

Breaches of Orders - The Impact of Legislative Changes

Year ending 30 September 2018





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1. Introduction and scope

This spotlight presents data on alleged breaches of orders as recorded by Victoria Police in the Law Enforcement Assistance Program (LEAP) database.

Significant increases in volume have been observed in this category over the last ten years. This is a result of considerable legislative and policy change. The effect of these changes on the statistical trends observed for this category will be explored in this spotlight.

Breaches of orders are defined as any offence recorded that has been coded to the CSA offence classification category "E20 Breaches of orders", and includes the following offence groups:

- E21 Breach family violence order
- E22 Breach intervention order
- E23 Breach bail conditions
- E29 Breach of other orders

Definitions for these offence groups can be found in the CSA offence classification located in the 'About the data' section at www.crimestatistics.vic.gov.au.

Data are presented for recorded offences and criminal incidents based on crime recorded by Victoria Police. Data for this spotlight has been extracted from the Victoria Police LEAP database on 18 October 2018. The data covers a ten year period from October 2008 to September 2018.

The primary measure of recorded crime featured in this spotlight is the offence count. This measure represents every instance that a violation of criminal legislation has been recorded by Victoria Police in the LEAP database.

The count of recorded offences will generally be greater than the count of recorded criminal incidents. However, for some offence types, there are cases where the criminal incident count may be greater. This may occur when charges are laid against alleged offenders at a later stage, after further investigation of the crime by Victoria Police.

For more information on the difference between a recorded offence and criminal incident, please refer to the previous spotlight [Offence types – Differences between Recorded Offences and Criminal Incidents](#) or see the [public consultation paper](#) on the criminal incident methodology released on the CSA website. Further information on principal variable calculations and counting rules for incidents, offences, alleged offenders and victim reports can be found in the [Explanatory Notes](#).

2. Recorded offences

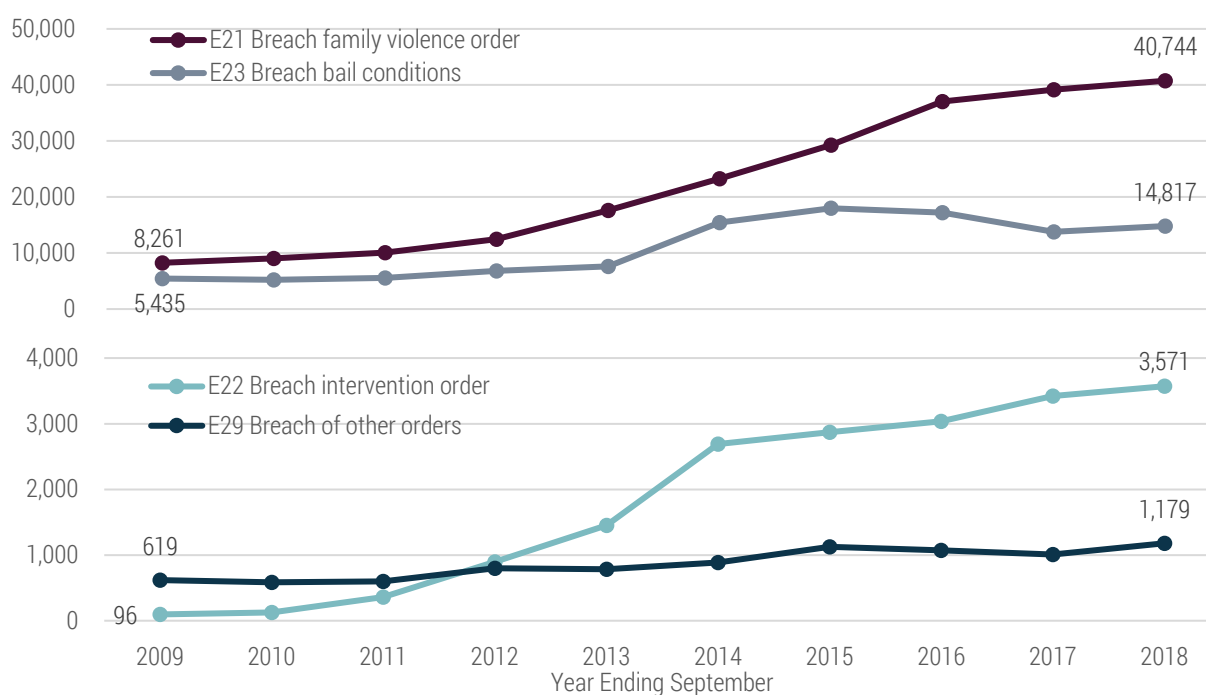
	Oct 2013 – Sep 2014	Oct 2014 – Sep 2015	Oct 2015 – Sep 2016	Oct 2016 – Sep 2017	Oct 2017 – Sep 2018	% change 2017 - 2018
Breaches of orders	42,260	51,257	58,339	57,354	60,311	5.2%
Offence rate per 100,000 population	716.0	849.6	944.1	907.0	932.3	2.8%

