

Serious Offending by People Serving a Community Correction Order: 2017–18

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The Council's reporting requirements and the focus of this report

This report addresses a requirement in the *Corrections Act 1986* (Vic) that:

[f]or each financial year commencing on or after 1 July 2016, the Sentencing Advisory Council must report for that year the number of persons convicted during that year of a serious offence committed while subject to a community correction order.¹

Specifically, this report identifies the number of people sentenced in 2017–18 for a serious offence that was committed while the person was serving a community correction order (CCO). This report updates *Serious Offending by People Serving a Community Correction Order: 2016–17*.²

This report also examines some important issues relating to people sentenced for a serious offence while serving a CCO, including:

- the prevalence of different types of serious offences committed on a CCO;
- the total number of people sentenced in 2017–18 for committing a serious offence; and
- the time between when people commenced a CCO and when they committed a serious offence.

Community correction orders in Victoria

The CCO is a non-custodial sentence available in the higher courts (the Supreme and County Courts) and the Magistrates' Court in Victoria. It is not available in the Children's Court.

The purpose of the CCO is to 'provide a community based sentence that may be used for a wide range of offending behaviours while having regard to and addressing the circumstances of the offender'.³

A court may only impose a CCO if:

- 1) the offender has been convicted or found guilty of an offence punishable by more than 5 penalty units; and
- 2) the court has received a pre-sentence report (if required) and has had regard to any recommendations, information or matters identified in the report; and
- 3) the offender consents to the order.⁴

Under the *Sentencing Act 1991* (Vic), the CCO is considered a more severe sentence than an adjourned undertaking and a fine but less severe than a custodial sentence. In practice, the severity of a CCO varies according to the conditions and length of the specific CCO imposed.

Changes to the community correction order

The CCO became available to the courts in Victoria on 16 January 2012. At the same time, a number of other orders were abolished, including the community-based order, the intensive correction order, the combined custody and treatment order and the home detention order.

Since its introduction, the CCO has been affected by a number of amendments to the *Sentencing Act 1991* (Vic):

- The courts were encouraged in September 2014 to use a CCO in place of a suspended sentence.⁵
- Initially, the maximum length of a CCO in the higher courts was equal to the maximum term of imprisonment available for the offence,⁶ but in March 2017 the maximum length of a CCO was set at five years for all offences.⁷

1. *Corrections Act 1986* (Vic) s 104AA(2).

2. Sentencing Advisory Council, *Serious Offending by People Serving a Community Correction Order: 2016–17* (2018).

3. *Sentencing Act 1991* (Vic) s 36(1).

4. *Sentencing Act 1991* (Vic) ss 37(a)–(c).

5. *Sentencing Act 1991* (Vic) s 36(2), as inserted by *Sentencing Amendment (Emergency Workers) Act 2014* (Vic) s 17.

6. *Sentencing Act 1991* (Vic) s 38(1)(b)(i), as amended by *Sentencing Amendment (Community Correction Reform) Act 2011* (Vic) s 21.

7. *Sentencing Act 1991* (Vic) s 38(1)(b), as amended by *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic) s 10.

- Initially, the maximum term of imprisonment that could be combined with a CCO was set at three months,⁸ but it was increased to two years in September 2014⁹ and reduced to one year in March 2017.¹⁰
- The courts' use of CCOs was limited in March 2017 for two classes of serious offences, described as Category 1 offences and Category 2 offences.¹¹

In addition to these legislative changes, the Victorian Court of Appeal's first guideline judgment offered guidance to the courts on the purposes, strengths and limitations of the CCO.¹²

The Council has published a series of reports on how the courts used the CCO from January 2012 to June 2016.¹³

Conditions of a community correction order

All CCOs have a set of mandatory (core) conditions, including that the offender does not reoffend.

The court must also attach at least one discretionary condition to the CCO for all or part of the duration of the order.

Length of a community correction order

The maximum length of a CCO imposed on a single offence is five years in the higher courts¹⁴ and two years in the Magistrates' Court.¹⁵

A CCO may be imposed on multiple offences, providing the offences 'are founded on the same facts or form or are part of a series of offences of the same or a similar character'.¹⁶

Where a CCO is imposed on multiple offences in the higher courts, the maximum length of the CCO remains five years. In the Magistrates' Court, the maximum length is four years in relation to two offences and five years in relation to three or more offences.¹⁷

Mandatory conditions (attached to all CCOs) include requiring the offender to:

- not reoffend
- not leave Victoria without permission
- report to a community corrections centre
- comply with written directions from the Secretary to the Department of Justice and Community Safety.

Discretionary conditions include requiring the offender to:

- undertake medical treatment or other rehabilitation
- not enter licensed premises (such as a hotel, club or restaurant)
- complete unpaid community work up to a total of 600 hours
- be supervised, monitored and managed by a corrections worker
- abstain from contact or association with particular people (for example, co-offenders)
- live (or not live) at a specified address
- stay away from nominated places or areas
- abide by a curfew, remaining at a specified place for between two and 12 hours each day
- be monitored and reviewed by the court to ensure compliance with the order
- pay a bond – a sum of money that may be given up wholly or partly if the offender fails to comply with any condition imposed.

8. *Sentencing Act 1991* (Vic) s 44(1), as amended by *Sentencing Amendment (Community Correction Reform) Act 2011* (Vic) s 21.

9. *Sentencing Act 1991* (Vic) s 44(1), as amended by *Sentencing Amendment (Emergency Workers) Act 2014* (Vic) s 18(1).

10. *Sentencing Act 1991* (Vic) s 44(1), as amended by *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic) s 12(1).

11. *Sentencing Act 1991* (Vic) ss 5(2G), (2H), as inserted by *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic) s 4(1).

