



**Australian Government**  
**Australian Institute of Criminology**

# ACT Family Violence Intervention Program review

Tracy Cussen  
Mathew Lyneham

**AIC Reports**  
Technical and  
Background Paper **52**



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# Foreword

In this report, the results of a review of the ACT's Family Violence Intervention Program (FVIP) are reported. The FVIP provides an interagency response to family violence matters that have come to the attention of police and then proceeded to prosecution. The scope of the review was to analyse the program's activities and outcomes using 2007–08 data provided by participating agencies, supported by in-depth interviews with key stakeholders including victims whose matters had been finalised in court.

After the completion of this report, additional data from 2008–09 and 2009–10 was made available by some FVIP participating agencies. Although not within the scope of this evaluation, these data pointed to some preliminary improvements in the FVIP and have, therefore, been added as appendixes to this report for reference purposes only. The main body of the report should therefore be read as reflecting the FVIP program as it operated in 2007–08.

While specific conclusions cannot be drawn from the more recent FVIP data, several salient features should be considered when interpreting the findings of this 2007–08 evaluation. Specifically, the 2008–10 data reveals that there was an increase in the number of family violence incidents attended by police, the number of victims assisted by the Domestic Violence Crisis Service and an increase in the number of offenders going through the courts compared with the 2007–08 data. The data also show that there has been a decrease in the number of persons being formally charged by police, but an increase in the number of persons appearing in the Magistrates' Court and an increase in the proportion of cases finalised by a finding of guilt. Other methods

of case finalisation have remained relatively consistent, as has the length of court time taken to finalise family violence matters. Further, advice received from the ACT Victims of Crime Commissioner is that, since the report was compiled, there have been some legislative reforms that have impacted on the FVIP and some shifts in work practice.

In 2011, the *Magistrates Court Act 1930* was amended to give statutory recognition to the Family Violence list created by the Magistrates Court. The establishment of the court is consistent with the goals of the FVIP. The *Victims of Crime Act 1994* was amended to establish a Victims of Crime Commissioner and provide a stronger governance framework to ensure the independence of victims' rights protection.

Victim Support ACT no longer attends case-tracking meetings, although it facilitates case tracking by preparing and distributing the weekly case-tracking list. The Office of the Director of Public Prosecutions maintains a specialist Family Violence Prosecution Team, who continue to work effectively in prosecuting family violence matters and liaising with victims. Although some time has elapsed since the review was conducted, the conclusions and recommendations that are reached in this report touch on issues that remain valid and are relevant for the future viability of the program.

The AIC would particularly like to thank Mr John Hinchey, ACT Victims of Crime Commissioner for his support in finalising the report.

**Adam Tomison**  
**Director**



# Contents

<b>v</b>	<b>Foreword</b>	
<b>xi</b>	<b>Acknowledgements</b>	
<b>xii</b>	<b>Acronyms</b>	
<b>xiii</b>	<b>Executive summary</b>	
<b>1</b>	<b>Introduction and methodology</b>	
1	Methodology	
3	Report summary	
4	Terminology	
<b>6</b>	<b>The Family Violence Intervention Program</b>	
6	Overview	
6	Governance	
8	Legislation and policy context	
8	Core components of the Family Violence Intervention Program	
<b>11</b>	<b>Literature review</b>	
11	Construction of family and domestic violence	
12	Good practice for family violence intervention models	
14	Criminal justice system responses	
28	Developing good practice frameworks	
29	Conclusion	
<b>30</b>	<b>Profile of family violence in the Australian Capital Territory, 2007–08</b>	
30	Overview	
31	Summary of 2007–08 findings	
33	Data	
68	Discussion	
<b>71</b>	<b>Experience of family violence</b>	
71	Overview	
72	Summary of findings	
73	Victim profile	
76	Incident profile	
80	Experiences of the criminal justice system	
95	Discussion	
<b>97</b>	<b>Family Violence Intervention Program: Inside views</b>	
97	Overview	
97	Program aims	
97	Program effectiveness	
99	Accountability	
99	Governance	
100	Data	
100	Criminal justice system responses	
100	Challenges	
101	Future direction of the Family Violence Intervention Program	
101	Discussion	
<b>103</b>	<b>Time for action</b>	
103	Overview	
103	Australian Capital Territory context	
106	Recommendations for immediate action from the Plan	
<b>108</b>	<b>Conclusion and recommendations</b>	
108	Working cooperatively together	
109	Maximising safety and protection for victims of family violence	
110	Providing opportunities for offender accountability and rehabilitation	
111	Working towards continual improvement of the Family Violence Intervention Program	
<b>114</b>	<b>References</b>	
<b>120</b>	<b>Appendix A</b>	
<b>129</b>	<b>Appendix B</b>	
<b>130</b>	<b>Appendix C</b>	
<b>139</b>	<b>Appendix D</b>	
<b>144</b>	<b>Appendix E</b>	
<b>148</b>	<b>Appendix F</b>	
<b>160</b>	<b>Appendix G</b>	

## Box

- 7 Box 1: Definition of domestic violence

## Figures

- 21 Figure 1: Domestic violence court components
- 27 Figure 2: The victim's journey through an integrated service system
- 33 Figure 3: Incidents by month reported, 2007–08
- 34 Figure 4: Incidents by day, 2007–08
- 34 Figure 5: Incidents by time of day reported, 2007–08
- 35 Figure 6: Incidents by time and day reported, 2007–08
- 37 Figure 7: Previous family violence incidents by categorisation 2001–02–2003–04
- 39 Figure 8: Victims by age group in years, 2007–08
- 40 Figure 9: Offenders by age group in years, 2007–08
- 45 Figure 10: Victims by Indigenous status and relationship to offender, 2007–08
- 46 Figure 11: Young offender relationships with victims by age, 2007–08
- 51 Figure 12: Matters finalised by early plea of guilt by year, 1998–99–2007–08
- 51 Figure 13: Family violence matters prosecuted and commenced and completed by year, 1998–99–2007–08
- 52 Figure 14: Defendants convicted of one or more family violence offences by year, 1998–99–2007–08
- 53 Figure 15: Gender of defendants by year, 1998–99–2007–08
- 54 Figure 16: New family violence charges in Magistrates' and Children's Courts by year, 1998–99–2007–08
- 54 Figure 17: Family violence charges finalised in Magistrates' and Children's Courts by year, 1998–99–2007–08
- 55 Figure 18: New family violence charges and family violence charges finalised by year, 1998–99–2007–08
- 58 Figure 19: Defendants convicted and charges where a conviction is recorded by year, 1998–99–2007–08
- 58 Figure 20: Convicted adult defendants by charges, 2007–08
- 59 Figure 21: Convicted young offenders by charges, 2007–08
- 60 Figure 22: Adult sentence outcomes by gender, 2007–08
- 63 Figure 23: Offenders by supervising authority, 2007–08
- 67 Figure 24: DVCS provision of court support by type and year, 2003–04–2007–08
- 67 Figure 25: Destination of victim and offender following crisis visit, 2007–08
- 68 Figure 26: Telephone contacts made to DVCS by year, 2003–04–2007–08
- 69 Figure 27: Children residing in DVCS client homes by year, 2003–04–2007–08
- 73 Figure 28: Distribution of survey and audit identified victims by age in years
- 74 Figure 29: Care and Protection Services contact by sample participants
- 75 Figure 30: Relationship between victims and offenders by gender and sample participant
- 77 Figure 31: Location of incidents
- 78 Figure 32: Reported property damage
- 79 Figure 33: Incident by who reported it
- 79 Figure 34: Protection orders taken out
- 84 Figure 35: Prior and subsequent family violence charges
- 90 Figure 36: Sentence outcome
- 152 Figure F1: Defendants by gender, 1998–99–2009–10
- 152 Figure F2: New family violence charges by year, 1998–99–2009–10
- 153 Figure F3: Family violence charges finalised by year, 1998–99–2009–10
- 153 Figure F4: New family violence charges and family violence charges finalised by year, 1998–99–2009–10
- 155 Figure F5: Defendants convicted by charges where a conviction is recorded, 1998–99–2009–10



156	Figure F6: Convicted adult defendants by charges, 2008–09	13	Table 3: Compilation features of good practice in interagency responses to family violence
156	Figure F7: Convicted young offenders by charges, 2007–08–2008–09	36	Table 4: Victims by location (type) of offence, 2007–08
157	Table F8: Family Violence Self-Change Program participation, 2006–07–2007–08	37	Table 5: Family violence incidents attended by ACT Policing by incident description, 1999–2003–04
157	Figure F8: DVCS provision of court support by year, 1997–98–2008–09	38	Table 6: Victim demographics, 2007–08
158	Figure F9: Destination of victim and offender following crisis visit, 2008–09	39	Table 7: Family violence incidents by victim Indigenous status, age group and involvement, 2007–08
158	Figure F10: Destination of victim and offender following crisis visit, 2009–10	40	Table 8: Offender demographics, 2007–08
159	Figure F11: Telephone contacts made to DVCS by year, 1997–98–2009–10	41	Table 9: Family violence offenders by number of incidents, 2007–08
160	Table G1: Prosecution of family violence cases by the ACT ODP, 2008–09	42	Table 10: Offender Indigenous status and involvement in family violence incidents, 2007–08
160	Figure G1: Domestic violence order applications, 2009–10	43	Table 11: Family violence victims and offenders by gender, 2007–08
161	Figure G2: Final domestic violence orders, 2009–10	43	Table 12: Family violence victims and offenders by gender, 2007–08
161	Figure G3: Contested domestic violence order matters, 2009–10	44	Table 13: Family violence victims by relationship of offender to victim, 2007–08
162	Figure G4: Follow up visits made by DVCS by year, 1997–98–2009–10	46	Table 14: Offenders by gender and type of relationship with victim, 2007–08
162	Figure G5: Crisis visits with invitation made by DVCS by year, 1997–98–2009–10	47	Table 15: Victims by whether they were also an alleged offender over the same period, 2007–08
163	Figure G6: Area attended on DVCS crisis visits by year, 2000–01–2009–10	47	Table 16: Confirmed incident types by incident type, 2007–08
164	Table G2: Area attended on DVCS crisis visits, 2000–01–2009–10	48	Table 17: Incidents by method of police resolution, 2007–08
165	Table G3: DVCS caller age, 2000–01–2009–10	49	Table 18: Criminal charges laid by type of charge, 2007–08
165	Table G4: Cultural origin of DVCS clients, 2000–01–2009–10	50	Table 19: Prosecution of family violence by year, 2005–06–2007–08
165	Table G5: New DVCS clients and criminal justice matters tracked and finalised	56	Table 20: Finalisation method of adult and young person family violence charges, 1998–99–2007–08

## Tables

8	Table 1: Core components of the Family Violence Intervention Program	56	Table 21: Length of time taken to finalise Children's Court cases, 2006–07–2007–08
12	Table 2: Contextual differences between stranger and domestic violence	57	Table 22: Length of time taken to finalise adult Magistrates' Court cases, 2006–07–2007–08

62	Table 23: Adult offender sentence outcome by charges, 2007–08	144	Table E1: Incidents by month reported, 2007–08
64	Table 24: Family Violence Self-Change Program participation, 2006–07–2007–08	144	Table E2: Incidents by time of day, 2007–08
65	Table 25: Reoffending by individuals, 2007–08	145	Table E3: Incidents by the time and day they were reported, 2007–08
76	Table 26: Relationship status at time of incident and survey	146	Table E4: Family violence victims by times they have been involved in family violence, 2007–08
77	Table 27: Injuries sustained by victims	147	Table E5: Previous family violence incidents by categorisation, 2001–02–2003–04
80	Table 28: Victim perceptions of police response	148	Table F1: Number of family violence incidents attended by ACT Policing by incident description, 2008–09–2009–10
81	Table 29: Victim satisfaction with police handling of the case at the time of the incident	149	Table F2: Confirmed incidents by offence type, 2008–09–2009–10
83	Table 30: Victim reports of charges laid	150	Table F3: Incidents by police resolution, 2008–09–2009–10
85	Table 31: Victim reports of defendant's plea	150	Table F4: Criminal charges laid by type, 2008–09–2009–10
85	Table 32: Victim satisfaction with prosecution contact	150	Table F4: Criminal charges laid by type, 2008–09–2009–10
86	Table 33: Experience of the prosecution process	151	Table F4: Criminal charges laid by type, 2008–09–2009–10
87	Table 34: Victim reports of case outcomea	151	Table F4: Criminal charges laid by type, 2008–09–2009–10
88	Table 35: Victim satisfaction with case outcome	154	Table F5: Finalisation method of adult and young person family violence charges, 1998–99–2009–10
91	Table 36: Victim satisfaction with DVCS services	154	Table F6: Length of time taken to finalise Children's Court cases, 2006–07–2009–10
92	Table 37: Victim reports of the ease of their experience with the criminal justice system with and without DVCS support	155	Table F7: Length of time taken to finalise adult Magistrates' Court cases, 2006–07–2009–10
92	Table 38: Victim assessment of their ability to move on after the family violence incident		
93	Table 39: Victim reports of potential future access to services		

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## Disclaimer

The conclusions drawn in this report are those of the authors and do not necessarily represent the views of the Australian Government, ACT Government or the Australian Institute of Criminology.

# Acronyms

<b>ACTCS</b>	ACT Corrective Services
<b>AIC</b>	Australian Institute of Criminology
<b>CALD</b>	culturally and linguistically diverse
<b>CPS</b>	Care and Protection Services
<b>CSO</b>	community service order
<b>DPP</b>	Director of Public Prosecutions
<b>DVCS</b>	Domestic Violence Crisis Service
<b>DVICM</b>	Domestic Violence Intervention Court Model
<b>DVPC</b>	Domestic Violence Prevention Council
<b>FVIP</b>	Family Violence Intervention Program
<b>FVIPCC</b>	Family Violence Intervention Program Coordinating Committee
<b>FVIR</b>	Family Violence Incident Review
<b>FVSC</b>	Family Violence Self-Change
<b>GBO</b>	good behaviour order
<b>JaCS</b>	Justice and Community Safety Directorate
<b>JFVC</b>	Joondalup Family Violence Court
<b>MARAC</b>	multi-agency risk assessment conferences
<b>MoA</b>	Memorandum of Agreement
<b>MoU</b>	Memorandum of Understanding
<b>NETO</b>	no evidence to offer
<b>NHMP</b>	National Homicide Monitoring Program
<b>OCYFS</b>	Office for Children, Youth and Family Support
<b>ODPP</b>	Office of the Director of Public Prosecutions
<b>OIP</b>	Offender Interventions Program
<b>PPOs</b>	probation and parole officers
<b>PROMIS</b>	Police Real-time Online Management Information System
<b>VoCC</b>	Victims of Crime Coordinator
<b>VS ACT</b>	Victim Support ACT

# Executive summary

This report presents the results of the review of the ACT Family Violence Intervention Program (FVIP). The main purpose of the review was to describe the effectiveness of the current program including its governance arrangements.

The FVIP is a coordinated interagency response to family violence incidents that come to the attention of the police and proceed to prosecution. The FVIP partner agencies are:

- Australian Federal Police (ACT Policing);
- Office of the Director of Public Prosecutions (ODPP);
- ACT Magistrates' Court;
- ACT Corrective Services (ACTCS);
- Domestic Violence Crisis Service (DVCS);
- Office for Children, Youth and Family Support (OCYFS);
- Policy and Regulatory Division, Justice and Community Safety Directorate (JaCS); and
- The Office of the Victims of Crime Coordinator (VoCC)

Legal Aid ACT, the ACT Law Society and Victim Support ACT (VS ACT) also participate in the FVIP Coordinating Committee (FVIPCC).

The FVIP's focus is on improving the criminal justice system response to family violence. In developing and implementing this response, the overarching objectives of the FVIP are to:

- work cooperatively together;
- maximise safety and protection for victims of family violence;
- provide opportunities for offender accountability and rehabilitation; and
- work towards continual improvement of the FVIP.

To assess the effectiveness of the FVIP in achieving its objectives, the review methodology included:

- a literature review focusing on criminal justice system responses to family violence;
- a description of 2007–08 family violence data provided by the Magistrates' Court and ACT Policing;
- a survey of 40 victims of family violence whose matters were prosecuted;
- an audit of 73 DVCS client files; and
- in-depth interviews with 21 key stakeholders from FVIP agencies.

The body of this report describes the FVIP as it stood in 2007–08, as this was the year from which the most recent data was available at the time of report writing.

## Findings

### *Evidence of cooperation*

There is evidence that the FVIP is effective in establishing relationships between agencies and ensuring they work cooperatively. Partner agencies have committed recurrent service delivery, policy and coordination to the program under a Memorandum of Agreement (MoA). Stakeholders identified communication and good working relationships as a fundamental strength of the FVIP, contributing to the program's longevity.

To maximise victim safety and provide opportunities for offender accountability and rehabilitation, the FVIP has consolidated its efforts into a focus on two key operational policies (pro-charge, pro-arrest and presumption against bail policing; and pro-active prosecution) and three operational goals (early

provision of victim support, coordination and case management, and rehabilitation of offenders). Agencies perform varied roles within the FVIP to implement policy and achieve goals.

Information sharing and planning are formalised through case tracking and regular FVIPCC meetings, which are well-attended. Weekly meetings are held to discuss current family violence matters with representation from DVCS, ACTCS, ACT Policing, OCYFS and ODPP. An MoA between ACT Policing and DVCS articulates requirements for DVCS to be notified of family violence incidents and clarifies interagency expectations. The FVIPCC is attended by senior level agency officers and undertakes strategic planning for the program.

### *Evidence of safety and protection of victims of family violence*

Evidence from the data suggests that the breadth of services provided by FVIP agencies contributes to the perceived safety and protection of victims of family violence.

The majority of surveyed victims reported:

- feeling supported by ACT Policing and DVCS;
- being satisfied with the response to their incident by ACT Policing, ODPP and DVCS;
- feeling safer as a result of the attendance and intervention of ACT Policing; and
- that they would call for police assistance, be involved in another prosecution and/or have contact with DVCS if they were involved in a future family violence incident.

ACT Policing data accords with what is generally understood within the family violence literature:

- The majority of offenders are male (76%).
- The majority of victims are female (74%).
- Offenders and victims are predominately adults (82% of offenders and 79% of victims were over the age of 19 years in the current ACT Policing sample).
- The majority of incidents take place within private homes (ie away from the public; 77%).
- Children are affected directly and indirectly by

family violence (21% of victims recorded by ACT Policing in 2007–08 were under 19 years of age and the DVCS annual report recorded 65% of client homes as having resident children).

The data also identify victim demographics and victim/offender relationship dynamics that may need to be considered by agencies when developing interventions. The survey and case file audit undertaken for this review identified that 19 percent of victims have a culturally and linguistically diverse (CALD) background. ACT Policing data revealed differences in the victims of family violence offences for men and women. While men victimise women (17:3), women almost equally victimise other women and men (9:11). That statistic however, only reflects the gender of victims and offenders in incidents where the police have been called out and does not mean that charges were laid. Nor does it contextualise the types or severity of matters that each gender is involved in, either as a victim or offender.

The primary focus of the literature and response to family violence is on incidents occurring between intimate partners. Data collected from this review, however, found that over half (52%) of the incidents occurred between persons who did not have a current relationship at the time of the incident and who had not been in a relationship together previously. This finding, if supported by future data collection, suggests a need for FVIP partner agencies to ensure responses are flexible and able to address the different dynamics between non-intimate partner family violence incidents.

There is evidence that service provision to victims needs to be enhanced. Direct DVCS provision of court support has fallen by 35 percent over the last two financial years due to resourcing issues. It is unknown if this support, and in what proportion, is provided through VS ACT, ODPP Witness Assistant services, other non-government services or through DVCS' telephone support service.

Victims reported experiences with the response of the criminal justice system vary considerably. Almost equal proportions of the victims surveyed reported that they did or did not feel like they were part of the criminal justice system decision-making process.

Many victims reported not receiving adequate levels of information about their cases. Victims appeared to be missing information in the period leading up to the court case and in its aftermath.

### *Evidence of offender accountability*

- ACT Policing and ACT Magistrates' Court data indicate that the majority of incidents are being attended by police, proceeding to charges and then processed efficiently by the court. This contributes to victim safety and offender accountability.
- 84 percent of incidents were attended by police.
- 25 percent of incidents resulted in offender apprehension and one percent in an apprehension or transport to custody due to intoxication.
- A range of charges were pursued by the ODPP, whose records reflect an increase in the number of matters prosecuted and the number of matters commenced and completed every financial year since the FVIP began operation.
- The majority of matters were finalised by the Magistrates' Court within 13 weeks.
- Almost half of the charges (49%) resulted in a finding of guilt; a further five percent of charges were referred to the Supreme Court.
- 27 percent of charges were finalised by way of no evidence to offer.
- 20 percent of offenders were found not guilty.
- A total of 206 people were convicted on 321 charges.
- Eight percent of persons convicted in 2007–08 had a prior family violence offence in 2005–06 or 2006–07.

Low numbers of offenders undertake the offender intervention program facilitated by ACTCS. ACTCS does refer many clients to other service providers after conducting assessments as to offender risks, needs and suitability to undertake ACTCS-facilitated interventions. Inadequate data is available to determine the extent to which these other interventions are being undertaken or are required. An outcome evaluation of the Family Violence Self-Change Program may address this gap in knowledge.

Data is required to determine if differential responses are necessary to meet the needs of persons accused of family violence who are children or young people and/or have diagnosed mental health issues and/or are persistent repeat offenders.

### *Evidence of continual improvement*

Throughout its 10 year operation, FVIP agencies have implemented a range of practices to improve the criminal justice system response to family violence. Agencies have created specialist positions including victim support and administration positions within ACT Policing, the ODPP Witness Assistant and family violence prosecutors. Agencies have developed or introduced new programs, for example, the DVCS/OCYFS Young People Outreach Worker partnership. In addition, the VoCC annually collates and disseminates family violence data and facilitates regular strategic planning with FVIP partners. Agencies also engage in learning opportunities including the 2008 national 'Family Violence, Specialist Courts & The Idea of Integration' Conference and have established a formal link with the Manitoba domestic violence court. FVIP-commissioned research has included two previous evaluations of the FVIP and an evaluation of the former offender intervention program (Learning to Relate without Violence and Abuse). Stakeholders, however, identified the need for the FVIP to focus more on continual improvement to ensure momentum for the program is maintained and that it continues to be effective.

### *Ways forward*

The major challenge for the FVIP in the future is to ensure it continues to develop. Formalised governance and information sharing arrangements, and increased resources may increase the capacity of the program to respond to victims and offenders involved in family violence incidents.

- The FVIP lacks a legislative base for its existence. This means that it relies on the good will of agency partners to continue to provide an effective response. Although encapsulating the FVIP in legislation would be challenging and may not be necessary, there is a need to commit to specific

reporting, accountability, information sharing and renewed MoA protocols to address any strains agencies experience that impact on their ability to participate in the program.

- Information sharing is hampered by lack of interagency protocols and a legislative base to ensure that information is adequately provided and protected. Agency accountability to the FVIP as a whole requires formalisation through the further refinement of the FVIP's purpose and the development of outcome-based performance measures. FVIP agencies remain under-resourced to collect and analyse an adequate range of data. Data can assist agencies to develop profiles of victims and offenders to ensure they are able to appropriately target service provision and respond to the complexity of the relationships between victims and offenders.

To guide the FVIP in the future, the report makes a number of recommendations. These recommendations are based on the review of good practice literature and analyses of data, and stakeholder and victim interview responses undertaken for this report. The recommendations are grouped under the current stated objectives of the FVIP:

### **Working cooperatively together**

Recommendation 1: Investigate and recommend to government, measures to secure the operation of the FVIP; for example, legislation, service level agreements and/or annual reporting requirements.

Recommendation 2: That the purposes of the FVIP be maintained but revised to focus on outcomes and re-signed as interagency protocols in a new commitment by agencies.

Recommendation 3: That training and/or induction materials for new agency staff, outlining the purposes and core components of the FVIP, be prepared that are consistent across agencies.

Recommendation 4: That the full three days family violence training for ACT Policing continue.

Recommendation 5: That the FVIPCC MoA be revised to reflect Executive Director level representation for FVIPCC meetings.

Recommendation 6: That the FVIPCC initiate a rotating chair and secretariat for FVIPCC meetings.

### **Maximising safety and protection for victims of family violence**

Recommendation 7: That information sharing capacity is enhanced through the development of protocols or legislation to promote victim safety, while respecting the rights of victims and offenders.

Recommendation 8: That case tracking is reviewed to determine if it is still necessary or its functionality can be met through more effective and efficient means.

Recommendation 9: Explore whether current avenues for victim support and advocacy are sufficient and whether consideration should be given to developing a support pathway for all victims, including children.

Recommendation 10: That consideration is given to developing a lead case manager model to coordinate information provision to victims and offenders.

Recommendation 11: That FVIP information sources are revised and updated including providing a broader range of sources for both victims and offenders involved in family violence incidents.

Recommendation 12: That more research is undertaken to ascertain what victims want and need from service providers and the criminal justice system.

### **Providing opportunities for offender accountability and rehabilitation**

Recommendation 13: That the specialist jurisdiction court and processes are retained with consideration given to consolidating the work of the court through legislation or court rules.

Recommendation 14: That consideration is given to developing family violence procedures with the Supreme Court.

Recommendation 15: That agencies explore whether the current range of alternative sentencing options and/or community support for offenders with complex needs are sufficient and appropriate.

Recommendation 16: That funding be sought to undertake an outcome evaluation of the Family Violence Self-Change Program and the extent to which other interventions/sanctions contribute to program outcomes.



Recommendation 17: That reporting on ACTCS interventions undertaken with offenders, or to which offenders are referred, is documented in the annual FVIP statistics.

### **Working towards continual improvement of the FVIP**

Recommendation 18: That FVIP establish mechanisms to engage partner agencies in discussions of their core business and functions, for example at roundtables, planning days.

Recommendation 19: That FVIP continue to collect data.

Recommendation 20: That FVIP develop outcome-focused performance indicators, in addition to the output measures currently recorded, to act as baseline measures of effectiveness.

Recommendation 21: That FVIP develop an integrated information management system to assist reporting, internal audit, research and operational needs.

Recommendation 22: That FVIP secure a dedicated project officer position to collect and disseminate data of interest to FVIP partner agencies.





# Introduction and methodology

In January 2009, the ACT VoCC commissioned the Australian Institute of Criminology (AIC) to conduct a review of the ACT's FVIP. The main purpose of the review was to describe the effectiveness of the current program, including its governance arrangements. FVIP began as a pilot program in 1998 following recommendations of the ACT Community Law Reform Committee for a coordinated interagency response to family violence. The FVIP does not purport to be a solution to family violence and focuses instead on monitoring and improving the criminal justice system response to allegations of violence made within families and intimate relationships (Holder & Caruana 2006). The program is discussed in more detail in *The Family Violence Intervention Program* section of this report.

This review describes incidents of family violence that came to the attention of the ACT's criminal justice system during the 2007–08 financial year. The timeframe was chosen as it provides the most recent year from which finalised matters could be analysed. This review also describes the experience of the criminal justice system response to family violence reported by a sample of victims whose matters led to charges being heard before the ACT Magistrates' Court.

The specific tasks identified to inform the review were:

- to identify emerging good practice in criminal justice interventions to address family violence;
- to describe victims reporting incidents of family violence to police;
- to describe defendants charged before the court for family violence offences;
- to describe results from a survey of victims; and
- to identify recommendations for improved governance and future directions of the FVIP.

This report presents the results of the review.

## Methodology

The review methodology was refined in consultation with a Project Reference Group comprising the AIC research team, VoCC, the manager of DVCS and the manager of the justice advocacy unit, VS ACT. Incorporating quantitative and qualitative data, the key components included:

- literature review;
- description of family violence data compiled by ACT Policing and the Magistrates' Court;
- survey of victims of family violence in the Australian Capital Territory;
- case file audit; and
- stakeholder interviews.

## *Literature review*

The purpose of the literature review was to inform the recommendations on future directions for FVIP and its governance. The literature search was limited to criminal justice system responses to family violence in line with the focus of FVIP. The discussion of extant research focuses on interventions across Australia and overseas under each arm of the system (police, courts and corrections), with a particular focus on emerging good practice, evaluated programs and programs designed to coordinate service delivery.

Topics covered in the literature review include the construction of family violence intervention policy, characteristics of successful models, reporting family violence to police, pro-arrest policies, specialist courts and therapeutic jurisprudence, and offender intervention programs.

The research team acknowledges that family violence is a social problem requiring system-level responses targeted towards reducing a societal tolerance of violence and improving knowledge about the social, economic and health impacts for individuals, vulnerable groups and communities. As much research has been conducted exploring these systemic issues, including the gendered nature of family violence, such research are not duplicated in this report.

## *Description of family violence data*

Data requests were submitted to the Australian Federal Police (ACT Policing) and the ACT Magistrates' Court. The purpose of the data collection was to enable the research team to provide a profile of victims and offenders involved in family violence incidents during the 2007–08 financial year and where possible, to compare these data to those published in previous FVIP-related reports, including the 2001 evaluation of the FVIP conducted by Urbis Keys Young.

Data on victims are collected by ACT Policing using their Police Real-time Online Management Information System (PROMIS). Operational police enter a range of data about incidents into PROMIS, including a small range of data specifically about victims and offenders. Family violence matters are

identified or flagged in PROMIS using a Family Violence tick box. The variables requested from ACT Policing PROMIS database for the purposes of this review include:

### **About the victims and offenders**

- gender;
- age group;
- Aboriginal and Torres Strait Islander status;
- victim and offender relationship;
- charges laid; and
- repeat victimisation.

### **About the incident**

- type;
- location;
- time; and
- resolution.

The ACT Magistrates' Court records information about matters coming before the court against unique case file numbers that pertain to each young person or adult defendant's case. This information includes demographic information, charge types and court outcomes. The Magistrates' Court does not record Indigenous status. Those matters flagged as family violence incidents were available for analysis in this review. In addition to 2007–08 data, the Magistrates' Court was asked to provide data for 2006–07 to update data previously published. The data provided is consistent with that provided during the 2001 evaluation and includes:

- gender;
- whether the defendant is an adult or a child/young person;
- numbers of matters appearing before the court;
- length of time taken to finalise matters;
- how matters were finalised; and
- sentence outcome.

Offender intervention programs data was requested from and provided by ACTCS. Data was also collected from the 2007–08 annual reports of ODPP and DVCS.

## *Survey of victims of family violence in the Australian Capital Territory*

Telephone interviews were conducted, by an ACT Government project officer, with 42 victims of family violence in the Australian Capital Territory who had contact with the criminal justice system and whose matters had been completed in the 2007–08 period. The surveys were designed to explore the victims' experience with the criminal justice system to gauge what works effectively and also to identify areas for improvement.

In consultation with the Project Reference Group, it was decided that the survey sample be restricted on the basis of the following criteria:

- female victim/male accused;
- both parties over 18 years old; and
- partner/ex-partner relationship.

These inclusion criteria were set to ensure a sufficient and internally comparable sample size for analysis. The limitations of the survey itself and the sample are further explored under *Experience of Family Violence* in this report.

With the assistance of the VoCC, an officer from the Restorative Justice Unit, Justice and Community Safety Directorate, was seconded to conduct the interviews and case file audits described at *Case file audit* below. The manager of DVCS facilitated access to a list of 430 clients whose matters had been finalised during the 2007–08 financial year. The project officer then selected every fifth name, moving on to the next name if the matter did not fit the inclusion criteria. Each potential participant was asked to provide verbal consent to participate and was provided with information to ensure their consent was informed. In total, contact was made or attempted with 105 clients. In 54 cases, either the telephone number on file was not current or the client was not successfully reached after three attempts. In nine cases, consent to participate was declined. In two cases, analysis of the survey results identified that they did not fit the inclusion criteria. These cases were removed from the analysis and the information utilised in the case file audit results. The survey instrument is attached at *Appendix A*.

## *Case file audit*

An audit of DVCS case files was undertaken to validate the survey sample and findings, and to present a more accurate representation of family violence victims seeking support in the Australian Capital Territory.

A total of 72 files were audited, including the 40 surveys included in the victim survey sample and the two that were excluded, and an additional 30 files randomly selected from the original client list provided by DVCS.

Variables recorded from the file audit included:

- date of incident;
- gender of victim and offender;
- relationship between victim and offender;
- whether the matter had been finalised and how (where available);
- charges laid and sentence outcomes; and
- any evidence of referrals to other agencies or support services.

## *Stakeholder interviews*

Stakeholder interviews were conducted to gather the experiences of government and non-government agency staff who coordinate FVIP and other agency representatives who work directly with victims and offenders.

These interviews were conducted on the basis that no comments would be directly attributed to either the individual or their organisation. Twenty-one interviews were conducted by AIC research staff. A semi-structured interview schedule was prepared to guide the discussion and was modified for some interviewees. The standard schedule used is attached at *Appendix B*.

## *Report summary*

This report presents the findings from the current review of FVIP. *The Family Violence Intervention Program* section provides further detail about the organisation of FVIP, its key partners and how family violence matters are handled at an operational level.

The *Literature review* presents an overview of criminal justice system interventions targeted at addressing family violence and improving the system level response. *Profile of family violence* examines the data provided by participating agencies in relation to victim, offender and incident characteristics over the 2007–08 financial year. *Experience of family violence* presents the findings from the survey and case audit of victims. *Family Violence Intervention Program—inside views* explores stakeholder comments about the current and future directions of FVIP. *Time for action* identifies key recommendations, stemming from the National Council to Reduce Violence against Women and their Children plan that may impact on FVIP operations. This component is outside the scope of the current review but was viewed by the research team as an important inclusion to inform the recommendations. The report finishes with *Conclusion and recommendations* addressing the effectiveness of FVIP and its future direction and governance.

## Terminology

### Family violence

Across academic literature, legislation and policy, a range of terms are used to describe violence directed at family members and the people affected by this violence. The terminology used in this report corresponds to that commonly used by practitioners across FVIP agencies in the Australian Capital Territory.

In this report, *family violence* is used to describe abusive or criminal behaviours that have occurred between people in an intimate, personal and/or family relationship with each other. The term, therefore, covers spouse/ex-spouse abuse (domestic violence) and abuse between a young person/adult and their parent, between siblings and by a parent against their child. It is acknowledged that the term *family violence* is also preferred by Indigenous communities (Holder & Caruana 2006).

Spouse/ex-spouse is a broad description of a category of relationship between two people. A *spousal* relationship may include persons who are of the same or different gender and who may be legally married, living in a de facto relationship, and may be

residing in the same or different residences together. An *ex-spouse* relationship could be any one of these but where the parties have finished their relationship (Holder & Caruana 2006).

### People involved in family violence

Australian literature generally uses the term *perpetrator* in reference to a person who has, or allegedly has, committed an offence. In this report, the word offender will be used to be consistent with the terminology used within the Australian Capital Territory by ACT Policing, ACT Corrective Services and relevant legislation. The term *young offender*, rather than *juvenile*, is used to refer to an offender who is a child or young person aged between 10 and 18 years. Likewise, the terms *alleged offender* and *defendant* are used to reflect the language used by the ODPP and Magistrates' Court.

In this report, *victim* means (as defined within the dictionary of the *Victims of Crime Act 1994*)

- (a) a person (the primary victim) who suffers harm—
  - (i) in the course of, or as the result of, the commission of an offence; or
  - (ii) in the course of assisting a police officer in the exercise of the officer's power to arrest a person or to take action to prevent the commission of an offence; or
- (b) where a primary victim dies as a result of the commission of an offence—any person who was financially or psychologically dependent on the primary victim immediately before his or her death; or
- (c) a person who witnesses the commission of an offence in circumstances in which it is probable that he or she would suffer harm; or
- (d) a primary victim, a related victim or an eligible property owner within the meaning of the *Victims of Crime (Financial Assistance) Act 1983*.

The use of the term *victim* in this report is consistent with the terminology used by ACT criminal justice system agencies. It is acknowledged, however, that this term is not necessarily preferred by the people experiencing family violence. DVCS uses the terms *persons subjected to violence* and *persons using violence* to refer to victims and offenders respectively and these terms will be used in figures depicting DVCS data.

## *Good practice*

Many different terms are used to describe practices that are seen to promote excellence in particular fields. In this report, the term *good practice* (rather than *best practice* or *promising practice*) is used to

acknowledge that there is no one manner in which complex social problems, such as family violence and its impacts, can be conceptualised. Creativity in approaches should be encouraged to account for the diverse and complex needs of persons involved in family violence incidents.

# The Family Violence Intervention Program

## Overview

FVIP is the ACT's coordinated response to family violence incidents that come to the attention of the police and proceed to prosecution. The FVIP's inception was largely a response to concerns that family violence issues were not being taken seriously by criminal justice agencies (Holder & Caruana 2006). The ACT Community Law Reform Committee's (1995) *Report 9: Domestic Violence* identified a number of areas requiring strengthening across the system-level response to family violence and made recommendations for an interagency response. This recommendation was accepted by the ACT Government in 1996 and FVIP was established in July 1998.

The overarching objectives of FVIP are to:

- work cooperatively together;
- maximise safety and protection for victims of family violence;
- provide opportunities for offender accountability and rehabilitation; and
- work towards continual improvement of FVIP.

## Governance

FVIP lacks a legislative basis for its existence and operation. Instead, it operates under the direction of protocols established at its inception in 1998. A 2004 MoA to which Chief Executives of key participating agencies are signatories governs the operation of FVIP Coordinating Committee.

These key FVIP partners are:

- Australian Federal Police (ACT Policing);
- ODPP;
- ACT Magistrates' Court;
- ACTCS;
- DVCS;
- OCYFS;
- Policy and Regulatory Division, JaCS; and
- The Office of VoCC.

Each partner agency has responsibility for its own mandate to fulfil its obligations to the community through its practices and/or statutory authority. These roles and responsibilities are diverse and cover investigation, evidence collection, arrest and charge functions, prosecution, presenting evidence to the court, hearing of evidence, supporting victim



## Box 1 Definition of domestic violence

### *Domestic Violence and Protection Orders Act 2001 (repealed)*

s 9 a person's conduct is domestic violence if it:

- (a) causes physical injury to a relevant person; or
- (b) causes damage to the property of a relevant person; or
- (c) is directed at a relevant person and is a domestic violence offence; or
- (d) is a threat, made to a relevant person, to do anything in relation to the relevant person or another relevant person that, if done, would fall under paragraph (a), (b) or (c); or
- (e) is harassing or offensive to a relevant person; or
- (f) is directed at a pet of a relevant person and is an animal violence offence; or
- (g) is a threat, made to a relevant person, to do anything to a pet of the person or another relevant person that, if done, would be an animal violence offence.

From the legislation dictionary:

relevant person, in relation to a person (the original person), means—

- (a) a domestic partner of the original person; or  
(Note A domestic partner need not be an adult (see Legislation Act s169))
- (b) a relative of the original person; or
- (c) a child of a domestic partner of the original person; or
- (d) a parent of a child of the original person.

s 10A For this Act, a relative of a person (the original person)—

- (a) means the original person's—
  - (i) father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law or mother-in-law; or
  - (ii) son, daughter, grandson, granddaughter, stepson, stepdaughter, son-in-law or daughter-in-law; or
  - (iii) brother, sister, half-brother, half-sister, stepbrother, stepsister, brother-in-law or sister-in-law; or
  - (iv) uncle, aunt, uncle-in-law or aunt-in-law; or
  - (v) nephew, niece or cousin; and
- (b) if the original person has or had a domestic partner (other than a spouse)—includes someone who would have been a relative of a kind mentioned in paragraph (a) if the original person had been legally married to the domestic partner; and
- (c) includes—
  - (iv) someone who has been a relative of a kind mentioned in paragraph (a) or (b) of the original person; and
  - (v) anyone else who could reasonably be considered to be a relative of the original person.

witnesses, determination of guilt, sentencing, supervision of court orders, facilitation of rehabilitation programs, referral to program providers and victim advocacy and support.

In order to ensure coordination of these disparate functions, as well as collaboration and information sharing between agencies, FVIP is implemented by a coordinating committee. This committee is represented by senior manager through director-level representatives of key partner agencies. Representatives from Legal Aid ACT, the ACT Law Society and Victim Support ACT also participate in the committee.

Since commencement of FVIP, VoCC has acted as chair, secretariat and facilitator, and has identified data and information needs for FVIPCC. VoCC is also the Domestic Violence Project Coordinator, a statutory appointment under the *Domestic Violence Agencies Act 1986*, whose functions facilitate the collection of data from FVIP agencies and support the role of VoCC.

The 2004 MoA sets out the governance arrangements for FVIPCC. Under this Agreement, the coordinating committee's role includes:

- acting as the forum for discussion about strategic planning and coordination of FVIP;

- maintaining policy and procedural frameworks;
- developing responses to systemic and emerging issues in criminal family violence matters;
- making recommendations on gaps in services for government action and law reform;
- receiving statistical reports; and
- co-ordinating and developing interagency training.

Partner agencies are also committed to strategic planning undertaken in phases. FVIP is currently in its sixth phase of development with a focus on review and reinvigoration. Activities underpinning previous phases established broad policy frameworks, baseline measures and interventions, researched and developed new initiatives that were tested and externally evaluated, extended the practice model to the ACT Region as a whole and consolidated the specialist jurisdiction of the model (Holder & Caruana 2006).

## Legislation and policy context

Though FVIP itself lacks a legislative basis, each participating organisation operates under legislation and policy specific to their roles and responsibilities in the administration of justice and/or victim support.

In ACT legislation, family violence is referred to as *domestic violence*. During the review period, the relevant legislation defining this type of violence was the *Domestic Violence and Protection Orders Act 2001* (see Box 1), which was repealed in March 2009 and replaced by the *Domestic Violence and Protection Orders Act 2008*. Under this Act, domestic violence offences include contraventions of protection orders and offences against the

provisions of various other Acts, outlined in Schedule 1, including the *Crimes Act 1900*.

FVIP operates within the context of an overarching ACT Government policy framework, *Justice, options and prevention—working to make the lives of ACT women safe* (2003), oriented towards the safety of women and their children.

Under this framework, three outcomes are sought—protection and justice, options for women and prevention of violence. Agencies that deliver services under FVIP attempt to meet the first noted outcome of protection and justice through the delivery of a justice system that provides protection, support and advocacy for all victims of family violence.

## Core components of the Family Violence Intervention Program

The core components of FVIP (see Table 1) reflect the activities of FVIP partners during the 2007–08 time period from which relevant data was extracted for this review. Some recent changes to legislation and practice are described under *Time for action*.

### *Pro-charge, pro-arrest and presumption against bail*

ACT Policing is responsible for the investigation of all incidents of family violence reported to them. Officers are equipped with Family Violence Investigator Kits to assist in their investigations of alleged family violence. Where there is available evidence of an offence, the full range of charges are laid and the alleged offender may be arrested.

**Table 1** Core components of the Family Violence Intervention Program

Component	Key responsible agencies
Pro-charge, pro-arrest and presumption against bail	ACT Policing
Early provision of victim support	DVCS
Prosecution policy	ODPP
Coordination and case management	All
Rehabilitation of offenders	ACTCS
Program administration, data analysis and strategic direction	VoCC

Decisions to charge and arrest remain the officer's discretion (within their legislative powers) and should not be influenced by the wishes of the victim. Section 9F(2) of the *Bail Act 1992* requires an authorised officer not to grant bail, where a person is charged with a domestic violence offence, unless satisfied that the person poses no danger to a protected person while released on bail.

