CRIME AND JUSTICE





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Women in Prison

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INTRODUCTION

Criminal penalties, in Australia, vary markedly in seriousness. At the lower end of the scale are sanctions such as licence disqualification, fines and good behaviour bonds. Penalties such as community service orders and periodic detention are regarded as more serious. Finally, at the top end of the continuum, is the sanction of imprisonment.

Despite constituting approximately half the general population, women are a very small proportion of the prison population in Western countries. This fact has sometimes obscured public recognition of their needs and problems. This bulletin explores the sentencing of women to prison by the New South Wales (NSW) courts and the characteristics of women prisoners in NSW with a view to promoting greater public understanding of issues surrounding the sentencing of female offenders

SENTENCING OF WOMEN TO PRISON

NUMBER

Of the 87,764 people convicted in 1994 in NSW Local and Higher Courts, 13,358 (or 15.2%) of them were female.⁴ In 1994, the number of women sentenced to prison by the NSW Local and Higher Courts was 538⁵ (7.6% of the total number of persons sentenced to imprisonment).⁶ In the same year, 6,510⁷ men were sentenced to imprisonment by the NSW Local and Higher Courts (92.4% of the total number of persons sentenced to imprisonment).⁸

OFFENCE TYPE

Table 1 shows the numbers of women sentenced to prison by Local and Higher

Table 1: Numbers and percentages of women sentenced to imprisonment by NSW Local and Higher Courts, 1994: principal offence

Principal offence	No.	%
Theft	275	51.1
Against justice procedures	70	13.0
Against the person	66	12.3
Drug	65	12.1
Driving	25	4.7
Robbery and extortion	13	2.4
Property damage	6	1.1
Against good order	5	0.9
Other*	13	2.4
Total	538	100.0

The category 'other' includes: environmental offences, make false/misleading statement to officer, importation.

Source: NSW Bureau of Crime Statistics & Research, unpublished data

Courts in NSW in 1994 according to principal offence. The most common offence for which women were sentenced

to prison in 1994 was theft. In fact, 51.1 per cent of women sentenced to imprisonment in this period were imprisoned for theft offences. A further 13.0 per cent of women were sentenced to prison for offences against justice procedures, while offences against the person (12.3%) and drug offences (12.1%) were the offence categories which accounted for the next highest numbers of women sentenced to prison.

SENTENCE LENGTH

Table 2 shows the duration of prison sentences for each principal offence type for women sentenced to prison by Local and Higher Courts in NSW in 1994. The bulk of adult females sentenced to imprisonment in 1994 (87.5%) received a sentence of less than one year. A further 9.7 per cent of women received prison sentences of between one and five years. Finally, less than three per cent of

Table 2: Numbers and percentages of women sentenced to imprisonment by NSW Local and Higher Courts, 1994: principal offence by duration pf prison sentence

Duration of prison sentence												
Principal offence	Less than 6 months		6 to less than 12 months		1 to less than 2 years		2 to less than 5 years		More than 5 years		Total	
	No.	. %	No	. %	No.	%	No.	. %	No.	%	No.	%
Theft	163	59.3	91	33.1	13	4.7	8	2.9	0	0	275	100.0
Against justice procedures	59	84.3	9	12.9	1	1.4	1	1.4	0	0	70	100.0
Against the person	29	43.9	21	31.8	4	6.1	4	6.1	8	12.1	66	100.0
Drug	35	53.8	13	20.0	7	10.8	3	4.6	7	10.8	65	100.0
Driving	17	68.0	6	24.0	2	8.0	0	0	0	0	25	100.0
Robbery and												
extortion	4	30.8	0	0	7	53.8	2	15.4	0	0	13	100.0
Property damage	5	83.3	1	16.7	0	0	0	0	0	0	6	100.0
Against good order	5	100.0	0	0	0	0	0	0	0	0	5	100.0
Other*	13	100.0	0	0	0	0	0	0	0	0	13	100.0
Total	330	61.3	141	26.2	34	6.3	18	3.3	15	2.8	538	100.0

^{*} The category 'other' includes: environmental offences, make false/misleading statement to officer, importation. Source: NSW Bureau of Crime Statistics & Research, unpublished data

women received prison sentences of more than five years. All of the women who received prison sentences of more than five years duration were imprisoned for offences against the person or drug offences.

