

MEDIA RELEASE

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JUDICIAL GUIDELINE WORKS: JUDGES SENDING MORE DANGEROUS DRIVERS TO GAOL says study

The Judicial Commission of NSW has released its study into the impact of the State's first sentencing guideline judgment for offences of dangerous and aggravated dangerous driving. The study looked at the impact of the Jurisic guideline judgment on the length of sentences and the consistency of sentences imposed for these offences.

The study's findings concluded that:

- Use of full time custody greatly increased for all offences committed under the various subsections of s 52A of the *Crimes Act* (dangerous driving occasioning death; aggravated dangerous driving occasioning death, dangerous driving occasioning grievous bodily harm and aggravated dangerous driving occasioning grievous bodily harm).
- There was a sharp upward movement in the length of full time custodial sentences, for either the median head sentences, the median non-parole periods, or both.
- There was a decline in the use of other forms of penalties (such as bonds, community service orders, and periodic detention).
- There was greater consistency in the sentences imposed.

At the time of handing down Jurisic the Chief Justice said that trial judges in NSW had not reflected in their sentences the seriousness with which society regarded these offences. He said that non-custodial sentences should be exceptional and almost invariably confined to cases involving momentary inattention or misjudgment. With a plea of guilty, if to a material degree there was any aggravating factor involving the conduct of the offender, a custodial sentence of less than three years (for dangerous driving causing death) and less than two years (for dangerous driving causing grievous bodily harm) should be exceptional. Three years or two years was to be regarded as a starting point. The presence of additional aggravating factors, or their increased intensity, will determine the actual sentence.

"The findings demonstrate that prior to Jurisic, 49.5 per cent of offenders were sentenced to full-time custody but after Jurisic this had risen by 18.5 per cent to 68 per cent," said Mr. Ernie Schmatt, Chief Executive, Judicial Commission of NSW.

"Since Jurisic all offenders pleading guilty to aggravated dangerous driving causing death received a sentence of 3 years or more in full time custody (70 per cent prior to Jurisic).

"With regard to aggravated dangerous driving causing grievous bodily harm, full time custodial sentences of 2 years or more increased from 50 per cent to 78 per cent," he said.

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For media comment or copies of the report, please contact Ernie Schmatt at the Judicial Commission on 9299 4421 or 0411 104 387 (on Sunday afternoon).