Within ACT Policing, the leader of the Intervention Team is responsible for overseeing administrative responsibilities to FVIP and providing advice to members on the investigation of family violence incidents. Victim Liaison Officers, whose role pre-dates the commencement of FVIP, support members in meeting their obligations under the *Victims of Crime Act 1994*. ACT Policing provides a three day training program for new recruits, a one day package for Police Operations and refresher training as required.

### *Early provision of victim support*

DVCS is the authorised crisis service organisation under the *Domestic Violence Agencies Act 1986*. DVCS has protocols with the ODPP and OCYFS in relation to its work with family violence matters. The relationship between ACT Policing and DVCS is supported by a memorandum of understanding (MoU) between the two agencies. Under the MoU, DVCS is to be contacted to attend all police callouts in relation to family violence matters. DVCS services are offered by the police to victims at the time of the incident and if accepted, DVCS provides support. Potential clients may also contact DVCS directly through their crisis support line. In addition to crisis support, DVCS may provide ongoing support, advocacy, court support and case status and other information to victims who choose to use their service.

### *Prosecution policy*

Prosecutions in all offences (including family violence offences) are rigorously undertaken where there is a reasonable prospect of conviction, taking into account all admissible evidence. Once this test is satisfied, the further test that is applied is whether it is in the public interest to proceed with the prosecution. ODPP's role is to ensure that evidence

is presented before the court about a charge or in the determination of bail. Within ODPP, there are specialist positions for family violence prosecutors and since 2004, a Family Violence Team. This specialist team enhances ODPP's ability to apply family violence experience and expertise to prosecutions that are supported by best practice guidelines. The Team comprises several prosecutors who appear in the majority of family violence matters in the Magistrates and Supreme Court. The Team also includes a witness assistant and specialist paralegals who provide significant support and assistance to all prosecutors, victims and witnesses.

One of the challenges in family violence prosecutions is the number of complainants who ask to have the proceedings discontinued before finalisation. The ODPP Family Violence Team approach is to proceed with the prosecution where there is sufficient evidence. Reluctant victim witnesses are supported by one of the ODPP's Witness Assistants.

### *Coordination and case management*

Agencies collaborate to identify and fast-track family violence matters through the court system. Family violence charges are tagged at the charging stage by the police and once before the Magistrates' Court, are transferred to the specialist family violence list. Some family violence matters are committed to the Supreme Court for trial. The majority of family violence charges are prosecuted in the Magistrates' Court and heard by the designated Family Violence Magistrate.

ODPP works with ACT Policing to ensure adequate evidence collection and to advise on charges. ACT Policing Victim Liaison Officers, the ODPP Witness Assistants and the DVCS support workers provide services that support victims by providing information, court support and counselling. In cases involving children or young people, as either victims or offenders, OCYFS may be involved.

Weekly case tracking of family violence matters is undertaken by ACT Policing, the ODPP Witness Assistant, Care and Protection Services, OCYFS and DVCS. While there was a lapse in representation during 2007, ACTCS has regularly attended this meeting since May 2008. Case tracking allows agencies to monitor how matters are progressing and identify potential concerns for victims.

The Intervention Team within ACT Policing presents a three day family violence training package to all police recruits. ODPP prosecutors deliver relevant lectures during this training to ensure ACT Policing members are familiar with all aspects of the investigative and prosecution phases of family violence intervention. DVCS and other agencies also deliver modules relevant to their role and responsibilities. Training is an integral role of FVIP and aims to ensure that the investigation of family violence matters is as current and comprehensive as possible. DVCS also provides training to community members and other agencies in relation to the dynamics of family violence. OCYFS provides training on mandatory and voluntary reporting of child abuse and neglect.

### *Rehabilitation of offenders*

The majority of convicted offenders in the Australian Capital Territory do not receive custodial sentences. They are often dealt with by way of a good behaviour order (GBO) and, if convicted of a family violence offence and placed under the supervision of the Probation and Parole Unit of ACTCS, are able to gain access to a range of interventions. Most family violence offenders are found suitable for some type of intervention including the Family Violence Self-Change (FVSC) Program facilitated by the Offender Interventions Unit. A brief description of factors that may affect suitability and other interventions that may be undertaken can be found in the FVSC Program participation section later in this report.

The FVSC Program is a cognitive skills module-based program. The program is run in groups with open entry dates. Offenders who are assessed as suitable to undertake the program are supported to work through the modules by program facilitators. The program is designed to create awareness of the attitudes that lead individuals to commit hurtful,

harmful and illegal behaviours. Participants are asked to identify the feelings and triggers that lead them to engage in violent behaviours. They are then encouraged to explore alternative ways of behaving through a process of cognitive restructuring.

A key component of the FVSC Program is contact with the victims of persons participating in the program. During the review period, victim contact was undertaken by CentaCare. Currently this component is undertaken by the Victim Liaison Officer of ACTCS and will be going out to tender. Victim contact is initially made to provide victims with general information about the FVSC Program and expectations of participants. Participants are advised by ACTCS program facilitators that this contact will be made. Victims are asked to consent to ongoing contact and if they agree, may be contacted if concerns for their safety are identified through the offender's participation in the program. Victims may also contact the provider of contact services to identify ongoing concerns or to ask questions.

### *Program administration, data analysis and strategic direction*

Since 1998, the Office of the VoCC has performed the role of chair and convener of the Coordinating Committee. In this capacity, VoCC facilitates strategic direction and planning, interagency relationships and program innovations such as research and evaluation, conferences and seminars. VoCC provides opportunities for strengthening interagency collaboration and presentation of agency roles under FVIP. The Office provides secretariat support to FVIPCC, organises planning and review, and collates annual collection of agency data. Data is published and made publicly available by VoCC at irregular intervals in evaluation reports.



# Literature review

The literature reviewed in this section of the report focuses on criminal justice system responses to family violence across Australia, with some consideration of interventions undertaken in the United Kingdom, United States and New Zealand.

This is not an exhaustive literature review. It does not explore the dynamics of family violence, effects on particular groups of victims or offenders, theoretical perspectives underpinning responses or the economic and social costs of family violence. Instead, this review is restricted to identifying good practice elements of policy and practice models that interface with the adult criminal justice system. This review briefly describes the construction of family violence across Australia, good practice components of intervention models, criminal justice system responses and requirements for developing good practice family violence frameworks.

Throughout the literature, the terms *domestic violence* and *family violence* are used to refer to acts of violence committed between family members. Both terms are used in this section of the report and reflect what is used in the material under discussion.

## Construction of family and domestic violence

In a comparison of 2006 Australian public policy documents, Murray and Powell (2009) concluded that although the construction of family violence across Australia has some similarities, there are marked differences in how this type of violence is understood. This may

play out in terms of provision (who receives funded services and in what forms), protection (who is protected and from what), and prevention (what we are preventing and what we are working toward) (Murray & Powell 2009: 548).

All Australian jurisdictions support coordinated responses to family violence. Most policies refer to the importance of victim safety and focus on improving criminal justice system responses and enhancing support services. However, there are distinct differences in how family violence is 'named and framed' (Murray & Powell 2009: 532) in policy and legislation.

Murray and Powell (2009) suggest that varying definitions of family violence reflect differing levels of reliance on gendered understandings. All Australian

**Table 2** Contextual differences between stranger and domestic violence

Stranger violence	Domestic violence
single event	multiple events
limited time period	occurs over time
single intensity level	accelerating levels of intensity
identifiable motives	obscure motives
often random	never random
no prior relationship with victim	partner, family member
no children in common	often children (custody, visitation)
no economic ties	economic interdependence
socially condemned	socially minimised and condoned
offenders are blamed	victims are blamed
next victim unknown	next victim known
uncertain and variable rate of recidivism	high rate of recidivism
no post-crime contact with victim	ongoing contact with victim
victim supports prosecution	victim may oppose prosecution

Source: Gold Coast Criminal Justice Pilot Project 2008

jurisdictions use the terms *domestic* or *family violence* or both. *Domestic violence* has traditionally been used to describe violence between intimate partners where the offender is male and the victim female. Tasmanian legislation limits identification of family violence to current or former spouses and partner relationships. South Australia further restricts the definition of a spouse to a person of the opposite sex. *Family violence* is broadly seen as a more inclusive term and acknowledges that violence occurs within all family and domestic relationships. Australian jurisdictions, other than South Australia and Tasmania, frame their legislation to include violence between all family members, spousal, defacto, ex-partner and other domestic relationships, regardless of gender. The term *family violence* is also preferred by Indigenous people, as reflected in Australian Government policy and in this context, refers to the extended social and kinship ties that Indigenous peoples have with one another.

Murray and Powell (2009: 534) note that whole-of-government strategies and other policy that supports them, represent 'a framework of intentions for the future'. Public policy, therefore, may express the shared understanding of a problem to target interventions but may also influence future interpretations and legislative change.

Policy and legislation within jurisdictions identify family violence differently. Policy generally identifies elements of physical, emotional, economic and/or social abuse as family violence. Within legislation, however, with the exception of Tasmania and Victoria, the definition of family violence is restricted to acts that fall under the umbrella of standard criminal legislation. These acts include property damage, threats, stalking, assault and homicide. Tasmania's Family Violence Act 2004 and Victoria's Family Violence Protection Act 2008 broaden the definition of family violence to include economic and emotional abuse as well as other types of threatening and controlling behaviour.

## Good practice for family violence intervention models

Responses to family violence in Australia seek to identify the unique nature of this offence and the need for a tailored response, in that the antecedents to a family violence incident are unlike any other violent crime. The Gold Coast domestic violence criminal justice project identifies contextual differences between stranger and domestic violence

which necessitate a differential community and criminal justice system response (see Table 2).

The complexity of the relationships and the intensity of conflict and impacts on secondary victims (such as children and other family members) and requires an integrated response from a range of agencies. Throughout the literature, this interagency collaboration is regarded as a requirement of good practice (eg see Mulroney 2003; Pence & McDonnell 2001).

Different models of intervention have been developed across Australia and overseas as specialised responses to family violence. Integrated interventions endeavour to improve victim safety, offender accountability and system-level responses. The agencies involved in achieving these aims vary, as does the focus on community awareness and prevention. Responses focus on the individual needs of those affected by family violence, improvements to service delivery and changing social attitudes that underpin violence and allow it to continue (Mulroney 2003).

Examples of good practice integrated responses to family violence, as identified on the Australian Domestic and Family Violence Clearinghouse website, include:

- Domestic Abuse Intervention Project (the Duluth model, United States);
- Hamilton Abuse Project (New Zealand);
- Family Violence Intervention Program (Australian Capital Territory);
- Gold Coast Integrated Response (Queensland);
- Family Safety Framework (South Australia);
- Safe at Home (Tasmania);
- New Response to Family Violence (Victoria); and
- Armadale Domestic Violence Intervention Project (Western Australia).

In a report on interagency responses to domestic violence, Wilcox (2008) compiled features of good practice, represented by the above interventions, which may be used to plan responses to family violence (see Table 3). The extent and manner in which these features may be applied will differ depending on the setting of the intervention. Interventions may be whole-of-government or tailored to particular service providers such as the child protection, health and/or justice sectors.

The good practice principles identify a need for strong support from government and non-

**Table 3** Compilation features of good practice in interagency responses to family violence

Focus on victim safety and offender accountability
Inclusion of all family violence-related services at all levels (service delivery, policy, problem solving)
Shared missions, aims, values, approaches to family violence protocols
Collaborative approach to policy development and memoranda of understanding
Willingness to change organisational practice to meet the aims of the response and develop operating procedures to achieve this
Practices and protocols which ensure cultural safety, inclusivity and access and equity issues
Information sharing system
Adequately trained and professional staff
Senior level commitment and coordination
Adequate resourcing
Workable structure of governance, with coordination, steering, troubleshooting and monitoring functions
Transparency, particularly in regard to outcomes, including criminal justice system outcomes and evaluation processes
Commitment to continual self-auditing, with data collection and monitoring processes to enable this
Regular and frequent coordinated case management meetings
Mechanisms to enhance legal equality, such as access to legal services and representation
Identification of service gaps (eg children's counselling) and development of new services to address them
Incorporation of specialist courts with concurrent family law jurisdiction

Source: Wilcox 2008

government agencies through funding and resources and a commitment to collaborative work. Souhami (2008), in a discussion of multi-agency practice with young offenders, suggests that bringing representatives from a diverse range of agencies together allows for better identification of client risks and needs and the development of a service delivery strategy to address them. This concept is transferrable to work with victims and offenders of family violence.

Multi-agency work allows for the consolidation of resources from a diverse range of services into a single structure which ‘can allow for a better coordinated and more efficient use of resources — whether funding, expertise, effort or information’ (Souhami 2008: 211). In addition, multi-agency work can lead to innovation through discourses between diverse professionals and increase the recognition and improve the status of the intervention by the involvement of multiple partner agencies.

## Criminal justice system responses

Integrated family violence interventions that focus on the criminal justice system attempt to address a perceived gap between victims’ experiences of violence and the justice system’s response to that violence.

Holder (2001) identified a range of dilemmas and concerns over the criminal justice system’s response to domestic violence including:

- criminal justice agencies not treating family and domestic violence matters seriously;
- despite a policy position that domestic violence is a crime, low charge and conviction rates suggest it is being considered otherwise;
- a lack of systemic and case coordination across the criminal justice system;
- neither victim safety nor offender accountability are practically and consistently addressed by criminal justice agencies;
- insufficient attention is paid to ‘belief on reasonable grounds’, evidence gathering, victim safety and arrest options at the time of the incident;

- there appear to be irreconcilable dilemmas in balancing victim ambivalence over whether to proceed with responsibilities to uphold the criminal law and protect vulnerable persons; and
- sentencing options are ineffective in reducing repeat offending, do not provide for victim input and pay insufficient attention to compliance with court orders.

Justice agencies across Australia and overseas have implemented a number of strategies to address these and other issues. In 2008, the Australasian Police Commissioners committed to a policing strategy to prevent and reduce family violence (Commonwealth of Australia 2008). This strategy aims to:

- achieve more effective frontline policing responses both locally, nationally and internationally;
- enhance support for victims of family violence;
- shift the focus from reaction to early intervention and prevention of family violence;
- identify, document and share standards and principles of best practice;
- achieve widespread support for and acceptance of a collaborative approach to family violence, including with government and community;
- achieve greater consistency across Australasia in the investigation and management of family violence incidents; and
- improve the quality and outcome of prosecutions for family violence (Commonwealth of Australia 2008: 4).

The strategy identifies a number of outcome and process measures to be used to serve as indicators of success including:

- a recorded increase in the number of family violence incidents reported;
- a recorded decrease in the number of repeat police attendances to the same household/offender/victim;
- a recorded increase in the amount of successful family violence prosecutions processed by the courts;
- a recorded increase in the number of offenders completing behaviour change and other similar treatment programs;



- the development of better working relationships between the police and child protection services and police and family violence support services; and
- the development of integrated case management systems that reflect best practice protocols (Commonwealth of Australia 2008: 4).

A number of interventions have been developed across Australia and overseas that reflect a commitment on the part of justice sector agencies to the above, or similar aims. A selection of evaluated interventions is at *Appendix C*.

One of the difficulties associated with responding to family violence is that victims are often reluctant to report their abuse. Urbis Keys Young (2002) identified a number of barriers to victims accessing the civil and criminal justice system. These barriers include:

- fear of retribution by the offender;
- a belief by the victim that the offender will change and cease the violence behaviour;
- fear of embarrassment and shame if they report the abuse;
- a preference for seeking assistance from more informal sources such as friends, family and neighbours; and
- fear of violence from ex-partners who use child contact and residence as an opportunity for further violence and harassment.

In addition to these factors, Wolf et al. (2003: 122–124) provide a detailed list of other barriers that may contribute to a lack of reporting of domestic violence including race, cultural attitudes, economic dependence on the perpetrator and socioeconomic status. In one study, it was shown that these barriers were most pronounced in women from CALD backgrounds (Erez & Hartley 2003). This study indicated that

immigrant victims in general and battered immigrant women in particular are reluctant to report crime and cooperate with authorities due to an intricate combination of cultural, social and legal reasons (Erez & Hartley 2003: 158).

For many women from ethnically and culturally diverse backgrounds, maintaining norms of

behaviour are of heightened importance, as ‘a woman who violates social and gender norms may also be disowned by her family and harassed by her community’ (Erez & Hartley 2003: 158). Of additional concern for these women is the fear that reporting domestic violence may negatively impact on their immigration status, in that ‘deportation is an omnipresent weapon for abusers to threaten their immigrant partners, regardless of their partners’ immigration status’ (Erez & Hartley 2003: 158).

Financial dependence on the perpetrator is another barrier that is regularly identified as preventing many women from reporting domestic violence. Some researchers have argued that for many women, particularly those from middle and upper classes, ‘reporting victimisation to police may jeopardise their partner’s source of income and the victim’s means of support’ (Hart in Hickman & Simpson 2003: 609). As Hickman and Simpson (2003: 609) conclude however, to date, ‘the relationship between financial dependence and victim reporting has not been adequately addressed’ by researchers.

Finally, one of the most frequently cited barriers to reporting domestic violence is the victim’s negative perception of the police response to previous incidents. The literature indicates that,

victims who perceive that police are hostile or blaming are less likely to call them for assistance than victims who perceive that police are caring, supportive, and concerned’ (Hickman & Simpson 2003: 611).

These studies suggest that when victims perceive that the police response is compassionate and victim-focused, the likelihood of reporting future incidents is significantly increased. For this reason, the role of police in responding to domestic violence matters regularly goes beyond investigation and apprehension, in that police are often required to engage with victims to support their immediate needs. Consequently, ‘this has resulted in domestic violence training for police officers...and the development of protocols for dealing with domestic violence’ (Owen & Owen 2006: 13). The most prominent of these protocols has been the development of ‘pro-arrest’ policing for domestic violence.

## *Police*

The evolution of police responses to family violence are well documented in the literature (Buzawa & Hirschel 2009; Douglas 2008). Training and incident response protocols and procedures are now standard across jurisdictions to ensure the police response to family violence incidents promotes the safety of victims and accountability of offenders. Many US jurisdictions employ a mandatory arrest framework; however, across Australia and in the Australian Capital Territory specifically, a pro-arrest policy is advocated.

Mandatory arrest and pro-arrest policies are predicated on the belief that law enforcement agencies should be able to reduce domestic violence crime and victimisation through the application of criminal law (Clement et al. 2009). These policies are similar in that they attempt to remove 'the leverage that abusers may use on victims to threaten renewed harm unless the charges are dropped' (David & Smith cited in Hare 2006: 611). The policies differ, however, in the amount of discretion police are able to exercise in the execution of their duties. The rigidity of mandatory arrest policies have been criticised, not only for eliminating police discretion but also for providing no flexibility for officers to respond to specific incident circumstances. It is asserted that to produce just outcomes for all, particularly in domestic violence cases, the law must be 'responsive to the circumstances of the particular case rather than subsuming individuals, acts and actors under general classes' (Hudson cited in Douglas 2008: 440). For this reason, it may be of benefit to provide police officers with greater scope to assess the particular circumstances of a domestic violence case before arresting those involved.

In the Australian Capital Territory, the guidelines for dealing with domestic violence matters stipulate that officers must take action 'in the collection of evidence and the active pursuit of charges' (Lines 2003: 34). Previous guidelines did not clearly articulate either this position or the wider role of the police in domestic violence matters. However, the new guidelines make it clear that the police mandate in domestic violence is 'pro-charge, pro-arrest and presumption against bail where evidence exists that a criminal offence has been committed' (Lines 2003:

34). Police are, therefore, able to actively engage with the parties involved in the incident, assess the circumstances, gather evidence and make an arrest where it is appropriate and supported by that evidence.

In a recent study, Iyengar (2009) compared domestic violence homicide rates between US jurisdictions that had mandatory arrest laws and those jurisdictions where arrest was only recommended. The study, utilising FBI Supplementary Homicide Reports, found that mandatory arrest laws increased the number of domestic violence homicides. Iyengar (2009) suggests that mandatory arrest laws may lead victims to not report the abuse and offenders to increase the intensity of their attacks.

A number of studies, particularly in the United States, have explored the effect of arrest in domestic violence matters on subsequent offending. The results have been mixed, with some studies finding a short-term deterrent effect that decreases over time and others identifying long-term deterrence of at least 18 months (Tolman & Weisz 1995). The differences in these studies appear to be those that focus attention solely on arrest and those such as Tolman and Weisz (1995) that explore both arrest and prosecution. The Tolman and Weisz (1995) study concluded that arrest and successful prosecution had an effect on subsequent offending. This study further identified the value of advocacy to successful prosecutions.

## *Prosecution*

Pro-active prosecution makes an important contribution to integrated responses to family violence. Prosecution outcomes and processes in family violence matters are under-researched. However, it is commonly asserted in policy that providing support and information for victim witnesses of crime, having experienced and specialised staff to handle cases and training police in charging determinations and evidence-based prosecution methods contribute to the ability of the criminal justice system to hold offenders accountable.

'[V]ery low rates of criminal prosecution continue to be associated with domestic violence matters throughout most of Australia' (Douglas 2007: 220).

Part of the problem with prosecuting domestic violence cases is that unless sufficient evidence exists, the ability to prosecute is closely associated with the active participation of the victim. '[R]esearch to date suggests that police and prosecutors rarely proceed with cases without a co-operative complainant' (Ellison 2002: 834). Furthermore, a recent study found that 'in over 75 per cent of cases where the complainant withdrew her support for the prosecution the case was terminated as a result' (Ellison 2002: 835). In order to overcome this heavy reliance on the participation of victims to prosecute domestic violence, there has been a move towards the development of 'victimless prosecution', whereby the evidentiary burden rests more with police and prosecutors than with victims.

Research shows that 'measures introduced to facilitate victimless prosecution [include] specialised evidentiary rules...and the development of enhanced evidence gathering techniques and procedures' (Ellison 2002: 835). By expanding the role of the police to include the collection of evidence while attending a domestic violence incident, reliance on victim participation is significantly reduced. Research suggests that of the cases that reach court,

about 70% of cases are provable without the victim based on...photographs, medical records, spontaneous declarations by the victim to officers, admissions by the defendant, neighbour testimony, relative testimony and general police officer testimony related to the cases and the subsequent investigation' (Ellison 2002: 842).

Police in many jurisdictions have taken on this greater responsibility and collect evidence while attending domestic violence incidents.

Guidelines prepared for the prosecution of domestic violence cases by the US Department of Justice Domestic Violence Prosecution Committee identify a number of recommendations to improve prosecution processes and support the rights of victims. These include:

*General recommendations:*

- develop pro-prosecution policies;
- provide coordinated victim-sensitive services;
- provide training for specialised prosecutors;
- actively pursue new charges and violations of

protection orders;

- develop a domestic violence identification system for case files;
- participate and take the lead in coordinating prosecution efforts with other agencies; and
- collaborate with domestic violence support and advocacy services.

*Victim/witness recommendations:*

- routinely provide information on the status of the case;
- provide opportunities for victims to have input into the case;
- focus on victim safety and offender accountability; and
- protect the confidentiality of victim information.

Trial considerations of relevance in the Australian Capital Territory:

- develop evidence-based prosecution strategies to reduce the reliance on victim testimony;
- discourage the use of dismissals and deferred prosecution; and
- assess whether violations of subpoenas by victims are in response to a safety issue before taking action (Domestic Violence Prosecution Committee 2004).

A prosecution policy that makes it clear to the offender that the prosecutor and not the victim is responsible for decisions regarding criminal prosecution may enhance victim safety. By relying primarily on the evidence collected by police, rather than solely on the victim's testimony, the prosecutor may be able to reduce the risk of retaliation by the offender against the victim and increase the likelihood of a successful prosecution.

## *Courts*

The literature reviewed in this part of the paper has been divided into two sections. The first section reviews four prominent evaluative studies of domestic violence courts and outlines their various contributions to victim safety and offender accountability. The second part outlines the main tenets of therapeutic jurisprudence and describes how they are applied in specialist courts both in Australia and overseas.

Numerous articles have been written on the need to redirect traditional criminal justice approaches to domestic violence towards a therapeutic model, due largely to perceptions of a lack of protection for victims and a lack of accountability for offenders (Eley 2005; Powell & Murray 2008; Simon 1995; Shaffer 2004; Ursel 1997). Establishing a domestic violence court recognises that problems due to domestic violence are multiple and complex (Stewart 2005). Some have noted that domestic violence ‘is frequently linked to other issues, such as substance abuse, mental health problems, and family problems’ (Shaffer 2004: 4). Moreover, one evaluation indicates that as many as

40%–50% of the offenders who were processed by the domestic violence court were under the influence of alcohol or drugs at the time of the domestic violence incident (Gover, MacDonald & Alpert 2003: 111).

Domestic violence is socially corrosive, in that it has numerous ‘repercussions for the quality of life in a local community [with] far-reaching financial, social, health and psychological consequences’ (Carrington & Phillips 2006: 5). Recent evidence has shown that ‘[43] percent of homicides between intimates in 2006–07 had a domestic-violence history with police involvement in some form prior to the homicide incident’ (Dearden & Jones 2008: 2). Establishing a specialised court that understands the dynamics of domestic violence has the potential to improve victim safety by addressing the complex needs of offenders before their behaviour escalates.

Since the late 1990s, the number of domestic violence courts has been steadily increasing both in Australia and overseas. There are over 300 operating in the United States (National Center for State Courts), more than 50 operating in the United Kingdom (Home Office) and there are specialist domestic violence courts operating throughout Canada, including in Winnipeg.

Domestic Violence Courts may operate under different models—specialist jurisdiction, integrated and problem solving. Specialist jurisdiction courts operate in a number of jurisdictions including Australia (Canberra), Canada (Winnipeg) and the United States (Brooklyn). These courts overlay specialist procedures on a more traditional criminal justice court process. Integrated or multi-jurisdictional

courts operate in locations in the United States (Brooklyn Felony Court, discussed below) and the United Kingdom (Croydon). An integrated model sees the ‘court as the central player, the focal point, from which other responses from a range of agencies flow’ (Stewart 2005: 5). In particular, integrated courts enable access to criminal, civil and other family jurisdictions rather than oblige victims and families to engage with multiple processes in multiple courts (Labriola et al. 2009). Problem solving courts, more traditionally associated with substance use issues, operate in a domestic violence context in both Alberta and the Yukon in Canada. These courts have been described by Berman and Feinblatt (2001: 131) as endeavouring to:

- reduce recidivism;
- improve health outcomes (usually for offenders but in some cases for victims);
- improve relationships between victims and offenders;
- effect system change;
- provide judicial monitoring; and
- employ a collaborative approach.

Problem-solving courts and specialist courts are not one and the same, in that

specialist courts tend to be geared towards handling complex areas of law, whereas problem-solving courts are more concerned with complex social problems that the law alone is unable to resolve (Blagg 2008: 3).

However, these types of courts may employ similar components and attempt to achieve similar outcomes (see Figure 1).

## Evaluating specialist domestic violence courts

Some important evaluations have been conducted identifying the main principles of successful domestic violence courts both in Australia and overseas (Cook et al. 2004; Fritzier & Simon 2000; Knaggs et al. 2008; Malcolm 2007; Roberts & Indermaur 2007; Rodwell & Smith 2008). In addition, University of Stirling academic Susan Eley offers a comprehensive outline of the various specialist domestic violence courts operating in the United States, Canada, the United Kingdom and Australia.

The most notable of these is the Winnipeg Family Violence Court established in 1990, which is widely regarded as the pre-eminent model of a domestic violence court (Eley 2005: 112). Moreover, the Plotnikoff and Woolfson (2005) authored review commissioned by the UK Department for Constitutional Affairs also provides a detailed account of various specialist courts that operate in English-speaking jurisdictions and the specific characteristics that contribute to their effectiveness. These characteristics include that:

- Specialist courts require new judicial skills and training is needed for members of the court 'team', including the judge.
- Judicial monitoring (oversight by the judge of the offender's progress through the court programme) is believed to contribute to offender compliance and rates of retention in court programmes.
- Courts need to address community expectations, which may initially regard the specialist regime as a 'soft option' (Plotnikoff & Woolfson 2005: i-ii).

Some practitioners within the specialist court process, such as Hon Wayne Martin and Hon Michael S King, have observed that 'the merits of court intervention programs cannot be measured by reference to the wellbeing of the participants' alone (LRCWA 2008: 8). It is argued that unless specialist courts achieve outcomes that are beneficial for the whole community, as well as for victims and offenders, then their establishment cannot be justified. The implication is that while there is benefit to the community in promoting victim safety and increasing offender accountability, the fundamental 'purpose of court intervention programs is to reduce crime' (LRCWA 2008: 8). Consequently, the success of specialist courts must be evaluated in light of their ability to produce demonstrable reductions in the number of domestic violence cases, over and above increasing victim safety.

There are four prominent studies that support this review, namely Cook et al. 2004 (the UK model), Mazur and Aldrich 2003 (the New York model), Knaggs et al. 2008 (the New Zealand model) and Rodwell and Smith 2008 (the NSW model). This section collates the key recommendations from these evaluations, as a synthesis of good practice

principles in domestic violence courts.

Evaluative studies have identified three key areas to measure the success of domestic violence courts:

- bringing more perpetrators to justice;
- improving the support, safety and satisfaction of victims; and
- increasing public confidence in the criminal justice system (UK Home Office 2008).

It has been observed that in seeking to evaluate these outcomes, domestic violence courts are limited by a lack of adequate control groups (Roberts & Indermaur 2007) and purported high levels of under-reporting. A significant number of incidents of domestic violence are not reported to police and even more do not progress to court. Naturally, exact figures of unreported domestic violence do not exist; however, one study from New Zealand estimates that only 15 percent of total cases are dealt with by police (Lievore 2003). Moreover, studies from the United States observe that 'less than 20 percent of domestic violence incidents come to the attention of the police' (Greenberg & Ruback in Hickman & Simpson 2003: 608). Nevertheless, preliminary evaluations have shown that once perpetrators reach the specialist court stage 'about half were convicted, mainly following a guilty plea' (Cook et al. 2004: 36). Similar outcomes were found in Canada, with evidence indicating that domestic violence courts produced

...a lower rate of withdrawals and dismissals, a higher rate of guilty verdicts (both guilty pleas and finding of guilt after trial), and a higher number of victims who were present in court and willing to co-operate with prosecutors. Even more importantly, a study which tracked offenders who successfully completed [offender] intervention programs found that few of them committed repeat offences (Hubbard 2000: 3).

It is too early to conclude that domestic violence courts increase offender accountability, with further empirical research required in this area. However, by encouraging victims and offenders to participate in the administration of justice, domestic violence courts 'are perceived...as producing fairer outcomes and as being generally more satisfactory than conventional courts' (Eckberg & Podkopacz cited in Turgeon 2008: 353).

## United Kingdom

The Home Office, in conjunction with Her Majesty's Court Service, provides a highly detailed 'resource manual' for the successful operation of a domestic violence court system (UK Home Office 2008). Apart from highlighting the components of effective governance and management of the court process, it also delineates basic requirements to develop an interagency collaborative response. These include:

- a dedicated role to coordinate the work of agencies within the specialist domestic violence court system;
- regular strategic forums of key partners, with protocols on roles, responsibilities and processes;
- operational groups to carry out the day-to-day management of cases are crucial; and
- equal participation of all partners—especially in relation to the voluntary sector (UK Home Office 2008: 5).

The manual emphasises the need for information sharing between agencies for the purpose of tailoring individualised solutions. To date, 'a limited amount of research suggests that increased collaborative efforts between agencies...can lead to reductions in domestic violence recidivism' (Gover, Macdonald & Alpert 2003: 112). Gover, Macdonald and Alpert (2003: 112) conclude that until further domestic violence recidivism research is conducted, 'it is unclear whether designing specialised domestic violence courts provide any improvement over traditional methods of adjudicating domestic violence cases'. However, independent evaluations of the integrated court models used in the United Kingdom have found significant positive impacts on the court process. For example, in the final report of the evaluation of the Caerphilly/Croydon domestic violence sites, Vallely et al. (2005: 72–74) found key policy and practice changes which led to:

- increased reports of domestic violence being brought to justice;
- increased quality of service to victims (as identified during interviews);
- increased confidence of victims (identified during interviews);
- increased conviction rates;

- increased first time guilty pleas;
- reduced ineffective trials;
- reduced discontinuance rates; and
- reduced time for cases to go through the system.

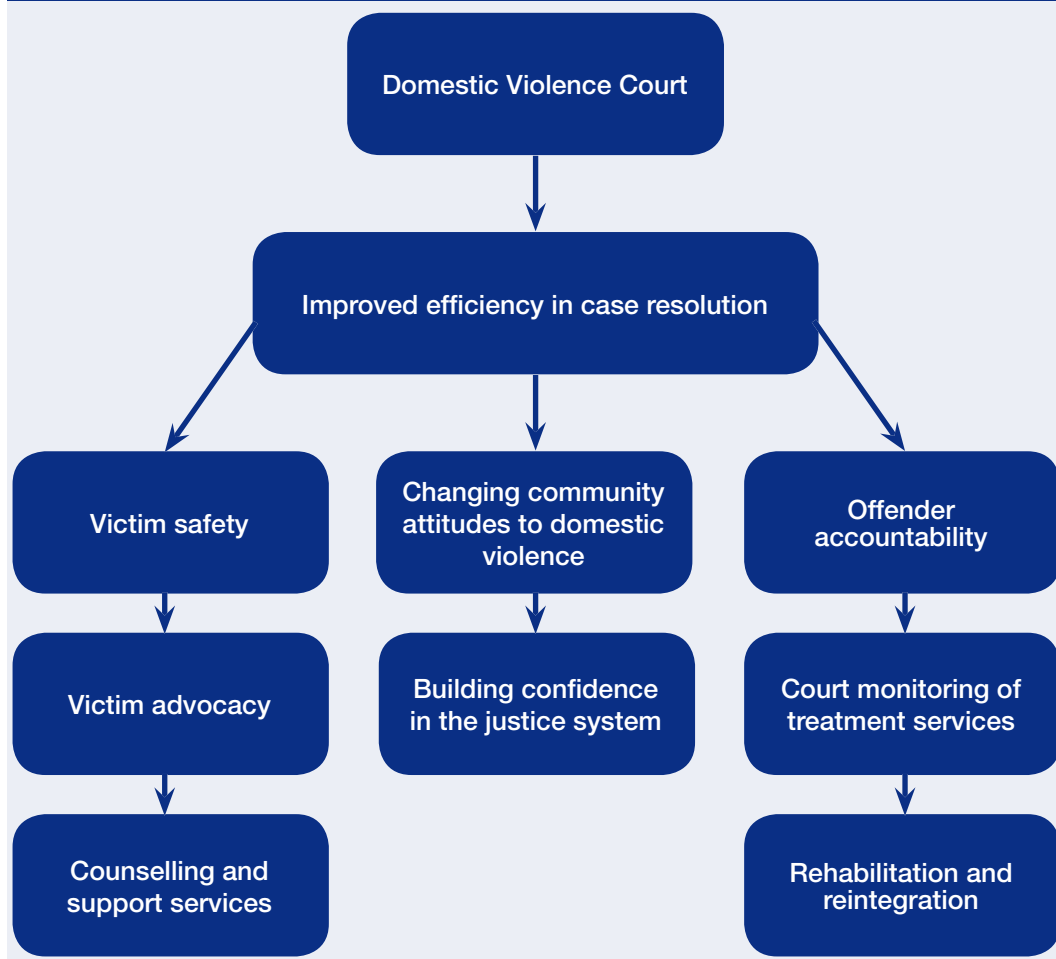
## New York

In New York, the first domestic violence court was established in Brooklyn in 1996. This jurisdiction operates with the mantra 'one family—one judge' (Mazur & Aldrich 2003: 7), with felony and misdemeanour offences and the relevant sanctions, such as protection orders, processed in the one court under the supervision of one judge. Apart from streamlining the court process, this integrated approach allows for ongoing monitoring of both offender compliance and victim safety. The New York domestic violence court addresses the needs of victims by providing them with a comprehensive range of support services. The types of services offered to support victims in regaining independence include 'counselling, job training, immigration services, child services' (Mazur & Aldrich 2003: 8), as well as victim advocacy and court support. In assessing the various (therapeutic) outcomes of this model, 'independent researchers from the Urban Institute concluded that victim services are clearly expanded under the specialised court' (Mazur & Aldrich 2003: 8). The New York domestic violence court model places significant emphasis on both ensuring victim safety and incorporating victims actively in the judicial administration process.

## New Zealand

Apart from seeking to assess victim safety and offender accountability, evaluations of the New Zealand domestic violence court process also address the time efficiency of the court process. Knaggs et al. (2008: 8) found that 'delays with defendant hearings were thought to be affecting victims' safety' and that delays were predominantly caused by a high volume of cases and limited court time. This evaluation stressed the need to increase both the number of domestic violence courts as well as their operational times. It concluded that improving the time efficiency of cases would increase the likelihood that victims will want to

**Figure 1** Domestic violence court components



proceed with the case, and reduce opportunities for them to be coerced by their partners or husbands (Knaggs et al. 2008: 46).

In this way, improving efficiency can also lead to increased victim safety and psychological wellbeing.

### New South Wales

In evaluating the NSW model of domestic violence courts, Rodwell and Smith (2008) found that a number of stakeholders raised concerns about the lack of consultation with and between agencies involved with 'pre-existing' service provision. Some agencies highlighted a lack of clarity around the roles of other agencies and perceptions existed that there was an overlap in some services. Concerns such as

these further underline the need for improved information flows between agencies and ongoing interagency collaboration.

Figure 1 provides a visual representation, based on the literature reviewed, of the various components that may operate within successful domestic violence court models.

### Defining therapeutic jurisprudence

Therapeutic jurisprudence is an interdisciplinary tool for assessing the psychological and emotional impact of the legal process on the participants. It is about studying 'the extent to which a legal rule or practice promotes the psychological and physical well-being of the people it affects' (Schma 2003: 26).

Emerging in the United States in the early 1980s as a critical response to the perceived anti-therapeutic outcomes experienced by participants in the administration of mental health law, principles of therapeutic jurisprudence can now be found in a variety of other legal areas including criminal, personal injury, medical and family law (Wexler & Winick 2003).

A therapeutic jurisprudence approach does not undermine legal principles such as due process or human rights. It frames the law not as an 'autonomous discipline' (Finkelman & Grisso 1993: 245) but rather 'as a helping profession' (Schma 2003: 26). In this way, therapeutic jurisprudence has the benefit of 'humanising the law and concerning itself with the human, emotional, psychological side of the law and legal process' (Wexler 1999: 1). It is a more considered approach to the delivery of justice and has been utilised to resolve sociological problems such as domestic violence and substance abuse, which have traditionally been difficult to address within the adversarial system.

Whilst therapeutic jurisprudence has precipitated a number of positive reforms to the administration of particular areas of law, it is not without criticism. One of the most prominent criticisms is that therapeutic jurisprudence can potentially subvert autonomy and personal responsibility. Some researchers have concluded that therapeutic jurisprudence is merely paternalism in action, where psychologists and psychiatrists are given unrestricted authority and control (Finkelman & Grisso 1996; Petrila 1993). Outcomes that are seen as therapeutic, such as rehabilitation and court monitoring, are often prescribed rather than requested by participants. It is argued that, 'people who can provide the best information about the therapeutic...consequences... find themselves the subject of...legally sanctioned coercion' (Petrila 1993: 881). Petrila's concern is specifically focused, for example, on the issue of 'who decides what represents a therapeutic outcome?' (Petrila 1993: 881). Outcomes might be therapeutic for one person and anti-therapeutic for another. In response to this argument, Wexler and Winick (1993: 909) outline that therapeutic jurisprudence 'is merely a lens designed to shed light...[on] issues relating to the therapeutic impact of the law'. In this way, therapeutic jurisprudence should be utilised primarily as a guiding philosophy in judicial administration.

## Application of therapeutic jurisprudence

Over the past 15 years, therapeutic jurisprudence has become an increasingly popular theoretical and practical foundation in problem solving courts both in Australia and overseas. Winick (2000: 41, 60–67) has suggested that therapeutic jurisprudence principles apply to all parties involved in the family violence court process, including victims, because these principles support:

- providing advocacy and support services, swift prosecution of charges and issuance of protection orders;
- the need for judicial officers, police and prosecutors to consider the situation and wishes of victims, and be trained in the effects of family violence;
- justice system professionals giving voice, validation and respect to victims;
- justice system professionals expressing empathy and listening; and
- videotaping testimony to be used in court in circumstances where a victim does not wish to confront the offender (King et al. 2009: 157).

With regard to the application of therapeutic jurisprudence in domestic violence courts in Australia, a significant proportion of the literature focuses on the therapeutic role that can be played by judicial officers (King 2003; King & Auty 2005; Malcolm 2007). Simple things such as the manner in which judges and lawyers engage with victims, as well as involving victims more proactively in the judicial administration process, can produce therapeutic outcomes. It has been observed that 'judicial officers actively listening to participants, courteously allowing them to fully present their case...are examples of techniques that can have a therapeutic effect' (Petrucci cited in King 2003: 4). Further, King (2003: 4) states

therapeutic jurisprudence implies the use of processes [by the judiciary] to promote the positive involvement of participants in the court process and thereby promote[s] respect between the judicial officer and participants.

In this way, by providing not only a more positive experience of the court process but also a greater perfunctory role in the decision-making process, it can be argued that applying therapeutic



jurisprudence in domestic violence courts produces outcomes that victims regard as being fairer than outcomes achieved through traditional adversarial processes.

Domestic violence courts focus primarily on victim safety and offender accountability. Specialist, integrated and problem-solving courts provide a unique opportunity for therapeutic outcomes to be delivered, such as perpetrator treatment and connecting victims with various support services. They provide a range of

new responses to chronic social, human and legal problems—including problems like family dysfunction, addiction, delinquency, and domestic violence—that have proved resistant to conventional solutions' (Berman & Feinblatt 2001: 126).

King et al. (2009: 158) advocate a therapeutic jurisprudence approach within family violence courts when offenders are included in a family violence program that involves judicial supervision because the therapeutic jurisprudence approach 'offers the best prospects of promoting positive behavioural change'. King et al. (2009) assert that due to the lack of empirical evidence that family violence intervention programs reduce reoffending, courts tend to focus on deterrence rather than rehabilitation. They contend that

[i]n the long term, court processes that recognise that many victims want to maintain the family unit may be more successful than punitive responses that do little to deal with the offender's problems or the relationship itself. A supportive court process may, indeed, encourage more victims to report their crimes by reducing their fear of retaliation (King et al. 2009: 158).

Finally, it has been observed by some criminal justice academics, such as David Carson (2003: 126), that one of the strengths of a therapeutic jurisprudence approach to judicial administration in specialist courts is that 'supporting therapeutic jurisprudence does not presuppose any particular political position...a virtue of therapeutic jurisprudence is that it is, at least apparently, apolitical'. Therapeutic jurisprudence remains central to judicial administration as a mechanism to evaluate the impact of the law and legal processes on its participants.

## *Restorative justice*

The use of restorative justice as a response to family violence is controversial. Some advocates argue that restorative justice is an appropriate response to all types of offences (eg Braithwaite & Strang 2002), while others express concern that restorative justice does not adequately address the safety risks of victims (Stubbs 2004).

One of the primary difficulties in assessing the application of restorative justice to family violence is that there is no agreed definition of what restorative justice entails. It can be stated, however, that the emphasis of restorative justice is on reparation of harm to victims, addressing the needs of offenders and sending offenders a message of disapproval about the impact of the crime (Bazemore 1997).