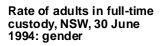
CHARACTERISTICS OF WOMEN IN PRISON

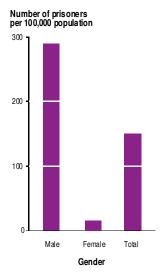
All the following information, except where noted, is based on the NSW Department of Corrective Services 1994 census of all inmates held in full-time custody in NSW on 30 June 1994.

NUMBER

Women made up five per cent of the total prison population at the time of the NSW Prison Census of 1994.9 The total prison population of 6,420 inmates in full-time custody was made up of 320 women (276 sentenced and 44 on remand) and 6,100 men (5,403 sentenced and 697 on

Figure 1:





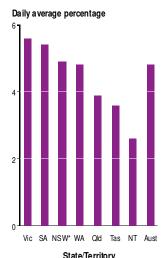
Source: NSW Department of Corrective Services, NSW Prison Census, 30 June 1994

remand).¹⁰ Figure 1 shows the extent of the difference in the rate of imprisonment per 100,000 resident population for men and women.¹¹ The male imprisonment rate of 274.8 per 100,000 male population is nearly 20 times higher than the female rate (13.9 per 100,000 female population).

Figure 2 compares the proportion of NSW prisoners who were women¹² with the proportions in other States and Territories in Australia during June 1994.

Figure 2:

Women as a percentage of all persons in custody, June 1994: Australian States and Territories



Source: Australian Institute of Criminology, Australian Prison Trends No 217, June 1994.

"Those women held in custody in the ACT juris diction have been included in NSW figures as most of these women are held in NSW prisons (the ACT does not have a prison).

Women made up less than seven per cent of the total prison population in every State. Figure 2 shows that, for the month of June 1994, NSW had a proportion identical to the national average. ¹³ Two States had proportions of women prisoners which were somewhat higher than NSW (Victoria and South Australia), three States had proportions which were slightly lower than NSW (Queensland, Tasmania and the Northern Territory), and the remaining State, Western Australia, had the same proportion as NSW.

AGE

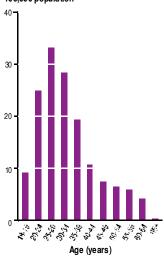
Figure 3a shows the age profile of women who were in prison in NSW on census day. The number of women in prison in each age category is shown as a rate relative to the number of women in that age category in the general population. The majority (63.8%) of women were in the age bracket 20-34 years. It can be seen from Figure 3a that there is an increase in imprisonment rate from 18-19 years, to a peak at 25-29 years (33.1 per 100,000 women). The second highest imprisonment rate occurs in the 30-34 year age bracket, with a sharp decrease in imprisonment rate occuring after 34 years.

As with the adult female population, the majority (62.7%) of imprisoned men were in the age group 20-34 years.
Figure 3b shows that, again, there is an

Figure 3a:

Age-specific rates of women in full-time custody, NSW, 30 June 1994

Number of prisoners per 100,000 population

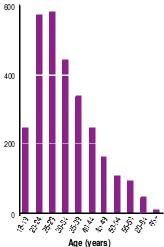


Sources: NSW Department of Corrective Services, NSW Prison Census, 30 June 1994, and ABS Estimated Resident Population by Age and Sex in Statistical Local Areas, NSW, 30 June 1994.

