

## **Chapter 7**

### **Offence of breach of an intervention order Section 22 of the Crimes (Family Violence) Act 1987**

### **Charges finalised in the Magistrates' Court of Victoria**

## Charges finalised for breach of an intervention order

In 2006/07, there were 5,635 charges for the offence of breach of an intervention order finalised in the Magistrates' Court of Victoria. The majority of these charges were found proven (69.6%).

Between 2001/02 and 2006/07 the number of breach intervention order charges finalised in the Magistrates' Court of Victoria increased by 35.2% (+1,468).

Table 7.1

Breach intervention order charges finalised in the Magistrates' Court of Victoria, by outcome, 2002/03 – 2006/07

	2002-03	2003-04	2004-05	2005-06	2006-07
	<i>Number</i>				
Offence Proven	3,256	3,013	3,889	4,283	3,922
Offence Not Proven	911	1,378	1,346	1,808	1,713
<i>Total</i>	<i>4,167</i>	<i>4,391</i>	<i>5,235</i>	<i>6,091</i>	<i>5,635</i>
	<i>Percent</i>				
Offence Proven	78.1%	68.6%	74.3%	70.3%	69.6%
Offence Not Proven	21.9%	31.4%	25.7%	29.7%	30.4%
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

## Charges finalised for breach of an intervention order, continued

Figure 7.1

Number of breach intervention order offences finalised in the Magistrates' Court of Victoria and proportion where charge was found proven, 2002/03 – 2006/07

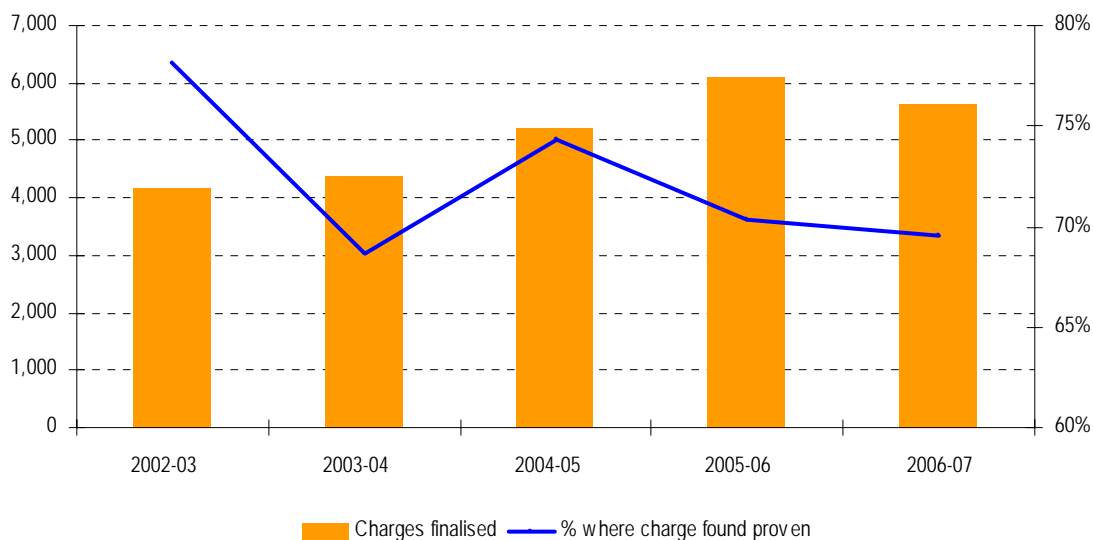
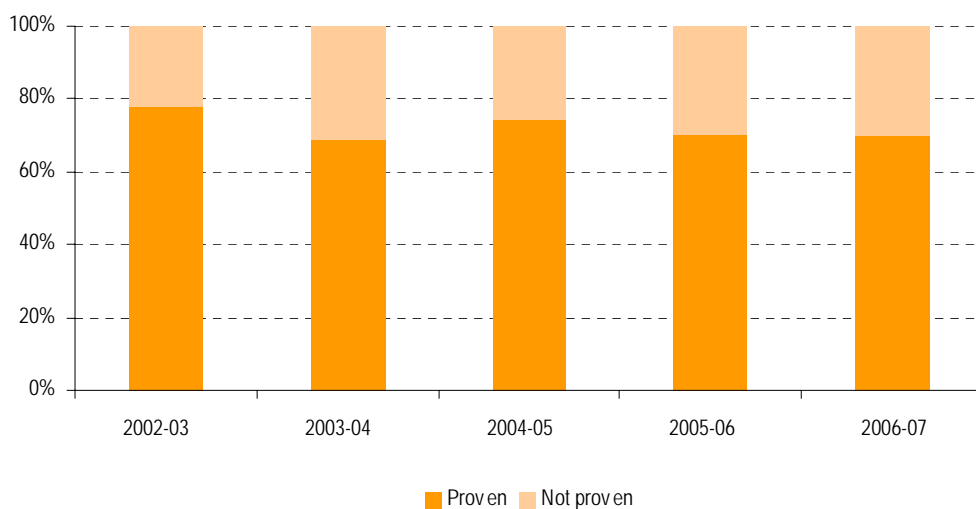