In the year ending September 2018, there were 60,311 Breaches of orders recorded offences. The number of recorded offences increased 5.2% (2,957 offences) when compared to the year ending September 2017. A Kendall's Rank Order Correlation statistical test (or Kendall's tau-b) was conducted on the number of offences over the 24 months ending September 2018 and it confirmed a significant upward trend for this offence subdivision.

Breach family violence order offences comprised two thirds of all breaches of orders (67.6% or 40,744 offences), followed by Breach bail conditions (24.6%, 14,817 offences), Breach intervention order (5.9%, 3,571 offences) and Breach of other orders (2.0%, 1,179 offences).

2.1 Trends over time

Breaches of orders recorded by offence group, October 2008 to September 2018



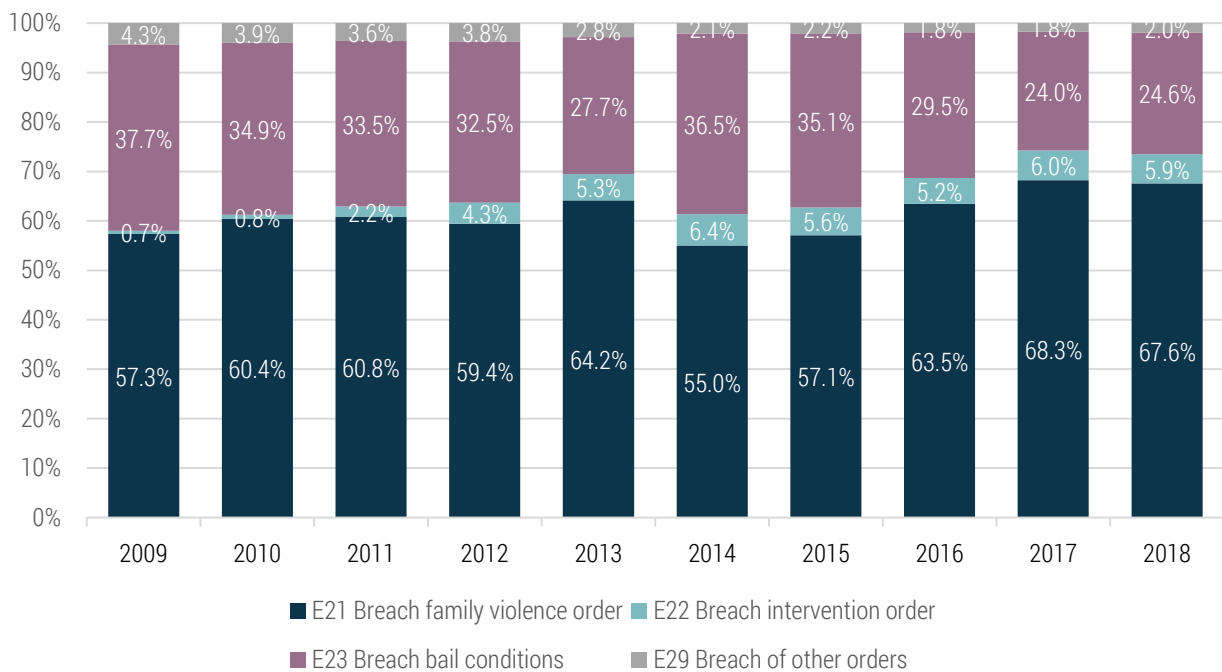
Over the past five years, the number of Breaches of orders has increased by 42.7% (18,051 offences), with the largest annual increase occurring in the year ending September 2014 (up 53.7%). A much larger increase is observed when looking at the 10 year trend, with the number of breaches of orders recorded offences increasing from 14,411 in the year ending September 2009 to 60,311 in the current reference period (up 45,900 offences or 318.5%).