Figure 3b:

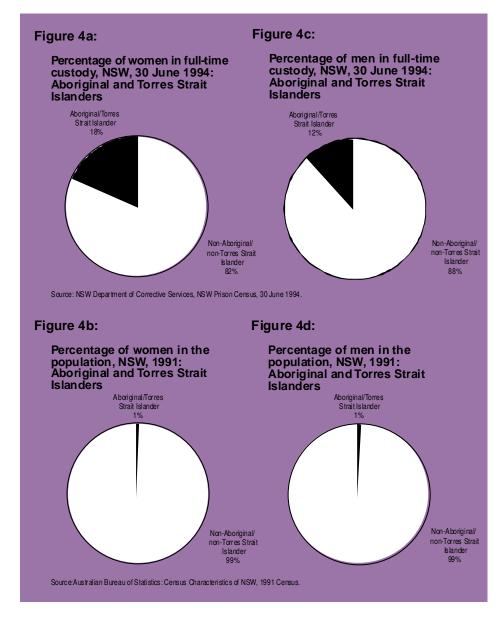
Age-specific rates of men in full-time custody, NSW, 30 June 1994

Number of prisoners per 100,000 population



Sources: NSW Department of Corrective Services, NSW Prison Census, 30 June 1994, and ABS Estimated Resident Population by Age and Sex in Statistical Local Areas, NSW, 30 June 1994.

increase in imprisonment rate from 18-19 years to a peak at 25-29 years (479.5 per 100,000 men), and a decrease after 29 years. In contrast with the pattern for women, however, the second highest imprisonment rate for men occurs in the 20-24 year age bracket rather than in the 30-34 year age bracket.



ABORIGINALITY

It can be seen from Figure 4a that Aboriginal and Torres Strait Islander women made up 18.4 per cent of the total population of women in full-time custody at the time of the census. This percentage is about 18 times higher than the percentage of Aboriginal and Torres Strait Islander women in the female adult population of NSW (see Figure 4b).

Aboriginal and Torres Strait Islander men made up 11.8 per cent of the total male prison population in full-time custody on census day (see Figure 4c). Although the percentage of Aboriginal and Torres Strait Islander men in prison was also much higher than the percentage in the population (see Figure 4d), the extent of this difference was not as great as that for women. The percentage of Aboriginal and Torres Strait Islander men in prison was 12 (rather than 18) times higher than the percentage in the population.

ETHNICITY

Information recorded by the NSW Department of Corrective Services about the ethnicity of women in full-time custody is based on country of birth. The NSW Department of Corrective Services does not record information on other aspects of ethnicity such as language spoken at home, length of time spent in Australia, or proficiency of English. Figure 5a compares the percentage of women prisoners born in Australia with those born elsewhere. Almost a quarter (21.2%) of the female prison population had been born in a country other than Australia. Figure 5b shows that females born overseas made up 24.6 per cent of the total female population of NSW in 1991.14 Therefore, females born in countries other than Australia are approximately a quarter of both the prison population and the general population.

Figures 5c and 5d show that this pattern is similar for the male population. The percentage of male prisoners born in countries other than Australia (25.6%) was almost identical to the proportion of males in the general population who were born overseas (25.8%).¹⁵

PRIOR IMPRISONMENT

More than half (55.6%) of the women in custody on census day had a prior episode of imprisonment. The percentage of the male inmate population with known prior imprisonment was somewhat higher (62.9%).

WOMEN AND PRISON ADMINISTRATION

MIXED OR SINGLE SEX PRISONS

At the time of the census there were two women-only prisons in NSW: the Norma Parker Centre in North Parramatta and the Mulawa Correctional Centre in Silverwater. Virtually all, or 96.6 per cent, of the women prisoners in NSW were housed in these two single-sex institutions. The remaining 11 women were held in mixed-sex prisons throughout NSW.¹⁶

Since the 1994 census, the Emu Plains Correctional Centre has been established as a women-only correctional centre.