Figure 7.2

Proportion of breach intervention order charges finalised in the Magistrates' Court of Victoria, by outcome, 2002/03 – 2006/07



## Charges found proven

Over the period, the number of charges for breaching an intervention order found proven increased by 20.0% (+666 charges). Of the charges proven in 2006/07, the most common outcome was a sentence with conviction (73.0%).

Between 2002/03 and 2006/07:

- The proportion of charges found proven that attracted a sentence with conviction remained relatively consistent at approximately 72.5%, except for 2004/05 (77.8%);
- The proportion of charges found proven that attracted a sentence without conviction varied between 20.0% and 26.6%.
- Less than 4% of charges found proven were dismissed or discharged by the Court.

Table 7.2

**Breach intervention order charges found proven in the Magistrates' Court of Victoria, by outcome, 2002/03 – 2006/07**

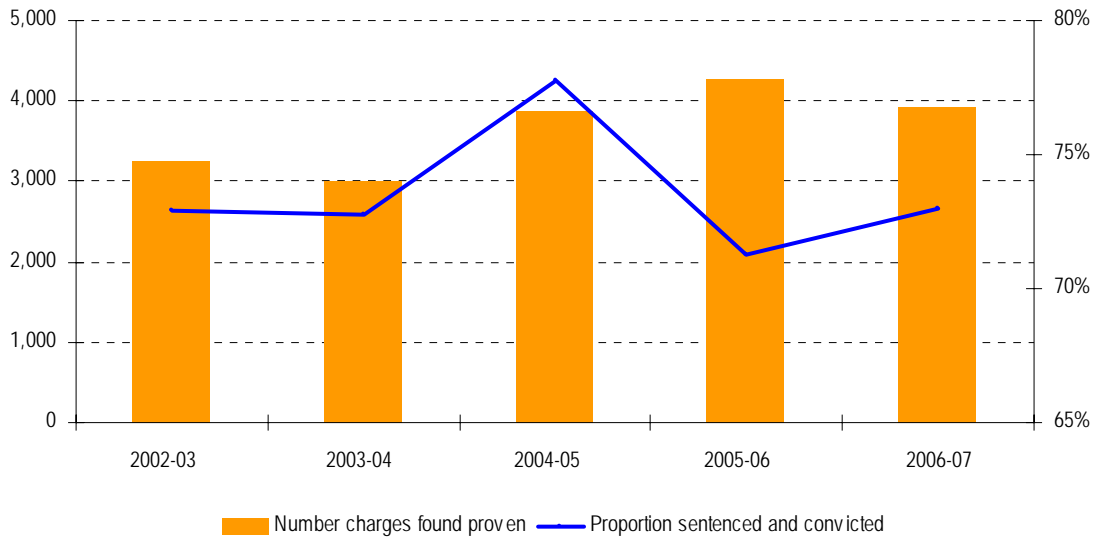
	2002-03	2003-04	2004-05	2005-06	2006-07
	<i>Number</i>				
Sentenced and convicted	2,375	2,192	3,025	3,053	2,862
Sentence and not convicted	757	729	776	1,141	974
Discharged	51	31	5	1	5
Dismissed	73	61	83	88	81
<i>Total</i>	<i>3,256</i>	<i>3,013</i>	<i>3,889</i>	<i>4,283</i>	<i>3,922</i>
	<i>Percent</i>				
Sentenced and convicted	72.9%	72.8%	77.8%	71.3%	73.0%
Sentence and not convicted	23.2%	24.2%	20.0%	26.6%	24.8%
Discharged	1.6%	1.0%	0.1%	0.0%	0.1%
Dismissed	2.2%	2.0%	2.1%	2.1%	2.1%
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

Due to rounding, and percentages recording only 1 decimal, percentages may appear to be zero even though numbers did exist in that category. The entire table including numbers and percentages should be referred to.

