$5,500
Non-Indigenous	1,231	\$798	\$600	\$10	\$15,000
<b>All offenders</b>	<b>1,574</b>	<b>\$762</b>	<b>\$600</b>	<b>\$10</b>	<b>\$15,000</b>
<b>Recognisance (years)</b>					
Female	82	0.9	1.0	0.2	2.0
Male	231	0.9	1.0	0.2	3.0
Aboriginal or Torres Strait Islander	62	0.8	0.7	0.2	3.0
Non-Indigenous	246	0.9	1.0	0.2	2.0
<b>All offenders</b>	<b>313</b>	<b>0.9</b>	<b>1.0</b>	<b>0.2</b>	<b>3.0</b>

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.



## Youth offenders

Over the 13 year data period, a total of 20.4 per cent (n=1,300) of young offenders sentenced for burglary (MSO) received a custodial penalty. This is much higher than the 7.2 per cent of young offenders who were sentenced to a custodial penalty across all offences in Queensland.



Community-based orders were the most common penalty imposed on young offenders for burglary (MSO), with 1,686 offenders sentenced to probation (26.9%), and 1,410 offenders sentenced to a community service order (22.5%).

Detention was imposed in 10.4 per cent of cases (n=652), and an additional 9.6 per cent of offenders were sentenced to detention, but were immediately released into a structured program with strict conditions (a conditional release order, n=603) – see Table 6.

Aboriginal and Torres Strait Islander offenders were significantly more likely to receive a custodial penalty (25.0%) compared to non-Indigenous offenders (13.4%), and less likely to be sentenced to a court ordered conference (8.5%, compared to 13.4% for non-Indigenous offenders) or a recognisance order (7.3%, compared to 12.9% for non-Indigenous offenders).<sup>33</sup>

Male offenders were significantly more likely to receive a custodial penalty (21.7%) compared to female offenders (10.5%), and were less likely to receive a probation order (25.7%) compared to female offenders (35.4%).<sup>34</sup>

There was no significant difference in the type of penalty issued based on the type of burglary offence.<sup>35</sup> Offenders sentenced for burglary with aggravating circumstances, or burglary and commit an offence, were slightly more likely to receive a custodial penalty, and were slightly less likely to be sentenced to a court ordered conference, or a recognisance – see Figure 20.

There was no significant difference in the length of probation orders based on the type of burglary offence.<sup>36</sup> However, on average, detention orders were significantly longer for burglary (aggravating circumstances) (7.2 months), compared to burglary (and commit offence) (5.8 months), and burglary with no aggravating circumstances (3.6 months).<sup>37</sup>

**Figure 19: Penalties issued by type of burglary offence (MSO), young offenders, 2005–06 to 2017–18**

Penalty type	Burglary	Burglary aggravating circumstances	Burglary and commit offence
Detention	7.5%	10.4%	10.6%
Conditional release	6.5%	9.6%	9.8%
Boot camp order	0.0%	0.3%	0.4%
Intensive supervision	0.3%	0.3%	0.3%
Community service	22.5%	24.4%	22.1%
Probation	27.4%	26.4%	27.0%
Court ordered conference	12.4%	10.8%	10.3%
Fine	1.0%	1.5%	1.0%
Recognisance	11.4%	8.4%	9.6%
Reprimand	9.1%	6.3%	7.4%
Convicted, nfp*	2.0%	1.5%	1.5%

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

\* not further punished.

**Table 6: Penalty types for burglary (MSO), young offenders by demographics, 2005–06 to 2017–18**

Penalty type	Total %	Male %	Female %	Aboriginal and Torres Strait Islander %	Non-Indigenous %	Aggravating circumstances %	No aggravating circumstances %
<b>Custodial penalties</b>							
Detention (n=652)	10.4	11.1	5.0	13.4	5.9	10.5	7.5
Conditional release order (n=603)	9.6	10.2	5.1	11.1	7.4	9.8	6.5
Boot camp order <sup>38</sup> (n=24)	0.4	0.4	0.4	0.5	0.2	0.4	0.0
<b>Non-custodial penalties</b>							
Intensive supervision order (n=21)	0.3	0.4	0.0	0.5	0.1	0.3	0.3
Community service (n=1,410)	22.5	22.7	20.9	22.3	22.8	22.5	22.5
Probation (n=1,686)	26.9	25.7	35.4	27.4	26.1	26.9	27.4
Court ordered conference (n=656)	10.5	10.3	11.5	8.5	13.4	10.4	12.4
Fine (n=67)	1.1	1.2	0.4	0.6	1.8	1.1	1.0
Recognisance (n=595)	9.5	9.1	12.7	7.3	12.9	9.4	11.4
Reprimand (n=459)	7.3	7.3	7.1	7.2	7.5	7.2	9.1
Convicted, nfp* (n=97)	1.5	1.6	1.5	1.3	1.9	1.5	2.0
<b>Total</b>	<b>100%</b> n=6,270	<b>100%</b> n=5,438	<b>100%</b> n=735	<b>100%</b> n=3,746	<b>100%</b> n=2,414	<b>100%</b> n=5,872	<b>100%</b> n=301

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

Note: Offenders with unknown characteristics are excluded from each subgroup.