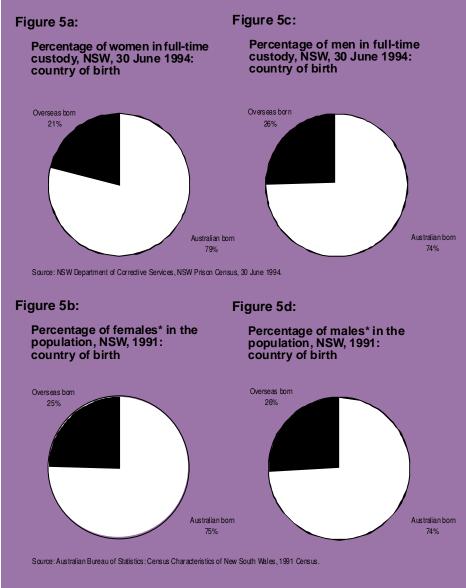
LEVEL OF SECURITY

Of the two women-only prisons in NSW at the time of the census, the Norma Parker Centre is classified as a minimum security institution, while Mulawa is considered a medium security prison. Figure 6 shows that most (231 or 72.2%) of the adult females in full-time custody at the time of the census were housed in the medium security institution (i.e. Mulawa). However, not all prisoners held at Mulawa were classified as medium security risks. Indeed, Figure 7 shows that only 54 women (23.2%) were classified as medium security prisoners; the bulk (175 or 75.1%) were actually classified as minimum security prisoners, and only four women (1.7%) were classified as maximum security prisoners.17

The new Emu Plains Correctional Centre has a minimum security rating.

COST OF IMPRISONMENT

The NSW Department of Corrective Services provides, for each security



unnatural social environment, and it can take some time to adjust to it.²⁶ Inmates can experience chronic boredom and loss of control over daily routine, and must learn the social norms governing relations among inmates and between inmates and prison staff.²⁷

day prison routine. Prison is an

classification, the average cost of imprisoning one prisoner per day. Using the number of women prisoners in prison on 30 June 1994 in each prison security classification, the cost of housing the entire female prisoner population for one day was \$37,049.18 The equivalent cost for the adult male prisoner population was \$721,096.

THE EXPERIENCE OF PRISON

The United Nations Standard Minimum Rules for the Treatment of Prisoners, to which Australia is a signatory, state that the deprivation of liberty, of itself, provides sufficient punishment of offenders.¹⁹ It is not the role of a prison, therefore, to further punish offenders.

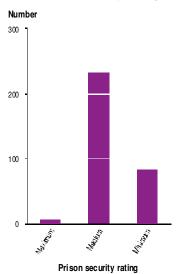
Research suggests that incarceration is a time of immense stress for inmates,²⁰ and that the personal consequences of imprisonment can be devastating. Imprisonment can mean the loss of a job,²¹ of significant relationships,²² and of the legal custody of children.²³

Prisons are also sometimes places of violence and danger.²⁴ Violence is often recorded not only between inmates, but also between inmates and prison officers. In the financial year 1993/94, of the 9,552 Correctional Centre offences heard by governors, 10.9 per cent were committed by female inmates.²⁵ Of these offences committed by women, 9.0 per cent were offences of fighting or assault and 9.8 per cent were offences of property damage.

Aside from the physical dangers of prison, inmates must negotiate the day to

Figure 6:

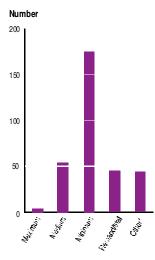
Number of women in fulltime custody, NSW, 30 June 1994: prison security rating



Source: NSW Department of Corrective Services, NSW Prison Census, 30 June 1994.