A number of legislative changes have been introduced in the last 10 years that have influenced the number of Breaches of orders offences recorded. Please refer to sections [2.2](#) and [2.3.1](#) for details regarding these changes.

While an increase is observed across all offence groups, the majority of the increase in the year ending September 2018 occurred in the offence groups Breach family violence order (1,597 offences or 4.1%) and Breach bail conditions (1,044 offences or 7.6%). Recorded offences for Breach family violence order also increased over the five year period by 75.2% (17,492 offences). A larger increase is observed over the ten year period with Breach family violence orders increasing 393.2% (32,483 offences) and Breach bail conditions increasing 172.6% (9,382 offences).

When looking at the offence group proportions, the same trends are observed over the five and ten year periods. The proportion of Breach family violence order recorded offences increased from 55.0% in the year ending September 2014 to 67.6% in the current reference period. Breach bail conditions recorded offences have shown a decrease in the proportion of total breaches of orders, dropping from 36.5% to 24.6% over the last five years.

Proportion of Breaches of orders offences by offence group, October 2008 to September 2018



2.2 Breach family violence order

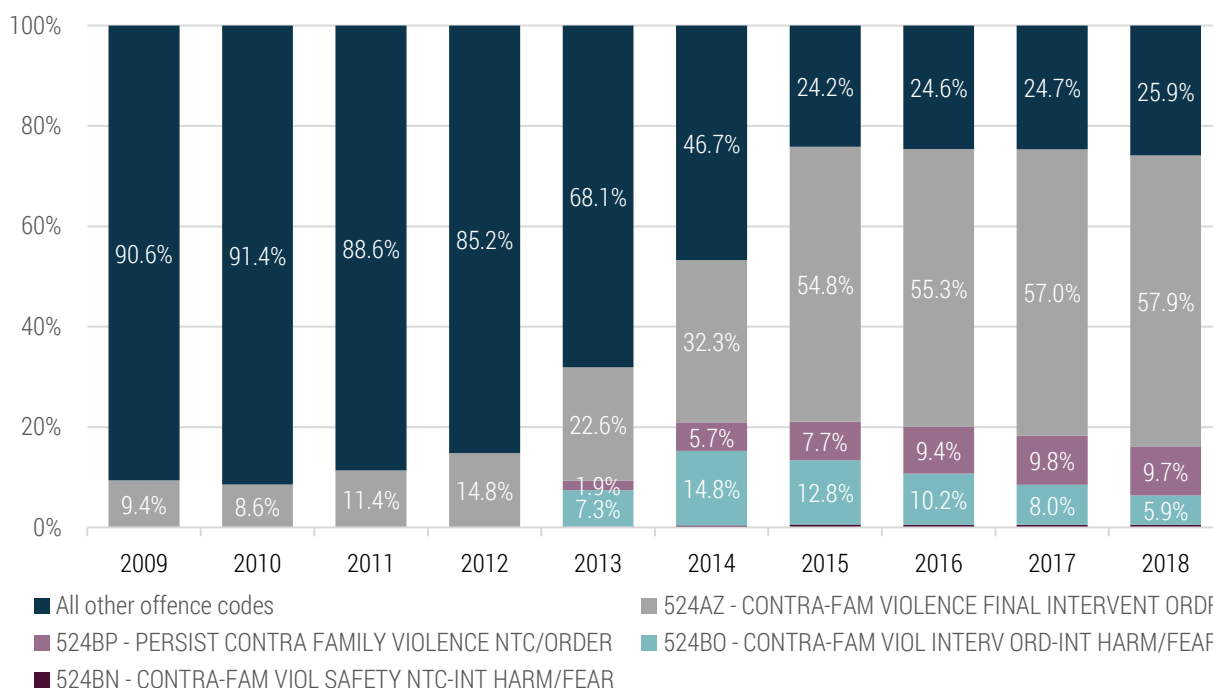
The *Justice Legislation Amendment (Family Violence and Other Matters) Act 2012* inserted the following new criminal offences into the *Family Violence Protection Act 2008*:

- S37A Contravention of notice intending to cause harm or fear for safety
- S123A Contravention of order intending to cause harm or fear for safety
- S125A Persistent contravention of notices and orders

Sections 37A and 123A of the Act make it an indictable offence to contravene a Family Violence Safety Notice or Family Violence Intervention Order where there was intention to cause harm or fear of safety to the person protected by the notice or order. Section 125A makes it an indictable offence to persistently contravene Family Violence Safety Notices or Family Violence Intervention Orders.

The above amendments came into effect in April 2013 and resulted in the introduction of three new offence codes on LEAP. Since they came into effect, an average of 513.9 offences a month have been recorded against these new offence codes, leading to a subsequent increase in the number of offences recorded against the category Breach of family violence orders.

Proportion of Breach family violence order offences recorded by offence code, October 2008 to September 2018



The biggest contributor to the increase in Breach family violence order recorded offences over the last ten years has been the offence code 524AZ - *CONTRA-FAM VIOLENCE FINAL INTERVENT ORDR*. This offence code became effective in December 2008 and the number of offences recorded for this code increased from 775 in the year ending September 2010 to 23,607 in the current reference period.

Changes to the number of Breach of family violence order recorded offences may also be affected by increases in reporting of family violence following the establishment in 2015 of the Royal Commission into Family Violence. In relation to Victoria Police operational changes, the increase may also have partly been due to improved recording of family violence incidents by police members. Since 2011, initiatives such as the Family Violence Code of Practice have been put in place by Victoria Police and these have resulted in improved recording of family incidents. The improved recording, along with policy and practice reforms, may have led to an increase in the number of family violence orders issued and in the number of Breach family violence order offences recorded.

2.3 Breach bail conditions

Breach bail conditions recorded offences increased 172.6% (or 9,382 offences) in the 10 year period ending September 2018. The increases in this offence group are related to the legislative changes detailed below.