The primary benefit of restorative justice may be in allowing victims to be heard. This potential positive benefit was conceptualised by Barbara Hudson (2003: 183, emphasis in the original):

The conference or meeting offers the victim the opportunity to choose how to present herself; to abstract herself from the relationship; to select her own supporter and representative. The abuser cannot ignore her, as he could in a conventional court while she is giving her evidence; her story will be told not refracted through legal language, it will be told in her words, the words with which she always communicates with him so he cannot claim not to have understood any more than he can claim not to have heard. Her story will be about her; she will not be confined to dwelling on those elements that relate to him, elements relevant to establishing his guilt and his culpability. He cannot claim, then not to have been told about *her* feelings, her understanding of events, her wishes and demands for the future...

In a review of the application of restorative justice to family violence, Stubbs (2004) identifies a number of generic models operating in Australia, Canada and New Zealand whose efficacy remain untested and under-evaluated. With victim safety (the primary focus of any family violence intervention), there are a number of factors that may need to be considered before restorative justice principles can be integrated with the traditional criminal justice system response.

## Corrective services

Corrective Services supervise individuals remanded in custody or on bail and offenders on community-based and imprisonment orders. The Tasmanian Government's *Safe at Home* strategy identifies the following core activities for Corrective Services:

- take into account victims impact statements and offender risk assessments in the preparation of pre-sentence reports;
- ensure compliance of offenders with conditions of orders and attendance at court-mandated treatment programs;
- treat non-attendance at a mandated treatment program as a breach;
- ensure that breaches of orders are reported to the court in a timely manner; and
- monitor and report on behaviours that would indicate risk of further family violence offences (Tasmanian Government 2004).

### Corrections-based family violence intervention programs

An integral part of an integrated criminal justice system response to family violence is the referral of an offender to a corrections-based family violence intervention program.

Approaches to interventions vary but many are based on the Duluth model. The Duluth model is a psycho-educational program that incorporates cognitive behaviour at work. Although treatment modalities differ, programs based on the Duluth model are underpinned by 'principles that position domestic violence as an outcome of gender power imbalances' (Day et al. 2009: 204).

Although the Duluth model has been recognised as a leader in developing integrated service responses, the quality of the treatment offenders receive has been widely criticised. Rees and Rivett (2005) identify that strict program guidelines may not allow the individual needs of some offenders (including mental health needs) to be met or may restrict their participation. Further, adopting the 'power and control' thesis limits the ability of program providers to engage 'some men whose lives are experienced as powerless and out of control' (Rivett & Rees 2008: 359).

The most prominent criticism of Duluth modelled programs is the lack of empirical support for their effectiveness. Some studies (eg Gondolf 2007) have produced promising results, while others have concluded that there is no significant impact on re-victimisation (eg Babcock, Green & Robbie 2004). Evaluations and program reviews often discover that program integrity has been compromised. In a national survey of domestic violence offender programs, Chung, O'Leary and Zannettinno (2004) identified that although many organisations claimed to deliver programs based on a Duluth model, they demonstrated inconsistent levels of adherence to the principles in 'practice and conceptualisation' (Day et al. 2009: 205). Such integrity issues make evaluation outcomes difficult to assess.

Increasing dissatisfaction with the feminist ideals incorporated into messages about ending violence against women (Gelles 2007; Mills 2008) and increasing agreement that there are limitations to the Duluth model approaches (Babcock, Green & Robbie 2004; Feder & Wilson 2005; Levesque & Gelles 1998) have created the impetus to look at new approaches and models. It must be noted, however, that the extent of the dissatisfaction and limitations remain widely disputed (eg see Dutton & Corvo 2007; Gondolf 2007).

Day et al. (2009) suggests that intervention approaches should incorporate evidence of program effectiveness from the broader offender rehabilitation field to match interventions to the individual needs and domestic violence typologies of offenders.

The offender rehabilitation literature identifies principles that underpin effective offender intervention programs. Although the approach is contested (eg see Ward & Stewart 2003), the dominant paradigm used within Corrective Services in Australia, the United States and Canada is the Risks—Needs—Responsivity approach developed by Andrews and Bonta (2004). Under this approach, for interventions to be successful, they must be based on principles of risk, need, responsivity and program integrity.

The risk principle requires that services and interventions are targeted according to the level of risk of reoffending the offender poses. More intensive interventions and services are targeted towards higher risk offenders and minimal intervention to

lower risk offenders. The level of risk is generally determined by an assessment of static and dynamic risk factors. The risk principle may also incorporate risk management and duty of care factors (Golias 2004).

The need principle emphasises the requirement for interventions and services to target areas directly related to the offending. Criminogenic needs, or dynamic risk factors, are the areas that are changeable and are therefore treatable (Golias 2004). This principle proposes that addressing criminogenic needs reduces reoffending. Intervention should not be restricted to criminogenic needs however, as other needs may pose obstacles to a person living a constructive pro-social lifestyle. These include housing, employment, poor social supports and mental health issues.

The responsivity principle highlights the need for programs to be delivered in a style and mode that offenders will respond to and engage with. It establishes the guidelines for how programs should be delivered. Responsivity can be divided into internal and external factors. Internal responsivity refers to factors within the offender such as motivation, learning style, age, gender, culture and barriers to learning. External responsivity includes environmental factors such as the interaction between the offender and the staff and/or the setting (Golias 2004).

The integrity principle assumes that there is an evidence-based approach to programs, services and activities. To ensure integrity, an organisation must make certain that staff are properly trained and supervised, that programs and services are delivered as they have been designed to be delivered and that continual improvement and evaluation occurs (Golias 2004).

Day et al. (2009: 211), concurring with Jolliffe and Farrington's (2007) review of the literature, state that domestic violence intervention approaches need to be further developed

both in terms of greater sophistication in how domestic violence is understood, identifying the needs of treatment participants, and delivering programs in ways that are engaging and motivating for men to change.

One of the good practice principles for offender intervention programs established under the National Partnerships Against Domestic Violence program is mandatory participation for offenders in rehabilitation programs supported by strong sanctions for non-participation. Day et al. (2009) urge caution in using coercive methods to ensure men attend programs, as this has the capacity to undermine program integrity and overall effectiveness. Delivering ineffective programs may have the unintended adverse consequence of increasing risk of victimisation.

### *Risk assessment*

Risk assessment is undertaken at various stages before and during the criminal justice system response to family violence. Assessments focus on the risk an offender poses to a victim and the interpersonal, institutional and cultural risks present in a victim's life that may make them more vulnerable to abuse. These assessments are undertaken by a range of practitioners and are designed for different purposes.

Health practitioners are increasingly relied upon to identify symptoms. The literature indicates that

over the past 15 years, routine screening for [interpersonal violence] has been introduced in many health settings, to enable health services to address the twin problems of under-identification of abuse and the high use of health services (Eisenstat & Bancroft cited in Spangaro, Zwi & Poulos 2009: 55–56).

In many cases, women who have suffered domestic violence come to the attention of health practitioners before they come to the attention of police. It has been observed in one study that

talking to a health provider about abuse increased women's likelihood of using an intervention to violence and further found that those who receive an intervention are more likely to subsequently exit the abusive relationship (McCloskey et al. cited in Spangaro, Zwi & Poulos 2009: 57).

Consequently, health service providers have an important role to play in identifying victims of domestic violence and starting the process of intervening to reduce the risk of harm.

Police may also undertake an assessment of risk when attending a domestic violence incident. Tasmania Police conduct a risk assessment for all incidents utilising the Risk Assessment Screening Tool and produce a numerical score that indicates the level of risk the offender poses of repeating or escalating their violence to the victim.

Corrective Services undertake general and offence-specific risk assessments to determine intervention needs, supervision levels and program suitability based on an actuarial prediction of reoffending. Examples of these instruments include the Level of Service/Case Management Inventory, Static-99 and Spousal Assault Risk Assessment. Although the use of these tools is not without an evidentiary base (eg see Andrews & Bonta 2004), they are not without their critics. Concern over the validity of their use across diverse offender populations and more broadly, concern over their use as a move away from rehabilitation to managerialism, are common throughout the literature (eg see Brown 2000; Hannah-Moffat 2005).

Support and advocacy agencies also employ risk assessment to determine the social risks that may make an individual at increased risk of victimisation or re-victimisation. Effective assessment must take into account the diverse social factors in the lives of victims that impact on their ability to make choices and decisions. Jaaber and Dasgupta (nd) describe these risks as immediate personal risks (including substance misuse, lack of skills and education, homelessness, age), institutional risks (child protection, criminal justice, immigration and social services), and cultural risks (religion, nationality, class, norms and standards).

In the United Kingdom, multi-agency risk assessment conferences (MARAC) are held by representatives of local agencies to discuss the highest risk victims in their areas. Risk management plans are developed that identify risks faced by those victims, agency actions required to ensure safety and the resources available to meet the identified needs.

Coordinated Action Against Domestic Abuse is a UK-based charity established to encourage the use of independent advocacy to increase family violence

victim safety. They have developed a risk indicator checklist that assists practitioners to determine whether a case presents a significant enough level of risk to be referred to MARAC for risk management. The risk assessment allows practitioners to exercise some professional judgment and incorporates the views of the clients who have divulged a family violence incident.

In Australia, the Victorian Government has developed a risk assessment and risk management framework to support an integrated family violence service system. The framework combines three elements to determine the level of risk:

- the victim's own assessment of their level of risk;
- evidence-based risk indicators; and
- the practitioner's professional judgement (DVC 2007: 7).

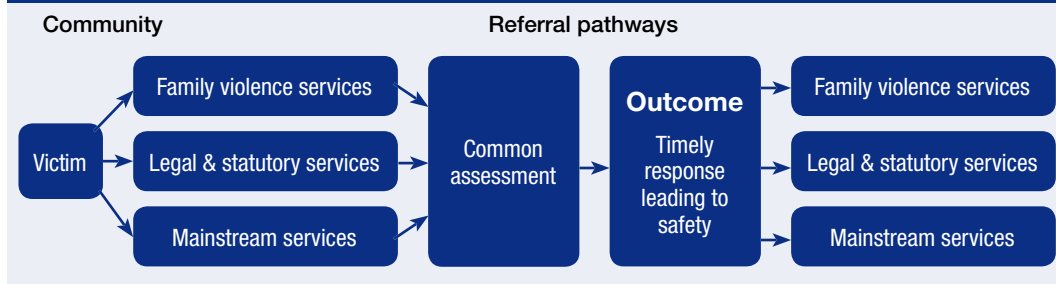
The framework was developed for use by a range of service providers at any entry point to the service system and is designed to assist:

- the identification of family violence by mainstream professionals who may encounter people they believe to be victims of family violence (including teachers and healthcare providers);
- preliminary assessment by professionals who work with victims of family violence but for whom it is not their only core business (eg police, disability workers) when family violence has been established; and
- comprehensive assessment by specialist family violence professionals who will generally have qualifications in social work, psychology, or experience conducting complex assessments (DVC 2007).

Figure 2 represents a victim's journey through the service system where the assessment framework informs the community response and referral pathways.

Regardless of when and by whom risk assessments are undertaken, the assessment should be framed within the context of a specific desired outcome. In family violence matters, the ultimate objective is victim safety and wellbeing.

**Figure 2** The victim's journey through an integrated service system



Source: DVC 2007

### *Victim wants and needs*

Limited information is available about what victims want and need from service providers, including criminal justice agencies. This is, in part, because the literature tends to focus on arrests prosecutions and because few women may be willing to participate in such research due to the potential re-traumatising effects.

Three pieces of Australian research are presented in this section of the report. They do not purport to identify everything women want and need from justice following their experience of family violence, but they serve to illustrate what service providers may consider when assisting these victims.

In 2003, Holder and Mayo (2003) published an article precisely on the issue of what women want from ACT justice. The report describes the FVIP, interventionist prosecution policy and reports on victims' experience and satisfaction with the prosecution process in the Australian Capital Territory. From their analyses, Holder and Mayo (2003: 21) found that victims of family violence value 'consistent, early information, dialogue and sustained support in their engagement with the criminal justice system'. Further, they raise important questions about how satisfaction with the system may be assessed. Specifically they identify a need to:

- explore further the correlation between satisfaction and sentence, and the relationship of both to the victim's experience of the offending behaviour;
- identify the circumstances where satisfaction is not related to sentence outcome and why;
- identify why some victim/witnesses are not sure about proceeding but then later express

satisfaction with the result; and

- identify the components, for a victim of family violence, of being sure that justice was done (Holder & Mayo 2003: 21).

The experience of eight women moving forward following domestic violence was explored in research undertaken by the Social Policy Research team of the NSW Benevolent Society (2009). The research participants had to have lived free from abuse for a minimum of one year. The women identified the psychological and social effects the family violence had on them during that time and its continued impact on their self-esteem, memory and guilt. Moving forward, participants in the research highlighted changed thinking patterns, resilience, hope, and doing things for themselves and others as internal and external activities that helped them rebuild their lives.

The report also discusses the external services and support, both formal and informal, experienced by the women who participated in the research. Of particular relevance to this report, however, are the barriers women faced to moving forward as these provide a sense of what is missing and what women want or need from service providers and support systems. Women often identified that they did not seek formal supports because they were not flexible, anonymous and/or free. These women experienced financial difficulties and little or no access to services (aside from refuges) outside standard business hours. Some women also identified a need or desire to not have their experiences more broadly known, because of their work, community connections and size and/or feelings of shame and guilt.

Prior experiences with service providers were

identified as another barrier faced in moving forward. This included negative experiences with specific service providers, such as feeling patronised, which made the women less likely to seek assistance in the future. Service providers identified the negative impact of disconnected services re-traumatising women who have to continually repeat their experiences.

The research identifies unique challenges faced by the three women from CALD backgrounds who participated in the research. These include being unable to confide in another person, being ostracised by family members and an increased sense of shame. While women of all cultures may experience shame, pressure to stay in relationships (as a result of religious beliefs), or isolation, this research identified that the cultural contexts of women from CALD backgrounds adds to the challenge of moving forward (Benevolent Society 2009).

Research commissioned and compiled by the ACT VoCC explored the experience of Aboriginal family violence in the Australian Capital Territory. Findings from analyses of interviews with 15 Aboriginal women provide some insight into what these women want and expect from the criminal justice system (VoCC 2009). These 15 women identified a number of important things that services can do for women experiencing family violence including:

- phoning people to see if they're okay;
- providing alcohol rehabilitation (including an Aboriginal Alcoholics anonymous);
- getting agencies to help them meet new people;
- providing opportunities to talk to other women in the same situation;
- making sure workers have an awareness of culture and have an Aboriginal and Torres Strait Islander unit to deal with these problems;
- gaining an understanding of the difference between family violence for Aboriginal and Torres Strait Islander people and for non-Indigenous people;
- listening more, hearing their stories;
- being supportive of the person's wishes and building trust;
- ensuring service providers are non-judgemental and acknowledge that it takes time for women to make decisions to leave their partners and that

sometimes they don't want to;

- providing extra support and assistance in obtaining restraining orders; and
- providing more assistance with custody and family court matters (VoCC 2009).

## Developing good practice frameworks

The literature identifies the need for integrated interventions to have an evidentiary foundation supported by good governance. Criminal justice system responses to family violence involve a number of different initiatives and participants working together to achieve a shared outcome. 'Defining satisfactory management [or governance] arrangements is frequently complicated by recurring tensions between partners about ultimate control and ownership of outcomes' (AIC 2009: 1).

Developing good practice frameworks and indicators can assist agencies to define and refine their roles in interagency collaborations.

Pence, Mitchell and Aoina (2007: 150) provide an overview of elements required to formulate a family violence policy for practitioners:

- policy intent and rationale
- guidelines for processing cases
  - what the practitioner should do under what circumstances
  - using procedures, forms, etc.
  - what, when, and how information should be shared with others
  - applicable laws, definitions, authority.

and, with an added level of detail for administrators:

- supervision/monitoring
  - how the policy will be monitored by agency
  - steps to ensure compliance
  - record sharing for external monitoring (how, and with whom).

Policy development should include the perspectives of the diverse range of people who will be affected by its implementation. Although this literature review has focused solely on family violence between

intimate partners of opposite gender, a diverse range of other individuals are also involved in family violence incidents. The language used in policymaking and practice development should reflect an understanding of family violence as it is experienced by diverse groups (Humphreys, Houghton & Ellis 2008). Examples of diverse groups experiencing family violence are:

- persons from CALD backgrounds;
- Aboriginal and Torres Strait Islanders;
- people living in remote and rural communities;
- children and young people;
- men;
- gay and lesbian people;
- people with a physical or intellectual impairment;
- people with diagnosed or undiagnosed mental illnesses;
- siblings;
- parents;
- older men and women;
- adult offenders; and
- young offenders;

Developing good practice frameworks may enhance the ability of services to promote a shared understanding of goals, reduce duplication of effort, provide consistent service and increase internal and external accountability.

## Conclusion

Across jurisdictions, the way family violence is defined and conceptualised differs. Agreement, however, does exist that coordinated efforts are required to have an effective criminal justice system response to family violence. At the centre of these responses are the goals of improving victim safety, offender accountability and community confidence in the criminal justice system.

Due largely to the complex nature of family violence and associated interventions, evaluative research into specific domestic violence programs have tended to focus on component parts rather than system level impacts.

The literature demonstrates a need for a differential approach to family violence crimes. Interventions such as pro-arrest and proactive prosecution policies and the development of specialist courts have demonstrated improvements in the ability of agencies to respond to family violence. Victims have also identified increased feelings of support and satisfaction with the specialist court model. Current literature suggests that therapeutic jurisprudence and restorative justice principles may also have a role in improving the experience of the criminal justice process for both victims and offenders. In the field of corrections, the evidence suggests that interventions may need to be broadly undertaken to meet individual need. Interventions may need to address not only the nature of violent offending but also address any factors that may affect the person's responsibility to the interventions. Assessing risks of victimisation or further offending requires a focus on interpersonal, institutional and cultural factors. Assessments need to be undertaken by a range of professionals; however, they should be underpinned by a common understanding of their purpose and limitations.

Integrated interventions need to be underpinned by good practice and be flexible to develop promising new practices. Developing practice frameworks can assist agencies to understand what they are trying to achieve and provide the guidance to ensure the needs of victims, offenders and the broader community are met.

# Profile of family violence in the Australian Capital Territory, 2007–08

## Overview

This section presents a description of incidents recorded as family violence during the 2007–08 financial year and the victims and offenders involved. The data for this section was provided by ACT Policing, the ACT Magistrates' Court and ACTCS. Data was also extracted from the 2007–08 annual reports of the ODPP and DVCS.

These data only reflect those incidents that have come to the attention of relevant authorities. As family violence is widely acknowledged to be under-reported (eg see Signal & Taylor 2008), such data cannot accurately represent the full extent of family violence that occurs within the ACT community.

The terms *victim* and *offender* are generally used throughout this section to facilitate ease of understanding. The Tables, Figures and discussion relating to ODPP and Magistrates' Court data use the term *defendant* rather than *offender* to reflect the important principle that until a matter has been adjudicated and a person found guilty of an offence, the person is presumed innocent of all charges.

## ACT Policing data

Police have discretion over both the arrest and charge of alleged offenders and will only lay charges where they feel there is sufficient evidence. This is often done in consultation with the ODPP who may advise on what charges should be laid after analysing the evidence (ODPP 2008).

In the data, family violence matters were extracted from PROMIS where an incident or apprehension was identified or flagged (using the family violence tick box) and/or where the offence and relationship between victim and offender was recorded as family related (based on the definitions provided under the Domestic Violence and Protection Orders ACT 2001). Incidents include those that involved the police and those where they received a notification. Each incident is recorded by ACT Policing as a separate event even if the time between them is relatively short.

## ACT Magistrates' Court data

All charges identified as relating to family violence are flagged on the court's case management system. These charges are 'flagged' as family violence either:



- by ACT Policing prior to registration at the Magistrates' Court; or
- after being identified by the magistrate or prosecution during court proceedings.

All of these charges are subject to procedures within the family violence stream, notwithstanding that they may not all be family violence charges.

### Previously published data

The primary sources of previously published public data on ACT family violence incidents include evaluations of the FVIP conducted by Urbis Keys Young (2001 and Keys Young (2000)), analysis of incidents reported to police between July 2003 and June 2004 (Taylor 2006), an overview of criminal justice intervention in family violence in the Australian Capital Territory (Holder & Caruana 2006) and analysis of spouse–ex-spouse incidents attended by police and subsequent action (Holder 2007). While these data cannot directly be compared with the 2007–08 data extracted for this report, they are presented here to provide an overview of the types of data that have been available for analysis in the past and the trends in family violence incidents apparent at the time.

The 2000 Keys Young (2000) evaluation highlighted a number of problems with the ACT Policing data system, leading the evaluators to not use these figures for comparative purposes in the 2001 evaluation. The 2000 evaluation data is, therefore, not presented in this report. Previously published policing data from the 2001 evaluation represents family violence incidents from the 1999 calendar year and as more recent analyses is available from Taylor (2006), these data are not included in this report except in the brief description of incidents relating to Table 5. The victim survey data from the 2001 evaluation is presented, where relevant, in this report in the section *Experience of family violence*. Holder and Caruana (2006) provided data from the ODPP and ACT Magistrates' Court, which has been replicated in this report.

## Summary of 2007–08 findings

ACT Policing recorded 2,807 family violence incidents during the 2007–08 financial year.

On average, eight incidents per day occurred throughout the financial year. Seventy-seven percent of the incidents took place in a private home.

Victims are counted once for every incident they are involved in; therefore, there were 1,143 victims recorded, representing 979 distinct individuals. Victims were 2.7 times more likely to be female than male. Forty-eight percent of all incidents occurred between intimate partners. Where the offender is a young offender, 54 percent of victims were their parents.

Female victims were most likely to be between 25 and 34 years of age (25%) and male victims were most likely to be between 35 and 44 years of age (20%). Four percent of victims were aged 14 years and younger and two percent were aged 65 years and over.

Offenders are counted once for every incident they are involved in; therefore, there were 780 offenders recorded, representing 652 distinct individuals. The largest proportion of offenders was between 25 and 34 years (30%), regardless of gender or Indigenous status. Three percent of victims were also offenders during the same time period.

In 2007–08, a total of 403 adult and 32 young person defendants appeared in the ACT Magistrates' Court facing 677 and 54 charges respectively. This represents a decrease of 17 percent in the number of overall defendants and a seven percent decrease in charges from the previous financial year. This data is provided as an indicator of court activity, but does not necessarily reflect a decrease in family violence incidents as police data from 2006–07 is not available for comparison. The length of time taken to finalise matters has remained relatively consistent over the 10 year operation of the FVIP. A slight majority of matters (54%) are finalised within 13 weeks.

One hundred and ninety-seven distinct adult offenders and nine distinct young offenders were convicted of family violence-related offences. Adult offenders were most likely to receive a GBO (44%) as the most severe sentence outcome. Eighty-nine percent of young offenders received a probation order.

Fifteen (8%) of the adult family violence offenders convicted in 2007–08 had a previous family violence conviction in either 2005–06 or 2006–07.

In 2007–08, 111 adult offenders were referred to be assessed for participation in the Family Violence Self-Change Program. Thirty-nine offenders were assessed as suitable, 15 were referred to alternative programs, eight offenders completed the program in 2007–08 and others were continuing to participate at various stages of the program.

The DVCS continues to provide support to victims of family violence. Overall, provision of court support has fallen by 35 percent over the last two financial years due to resourcing issues. Overall, provision of telephone support has risen by eight percent over the same timeframe. DVCS reports that children and young people reside in 65 percent of client homes who receive a crisis visit.

### *Aboriginal and Torres Strait Islander involvement in family violence*

The proportion of Indigenous people involved in incidents as either victims or offenders is distributed throughout the following sections of this report. A short summary of these data is presented here; however, it should be noted that the representation of Indigenous involvement in family violence incidents is indicative only.

The true volume of Aboriginal and Torres Strait Islander involvement in incidents of family violence is not known. This is, in part, because family violence is under-reported and also because of the way Indigenous status is recorded. A 2009 report published by the VoCC provides an overview of the available research and data in the Australian Capital Territory (VoCC 2009). ACT Policing records Indigenous status for all offenders where an offence has been recorded; however, there will inevitably be some

incidents where no offence is recorded. In 2007–08, no offence was recorded in 50 percent of incidents. The ACT Magistrates' Court does not record Indigenous status, so there is currently no way to measure the number of Indigenous people appearing on charges before the court. ACT Policing records the Indigenous status of victims for all incidents where it is known. In 2007–08, the data reflect that for 31 percent of victims, Indigenous status was not known and therefore, the data on Aboriginal and Torres Strait Islander victimisation may not be accurate.

ACT policing data reflects that:

- a small proportion of the total number of unique offenders are identified as Aboriginal or Torres Strait Islander (8%; n=64);
  - 77 percent (n=49) were male and 23 percent (n=15) were female; and
  - 86 percent of male offenders (n=42) and 73 percent of female offenders (n=11) were 20 years of age and over.
- a small proportion of the total number of victims were identified as Aboriginal or Torres Strait Islander (4%; n=47);
  - 79 percent of the victims were women (n=37) and 21 percent were male (n=10); and
  - 70 percent of female victims (n=26) and 50 percent of male victims (n=5) were 20 years of age and over.
- for incidents where the relationship between victim and offender was recorded:
  - the proportion of Indigenous victims by category (spouse/ex-spouse, parent, sibling, child) were similar to the findings for non-Indigenous victims); and
  - the majority of Indigenous victims were the spouse/ex-spouse of the offender.

Notably, 23 percent of Indigenous victims and only 12 percent of non-Indigenous victims were of 'other' relationship to their offender, including immediate family, step or other relations. This may reflect the difference in kinship ties between Aboriginal and non-Aboriginal people. The Indigenous status of the offender by Indigenous status of victim is unknown.

**Figure 3** Incidents by month reported, 2007–08 (n)



Source ACT Policing specific data request April 2009

## Data

### *Incident descriptions*

#### Time and day

In 2007–08, 2,807 family violence incidents were recorded by ACT Policing. Figure 3 demonstrates that there was little fluctuation between months, with an average of 234 incidents being recorded every month, with a low of 197 in November 2007 and a peak of 300 in March 2008.

Figure 4 reflects little fluctuation between days of incident occurrence with a slight decline mid-week. On average, there were eight family violence incidents per day over the 2007–08 financial year.

Figure 5 demonstrates that the number of incidents are characterised by periods of increase and decline throughout the day. Reports of incidents tend to increase between 5.00 am and 8.00 am, fluctuate until noon and then follow an upward trend until 9.00 pm when they begin to decline.

Figure 6 demonstrates that the number of incidents reported was relatively consistent across day and time. The proportion of incidents reported over the

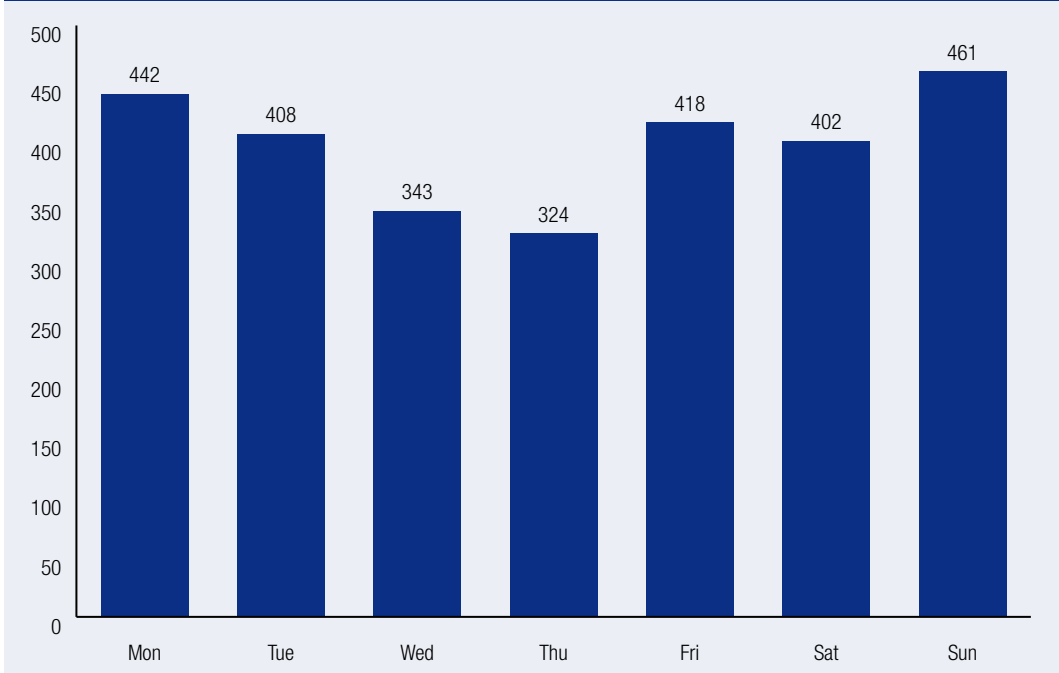
weekend (from 5.00 pm Friday to 6.00 am Monday) is 38 percent. Using the same time parameters (5:00 pm to 6:00 am) across all other possible three day combinations reveals similar proportions—39 percent, Saturday to Tuesday, 38 percent Sunday to Wednesday, 34 percent Monday to Thursday, 33 percent Tuesday to Friday, 34 percent Wednesday to Saturday and 38 percent Thursday to Sunday.

Previous analysis conducted by Taylor (2006) is generally consistent with the current findings. The 2003–04 data recorded 2,793 separate incidents of family violence (compared with 3,188 incidents in 2002–03 and 3,618 incidents in 2001–02). When comparing the number of incidents recorded in 2007–08 (n=2,807) with the 2003–04 figures, it appears that the overall number has remained relatively constant; however, given the four year gap in available data, it is unknown whether these data reflect a trend or whether peaks and troughs were evident in the intervening years.

Comparisons between the 2003–04 and 2007–08 incident date and time found that incidents of family violence tended to:

- occur more frequently on Saturdays and Sundays in 2003–04 and Sundays and Mondays in 2007–08;

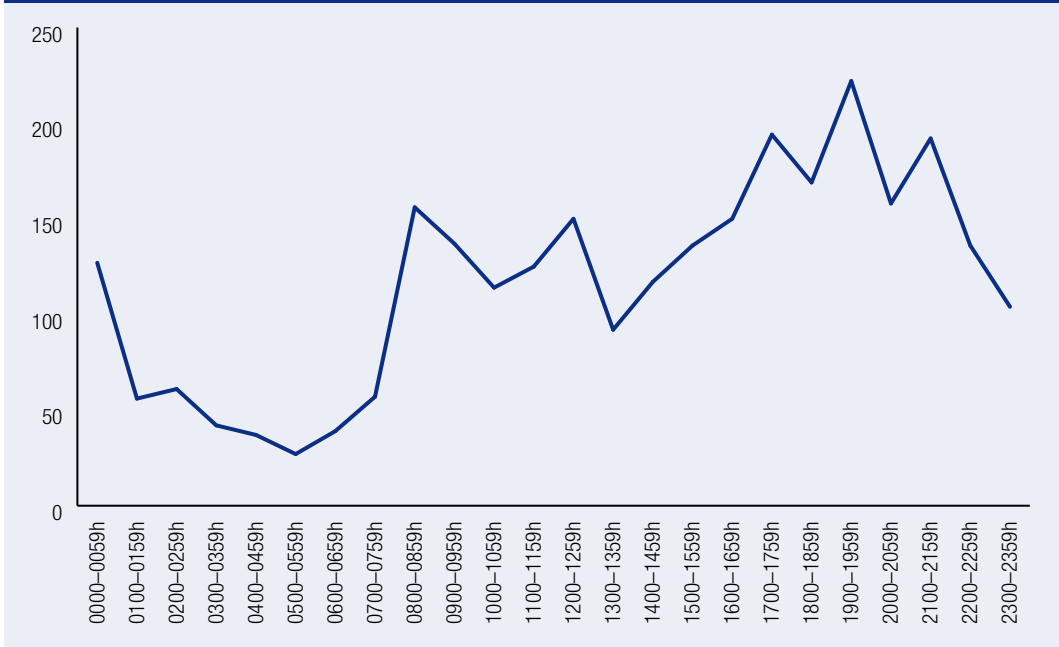
**Figure 4** Incidents by day, 2007–08 (n)



Note: 9 incidents excluded due to missing data. n=2,798

Source: ACT Policing specific data request April 2009

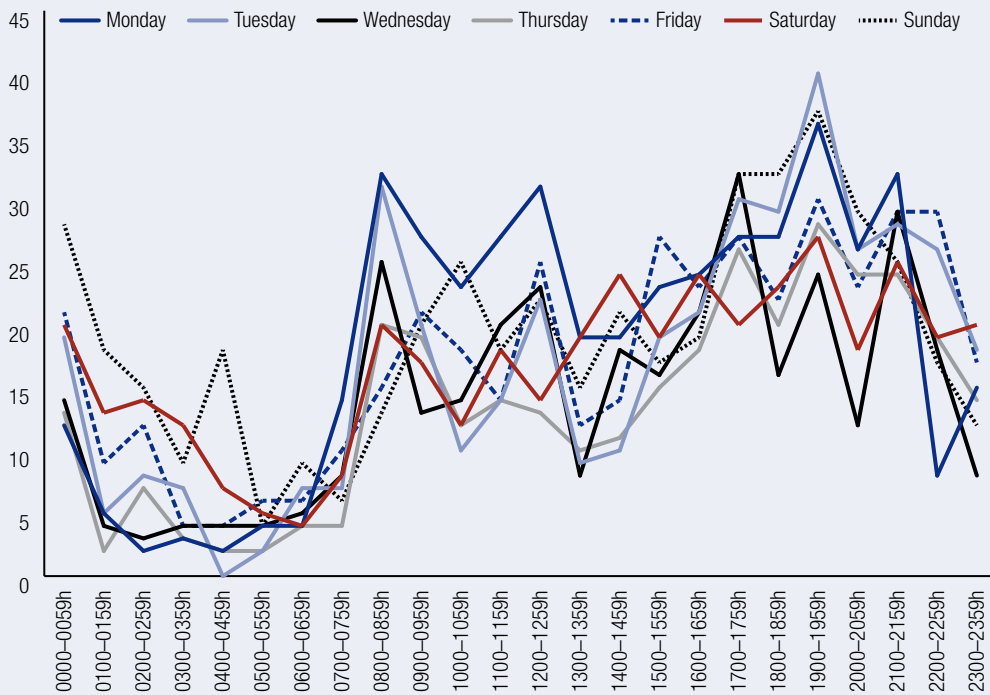
**Figure 5** Incidents by time of day reported, 2007–08 (n)



Note: 9 incidents excluded due to missing data. n=2,798

Source: ACT Policing specific data request April 2009

**Figure 6** Incidents by time and day reported, 2007–08 (n)



Note: 9 incidents excluded due to missing data. n=2,798  
 Source: ACT Policing specific data request April 2009

- tended to peak between 6.00 pm and 10.00 pm in both financial years; and
- tended to remain relatively constant by month in both financial years.

Australian and international media reports frequently draw links between peaks of family violence incidents and particular timeframes (eg weekends), as well as specific times of the year, such as December and January. However, the available research on fluctuations in family violence incidents is inconsistent. For example, in their analysis of NSW family homicides, Australian researchers Nguyen da Huong and Salmelainen (1992) found that family homicides were more likely to occur in December than in any other month of the year. While Taylor’s (2006) research identified a peak in domestic violence incidents during weekends, it did not identify dramatic spikes in the reporting of incidents during the months of December or January.

The 2007–08 data does not support dominant perceptions concerning higher rates of family

violence occurring in weekends and during December and January. Indeed, this report found that there was a peak of family violence incidents in the month of March. This could be linked to a calendar event such as the Easter holiday period. This report also revealed that there was proportionally no difference in the number of incidents on any specific days of the week.

A thorough investigation of family violence incident peaks is relevant to both service providers and policymakers as any increase in incidents has significant consequences for the victims (Braaf & Gilbert 2007). A more nuanced understanding of the link between the frequency of family violence and times of the week and/or year could assist in more effectively targeting appropriate resources so as to minimise incidents. As the available research findings are inconsistent and the data on incident peaks is not conclusive, further research and more sophisticated data collection and trend analysis is required.

**Table 4** Victims by location (type) of offence, 2007–08 (n)

Location	n
Car park	46
Church (including all religious)	2
Garage (attached to residence)	6
Garage (not attached to residence)	1
Hospital (including all health except chemist/surgery)	4
Hotel/motel	6
House	882
Licensed premises	9
Office	5
Other	39
Police station	1
Public place (including street/path/bicycle path)	118
Recreational centre	1
School (including all educational and surrounds)	6
Shop	17
Total victims	1,143

Source: ACT Policing specific data request April 2009

## Location

Table 4 reflects that, of the 1,143 recorded victims, the majority were victimised in a private home (77%), followed by a public place (10%) and car park (4%). These figures represent the number of victims of selected offence types. Selected offences include all homicide, sexual-related, assault, threats, property damage and breach of order offences that can be linked to a family violence incident. Victims are counted once for every incident in which they are a victim.

Previously reported data (Taylor 2006) found that in 2002–03 and 2003–04, 85 and 86 percent of incidents, respectively, occurred in private homes. These results are not directly comparable with the 2007–08 data, as the earlier data reflects the proportion of incidents occurring in a private home against the total incidents (or police call outs) and the current data is the proportion of incidents occurring in a private home against the number of victims. Multiple incidents may have been recorded against each victim.

ACT Policing data provided for the 2001 evaluation and the 2003–04 analysis conducted by Taylor (2006) provided descriptions of incidents that were not easily extractable and therefore not included in the 2007–08 analysis. These data reflect that ‘disturbances’ accounted for the greatest proportion of confirmed incident types (46% in 2003–04; 56% in 1999). Table 5 depicts the number of incident types recorded by police as reported by Taylor (2006) and Urbis Keys Young (2001). These data are replicated in this report to provide an indication of the types of activities police engaged in and cannot be used to make any assessment about current activities. At the time the Urbis Keys Young data was analysed, ‘family violence’ was not a mandatory field within the PROMIS database, therefore, the representation of family violence incidents may not be accurate. It should be noted that both this data and that in Taylor (2006) reflect the ‘all family violence’ definition utilised by ACT Policing, which includes violence between any family members and persons in domestic relationships. Analysis of the ‘spouse/ex-spouse’ category alone reveals some crucial differences (Holder 2007).

**Table 5** Family violence incidents attended by ACT Policing by incident description, 1999–2003–04<sup>a</sup>

Incident description	1999 <sup>b</sup>		2001–02 <sup>c</sup>		2002–03 <sup>d</sup>		2003–04 <sup>e</sup>	
	n	%	n	%	n	%	n	%
Disturbance	832	56	1,641	45	1,351	42	1,283	46
Assault	150	10	419	12	455	14	337	12
Check welfare/premises	110	7	463	13	416	13	404	14
Routine assistance	98	7	168	5	147	5	94	3
Breach DVO	68	5	300	8	232	7	162	6
Domestic violence incident <sup>f</sup>	89	6	n/a	n/a	n/a	n/a	n/a	n/a
Other <sup>g</sup> (eg intoxicated person, criminal damage, psychiatric incident)	129	9	623	17	581	18	511	18
Total offences recorded	1,476		3,614		3,182		2,791	

a: Percentages may not total 100 due to rounding

b: Calendar year

c: Financial year 4 incidents missing

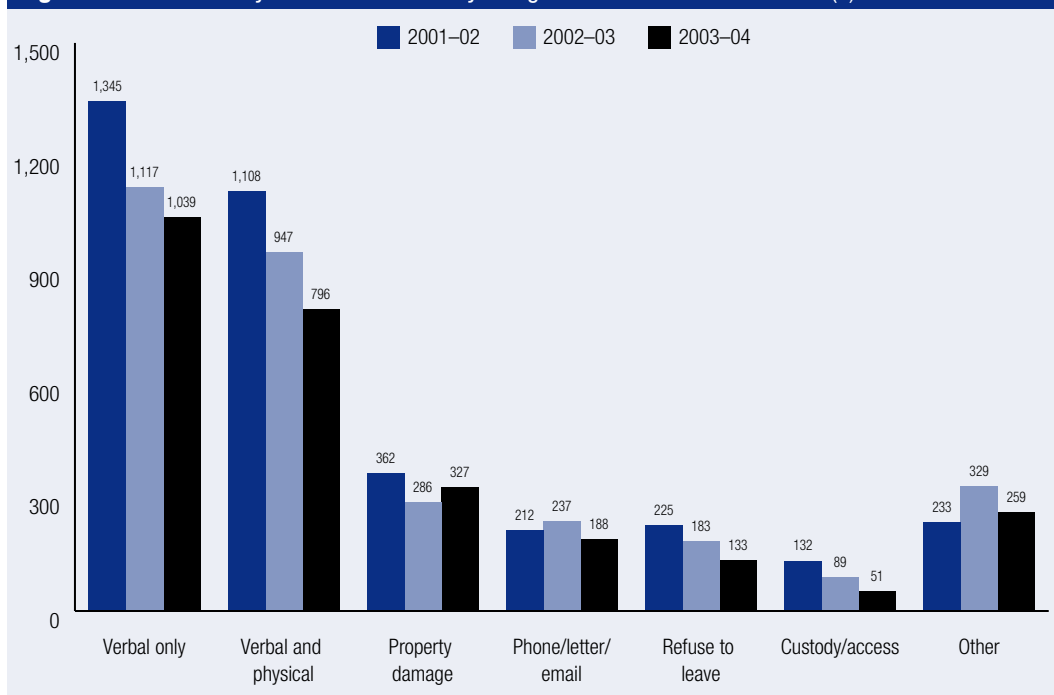
d: Financial year 6 incidents missing

e: Financial year 2 incidents missing

f: 1999 data only

g: Also includes sexual assault, suspicious activity and nuisance categories from 2001–02–2003–04 financial years

Source: Taylor (2006); Urbis Keys Young (2001)

**Figure 7** Previous family violence incidents by categorisation 2001–02–2003–04 (n)

Note: 2001–02 data excludes 1 incident due to missing data

Source: Taylor 2006

**Table 6** Victim demographics, 2007–08 (n)

Age group (yrs)	Indigenous		Non-Indigenous		Unknown		
	Male	Female	Male	Female	Male	Female	Unknown
9 and under	4	2	19	24	9	9	0
10–14	1	2	6	15	11	3	0
15–19	0	7	16	65	9	42	0
20–24	1	7	19	85	9	43	0
25–34	0	10	30	126	19	64	0
35–44	2	6	42	107	14	52	0
45–54	2	2	20	56	13	32	0
55–64	0	0	17	22	7	7	0
65 and over	0	1	5	5	2	3	0
Age not specified	0	0	0	0	5	6	58
Total	10	37	174	505	98	261	58

n=1,143

Source: ACT Policing specific data request April 2009

Further contextual incident information was available for the 2001–02–2003–04 data. Figure 7 depicts the number of offences and how they were further characterised for each of the three financial years for which data is available. These data reflect that roughly equal proportions of offences were categorised against each descriptor across each financial year. Further data is required to determine if this remains the same in the current data.