Figure 7:

Number of women in fulltime custody, NSW, 30 June 1994: prisoner security classification



Prisoner security classification

Source: NSW Department of Corrective Services, NSW Prison Census, 30 June 1994. *Other: Those immales who were unclassifed at the time of the census. Once an offender is released from prison, securing an income and reestablishing oneself in the community, are often very difficult.²⁸ Signatories to the Standard Minimum Rules for the Treatment of Prisoners are obliged to create an environment in prison which facilitates the rehabilitation of offenders after imprisonment:

...the period of imprisonment ... [should be] used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life. To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available... ²⁹

Programs such as work, training and education, and services such as libraries, health and medical services and recreation facilities are therefore regarded as ethical obligations upon signatories to the Standard Minimum Rules.

PROGRAMS AND SERVICES PROVIDED TO WOMEN IN PRISON IN NSW

The NSW Department of Corrective Services provides a variety of programs and services to women inmates. The case manager assigned to each inmate has the responsibility of determining which of these programs and services would be appropriate for the inmate. Initially, the case manager conducts an assessment and classification process which includes an induction program and aims to minimise the stressful impact of imprisonment. Assessment includes addressing any immediate problems the inmate may be experiencing, such as problems with child care, and with determining any other needs the inmate may have. On the basis of the assessment, the case manager devises and co-ordinates a case plan for the inmate, which includes selecting from the available services and programs those suitable for that inmate.

Case plans devised by managers may include one or more of the following programs and services.

Employment

The bulk of inmates at Mulawa are employed in the assembly of airline headsets and in the upkeep of a plant nursery. Other employment involves

painting and decorating, and domestic and clerical duties. The Emu Plains Correctional Centre is a working farm and employs most of its inmates in the dairy industry. The Norma Parker Centre has a garment manufacturing unit and also employs inmates in the running of a café.

Education

Educational courses offered to women are provided in three areas: basic education, vocational education and personal development. Basic education is offered in literacy, numeracy and English as a second language. Vocational courses made available to inmates include horticulture, painting and decorating, computing and childcare. The majority of these courses are TAFE accredited. Personal development courses on offer include pottery, creative writing, personal presentation skills, and food and nutrition. Twenty per cent of education funding is allocated to Aboriginal inmates.

Young offenders program

This program is designed for inmates aged under 25 years and aims to maintain separation of these more vulnerable inmates from the mainstream prison community. In addition, the outdoor adventure programme *Outward Bound* was recently run for under 25 year old inmates in Mulawa.

Medical services

Mulawa houses an eight-bed hospital, which receives patients from the total female prison population held in NSW. It provides a general medical service, a psychiatric service and a methadone program.

Drug and alcohol program

Mulawa employs three drug and alcohol workers (two are full-time and one is part-time) and provides a drug-free wing. 30 Plans for the establishment of a detoxification unit are underway. The Norma Parker Centre provides one full-time drug and alcohol worker, while another two drug and alcohol workers (one part-time and one full-time) are employed at the Emu Plains Correctional Centre. These workers provide programs according to the needs of drug-addicted inmates.

Psychological programs

There are six full-time clinical psychologists employed by the NSW

Department of Corrective Services in women's institutions (four employed at Mulawa and one each at Norma Parker and Emu Plains). Individual and group counselling programs are provided, including crisis referral and assessment.

Welfare services

There are a total of five welfare staff available to women inmates in NSW and their families. There are three full-time welfare workers at Mulawa, one full-time worker at Emu Plains, and one part-time worker at Normal Parker. The aim of this service is to ensure, as far as possible, that an inmate's family remains intact.

Other services

Other services provided to women prisoners include the chaplaincy, legal services (provided by Legal Aid and the Aboriginal Legal Service), and the Mothers' and Children's Committee (which considers applications for the release of pregnant mothers and mothers of young children). A Transitional Centre, which is due to open in Parramatta late in 1995, will provide a non-custodial environment for women who are in the final stages of their sentence. It will provide some accommodation for families, and aims to facilitate the reintegration of the offender into the community.

Individual programs are linked from prison to prison. This enables inmates to continue courses and programs if they have been relocated to a new prison.