Charges found proven, continued

Figure 7.3

Number of breach intervention order charges found proven in the Magistrates' Court of Victoria, and proportion where defendant was sentenced and convicted, 2002/03 – 2006/07



## Sentences imposed for breaching an intervention order

Between 2002/03 and 2006/07, the majority of charges found proven attracted a non custodial sentence (82%), with the most common non custodial sentence being a fine (27.6% in 2006/07). Of the charges found proven that attracted a custodial sentence, (approximately 18.0%), the most common sentence type was imprisonment (13.9% in 2006/07).

Table 7.3

### Sentences imposed for breaching an intervention order in the Magistrates' Court of Victoria, 2002/03 – 2006/07

	2002-03	2003-04	2004-05	2005-06	2006-07
<i>Number</i>					
<b>Custodial Order</b>					
Imprisonment	376	390	773	496	533
Detention in a Youth Training Centre	21	3	3	9	11
Combined custody and treatment order	2	2	3	11	9
Partially suspended sentence	134	86	122	93	148
<i>Sub Total</i>	533	481	901	609	701
<b>Non Custodial Order</b>					
Intensive correction order	139	114	131	244	115
Wholly suspended sentence	399	338	384	406	449
Community based order	508	487	420	742	667
Fine	996	976	1230	1138	1059
Adjourned undertaking	542	436	640	898	714
Adjourned for Diversion plan	0	70	63	122	109
Convicted and discharged	15	19	32	35	22
<i>Sub Total</i>	2,599	2,440	2,900	3,585	3,135
<i>Total</i>	3,132	2,921	3,801	4,194	3,836
<i>Percent</i>					
<b>Custodial Order</b>					
Imprisonment	12.0%	13.4%	20.3%	11.8%	13.9%
Detention in a Youth Training Centre	0.7%	0.1%	0.1%	0.2%	0.3%
Combined custody and treatment order	0.1%	0.1%	0.1%	0.3%	0.2%
Partially suspended sentence	4.3%	2.9%	3.2%	2.2%	3.9%
<i>Sub Total</i>	17.0%	16.5%	23.7%	14.5%	18.3%
<b>Non Custodial Order</b>					
Intensive correction order	4.4%	3.9%	3.4%	5.8%	3.0%
Wholly suspended sentence	12.7%	11.6%	10.1%	9.7%	11.7%
Community based order	16.2%	16.7%	11.0%	17.7%	17.4%
Fine	31.8%	33.4%	32.4%	27.1%	27.6%
Adjourned undertaking	17.3%	14.9%	16.8%	21.4%	18.6%
Adjourned for Diversion plan	0.0%	2.4%	1.7%	2.9%	2.8%
Convicted and discharged	0.5%	0.7%	0.8%	0.8%	0.6%
<i>Sub Total</i>	83.0%	83.5%	76.3%	85.5%	81.7%
<i>Total</i>	100.0%	100.0%	100.0%	100.0%	100.0%

Sentences imposed for breaching an intervention order, continued

Figure 7.4

Number of breach intervention order charges found proven in the Magistrates' Court of Victoria, by sentence type, 2002/03 – 2006/07