### Victim profile

Table 6 depicts the number of recorded victims by gender, age and Indigenous status. The majority of victims, where gender was known (n=1,085), were female (74%). The 2003–04 data (Taylor 2006) identified an almost equivalent proportion of female victims (75%). Four percent of all victims in 2007–08 were identified as Indigenous; however, Indigenous status was not known for 31 percent of the victims. Indigenous victims represent six percent of victims where Indigenous status was recorded (n=726). In a number of cases, insufficient details were recorded, which meant that 58 victims appeared with unknown gender, age and Indigenous status. This generally means that no offence was recorded for these victims. Indigenous status was not recorded in the 2003–04 analysis.

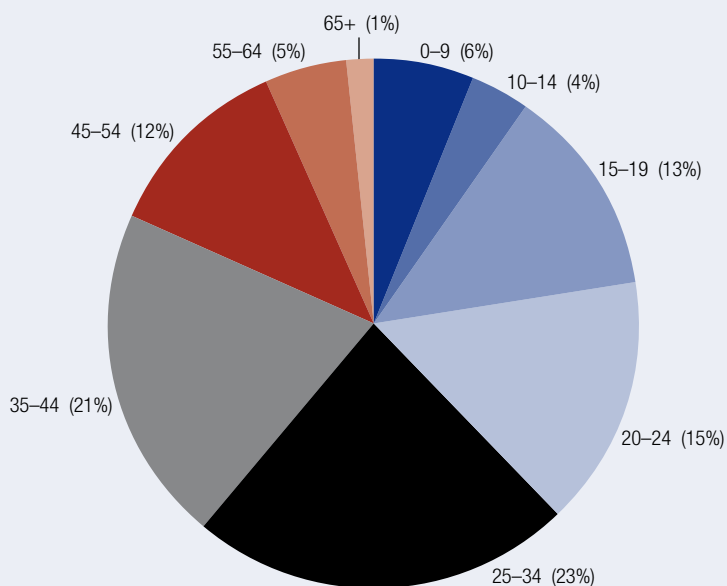
Figure 8 reflects that victims between the ages of 25 and 34 made up the highest proportion of victims by age category (23%), followed by victims aged between 35 and 44 years (21%), where age was specified (n=1,085). In 2003–04, 88 percent of victims were aged 18 years or older compared with 78 percent of 2007–08 victims aged 20 years or older. As the proportion of 2007–08 victims aged 18 and 19 is not known, these two measures are not strictly comparable.

The United Nations Statistical Division defines children as *persons under the age of 14 and young people as individuals aged 14 to 24 inclusive*. Table 6 identifies the frequency of involvement in family violence incidents against these definitions, as they reflect the manner in which age is recorded within ACT Policing. It should be noted however, that OCYFS, which investigates all allegations of child abuse and neglect, uses different definitions, identifying children as *persons less than 12 years and young people as persons 12 to 18* in accordance with the *Children and Young People Act 2008* and the *Legislation Act 2001*.

Involvement in family violence incidents was recorded for 979 distinct individuals of whom 604 (62%) were adult, 273 (28%) were young people and 102 (10%) were children. There were 41 Indigenous victims of family violence, representing six percent of



**Figure 8** Victims by age group in years, 2007–08



Source: ACT Policing specific data request April 2009

**Table 7** Family violence incidents by victim Indigenous status, age group and involvement, 2007–08

Victim ATSI status and age group		Times person was a victim during the period (n)		
		Once only	Twice	Three or more times
Indigenous	Children	7	1	0
	Young people	10	1	1
	Adult	18	3	0
	<b>Total</b>	<b>35</b>	<b>5</b>	<b>1</b>
Non-Indigenous	Children	60	2	0
	Young people	151	18	1
	Adult	359	31	9
	<b>Total</b>	<b>570</b>	<b>51</b>	<b>10</b>
Unknown Indigenous status	Children	32	0	0
	Young people	87	3	1
	Adult	178	6	0
	<b>Total</b>	<b>297</b>	<b>9</b>	<b>1</b>
Total victims	Children	99	3	0
	Young people	248	22	3
	Adult	555	40	9
	<b>Combined total</b>	<b>902</b>	<b>65</b>	<b>12</b>

Source: ACT policing specific data request April 2009

the total victims where Indigenous status was known and recorded (n=672). The high proportion of victims with unknown Indigenous status recorded requires caution to be exercised before making a claim to over-representation of Indigenous family violence victims in the Australian Capital Territory.

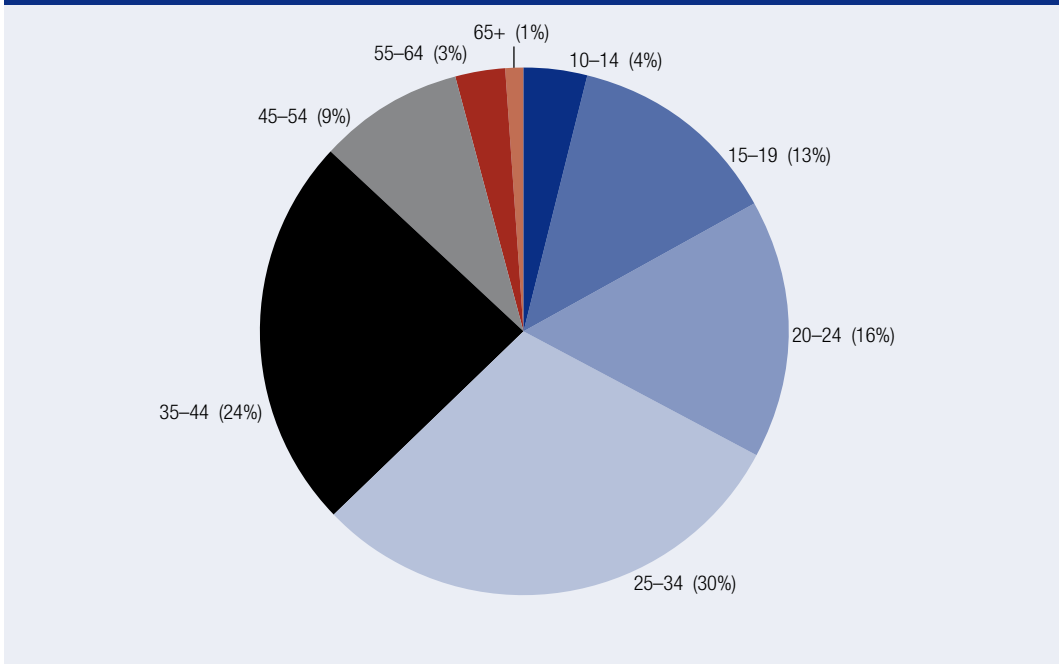
Family violence victims were most likely to have been victimised only once during the 2007–08 financial year. Table 7 reflects that 92 percent of victims were victimised only once, seven percent twice and one percent, three times or more.

**Table 8** Offender demographics, 2007–08 (n)

Age group (yrs)	Indigenous		Non-Indigenous		Total	
	Male	Female	Male	Female	Male	Female
10–14	3	0	19	13	22	13
15–19	4	4	72	22	76	26
20–24	11	2	98	17	109	19
25–34	14	5	190	23	204	28
35–44	13	3	136	32	149	35
45–54	4	1	57	12	61	13
55–64	0	0	18	2	18	2
65 and over	0	0	4	0	4	0
Age not specified	0	0	1	0	1	0
Total	49	15	595	121	644	136

Source: ACT Policing specific data request April 2009

**Figure 9** Offenders by age group in years, 2007–08



Source: ACT Policing specific data request April 2009

## Offender profile

These figures represent the number of unique or distinct persons apprehended by ACT Policing during family violence incidents. Offenders are counted once for every incident in which they are an offender. Offenders include those who were detained for intoxication but not charged.

Table 8 identifies that the majority of offenders were non-Indigenous males (76%). Female offenders

accounted for 17 percent of all offenders. Female offenders represent 17 percent of non-Indigenous offenders and 23 percent of Indigenous offenders. A higher proportion of offences by gender involved females than males in the 19 years and under category (29% and 15% respectively). The proportion of male and female offenders in 2007–08 is roughly equivalent to that in 2003–04, when figures reflect that 79 percent of offenders were male and 21 percent were female.

**Table 9** Family violence offenders by number of incidents, 2007–08 (n)

Offender sex and age		Times person was an offender during the period (n)		
		Once only	Twice	Three or more times
Male	10 to 14 years	13	2	1
	15 to 19 years	62	7	0
	20 to 24 years	67	15	3
	25 to 34 years	148	18	6
	35 to 44 years	83	13	11
	45 to 54 years	50	4	1
	55 to 64 years	16	1	0
	65 years and older	2	1	0
	Age not specified	1	0	0
	<b>Total</b>	<b>442</b>	<b>61</b>	<b>22</b>
Female	10 to 14 years	11	1	0
	15 to 19 years	24	1	0
	20 to 24 years	17	1	0
	25 to 34 years	26	1	0
	35 to 44 years	24	6	0
	45 to 54 years	13	0	0
	55 to 64 years	2	0	0
	65 years and older	0	0	0
	Age not specified	0	0	0
	<b>Total</b>	<b>117</b>	<b>10</b>	<b>0</b>
Total offender	10 to 14 years	24	3	1
	15 to 19 years	86	8	0
	20 to 24 years	84	16	3
	25 to 34 years	174	19	6
	35 to 44 years	107	19	11
	45 to 54 years	63	4	1
	55 to 64 years	18	1	0
	65 years and older	2	1	0
	Age not specified	1	0	0
	<b>Total</b>	<b>559</b>	<b>71</b>	<b>22</b>

Note: n=652 unique persons as offenders

Source: ACT Policing specific data request April 2009

Figure 9 reflects the proportion of offenders by age category as recorded by ACT Policing. The largest proportion of offenders was aged between 25 and 34 years (30%) regardless of gender or Indigenous status.

In 2003–04, 90 percent of offenders were aged 18 years or older compared with 82 percent of 2007–08 offenders aged 20 years or older. However, data from 2003–04 with respect to age is not directly comparable with the 2007–08 data because the age categories used in the analyses are different. The 2003–04 data described the proportion of offenders who were adult (18 years and older). For the purposes of comparison, the 2007–08 data age categories of 19 years and under must be used and will therefore include 18 and 19 year old offenders who would be part of the adult population under the previous analysis and for the purposes of court outcomes. In addition, the 2003–04 data reflect the total number of offenders involved in incidents. Therefore, some offenders will have been counted more than once. The 2007–08 data reflects the number of offenders as distinct individuals.

Table 9 identifies the number of times an offender was involved in incidents of family violence during the 2007–08 financial year. Both male and female offenders were more likely to have been involved only once during the time period (84% male and 92% respectively). Sixteen percent of male offenders and eight percent of female offenders were involved in multiple incidents.

Overall, offenders aged between 20 and 44 years accounted for 80 percent of multiple incidents with 11 males aged 35 to 44 years involved in three or more incidents.

Table 10 reflects that 33 percent of Indigenous male offenders and 14 percent of non-Indigenous male offenders were involved in multiple incidents of family violence. Thirteen percent of Indigenous female offenders and seven percent of non-Indigenous female offenders were involved in incidents. These data do not necessarily mean that Indigenous offenders are more likely to be involved in multiple incidents, as there is no contextual information accompanying the data from which to draw any inferences. Forty percent of the incidents that involved Indigenous offenders on two or more occasions involved a person 35–44 years of age. Thirty-three percent of single incidents attributed to Indigenous persons involved people 25–34 years of age; 22 percent were 35–44 years and 15 percent were 15–19 years.

The following Tables reflect the number of family violence victims by the gender of the victim and the gender (see Table 11) or age (see Table 12) of the offender. These Tables include all unique victims where at least one person was apprehended for homicide, sexual offences, assault, threats, property damage and breach of order offences that ACT Policing linked to a family violence incident. Some information appears as unknown as it was either not fully recorded or not easily extractable from the PROMIS database.

**Table 10** Offender Indigenous status and involvement in family violence incidents, 2007–08 (n)

Offender ATSI status and sex		Times person was an offender during the period (n)		
		Once only	Twice	Three or more times
Indigenous	Male	27	11	2
	Female	13	2	0
	Total	40	13	2
Non-indigenous	Male	415	50	20
	Female	104	8	0
	Total	519	58	20
Total offenders	Male	442	61	22
	Female	117	10	0
	<b>Total</b>	<b>559</b>	<b>71</b>	<b>22</b>

Note: n=652 unique persons as offenders

Source: ACT Policing specific data request April 2009

**Table 11** Family violence victims and offenders by gender, 2007–08 (n)

Offender sex	Victim sex		
	Male	Female	Unknown
Male	66	372	194
Female	49	40	45

Note: n=766 unique victims where at least 1 person was apprehended for selected offences

Source: ACT Policing specific data request April 2009

**Table 12** Family violence victims and offenders by gender, 2007–08 (n)

Offender age (yrs)	Victim sex		
	Male	Female	Unknown
10–14	9	15	11
15–19	19	43	39
20–24	20	76	33
25–34	29	127	66
35–44	26	92	62
45–54	10	45	19
55–64	2	11	7
65+	0	3	1
Age not specified	0	0	1

Note: n=766, victims of selected offence types where at least 1 person was apprehended

Source: ACT Policing specific data request April 2009

Where the gender of both the victim and offender was known:

- 15 percent of male offenders victimised another male;
- 85 percent of male offenders victimised a female;
- 55 percent of female offenders victimised a male; and
- 45 percent of female offenders victimised another female.

Where the gender of the victim was known, females were between 1.6 and 5.6 times more likely than males to be the victim of each age category of offender (excluding offenders aged 65 years and older for whom all recorded victims were female).

Where the age of the offender was specified, 18 percent of offenders were 19 years or under. Persons aged 18 years and over, if charged, would be subject to the adult criminal justice process. The vast majority of offenders (minimum 82%) would be subject to the adult criminal justice process,

although it is not possible to definitively ascertain the exact proportion due to the age categories utilised by ACT Policing.

### *Relationships between victims and offenders*

Table 13 represents the relationships between victims and offenders for all recorded victims of selected offence types and for the victims of these selected offence types where at least one person was apprehended. Selected offence types include all homicide, sexual-related, assault, threats, property damage and breach of order offences that can be linked to a family violence incident.

These data reflect general consistency between the proportion of offences recorded and the proportion of offences where a person is apprehended by relationship between the victim and offender. Forty-eight percent of all victims and 45 percent of victims where a person was apprehended were

**Table 13** Family violence victims by relationship of offender to victim, 2007–08<sup>a</sup>

Victim type	Victims of selected offence types		Victims of selected offence types where at least one person was apprehended	
	n	%	n	%
Child	121	11	79	10
Immediate family (other)	48	4	15	2
Parent	121	11	43	6
Partner, spouse etc	276	24	200	26
Sibling	68	6	32	4
Ex-partner	270	24	146	19
Relationship not further specified	43	4	7	1
Relative (not immediate family)	47	4	18	2
Known (not related)	91	8	40	5
Relationship not recorded	58	5	186	24
Total victims	1,143		766	

a: Percentages may not total 100 due to rounding

Note: Known (not related) includes step-family relationships (victims of selected offence types n=1,143; victims of selected offence types where at least 1 person was apprehended n=766)

Source: ACT Policing specific data request April 2009

current or former partners of the offender. Twenty-two percent of all selected offences and 16 percent of offences where a person was apprehended occurred between parents and their children.

### Relationship by Indigenous status

ACT Policing recorded 766 incidents where at least one offender was apprehended for selected offences. For 186 incidents (24%), the relationship between the victim and offender was not recorded. Figure 10 reflects the relationship between victims and offenders by Indigenous status for all incidents where the relationship was recorded (n=580). The proportion of offences committed between Indigenous people, between non-Indigenous people or between Indigenous and non-Indigenous people is unknown. Although ACT Policing data records Indigenous status for both offenders and victims, these data are not collated.

These data reflect that:

- 60 percent of non-Indigenous victims and 53 percent of Indigenous victims were the current or former intimate partner of the offender;
- 14 percent of non-Indigenous victims and 11 percent of Indigenous victims were the parent of the offender;

- five percent of non-Indigenous victims and six percent of Indigenous victims were the sibling of the offender;
- eight percent of non-Indigenous victims and two percent of Indigenous victims were the child of the offender; and
- 12 percent of non-Indigenous victims and 23 percent of Indigenous victims were identified by other relationships with the offender including immediate family, step and other relative relationships.

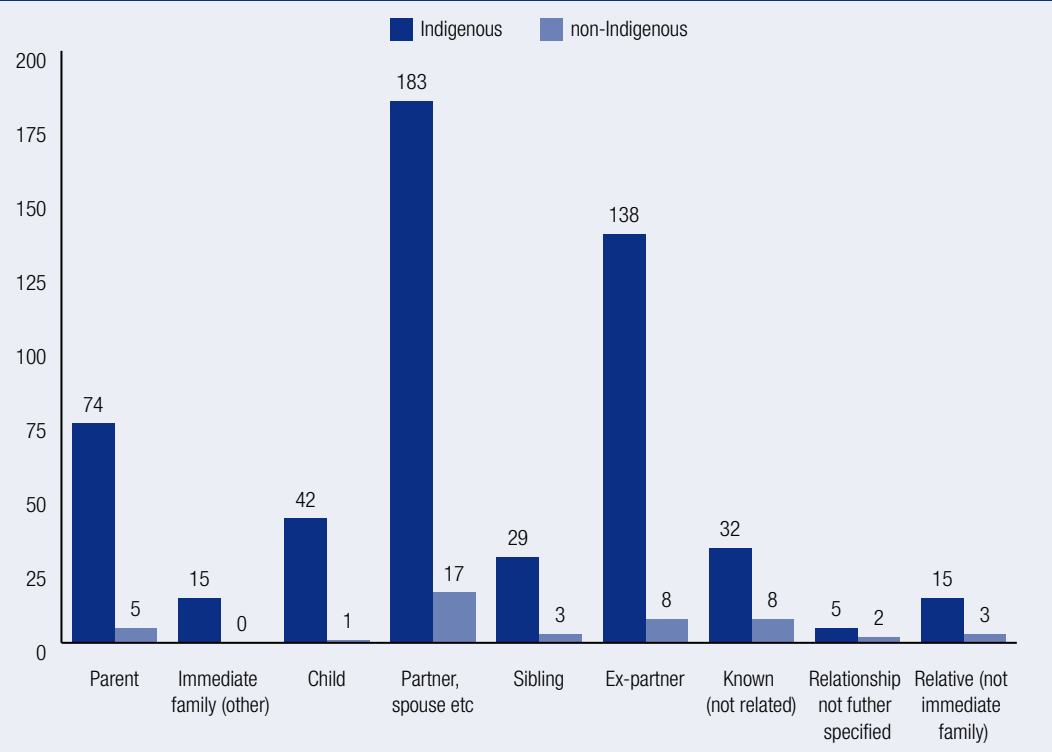
### Relationship by age

For adult offenders over 20 years of age where the relationship between the victim and offender was recorded (n=473), victims were most likely to be the current or former partner of the offender. Current or former partners were the victims of

- 67 percent of 20–24 year old offenders;
- 65 percent of 25–34 year old offenders ;
- 76 percent of 35–44 year old offenders;
- 64 percent of 45–54 year old offenders; and
- 73 percent of 55–64 year old offenders.

Three offenders were identified as over 65 years of age, two of whom were the partner of their victim.

**Figure 10** Victims by Indigenous status and relationship to offender, 2007–08 (n)



Note: Known (not related)=step family relationships; Relationship not further specified=other relative (not specified)

Source: ACT Policing specific data request April 2009

One hundred and thirty-four of the 766 offenders apprehended for selected offence types were identified as 10–19 years of age. These young offenders represent 17 percent of total offenders apprehended for selected offences. Selected offences include all homicide, sexual-related, assault, threats, property damage and breach of order offences that can be linked to a family violence incident. Victims are counted once for every incident in which they are a victim.

Figure 11 represents the relationship between the victim and the offender where the offender is less than 20 years of age and where the relationship was recorded. Twenty-eight offenders were identified as 10–14 years and 67 offenders were identified as 15–19 years of age. Seventy-one percent of the 10–14 year old offenders and 43 percent of the 15–19 year old offenders offended against their parent.

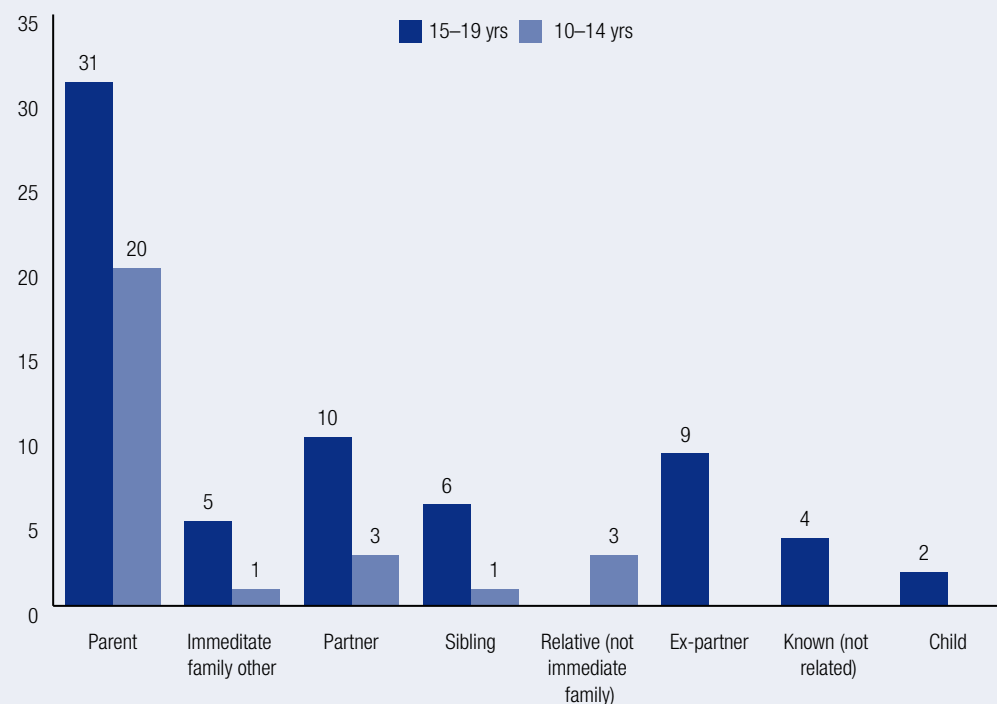
### Relationship by gender

Of the 766 offenders of selected offence types where the gender of the offender and relationship between the victim and offender were recorded, 472 offenders were male and 101 were female.

Table 14 depicts the relationships between the victim and offender by gender. According to the figures presented below, the proportion of offences against each relationship type are relatively similar by gender except where the offender is the parent of the victim. In this sample, female parents are 75 percent more likely than male parents to offend against their children. For a large proportion of offences attributed to females (n=33, 25%), the relationship between the victim and offender was not recorded, therefore, these data are indicative only.

Table 15 reflects that five percent of male victims and two percent of female victims were also

**Figure 11** Young offender relationships with victims by age, 2007–08 (n)



Note: Known (not related)=step family relationships

Source: ACT Policing specific data request April 2009

**Table 14** Offenders by gender and type of relationship with victim, 2007–08<sup>a</sup>

	Male		Female	
	n	%	n	%
Child	62	13	17	17
Immediate family (other)	11	2	4	4
Parent	23	5	20	20
Partner, spouse etc	177	38	23	23
Sibling	27	6	5	5
Ex-partner	127	27	19	19
Known (not related)	31	7	9	9
Relative not immediate family	14	3	4	4

a: Percentages may not total 100 due to rounding

n=446

Source: ACT Policing specific data request April 2009



**Table 15** Victims by whether they were also an alleged offender over the same period, 2007–08 (n)

	Gender	
	Male	Female
Offender and victim during the period	13	14
Victim only	254	698

Source: ACT Policing specific data request April 2009

**Table 16** Confirmed offence types by incident, 2007–08 (n)

Offence types	FV offence disclosed	Non-fv offence disclosed	No offence disclosed	Total incidents
Assault	494	1	6	501
Firearms or other weapons, bomb or chemical incident	0	0	2	2
Good order incident and offences against justice procedures	148	76	9	233
Burglary and trespass	3	34	1	38
Minor incident	26	5	615	646
Proactive policing	0	0	10	10
Death	2	0	1	3
Disturbance	103	33	611	747
Fire	2	0	1	3
Fraud	0	6	1	7
Sexual incident	65	3	3	71
Intoxicated person	2	3	13	18
Legal processes	0	2	33	35
Traffic incident (including collisions)	2	14	20	36
Missing person	0	0	13	13
Nuisance phone call	5	45	2	52
Property damage and environmental issues	193	1	1	195
Suspicious vehicles or persons	4	13	66	83
Robbery	1	2	0	3
Theft	8	69	4	81
Stolen motor vehicle or recovered stolen motor vehicle	0	21	4	25
Other offences against the person	5	0	0	5

Note: FV=family violence

Source: ACT Policing specific data request April 2009

offenders during the 2007–08 financial year. Of the total 979 distinct victims recorded for the period, almost three percent were also offenders during the period.

### *Police attendance, charges and resolution*

Dispatched patrols attended 2,358 (84%) of the 2,807 incidents recorded for the 2007–08 financial year. The most common incident types recorded for disclosed family violence offences were assault (46%), property damage and environmental issues (18%), good order and offences against justice procedures (14%), disturbances (10%) and sexual incidents (6%). Two family violence homicides were also recorded.

Table 17 reflects that an offence was recorded in 50 percent of the 2,807 incidents attended by police, however, only half of these resulted in a person being apprehended. Taylor’s (2006) analysis identified that criminal action was taken by police in 16 percent of 2003–04 incidents, 20 percent of 2002–03 incidents and 19 percent of 2001–02 incidents (an average of 18% across the 3 financial years). It is unknown whether the 2007–08 data is representative of an increase in arrests in the intervening years or whether it is indicative of an increase in the one year only. Further, these figures represent criminal action taken in all family violence incidents. A 2007 analysis of the family violence ‘spouse/ex-spouse’ category recorded by police identified that criminal action was taken in about 30 percent of incidents (Holder 2007).

Of the 15 persons taken into protective custody for intoxication in 2007–08 and 12 persons apprehended for intoxication, five (19%) were the partner or ex-partner of the victim and 22 (81%) had another relationship to the victim.

Table 18 depicts the number of charges and formal resolutions for other offence types by relationship status. Of the 1,495 offence resolutions recorded:

- 94 percent resulted in formal charges.
- The most common offence types leading to formal charges were assault (40%), breach of order (20%) and property damage (12%) offences. These three offence categories also constituted the greatest proportion of 2003–04 charges, however, in a different order (assault 42%; property damage 17%; breach of order 12%).
- The most common offence types leading to formal resolution but no charge were breach of order (22%), assault (21%) and good order (16%) offences.
- 779 (52%) of offences occurred between current or former intimate partners.
- 716 (48%) of offences occurred between persons where a relationship other than partner/ex-partner existed between the victim and offender.
- Assault offences accounted for 44 percent of the partner/ex-partner offences and 35 percent of the other relationship offences.
- Two homicides were recorded.
- Sexual offences accounted for three percent of total offences (1% of the partner/ex-partner offences and five percent of the other relationship offences).

**Table 17** Incidents by method of police resolution, 2007–08<sup>a</sup>

Resolution	Incidents	
	n	%
No offence—person taken into custody for intoxication	15	0.5
No offence or further action taken	1,378	49.0
Offence but no charge—no person apprehended	713	25.0
Offence but no charge—person apprehended for intoxication	12	0.4
Person apprehended for offence	689	25.0
<b>Total</b>	<b>2,807</b>	

a: Percentages may not total 100 due to rounding

Source: ACT Policing specific data request April 2009

**Table 18** Criminal charges laid by type of charge, 2007–08 (n)

Formal charge		
Offences type	Partner/ex-partner	Other relationship of offender to victim
Homicide offences	2	0
Assault offence	338	227
Sexual offences	11	33
Kidnap	5	4
Threats, harassment and other person offences	33	12
Robbery	4	0
Burglary	12	7
Fraud and related offences	5	0
Motor vehicle theft	2	9
Theft other than motor vehicle	10	15
Property damage	98	77
Breach of order	160	125
Firearms and weapons	16	21
Good order offences including trespass and breach of the peace	18	59
Drug offences	8	8
Traffic offences	17	39
Other offences	16	12
<b>Total</b>	<b>755</b>	<b>648</b>
Formal resolution but not charged		
Offences type	Partner/ex-partner	Other relationship of offender to victim
Assault offence	2	17
Burglary	0	4
Fraud and related offences	1	0
Motor vehicle theft	0	4
Theft other than motor vehicle	0	3
Property damage	6	5
Breach of order	5	17
Firearms and weapons	0	1
Good order offences including trespass and breach of the peace	6	9
Drug offences	2	4
Other offences	2	4
<b>Total</b>	<b>24</b>	<b>68</b>

Note: Formal charges include summons, arrests and charges before the court. Formal resolutions include formal cautions, diversionary cautions and simple cannabis offence notices

Source: ACT policing specific data request April 2009

- Nine kidnap offences were recorded.
- 45 (3%) of offences were threats, harassment and other person offences.
- 38 (3%) of offences were firearms or weapons offences.

Comparing these data with the Taylor (2006) analysis of 2003–04 data finds a similar proportion of offences under known categories. However, the number of charges laid in 2003–04 was considerably lower than in the current analysis (884 versus 1,403) and the categories of offences are different. Assault charges comprised 42 percent of the 2003–04 charges and 40 percent of the 2007–08 sample. Threats and related charges accounted for three percent of each year’s charges. Each of both sexual and weapons offences accounted for two percent of the 2003–04 charges and three percent of the 2007–08 charges. Property offences accounted for 17 percent of the 2003–04 charges but it is not clear whether this category constitutes offences other than property damage, which accounted for 12 percent of 2007–08 charges. Breach of order offences were higher in the current review period (20% versus 12% in 2003–04)

### Prosecution of family violence incidents

The data for the following Table and Figures was sourced from ODPP annual reports for the relevant financial years. These data are presented to provide a sense of the workload of the ODPP over the last three financial years in relation to the prosecution of

family violence matters. These data are not directly comparable to either ACT Policing data or the data received from the Magistrates’ Court. This is because each ‘matter’ as defined by the ODPP may include multiple charges for each defendant. Defendants may also be involved in more than one matter. The ODPP data presented from 2003–04 through 2007–08 includes all charges that were laid from an incident whether family violence or not, therefore, direct comparison between 2007–08 data and data from years prior to 2003–04 is not possible.

Figure 12 represents the percentage of family violence matters finalised without going to hearing, indicating an early plea of guilt. Thirty-six percent of matters were finalised by an early guilty plea in 2007–08, a decrease of almost 19 percent from the previous year. Early pleas of guilt are generally viewed favourably by the court system due to time and cost savings associated with case preparation and hearing. Benefits may also exist for victims who are shielded from the court process and facing the accused, as they are not required to testify. Early pleas of guilt may be attributed to the improved evidence collection and case preparation of both ACT Policing and the ODPP. The apparent decline in pleas of guilt in the 2007–08 financial year can not necessarily be attributed to any one cause, although the ODPP 2007–08 annual report suggests that there is a continuing trend of persons accused of crime exercising their right to have their matters committed for trial from the Magistrates’ Court to the Supreme Court. The ODPP annual report acknowledges an increase in the number and complexity of family violence prosecutions.

**Table 19** Prosecution of family violence by year, 2005–06–2007–08 (n)

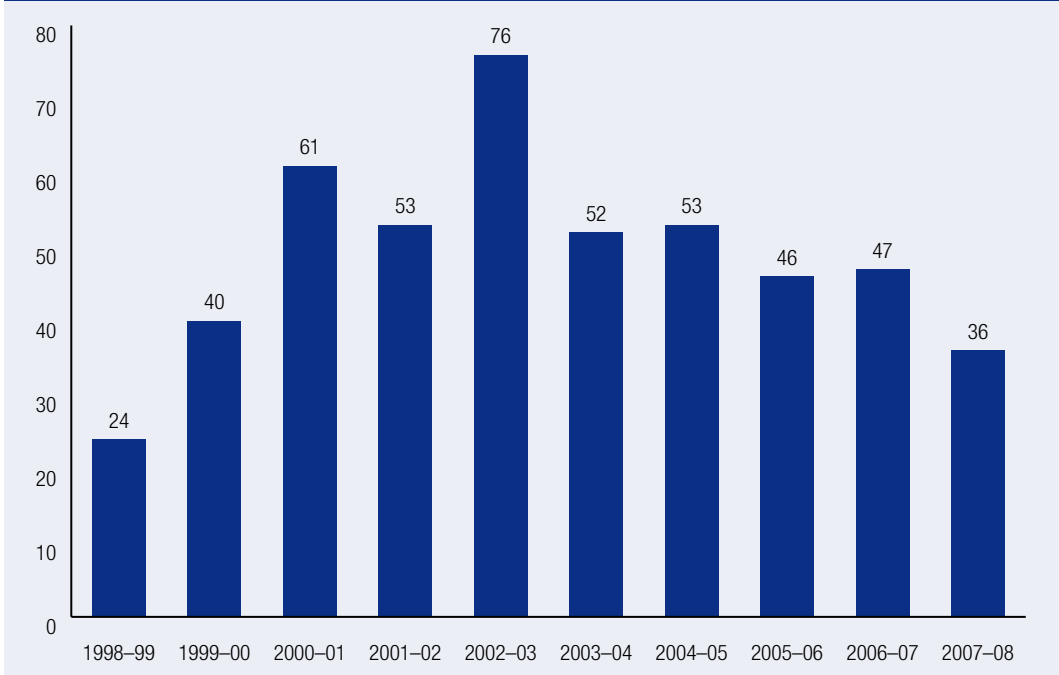
	2005–06	2006–07	2007–08
Number of matters prosecuted involving an FV offence	947	1,085	1,264
Number of matters commenced and completed	553	630	673
Number of matters finalised without going to hearing	256	296	241
Number of defendants convicted of one or more FV offences <sup>a</sup>	253	299	297
Number of defendants whose matters were discontinued <sup>b</sup>	38	52	45
Number of defendants whose matters went to hearing and were found not guilty	4	14	7

a: Including where offence proved without a conviction being recorded

b: Reasons for discontinuing matters include—insufficient evidence, not in the public interest to proceed, witness credibility/reliability

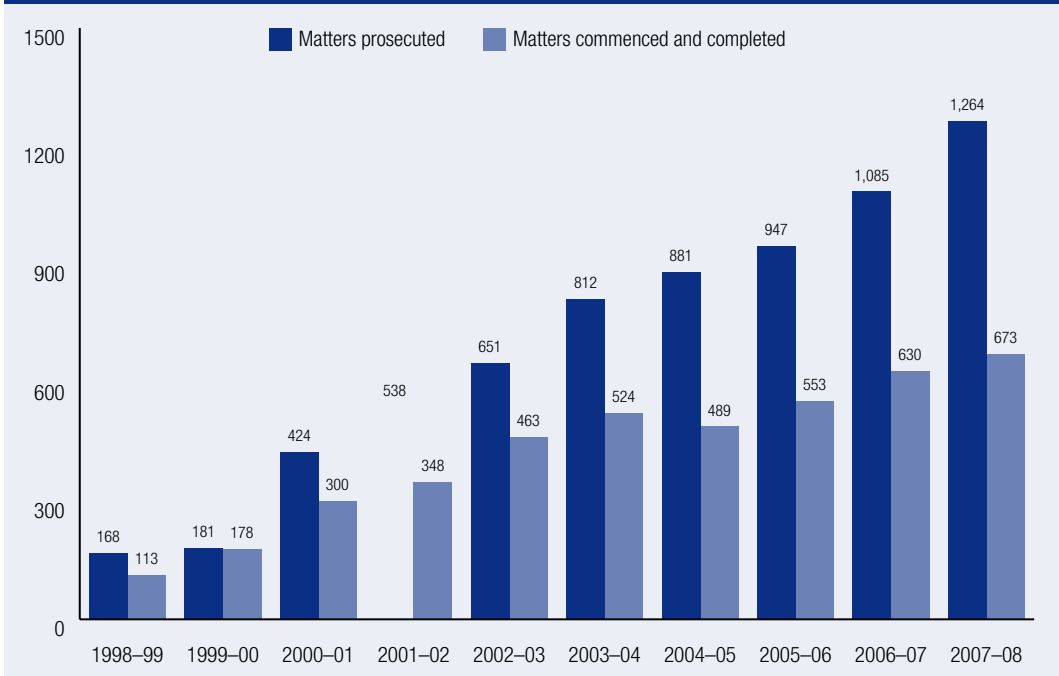
Source: ODPP 2008, 2007, 2006

**Figure 12** Matters finalised by early plea of guilt by year, 1998–99–2007–08 (%)



Source: ODPP 2008, 2007, 2006

**Figure 13** Family violence matters prosecuted and commenced and completed by year, 1998–99–2007–08 (n)



Source: ODPP 2008, 2007, 2006

Although the data sets are not directly comparable, Figure 13 reflects a slight downward trend in the proportion of family violence matters commenced and completed per financial year against the number of family violence matters prosecuted in that year. In 2007–08, slightly more than half (53%) of the total matters prosecuted were commenced and completed in that year. If there has been an increase in the complexity of family violence matters this could result in them taking longer to finalise.

Figure 14 reflects the total number of persons convicted of family violence offences. These data reflect convictions in the Magistrate’s and Supreme Courts and are therefore not directly comparable to the Magistrates’ Court data presented in the following sections of this report. Two hundred and ninety-seven persons were convicted in the 2007–08 financial year.

### ACT Magistrates’ Court defendant profiles

#### A note on the data

The term *defendant*, as used in the Magistrates’ Court data, refers to a person against whom one

or more criminal charges have been laid, typically relating to the same incident and that are heard together by the court. The term *folder* is used synonymously with the term *defendant* in the Magistrates’ Court database. *Defendant* therefore does not refer to distinct individuals, as each person may have multiple *folders* (ie they may have been involved in multiple incidents during the time period).

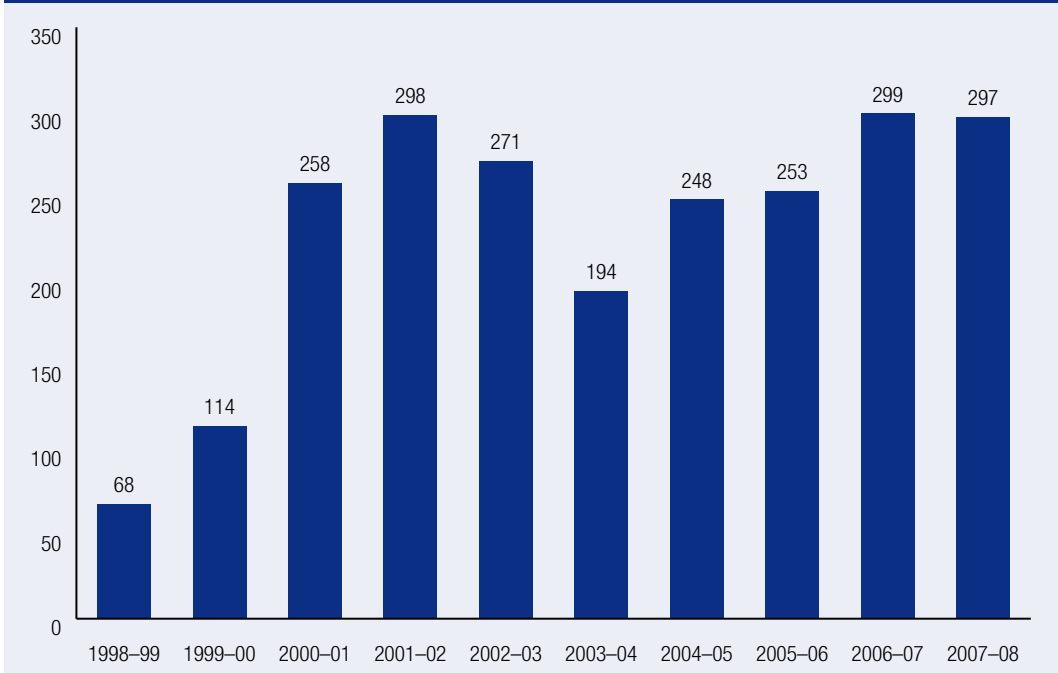
When reviewing these data, it is necessary to note that some of the family violence cases finalised in 2007–08 will have commenced in the previous year. It is also worth noting that some of the family violence cases first coming before the Magistrates’ Court in 2007–08 will not be finalised until 2008–09.

Where available, data show results for the full 10 years of the FVIP’s operation. While the court records the gender of offenders, it does not record Indigenous status.

#### Gender of defendants

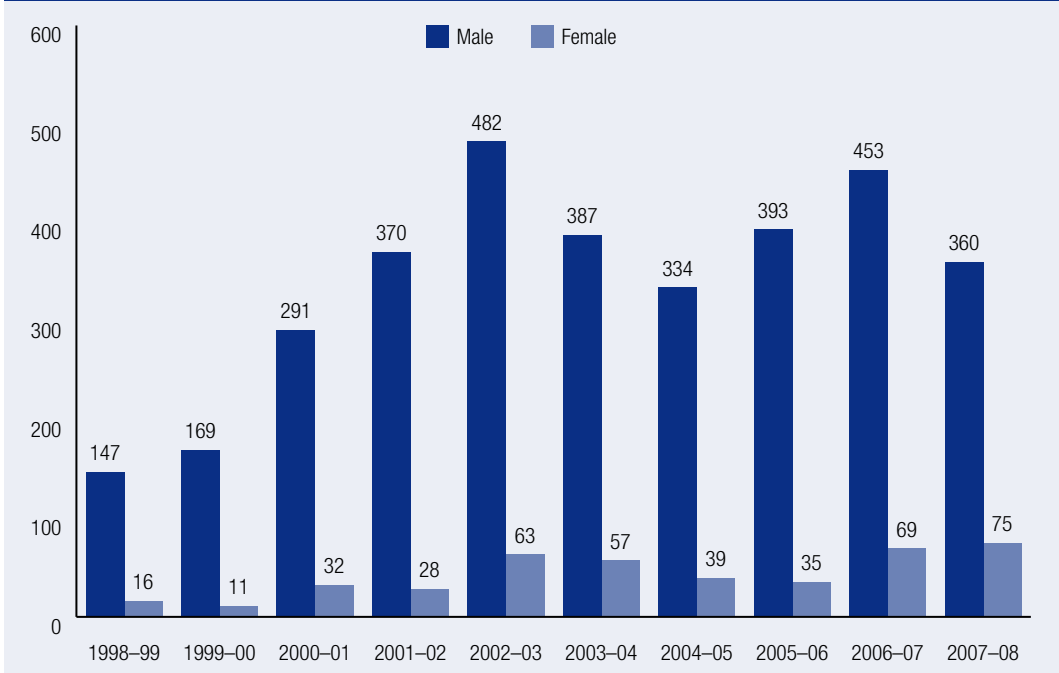
During the 2007–08 financial year, 435 defendants appeared before in the Magistrates’ Court on family violence charges. Four hundred and three (93%) of these defendants were adults and 32 (7%) were

**Figure 14** Defendants convicted of one or more family violence offences by year, 1998–99–2007–08 (n)



Source: ODPP 2008, 2007, 2006

**Figure 15** Gender of defendants by year, 1998–99–2007–08 (n)



Note: Data includes defendants before the Children’s Court and adult Magistrates’ Court

Source: ACT Magistrates’ Court; Holder & Caruana 2006

persons appearing in the Children’s Court whose offences were committed when they were aged over 10 and under 18 years. Figure 15 depicts the number of defendants by gender. Of the total defendants, 83 percent were male. Of the adult defendants, 88 percent were male. By contrast, 78 percent of Children’s Court defendants were female. In 2006–07, the majority of both the adult and Children’s Court defendants were male (88 and 75% respectively). The reasons for the increase in female young person’s appearing in the Children’s Court in 2007–08 are unknown. It may reflect an actual increase in offending or changes in policing practices. Data was not requested from the Magistrates’ Court as to the nature of charges against persons who were not convicted. As none of these female young persons were convicted, no contextual information can be provided.

