

Contraventions of domestic violence protection orders

Prof. Heather Douglas
h.douglas@law.uq.edu.au
Dr. Robin Fitzgerald

- 20,000 orders made in Queensland in the 2014-2015 year
- criminal charge of breach of a DVO and sentence important to ensure non-compliance is deterred and the safety and protection of the victim is safeguarded.

DVOs and Contravention

- Queensland courts administrative data - contraventions of protection orders in Queensland over six years from 2008-09 to 2013-14.
- 22,600 unique defendants.
- Gender, Aboriginal and Torres Strait Islander status and penalties.

Data

Total sample	n	%
• Gender		
Male	19,094	84.5
Female	3,501	15.5
Unknown	5	0.0
• ATSI status		
ATSI	6,398	28.3
Non-ATSI	15,412	68.2
Unknown	790	3.5
Total	22,600	100.0
Subsample: Gender and ATSI status known		
Non-ATSI male	13,228	60.7
ATSI male	5,210	23.9
Non-ATSI female	2,180	10.0
ATSI female	1,187	5.4
Subsample:		
Female defendants (gender / ATSI status known)		
Non-ATSI female	2,180	64.7
ATSI female	1,187	35.3
Total	3,367	100.0
Subsample:		
Male defendants (gender / ATSI status known)		
Non-ATSI male	13,228	71.7
ATSI male	5,210	28.3
Total	18,438	100.0

Distribution of defendants committing at least one contravention: By gender and ATSI status, Queensland, 2008-09 – 2013-14.

- Queensland's magistrates' courts, each case is given a unique case file number. Each unique case file number relates to a specific defendant, but may include a number of charges including contravention charges.
- Information about contravention charges, but not other charges.
- Over the six-year period, there were 22,600 defendants in Queensland with at least one case that included a contravention charge.
- Majority of these defendants (62.3%, $n = 14,081$) had only one such case over the period.
- 37.7% of defendants had two or more of these cases.
- On average, defendants had 1.72 ($SD = 1.27$) of these cases including a contravention charge, ranging from a minimum of 1 to a maximum of 18.

Overall numbers of contravention charges.

- Over three-quarters of ATSI defendants had more than one case involving a contravention over the period, compared to only about one-quarter (27.2%) of non- ATSI defendants.
- ATSI defendants had an average of 2.12 of these contravention charge case files compared to 1.59 for non-ATSI defendants.
- 79.6% of ATSI male defendants had more than one contravention charge case file over the period, compared to 25.7% of non-ATSI male defendants.

Numbers of contravention and ATSI status.

	Total Offenders		ATSI Offenders		Non- ATSI Offenders	
	n	%	n	%	n	%
No action	1,939	4.3	837	5.1	1,102	3.9
Fine	15,168	33.7	3,468	21	11,700	41
Community based order	10,029	22.3	3,550	21.5	6,479	22.7
Suspended sentence	2,579	5.7	1,239	7.5	1,340	4.7
Imprisonment	11,748	26.1	6,383	38.7	5,365	18.8
Other	30	0.1	7	0.0	23	0.1
Total	45,042	100	16,497	100	28,545	100

Sentencing outcomes

- ATSI people are over-represented among those being sentenced for a charge of contravention of a DVO.
- ATSI women make up 35.3% of all women charged with a contravention offence.
- ATSI people charged more regularly and more often with contravention.

Findings

- ATSI people are overrepresented at every stage of the criminal justice system and frequently in social welfare and child protection systems as well- ATSI victims and perpetrators of DVOs are more system-involved in the first place which puts them in the way of further criminal justice attention.
- High level of surveillance that many ATSI people experience

Higher numbers of charges.

- Jeffries and Bond focal concerns perspective - argues that sentencing decisions at magistrates courts level are likely to be effected by practical constraints, for example the limited availability of time and of contextual information, so use 'perceptual short hand' ... crime prone or dangerous.
- More criminal history?
- Higher levels of violence?

Higher sentences

Increases in legislated penalties for contravention charges and a more punitive approach to sentencing domestic and family violence related crime may have the unintended consequences....

Unintended consequences