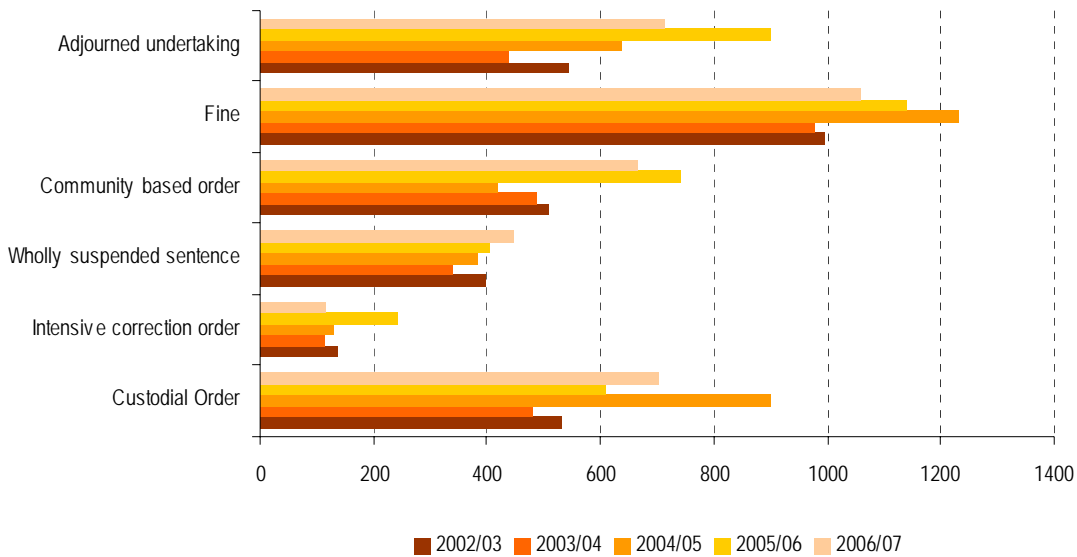
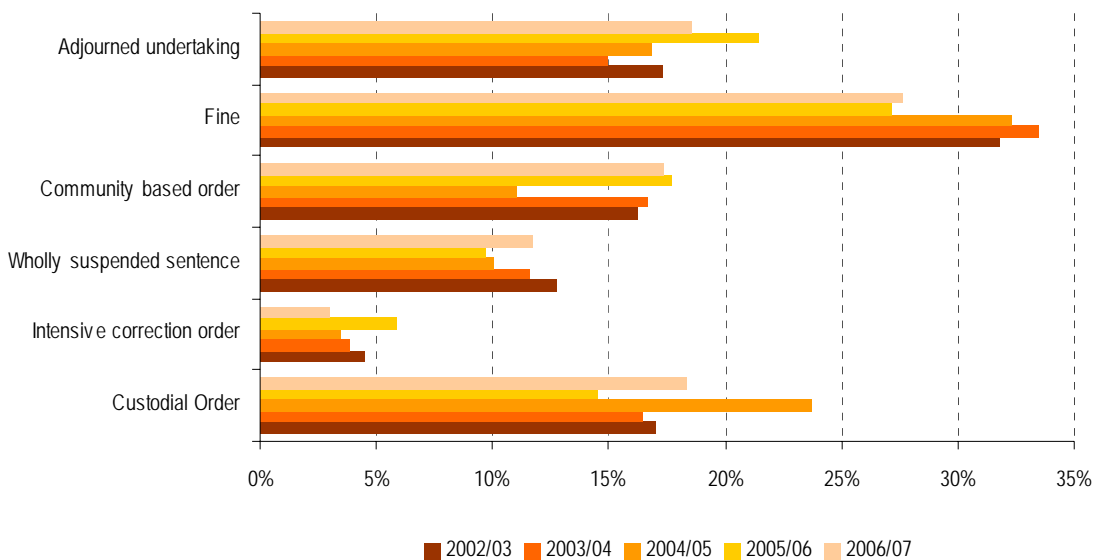


Figure 7.5

Proportion of breach intervention order charges found proven in the Magistrates' Court of Victoria, by sentence type, 2002/03 – 2006/07



## Lengths of imprisonment

Between 2002/03 and 2006/07, the number of charges of breaching an intervention order found proven, which resulted in a sentence of imprisonment, increased by 41.7% (+157). The majority of sentences of imprisonment were for a period of less than 3 months (51.2% in 2006/07).

Between 2002/03 and 2006/07, the proportion of charges that attracted a sentence of imprisonment of:

- Less than 3 months decreased from 55.6% to 51.2%, except for 2004/05 where it peaked at 71.4%;
- Between 3 and 6 months fluctuated from year to year with a low of 8.5% in 2004/05 and a high of 32.5% in 2005/06;
- Between 18 and 24 months varied between 0.3% and 5.0%.