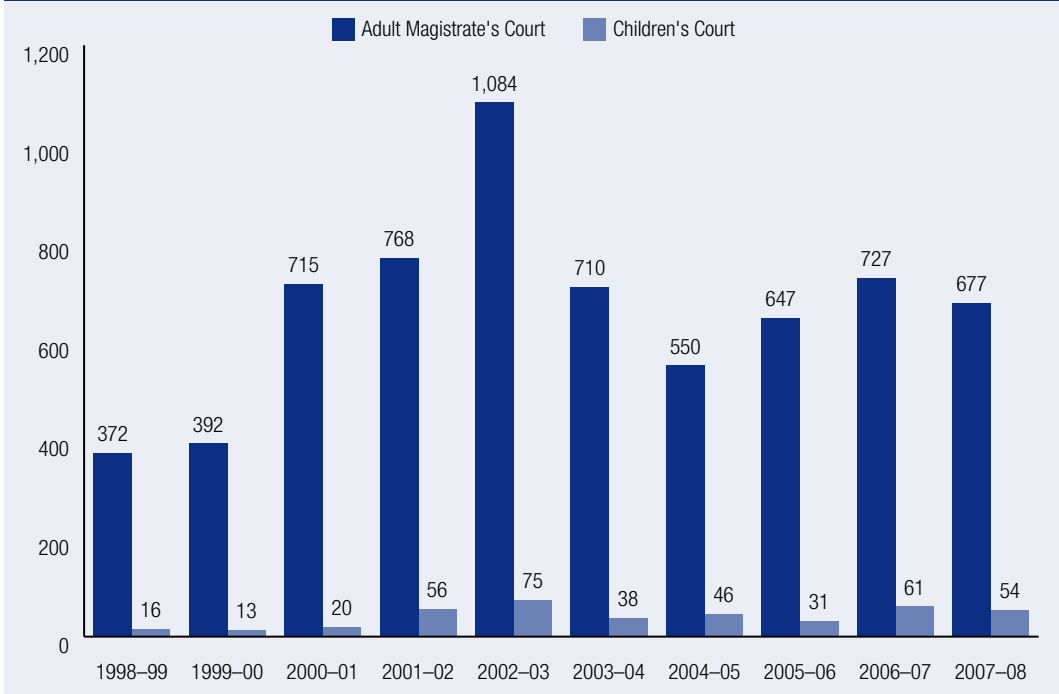
Figure 16 represents the number of family violence charges heard by the adult Magistrates’ Court and the Children’s Court during the 10 years of operation of the FVIP. In 2007–08, 731 family violence charges were heard by the courts. Holder and Caruana

(2006) suggest that the increase in charges between 2001–02 and 2002–03 may be attributed to the expansion of the policing aspects of the FVIP in the ACT region after 2001, followed by revisions to charging practices in 2003.

Figure 17 depicts the number of family violence charges finalised by financial year. Charges are finalised by guilty or not guilty findings, committal for trial to the Supreme Court or where there is no evidence to offer (NETO). There was a 15 percent decrease in the number of charges finalised in 2007–08 from the previous financial year. The number of charges finalised is not directly comparable to the number of charges brought before the courts (see Figure 14), as matters may have commenced in the previous year.

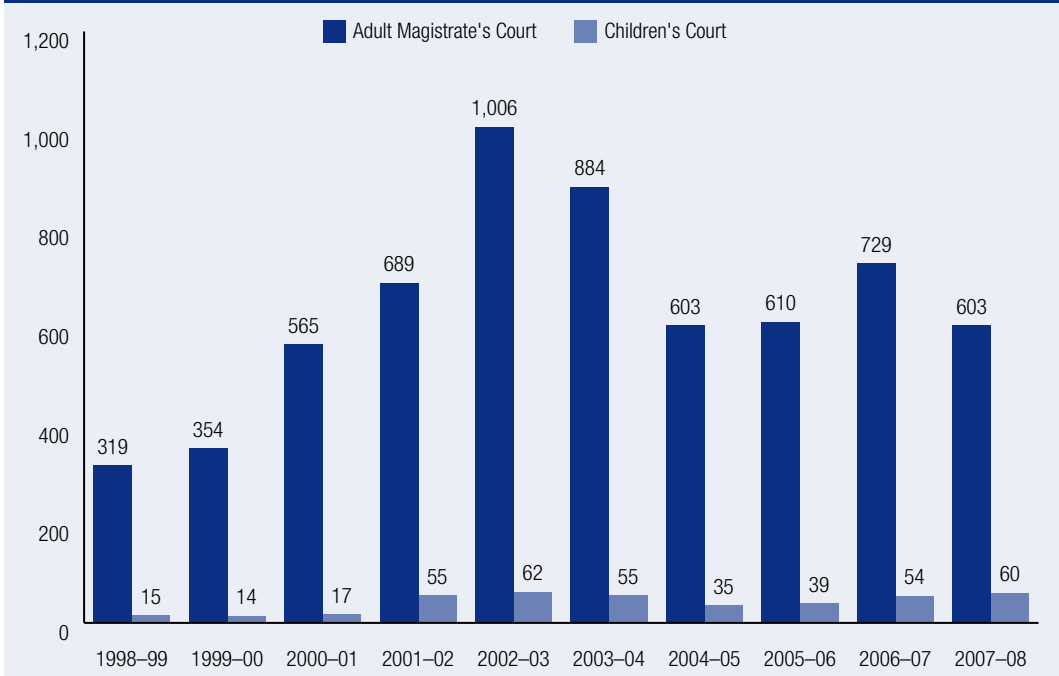
Figure 18 depicts the number of new family violence charges, alongside the number of family violence charges finalised per financial year. These data are not directly comparable because matters may have been commenced and completed in different years. This Figure demonstrates that similar proportions of charges are brought before the court and finalised in

**Figure 16** New family violence charges in Magistrates' and Children's Courts by year, 1998–99–2007–08 (n)



Source: ACT Magistrates Court; Holder & Caruana 2006

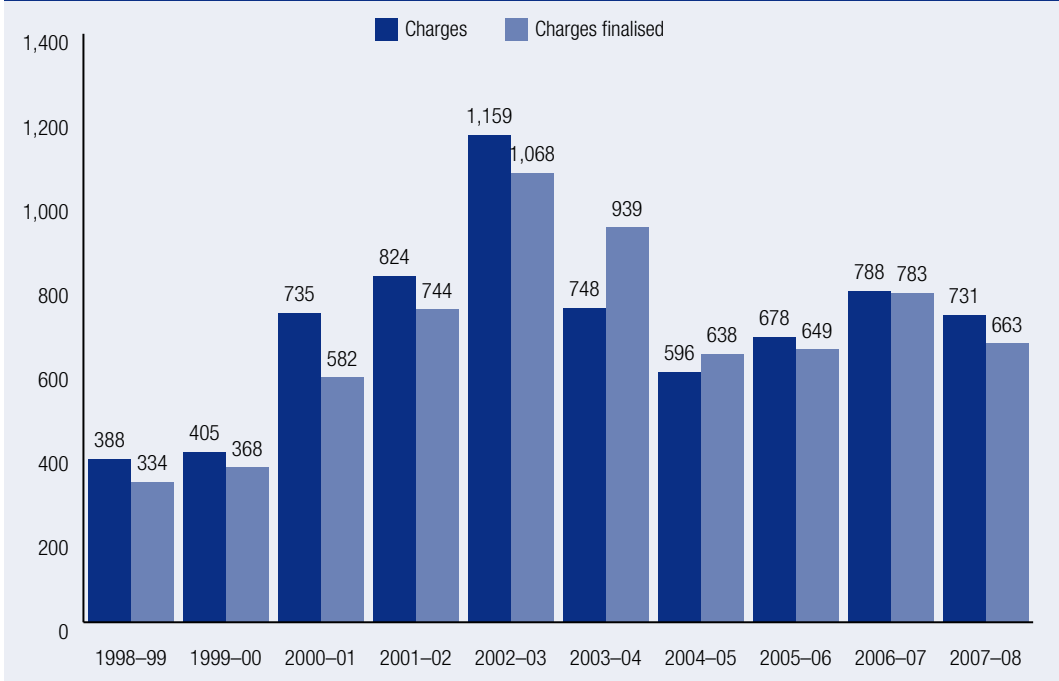
**Figure 17** Family violence charges finalised in Magistrates' and Children's Courts by year, 1998–99–2007–08 (n)



Source: ACT Magistrates Court; Holder & Caruana 2006



**Figure 18** New family violence charges and family violence charges finalised by year, 1998–99–2007–08 (n)



Source: ACT Magistrates Court; Holder & Caruana 2006

each financial year, which suggests that the majority of matters are finalised within a one year period and that there is a relatively consistent flow of matters to the court.

### Court finalisation of matters

Table 20 depicts the number of charges by finalisation method over the 10 year operation of the FVIP. Charges may be finalised by way of NETO, committal for trial or sentencing to the Supreme Court, or guilty or not guilty. During the 2007–08 financial year, equal proportions of charges (47%) resulted in convictions (identified by a guilty finding) and no convictions (identified by a not guilty finding or NETO). Five percent of charges were referred to the Supreme Court. Over the 10 year operation of the FVIP:

- almost half (49%) of the charges have resulted in a finding of guilt (either through a plea or proven charge);
- 30 percent have been finalised by no evidence to offer by the prosecution;

- 16 percent of charges resulted in a not guilty finding; and
- six percent of charges have been committed to the Supreme Court.

These results have been relatively consistent through the 10 years for which data is available.

### Time taken to resolve family violence matters

One of the purposes of a specialist family violence court is to ‘fast track’ family violence matters through the courts. This is seen as beneficial to both victims and accused persons, as a resolution to matters can assist families to move on whether they remain together, separate or need to resolve family court matters. The FVIP does not have a prescribed timeframe for matters to be finalised, however, the Practice Directions for the family violence list identifies requirements for early listing and prosecutorial preparation of these matters.

A number of factors can affect the timeliness of case finalisation including case complexity, charge

**Table 20** Finalisation method of adult and young person family violence charges, 1998–99–2007–08

	Guilty		NETO		Not guilty		Committed to Supreme Court		Total
	n	%	n	%	n	%	n	%	n
1998–99	114	34	118	35	34	10	68	20	334
1999–2000	178	48	133	37	41	11	16	4	368
2000–01	298	51	181	31	83	14	20	4	582
2001–02	413	55	211	28	86	12	34	5	744
2002–03	508	48	369	34	160	15	31	3	1,068
2003–04	434	46	317	34	170	18	18	2	939
2004–05	339	53	151	24	116	18	32	5	638
2005–06	304	47	135	21	137	21	73	11	649
2006–07	392	50	210	27	124	16	57	7	783
2007–08	316	47	178	27	134	20	35	5	663
Total	3,296	49	2,003	30	1,085	16	384	6	6,768

Note: NETO=no evidence to offer

Source: ACT Magistrates' Court; Holder & Caruana 2006

**Table 21** Length of time taken to finalise Children's Court cases, 2006–07–2007–08

	Family violence cases				All cases			
	2006–07		2007–08		2006–07		2007–08	
	n	%	n	%	n	%	n	%
Under 6 weeks	12	31	9	25	147	22	157	22
6 to 13 weeks	9	23	13	36	176	27	174	24
13 to 20 weeks	7	18	6	17	88	13	132	18
20 to 26 weeks	4	10	1	3	67	10	72	10
26 to 39 weeks	4	10	3	8	97	15	96	13
39 to 52 weeks	1	3	0	0	41	6	42	6
52 to 65 weeks	0	0	0	0	25	4	19	3
Over 65 weeks	2	5	4	11	21	3	25	4
Total	39	100	36	100	662	100	717	100

Source: ACT Magistrates' Court

negotiation, the fitness of the accused person to enter a plea and changes to charges after a hearing has commenced. The time taken to finalise a case is recorded as the length of time between a defendant's first appearance in court and the date of finalisation. Defendants may appear before the court for multiple charges to be heard together, as they are deemed to relate to the same incident. These charges constitute the defendant's folder. Each charge within the folder may take a different amount

of time to finalise, however, the case will not be recorded as finalised until all charges are dealt with. Some charges may be changed after the first court appearance, for example, where there is no evidence to offer by the prosecution and a lesser charge is presented to the court. In these circumstances, the new or changed charge will be added to the defendant's folder. Time will be granted by the court for the prosecution and the defence to prepare the case and a new hearing date will be set.

This will increase the amount of time taken to finalise the entire case.

Table 21 identifies the length of time taken to finalise family violence cases in the Children’s Court over the 2006–07 and 2007–08 financial years. The timeframe can be compared with the length of time to finalise all cases. In 2007–08, 61 percent of family violence cases and 46 percent of all cases were finalised within 13 weeks. Eleven percent of family violence cases took over one year to finalise, however, this figure represents only four cases.

Table 22 identifies the length of time taken to finalise adult family violence cases in the Magistrates’ Court over the 2006–07 and 2007–08 financial years. The timeframe can be compared with the length of time to finalise all cases. In 2007–08, 54 percent of family violence cases and 61 percent of all cases were finalised within 13 weeks. Two percent of family violence cases took over one year to finalise, representing nine cases. As noted above, a number of factors influence the case finalisation time.

## Convictions

In 2007–08, 225 folders (defendants) were finalised by conviction for 321 family violence charges. Although charges may be proven without a conviction being recorded, these data only reflect charges where a conviction was recorded. The number of defendants reflected in Figure 19 does

not compare to the number of defendants from Figure 15 (number of defendants by gender) because some of the charges may commence and finalise in different years.

Of the 225 defendants depicted in Figure 18:

- 214 are adult folders, representing 197 distinct offenders and 301 of the charges;
- 192 of these folders are for adult male offenders (176 distinct offenders and 268 of the charges);
- 22 of these folders are adult female offenders (21 distinct offenders and 33 of the charges); and
- 11 are young male offenders’ folders (9 distinct offenders and 20 of the charges).

Figure 20 depicts the number of charges per defendant by gender during the 2007–08 financial year. The majority of adult defendants (72%) faced only one charge.

The 301 charges reflected in Figure 17 were faced by 197 distinct offenders of whom 176 were men and 21 were women. Each person was convicted of one or more charges and had one or more folders (ie were counted as a defendant 1 or more times). In two circumstances, the identification number of an adult male folder was used for two distinct persons. These folders were counted twice, once for each distinct person, in order to accurately represent the number of adult defendants facing one or more charges. The number of adult male defendants for

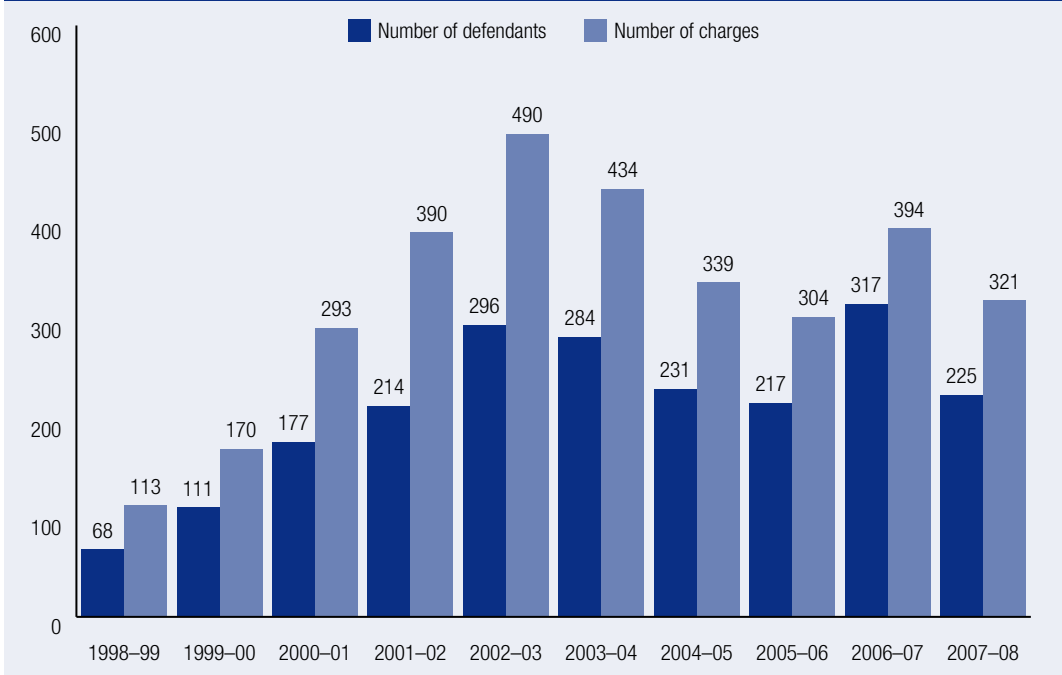
**Table 22** Length of time taken to finalise adult Magistrates’ Court cases, 2006–07–2007–08<sup>a</sup>

	Family violence cases				All cases			
	2006–07		2007–08		2006–07		2007–08	
	n	%	n	%	n	%	n	%
Under 6 weeks	118	24	111	30	1,346	24	1,340	24
6 to 13 weeks	129	26	90	24	1,801	32	2,003	36
13 to 20 weeks	71	14	67	18	771	14	843	15
20 to 26 weeks	64	13	40	11	349	6	373	7
26 to 39 weeks	69	14	34	9	487	9	454	8
39 to 52 weeks	23	5	14	4	197	3	166	3
52 to 65 weeks	4	1	9	2	112	2	86	2
Over 65 weeks	14	3	9	2	591	10	241	4
Total	492		374		5,654		5,506	

a: Percentages may not total 100 due to rounding

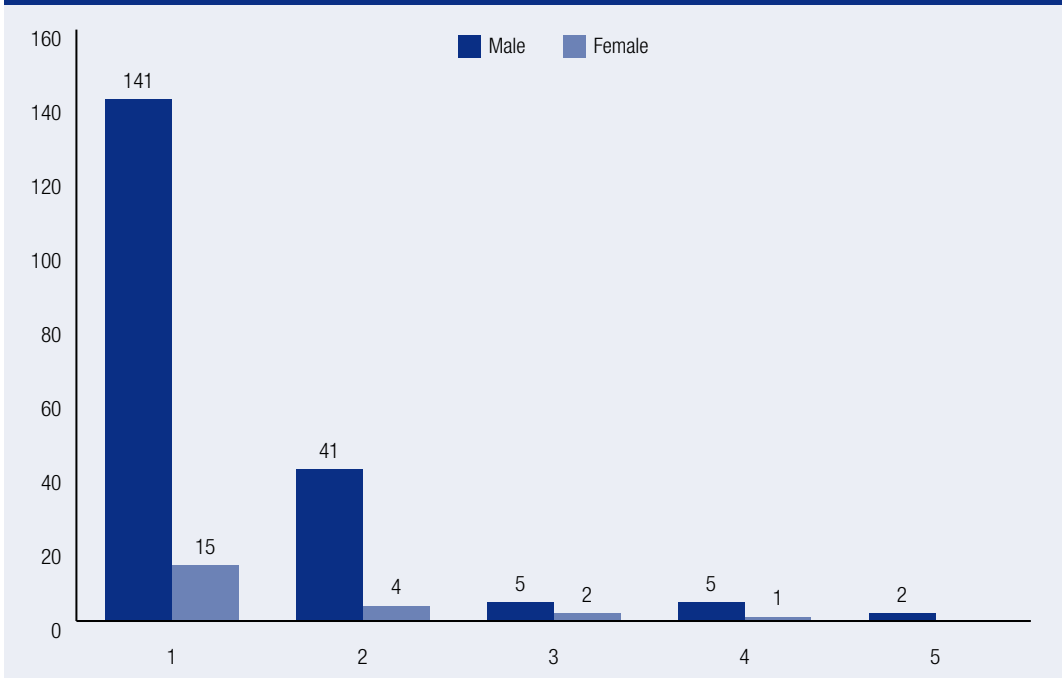
Source: ACT Magistrates’ Court

**Figure 19** Defendants convicted and charges where a conviction is recorded by year, 1998–99–2007–08 (n)



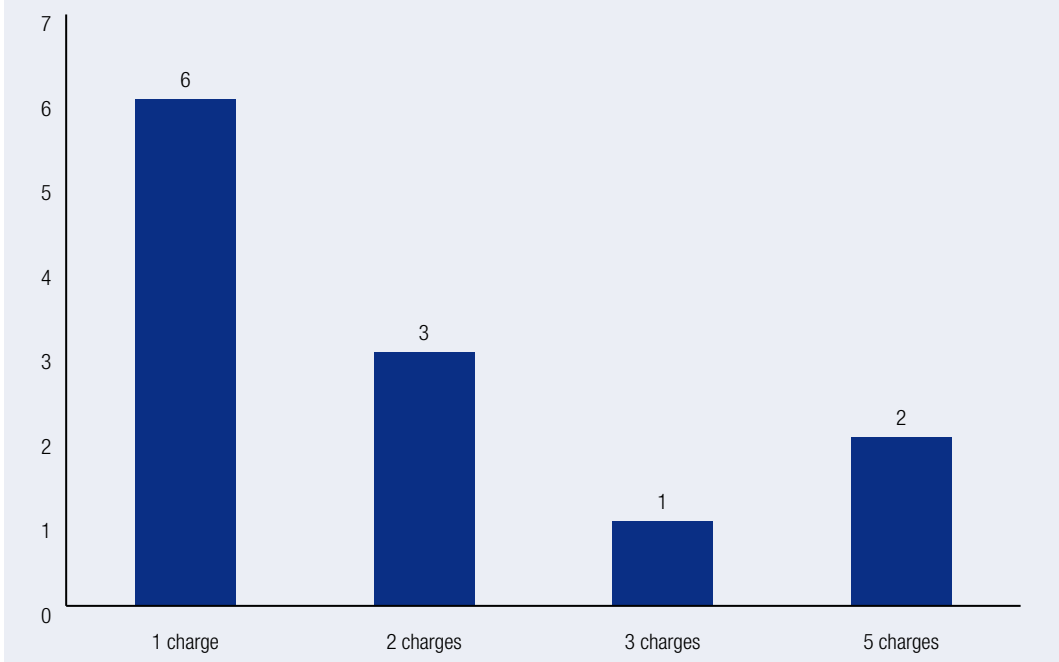
Source: ACT Magistrates' Court; Holder & Caruana 2006

**Figure 20** Convicted adult defendants by charges, 2007–08 (n)



Source: ACT Magistrates' Court

**Figure 21** Convicted young offenders by charges, 2007–08 (n)



Source: ACT Magistrates' Court

this Figure, therefore, equals 194 and the number of female defendants is 22 for a total of 216 defendants (or folders).

Figure 21 depicts the number of defendants and number of charges faced by the young offenders during the 2007–08 financial year. There were 11 distinct young offenders, however, one person had two separate folders, or cases. Fifty-four percent of these young offenders faced one charge, 27 percent faced two charges, one percent faced three charges and 18 percent faced five charges. All convicted defendants were male.

## Sentence outcome

### Young offender sentence outcomes and supervision

Nine young male offenders were convicted of 20 family violence charges during the 2007–08 financial year. The charges for which these young offenders were convicted are not represented in this report due to the small number of offenders and the potential for these persons to be identified by their charges. One young offender received a reprimand as the

sentence outcome for his offence. The other eight young offenders (19 charges) received a probation order to be supervised by Community Youth Justice, OCYFS.

### Adult offenders

Adult family violence offenders were convicted of 301 charges during the 2007–08 financial year. ACT Policing and the ODPP may lay charges against a person under ACT or Commonwealth legislation, including:

- *Domestic Violence and Protection Orders Act 2008*;
- *Criminal Code 2002*;
- *Bail Act 1992*;
- *Crimes Act 1900 (ACT)*;
- *Crimes Act 1914 (Cth)*;
- *Commonwealth Criminal Code*;
- *Prohibited Weapons Act 1996*;
- *Drugs of Dependence Act 1989*;
- *Road Transport (Alcohol and Drugs) Act 1977*;
- *Road Transport (Driver Licensing) Act 1990*;

- *Road Transport (General) Act 1999*;
- *Road Transport (Safety and Traffic Management) Act 1999*; and
- *Road Transport (Vehicle Registration) Act 1999*.

A range of sentencing options are available to the court under the *Crimes (Sentencing) Act 2005*.

Table 23 reflects adult sentence outcomes by the number of charges (n=301). The types of charges receiving a given sentence are also provided, however, conclusions about sentence appropriateness should not be drawn as the context of the case as presented to the court is not available for analysis.

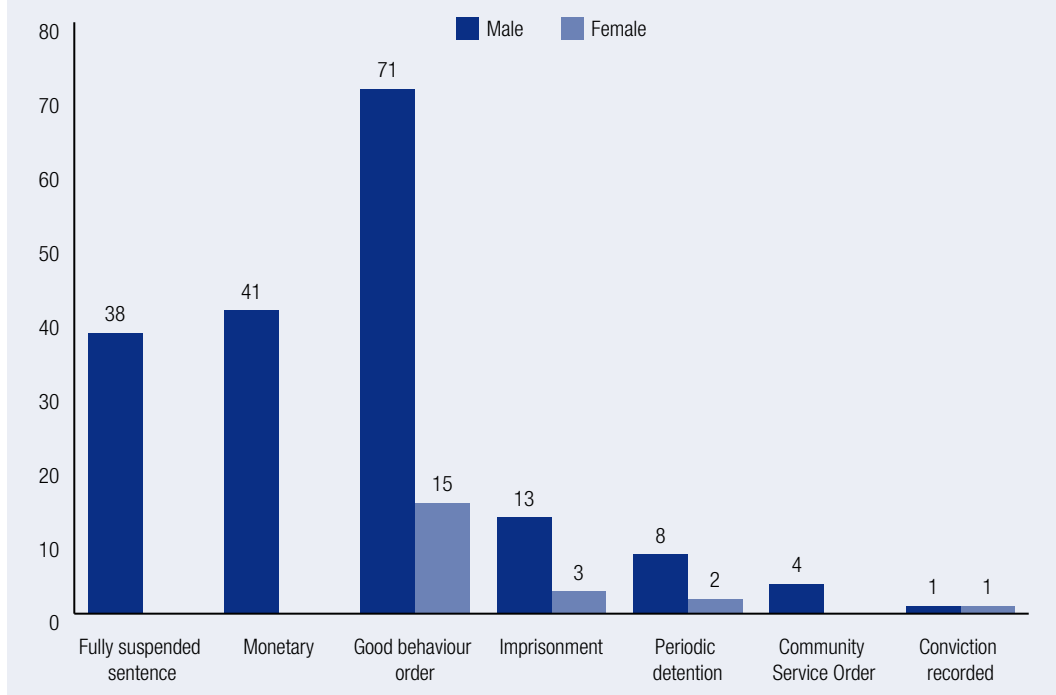
One hundred and ninety-seven distinct offenders were convicted of the 301 charges identified in Table 21. One hundred and seventy-six (89%) of these offenders were male and 21 (11%) of these offenders were female. Each offender was convicted of one or more offences. Each distinct offender may have had one or more folders (ie they may have been convicted of an offence(s) relating to one or more incidents during the time period). All offenders

with multiple folders were convicted of multiple offences. Of the 197 distinct offenders:

- 159 men had one folder only; 42 of these men were convicted of multiple charges;
- 16 men had two folders;
- one man had three folders;
- 20 women had one folder; seven of whom were convicted of multiple charges; and
- one woman had two folders.

Sixty-seven of the 197 adult offenders charged with family violence offences in 2007–08 were convicted of multiple charges and therefore received more than one sentence outcome. Graphically depicting sentence outcome therefore requires an assessment of outcome severity. The degree of severity of outcome was assessed by the reviewer on the basis of the level of supervision and/or deprivation of liberty the offender could experience. Imprisonment is the most severe penalty the court may impose. Under the *Crimes (Sentencing) Act 2005*, offenders whose sentences of imprisonment are suspended, fully or in part, must be issued with a supervised or unsupervised GBO. The suspended

**Figure 22** Adult sentence outcomes by gender, 2007–08 (n)



Source: ACT Magistrates' Court

sentence may be imposed in the future if the offender does not comply with the conditions of the order or reoffends during the period of the order. These sentence outcomes are therefore of greater severity than a periodic detention order, community service order (CSO), GBO or monetary penalty (including fines, court costs and victim compensation).

Figure 22 depicts the sentence outcome for adult male and female offenders. Adult offenders convicted of family violence offences in 2007–08 were most likely to receive a GBO (44%) as the most severe sentence outcome.

Of the 176 male offenders:

- 40 percent received a GBO;
- 23 percent received a monetary penalty;
- 22 percent were given a fully suspended sentence;
- seven percent received an order of imprisonment;
- five percent received a periodic detention order;
- two percent received a CSO; and
- one person had a conviction recorded and no further penalty.

Of the 21 female offenders:

- 71 percent received a GBO;
- 14 percent received an order of imprisonment;
- 10 percent received a periodic detention order; and
- one person had a conviction recorded and no further penalty.

Conclusions about any apparent disproportional sentencing by sentence type and gender cannot be drawn as, although charges by gender are available for analysis, the small number of female offenders warrants the exclusion of that information from this report for privacy reasons. Table 23 provides an indication of the types of charges receiving various sentences and combinations of sentences.

## Supervision of offences

During the 2007–08 financial year, offenders sentenced to periods of imprisonment were supervised by the NSW Department of Corrective Services. ACTCS supervised persons remanded in custody awaiting adjudication of their case or sentencing and offenders serving periodic detention

orders. ACTCS may supervise offenders remanded on bail, serving a GBO or serving a CSO if the supervision is directed by the court.

The level of supervision an offender may experience depends on the order they receive from the court and the level of risk of reoffending they present. This level of risk is assessed by a risk assessment instrument. Both NSW Corrective Services and ACTCS utilise the Level of Service Inventory—Revised and may supplement this assessment tool with others designed for specific offence behaviours. Depending on the level of assessed risk, offenders may be supervised on a weekly, fortnightly or monthly basis and have their progress on agreed outcomes monitored.

From the sentence outcome information supplied by the Magistrates' Court (see Figure 22), it is possible to provide an indication of the number of persons supervised by ACTCS on new family violence offence-related orders during the 2007–08 financial year.

Figure 23 depicts the proportion of offenders supervised by ACTCS, NSW Corrective Services, receiving no supervision or likely receiving supervision from ACTCS based on the following decision criteria of the reviewer:

- all persons receiving monetary penalties or a recorded conviction are counted as receiving no supervision for their offence (n=43)
- persons sentenced to terms of imprisonment are identified as receiving supervision from New South Wales (n=16)
- persons receiving periodic detention orders or CSOs are identified as receiving supervision from ACTCS. CSOs are, at a minimum, monitored by ACTCS and each of the four offenders receiving a CSO were also given a GBO, making it highly probable that they received supervision in addition to monitoring (n=14).
- persons receiving a GBO or fully suspended sentence were assessed as likely to receive supervision from ACTCS. The majority of GBOs are accompanied by supervision by ACTCS' Probation and Parole Unit. Some GBOs, however, are unsupervised and the Magistrates' Court data does not differentiate on this basis, therefore, it is not possible to determine if these orders were supervised or not (n=124).

**Table 23** Adult offender sentence outcome by charges, 2007–08 (n)

Sentence outcome	n	Types of charges
Imp, LICC	1	Drive motor vehicle with alcohol in blood
Imp	36	Damage property over \$1,000, Fail to appear after bail undertaking, possess offensive weapon, assault occasioning actual bodily harm, common assault, common assault summary offence, neglect a child, unlawful takeaway child under 12 years, breach/convict/sent/immediate release/fail behave, assault occasioning actual bodily harm (post 14/6/90), contravention of protection order, unlicensed driver/rider, no third party insurance, not stop vehicle of requested/signal, use unregistered/suspended vehicle
Imp, SSP, LICC	1	Furious/reckless/dangerous driving
Imp, SSP	1	Common assault
Rising of the Court	2	Unlicensed driver/rider, not stop vehicle of requested/signal
SSP, LICC	1	Drive while licence suspended
SSP	1	Common assault
SSF, PD, Monetary	1	Damage property over \$1,000
SSF, CSO, Monetary	1	Assault occasioning actual bodily harm (post 14/6/90)
SSF, CSO, LICC	1	Drive motor vehicle with alcohol in blood
SSF, CSO	1	Common assault
SSF, Monetary	13	Assault occasioning actual bodily harm, common assault, common assault summary offence, contravention of protection order
SSF	47	Damage property over \$1,000, cultivate a controlled plant, possess offensive weapon with intent, assault occasioning actual bodily harm, common assault, damage property (not exceeding \$1,000), Stalking, possess knife without reasonable excuse, assault occasioning actual bodily harm (post 14/6/90), contravention of protection order
PD, Monetary, LICC	1	Drive while disqualified
PD, Monetary	4	Assault occasioning actual bodily harm, common assault, damage property (not exceeding \$1,000), contravention of protection order
PD	4	Assault occasioning actual bodily harm, contravention of protection order
GBO, CSO, Monetary	2	Damage property over \$1,000, contravention of protection order
GBO, CSO	4	Damage property over \$1,000, assault occasioning actual bodily harm, damage property (not exceeding \$1,000)
GBO, LICC, Monetary	1	Drive motor vehicle with alcohol in blood
GBO, Monetary	51	Damage property over \$1,000, assault occasioning actual bodily harm, common assault, damage property (not exceeding \$1,000), possess offensive weapon with intent, contravention of protection order
GBO	72	Damage property over \$1,000, Fail to appear after bail undertaking, recklessly or intentionally inflict actual bodily harm, assault occasioning actual bodily harm, common assault, common assault summary offence, damage property (not exceeding \$1,000), assault occasioning actual bodily harm (post 14/6/90), cancellation GBO suspended sentence, possess drug of dependence, contravention of protection order, trespass on premises, CTH- Trespass on premises, possess/use prohibited substance,
Monetary, LICC	2	Drive motor vehicle with alcohol in blood, burnout a vehicle
Monetary	51	Minor theft, damage property over \$1,000, fail to appear after bail, undertaking, assault occasioning actual bodily harm, common assault, common assault summary offence, damage property (not exceeding \$1,000), possess offensive weapon, possess offensive weapon with intent, breach/conv/no sentence/fail behave, possess prohibited substance, contravention of protection order, unlicensed driver/rider, no third party insurance, use unregistered/suspended vehicle
Convicted	2	Common assault

Note: IMP=Imprisonment, GBO=Good behaviour order, CSO=Community service order, LICC=Licence suspended, PD=Periodic detention, SSP=partially suspended sentence, SSF=fully suspended sentence, Monetary includes fines, court costs and victim compensation. All charge types taken from ACT Magistrates' Court database

Source: ACT Magistrates' Court



## Family Violence Self-Change Program participation

ACTCS policy is to refer all offenders identified as family violence offenders to the Offender Interventions Program (OIP) Unit for assessment as to their suitability to participate in the FVSC Program. In some circumstances, assessment for the program is mandated by the court as part of the offender's order.

Table 24 reflects that 111 persons were referred for assessment to the OIP Unit in 2007–08. One of these offenders was female. In 2006–07, 70 male offenders were referred to the OIP Unit. Depending on the hearing date on which the person was convicted, offenders may be convicted in one year but not referred to the program until the following year.

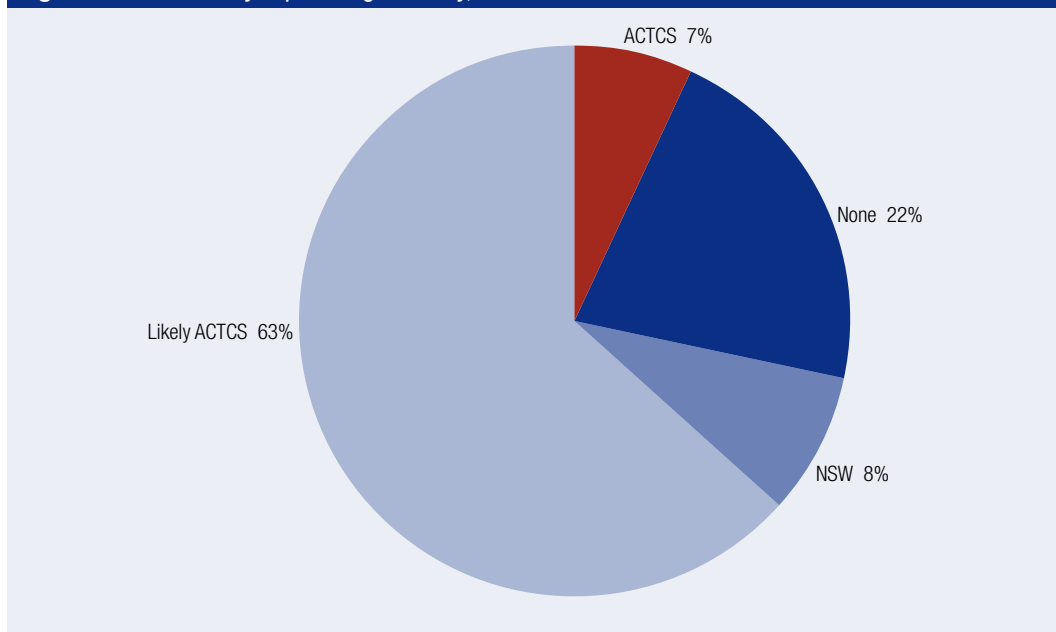
Of the 111 persons referred to the OIP Unit, 39 (35%) were assessed as suitable to undertake the FVSC Program. Ability to work in groups, literacy levels and/or problematic alcohol and/or other drug use will, among other factors, affect whether the person is found suitable. The program can be modified for persons from non-English speaking backgrounds and one-on-one interventions are conducted in some circumstances. In addition, those offenders

assessed as posing less risk of reoffending may be referred to alternate agencies for interventions, including Relationships Australia's 'Anger Management for Men', the Canberra Men's Centre's anger management program or alcohol and other drug rehabilitation centres such as Mancare.

The length of the order and the level of participant engagement with their program will affect completion levels. Completion in the previous Learning to Relate without Violence and Abuse program was based on attending 24 group sessions. Completion of the FVSC Program requires program participants to finish a four-step program. Completion of each 'step' is contingent upon attendance, homework completion and demonstrating competency in the skills. Therefore, although only eight program completions were recorded in 2007–08, there may have been participants who had attained some skill acquisition up to step 2, 3 or 4.

Not all offenders will be assessed for, commence and/or complete the program within one financial year. Therefore, the data on these variables are not necessarily comparable and it is not possible to determine the actual participation levels of these offenders.

**Figure 23** Offenders by supervising authority, 2007–08



Source: ACT Magistrates' Court

**Table 24** Family Violence Self-Change Program participation, 2006–07–2007–08 (n)

	2006–07	2007–08
<b>Referrals</b>	<b>70</b>	<b>111</b>
<b>Type of order originating referral</b>		
Good behaviour	65	96
Bail	5	12
Parole	0	3
Assessed as suitable	36	39
Program commencements	31	28
Program completions	13	8
Departures/expulsions	18	15
Breach actions on failure to comply	5	5
Number of partner contacts	n/a	25

Source: ACTCS

Additional information obtained from the OIP Unit provides more contextual information in relation to the 111 referrals from 2007–08. These data suggest that 35 persons (32%) were assessed as unsuitable, 15 (14%) were referred to alternative programs, 11 (10%) had insufficient time left on their order and 11 (10%) failed to attend their assessment appointment.

The differences in program completion rates between 2006–07 and 2007–08 may be attributed to the move of the OIP Unit from the Symonston site to the Eclipse House offices in mid 2007. The move resulted in a loss of participant capacity due to smaller room sizes and the loss of the specialist Program Support Team of probation and parole officers (PPOs), including weekly case tracking. When the OIP unit was at Symonston, there was a team of four specialist PPOs who only worked with offenders undertaking programs. Program and PPO staff liaised closely and met weekly to monitor offender progress and problems. This meeting was seen to be of benefit by providing opportunities for timely accountability on needed actions and discussion of relevant practice issues. With the OIP and PPO staff now located at Eclipse House, offenders are allocated among the entire PPO staff and liaison between units is conducted on an individual rather than team basis.

In 2007–08, CentaCare was funded to operate a Family Violence Partner Support Program. The

CentaCare annual report describes the aim of the partner contact telephone support service as a means to discuss the client's ongoing safety and that of any children, and to offer information about the support that is available. Thirty-three clients initiated contact with CentaCare at a point of crisis in 2007–08.

### *Reoffending*

None of the ACT criminal justice agencies records reoffending data. There are no agreed upon definitions of reoffending and no agreed upon measures. Recidivism analysis, undertaken by the VoCC in 2007, showed 12 percent (n=66) of persons appearing before the Magistrates Court in 2003–04 reappeared in 2005–06 (VoCC 2007). For the purposes of this review, the exploration of reoffending was limited to the identification of persons receiving multiple family violence convictions in the ACT Magistrates' Court between 2005–06 and 2007–08. These data are indicative only, as offenders may not be charged with offences at subsequent incidents and/or they may commit offences in a manner that decreases the likelihood of police being able to charge an offender or of victims making reports.

Convictions recorded in 2007–08 were compared within that financial year to determine the proportion of offenders involved in multiple incidents within one

**Table 25** Reoffending by individuals, 2007–08

	Charge(s)	Outcome	Previous charge(s)	Outcome	Time between hearings (whole months)
1	Stalking	SSF	Obstruct/hinder police	Fine	6
	Contravention of Protection Order	SSF	Common Assault	GBO	
2	Cancel good behaviour order/Suspended Sentence	GBO	Common Assault (summary)	SSF, Fine, CICL	6
3	Assault Occasioning Actual Bodily Harm Damage Property over \$1000	IMP	Damage property over \$1,000	GBO	8
		IMP			
4	Common Assault (summary)	GBO	Assault Occasioning Actual Bodily Harm	GBO, CSO	13
	Common Assault	GBO	Fail to Appear	GBO	
5	Common Assault	SSF	Possess offensive weapon	SSF	14
6	Common Assault Contravention of Protection Order	SSF	2x Contravention of Protection Order	2xIMP,SSP	14
		SSF			
7	Common Assault	CSO	2x Contravention of Protection Order	GBO, CSO	15
8	Contravention of Protection Order	SSF	3x Contravention of Protection Order	3xSSF	16
9	Common assault	IMP, SSP	Common Assault	GBO	17
10	Common assault		Common assault		17
	Drive motor vehicle with alcohol in blood		Contravention of Protection Order		
11	Contravention of Protection Order	GBO	Common Assault	GBO	19
	Drive motor vehicle with alcohol in blood	GBO, Fine, LICC	Contravention of Protection Order	GBO	
	Use unregistered/suspended vehicle	Fine			
	No Third party insurance	Fine			
12	Common assault	SSF	Assault Occasioning Actual Bodily Harm	GBO	21
13	Contravention of Protection Order	IMP	2xContravention of Protection Order	SSF; SSF,CICL	23
	Breach/Convict/Sent/Fail Behave	IMP			
	Damage property over \$1000	IMP			
	2 x Common Assault	2xIMP			
	Possess offensive weapon	IMP			
14	Common assault	SSF, Fine, CICL	2x Common assault	IMP; IMP,SSP	24
15	Assault Occasioning Actual Bodily Harm	GBO,CSO	2x Damage property not exceeding \$1,000	2xIMP	25

Note: SSF=fully suspended sentence, GBO=Good behaviour order, CICL=CIC Lew, IMP=imprisonment, CSO=community service order, SSP=partially suspended sentence, LICC=licence suspended

Source: ACT Magistrates' Court

financial year. Offenders were counted as being involved in more than one incident if they had multiple folders recorded within the Magistrates' Court data in the 2007–08 financial year. Each matter heard before the court is assigned a folder number that may pertain to multiple charges. Multiple folders suggests more than one occasion where a charge(s) have been laid against the offender. Sixteen male offenders and one female offender had two folders and one male offender had three folders. In each of these circumstances, the hearing dates for all folders were the same, suggesting that the incidents were close enough together that no intervention was likely to have taken place between them. These 18 offenders, likely to have reoffended within the 2007–08 financial year, represent eight percent of the convicted offenders for the financial year. Two young offenders (22%) had two folders recorded in the 2007–08 financial year, suggesting involvement in multiple incidents.