SPECIAL PROBLEMS FOR WOMEN INMATES

There are two issues of concern in the management of women in prison in NSW. The first issue concerns women from country areas and arises from the fact that all of the three women-only prisons in NSW (i.e. Mulawa, Norma Parker and Emu Plains) are in Sydney. It is the policy of the NSW Department of Corrective Services that sentenced women, and women on longer periods of remand (over eight weeks), are housed in the three women-only prisons. The programs and services available to women in those prisons are more extensive than those in mixed-sex prisons. As a result, women from country areas can only gain access to the range of services and programs described above by attending one of the

urban prisons. This places additional strain on their connection to their family and community. In the few instances where women from country areas are granted leave, on the basis of family needs, to serve their sentence in the country, they may miss out on some of the services and programs available in the women-only prisons.

A second problem facing women in custody is the issue of security classification. As the statistics presented earlier show, the number of women classified as maximum and medium security risks are fewer than those classified at minimum security. Although the establishment of Emu Plains as a minimum security facility has increased the number of places available to this inmate group, there remains at Mulawa (a medium-security prison) a proportion of women who are minimum security classified. The security arrangements that exist at Mulawa are such that there is no variation in security for differently classified inmates. Thus, a woman can progress through the classification system without experiencing any equivalent change in security conditions.

SUMMARY OF DATA

- Women made up five per cent of the total prisoner population in NSW on census day, 30 June 1994.
- Women were most likely to be sentenced to prison for theft offences. Indeed, 51.1 per cent of all women sentenced to prison in 1994 had theft as their principal offence.
- The majority (87.5%) of women sentenced in 1994 to a period of incarceration received sentences of less than twelve months. Less than three per cent of the female population sentenced to imprisonment in 1994 received sentences of greater than five years imprisonment. Only women who had committed drug offences or offences against the person were sentenced to greater than five years imprisonment.
- Most women (63.8%) who were in prison on census day 1994 were in the age bracket 20-34 years, with the 25-29 year age group having the highest imprisonment rate (33.1 per 100,000 women). The imprisonment rate for women generally declines with increasing age.

- The percentage of indigenous imprisoned women at the time of the 1994 census was 18 times the percentage of indigenous women in the general population in NSW.
- The percentage of imprisoned women on census day 1994 who had been born in a country other than Australia (21.2%) was similar to the percentage of females in the population who had been born elsewhere (24.6%).
- More than half (55.6%) of the population of incarcerated women at the time of the 1994 census had been in prison before.
- On census day 1994, most (96.6%) incarcerated women were housed in the two women-only prisons in NSW; the remaining inmates were held in mixed-sex prisons throughout the State.
- While only 23.2 per cent of women prisoners on census day 1994 were classified as medium security prisoners, and 75.1 per cent were classified as minimum security prisoners, the majority (72.2%) of the female prison population were held in Mulawa Correctional Centre
 - a medium security prison.
- The estimated cost of housing the 320 women prisoners in custody on 30 June 1994 was \$37,049 for one day.