Table 7.4

Sentences of imprisonment imposed for offence of breach of an intervention order in the Magistrates' Court of Victoria, by length of imprisonment, 2002/03 – 2006/07

	2002-03	2003-04	2004-05	2005-06	2006-07
	<i>Number</i>				
0 < 3 months	209	185	552	242	273
3 < 6 months	70	96	66	161	86
6 < 9 months	76	62	77	35	95
9 < 12 months	0	13	2	1	10
12 < 18 months	11	33	71	27	54
18 < 24 months	9	1	4	25	10
24 months +	1	0	1	5	5
<i>Total</i>	<i>376</i>	<i>390</i>	<i>773</i>	<i>496</i>	<i>533</i>
	<i>Percent</i>				
0 < 3 months	55.6%	47.4%	71.4%	48.8%	51.2%
3 < 6 months	18.6%	24.6%	8.5%	32.5%	16.1%
6 < 9 months	20.2%	15.9%	10.0%	7.1%	17.8%
9 < 12 months	0.0%	3.3%	0.3%	0.2%	1.9%
12 < 18 months	2.9%	8.5%	9.2%	5.4%	10.1%
18 < 24 months	2.4%	0.3%	0.5%	5.0%	1.9%
24 months +	0.3%	0.0%	0.1%	1.0%	0.9%
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

## Lengths of imprisonment, continued

Figure 7.6

Number of sentences of imprisonment imposed for breach intervention order offences found proven in the Magistrates Court of Victoria, by length of imprisonment, 2002/03 – 2006/07

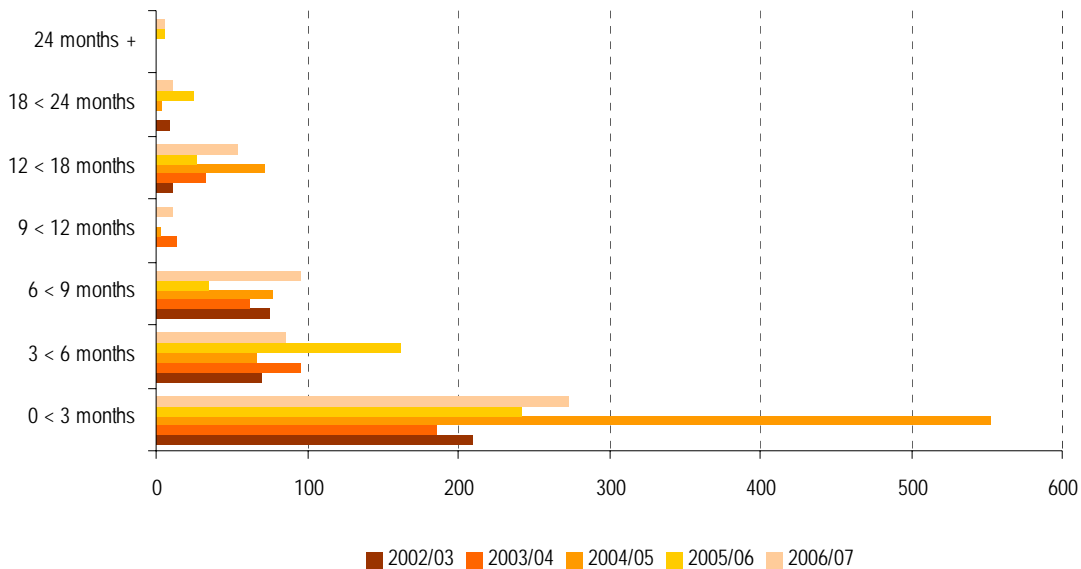
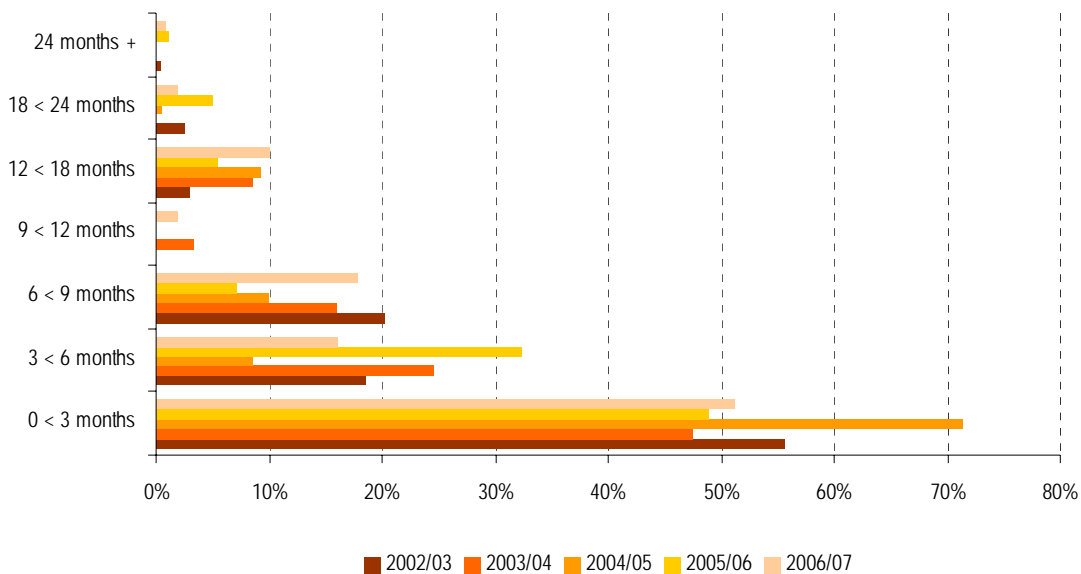