\* not further punished

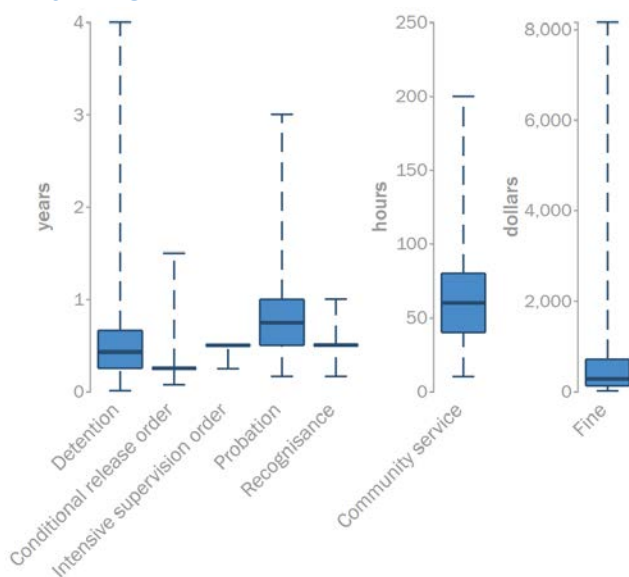
## Length of sentence for young offenders

The most common penalty imposed on young offenders for burglary (MSO) was probation (n=1,686). The longest probation sentence was 3 years, and the average length was 0.7 years (median=0.7 years). The average length of probation remained at 0.7 years, irrespective of the Aboriginal and Torres Strait Islander status of the offender.<sup>39</sup> There was also no difference in the length of probation by gender, which remained at 0.7 years for both male and female offenders<sup>40</sup> – see Table 7.

Community service orders accounted for over a fifth of the penalties imposed on young people for burglary (MSO) (22.8%). The longest community service order was 200 hours, which is the maximum sentence under the legislation.<sup>41</sup> The average community service order was 65 hours (median=60 hours).

An actual term of detention was issued in 10.6 per cent of cases. The longest detention sentence was for 4.0 years, and the average detention sentence was 0.5 years (median=0.4 years). In the 9.8 per cent of cases where a conditional release order was issued, the average order had a head sentence of 0.3 years (median=0.3 years), and the longest sentence was for 1.5 years.

**Figure 20: Boxplot of length of penalties for young offenders sentenced for burglary (MSO), 2005–06 to 2017–18**



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

**Table 7: Sentence lengths for burglary (MSO), young offenders by demographics, 2005–06 to 2017–18**

Offender type	N	Avg	Median	Min	Max
<b>Detention (years)</b>					
Female	37	0.4	0.3	0.0	0.8
Male	615	0.5	0.5	0.0	4.0
Aboriginal or Torres Strait Islander	507	0.5	0.4	0.0	4.0
Non-Indigenous	145	0.6	0.5	0.0	3.0
<b>All offenders</b>	<b>652</b>	<b>0.5</b>	<b>0.4</b>	<b>0.0</b>	<b>4.0</b>
<b>Conditional release order (years)</b>					
Female	38	0.2	0.2	0.1	0.3
Male	565	0.3	0.3	0.1	1.5
Aboriginal or Torres Strait Islander	422	0.3	0.3	0.1	1.5
Non-Indigenous	181	0.3	0.3	0.1	1.0
<b>All offenders</b>	<b>603</b>	<b>0.3</b>	<b>0.3</b>	<b>0.1</b>	<b>1.5</b>
<b>Intensive supervision order (years)</b>					
Female	0				
Male	21	0.5	0.5	0.2	0.5
Aboriginal or Torres Strait Islander	19	0.5	0.5	0.2	0.5
Non-Indigenous	2	0.4	0.4	0.2	0.5
<b>All offenders</b>	<b>21</b>	<b>0.5</b>	<b>0.5</b>	<b>0.2</b>	<b>0.5</b>
<b>Community service (hours)</b>					
Female	156	57.7	50.0	20.0	200.0
Male	1,254	65.9	60.0	10.0	200.0
Aboriginal or Torres Strait Islander	845	61.6	50.0	10.0	200.0
Non-Indigenous	562	70.2	60.0	10.0	200.0
<b>All offenders</b>	<b>1,410</b>	<b>65.0</b>	<b>60.0</b>	<b>10.0</b>	<b>200.0</b>
<b>Probation (years)</b>					
Female	264	0.7	0.5	0.2	2.0
Male	1,422	0.7	0.7	0.2	3.0
Aboriginal or Torres Strait Islander	1,039	0.7	0.7	0.2	3.0
Non-Indigenous	642	0.7	0.7	0.2	3.0
<b>All offenders</b>	<b>1,686</b>	<b>0.7</b>	<b>0.7</b>	<b>0.2</b>	<b>3.0</b>
<b>Fine (dollars)</b>					
Female	3	\$193	\$150	\$130	\$300
Male	64	\$646	\$287	\$18	\$8,156
Aboriginal or Torres Strait Islander	22	\$338	\$163	\$40	\$1,541
Non-Indigenous	45	\$766	\$300	\$18	\$8,156
<b>All offenders</b>	<b>67</b>	<b>\$626</b>	<b>\$274</b>	<b>\$18</b>	<b>\$8,156</b>
<b>Recognisance (years)</b>					
Female	95	0.5	0.5	0.2	1.0
Male	500	0.5	0.5	0.2	1.0
Aboriginal or Torres Strait Islander	276	0.5	0.5	0.2	1.0
Non-Indigenous	318	0.6	0.5	0.2	1.0
<b>All offenders</b>	<b>595</b>	<b>0.5</b>	<b>0.5</b>	<b>0.2</b>	<b>1.0</b>