12. *Boulton v The Queen* [2014] VSCA 342 (22 December 2014).

13. Sentencing Advisory Council, *Community Correction Orders: Monitoring Report* (2014); Sentencing Advisory Council, *Community Correction Orders in the Higher Courts: Imposition, Duration, and Conditions* (2014); Sentencing Advisory Council, *Community Correction Orders: Second Monitoring Report (Pre-Guideline Judgment)* (2015); Sentencing Advisory Council, *Parole and Sentencing: Research Report* (2016); Sentencing Advisory Council, *Community Correction Orders: Third Monitoring Report (Post-Guideline Judgment)* (2016).

14. *Sentencing Act 1991* (Vic) s 38(1)(b).

15. *Sentencing Act 1991* (Vic) s 38(1)(a)(i).

16. *Sentencing Act 1991* (Vic) s 40(1).

17. *Sentencing Act 1991* (Vic) ss 38(1)(a)(ii)–(iii).

Other sentences in addition to a community correction order

A court may impose a fine¹⁸ or a sentence of imprisonment in addition to a CCO.¹⁹

If a court imposes a sentence of imprisonment in addition to a CCO, the term of imprisonment must not exceed one year.²⁰

Contravention of a community correction order

Contravention (breach) of a CCO without a reasonable excuse is a criminal offence with a maximum penalty of three months' imprisonment.²¹

If a person contravenes their CCO, either through committing a new offence or through failing to comply with another condition of the order, they face a number of potential consequences.

If the person is found guilty of the offence of contravening a CCO, the court must also make a decision about how to deal with the original CCO. If the contravention is due to new offending, the offender is also sentenced for the new offences.

Serious offences

This report identifies the number of *serious offences* committed by people serving a CCO. Serious offences²² include:

- serious violent offences²³ such as armed robbery, aggravated burglary, arson causing death and false imprisonment, conspiracies, attempts and incitements of these offences, and similar offences committed in Victoria or elsewhere that contain elements of these offences; and
- sexual offences²⁴ such as rape, sexual assault and sexual assault of a child under 16.

In 2017–18, a number of new offences were added to the definition of serious offences, including carjacking, aggravated carjacking, home invasion and aggravated home invasion.²⁵ Furthermore, on 1 July 2017 many of the sexual offences in the *Crimes Act 1958* (Vic) were modernised and simplified.²⁶ The definition of serious offences was also updated to reflect these changes.²⁷

Specific information required to determine whether an offence is serious was not available in the source data for a small number of offence types. These include burglary, which, if sexually motivated, falls within the definition of a *serious offence*, and offences relating to the commission of an indictable offence where the indictable offence is not specified. In these instances, the offence has been classified as *not serious* and has therefore been excluded from the analysis.

18. *Sentencing Act 1991* (Vic) s 43.

19. *Sentencing Act 1991* (Vic) s 44.

20. *Sentencing Act 1991* (Vic) s 44(1). This restriction does not apply to arson offences listed in *Sentencing Act 1991* (Vic) sch 1 cl 5 (*Sentencing Act 1991* (Vic) s 44(1A)).

21. *Sentencing Act 1991* (Vic) s 83AD(1).

22. *Corrections Act 1986* (Vic) s 104(AA)(3). A comprehensive list of serious offences for 2017–18 is available on the Council's website.

23. *Corrections Act 1986* (Vic) s 3(1); *Sentencing Act 1991* (Vic) sch 1 cl 2.

24. *Corrections Act 1986* (Vic) s 3(1). For the entire 2017–18 reference period, the relevant list of sexual offences was found in Schedule 1 to the *Serious Sex Offenders (Detention and Supervision) Act 2009* (Vic). This Act was repealed by the *Serious Offenders Act 2018* (Vic) on 9 September 2018. The relevant list of sexual offences is now found in *Serious Offenders Act 2018* (Vic) sch 1.

25. *Corrections Legislation Further Amendment Act 2017* (Vic) s 3(1).

26. *Crimes Amendment (Sexual Offences) Act 2016* (Vic) ss 3–23.

27. *Crimes Amendment (Sexual Offences) Act 2016* (Vic) s 42.

Meaning of the term *convicted*

The *Corrections Act 1986* (Vic) uses the term *convicted* to define a court decision that must be counted in the Council’s report on serious offences committed on CCOs. Two meanings of the term are relevant. One is a finding of guilt against a person made by a court; the other is a recording made by a court following a finding of guilt.²⁸

In this report, *convicted* is defined as a finding of guilt made by a court. This excludes a finding of not guilty due to mental impairment.²⁹

Data containing the date of conviction is required to count the number of convicted persons within a given period. However, the date of conviction was not available in the data that the Council used for this report.

The closest available date to the date of conviction is the date of sentence. Therefore, the date of sentence is used in this report as a proxy for the date of conviction. Typically, the date of sentence shortly follows the date of conviction.

Reference period

The reference period for this report is 1 July 2017 to 30 June 2018. This period relates to the date on which a sentence was imposed rather than the date on which an offence was committed. The date of the offence is irrelevant to the Council’s reporting obligation, which only requires that the relevant offence was:

- committed by a person who, at the time, was serving a CCO; and
- convicted (sentenced) in the reference period.

Some serious offences included in this report were committed prior to the reference period. There is always some delay between the commission of an offence and the sentence for that offence. For example, a person who committed a serious offence on 30 May 2016 while serving a CCO may not have been sentenced for the offence until 1 July 2017.