Figure 7.7

Proportion of sentences of imprisonment imposed for breach intervention order offences found proven in the Magistrates Court of Victoria, by length of imprisonment, 2002/03 – 2006/07



## Gender of defendants

Of the 5,641 charges finalised for breach of an intervention order in 2006/07, 4,933 (87.4%) related to male defendants and 708 (12.6%) related to female defendants.

Between 2002/03 and 2006/07, the proportion of defendants to breach intervention order charges finalised in the Magistrates' Court of Victoria where:

- The defendant was male decreased from 88.3% to 87.4%;
- The defendant was female increased from 11.7% to 12.6%.

Table 7.5

Breach intervention order charges finalised in the Magistrates' Court of Victoria, by gender of defendant, 2002/03 – 2006/07

	2002-03	2003-04	2004-05	2005-06	2006-07
	<i>Number</i>				
Male	3,684	3,942	4,568	5,166	4,933
Female	490	450	671	929	708
<i>Total</i>	<i>4,174</i>	<i>4,392</i>	<i>5,239</i>	<i>6,095</i>	<i>5,641</i>
	<i>Percent</i>				
Male	88.3%	89.8%	87.2%	84.8%	87.4%
Female	11.7%	10.2%	12.8%	15.2%	12.6%
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

Gender of defendants, continued

Figure 7.8

Number of breach intervention order charges finalised in the Magistrates' Court of Victoria, by gender of defendant, 2002/03 – 2006/07