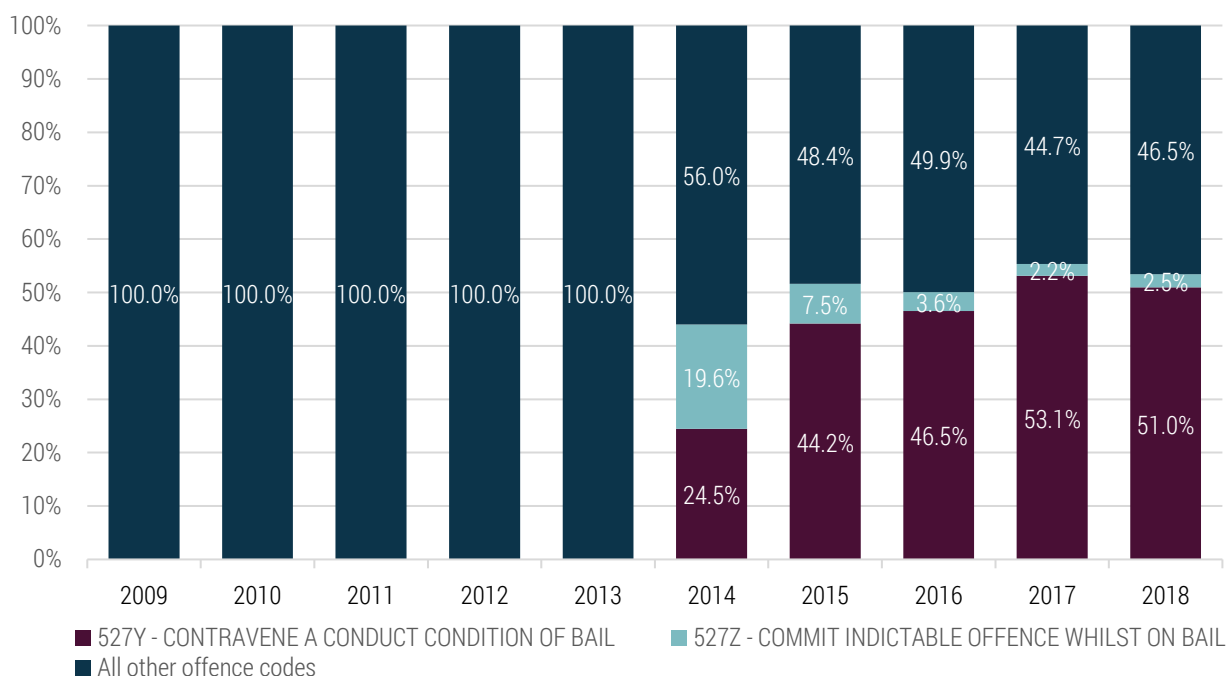
2.3.1 Legislative changes

Amendments to the *Bail Act 1977* which were introduced in December 2013 inserted the following sections into the act:

- S30A Offence to contravene certain conduct conditions
- S30B Offence to commit indictable offence whilst on bail

These amendments resulted in the introduction of two new offence codes on LEAP. The offence codes 527Y - *CONTRAVENE A CONDUCT CONDITION OF BAIL* and 527Z - *COMMIT INDICTABLE OFFENCE WHILST ON BAIL* recorded, on average, 693.8 offences a month. This has resulted in an increase for the breaches of orders and breach bail conditions offences. For previous situations where breaches of bail may have been dealt with by administration or with a return to court, offences began to be recorded.

Proportion of Breach bail conditions offences recorded by offence code, October 2008 to September 2018