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted November 2018.

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# Endnotes

<sup>1</sup> *Criminal Code* (Qld) s 418(2).

<sup>2</sup> *Criminal Code* (Qld) s 1.

<sup>3</sup> 'Premises' includes a building or structure other than a dwelling (like a shop or business) and a tent, caravan or vehicle – see *Criminal Code* (Qld) s 418(4).

<sup>4</sup> *Criminal Code* (Qld) ss 419(2) and (3).

<sup>5</sup> Under the *Criminal Code* (Qld) s 418(1), a 'break' happens when a person:

- breaks any part (external or internal) of a dwelling; or
- opens (by unlocking, pulling, pushing, lifting, or any other way) any door, window, shutter, cellar, flap or other thing that is meant to close or cover an opening in a dwelling (or an opening giving passage from one part of a dwelling to another).

The law says that a person breaks and enters if they gain entry using a threat or trickery, by colluding with someone else in the dwelling, or by using a chimney or other opening, which is permanently left open, but not intended to be a way of entering – see *Criminal Code* (Qld) s 418(3).

<sup>6</sup> *Criminal Code* (Qld) s 1.

<sup>7</sup> *R v Graham* [2017] 1 Qd R 236, 243 (McMurdo JA, Gotterson JA and Jackson J agreeing).

<sup>8</sup> There are two different types of burglary offence in Queensland. Both are set out in s 419 of the *Criminal Code* (Qld) – *R v Miles* [1999] QCA 325, 3 (McMurdo P and Pincus JA, McPherson JA agreeing). The relevant forms (251 and 252) under the *Criminal Practice Rules 1999* (Qld) also reflect this difference.

<sup>9</sup> *Prior v Queensland Police Service* [2016] QDC 143, 6-7 [26] (Durward SC DCJ). However, the offence then committed in the dwelling, may separately require intent to be proved for that reason, see *Prior v Queensland Police Service* [2016] QDC 143, 8 [34] (Durward SC DCJ). For instance, the offence of torture has an element of intent which the prosecution must prove.

<sup>10</sup> For a definition of 'most serious offence' and other terms, refer to the technical paper available at: <https://www.sentencingcouncil.qld.gov.au/research/sentencing-spotlight>.

<sup>11</sup> Independent groups t-test:  $t(3536.4) = 8.17, p < 0.0001, r = 0.14$  (equal variances not assumed).

<sup>12</sup> As at 30 June 2015. See Queensland Government Statistician's Office, *Population estimates by Indigenous Status, LGAs, 2001 to 2015*, available at <https://www.qgso.qld.gov.au/statistics/theme/population/aboriginal-peoples-torres-strait-islander-peoples/population-estimates-projections>.

<sup>13</sup> In Queensland, Aboriginal and Torres Strait Islander people are over-represented in a range of offence categories, accounting for 17.9 per cent of offenders across all types of offences from 2005-06 to 2017-18. This is a result of a range of complex current and historical factors that continue to impact on the lives of Aboriginal and Torres Strait Islander people.

<sup>14</sup> Independent groups t-test:  $t(19932) = 42.95, p < 0.0001, r = 0.29$  (equal variances not assumed).

While the analysis found that ATSI offenders were younger than non-indigenous offenders, it is important to note that the average age of the ATSI population is younger in comparison to the non-Indigenous population.

For more details see Australian Bureau of Statistics, *Estimates of Aboriginal and Torres Strait Islander Australians*, cat. no. 3238.0.55.001.