Reoffending was also measured by a comparison of convictions between financial years. Table 25 reflects the number of adult offenders convicted in 2007–08 for a family violence offence who had also been convicted of a family violence offence in one of the two previous financial years. No young offenders convicted in 2007–08 had a recorded conviction in either the 2005–06 or 2006–07 financial year.

Nine adult offenders convicted in 2007–08 had a previous conviction in 2006–07. Six adult offenders convicted in 2007–08 had a previous conviction in 2005–06. These 15 offenders represent eight percent of the offenders convicted in 2007–08. Fourteen were male and one (person 11, see Table 25) was female. None of these offenders had been convicted in all three of the financial years from which data was analysed. For comparison purposes, convictions in 2006–07 were compared with convictions in 2005–06. Eight male offenders were found to have reoffended between these years.

Table 25 reflects the number of persons reconvicted for a family violence offence in multiple years. It does not reflect the number of persons who may have been accused of a family violence offence or other offence but not had the accusation proven. It does not reflect incidents that were not reported to police. It does not reflect whether the victim was the same person or another person. It is, therefore, only

indicative of the reoffending of persons convicted in 2007–08. The Table depicts the charge(s) and outcome(s) for each offender. These are provided for information purposes. No conclusions or inferences should be drawn about the appropriateness of the sentence as there is no contextual information about the matter. The time between hearings has been provided as an indicator of the span of time between offences.

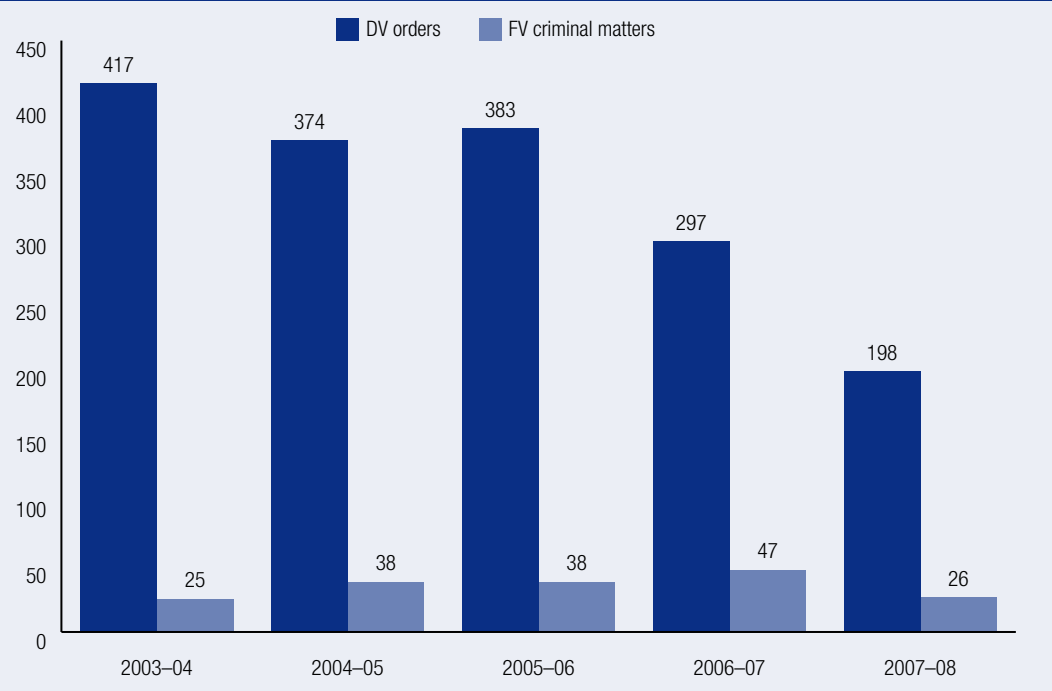
### *Victim support*

Data was extracted from the DVCS 2007–08 annual report to reflect the types of work undertaken by the service. DVCS provides victim support and advocacy through a range of services. Their primary focus is on crisis support through on-location visits at the time of police attendance at family violence incidents and through their 24 hour telephone service. DVCS also provides extensive follow-up with clients, providing information about bail, case status and referral to other support services. In addition, DVCS, in partnership with the OCYFS, developed the Young People Outreach Worker project to engage children and young people who use violence in the family home.

Figure 24 depicts the number of occasions DVCS provided court support to clients by the type of support provided—to obtain a domestic violence protection order or support during a hearing over a family violence criminal matter. The Figure demonstrates that over the last five financial years, the majority of court support has been provided to individuals when they are seeking domestic violence protection orders. Over the last two financial years, the amount of this support has decreased by 48 percent and between 2006–07 and 2007–08, overall provision of court support was reduced by 35 percent. DVCS states that they have been required to reduce court support as a result of increasing demand and an inability to rationalise service delivery in other areas. DVCS also states that changes to hearing times of DVO applications has limited the number of clients they can offer support to at any one time (DVCS 2008).

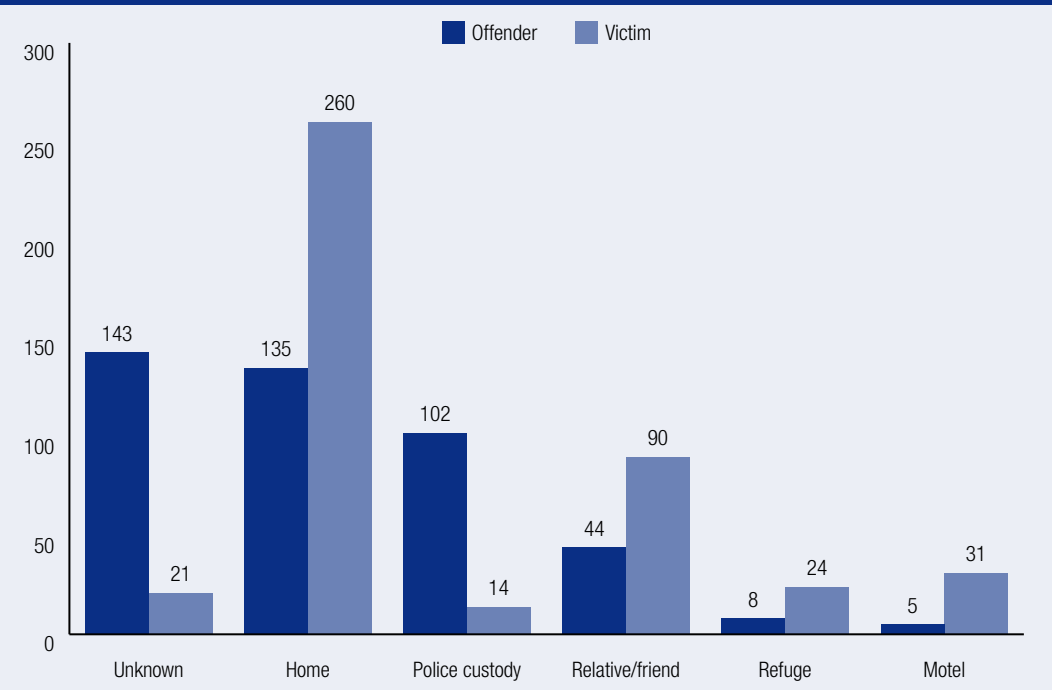
Figure 25 depicts the destination of victims and offenders following a crisis visit. The number of victims and offenders are not equal and it is not known whether one or more of the incidents had

**Figure 24** DVCS provision of court support by type and year, 2003–04–2007–08 (n)



Source: DVCS annual report 2008

**Figure 25** Destination of victim and offender following crisis visit, 2007–08 (n)



Source: DVCS annual report 2008

multiple victims or offenders. In addition, the destination for 143 offenders and 21 victims is unknown. These data, however, provide some insight into where victims and offenders are located after a crisis visit. Figure 25 reflects that, of the crisis visits attended where the destination is known, the majority of victims (62%) and a large proportion of offenders (46%) remain in their home following a crisis visit. Thirty-five percent of offenders and three percent of victims are taken into police custody.

Figure 26 demonstrates that the majority of telephone calls to DVCS are follow-up calls. These calls may include questions from victims about the case, requests for information or referral to other support services and calls to discuss general areas of concern.

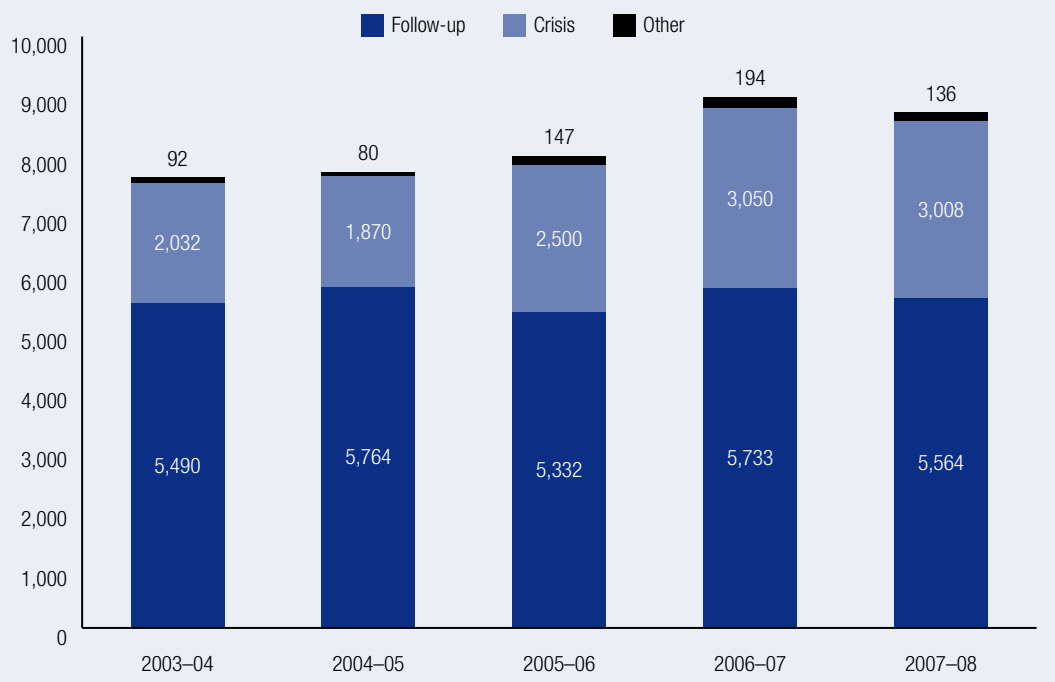
Figure 27 depicts the number of children residing in DVCS client homes over the last five financial years. It is important to note that DVCS attributes the increase in recorded resident children and young people from 2005–06 onwards to improved recording practices rather than an actual increase.

DVCS further reports that in 2007–08, 65 percent of the crisis visits they attended had children and/or young people residing in the home. The well-documented potential negative impacts of family violence on children and young people suggest a need to further identify the support available for these children and young people.

## Discussion

Caution should be exercised if drawing conclusions from these data. Incidents reported to and recorded by ACT Policing constitute only some of the family violence experienced by residents of the Australian Capital Territory. The proportion of unreported incidents is unknown. The FVIP concentrates on those incidents that proceed to prosecution. These incidents only constitute approximately half of the incidents reported to police. Therefore, while some FVIP agencies will only be involved in approximately half of the incidents, DVCS and ACT Policing will provide support at all of the reported incidents.

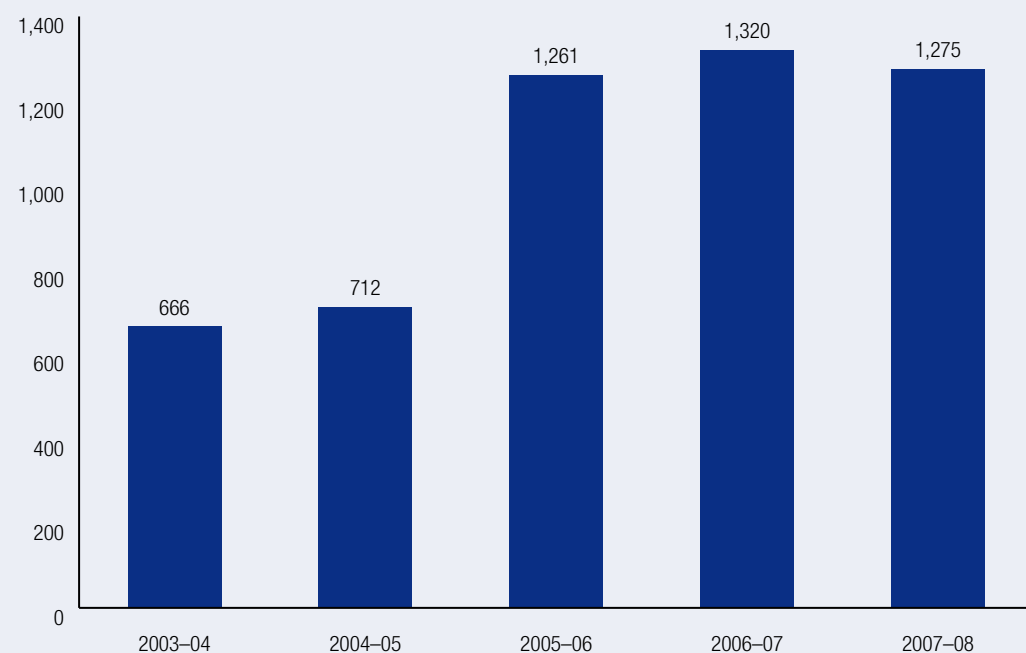
**Figure 26 Telephone contacts made to DVCS by year, 2003–04–2007–08 (n)**



Note: 'Other' calls include hoax calls and prior to 2007–08, calls in relation to the offender family violence intervention program

Source: DVCS annual report 2008

**Figure 27** Children residing in DVCS client homes by year, 2003–04–2007–08 (n)



Source: DVCS annual report 2008

Data informing the operation of the FVIP is almost exclusively provided by the Magistrates' Court and ACT Policing. FVIP agencies, however, have different data needs and varying internal resources to collect data. The primary purposes of data collection for the Magistrates' Court and ACT Policing are to understand or estimate operational requirements and meet reporting requirements to other agencies such as the Australian Bureau of Statistics and the Productivity Commission. *Victims, offenders and defendants* are generally recorded once for each incident in which these terms apply, not as distinct individuals. Operationally, for the police, court and ODPP this is necessary to allocate resources. To ascertain the operational needs of support and monitoring agencies such as DVCS and ACTCS, distinct numbers of individuals may be of more relevance.

Data is important for the purposes of determining community and primary prevention responses to family violence. Support services need to be available for all persons affected by family violence, including the children and young people who reside in homes where family violence occurs. Indicative

levels of family violence are also important for government and policymakers to assess levels of communication, education and health service provision required for the community at large.

For FVIP partner agencies, knowledge of the incidence of family violence is critical for allocating resources to operational areas. Of the FVIP agencies, only DVCS and the Family Violence Team within the ODPP are concerned with family violence as their core business. For all other agencies, addressing family violence is only part of their role. The data shows a consistent flow of cases and persons through the court and police processes. On average, seven incidents of family violence are recorded by ACT Policing per day. Each of these incidents would require the attendance, or notification, of DVCS and considerable operational time from ACT Policing dedicated to evidence collection. The number of child concern notifications to Care and Protection Services is also affected by incidence of family violence. In 2007–08, 65 percent of DVCS attended crisis visits had children or young people residing in the home.

Considerable time is also expended by both the ODPP and courts in presenting evidence and hearing family violence matters. Over the 10 year period of the FVIP, an average of 214 defendants per year have been convicted of family violence offences in the Magistrates' Court. From a total of 68 family violence convictions in 1998–99, the number has risen by 238 percent. An additional 38 matters on average per year have been referred to the Supreme Court. These data demonstrate not only a considerable amount of operational time but also, to some extent, the success of the specialist jurisdiction and court processes.

While these data provide some information to assist FVIP partner agencies to make operational decisions, they are not able to provide contextual information to determine, beyond an indication, if what the FVIP seeks to achieve is being accomplished.

Fluctuations in the number of defendants per year could be attributed to either fewer incidences of

family violence or less reporting. The apparent increase in Children's Court defendants could signify an increase in family violence behaviours by this age group, increased reporting or changes to police or prosecution responses to alleged incidents.

There is some evidence from these data that partner agencies are working together towards the common purposes of the FVIP. Police are attending the vast majority of incidents that are reported. Charges are being laid and formal resolution is occurring. DVCS is providing early victim support. It also appears, from the range of charges pursued and numbers of defendants appearing before the court, that prosecution is being rigorously undertaken. Offenders are being held accountable by the court, in a timely manner and ACTCS is providing an intervention program. All of these undertakings should contribute to the primary FVIP purpose of improving victim safety.





# Experience of family violence

## Overview

One of the key functions of the FVIP is to coordinate the criminal justice system response to family violence. A survey of family violence victims was undertaken to provide a snapshot of how victims experience the response of the criminal justice system.

The survey sample included 39 completed surveys and one partially completed survey. This latter participant did not withdraw consent to use her information, but found it emotionally difficult to proceed with answering questions. The sample was selected on the basis of matters being finalised within the 2007–08 financial year; however, in order to obtain a sufficient number of surveys for comparison, a limited number of matters from 2006 and 2005 were included.

The survey instrument (see *Appendix A*) was designed to focus on general features of the family violence incident and the victim's experience with the criminal justice system process. Some of the survey questions were designed to allow direct comparison to be made with victim survey results from the Urbis Keys Young evaluation of the FVIP published in 2001 (Urbis Keys Young 2001).

The core survey contained 48 questions and was designed to follow the criminal justice system

process. Victims were asked about the incident, police involvement, court case (including contact with the prosecution), contact with DVCS and other support services, and their experiences and needs in the aftermath of the court process. Due to the length of the core survey, and potential for survey fatigue, it was decided to limit the demographic questions to age, Indigenous and culturally diverse background, care responsibilities and current relationship status.

The survey is not representative of all victims of family violence in the Australian Capital Territory. The survey was only undertaken with adult female victims where the alleged offender was her current or ex adult male intimate partner at the time of the incident. As identified in the literature review on family violence and data extracted by ACT Policing (presented in the preceding sections of this report), family violence affects men, women and young people as partners, parents and other family members. The survey sample is also too small and selective to be representative of all women experiencing family violence from a partner. Many family violence incidents are unreported to either the police or support services. The sample for this survey was taken exclusively from the DVCS and therefore, is only representative of victims who accept or seek the services of DVCS.

An audit of administrative data contained in DVCS case files was conducted to validate information

received from telephone survey respondents and to assist in the validation of the sample selection. The latter audit included each person who agreed to a telephone interview and allowed the researcher to compare stated information against that which had been recorded in the file.

A second element of the audit involved the selection of random files. This element of the audit allowed the research team to more broadly describe the characteristics of individuals who come into contact with DVCS.

## Summary of findings

The results of the family violence survey and case file audit identified the following characteristics of clients accessing the services of DVCS:

- 80 percent of victims were adult females offended against by their current or former male partner;
- 34 percent of victims were between 35 and 44 years; and
- 19 percent of victims identified as being from a CALD background.

The survey results indicate:

- 75 percent of victims identified they had primary care responsibilities for a child or young person;
- 70 percent of incidents took place in a private home;
- 75 percent of victims were injured during the family violence incident;
- 63 percent of incidents involved property damage; and
- 63 percent of victims reported the incident to the police themselves.

Survey responses indicated strengths of the criminal justice system response and areas for potential improvement. Areas of strength included being supported and assisted by the police and support services. For example:

- 90 percent of victims reported that the police were sympathetic and supportive at the time of the incident (comparison data with the 2001 evaluation is discussed later in this section); and
- 100 percent of victims who reported receiving a crisis visit from DVCS were either very or fairly satisfied with it.

Victims also reported strengths in agency delivery of services. For example:

- 85 percent of victims strongly agreed or agreed that the police investigated the incident thoroughly;
- 83 percent of victims were either very or fairly satisfied with the way the police handled the case at the time of the incident;
- 77 percent of victims were very or fairly satisfied with their contact with the prosecution; and
- 78 percent of victims were satisfied with the contact they had with DVCS in the lead up to the court case.

Victims identified the provision of information as an area requiring improvement. For example:

- 68 percent of victims were unsure what was going to happen with their case after the police attended;
- 46 percent of victims felt there was a lot about the court proceedings they did not understand; and
- 69 percent of victims stated they did not have any contact with ACTCS following the finalisation of the case.

Information provision received mixed results from the Holder (2008) survey respondents. In that survey, 58 percent of victims identified that the police did not, at reasonable intervals, keep them informed of case progression, however, 77 percent identified that they were adequately informed about the trial process and their rights as witnesses. These data may reflect disconnection between where victims expect to receive information from and how agencies prioritise and organise their information exchange.

Victims reported mixed results in terms of their satisfaction with some aspects of the prosecution and court case. For example:

- 33 percent of victims reported they felt satisfied with the outcome, 38 percent of victims reported they were not satisfied with the outcome and 23 percent were uncertain whether they were satisfied with the outcome. In the 2001 evaluation, 47 percent of victims reported they felt satisfied with the outcome, 18 percent of victims reported they were not satisfied with the outcome and 21 percent were uncertain whether they were satisfied with the outcome. (Urbis Keys Young 2001);

- 54 percent of victims felt they were a part of the criminal justice system decision-making process; and
- 40 percent of victims agreed or strongly agreed that the prosecution case was well prepared (36% in 2001); 20 percent disagreed or strongly disagreed (29% in 2001). The views of these domestic violence victims across all offence types are generally consistent with findings in another ACT survey of victims conducted by the VoCC in 2007. In that survey, the majority of victims identified that they were fairly treated by police and a significant majority were also pleased with how they were treated by the prosecution (Holder 2008).

In order to obtain the desired 40 completed telephone surveys, a total of 127 files were reviewed. One hundred and two files (80%) fit the inclusion criteria of adult female victim, with adult male partner as the accused. It is from these files that the survey sample of 40 was obtained. Of the remaining 25 files extracted for the telephone survey sample:

- nine files indicated the incident was female to male violence;
- three cases were female to female violence;
- one matter was brother to sister violence;
- one matter was adult male to father-in-law violence;
- one matter was male parent to child violence; and
- 10 cases were adult son to parent violence.

In the case file audit sample, six male victims were identified, representing 18 percent of the sample.

## Victim profile

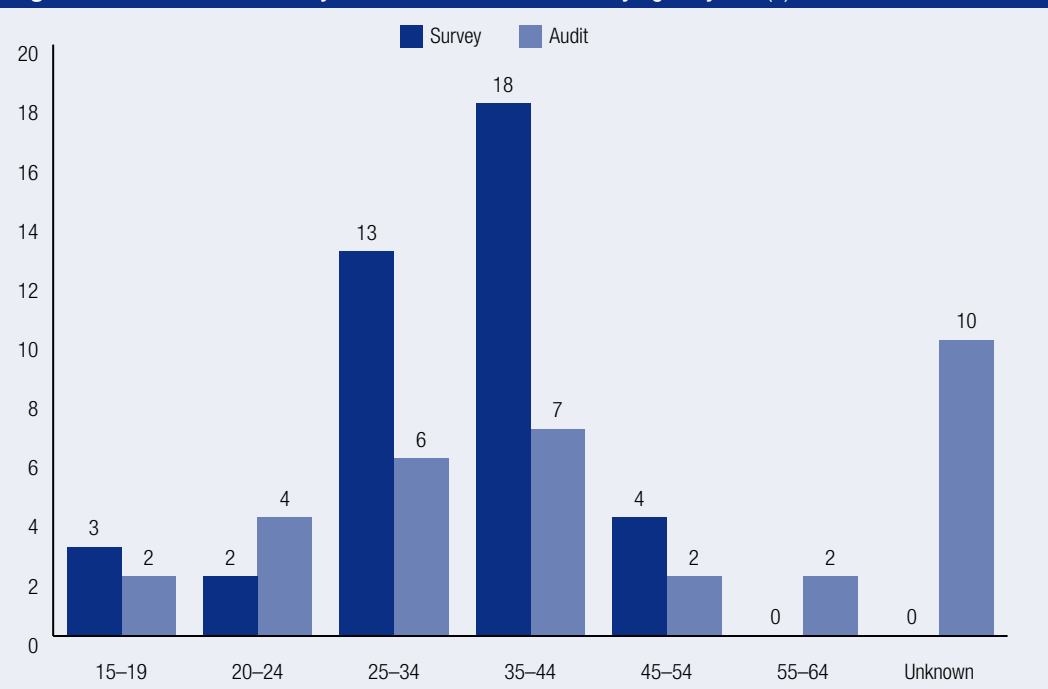
### Gender

The files that were reviewed to obtain the telephone survey sample and case file audits reflected that approximately 80 percent of victims seeking support from DVCS are women who experienced family violence from a male partner.

### Age

Of the women who participated in the telephone survey, the majority were over 25 years of age, of Anglo-Australian background, had children and were residing with the offender at the time of the incident.

**Figure 28** Distribution of survey and audit identified victims by age in years (n)



Source: AIC Experience of family violence survey, case file audit

Figure 28 provides a breakdown by age category from the telephone surveys and case file audits. Forty-five percent of the women surveyed were between 35 and 44 years at the time of the incident. Their average age was 35 years. Of the case file audits where age was known, 22 percent of victims fell within this age range and their average age was 36 years.

### *Culturally and linguistically diverse background*

Of the total survey and audit sample, 19 percent of victims identified as having a CALD background (7 persons from each sample). Their backgrounds included one male and one female Aboriginal or Torres Strait Islander, one Russian male, two Italian women and nine women who identified as African (country not stated), Burmese, Chinese, Fijian, Finnish, Indian, Samoan, Thai or Vietnamese.

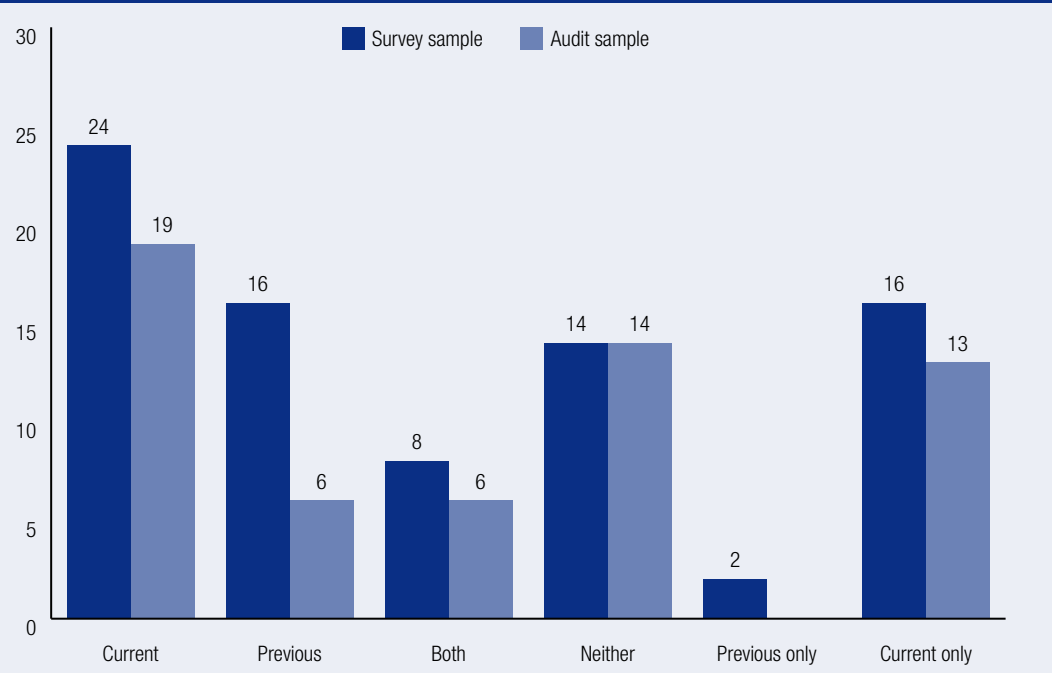
Having a CALD background may impact on a person's ability to fully participate in the criminal justice system response, either because of a culturally based reluctance to proceed with charges or communication difficulties arising from a non-

English speaking background. One of the survey respondents effectively communicated to the interviewer that her statement, as recorded by the police, contained many inaccuracies due to language barriers and that both she and her partner would have benefitted from an interpreter service. In another case, the woman indicated that for cultural reasons she did not want to progress with criminal charges. This woman stated that the arrest, charge and prosecution of her partner would 'ruin' the family reputation.

### *Caring responsibilities and Care and Protection Services contact*

Seventy-five percent of the survey respondents stated they had primary care responsibilities for a child at the time of the family violence incident. One woman reported that she had already had her children removed from her care as a result of previous incidents of family violence. Surveyed women were specifically asked about their contact with Care and Protection Services (CPS). The case files were also examined to explore current and prior CPS involvement. Figure 29 reflects CPS

**Figure 29** Care and Protection Services contact by sample participants (n)



Source: AIC Experience of family violence survey, case file audit

involvement with these families. Contact with CPS is identified as:

- current, where contact from CPS occurred at the time of the incident;
- previous, where contact had occurred prior to the incident;
- both, where prior and ongoing CPS contact was made;
- neither, where no contact from CPS was indicated;
- previous only, where contact was only indicated at some stage before the incident in question; and
- current only, where CPS contact was made only at the time of the incident and no evidence is available to demonstrate any prior contact.

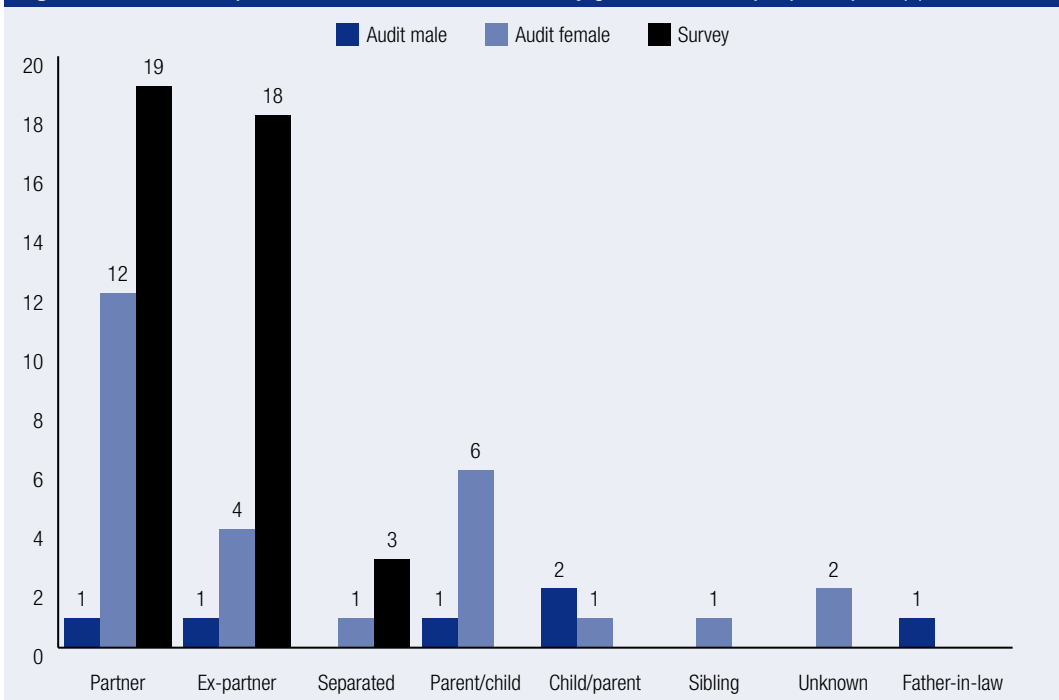
Approximately equivalent percentages of survey participants and file audit clients experienced CPS contact at the time of the incident, only at the time of the incident or both at the time of and prior to the incident. Forty percent of the survey respondents and 18 percent of audit clients had experienced previous contact from CPS and 35 percent of survey respondents and 42 percent of audit client files did

not indicate contact with CPS. When the two samples are combined, 19 percent of the clients are recorded as having contact with CPS both at the time of the incident and prior to the incident.

### Relationship status

The survey was undertaken with the victims of family violence incidents that occurred between current or former intimate partners. The case file audit represented other relationships between victims and offenders; however, the majority (57%) of incidents took place within the context of an intimate partner relationship. Two of the case file audit sample were women who had participated in the telephone survey but whose surveys were excluded from the sample because the incident did not fit the inclusion criteria. In each of these cases, although another person was the principal victim of the family violence, the women indicated that the other person had 'gotten in the way' and that they were the actual primary target. Figure 30 depicts the relationship status between victims and offenders from the survey and case file audit results.

**Figure 30** Relationship between victims and offenders by gender and sample participant (n)



Source: AIC Experience of family violence survey, case file audit

Table 26 represents the relationship between the survey respondents at the time of the incident and at the time the survey was conducted. The majority of respondents were in a current relationship at the time of the incident (57%) and of these, 52 percent maintain these relationships. In one case, partners who were separated at the time of incident have since reconciled.

### Other matters

Victims were asked to identify if they had other matters before a court around the time of the family violence incident. Of the 39 women who responded to this question, three stated they had family court matters being heard (divorce and/or custody) and one identified a personal criminal matter (driving while intoxicated).

### Child and young person victims

Children and young people may be the primary victims of family violence or the unintended secondary victims. Sixty-three percent of the women surveyed identified that children were either present at the time of the incident as witnesses, or were in close proximity. Research indicates that children and young people are affected by family violence even if they have not actually seen the abuse or violence (Humphreys, Houghton & Ellis 2008).

## Incident profile

### Incident location

The majority of survey respondents (70%) identified that incidents took place in either a home shared with the offender or their own home. Of the 20 percent of incidents that did not take place in a home, 63 percent reportedly took place in a vehicle or car park.

### Injury and property damage

Survey respondents were asked about the nature of the injuries they sustained during the incident of family violence. Twenty-five percent of respondents stated they did not sustain any injury. Of the remaining 75 percent, no respondent identified a sexual assault, although three respondents said 'not this time'. Seventy-three percent of these respondents identified multiple injuries (see Table 27).

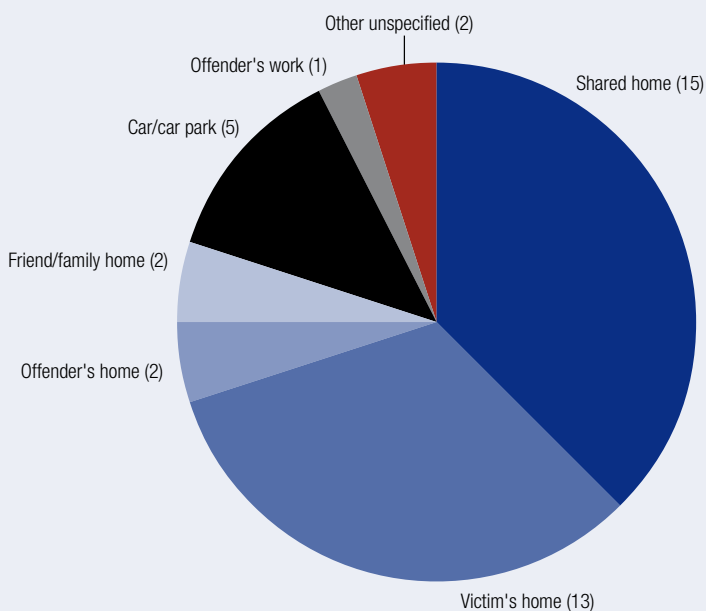
As in the previous Urbis Keys Young evaluation (2001), the most common injury type was bruising or abrasions, followed by redness/swelling and cuts or lacerations. Women who identified some other type of injury described these injuries as carpet burn, shock, being grabbed and shoved, being punched in the stomach while pregnant, having a knife held to their throat, having a previous back injury exacerbated and being strangled unconscious, receiving cigarette burns and being made to go to the toilet on the floor.

**Table 26** Relationship status at time of incident and survey

	At time of incident			At time of survey	
	n	%		n	%
Spouse	19	47.5	Spouse	8	42
			Ex-spouse	4	21
			Separated	7	37
Ex spouse	3	7.5	Ex-spouse	3	100
Boy/girlfriend	4	10.0	Boy/girlfriend	4	100
Ex boy/girlfriend	2	5.0	Ex-boy/girlfriend	2	100
Separated	12	30.0	Spouse	1	8
			Ex-partner	5	42
			separated	6	50

Source: AIC Experience of family violence survey

**Figure 31** Location of incidents (n)



n=40

Source: AIC Experience of family violence survey

**Table 27** Injuries sustained by victims

	n	%
Bruising or abrasions	23	77
Cuts or lacerations	11	37
Redness/swelling	21	70
Concussed	3	10
Broken bone/fracture	4	13
Hair pulled out	7	23
Some other type of injury	7	23
Not injured	10	25

n=40

Note: This question allowed the participant to select more than 1 category

Source: AIC Experience of family violence survey

Figure 32 depicts the proportion of incidents where substantial, minor and no property damage was reported. Property damage was reported in 63 percent of incidents. The previous Urbis Keys Young (2001) evaluation found 49 percent of victims reported property damage. This reflects a 28 percent increase in reported property damage. In the Urbis Keys Young (2001) evaluation, most of the property damage was reported as minor (33% versus 15% substantial). In the current survey, more property damage was reported to be substantial.

Survey respondents were also asked to identify whether there were any injuries sustained by or threats made to pets. Sixty percent of respondents identified that they did not have a pet and 40 percent that their pet was not present at the time of the incident. Three respondents commented that they used to have a dog and that the presence of the dog had offered them some protection in the past.

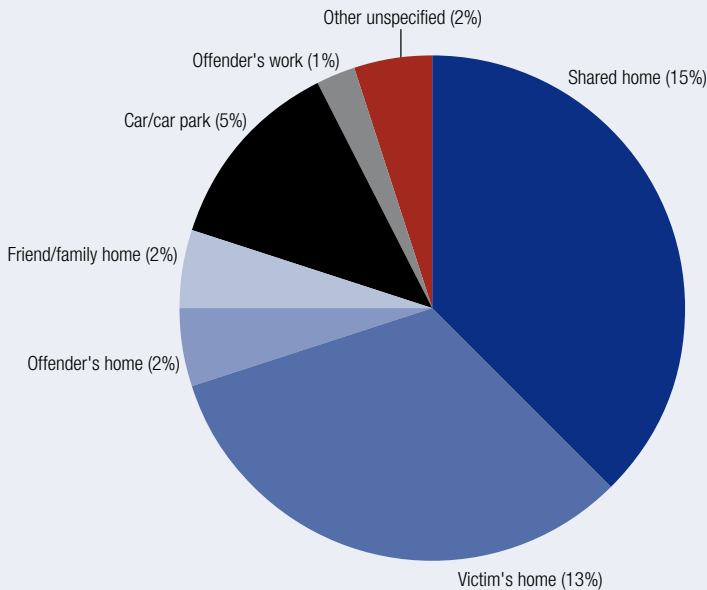
### Reporting to police

Victims reported the incidents to police in 63 percent of the matters. Figure 33 depicts the number, by source, of incident reports made to the police.

Witness reporters of the incident included two children of the victim, a neighbour, one other family member, an off-duty police officer and two persons not known to either the victim or accused. Persons who did not witness the incident but made the report to police were informed of the incident by the victim and in most circumstances were asked by the victim to report the incident on her behalf. These persons included two neighbours, four family members or friends and two people from whom the victim sought assistance who resided near to where the incident took place.

At the time of the incident, eight women reported that they had a protection order in place, three of whom reported that they, or the police, also took one out as a result of the incident. Approximately equal numbers of women reported that they had never taken out a protection order (n=15) or that they did not apply for an order as a result of the incident (n=17). Survey respondents were not asked to provide a reason for their decision to pursue or not pursue protection orders. Some women advised the interviewer that the offender's bail conditions were sufficient for protection.

**Figure 32** Reported property damage

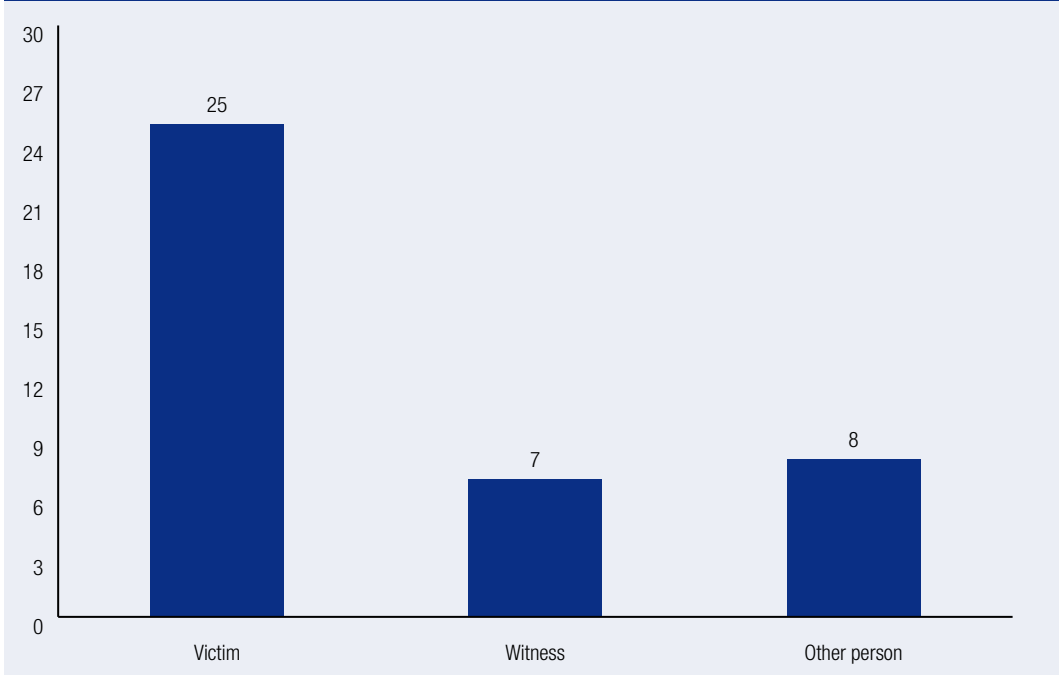


n=40

Source: AIC Experience of family violence survey



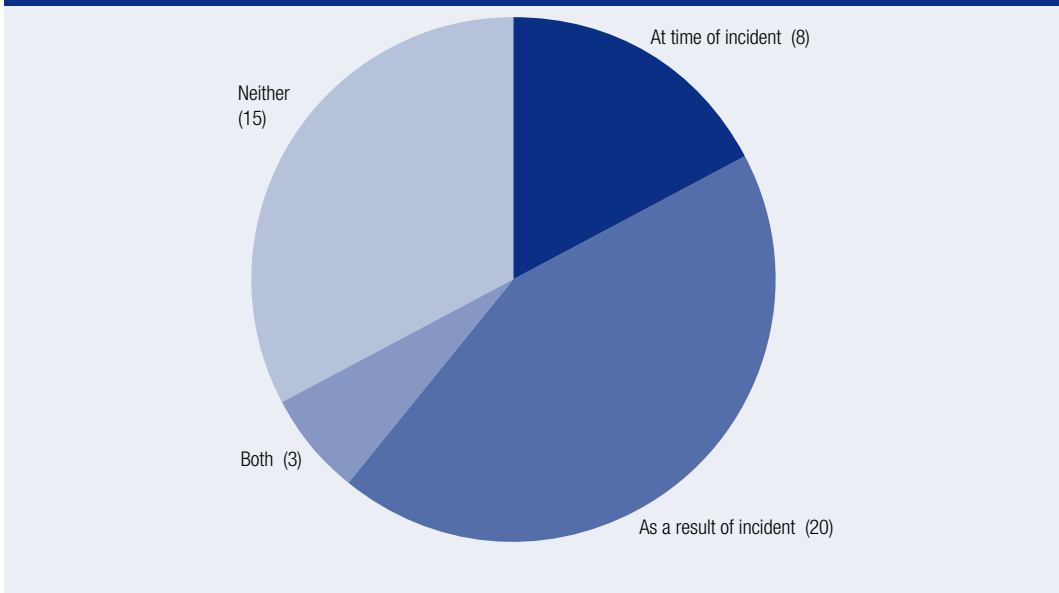
**Figure 33** Incident by who reported it (n)



n=40

Source: AIC Experience of family violence survey

**Figure 34** Protection orders taken out (n)



n=40

Source: AIC Experience of family violence survey

# Experiences of the criminal justice system

## Police attendance and initial intervention

Victims were asked to qualify how they felt about their contact with the police at the time of the incident (see Table 28).