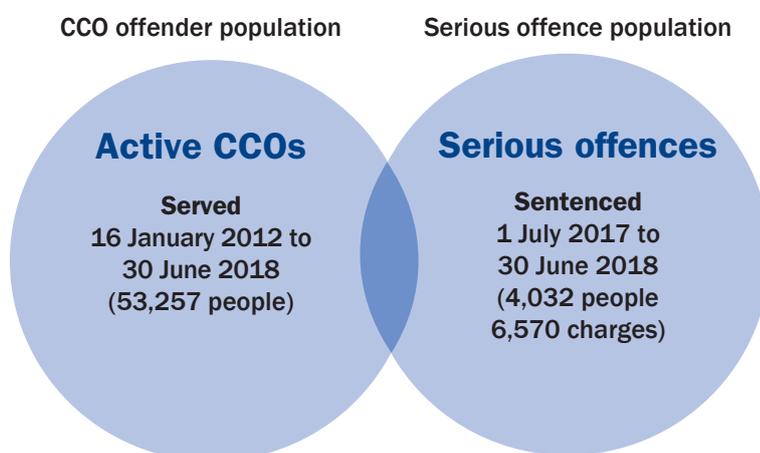
Methodology

The analysis in this report measures the overlap between two populations (see Figure 1):

- the population of offenders serving a CCO (the *CCO offender population*); and
- the population of offenders who committed a serious offence (the *serious offence population*).

The CCO offender population comprises all people who served a CCO in the period from the order’s introduction on 16 January 2012 to the end date of the reference period, 30 June 2018. People who received two or more CCOs during that period are counted once within the CCO offender population.

Figure 1: Populations used to identify people sentenced in 2017–18 for a serious offence committed while serving a CCO



28. *Sentencing Act 1991* (Vic) s 8.

29. *Crimes (Mental Impairment and Unfitness to Be Tried) Act 1997* (Vic) s 17(1)(b).

The number of people in the CCO offender population is 53,257. This number includes people who may have received two or more CCOs.

The serious offence population comprises all proven charges of a serious offence committed by any person and sentenced in the Magistrates' Court or in the higher courts in the period from 1 July 2017 to 30 June 2018. The number of people in the serious offence population is 4,032, and these people committed 6,570 proven charges of a serious offence.

Data limitations

There are a number of limitations in the data used for the analysis.

Exclusions

Due to data limitations, serious offences have been excluded if the offence was:

- committed outside Victoria (it is possible for a person serving a CCO to depart Victoria and commit a serious offence in another jurisdiction);
- committed while the person was serving a CCO but no link was established between the serious offence population and the CCO offender population; and/or
- insufficiently described in the source data (for example, burglary is not classed as a serious offence even though it falls within the definition of a serious offence in some circumstances, such as when burglary is sexually motivated).

Each of these exclusions may result in an undercount of the number of people who committed a serious offence while serving a CCO.

Inclusions

Due to data limitations, serious offences have been included if:

- the convictions for the offences were subsequently quashed by an appellate court; and/or
- the relevant CCO was cancelled before the serious offence was committed and the cancellation date was not available in the source data.

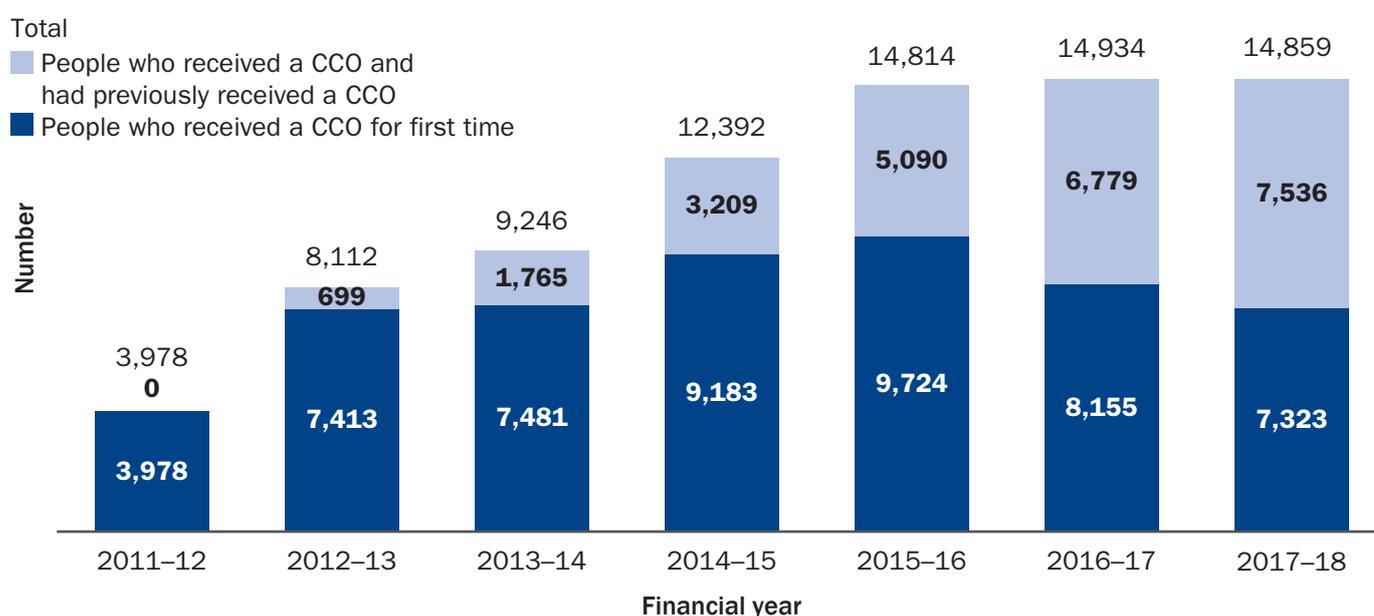
Each of these inclusions may result in an overcount of the number of people who committed a serious offence while serving a CCO.