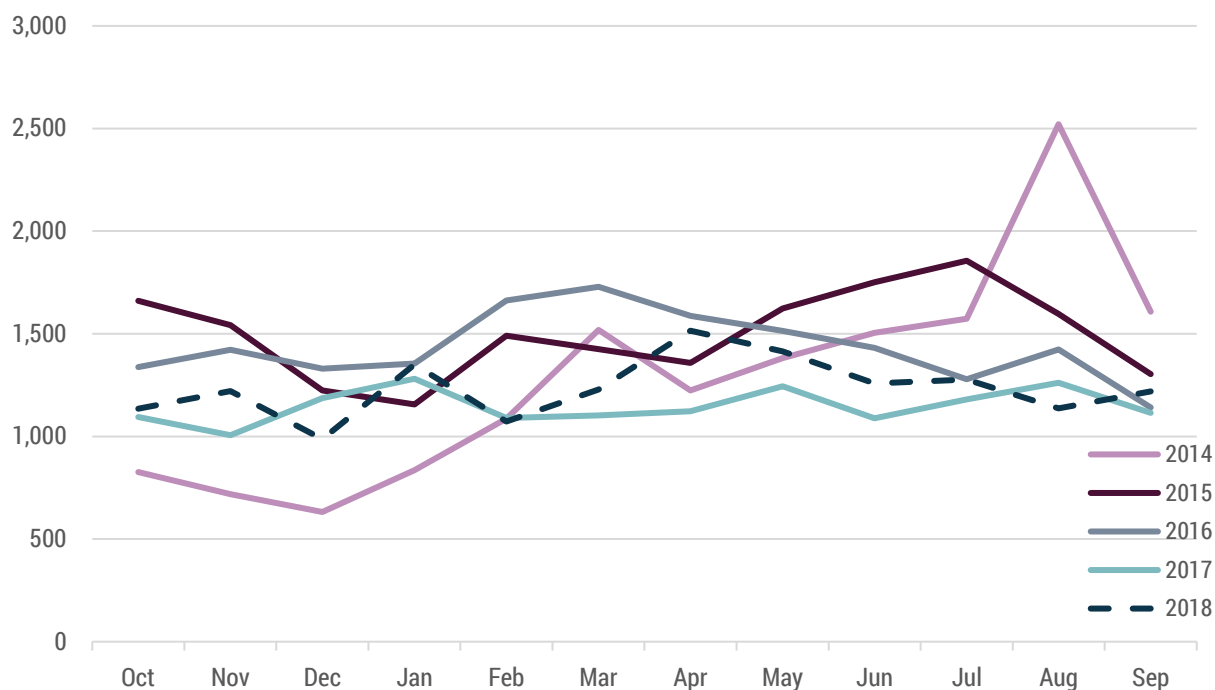
In addition to the legislative change above, amendments made this year to the Bail Act 1977 may also have an impact on the future number of Breach bail conditions recorded offences. These amendments were implemented in three stages, the first commenced in May 2018, the second in July 2018 and the third commenced in October 2018. In summary, bail will be granted only when there is a compelling reason or under exceptional circumstances for select offences, and therefore as less people are likely to be granted bail we may see changes in the Breach bail

condition offences recorded. There does not appear to be an immediate effect on the offences recorded, please refer to section 2.3.2 below for monthly volumes. However, the new scheme is still in early days of implementation, and this will continue to be monitored in the future.

2.3.2 Monthly volumes

A monthly view of the Breach bail condition recorded offences shows no obvious seasonal variation, however a drop in volume has been observed in September for previous reference periods.

Breach bail conditions, 5 year trend by month



A large spike in volume is observed for August 2014 (2,521 offences, up 948 offences or 60.3% from July 2014). This increase is driven by the offence code 527Y – *Contravene a conduct condition of bail*. Of these offences a large volume were committed more than one month prior to the date they were recorded on LEAP. Only 37.3% (521 offences) of 527Y - *Contravene a conduct condition of bail* offences were committed in the month of recording or the month prior compared to 74.0% in September 2014 and 70.0% in August 2015. This peak is therefore thought to be related to past lags in processing records administratively in Victoria Police.

2.3.3 Co-occurrence

Within the Victoria Police incidents where a Breach bail conditions offence was recorded, the number of offences where this was the only offence recorded within the incident increased from 2,797 offences in the year ending September 2014 to 5,309 offences in the year ending September 2018. Victoria Police incidents may have records where the co-occurring offence is recorded on LEAP in a different reference period to the Breach of bail condition offence. This measure differs from the CSA criminal incidents where offences were recorded on a single date and as occurring at one location.

The proportion of offences where a Breach of bail conditions offence was the only offence recorded within the police incident has also increased from 6.6% to 8.8% in the last five years. In the year ending September 2018 there were 14,896 offences that were recorded alongside a Breach of bail condition offence, within an incident, by Victoria Police in LEAP. This has been steadily decreasing in the last five years, dropping from 23,136 offences in the year ending September 2014 (8,240 offences or 35.6%). *Property and deception offences* had the highest volume of offences recorded where a Breach bail condition was also recorded within a Victoria Police incident (5,885 offences) in the current reference period.