- 85 percent (n=34) strongly agreed or agreed that the police investigated the incident thoroughly;
- 90 percent (n=36) agreed or strongly agreed that the police were sympathetic and supportive of them at the time of the incident;
- 25 percent (n=10) felt the police left the decision to charge the offender up to them;
- 60 percent (n=24) agreed or strongly agreed that they felt reasonably safe as a result of the police intervention; and
- 68 percent (n=27) were unsure what was going to happen next with the case.

The 2001 Urbis Keys Young (2001) evaluation also asked this series of questions (although with slightly different wording). The above results are similar to those found in the 2001. Overall, the current survey results demonstrate improvement against each of these questions.

- 71 percent strongly agreed or agreed that the police investigated the incident thoroughly;

- 82 percent agreed or strongly agreed that the police were sympathetic and supportive of them at the time of the incident;
- 38 percent felt the police left the decision to charge the offender up to them;
- 71 percent agreed or strongly agreed that they felt reasonably safe as a result of the police intervention; and
- 49 percent were unsure what was going to happen next with the case.

## Victims' feelings of safety

The reasons victims provided for feeling reasonably safe as a result of the police's attendance or intervention varied. Six women did not respond to this question. Of the remaining 34 women, six provided multiple responses.

Twenty-four respondents (60%) either strongly agreed or agreed that they felt safer as a result of the police's intervention at the time of the incident. Three of these respondents did not provide an explanation for their feelings of safety. Fifteen of these respondents (63%) cited their feeling of safety as arising from the fact that the offender was taken away. One respondent stated she felt it was a 'one off thing that I never thought would happen again'. Other responses described the police as helpful by taking out protection orders, providing information on services and providing protection. One respondent stated that these measures provided her 'peace of mind':

**Table 28** Victim perceptions of police response<sup>a</sup>

Statement	Strongly agree		Agree		Disagree		Strongly disagree		Don't know	
	n	%	n	%	n	%	n	%	n	%
The police investigated the incident thoroughly	18	45	16	40	3	8	1	3	2	5
The police were sympathetic and supportive of me at the time of the incident	23	58	13	33	2	5	0	0	2	5
The police seemed to leave it up to me as to whether or not charges were laid	0	0	10	25	14	35	12	30	4	10
I felt reasonably safe once the police left as a result of their attendance/intervention	12	30	12	30	7	18	8	20	1	3
After the police left I was unsure what was going to happen next with the case	10	25	17	43	10	25	1	3	2	5

a: Row percentages may not total 100 due to rounding

n=40

Source: AIC Experience of family violence survey

They [the police] had taken ownership of the situation...so concerned about me, they were so thorough... all of them cared about me. I was given numbers to call people. They wanted me to be safe and I felt safe.

Fifteen respondents (38%) either disagreed or strongly disagreed that they felt safer as a result of the attendance or intervention of police. One woman stated that her feeling of safety had 'nothing to do with the police' as her partner had 'taken off'. She therefore felt safer, but did not attribute her feeling of safety to anything the police had done. In one circumstance, the respondent felt there was no issue. This person felt that she was safe regardless of the police attendance since the situation had been a misunderstanding; she described the situation as a family argument.

Twenty-two women (65%) attributed their feeling of safety, whether positively or negatively, to whether the offender had been taken into custody or removed from the scene. Fifteen of these women (44%) either strongly agreed or agreed that they felt reasonably safe and seven of the women (21%) expressed disagreement or strong disagreement that they felt safer as a result of the police attendance or intervention.

Offenders were generally not taken into custody because they were not at the scene when the police attended. One woman stated that although the police didn't find the offender that night, she strongly agreed with feeling safe because the police kept her informed and he (the offender) didn't know where she was. For seven women, the level of uncertainty over where the offender was or what they would do when they returned caused distress. In these seven circumstances, the woman identified not feeling safe because:

- she was not informed, until the following day that the offender had been arrested;
- she had to go home and her 'ex will follow';
- the arrest did not take place until the following day;
- the offender had fled the scene but is perceived to be 'always not far away';
- the offender was 'playing games with me—saying all this stuff about me—said I made it up';
- the offender was released from custody after 'only' two days and the respondent was 'unsure how he would respond to me'; and
- the victim continued to receive threats (via text messages) while the police were in attendance.

One of these women stated 'they didn't have him, I was alone'.

### *Satisfaction with police handling of the case*

The majority of survey respondents (83%) reported that they were either very or fairly satisfied with the way the police handled the case at the time of the incident. The same question asked in the Urbis Keys Young 2001 survey yielded a 74 percent positive response rate. Table 29 reflects the overall satisfaction of survey respondents to the police handling of the case.

### *Women who were satisfied*

Respondents who were very or fairly satisfied with the police handling of the case attributed overall satisfaction with the police to the information, support and assistance they received, or the thoroughness of the police response.

**Table 29** Victim satisfaction with police handling of the case at the time of the incident<sup>a</sup>

	n	%
Very satisfied	15	38
Fairly satisfied	18	45
Neither satisfied nor dissatisfied	3	8
Fairly dissatisfied	1	3
Very dissatisfied	3	8

a: Percentages may not total 100 due to rounding

Source: AIC Experience of family violence survey (n=40)

## Information

One woman stated she was kept informed and provided with advice. Others said:

[the police were] fantastic the whole way. [I] knew exactly what was going to happen.

police [were] really good, they came to [my] house, took a statement, rang me when they'd picked him up and explained [the] bail conditions.

from beginning to end the police rang to check on me...were very kind on the night it happened...

[I] never felt like I wasn't being listened to...[the police] took care of my needs the whole time.

the way they kept me informed, checked I was ok.

## Support and assistance

One woman stated she received help from the police in accessing other services including a doctor and refuge. Another woman said the police were very good with follow-up and supportive of her children who had been frightened by the experience.

One woman stated that she'd had a 'pretty poor experience' in the past but that this time '[the police] dealt with it very well'. She described the officer who took her statement as 'sympathetic, not rushed, very compassionate and 'put in what I said' [in the statement].

Others said:

they were sympathetic, provided support—connected to DVCS...listened to me.

think they displayed an appropriate level of care—approached us carefully/calmly, quietly, respect and right amount of sympathy—absolutely perfect.

## Thoroughness

One woman cited a specific officer by name stating she was very satisfied because he 'was brilliant, knew the steps and stages and dealt with it'. Others said:

I just think they were so well trained and very thorough.

They didn't stop until they got him and responded quickly.

They did all they could.

Some respondents who were fairly satisfied with the police were critical of some aspects of the way they handled the case. These women reflected that:

- although the police demonstrated concern for her, they did not tell her the offender would be at court and she was very frightened, went by herself and he 'came at' her.
- the police frightened her child and she felt they could have been more sympathetic, although she acknowledged they were sympathetic and supportive of her.
- one woman felt there were investigative procedures that should have occurred but still felt fairly satisfied overall.
- one woman said the police were sympathetic but 'pushy' as they wanted to take her statement that day. She felt she needed time to 'calm down' first.

## *Women who were dissatisfied*

Four women identified that they were fairly or very dissatisfied with the way police handled the case at the time of the incident. For women who were satisfied with the police, information and sympathetic and supportive behaviour were important. Women who were dissatisfied cited a lack of information and unsympathetic and unsupportive police behaviour as reasons for their dissatisfaction. The length of time taken to resolve matters was also cited as a reason for lack of satisfaction.

## Lack of information

One woman stated she wanted to know the offender's bail conditions but was informed that she couldn't be told.

One woman stated the police had informed her that they would notify her of the court outcome but they failed to do so. She stated that this information came instead from her partner's parole officer.

## Unsympathetic or unsupportive behaviour

[The police] spoke badly to me—didn't help...the police said they couldn't prove he'd [the offender] done it.

One woman said she felt the police wanted to 'get out' and 'not bother'. She felt hurried and that she was not being listened to. Another woman felt the

police did not listen to her; however, this was because they would not acknowledge that there was no issue or assault. She was upset and felt that mistakes were made in the police report and that an interpreter should have been present for her statement.

### Length of time

...took a long time to get onto the police to go and give a statement...thought the police had forgotten about it. [I] was 'freaking out that nothing would happen [and the offender] would get away with it.

...it took two years to get him and to serve protection order papers.

One woman also said:

in that situation you don't want the police there, but they have to be there. [It's] not a situation you are thinking if the police are good or not.

### Charges

Victims reported a range of charges being laid against offenders (see Table 30). Thirty-five percent of survey respondents identified multiple charges. Seventy-eight percent of victims reported charges of assault, 38 percent identified property damage charges and 13 percent identified breaches of protection orders.

The majority of victims (63%) reported that they did not, at any time, try to have the charges dropped.

This finding is lower than that of the 2001 Urbis Keys Young evaluation where 74 percent of respondents said they had never indicated to police, the prosecution or the court that they wanted the charges dropped. Almost half (48%) of the women surveyed for the current review cited the need for the offender to understand that his actions were unacceptable or to be held accountable as the reason for not wanting to drop the charges. Six respondents (24%) remarked 'enough was enough' and five (20%) stated that they didn't try to have the charges dropped because they knew they could not.

Fifteen women (38%) identified that they tried to have the charges dropped, although their reasons varied considerably. Six respondents noted that there was either pressure from the offender to drop the charges or guilt over bringing the matter to the attention of the police (including not wanting the offender to get a criminal record). Two women noted that the offender 'needed help' and two other women stated that other matters (custody and divorce matters) would be easier if criminal matters were not pursued. One woman stated 'I just wanted it all to stop'.

### Previous and subsequent charges

Approximately half of the women (48%) stated that the incident in question was the first and only time charges had been laid against the offender for family violence. The previous Keys Young (2000) evaluation recorded 67 percent of cases as being the first time charges were laid against the offenders. This,

**Table 30** Victim reports of charges laid

	n	%
Common assault	22	55
Assault occasioning actual bodily harm	7	18
Some other form of assault	2	5
Damage to property	15	38
Breach of protection order	5	13
Other charges <sup>a</sup>	5	13

a: Other charges were reported as 3x possess weapon (knife), 1x drunk and disorderly/obstruct police and 1x original charge of attempted murder subsequently reduced to assault occasioning actual bodily harm

n=40

Note: This question allowed the participant to select more than 1 category

Source: AIC Experience of Family Violence Survey. Multiple response question

however, does not mean that this was the first time these women had experienced family violence.

As an indicator of previous involvement in family violence, survey respondents were asked to identify how they first came to be clients of DVCS. Twenty-four women (60%) identified that they were already DVCS clients at the time of the current incident.

Figure 35 reflects survey respondent statements as to whether prior and/or subsequent charges in relation to family violence had been laid.

- five women (1%) identified previous charges;
- nine women (23%) identified charges subsequent to the matter discussed in this survey; and
- six women (2%) identified both prior and subsequent charges.

### Prosecution phase

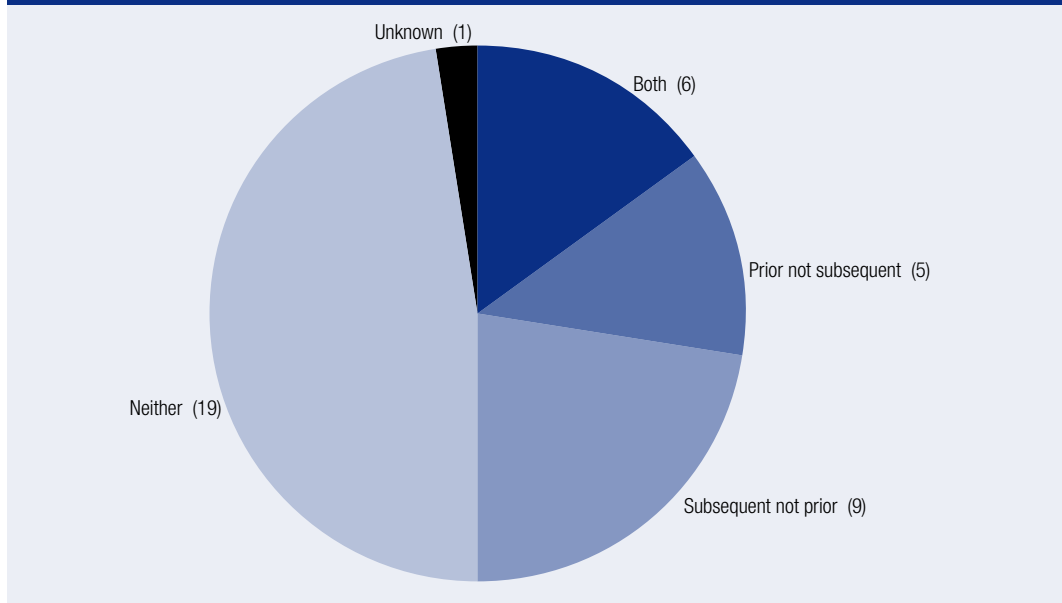
One-quarter of survey respondents were unsure what the accused person’s plea was in relation to the family violence charges against them. The majority of respondents identified that a plea of guilt was entered (60%) and that these pleas occurred at various stages of the court process. The Keys Young (2000) survey identified that 43 percent of matters were resolved by early pleas of guilt at the first or

second court appearance. This apparent shift to later pleas of guilt may be a result of increased complexity in family violence matters and more defendants exercising their right to a committal to the Supreme Court as indicated in the 2007–08 annual report of the ODPP (ODPP 2008).

### Victim satisfaction with the Office of the Director of Public Prosecutions

Table 32 reflects survey responses relating to satisfaction with the ODPP. The amount of contact victims have with the prosecution will depend on when the plea of guilt was entered. The earlier the plea, the more limited the contact with the prosecution, as there would be limited victim involvement in the court case. Twenty-six respondents stated that they had contact with the ODPP prior to the court case being finalised. Of these, 20 women (77%) stated they were very satisfied or fairly satisfied with the contact. Few respondents articulated reasons for their responses. This lack of response, particularly in contrast to similar questions asked about ACT Policing and DVCS, may be attributable to the survey design. Survey respondents were not asked as a separate question why they were or were not satisfied with

**Figure 35** Prior and subsequent family violence charges (n)



n=40

Source: AIC Experience of family violence survey

**Table 31** Victim reports of defendant's plea<sup>a</sup>

	n	%
I'm not sure what the plea was	10	25
Pleaded guilty early (at first or second court appearance)	5	13
Pleaded guilty but I'm not sure when	7	18
Pleaded not guilty at first but changed plea prior to hearing/trial	6	15
Pleaded not guilty at first but changed plea during the hearing/trial	6	15
Pleaded not guilty all the way through	6	15

a: Percentages may not total 100 due to rounding

Source: AIC Experience of family violence survey

**Table 32** Victim satisfaction with prosecution contact

	n	%
Very satisfied	11	42
Fairly satisfied	9	35
Fairly dissatisfied	1	4
Very dissatisfied	4	15
Can't say, not sure	1	4

n=26

Source: AIC Experience of family violence survey

the contact they had with the prosecution. Women who did offer an explanation did so voluntarily at the time they were asked to qualify their experience of the contact. Those who did provide contextual information stated that the ODP:PP:

always returned calls promptly and answered perfectly.

were wonderful, they were right and I was wrong. I was trying to have the charges dropped—didn't want to deal with it.

[were] 'flippant' about dropping the charges.

didn't have the experience or sensitivity that police did. The issue was I was just a witness. I couldn't have character witnesses but he could. I was disgusted with my lack of rights and how protected he was.

Unfortunately, only 17 women responded to this question in the 2001 Urbis Keys Young evaluation. The authors of that report did not comment on their results because the number of responses was too low to warrant interpretation.

Table 33 reflects survey responses relating to victims' experience of the prosecution process. Survey respondents were asked to indicate the extent to which they agreed or disagreed with a range of statements about the prosecution process. The majority of respondents agreed or strongly agreed with the following statements:

- I felt satisfied with the contact I had with the police in the period leading up to the court case (63%);
- I felt satisfied with the contact I had with DVCS in the period leading up to the court case (78%); and
- I felt satisfied with the amount of notice I was given about the date and time the case was going to court (79%).

Survey respondents were also asked if they went to court and if they did, if they testified. Thirty-nine women responded to this question. Seventeen (44%) stated they went to court and nine of these women (53%) testified. Given that only 17 women went to court, it is somewhat surprising that 20 women were able to respond to the statement *I felt well prepared for giving evidence in court*. For some of these women, however, the decision or need to

go to court may not have been decided until late in the process and therefore, some case preparation may have occurred. In addition, 37 women responded to *There was a lot about the court proceedings I didn't understand*, although only 17 women stated they had been to court. These somewhat contradictory responses may have been in relation to the process as they understood it, as it was explained to them or as they experienced it.

Similar questions, with similar results, were asked in the 2001 Urbis Keys Young evaluation. However, the Likert scale used in the that study included a 'hard to say' category rather than 'neither agree nor disagree' and did not include 'not applicable'. Thirty-six percent of Urbis Keys Young and

40 percent of current respondents identified that the prosecution case was well-prepared. In the Urbis Keys Young study, the statement was phrased as *poorly prepared*, therefore, the 36 percent represents persons answering *disagree* or *strongly disagree* to the statement.

- 55 percent of Urbis Keys Young and 51 percent of current respondents identified that they had plenty of opportunity to ask questions about what might happen in court.
- 48 percent of Urbis Keys Young and 46 percent of current respondents identified that there was a lot about the court proceedings they didn't understand.

**Table 33** Experience of the prosecution process<sup>a</sup>

Statement	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Not applicable	
	n	%	n	%	n	%	n	%	n	%	n	%
I felt satisfied with the contact I had with the police in the period leading up to the court case <sup>b</sup>	8	20	17	43	3	8	6	15	2	5	4	10
I felt satisfied with the contact I had with the prosecution in the period leading up to the court case <sup>b</sup>	10	25	6	15	6	15	11	28	3	8	4	10
I felt satisfied with the contact I had with DVCS in the period leading up to the court case <sup>b</sup>	23	58	8	20	2	5	1	3	2	5	4	10
I thought the prosecution case was well-prepared <sup>b</sup>	4	10	12	30	13	33	6	15	2	5	3	8
Prior to going to court I had plenty of opportunity to ask questions about what might happen (in court) <sup>c</sup>	8	20	12	30	4	10	7	18	4	10	4	10
I felt satisfied with the amount of notice I was given about the date and time the case was going to court <sup>c</sup>	14	35	17	43	4	10	1	3	3	8	0	0
I felt well prepared for giving evidence in court <sup>c</sup>	5	13	4	10	4	10	4	10	3	8	19	48
There was a lot about the court proceedings I didn't understand <sup>c</sup>	5	13	13	33	4	10	11	28	4	10	2	5

a: Row percentages may not total 100 due to rounding

b: n=40

c: n=39

Source: AIC Experience of family violence survey



There were also differences in the current and previous survey responses:

- 54 percent of Urbis Keys Young and 79 percent of current respondents identified that they were satisfied with the amount of notice they received about the date and time the case was going to court.
- 40 percent of Urbis Keys Young and 23 percent of current respondents identified that they felt well-prepared for giving evidence. It is difficult, however, to draw any conclusions from this result because as noted above, the majority of respondents to the current survey did not go to court.

It is difficult to draw any conclusions from the victims' assessments of satisfaction with the prosecution case preparation, ability to understand proceedings, and any differences between the current and previous survey results. This is because, as noted above, many of these respondents did not attend court. Of the 17 women who stated they went to court, only two strongly agreed and five agreed that they did not fully understand the proceedings. That means that 11 women who did not attend court accounted for the remaining responses for those preferences. This may be a relevant result as there should be an expectation that whether they attend court or not, they will understand the procedures. However, it may be that the question was intended to ascertain what their experience was during a court session in order to determine if the justice professionals were including the victim in the process. The difficulty in assessing the responses to these questions suggests that great care must be taken when developing survey instruments.

According to survey respondents, the majority of cases (54%) resulted in a conviction and three percent resulted in a finding of not guilty. Twenty-three percent of the respondents identified that some of the charges were dropped. These charges may be represented in the outcomes recorded as convictions. Eighteen percent of the women did not know what the outcome was. These figures are reflected in Table 34.

Approximately equal numbers of respondents reported that they were or were not given the opportunity to prepare a Victim Impact Statement (n=19 and 18 respectively). Three victims were not sure. Victims of crime only have the right to submit a Victim Impact Statement to the court if the defendant is convicted of an offence where the maximum penalty is a term of imprisonment of five years or more.

Satisfaction with the case outcome was mixed. The main reason cited for satisfaction or dissatisfaction with the case outcome was the perception of whether the sentence was appropriate. Of those who were satisfied, nine women (69%) felt the sentence held the offender accountable. Two of these nine women stated the offender got the help they needed. Of the remaining four women, one stated there was no issue and she was pleased that the charges were dropped and three women stated they were satisfied because 'nothing bad' happened to the offender.

Of those who were dissatisfied, nine women (60%) stated that the sentence was too lenient, one was displeased with charges being dropped and another woman believed the offender 'hasn't learnt his

**Table 34** Victim reports of case outcome<sup>a</sup>

	n	%
The case hasn't been completed yet <sup>b</sup>	1	3
The accused was convicted/found guilty of one or more charges	21	54
Some of the charges were dropped	9	23
The accused was found not guilty of all charges	1	3
Unsure of outcome	7	18

a: Percentages may not total 100 due to rounding

b: Appealing sentence

Source: Experience of family violence survey (n=39)

**Table 35** Victim satisfaction with case outcome<sup>a</sup>

	n	%
I feel satisfied with the outcome and feel justice was done	13	33
I am not satisfied with the outcome and feel that justice has not been done	15	38
I am not sure if I am satisfied with the outcome or not	9	23
Don't know/none of the above	2	5

a: Percentages may not total 100 due to rounding

n=39

Source: Experience of family violence survey

lesson'. The remaining responses centred on the perception that part of the system was unresponsive, whether it be the magistrate or the prosecution. Two women stated they felt there should be an alternative to the criminal justice system and one woman was unsatisfied because the process took too long.

Satisfaction with the case outcome did not appear to be related to either satisfaction with the police or the prosecution. Of the 13 survey respondents who were satisfied with the outcome, 11 had also stated they were satisfied with the police and either had been satisfied with, or had no contact with, the prosecution. Of the 15 women who were not satisfied with the case outcome, 10 also stated they were satisfied with the police and 12 had either been satisfied with, or had no contact with, the prosecution. In the previous Urbis Keys Young evaluation, a greater percentage of victims were satisfied with the case outcome (47%), but it is not known whether this was linked to the sentence received or conduct of criminal justice professionals.

### Feeling part of the criminal justice system process

Victims were asked to identify if they felt a part of the criminal justice decision-making process. The majority of respondents (54%) stated that they did not, while 44 percent stated that they did and one respondent was unsure.

The victims' reported reasons for feeling or not feeling like they were a part of the decision-making process were varied, but can be broadly

characterised by the level of input they felt they had and the level of communication between them and the criminal justice system agencies. The women's remarks demonstrate the varied experiences they had with the system.

### Women who felt part of the criminal justice system decision-making process

I knew they [the prosecution and police] were influenced by me and what I asked.

I was able to give evidence, part of the whole thing.

The police asked me what I wanted.

I got into it.

I had access to the DVO unit at court.

Police listened but did what they had to, regardless of me.

Prosecution consulted me.

The police and prosecution rang regularly [updated on progress].

ODPP spoke to me about the process and they listened to me.

The prosecutor did take me aside and told me it [the case] was going to be thrown out.

Had meetings, constantly phoned me, asked if I was satisfied with the information they were putting to the court.

There is so much going on. All too much when you're scared and got kids.

## Women who did not feel a part of the criminal justice system decision-making process

I didn't have any say.

I had no say in any of it.

They'll ask you but in the end your opinion doesn't mean much—they are all higher than you, lawyers etc that's the way it is—how life works.

If someone had gone through his evidence with me it may have been a different outcome.

No one talked to me. They haven't got him yet.

I felt very weak after [the] incident trying to work, raise a child, a lot to take in. I shouldn't have had to get [an] AVO, should be automatic on release [from prison]. If victim is too terrified to give evidence, past history should be allowed to be used as evidence. Feel if [I] was stronger at the time, maybe he'd still be in jail. [The] system doesn't realise how powerful men can be over women, what fear there is, finding time for counselling etc. System [is] too complicated... terrifying experience, my son [was] traumatised, [I'm] angry...never goes away.

They didn't listen to me—it was a family argument. My husband wasn't given the opportunity for an interpreter...he was frightened by the police.

Felt like everything, after charges were laid, I felt forgotten about.

I should've been spoken to by his lawyer about what really took place. I was not prepared or given enough information.

Not regarding the handing down of justice—no justice, he just got a slap on the wrist.

I was not really wanting to engage—was downplaying it all. I should've been stronger but I was scared.

Sent letter with a date—that was it.

It got taken out of my hands...once he'd admitted it he was charged regardless of me.

It wasn't discussed with me by any of the services.

Not really—didn't want to engage, wanted it out of my life.

They never gave me a real opportunity to do anything.

If they'd asked me I would have said throw the book at him. He was mentally and emotionally controlling me and nobody would hear me.

Didn't get asked about anything.

## Contact from ACT Corrective Services

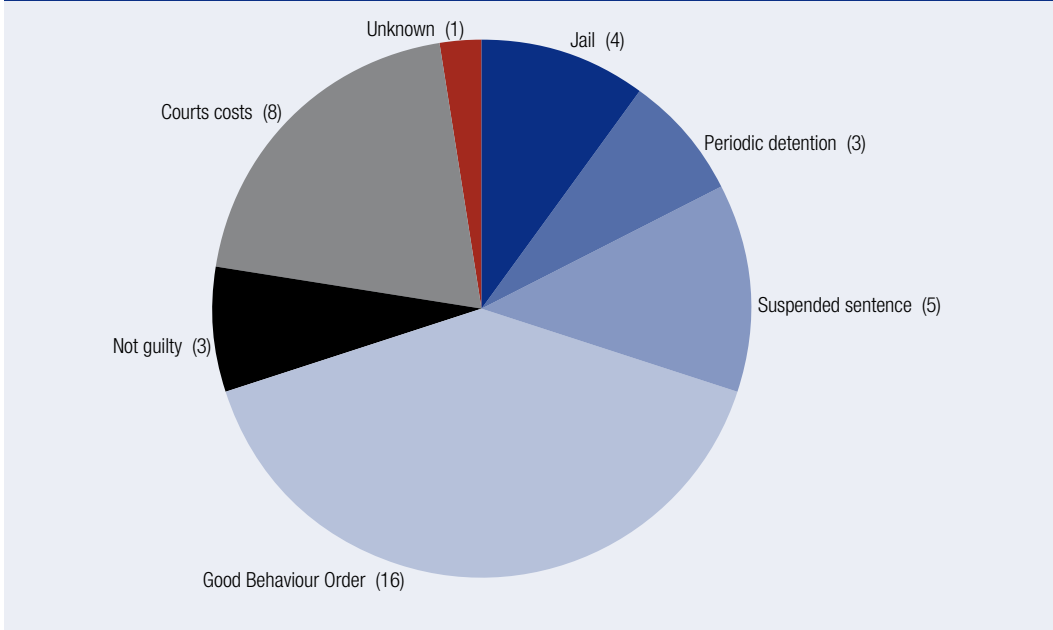
The majority of respondents (69%) stated they did not have contact from ACTCS following the finalisation of the case. Only nine women identified that they had any contact. During the 2007–08 financial year, ACTCS supervised all persons on community-based orders and periodic detention. The FVSC Program was only undertaken with offenders on a GBO, bail order or parole order.

Figure 36 represents offender sentence outcomes based on the statements of survey respondents and DVCS case file records. Those persons sentenced to terms of imprisonment would have been supervised by the NSW Department of Corrections. Persons receiving a suspended sentence would also have received a GBO. Therefore, 21 offenders (53%) received a supervised or unsupervised GBO, eight (20%) received a monetary penalty, four (10%) received a term of imprisonment, three (8%) received periodic detention, three (8%) were found not guilty and one case outcome was unknown. The DVCS files further indicate that in nine circumstances, the offender was ordered to attend a counselling or rehabilitation program.

The types of contact from ACTCS reported by victims varied. Five women described the contact as related to the program their partner was undertaking. Two women stated they were contacted, by letter, in relation to the ACT Victims register. Two other women stated they received a telephone call in relation to the outcome.

Of the nine women who received contact from ACTCS, eight identified that they were happy with the contact and did not require more. One stated she would have appreciated the person who called to have been more supportive and another stated the information provided was not useful. Two women

**Figure 36** Sentence outcome (n)



n=40

Source: AIC Experience of family violence survey

stated they were pleased to have been kept informed. One woman was glad she was given the opportunity to clarify what the offender said he was doing at the program. Two women said they were pleased with the worker who called and felt that person was supportive.

### Involvement with support services at the time of the incident

Twenty-five (63%) of the 40 survey respondents identified that they had been a DVCS client prior to the family violence incident. At the time of the incident, 37 of the 40 cases (93%) were referred to DVCS by the police. In the other three cases, the referral came from the victim.

In the previous Urbis Keys Young evaluation (2001), 20 percent of respondents stated they did not have any contact with support services. Of those who did, 56 percent saw a counsellor, 54 percent had contact with DVCS, 18 percent had a court support worker and five percent used the services of a refuge.

Seven women (18%, n=39) from the current survey identified that they had been involved with other

support services at the time of the family violence incident. Two of these women identified that they were involved with multiple services and five identified one service. Services identified included VS ACT, OCYFS, Communities at Work, a women's refuge, ACT Mental Health, Bright Future and a private psychologist.

Respondents identified the following assistance as most beneficial from the support services:

- counselling;
- accommodation support;
- provision of food vouchers;
- rent assistance; and
- maintenance of contact.

Ten respondents identified other support services they would have liked to have received. These included:

- supported housing;
- legal and police process information;
- financial assistance; and
- easier processes of committal for people at risk of harm to self or others.

**Table 36** Victim satisfaction with DVCS services<sup>a</sup>

Service type	Very satisfied		Fairly satisfied		Fairly dissatisfied		Very dissatisfied		Not sure		Not applicable	
	n	%	n	%	n	%	n	%	n	%	n	%
Crisis visit <sup>b</sup>	18	50	9	25	0	0	0	0	0	0	9	25
Follow-up phone calls <sup>c</sup>	22	59	11	30	0	0	0	0	0	0	4	11
Being updated on the case <sup>c</sup>	18	49	10	27	3	8	0	0	1	3	5	14
Advocacy <sup>b</sup>	17	47	9	25	1	3	0	0	0	0	9	25
Court support	18	49	6	16	0	0	0	0	0	0	13	35

a: Row percentages may not total 100 due to rounding

b: n=36

c: n=37

Source: AIC Experience of Family Violence Survey

## Contact with Domestic Violence Crisis Service

Thirty-nine respondents answered questions in relation to their contact with DVCS. Thirty-five women (88%) stated it was either very or fairly easy to access DVCS. No respondents reported any difficulty accessing DVCS, although two victims stated they could not remember if they had accessed the service.

Survey respondents were asked to report the ways DVCS was helpful. There were multiple responses to this question. The greatest proportion of responses (46%) focused on the communication received from DVCS; that DVCS made contact and listened. Twenty-six percent of respondents cited general support provided by DVCS (which included making contact and providing information) and 36 percent stated that onward referrals and outlining available options was most helpful. One woman stated that DVCS did not offer the type of support she wanted. She felt a need for a 'middle ground' response to the incident.

Survey respondents were also asked what other support they would have liked to have received from DVCS. Twenty-four (62%) respondents stated there was nothing else they would have wanted. Nine (23%) did not respond to this question. The remaining respondents identified a desire for accommodation support, assistance with interstate protection orders, provision of home security assessments, more follow-up and counselling services.

Survey respondents were asked to qualify their level of satisfaction against each of the services DVCS provides. For each service experienced, the majority of respondents were very or fairly satisfied. Some services were not experienced by all clients. Table 36 depicts their responses.

Survey respondents were asked how easy it was for them to go through the criminal justice process in relation to the family violence incident. One-third (33%) of respondents reported that it was fairly or very easy, 13 percent reported that it was neither easy nor difficult and 54 percent stated that it was either fairly or very difficult. Victims were also asked how easy it would have been without the support of DVCS. All of the respondents who said it was either fairly or very easy reported that it would have been fairly or very difficult without DVCS. No respondents felt it would have been a fairly or very easy process without the support of DVCS. The responses indicate that 51 percent of respondents felt that support from DVCS improved the ease of their experience with the criminal justice system process. These responses are reflected in Table 37.

## Aftermath

Thirty-nine survey respondents were asked a series of questions about the aftermath of the case. Respondents were asked if, following the court case, they were able to move on with their lives. Twenty-three women (59%) stated that they were able to move on with their lives, 12 (31%) that they were not and four (10%) were uncertain. Respondents were also asked what assisted them

**Table 37** Victim reports of the ease of their experience with the criminal justice system with and without DVCS support

Question	How easy would it have been without DVCS?							
	Neither easy nor difficult		Fairly difficult		Very difficult		No response	
	n	%	n	%	n	%	n	%
Very easy	0	0	2	67	1	33	0	0
Fairly easy	0	0	5	50	5	50	0	0
Neither easy nor difficult	2	40	1	20	1	20	1	20
Fairly difficult	2	20	2	20	5	50	1	10
Very difficult	0	0	1	10	1	10	9	81

Source: AIC Experience of Family Violence Survey

**Table 38** Victim assessment of their ability to move on after the family violence incident

	n	%
Support from family and friends	11	38
Personal drive/necessity	8	28
Support from other services	8	28
Support from DVCS	3	10
Finalisation of the case	1	3
Offender being imprisoned	1	3
Offender receiving a community-based order	1	3
The offender genuinely seemed to want to change	1	3
Meeting someone new	1	3
Going back to work	1	3
There was no issue/nothing to move on from	1	3

n=29

Source: AIC Experience of Family Violence Survey

the most to move on with their lives. Twenty-nine persons responded to this question with multiple responses. Their responses were categorised and are presented in Table 38. Support from family, friends and services was reported as being of the most assistance in moving on after the family violence incident.

Survey respondents were asked what might have made a difference to them being able to move on with their lives. Twenty-eight women provided responses to this question, four of whom provided multiple responses. With the exception of three women who raised an issue in relation to their incident not being taken seriously enough by the criminal justice system and three others who stated they wanted financial assistance, the responses

were substantially different. Responses identified a range of unmet needs and expectations. These responses have been categorised as issues relating to criminal justice system delivery, support service delivery or issues between the offender and the victim. The range of responses is identified under these broad categories below.

*Criminal justice system delivery:*

- better service from the ODPP;
- ensuring the offender is made to feel responsible;
- providing safety for the victim;
- not pursuing the process (it was described as harmful and this person identified that it was the criminal justice system process that hurt her not the family violence incident);

- quicker criminal justice system response; and
- written information being provided on the outcome.

*Support services delivery:*

- financial support;
- peer support for the offender;
- peer support for the victim; and
- providing active referrals not just contact details.

*About the offender and the victim:*

- cessation of alcohol abuse;
- offender to leave victim alone;
- victim to leave the offender earlier; and
- victim to have never met the offender.

Victims were asked how likely they would be to call the police for assistance, be involved in another prosecution or have contact with DVCS if they were hurt or assaulted in a family violence situation in the future (see Table 39). Nineteen respondents (49%) identified that they would definitely be involved with all three service providers, if necessary, in the future. Five respondents (13%) stated they would either probably or definitely be involved with the three service providers in the future. One person was uncertain about future involvement with all of the services. The remaining 14 respondents (36%) stated they would probably call for police assistance but either didn't know or definitely wouldn't be involved in another prosecution and/or have contact with DVCS.

Survey respondents were asked if they had been re-assaulted and if they had contacted police. Twelve respondents (31%) identified that they had been re-assaulted and a further five (13%) stated

that the offender had breached a protection order. All five of these latter women contacted police. Of the 12 who had been re-assaulted, five did not report it to the police. These five women had answered that they definitely or probably would report to the police, as outlined in Table 37. The reasons for not reporting to police varied. One woman stated she was too confused or upset at the time. Another stated she told someone else instead. One reported that there was nothing the police could do and two cited other reasons involving cultural issues.

Finally, the women were asked what made the biggest difference to them as they went through the criminal justice process and whether they had any other comments they would like to make. Six women identified that there was nothing specific that had made the biggest difference to them. The responses from the remaining 32 women who responded to this question suggest that being and feeling supported and assisted made the biggest difference to them.

Twenty-four women (75%) identified a specific support service, person, agency or process as having a positive influence on their experience with the criminal justice process. Some women provided multiple responses. All of their comments are recorded below:

**About support or assistance generally**

Having someone in court with me—not being alone.

Well everything was good yeah, yeah, felt a bit sad.

**Table 39** Victim reports of potential future access to services

	Definitely		Probably		Probably not		Definitely not		Don't know	
	n	%	n	%	n	%	n	%	n	%
Call for police assistance <sup>a</sup>	27	69	11	28	0	0	0	0	1	3
Be involved in another prosecution <sup>a</sup>	20	51	6	15	1	3	6	15	6	15
Have contact with DVCS <sup>b</sup>	27	71	4	11	3	8	1	3	3	8

a: n=39

b: n=38

Source: AIC Experience of Family Violence Survey

Support from services/everybody very good.

Family.

Had so many people calling me to see how I was going—even the police officer called me.

[The] level of support was almost overwhelming, but necessary.

Knowing that people understood my situation, moral support, phone calls, updates they cared. [What] was really important was to be told the steps in the process.

To be a normal family in an extraordinary situation.

Services that were available. I was really amazed that they existed for me and my kids.

Family, friends and kids.

What helped was being able to make adjustments to the protection order.

Knowing what my rights are.

### About Domestic Violence Crisis Service

DVCS ladies and men...they were great and I constantly felt cared for.

DVCS really supported me.

DVCS absolutely—having them there on the night, 12:30 am, they were there every step of the way. You could ring day or night and someone would pick up the phone, help, support and encourage you to make decisions.

DVCS—if not for them, it's a cold horrible environment.

DVCS people did the nicest thing [support for a DVO application] and the worst thing [contacted CPS].

That I came in contact with DVCS—that in the future they will help me.

The DVCS people were very supportive.

### About support from other providers

Definitely DVCS and particularly [worker] from victim services. She never seemed like she was doing a job. I dealt with one person all the time.

One downfall of DVCS was not having a set caseworker.

Help getting a job and accommodation.

Appreciated the dedication of the prosecutor—she was experienced.

DPP staff were great—striving for me all the time to the point they were able to get a variation of Bail to keep him out...while I packed up.

People from DVCS and DPP.

Information I did get from various places like the DPP and DVCS.

Really good support from police.

The police were fantastic. I knew it was all over when I called the police. I felt safe. I didn't feel afraid of him—this enabled me to get away from the relationship.

Eight women (25%) identified either criminal justice process issues or problems they faced as having a negative impact on their experience. All of their comments are recorded below:

The justice system—as a woman who has put up with DV for 17 years, the criminal justice system hasn't backed me up.

A more friendly neutral environment to get orders—privacy is an issue—appearing at court to get a DVO is frightening—even leaving with an interim order and not knowing if it has been served—not a nice place to spend the day.

ACT/NSW issues—no one could work together.

The fact that I had to run away and felt very isolated from all the decisions—my life was in limbo for 6 months.

The thing that would help me go through it again? I don't think my husband got a fair deal that night—he was taken away.

Nothing good about it—my opinion is he has a life now and I still suffer—part of me is not sure I'd report it again—this will hurt me forever—no justice.

If the police had've picked him up/arrested him long ago.

I was hurt by this process, it was a family argument.



Final comments from survey respondents identified that some women were not prepared for the court process or found fault with it.

One thing that bothered me about going to court was he walked in right past me and I was terrified—that shouldn't happen. I was afraid to testify.

With cross examination I didn't think it would be so long and hard, very combative/adversarial.

When I finally stood up to him the system let me down very badly.

There is a strong need for an alternative intervention (not criminal justice process).

I healed from the incident, having to sit in the court and be taken apart by the defence lawyer—I had to get counselling. What they did to me damaged my life—another situation that compounds the trauma. The court experience/trauma still affects me—I didn't have a lawyer represent me.

I don't feel justice was served—you don't just get over it.

Biggest thing about this whole thing was not being able to use history of his use of violence against me.

Other women pointed to the positive experiences they had:

Couldn't have done anything without DVCS and outreach services.

DVCS excellent—couldn't do enough to help.

Learnt a lot—am grateful I came out of this well—emotional damage will heal.

Put it all behind me—got him some help and it worked.

Three women used the opportunity for final comments to express a hope that 'it never happens again'.

## Discussion

Family violence affects a diverse range of persons in the Australian Capital Territory, as in other communities. The women who participated in

the survey for this report shared a broad range of experiences and perceptions of the criminal justice system response to their case.

This survey attempted to explore how these women felt at various points throughout the criminal justice system process in order to ascertain where response failures and strengths occurred. The survey instrument design divided the experience of family violence into sections (initial incident, police response, prosecution, support services and aftermath), anticipating responses confined to experiences had within those sections. It is evident from the responses to the survey questions that for many, if not all of these women, compartmentalising their experiences into the prescribed format of the survey questionnaire was difficult. The responses seem to indicate that the entire experience of family violence is remembered and reflected upon as a whole. This includes all of the experiences leading up to the incident, the criminal justice system response and the effect of the experience on their lives.