<sup>15</sup> Pearson's chi-square test:  $\chi^2(1) = 0.3192, p = 0.5721$ .

<sup>16</sup> Sentencing laws are different for children, who are sentenced under the *Youth Justice Act 1992* (Qld) (YJA). In contrast, the *Penalties and Sentences Act 1992* (Qld) applies to the sentencing of adult offenders. For more information, see <https://www.sentencingcouncil.qld.gov.au/about>

sentencing/sentencing-child-offenders. The equivalent of imprisonment for a child is detention. The YJA sets different maximum detention periods for children depending on the level of the sentencing court and seriousness of the offence. The maximum sentence available to higher courts is generally lower than that applicable to adults. Relevant ages for children and criminal responsibility have changed. 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.

<sup>17</sup> Pearson's chi-square test:  $\chi^2(1) = 1718.39, p < 0.0001$ .

<sup>18</sup> Pearson's chi-square test:  $\chi^2(1) = 17.1075, p < 0.0001$ .

<sup>19</sup> Pearson's chi-square test:  $\chi^2(1) = 0.1410, p = 0.7073$ .

<sup>20</sup> Pearson's chi-square test:  $\chi^2(1) = 5.9971, p = 0.0143$ .

<sup>21</sup> Pearson's chi-square test:  $\chi^2(4) = 108.1985, p < 0.0001$ .

<sup>22</sup> Independent groups t-test:  $t(20,689) = -0.26, p = 0.7935, r = 0.002$  (equal variances assumed).

<sup>23</sup> Independent groups t-test:  $t(20,078) = 4.59, p < 0.0001, r = 0.03$  (equal variances not assumed).

<sup>24</sup> To calculate recidivism, offenders were linked across multiple court events to identify occurrences of prior offending and reoffending. This offender linkage was undertaken by the Queensland Government Statistician's Office, and involved both deterministic and probabilistic matching techniques to account for anomalies in data systems in relation to common administrative data errors relating to issues, such as the use of nicknames and transposed details.

This linkage has been performed for court events that were finalised before 30 December 2017. As such, this *Sentencing Spotlight* does not include recidivism analysis for cases finalised beyond this date.

The recidivism analysis in this *Sentencing Spotlight* includes all criminal offences and traffic offences sentenced in a court.

<sup>25</sup> Independent groups t-test:  $t(3585) = -2.62, p = 0.0088, r = 0.04$  (equal variances assumed).

<sup>26</sup> Independent groups t-test:  $t(604.77) = -2.97, p = 0.0031, r = 0.12$  (equal variances not assumed).

<sup>27</sup> Prior court events: Independent groups t-test:  $t(2037.1) = -8.15, p < 0.0001, r = 0.18$  (equal variances not assumed).

Subsequent court events: Independent groups t-test:  $t(2098.6) = -11.80, p < 0.0001, r = 0.25$  (equal variances not assumed).

<sup>28</sup> *Penalties and Sentences Act 1992* (Qld) ss 161Q and 161R and schedule 1C.

<sup>29</sup> Pearson's chi-square test:  $\chi^2(18) = 394.6772, p < 0.0001$ .

<sup>30</sup> One-way independent ANOVA:  $F(2,6837) = 172.15, p < 0.0001$ .

<sup>31</sup> Independent groups t-test:  $t(1045.3) = -8.62, p < 0.0001, r = 0.26$  (equal variances not assumed).

<sup>32</sup> Independent groups t-test:  $t(5049.2) = 8.27, p < 0.0001, r = 0.12$  (equal variances not assumed).

<sup>33</sup> Pearson's chi-square test:  $\chi^2(10) = 226.27, p < 0.0001$ .

<sup>34</sup> Pearson's chi-square test:  $\chi^2(10) = 82.5441, p < 0.0001$ .

<sup>35</sup> Pearson's chi-square test:  $\chi^2(20) = 15.59, p = 0.5486$ .

<sup>36</sup> One-way independent ANOVA:  $F(2,1683) = 0.96, p = 0.3818$ .

<sup>37</sup> One-way independent ANOVA:  $F(2,649) = 7.06, p = 0.0009$ .

<sup>38</sup> Boot camp orders were introduced on 31 January 2013 and were repealed from 1 July 2016. The orders were available in a limited number of geographic locations.

<sup>39</sup> Independent groups t-test:  $t(1220.7) = 2.26, p < 0.0241, r = 0.004$  (equal variances not assumed).

<sup>40</sup> Independent groups t-test:  $t(405.64) = -2.30, p < 0.0218, r = 0.012$  (equal variances not assumed).

<sup>41</sup> *Youth Justice Act 1992* (Qld) s 175(e).



# Sentencing Spotlight on... burglary

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