Offences co-occurring with Breach bail conditions offences	Oct 2013 – Sep 2014	Oct 2014 – Sep 2015	Oct 2015 – Sep 2016	Oct 2016 – Sep 2017	Oct 2017 – Sep 2018	% change 2017 - 2018
Crimes against the person	3,196	2,903	2,512	2,110	1,793	-15.0%
Property and deception offences	11,380	10,483	9,755	6,737	5,885	-12.6%
Drug offences	3,337	3,447	2,879	2,157	2,333	8.2%
Public order and security offences	2,191	2,282	1,884	1,600	1,289	-19.4%
Justice procedures offences	2,994	3,214	3,655	3,275	3,559	8.7%
Other offences	38	40	38	38	37	-2.6%
Total	23,136	22,369	20,723	15,917	14,896	-6.4%

The top five offence groups, in the current reference period, co-occurring with Breach bail condition offences were:

- E21 Breach family violence order (2,806 offences)
- C32 Drug possession (1,759 offences)
- B45 Receiving or handling stolen goods (1,675 offences)
- B53 Obtain benefit by deception (1,083 offences)
- B49 Other theft (709 offences).

3. Recorded criminal incidents

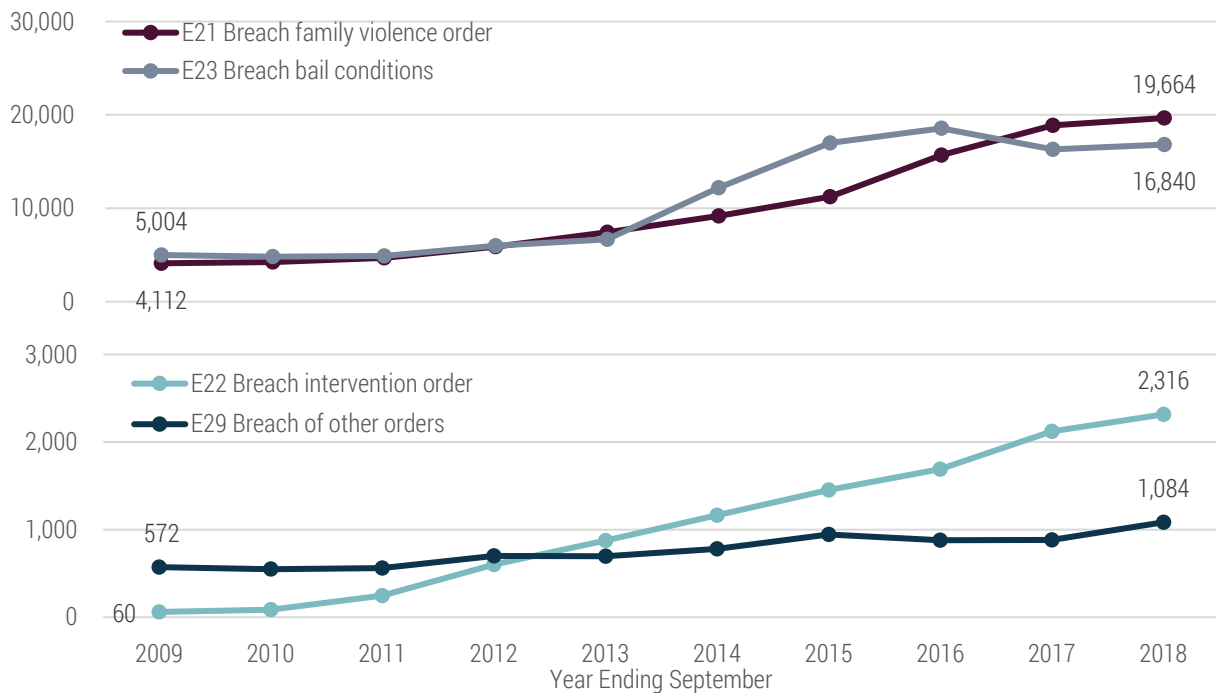
	Oct 2013 – Sep 2014	Oct 2014 – Sep 2015	Oct 2015 – Sep 2016	Oct 2016 – Sep 2017	Oct 2017 – Sep 2018	% change 2017 - 2018
Criminal incidents with a principal offence of breaches of orders	23,333	30,606	36,817	38,183	39,904	4.5%
Incident rate per 100,000 population	395.3	507.3	595.8	603.8	616.8	2.2%