All people serving a community correction order

Figure 2 shows the number of people who received a CCO each financial year (based on the date of sentence) according to whether the person had previously received a CCO. A total of 53,257 people received a CCO for the first time from 16 January 2012 to 30 June 2018 (the lower part of each bar in Figure 2). A subset of these people (25,078 of 53,257 people or 47.1%) received a second or subsequent CCO during a different financial year between 16 January 2012 and 30 June 2018 (the upper part of each bar in Figure 2).

After increasing each financial year between 2012–13 and 2015–16, the total number of people who received a CCO plateaued, sitting at 14,859 people in 2017–18.

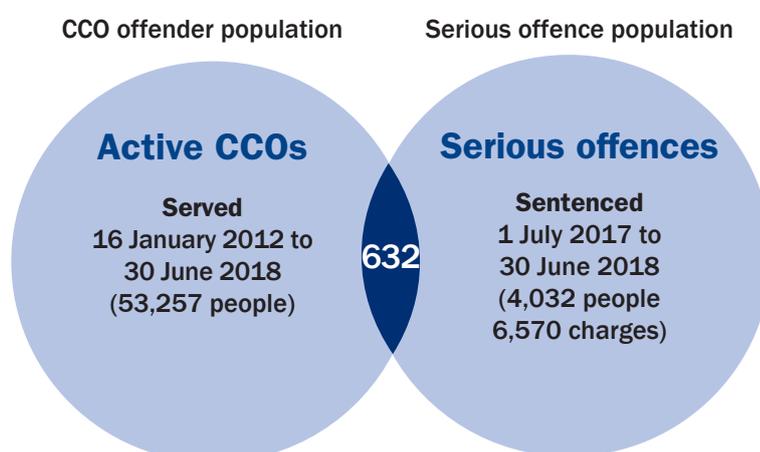
Figure 2: Number of people who received a CCO from 16 January 2012 to 30 June 2018, by financial year and whether the person had previously received a CCO³⁰



People sentenced for a serious offence committed while serving a community correction order

Of the 53,257 people who received a CCO from 16 January 2012 to 30 June 2018, 632 were sentenced in 2017–18 for a serious offence committed while the person was serving a CCO (see Figure 3).

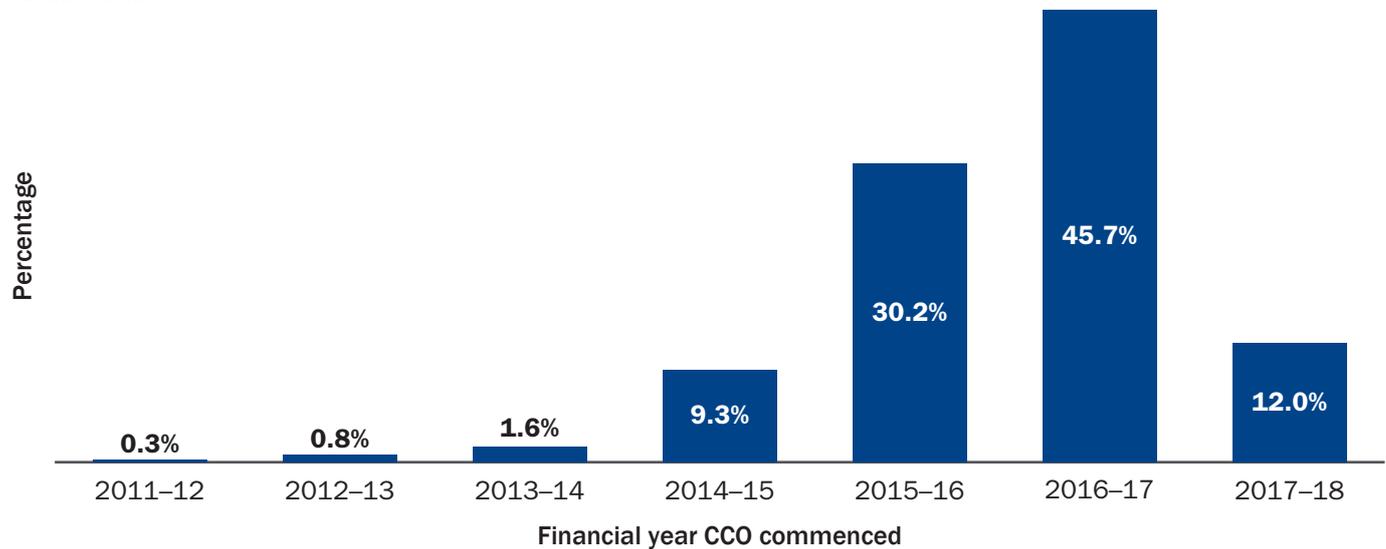
Figure 3: Populations used to identify the number of people sentenced in 2017–18 for a serious offence committed while serving a CCO



30. The numbers in Figure 2 are subject to minor change as some orders may not have been entered into the case management system by the date of extraction. The number in 2011–12 is substantially lower than in other years because the CCO was only introduced part way through that financial year (on 16 January 2012).

The CCO commencement date varied widely for people sentenced in 2017–18 for a serious offence committed while serving a CCO. Commencement dates ranged from 28 March 2012 to 14 June 2018. However, as Figure 4 shows, the vast majority (87.9%) of CCOs commenced from 2015–16 to 2017–18.