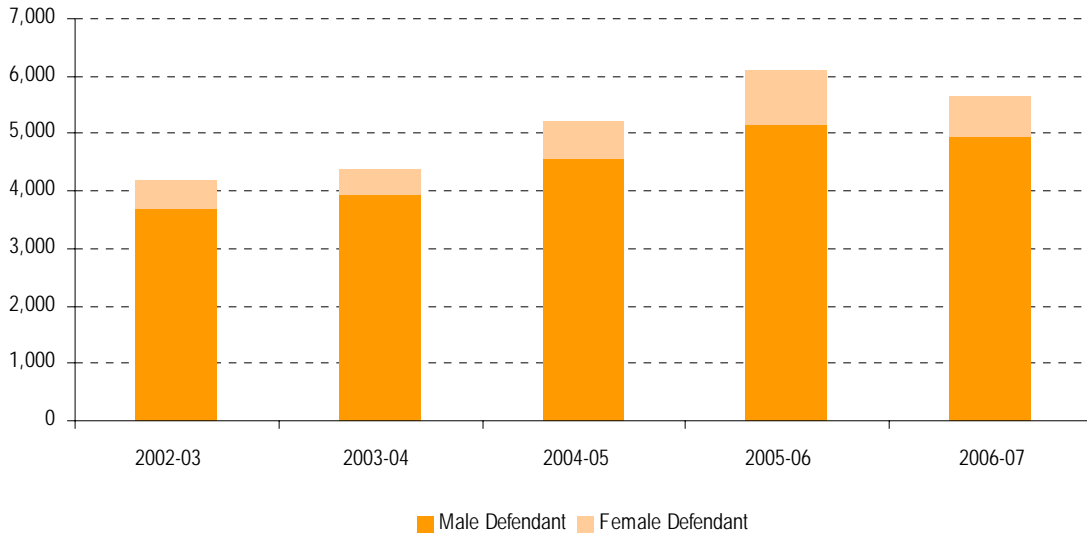
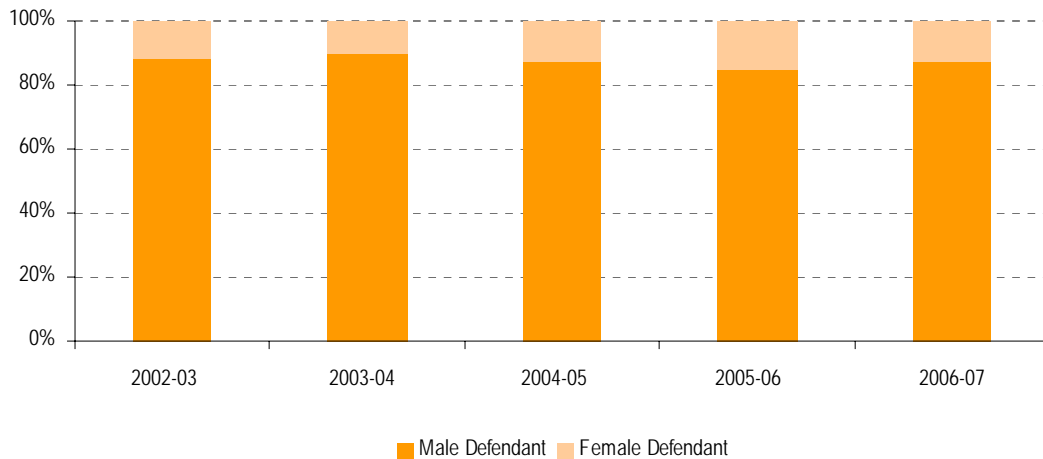


Figure 7.9

Proportion of breach intervention order charges finalised in the Magistrates' Court of Victoria, by gender of defendant, 2002/03 – 2006/07



## Age of defendants

Of the 5,641 charges finalised for breach of an intervention order in 2006/07, more were aged between 30 and 39 (41.2%) than any other age range. This was followed by defendants in the 40 to 49 age range (28.1%) and in the 20 to 29 age range (21.9%).

Between 2002/03 and 2006/07:

- Less than 2% of charges related to defendants aged 17 to 19 years;
- The proportion of charges relating to defendants aged 20 to 29 decreased from 23.1% to 21.9%;
- The proportion of charges relating to defendants aged 30 to 39 remained relatively consistent at approximately 41.5%;
- The proportion of charges relating to defendants aged 40 to 49 increased from 20.8% to 28.1%;
- The proportion of charges relating to defendants aged 50 years and over decreased from 12.5% to 7.3%.

Table 7.6

Breach intervention order charges finalised in the Magistrates' Court of Victoria, by age of defendant, 2002/03 – 2006/07

	2002-03	2003-04	2004-05	2005-06	2006-07
	<i>Number</i>				
17 - 19 years	83	70	90	94	73
20 - 29 years	966	1142	1295	1377	1235
30 - 39 years	1716	1709	2255	2636	2326
40 - 49 years	869	1002	1130	1272	1584
50 years & over	520	382	447	702	412
Unknown	20	87	22	14	11
<i>Total</i>	<i>4,174</i>	<i>4,392</i>	<i>5,239</i>	<i>6,095</i>	<i>5,641</i>
	<i>Percent</i>				
17 - 19 years	2.0%	1.6%	1.7%	1.5%	1.3%
20 - 29 years	23.1%	26.0%	24.7%	22.6%	21.9%
30 - 39 years	41.1%	38.9%	43.0%	43.2%	41.2%
40 - 49 years	20.8%	22.8%	21.6%	20.9%	28.1%
50 years & over	12.5%	8.7%	8.5%	11.5%	7.3%
Unknown	0.5%	2.0%	0.4%	0.2%	0.2%
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

### Age of defendants, continued

Figure 7.10

Number of breach intervention order charges finalised in the Magistrates' Court of Victoria, by age of defendant, 2002/03 – 2006/07