In the year ending 30 September 2018, there were 39,904 criminal incidents with a principal offence of Breaches of orders. A principal offence is the offence type determined by the CSA offence index as the most serious offence committed within an incident. Due to their positioning in the index, other offences within an incident are often considered more serious than a Breaches of orders offence. Incidents with a principal offence of Breach family violence order comprised 49.3% of all breaches of orders incidents (19,664 incidents), followed by Breach bail conditions (42.2%, 16,840 incidents). The remaining volume was made up by the offence types Breach intervention order (5.8%, 2,316 incidents) and Breach of other orders (2.7%, 1,084 incidents).

For information regarding the differences between criminal incidents and offences please refer to the previous spotlight [Offence types – Differences between Recorded Offences and Criminal Incidents](#).

3.1 Trends over time

Breaches of orders incidents recorded by principal offence group, October 2008 to September 2018



While the graph above shows the same trends seen in the Breach of orders offences graph in section 2.1, it also shows the different ordering observed for the offence groups Breach family violence order and Breach bail conditions when compared to offences. These different findings are a result of charging processes impacting upon how a principal offence is selected to represent a criminal incident.

3.2 Charge status of recorded criminal incidents of breaches of orders

Overall the number of Breaches of orders recorded offences was higher than the number of criminal incidents with a principal offence of Breaches of orders. In contrast, the number of Breach bail conditions offences in the year ending September 2018 was lower than the number of criminal incidents of Breach bail conditions (offences = 14,817, incidents = 16,840). This difference reflects the difference in counting methodology between offences and criminal incidents. Where the offence count reflect the offence as first recorded by Victoria Police, the criminal incident counts also reflect charges that may be laid by Victoria Police upon further investigation of the criminal event.

Of the 39,904 criminal incidents with a Breaches of orders principal offence 5.8% remained unsolved as at 18 October 2018 when the data was extracted. The majority of all incidents resulted in charges being laid (79.2%), whilst another 14.9% did not result in charges being laid. Charges were most likely to be laid for incidents of Breach bail conditions, with 89.4% (15,060 incidents) of those incidents resulting in a charge.

Investigation status	Oct 2013 – Sep 2014	Oct 2014 – Sep 2015	Oct 2015 – Sep 2016	Oct 2016 – Sep 2017	Oct 2017 – Sep 2018
Charges laid	19,712	25,282	31,295	32,509	31,615
Charges not laid	3,097	4,592	4,540	4,702	5,962
Unsolved	524	732	982	972	2,327
Total	23,333	30,606	36,817	38,183	39,904

In November 2014, Victoria Police changed their operational procedures for the recording of some breach of bail charges, affecting the way these offences are captured for recorded crime statistics. This change has impacted the number of offences recorded for *527Z - Commit indictable offence whilst on bail*, as offences related to these breach of bail charges are not being captured, and as a result the number of offences recorded in this category may be understated. The number of offences recorded for this offence code decreased from 3,021 in the year ending September 2014 to 370 in the year ending September 2018.

4. Conclusion

In summary, significant increases in volume have been observed for Breaches of orders offences and incidents over the last ten years. The offence groups Breach family violence order and Breach bail conditions saw the largest increases and while increases were observed for both offences and incidents, different patterns over time were observed between the populations. This is due to the different counting rules and in particular, how the charging process impacts upon how a principal offence is selected to represent a criminal incident.

These increases in volume are a result of considerable legislative and policy change and as a result the CSA advises caution when interpreting these statistical trends over time.