Figure 4: Percentage of people sentenced in 2017–18 for a serious offence committed while serving a CCO, by financial year of CCO commencement



The number of people sentenced in 2017–18 for a serious offence committed while serving a CCO (632 people) represents a 14.7% increase on the number sentenced in 2016–17 (551 people) (see Figure 5).³¹

Rate of contravention of community correction orders by serious offending

It is not possible to calculate an accurate rate of CCO contravention by serious offending using the reference period that the Council is required to report on. This is because the reference period is:

- based on the date of sentence for a serious offence, which results in non-standardised follow-up periods; and
- restricted to a single financial year, meaning serious offending sentenced outside the reference period is excluded.

As a proxy for the rate of CCO contravention by serious offending, the methodology from the Council's report for 2016–17 has been adopted: only CCOs imposed in the three years to the end of the reference period (1 July 2015 to 30 June 2018) have been considered. A total of 34,591 people received a CCO over the three-year period; of these, 566 were sentenced in 2017–18 for a serious offence committed while serving a CCO. The proxy rate of CCO contravention by serious offending for 2017–18 is 1.6%, which is identical to the rate for 2016–17 (see Figure 6).³² These percentages are likely to underestimate the true rates of CCO contravention by serious offending because it is likely that some people who committed a serious offence on a CCO imposed in the three-year period were sentenced either before or after 2017–18.

Figure 5: Number of people sentenced for a serious offence committed while serving a CCO, by financial year

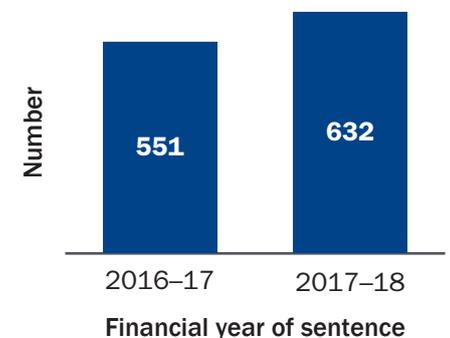
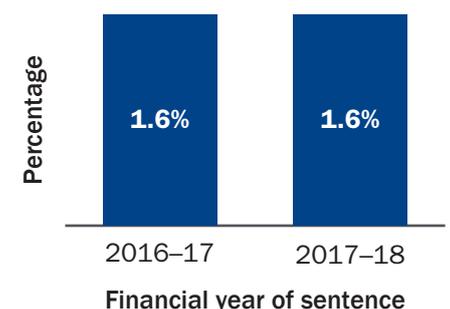


Figure 6: Estimated percentage of CCO contravention by serious offending, by financial year of sentence for serious offence



31. Sentencing Advisory Council (2018), above n 2, 7.

32. Ibid.

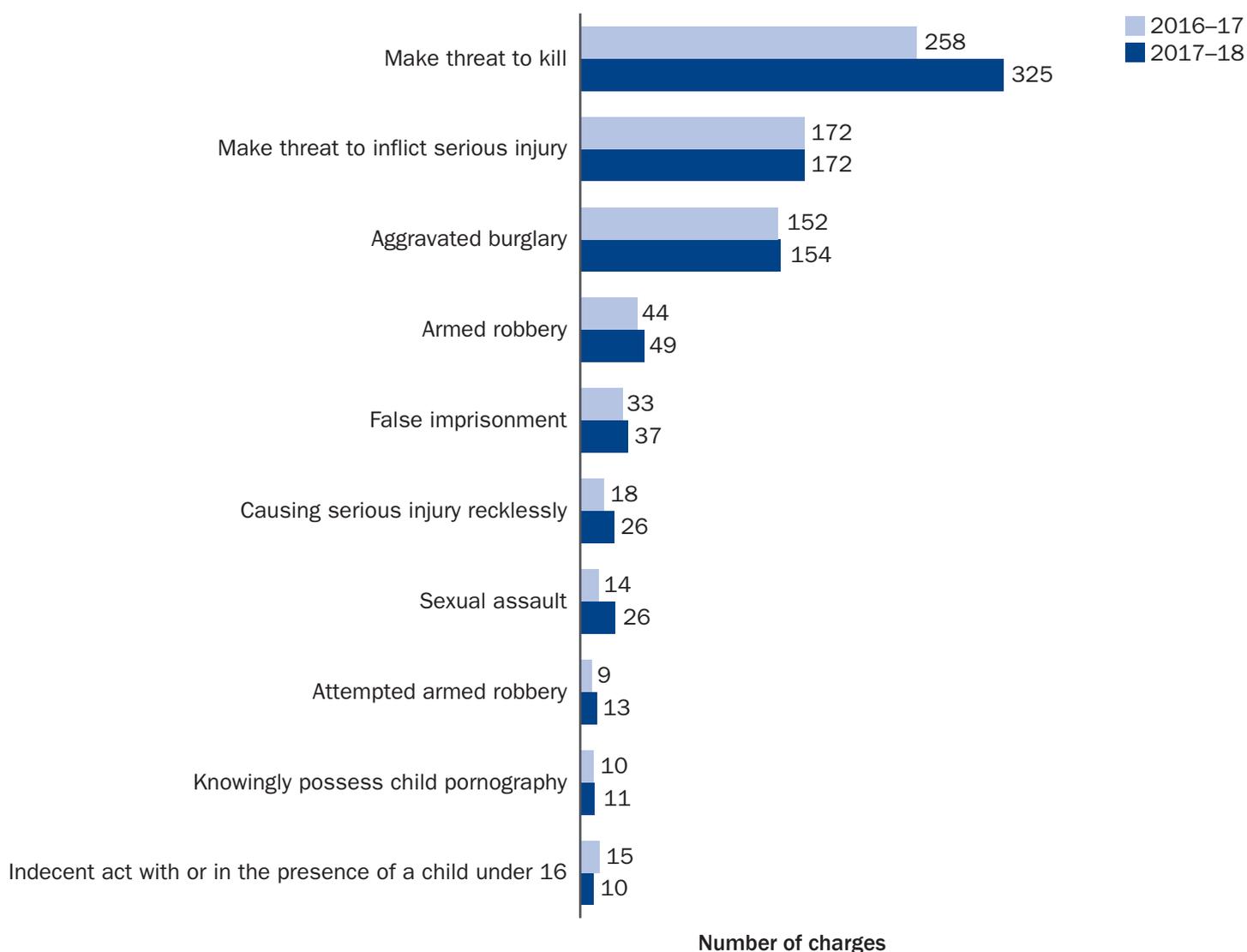
Types of serious offences committed on a community correction order