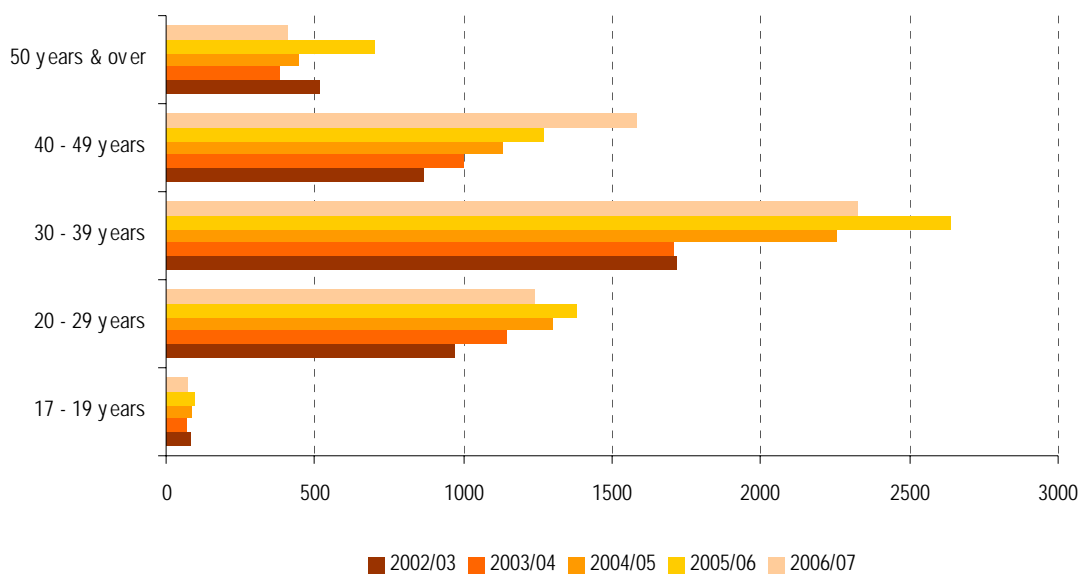
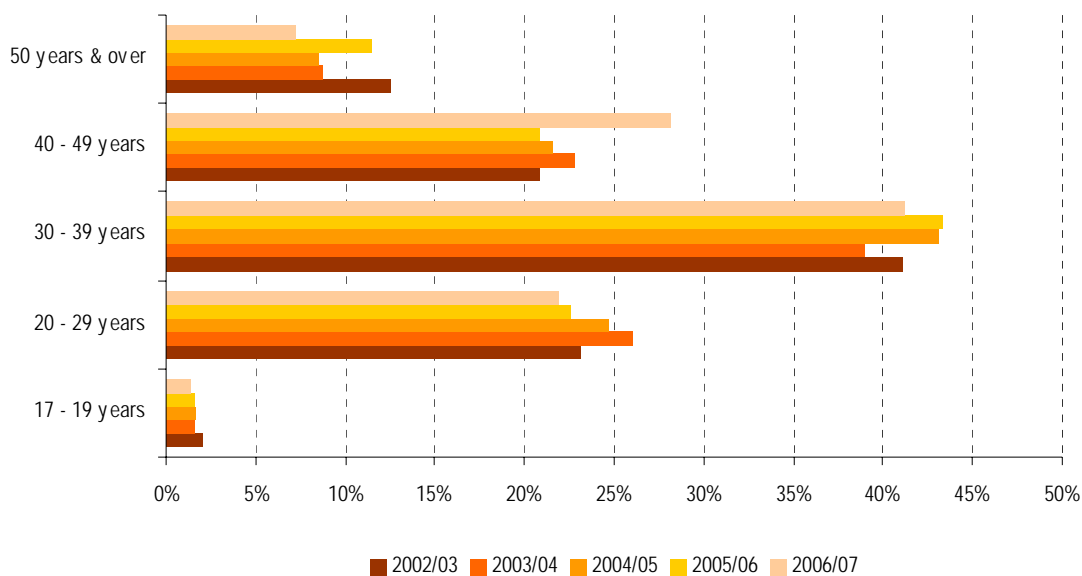


Figure 7.11

Proportion of breach intervention order charges finalised in the Magistrates' Court of Victoria, by age of defendant, 2002/03 – 2006/07



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