

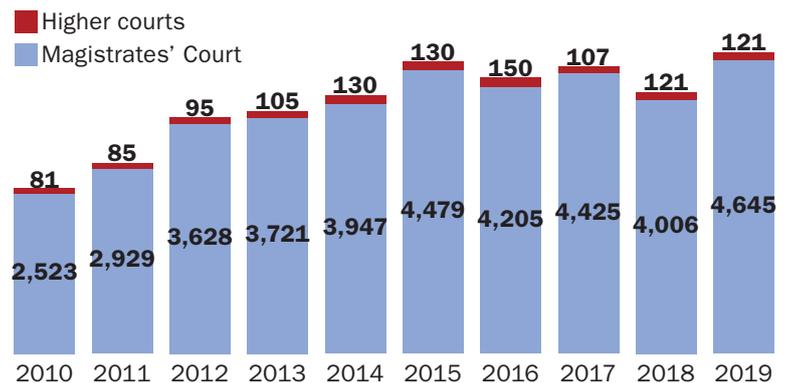
Sentencing Older Offenders in Victoria Factsheet

The number of older offenders almost doubled between 2010 and 2019

Between 2010 and 2019:

- the number of older offenders sentenced in Victoria each year increased from 2,604 cases (3% of all adult offenders) to 4,766 cases (5%)
- the rate of older offenders also increased, from 250 per 100,000 older Victorians to around 350. This suggests that Victoria's aging population is not the only reason for the increase in cases involving older offenders.

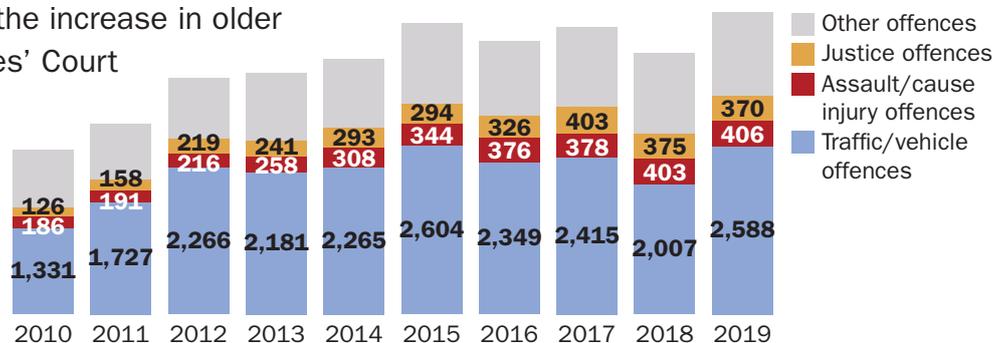
An 'older offender' is a person who is sentenced or diverted aged 60 and over



Magistrates' Court

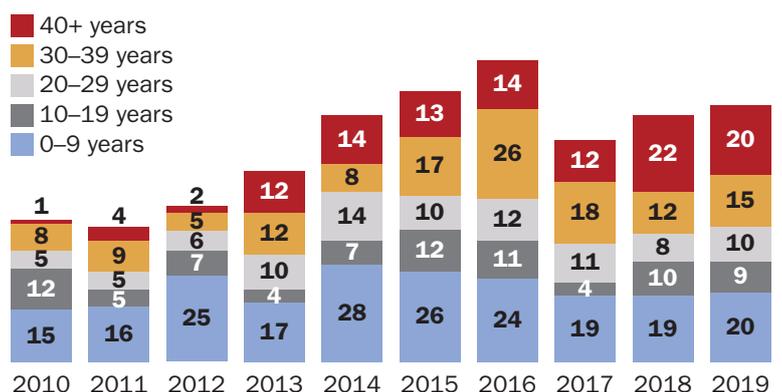
The main offences driving the increase in older offenders in the Magistrates' Court were:

- traffic/vehicle cases involving older offenders, which almost doubled
- assault/cause injury cases, which more than doubled
- justice offence cases (mainly breach of intervention order), which almost tripled.



Higher courts

The increase in the higher courts was mainly due to an increase in historical sex offence cases involving older offenders. Almost one in five sex offence cases involving older offenders were sentenced 40 years or more after the offence.



Although courts took advanced age into consideration as a relevant sentencing factor, they emphasised that it does not justify unacceptably lenient sentencing, especially for serious offences such as homicide and sex offences. In sex offence cases sentenced in the higher courts, older offenders:

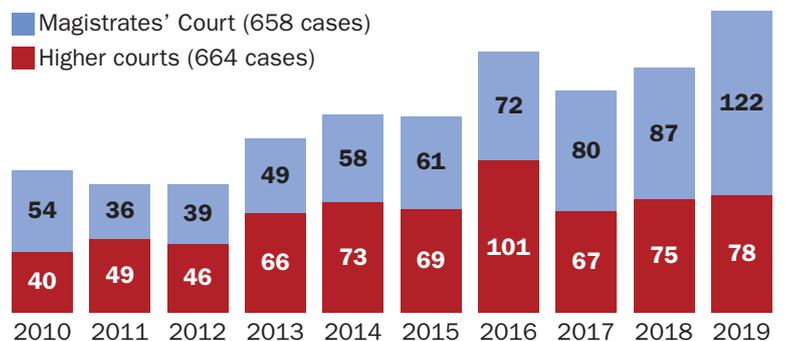
- more commonly received a prison sentence than did offenders aged under 60 (65% versus 57%)
- received longer prison terms, on average, than did offenders aged under 60 (average 6 years and 2 months versus 5 years and 5 months).

Suspended sentences versus community orders in the higher courts

- Suspended sentences in the higher courts were almost twice as common for older offenders than for offenders aged under 60 (16% compared with 9%).
- Community orders (community correction orders or community-based orders) were half as common for older offenders (7% compared with 14% of offenders aged under 60).
- In some cases, older offenders were given a suspended sentence because the court found them to be too frail or medically unfit to fulfill the conditions of a community correction order.

The number of older people sentenced to imprisonment has also increased

The number of older people sentenced to imprisonment increased in both the Magistrates’ Court and the higher courts.



Gender differences

Most older offenders were men. They were responsible for 84% of cases involving older offenders.

Older men’s and older women’s offence profiles were very different:

- **Higher courts:** most older men were sentenced for sex offences; for older women, fraud/deception and theft offences were the most common.
- **Magistrates’ Court:** after traffic/vehicle offences, the most common offence for older men was assault (8% of cases); for older women, it was theft (14%).
- **Prior offences:** it was more common for older men than for older women to have prior offences in the five years before their sentence (21% versus 12%).

Reflecting their different offending profiles, older female offenders on average received less severe sentences than did older male offenders. Only 1.3% of older female offenders were sentenced to imprisonment (compared to 3.7% of older men).