This section provides an analysis of the types of serious offences committed by people serving a CCO. The analysis considers *all sentenced charges* of a serious offence committed by people serving a CCO. This is opposed to *all people* sentenced for committing a serious offence while serving a CCO, which was the focus of the previous section.

In 2017–18, the courts sentenced 912 charges of serious offences committed by people serving a CCO. This represents a 14.8% increase on the 794 charges from 2016–17.

Figure 7 presents the number of charges sentenced in 2016–17 and 2017–18 of a serious offence committed on a CCO, according to the 10 most common serious offences sentenced in 2017–18. A full list of serious offences committed by people serving a CCO and sentenced in 2017–18 is presented in Appendix 1.

Figure 7: Number of sentenced charges of a serious offence committed while serving a CCO for the 10 most common serious offences sentenced in 2017–18, by type of serious offence and financial year



In 2017–18, three offences stand out as the most common serious offences committed on a CCO:

- make threat to kill (325 charges);
- make threat to inflict serious injury (172 charges); and
- aggravated burglary (154 charges).

These offences were also the most common offences sentenced in 2016–17. The numbers for make threat to inflict serious injury and aggravated burglary were approximately equal in both years.³³ On the other hand, the number of charges of make threat to kill committed by people serving a CCO (325) increased by 26.0% in 2017–18, up from 258 charges in 2016–17.

In 2017–18, the fourth most prevalent serious offence committed by people serving a CCO was armed robbery (49 charges) followed by false imprisonment (37 charges).

The most common sexual offence was sexual assault (26 charges) followed by knowingly possess child pornography (11 charges).

In addition, the courts sentenced four charges of murder committed by people serving a CCO.³⁴ This represents 16.7% of all murder charges sentenced in 2017–18.

Two offences of manslaughter³⁵ (13.3% of all manslaughter charges sentenced in 2017–18) and two offences of rape³⁶ (1.9% of all rape charges sentenced in 2017–18) were also committed by people serving a CCO.

33. Ibid 10.

34. Additional details relating to the four charges of murder sentenced in the reference period are as follows:

1. A murder was committed approximately four months into a 15-month CCO that had been imposed for unlawful assault and persistent contravention of a family violence safety notice.
2. A murder was committed approximately three months into a two-year CCO that had been imposed for a range of offences including unlawful assault, make threat to kill, theft of a motor vehicle and weapons offences.
3. A murder was committed approximately nine months into a 12-month CCO that had been imposed for one charge of possessing methylamphetamine and one charge of possessing counterfeit money.
4. A murder was committed approximately five months into a 12-month CCO that had been imposed for a range of offences including theft of a trailer, using an unregistered motor vehicle, fail to answer bail, recklessly deal with proceeds of crime, possess cannabis and possess a prohibited weapon without an exemption.

35. Additional details of the two manslaughter charges sentenced in the reference period are as follows:

1. A manslaughter was committed approximately six months into a 12-month CCO that had been imposed for a range of offences including unlicensed driving, fail to answer bail, possess methylamphetamine, obtain property by deception and assault an emergency worker on duty.
2. A manslaughter was committed approximately nine months into a 12-month CCO that had been imposed (along with 60 days in youth detention) for a range of offences including reckless conduct endangering serious injury, obtain property by deception (13 charges), theft from a shop, use of a controlled weapon without an excuse, commit indictable offence whilst on bail and fail to answer bail.

36. Additional details relating to the two charges of rape sentenced in the reference period are as follows:

1. A rape was committed approximately 18 months into a two-year CCO imposed (along with a six-month sentence of imprisonment) for three charges of sexual penetration with a child aged under 16, one charge of indecent act with a child under 16, three charges of common law assault and one charge of make threat to kill.
2. A rape was committed approximately three months into a six-month CCO imposed for a range of offences including possess methylamphetamine, possess a controlled weapon without an excuse, fail to answer bail and drive whilst disqualified.

Gender and age of people who committed a serious offence while serving a community correction order

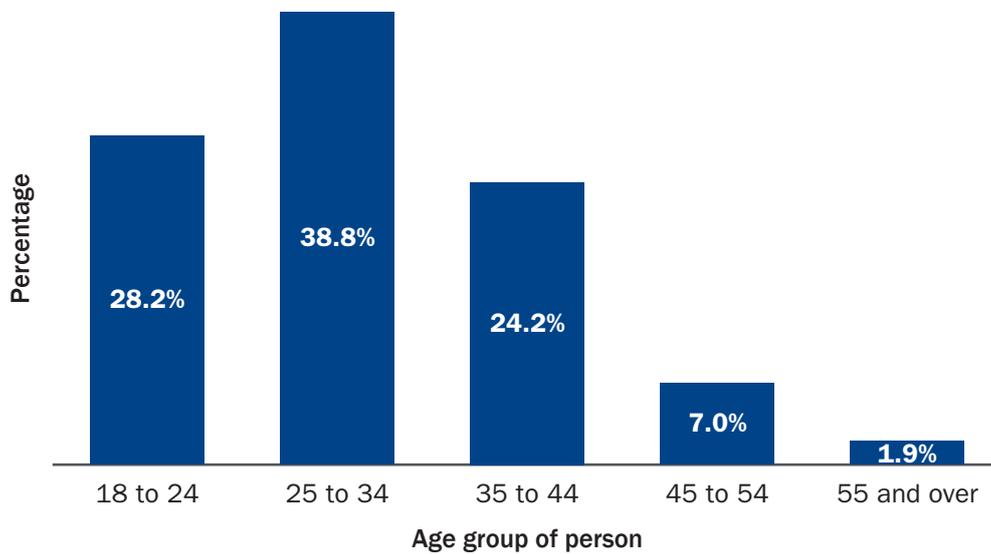
A total of 591 males and 41 females were sentenced in 2017–18 for a serious offence committed while serving a CCO. The majority of people were therefore male (93.5%); 6.5% were female.