NOTES

- 1 Morris, A. 1987, Women, Crime and Criminal Justice, Basil Blackwell, Oxford.
 - Snell, T.L. 1994, *Women in Prison*, Bureau of Justice Statistics Special Report, Department of Justice, Washington.
- 2 NSW Women in Prison Task Force 1985, Report of the NSW Task Force on Women in Prison, NSW Government, Sydney.
- 3 Throughout the bulletin, 'women' refers to females aged 18 years or more, unless otherwise specified.
- 4 NSW Bureau of Crime Statistics and Research 1995, New South Wales Criminal Courts Statistics 1994, NSW Bureau of Crime Statistics and Research, Sydney.
- 5 This number may include a small number of under 18 year olds who would most probably be detained in a juvenile detention centre.
- 6 NSW Bureau of Crime Statistics and Research (unpublished data).
- 7 See Note 5.
- 8 See Note 6
- 9 NSW Department of Corrective Services 1994, NSW Prison Census 1994: Summary of Characteristics, NSW Department of Corrective Services, Sydney. The prison census is conducted annually on 30 June and counts all those in full-time custody on that date.
- 10 For the purposes of this bulletin, inmates who were not sentenced (remandees) have been included in the data presented throughout the sections 'Characteristics of Women in Prison' and 'Women and Prison Administration'.
- 11 Rates appearing in this bulletin, unless otherwise stated, have been calculated using population data presented in the following publication: Australian Bureau of Statistics 1995, Estimated Resident Population by Age and Sex in Statistical Local Areas NSW, 30 June 1994, Preliminary Figures, Australian Bureau of Statistics, Canberra.
- 12 Interstate figures may include a small percentage of females aged under 18 years.
- 13 The data shown in this graph are made up of the daily average numbers of persons held in custody during the month of June 1994. The daily average number of women held in custody in NSW in June was slightly different to the number recorded by the NSW Department of Corrective Services on 30 June.
- 14 Figures relating to country of birth for females in NSW were not available by age. As a result, the percentage of NSW adult females who were born overseas could not be calculated.
- 15 Again, the NSW 1991 census data relating to country of birth was not available by age.
- 16 The female inmates held in mixed-sex prisons were either remanded while waiting to appear at court in a country area, or were sentenced to a short period of incarceration and therefore placed in an institution closer to their community of origin.
- 17 The percentages quoted here are percentages of prisoners who were maximum, medium or minimum security classified. Inmates who were not classified, or were remand/trial classified were excluded from the denominator.
- 18 Source: NSW Department of Corrective Services, Annual Report 1993-94, NSW Department of Corrective Services, Sydney. As at 30 June 1994, the estimated cost of housing one inmate for one day was \$139 for an inmate in a maximum security institution, \$123 for an inmate in a medium security institution and \$94 for an inmate in a minimum security institution. On 30 June 1994 there were

- six women inmates held in maximum security institutions, 231 women inmates held in medium security institutions and 83 women inmates held in minimum security institutions. Thus, the total cost of housing, for one day, the entire women prisoner population on 30 June was ($$139 \times 6$) + ($123 \times 231) + ($94 \times 83] = $37,049$.
- 19 United Nations 1983, Human Rights: A Compilation of International Instruments, United Nations, New York.
- 20 Bowker, L.H. 1980, Prison Victimisation, Elsevier, New York.
- 21 Treverton-Jones, G.D. 1989, Imprisonment: The Legal Status and Rights of Prisoners, Sweet & Maxwell, London
- 22 Ministerial Committee of Inquiry into the Prisons System 1989, Prison Review, Te Ara Hou: The New Way, New Zealand Government Printer, Wellington, New Zealand.
 - Kemp, B. 1982, The Effects of Separation on Marital Relationships of Prisoners and their Wives, NSW Department of Corrective Services, Sydney.
- 23 Pollock-Byrne, J.M. 1990, Women, Prison and Crime, Brooks/Cole Publishing Co., Belmont, California.
- 24 Bartollas, C. 1990, 'The prison: Disorder personified', in Are Prisons Any Better? Twenty Years of Correctional Reform eds M.W. Murphy & J.E. Dison, Sage Publications, Newbury Park, California.
- 25 NSW Department of Corrective Services 1994, Annual Report 1993/94, NSW Department of Corrective Services. Sydney.
- 26 Toch, H. 1979, 'The psychology of imprisonment', Psychology of Crime and Justice, ed. H. Toch, Holt, Rinehart and Winston, New York.
- 27 Hawkins, G. 1976, The Prison: Policy and Practice, University of Chicago Press, Chicago.
 - Ministerial Committee of Inquiry into the Prisons System, op.cit.
- 28 Eaton, M. 1993, Women After Prison, Open University Press, Buckingham.
- 29 United Nations, op.cit., p.79.
- 30 A unit where inmates voluntarily agree to exclude drugs.

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