The majority of people sentenced for a serious offence committed on a CCO were aged under 35 when their CCO was imposed (67.0% of all people who committed a serious offence while serving a CCO).

The median age of people sentenced for a serious offence committed on a CCO was 29 years; ages ranged from 18 to 77 years.

As Figure 8 shows, the most prevalent age group was 25 to 34 years (38.8%) while the least prevalent age group was 55 years and over (1.9%).

Figure 8: Percentage of people sentenced in 2017–18 for a serious offence committed while serving a CCO, by age of person when CCO was imposed

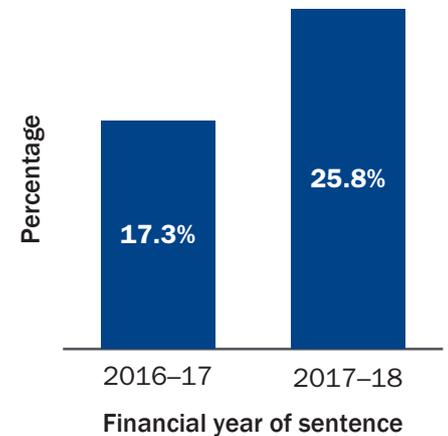


Community correction orders combined with imprisonment

CCOs imposed in addition to a sentence of imprisonment comprised the *minority* of CCOs that people were serving when they committed a serious offence. In 2017–18, 25.8% of people sentenced for a serious offence committed on a CCO (163 people) were serving a CCO that had been imposed in addition to a sentence of imprisonment. This percentage is higher than the percentage for 2016–17, when 17.3% of people sentenced for a serious offence committed on a CCO were serving a CCO that had been imposed in addition to a sentence of imprisonment (see Figure 9).³⁷

In 2017–18, *straight* CCOs (that is, CCOs not combined with another order) comprised the majority of CCOs contravened by serious offending, representing 74.2% of CCOs contravened by serious offending, or 469 people.

Figure 9: Percentage of people sentenced for a serious offence committed while serving a CCO that had been combined with a sentence of imprisonment, by financial year



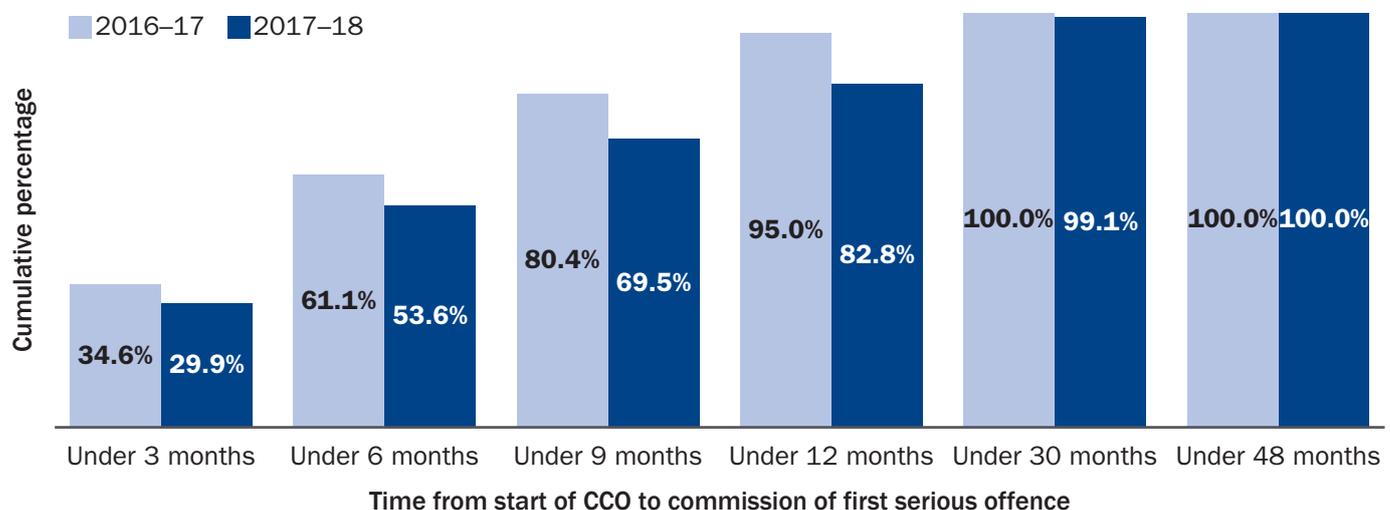
Time to first serious offence

For people sentenced in 2017–18 for a serious offence committed on a CCO, the median time between the start of their CCO and the first serious offence committed on their CCO was 166 days (5.5 months). This is 18.6% longer than the median time for people sentenced in 2016–17 for a serious offence committed while serving a CCO (140 days or 4.6 months).³⁸

The maximum time to commit a serious offence was 1,368 days (3 years and 9 months) for people sentenced in 2017–18. By comparison, the maximum time was 881 days (2 years and 5 months) for people sentenced in 2016–17.

As Figure 10 shows, the majority (53.6%) of people sentenced in 2017–18 for a serious offence committed on a CCO committed their first serious offence within the first six months of the CCO commencing, and 82.8% committed their first serious offence within the first year of the CCO commencing. These percentages are substantially lower than the percentages for people sentenced in 2016–17: 61.1% for under six months and 95.0% for under 12 months.³⁹

Figure 10: Cumulative percentage of people sentenced for a serious offence committed while serving a CCO, by time from start of CCO to commission of first serious offence on that CCO, by financial year



37. Sentencing Advisory Council (2018), above n 2, 9.

38. Ibid.

39. Ibid.

Summary

Of the 53,257 people who received a CCO between 16 January 2012 and 30 June 2018, 632 were sentenced in 2017–18 for a serious offence committed while serving a CCO.

The number for 2017–18 (632) represents a 14.7% increase on the number for 2016–17 (551). However, there was no change in the estimated rate of CCO contravention by serious offending, which was 1.6% for both years. Granted there was an increase in the number of people sentenced in 2017–18 for a serious offence committed on a CCO, but there was also an increase in the total number of people serving a CCO over the three years used to calculate the rate. As discussed, the rate is a proxy figure and is likely to underestimate the true rate of CCO contravention by serious offending.

Many of the serious offences committed by people serving a CCO involved threats of violence. Of the 912 charges of serious offences committed in 2017–18 by people serving a CCO, 497 (54.5%) were charges of make threat to kill or make threat to inflict serious injury. Aggravated burglary (154 charges) was the third most common serious offence committed by people serving a CCO. The most common serious sexual offence was sexual assault (26 charges) followed by knowingly possess child pornography (11 charges).

The most serious offences were murder (4 charges), manslaughter (2 charges) and rape (2 charges).

In total, 82.8% of people committed their serious offence within the first year of their CCO commencing. This is substantially lower than the corresponding percentage for 2016–17 (95.0%). This suggests that people on CCOs tended to take longer in 2017–18 to reoffend with a serious offence than they did in 2016–17.

Appendix 1: Serious offences committed on a community correction order

Table 1: Charges of serious offences sentenced in 2017–18 committed by people serving a CCO, by number of charges committed by people serving a CCO and number of charges committed by any person

Offence	Sentenced charges of serious offences committed by people serving a CCO		Sentenced charges of serious offences committed by any person	
	Number	Percentage	Number	Percentage committed on a CCO
Make threat to kill	325	35.6	1,933	16.8
Make threat to inflict serious injury	172	18.9	999	17.2
Aggravated burglary	154	16.9	507	30.4
Armed robbery	49	5.4	325	15.1
False imprisonment	37	4.1	176	21.0
Causing serious injury recklessly	26	2.9	136	19.1
Sexual assault	26	2.9	319	8.2
Attempted armed robbery	13	1.4	69	18.8
Knowingly possess child pornography	11	1.2	127	8.7
Indecent act with or in the presence of a child under 16	10	1.1	470	2.1
Intent to distribute intimate image of another person	8	0.9	57	14.0
Causing serious injury intentionally	7	0.8	35	20.0
Use carriage service to access or transmit child pornography	7	0.8	49	14.3
Attempted aggravated burglary	6	0.7	31	19.4
Kidnapping (common law)	6	0.7	15	40.0
Make or produce child pornography	5	0.5	51	9.8
Aggravated home invasion	5	0.5	14	35.7
Use online information service to transmit child pornography	4	0.4	16	25.0
Knowingly possess child abuse material	4	0.4	16	25.0
Direct sexual activity at another person	4	0.4	16	25.0
Murder	4	0.4	24	16.7
Sexual penetration with a child aged under 16 ^a	3	0.3	148	2.0
Aggravated carjacking	2	0.2	2	100.0
Manslaughter	2	0.2	15	13.3
Threaten to commit a sexual offence	2	0.2	17	11.8
Rape	2	0.2	104	1.9
Use service to groom a child under 16 for sexual activity	2	0.2	21	9.5
Threaten to distribute intimate image of a person	2	0.2	31	6.5

Table 1: Continued

Offence	Sentenced charges of serious offences committed by people serving a CCO		Sentenced charges of serious offences committed by any person	
	Number	Percentage	Number	Percentage committed on a CCO
Loitering near schools etc. by sexual offender	1	0.1	1	100.0
Involve a child in the production of child abuse material	1	0.1	1	100.0
Use carriage service to threaten serious harm	1	0.1	2	50.0
Indecent assault	1	0.1	151	0.7
Use service to transmit indecent communication to a child under 16	1	0.1	43	2.3
Kidnapping (<i>Crimes Act 1958</i> (Vic) s 63A)	1	0.1	5	20.0
Incest by parent	1	0.1	58	1.7
Murder (assist offender)	1	0.1	5	20.0
Use online information service to publish objectionable material	1	0.1	2	50.0
Causing serious injury intentionally in circumstances of gross violence	1	0.1	6	16.7
Distribute image of person's genitals (up-skirting)	1	0.1	32	3.1
Groom child under 16 for sexual offence	1	0.1	20	5.0
Invite minor in the making/production of child pornography	1	0.1	3	33.3
Causing a child under 16 to be present during sexual activity	1	0.1	1	100.0
Other serious offences	0	0.0	517	0.0
Total	912	100.0	6,570	13.9

a. Includes all proven charges of sexual penetration with a child aged under 12.

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