In some circumstances, the responses to questions seemed to indicate that the view being expressed related to the overall experience and not necessarily to the experience when it actually took place. In these cases, the timeframes and events appeared to be blurred. This was evident in a number of responses. For example, where women expressed opinions about the court process and yet had also stated they did not go to court. They may have been referring to conversations they had held with the prosecution about the court process or may have been answering on the basis of the outcome of the court process.

Given the stressful and traumatic nature of family violence, it is not surprising that victims of family violence reflect upon their experience with system responses and agents as a whole. It does, however, make it difficult to ascertain what needs to happen operationally at various points along the system response to improve the victim's experience, lessen their anxiety or sustain the positive assistance they are receiving.

Information or a lack of information was also critically important to the majority of these women's experiences. There appears to be a lack of coordination between agencies as to who informs

the victim about particular processes and when they are occurring. Many of the women who commented on the lack of information provided to them had also indicated that they had wanted the charges dropped or were dissatisfied with the process. This leaves the impression that once they disengage from the process their entitlement to information is withdrawn.

A number of women commented upon the failure of the system to respond as they would have liked. Some felt let down by the system; others felt the process was too difficult or expected different outcomes. Not understanding the roles of and processes undertaken by agents in the criminal justice system response appeared to have caused some survey respondents distress. From this survey, there is no way of knowing if information was clearly conveyed to the survey respondents, but their responses indicate that information was either not given or not understood. For example, one woman was highly dissatisfied with the criminal justice

system response to her case and frequently mentioned that she felt the offender's past history should have been admissible in court. This woman also indicated that the offender had not had charges laid against him in the past nor had she, in the past, contacted the police in relation to family violence incidents in which she was a victim, but had 'put up with it' for years and in the end, was 'let down by the system'.

Agencies within the FVIP have disparate roles and given their legislatively prescribed functions, cannot actively engage at every level of the criminal justice system response to family violence. However, the fact that victims contextualise their experiences as a whole may illustrate a need for system-level responses to acknowledge the experiences of the victims they are dealing with, appreciate the effects their own and other agency responses have on these experiences and provide accurate and full information in relation to what they can and cannot do.



# Family Violence Intervention Program: Inside views

## Overview

Stakeholder interviews were conducted to inform two key components of this review—the assessment of the effectiveness of the FVIP and the recommendations on the program’s future direction and governance arrangements. The interviews were undertaken in a semi-structured format to elicit responses against eight broad themes—program aims, program effectiveness, accountability, governance, criminal justice system responses, data requirements, challenges and future directions of the program.

Interviews were conducted with 21 representatives of FVIPCC agencies. A minimum of two interviews were conducted with each of these agencies. Interview questions were tailored to the role of the stakeholder within the FVIP’s delivery and their experience working directly with victims and/or offenders in relation to family violence matters. Fourteen of the interviewed stakeholders were involved in the program’s coordination.

Interviews were conducted with the understanding that no comments would be attributed either to individuals or to their organisations. This section of the report represents the unattributed views of interviewed stakeholders against the broad themes under discussion.

## Program aims

Interviewees responsible for the coordination of the program were asked to comment upon whether the stated aims and objectives were still valid and whether any additions to them were required. These purposes are to work together cooperatively and effectively, maximise safety and protection for victims of family violence, provide opportunities for offender accountability and rehabilitation, and seek continual improvement. All of the interviewees agreed that the aims of the program were still valid and important.

Three stakeholders commented upon the need to review the original purposes to refresh the enthusiasm for the program and ensure a shared understanding across agencies. Updating documentation, including protocols and agreements in relation to the coordination of the program, was identified as a way to achieve this end. Other stakeholders identified that current protocols were sufficient and working well.

## Program effectiveness

In the interviews, program effectiveness was discussed in terms of the operation of the coordinating committee and the individual agency response to family violence. The stakeholders

identified a number of strengths, as well as threats and potential barriers to the effective operation of the program.

The program was widely perceived to be effective across three of the four identified purposes, but ineffectively or inadequately promoting offender accountability. This view may be a result of FVIP agency representatives not being aware of the service delivery system operating within ACTCS, rather than ACTCS not providing adequate services. Some stakeholders identified a need for more collaboration and engagement from ACTCS by way of broader data provision to other FVIP partner agencies. These stakeholders demonstrated their interest in learning about the interventions offenders undertake and how they are assessed and monitored. Other stakeholders noted that there was a need for more, although not necessarily more punitive, quality sentencing options in relation to reoffending. Some stakeholders identified the need for a broader approach to rehabilitation, although there was disagreement as to what this would encompass. Some pointed to the failure of cognitive-based interventions while others remarked on the evidence base to support these approaches.

Many stakeholders noted the strengths of agency responses to family violence as emanating from significant improvements that have been made to the criminal justice system response to family violence over the 10 year operation of the FVIP. Noted achievements included improved evidence collection, case-tracking meetings, expanded victim support and improved collaboration.

Other identified strengths of the program were:

- commitment from individuals, agencies and ACT Government;
- positive cultural shifts;
- strong focus on victims;
- information sharing (eg through case tracking); and
- the development and maintenance of strong networks.

The FVIP's lack of a statutory basis was considered by some stakeholders to be a key threat to its operation. Others advised that legislating for a program was not only challenging but impossible

and that other measures to secure the continued operation of the FVIP should be explored. The program itself operates on the basis of verbal commitments, supported by protocols signed in 1998 and an MoA negotiated in 2004. Signatory agencies are able to opt out of the program at any time, while other agencies who were not part of these initial agreements participate in the program's coordination on a strictly voluntary basis due to their commitment to and belief in the program. This reliance on the commitment of key senior people from signatory and non-signatory agencies is seen as a significant threat to the operation of the program, as changes in personnel within agencies could result in less support for the FVIP and its initiatives.

Other perceived threats to the effective operation of the program included:

- agencies being under resourced;
- changes in government direction;
- retention of dedicated operational staff;
- changes in personnel and loss of corporate knowledge;
- pressures of increasing caseloads;
- legislative barriers to information sharing;
- attitudinal barriers between agencies;
- lack of focus to the coordinating committee meetings at times;
- too strong a focus on what agencies are doing instead of where they are going; and
- lack of community awareness and indifferent attitudes towards family violence.

The length of operation of the FVIP was considered to be both strength and a threat to its continued success. The program's continued operation over a 10 year period has allowed program partners to develop strong networks and collaboration models. Stakeholders also commented that there is a wealth of knowledge across agencies and in particular, those committed to working within the family violence area. A threat identified by stakeholders concerned the loss of momentum for the program. One stakeholder suggested that the program is simply being maintained rather than improved. Others mirrored this concern by describing feelings of stagnation. Stakeholders commented on an

external perception that, given the number of years devoted to family violence intervention, the work should have been completed by now.

## Accountability

The FVIP operates on the basis of collective accountability. Stakeholders generally found this to be reasonably effective, however, a number of flaws were identified.

Under the MoA, FVIP agencies retain their own accountabilities. Stakeholders stated this was necessary given the varied roles and operations that fall outside of the responsibilities of the FVIP. With individual agencies retaining their own accountabilities, there are a lack of mechanisms to ensure accountability for the program as a whole. Stakeholders also expressed concern about the lack of government reporting requirements and the lack of identified parameters for which each agency is responsible. Currently, the FVIP does not produce an annual report and does not have a set of measurable outcomes to report against. Improved statistics were noted as a potential way for the collective accountability model to work more effectively.

Most agencies identified policy, procedure, guidelines and training as the quality assurance measures by which internal accountability is achieved. In addition, most agencies have specialist family violence positions filled by experienced practitioners who have appropriate levels of experience and expertise. The three day training program undertaken by ACT Police was mentioned by several stakeholders as a critical to the ongoing success of the program, given the police's frontline role.

Stakeholders also commented on the nature of meetings and information-sharing opportunities undertaken between partner agencies. The FVIPCC is commented on below. Other meetings are also conducted on a regular basis, including case tracking and informal discussion between relevant persons working on specific cases. With respect to the latter, stakeholders advised that DVCS, ODPD and ACTP are in contact, generally, on a daily basis. This contact is seen as extremely beneficial as it is timely and includes the persons involved in the case. Case tracking received mixed reviews, with some stakeholders highly supportive of its continuation

and others suggesting it has lost some of its relevance over time due, in part, to attendees not always being the relevant person with knowledge of and responsibility for the case, as well as case tracking being seen as a duplication of information sharing that is taking place informally.

Although agencies reported that they work well together, it was noted by many stakeholders that their disparate roles and functions are not widely acknowledged. It was suggested that the coordinating committee should focus a meeting on how agencies work together to broaden knowledge about each other's roles and expertise.

## Governance

Stakeholders were asked to comment upon the administrative arrangements of the FVIPCC. Currently, the VoCC as the Domestic Violence Project Coordinator acts as chair, secretariat and facilitator, and identifies data and information needs for the program. Most stakeholders commented that it was important to have a strong driver for the program.

Three stakeholders commented that the VoCC was an appropriate person to chair and coordinate the FVIP as the position is independent and non-operational. Three other stakeholders, however, noted that from 2007–08, the VoCC was no longer a purely independent position given the additional responsibilities for managing Victim Support ACT, a service provider. The majority of stakeholders commented that a revolving chair could be considered with strong secretariat support from a non-operational area.

Stakeholders were also asked to comment on the substantive level that agency representatives who attend FVIPCC meetings should hold. In all but one circumstance, it was felt that representation should be at a minimum of Director level, with the preference at Executive level. Attendance from this level of personnel was viewed as integral to the ability of the FVIPCC to make decisions, effect change and set a strategic direction. Stakeholders also identified a need for the Youth Directorate of OCYFS to be represented at meetings. Executive Director attendance at the FVIPCC would meet this need.

## Data

Data collection was unanimously viewed by stakeholders to be useful and necessary. However, many stakeholders believed that it was not being disseminated widely or thoroughly enough. Some stakeholders commented that the data they received is generally highly qualified or caveated and lacks rigour. Most stakeholders agreed that sophistication in data analysis was necessary to ensure the data is operationally useful.

There was widespread agreement that data collection processes, though resource intensive, need to improve. Many agencies do not collect data and of those that do, some stakeholders expressed concern over the reliability of the data. Other comments highlighted the need for consistent definitions across agencies and the inclusion of the Supreme and Appeals Courts data for case-tracking purposes. Stakeholders also emphasised the importance of providing data in a timely manner to inform operations. Some stakeholders suggested that the collection and dissemination of data should be available through a central reporting process.

## Criminal justice system responses

Stakeholders identified a range of requirements for an effective criminal justice system response to family violence. The majority of stakeholders identified a need for improved community awareness through coordinated criminal justice and non-criminal justice agency campaigns. Some stakeholders believed this should be driven by FVIP agencies.

Some stakeholders confined the criminal justice system response to the core components of the current FVIP including:

- proactive policing;
- early evidence gathering;
- early involvement of victim advocacy;
- specialist processes;
- collaboration; and
- strategic direction.

Other comments explored the need to involve non-criminal justice agencies as part of an effective response to family violence, though not as part of the FVIPCC. These responses highlighted:

- the importance of the role of ACT Health and the Department of Education in identifying family violence and raising awareness;
- the need for more supported accommodation and long-term housing options for women through the Department of Disability, Housing and Community Services; and
- the need for engagement with organisations like Relationships Australia and the Domestic Violence Prevention Council.

When asked what was required to have an effective criminal justice system response to family violence in the Australian Capital Territory, some stakeholders stressed the importance of an innovative approach. In particular, some stakeholders remarked on the need to be able to identify areas for improvement and the resources required for action. Other stakeholders identified some potential improvements including a community education approach to family violence instead of an individual one (offender, victim or case-based), as well as providing more and better information to both the victim and accused.

## Challenges

Stakeholders identified a number of challenges in dealing with family violence matters. These matters were described as both difficult and emotive. Balancing the rights of both victims and accused persons was seen as particularly complex given the difference in focus of the FVIP partners who are represented by victim advocacy and criminal justice system agencies. A common problem cited was the difficulty in ensuring that information is both adequately provided and protected.

The specialist family violence court list, although seen as important, was also perceived to be problematic for some offenders who may have multiple listings and hearing dates requiring appearances on different days or times. This was seen to potentially increase costs to the court, Legal

Aid, the prosecution and individual offenders as well as potentially fuelling the offender's resentment of the legal process.

Stakeholders identified staff retention as a problem for many agencies. In some circumstances, individuals are promoted and leave the family violence area taking their expertise with them. The stress and responsibility associated with some agency work also leads to a high staff turnover. It was also noted by more than one agency that the lack of pay parity between the community and public sectors influences staff retention rates.

Other challenges identified included:

- the need for different approaches to victims with varying and complex needs;
- victim reluctance to pursue criminal charges;
- ensuring a deeper appreciation of the roles of various FVIP partners and particularly the boundaries of their work; and
- focusing on direction and decisions rather than negativity and what is not working well.

## Future direction of the Family Violence Intervention Program

Stakeholders were asked what they would like to see for the FVIP in the future. A range of responses were received, which are thematically identified below:

### *Governance*

- legislation and/or court rules to ensure certain key aspects of the program are protected;
- increased funding;
- improved data collection and dissemination;
- review of current protocols; and
- improved accountability to government.

### *Developing expertise*

- developing the knowledge base around high and low-risk offenders and victims;

- staff training and education on the dynamics of family violence;
- improving staff retention; and
- developing the capacity to explore unintentional adverse consequences of the FVIP approach (eg unjust verdicts or potential harshness to accused persons).

### *Service delivery*

- DVCS to provide more follow-up and crisis intervention;
- increased early intervention responses from ACT Policing; and
- generating feedback mechanisms for operational staff, victims and offenders.

### *Growth*

- exploring possible new approaches such as problem solving courts and therapeutic jurisprudence;
- expansion of program to a whole-of-government response;
- engaging in more community education; and
- exploring FVIP engagement with the Supreme Court.

## Discussion

The successful operation of the FVIP requires stakeholder engagement, 'buy-in' and advocacy for the program purposes and aims. On each of these levels, the FVIP appears to be a success. Stakeholders unanimously upheld the core purposes and aims of the FVIP and felt that agencies worked well together in achieving these common goals. It was evident from the interviews conducted that the people working in this area are dedicated and committed to improving outcomes for victims and persons accused of family violence offences.

The majority of interviewees cited the fact that good working relationships had been established as a major strength of the FVIP. However, the interviews also revealed a lack of knowledge among

stakeholders about the disparate roles and capacities of FVIP agencies. Throughout the interviews, expectations about the performance of different agencies were expressed and these did not always match what the specific agency could accomplish. Some effort, therefore, in articulating the role of agencies may be required to ensure a full understanding of organisational capacity and constraint on service provision.

Stakeholders identified a number of strengths and future challenges for the FVIP. Stakeholders identified a range of reforms and fine-tuning of the FVIP in order to be able to continue to deliver a high-quality criminal justice system response to family violence, and to meet current and future challenges.

Legislative and procedural reforms may be required to ensure differential responses are available to meet the needs of persons accused of family violence, particularly children or young people and/or those who have diagnosed mental health issues and/or are persistent repeat offenders. Stakeholders identified potential reforms to available sentencing options, bail support, improved access to mental health services and the provision of a range of rehabilitative

programs or practice principles (eg therapeutic jurisprudence). It was also suggested that DVCS be provided with additional resources to provide advocacy support for all family violence victims going through the court process.

Legislative reform was also identified as the means by which the FVIP could continue without the need to solely rely on the commitment of heads of agencies and to provide a statutory basis for the sharing of information between agencies.

Fine-tuning the program's aims, breadth and organisation was identified by stakeholders in a number of ways to ensure the FVIPs continued growth. Many of the suggestions made by stakeholders focused on leading the FVIP away from being dependent on individual persons and agency goodwill to drive it forward. Suggestions included modifying policy and procedural documents, rotating the chair of the FVIPCC, improving training, ensuring high-level representation at the FVIPCC and broadening the focus of the FVIP to include elements of prevention. Future planning for the FVIP should consider the stakeholder views expressed in this section of the report.





# Time for action

## Overview

*Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021* (the Plan) was released on 29 April 2009. The Plan was designed to provide a shared understanding, common purpose and the foundation for a collaborative approach between different levels of government and the wider community. The Plan identifies strategies and actions against six outcome areas:

- communities are safe and free from violence;
- relationships are respectful;
- services meet the needs of women and their children;
- responses are just;
- perpetrators stop their violence; and
- systems work together effectively.

The Plan recommends a number of actions to which the Australian Capital Territory, through Ministerial Councils, will contribute. These actions include the development of primary prevention frameworks, workforce strategies and exploring good practice family violence interventions. All of these actions are likely to require a whole of ACT Government commitment and the development of an ACT implementation plan. It is anticipated that FVIP

agencies will significantly contribute to the development of ACT-specific plans and strategies. Recommendations that, if implemented, may affect FVIP agencies at an operational level are identified in *Appendix D* against the implementation timeframes identified within the Plan—immediate, 2009–2012, 2012–2015 and 2015–2018.

The Australian Capital Territory, through the FVIP, Domestic Violence Prevention Council (DVPC) and other government service provision, has already undertaken significant work to support and improve outcomes for residents affected by family violence that meet or contribute to the actions identified in the Plan. The discussion below is limited to identifying key changes that FVIP partner agencies have implemented in the 2008–09 financial year, the role of the DVPC and four recommendations for immediate action from the Plan that will affect the FVIP at an operational level.

## Australian Capital Territory context

The implementation of the Plan in the Australian Capital Territory must be understood within the context of recent operational, policy and legislative changes. This report focuses on data collected

during the 2007–08 financial year and the operation of the FVIP during that time. Since 1 July 2008, developments have occurred that will affect the FVIP's operation and contribute to meeting the outcomes identified in the Plan. While some of these changes are noted here, they are not articulated in detail in this report.

In September 2008, phased implementation of the *Children and Young People Act 2008* began, coming into full effect in February 2009. This Act makes provisions for the care and protection of children and young people suffering abuse and/or neglect and imposes standards for the secure care and/or management of young offenders. Under s 342 of this Act, abuse of a child has been explicitly expanded to include exposure to domestic violence. The specific provision defines emotional abuse (including psychological abuse) as where:

- (i) the child or young person has seen or heard the physical, sexual or psychological abuse of a person with whom the child or young person has a domestic relationship, the exposure to which has caused or is causing significant harm to the wellbeing or development of the child or young person; or
- (ii) if the child or young person has been put at risk of seeing or hearing abuse mentioned in subparagraph (i), the exposure to which would cause significant harm to the wellbeing or development of the child or young person.

In September 2008, the Australian Capital Territory announced the opening of Bimberi Youth Justice Centre (to replace Quamby Youth Detention Centre) and the Alexander Maconochie Centre, the ACT's first prison. Planning for the new youth justice facility provided the impetus to review service delivery models for young offenders. A new cognitive skills-based program, Changing Habits and Reaching Targets, has been introduced. Changing Habits and Reaching Targets is a structured individual intervention program designed to assist young offenders to understand and address their offending behaviours. The program includes six core modules and six discretionary modules that may be undertaken to address specific offence-related needs. The core modules include *Motivation to Change* and *Offending Thinking*. The discretionary modules include *Healthy Relationships*, *Violence and Drugs and Alcohol*.

The Alexander Maconochie Centre opening has meant that all persons sentenced to terms of imprisonment will serve those sentences within the Australian Capital Territory. Repatriation of ACT prisoners held in New South Wales was completed in May 2009. ACTCS, therefore, is now able to provide rehabilitation programs to all offenders assessed as suitable, including those convicted of family violence offences. Continuity of program delivery is also more effectively administered as those persons receiving a post-prison GBO will be able to continue programs begun within the prison setting when they return to the community.

In February 2009, DVCS and ACT Policing introduced the Family Violence Incident Review (FVIR). The FVIR consists of weekly meetings between ACT Policing's Intervention Team Sergeant and the DVCS Client Services Coordinator, where all family violence incidents attended by ACT Policing for the previous seven days are reviewed. Both agencies record a separate task list of any follow-up action necessary in response to issues identified that require attention.

The FVIR aims to provide:

- quality assurance of existing collaborative responses with a particular focus on victims and their children;
- promote early identification/intervention/prevention in situations, particularly in matters where no offence is disclosed through an improved/increased response;
- capture 'missing' notifications and 'no invites' (disparity in data) in a more comprehensive/accurate manner and address to increase overall compliance;
- ensure that family violence incidents are accurately recorded in PROMIS;
- increase victim/community confidence in the criminal justice response because of improvements in the quality of the initial response; and
- build an intelligence picture, where possible, of family violence trends in the Australian Capital Territory.

On 30 March 2009, the *Domestic Violence and Protection Orders Act 2008* came into effect, replacing the *Domestic Violence and Protection*

*Orders Act 2001*. Under the new provisions, the definition of a relevant person has been expanded to include those in intimate relationships between two people other than a domestic relationship even if they are not or have not been members of the same household. Boyfriend/girlfriend and non-cohabitating homosexual partners who engage in family violence will therefore be provided the same level of response from the police and the courts as other intimate partners. This change will influence the procedures police employ in handling these matters and affect the number of defendants who appear on the specialist family violence list.

Other recent legislative changes have expanded the use of Closed Circuit Television to allow family violence victim witnesses to testify on camera. This may increase the capacity of reluctant victim witnesses to participate fully in the justice process, as it will reduce the amount of contact between the victim and accused. Victim participation in the justice system may also be improved by recent changes to the committals process which reduces the number of times a victim witness needs to testify. Changes to the committals process will also affect accused persons as they will need to make the decision to be heard by the Supreme Court at an earlier date than was previously necessary.

In addition, the *Victims of Crime Act 1994* is being reviewed. The review covers the effectiveness of the legislation in meeting the interests of victims of crime and the roles and functions of the VoCC.

## *The Domestic Violence Prevention Council*

The DVPC was established by the *Domestic Violence Agencies Act 1986*. The FVIP operated as a sub-committee of the DVPC from its inception in 1998 until 2004 when an MoA established governance through the FVIP Coordinating Committee. Although the FVIP is independent of the DVPC, council membership includes representation from FVIP partner agencies, including the Domestic Violence Project Coordinator.

Section 5 of the *Domestic Violence Agencies Act 1986* identifies that the objective of the Council is to reduce the incidence of domestic violence offences through the provision of its statutory functions:

- to promote collaboration among government agencies and non-government organisations involved in law enforcement;
- the provision of health, education, crisis or welfare services to victims or perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence;
- to assist and encourage the agencies and organisations to promote projects and programs aimed at enhancing the safety and security of victims of domestic violence offences, with particular regard to children;
- to advise the Minister on any matter relating to domestic violence;
- to inquire into and provide advice to the Minister on matters relating to domestic violence that have been referred to the council by the Minister;
- to establish and maintain links with and among government agencies and non-government organisations concerned with domestic violence;
- to assist government agencies and non-government organisations to develop procedures for the collection, standardisation and sharing of statistical information relating to domestic violence offences;
- to collect statistical and other information relating to domestic violence offences;
- to prepare and submit to the Minister a plan for dealing with domestic violence in the community, including recommendations on any changes in the law or its administration that may be necessary; improving the effectiveness of the provision of assistance to victims of domestic violence offences; the prevention of the occurrence of domestic violence offences; and developing systems for monitoring the effectiveness of any programs recommended in the plan that are implemented;
- to monitor developments within and outside Australia of legislation, policy and community views on domestic violence and the provision of health and welfare services to victims and perpetrators of domestic violence offences; and
- to give directions to the coordinator.

## Recommendations for immediate action from the Plan

Four of the recommendations for immediate action from the Plan are identified below, as their implementation will directly affect the operation of one or more FVIP partner agencies.

### **Action 4.3.1 Establish a mechanism that enables automatic national registration of domestic and family violence protection orders and subsequent variations, adaptations and modifications occurring anywhere in Australia or New Zealand, and consider the need to include police-issued domestic and family violence orders on the national register.**

The Plan articulates the need to remove geographic boundaries for domestic and family violence protection orders to address 'issues of natural justice, safe transition and continued protection across jurisdictions' (National Council 2009: 100). The Australian Government has established a working group, through the Standing Committee of Attorneys General, to develop the national protection order registration scheme.

Operationally, this will allow ACT Policing to enforce orders from other jurisdictions. This is of particular significance to the Australian Capital Territory, given its close proximity to Queanbeyan, New South Wales. It is also important when family violence victims reside in one jurisdiction but are victimised in another. This means that ACT Policing may be better able to respond to the needs of these family violence victims.

### **Action 4.3.2 Establish or build on emerging homicide/fatality review processes in all states and territories to review deaths that result from domestic and family violence so as to identify factors leading to these deaths, improve system responses and respond to service gaps. As part of this process, ensure all information is, or recommendations are, centrally recorded and available for information exchange.**

Such a review may require resources from all FVIP partner agencies and the establishment of a working group consisting of FVIP representatives, other

government and non-government service providers and community members. Work currently being undertaken by the AIC may inform the ACT review processes.

In January 2008, the Australian Government commissioned the AIC to investigate domestic-related homicide and inform interventions to protect women and children from violence. The project aims to identify early warning signs and factors associated with increased risk of domestic violence and homicide, as well as investigate the nature and extent of family-related homicide involving Indigenous Australians. These aims utilise and build upon the AIC's national homicide monitoring program (NHMP).

The NHMP, established in 1989, collects data on homicide incidents in Australia. Data from the NHMP has consistently shown that, on average, about 40 percent of all homicides in Australia are domestic or family related. Of intimate partner homicides, about half involve a known history of domestic violence.

Since the NHMP began, 37 homicides have been recorded within the Australian Capital Territory. Between 1994 and 2007, 16 homicides were recorded between family members. This figure represents 43 percent of all homicides in the Australian Capital Territory. The relatively small proportion of homicides in the Australian Capital Territory compared with the rest of Australia conflates the ratio that is family violence related. Of the 16 family violence homicides recorded since 1994, nine were committed between intimate partners (56%) and seven (43%) between other family relationships including parent/child, child/parent and siblings.

### **Action 5.1.1 Fund and develop a correctional facility-specific domestic violence behaviour change program to be tested in Australian prisons.**

The Australian Government has committed \$3m to support research on offender treatment programs. The government is also committed to discussing the place of offender treatment programs in prisons with the states and territories when the Plan is considered by the Council of Australian Governments. In the short term, ACTCS may benefit from allocating resources to conduct a

comprehensive evaluation of the FVSC Program and undertake research to identify the specific needs of ACT family violence offenders to inform the ACT Government position in relation to this action.

**Action 6.1.1 Commonwealth, state, territory and local government agencies work collaboratively to develop policy, planning and service delivery responses for sexual assault, domestic and family violence; and establish performance reporting measures that recognise and encourage collaborative achievements and identify fragmented delivery of programs and/or services.**

Resources from all FVIP partner agencies will be required to assist in the development of performance reporting measures. This may require a review of current data collection and consultation across the community and government sectors to develop meaningful measures. Discussion of current and anticipated reporting requirements and monitoring processes could be undertaken by the FVIPCC.

The full recommendations from the Plan should be considered by the FVIPCC in addition to the recommendations stemming from this review that are identified in the next section of this report.

# Conclusion and recommendations

This section of the report presents the main conclusions from the review and recommendations for the future operation and governance of the FVIP. Strengths of the FVIP, areas for improvement and recommendations are categorised under the overarching objectives of the FVIP—working cooperatively together, maximising safety and protection for victims of family violence, providing opportunities for offender accountability and rehabilitation, and working towards continual improvement of the FVIP.

## Working cooperatively together

Key good practice features of coordinated approaches to family violence include:

- shared philosophy/understanding and practices;
- networking; and
- protocols.

The FVIP is effective across all of these areas and may benefit from more robust governance arrangements to ensure continued effectiveness and growth.

Stakeholders identified the commitment of government, agencies and staff to the FVIP as a key

positive feature of the program. Stakeholders support the purposes of the FVIP and understand their own operational roles within the FVIP. Some improvement, however, is required from individual agencies to ensure a full appreciation of the roles and practices of the other partners. Information also needs to be passed on to operational staff and operational staff need to be engaged to ensure they have an understanding of the program's objectives and impact.

- The FVIP is effective in establishing relationships between agencies and ensuring they work cooperatively. Stakeholders identified communication between agencies as a major strength of the program. Agency representatives meet regularly (through case tracking, FVIPCC meetings and in the course of their daily work) and have developed strong networks. There is some evidence, however, that meeting arrangements need to be refined (eg case tracking), to ensure the most efficient use of time and resources.
- At the macro level, the FVIP and FVIPCC determine policy and program objectives and develop responses to systemic and emerging issues. Each agency, however, is responsible for developing and implementing its own policies in relation to family violence. MoUs between agencies (eg ACT Policing and DVCS) ensure that minimum standards and expectations are defined.

The FVIPCC is established under a MoA. Some stakeholders identified that this was insufficient to ensure the ongoing operation of the FVIP. Stakeholders also identified that the FVIP is personality driven. It relies on the goodwill and commitment of all individuals for its existence and focus. Personnel changes or shifts in policy could threaten the program. In particular, the VoCC is seen to drive the program and carry the momentum.

The FVIPCC undertakes high-level strategic planning. The majority of stakeholders identified the need for agency representation at the FVIPCC to be at the Executive Director level to ensure timely decision making. In family violence matters, young people are victims, offenders or both. Young people account for a very small proportion of family violence offenders, and their needs and interests are very different from their adult counterparts. In addition, offenders (although usually receiving community-based sentences) may also be imprisoned and have specific transition from custody needs or risks that they pose. Executive Director attendance at FVIPCC meetings may better enable agencies to strategically plan for diverse client group needs.

The Domestic Violence Project Coordinator holds the majority of the responsibility for the FVIP—chairing meetings, conducting research and identifying data requirements. The Domestic Violence Project Coordinator is also the ACT Victims of Crime Coordinator and heads VS ACT. Stakeholder views were mixed in relation to whether the Domestic Violence Project Coordinator was the appropriate role to chair meetings. Most stakeholders agreed that a rotating chair could ease the burden of the Domestic Violence Project Coordinator's role and may promote renewed interest in the FVIP and a shared understanding of different agency roles.

**Recommendation 1: Investigate and recommend to government measures to secure the operation of the FVIP, for example, legislation, service level agreements and/or annual reporting requirements.**

**Recommendation 2: That the purposes of the FVIP be maintained but revised to focus on outcomes and re-signed as interagency protocols in a new commitment by agencies.**

**Recommendation 3: That training and/or induction materials for new agency staff outlining the purposes and core components of the FVIP be prepared that are consistent across agencies.**

**Recommendation 4: That the full three day family violence training for ACT Policing continue.**

**Recommendation 5: That the FVIPCC MoA be revised to reflect Executive Director level representation for FVIPCC meetings.**

**Recommendation 6: That the FVIPCC initiate a rotating chair and secretariat for FVIPCC meetings.**

## Maximising safety and protection for victims of family violence

Victim safety is enhanced by the practices that form the core components of the FVIP—pro-charge, pro-arrest and presumption against bail, early provision of victim support, proactive prosecution, coordination and case management, and rehabilitation of offenders. The *Experience of Family Violence* survey, stakeholder interviews and data presented in this report provide evidence that these activities are being undertaken and that overall, victims are feeling supported by the system response.

Victim experiences with the criminal justice system vary considerably. Stakeholder and victim interviews provide some evidence of inefficiencies and/or duplication of effort. Some stakeholders identified lack of information sharing between agencies as problematic. This could stem from the fact that due to privacy and legislative constraints, agencies are not always able to share information. Others suggested that case tracking was no longer necessary given the well-established communication networks already in place. There is a need to explore the best method to exchange information about cases in an efficient and meaningful way.

Victims are generally involved with multiple agencies throughout the course of their case. Coordination of the case is currently monitored through case

tracking and contact between agency representatives. There is, however, no lead agency responsible for case management. Instead, each agency leads the activities associated with their role. Case-tracking meetings, or other mechanisms, could be used to allocate primary responsibility to a particular agency on a case-by-case basis. The assigned agency would be responsible for coordination of service delivery and providing information to victims and offenders on case progression. This is not a cost-neutral option. Significant resources would be required to investigate appropriate models—recruit, train and retain skilled staff, and implement and monitor the system.

The report findings also indicate that victims do not necessarily have a full understanding of system processes and that the level of information they seek is not always provided. Currently, ACT Policing and the ODPP produce information for victims of crime including the *Are You a Victim of Crime?* booklet and *Family Violence and Steps in a Criminal Prosecution* pamphlets. FVIP partners should explore options for developing alternative information sources for victims and offenders involved in family violence incidents. These information sources should be pitched at different age groups and literacy levels and may include a dedicated website, visual literature and a comprehensive guide to criminal and civil justice responses to family violence and victim support. Information that could be covered includes:

- victim rights;
- how crime may affect people;
- a map of criminal justice processes;
- information about safety planning;
- information about each FVIP partner agency;
- references to legislation;
- support services;
- advocacy services;
- victim impact statements;
- the roles of victim liaison officers and witness assistants;
- how to make statements; and
- how to talk to adults (parents, teachers etc) about family violence.

**Recommendation 7: That information-sharing capacity is enhanced through the development of protocols or legislation to promote victim safety while respecting the rights of victims and offenders.**

**Recommendation 8: That case tracking is reviewed to determine if it is still necessary or its functionality can be met through more effective and efficient means.**

**Recommendation 9: Explore whether current avenues for victim support and advocacy are sufficient and whether consideration should be given to developing a support pathway for all victims, including children.**

**Recommendation 10: That consideration is given to developing a lead case manager model to coordinate information provision to victims and offenders.**

**Recommendation 11: That FVIP information sources are revised and updated including providing a broader range of sources for both victims and offenders involved in family violence incidents.**

**Recommendation 12: That more research is undertaken to ascertain what victims want and need from service providers and the criminal justice system.**

## Providing opportunities for offender accountability and rehabilitation

One of the challenges identified during stakeholder interviews was that it is often difficult to balance the rights of both victims and accused persons. The FVIP has, and should have, a strong focus on victim rights and safety. Processes and procedures of FVIP agencies may, however, lead to unintentional adverse consequences for some defendants. For some defendants, the criminal justice system response may not be the most appropriate response. Accommodation support, bail support



and respite may need to be explored as alternatives to detention or criminal justice intervention for some defendants, for example, young people and persons with mental health issues.

The courts and ACTCS provide opportunities for offender accountability and rehabilitation; however, it is unclear whether these are adequate. Stakeholders identified this objective as an area requiring strengthening.

Empirical data that provides evidence that the sentences imposed and/or interventions undertaken are having an impact is not available. It appears, however, that the specialist jurisdiction and court processes are having a positive effect on the timeliness of case resolution, victim satisfaction and conviction rates. It may be necessary to explore whether the work of the court could be consolidated with a legislative or court rules focus. Offenders often have multiple and complex needs, some of which may need to be resolved (such as alcohol misuse) before they can address their offending behaviours. The literature demonstrates that a range of interventions should be available to meet these multiple and complex needs.

Data collected from ACTCS identifies that few offenders assessed for the FVSC Program are found suitable and of those that are found suitable, few offenders complete the program. The FVSC Program has not been evaluated. The data also reflects that some of the persons who are not found suitable are referred to other services. Data is not collected to assist in determining, broadly, what these offenders' needs are or how they are being addressed. An outcome evaluation of the FVSC Program should be undertaken and the terms of reference should include identifying other supports family violence offenders may require to promote successful behavioural changes. Such an evaluation is not a cost-neutral option. It would require extensive planning, need to be carried out over a minimum 12 month period and be funded.

**Recommendation 13: That the specialist jurisdiction court and processes are retained with consideration given to consolidating the work of the court through legislation or court rules.**

**Recommendation 14: That consideration is given to developing family violence procedures with the Supreme Court.**

**Recommendation 15: That agencies explore whether the current range of alternative sentencing options and/or community support for offenders with complex needs are sufficient and appropriate.**

**Recommendation 16: That funding be sought to undertake an outcome evaluation of the FVSC Program and the extent to which other interventions/sanctions contribute to program outcomes.**

**Recommendation 17: That reporting on ACTCS interventions undertaken with offenders, or to which offenders are referred, be documented in the annual FVIP statistics.**

## Working towards continual improvement of the Family Violence Intervention Program

The FVIP has been successful in implementing a range of practices that improve the criminal justice system response to family violence. Agencies have created specialist positions, changed data collection methods, established programs, implemented learning opportunities and commissioned research. Some stakeholders identified that more attention needs to be paid to continuous improvement.

The FVIP, in its current form, is following current good practice, which it once led. For the FVIP to progress in the future, it will need to acknowledge its strengths and build upon them to ensure that it remains fresh, innovative and responsive.

Developing performance measures against which the FVIP can be assessed will assist FVIP partners to allocate resources and identify strengths and areas requiring improvement. Performance measures must be attached to identifiable outcomes. These outcomes should be developed and agreed upon by the FVIPCC. Outcome-focused performance

measures would complement the measures currently being captured and act as headline indicators of ultimate performance.

Indicators could be developed in accordance with the Intergovernmental Agreement on Federal Financial Relations, Public Accountability and Performance Reporting Schedule C to ensure the measures are easily transferrable to reporting requirements that could result from the implementation of the *Time for Action* plan. The indicators should be:

- meaningful—to improve public accountability, data must be reported in a way that is meaningful to a broad audience (many of whom will not have technical or statistical expertise) and validly measures what it claims to measure;
- understandable—the data will be accessible, clear and unambiguous so that the community can come to its own judgements on the performance of governments in delivering services;
- timely—to be relevant and enhance accountability, the data published will be the most recent possible—incremental reporting when data becomes available and then updating all relevant data, is preferable to waiting until all data are available;
- comparable—data must be comparable across jurisdictions and over time—where there are no comparable data for a particular performance indicator, the parties will work together with assistance from technical experts to develop common definitions, counting rules and measurement standards so that data can be provided on a comparable basis;
- administratively simple and cost effective—the costs involved in collecting data will be proportionate to the benefits to be gained from the resulting information;
- accurate—data published will be of sufficient accuracy so that the community has confidence in the information on which to draw their analysis; and
- hierarchical—high-level performance indicators should be underpinned by lower level (more detailed but consistent) performance data where a greater level of sector specific detail is required for other purposes (COAG 2011: c-2).

Data collection and dissemination must also be improved to allow for more sophisticated analysis of emerging issues and trends. Data may be required for many purposes including operational need, reporting to government and research. Current gaps in data collected or readily accessed for analysis include:

- evidence of alcohol or other drug use at the time of family violence incidents;
- mental health status of family violence victims and offenders;
- child or young people witnessing family violence;
- CALD status of family violence victims and offenders;
- Indigenous status of defendants appearing before the Magistrates' Court;
- Supreme Court data;
- Family Court data;
- reoffending rates;
- ratio of supervised and unsupervised GBOs; and
- length of orders.

The data that is collected is not necessarily comparable to that which other agencies collect. Agencies have limited capacity to refine collection methods that will meet multiple needs. These issues may create barriers to the data being utilised. Other barriers to the use of data may include:

- reliability and accuracy;
- restricted access;
- organisational priorities;
- differences in terminology; and
- sensitivity of data.

Access, collection and dissemination of data issues could be improved by the establishment of a centralised database. This database should be established utilising the Australian Bureau of Statistics' *Conceptual Framework for Family and Domestic Violence* to ensure consistency of terminology and comparability of data. Undertaking the establishment of such a database will require considerable resources.

The creation of this database should not overburden already under-resourced operational areas of the FVIP. It would need to be created in such a way as to allow the information parent agencies currently

collect to be 'dumped' into a central database for cleaning and analysis. This may best be supported by the establishment of a dedicated project officer position. The position would need to be at the Administrative Service Officer 6 or Senior Officer Grade C level. The position could support agencies by collating data for research purposes with a strong emphasis on operational need. The role could be used to explore key areas of common interest to FVIP partners, such as reoffending, that are currently not measured. The position could prepare quarterly reports for FVIP partners to support operational areas in service delivery.

The creation of a central database and project officer position would increase transparency and accountability for FVIP partners and allow emerging trends to be identified in a timely manner. The data analysis could support operations, contribute to research and improve reporting to government through the provision of consistent evidence on the effectiveness of the FVIP.

**Recommendation 18: That the FVIP establish mechanisms to engage partner agencies in discussions of their core business and functions, for example, at roundtables and planning days.**

**Recommendation 19: That the FVIP continue to collect data.**

**Recommendation 20: That the FVIP develop outcome-focused performance indicators, in addition to the output measures currently recorded, to act as baseline measures of effectiveness.**

**Recommendation 21: That the FVIP develop an integrated information management system to assist reporting, internal audit, research and operational needs.**

**Recommendation 22: That the FVIP secure a dedicated project officer position to collect and disseminate data of interest to FVIP partner agencies.**

The FVIP is an effective, coordinated criminal justice system response to family violence in the Australian Capital Territory. Its present operation follows current good practice. The future of the FVIP will best be supported through governance and accountability arrangements that entrench it as a program and give it the authority to build new and innovative approaches to family violence. Some fine tuning of current operations is also required to ensure responses remain effective and are efficient. The data on FVIP operational areas suggests a steady flow of family violence cases through the police, courts, corrections and victim advocacy services. The results demonstrate that the FVIP is operating effectively. They do not however, identify any trends to guide future program development in a meaningful way. Given that family violence is a dynamic offence behaviour, it seems likely that there is much more to be known about family violence and how it is experienced in the Australian Capital Territory. Data collection and analysis must be made a priority to ensure the FVIP has the information it needs to provide appropriate responses for all victims and offenders involved in family violence.

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All URLs correct at June 2012

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# Appendices

# Appendix A

## Experience of family violence survey

Survey code number \_\_\_\_\_ File audit code number \_\_\_\_\_

Preliminary questions—Information will be taken from DVCS files and clarified where necessary

<b>Date of main incident questions relate to</b>	D/M/Y _____
<b>Date of birth or age at time of incident</b>	
<b>Aboriginal or Torres Strait Islander?</b>	Aboriginal Torres Strait Islander Both Neither Don't know
<b>Current relationship status with other person involved in family violence incident</b>	Spouse (married or defacto) Ex-Spouse (married or defacto) Separated Boyfriend/girlfriend Ex-boyfriend/girlfriend Other (please specify) _____ Widowed
<b>Did you have primary care responsibilities? If yes, please indicate if this was for a child, sibling, parent or other</b>	Yes Child Parent Sibling Other: _____ No
<b>Do you identify as a person from a culturally and/or linguistically diverse background? Please specify</b>	Yes _____ No Not sure

How was the person referred to DVCS?	Originally (if already a client)	At time of incident in question
	<input type="checkbox"/> Self-referral	<input type="checkbox"/> Self-referral
	<input type="checkbox"/> Police	<input type="checkbox"/> Police
	<input type="checkbox"/> Friend/family member	<input type="checkbox"/> Friend/family member
	<input type="checkbox"/> Other service provider (please specify)	<input type="checkbox"/> Other service provider (please specify)
	<input type="checkbox"/> Unknown/not stated	<input type="checkbox"/> Unknown/not stated
	<input type="checkbox"/> Not applicable	

## Purpose and scope

The purpose of this survey is to obtain your views about your experience with the criminal justice system after a family violence incident in 2007–08. The survey is confidential and anonymous and will take approximately 30 minutes to complete. The information you give will help government and non-government services find better ways of assisting family violence victims through the justice system.

## Consent information (to be read to participant)

By providing consent to participate in this project you agree that research data collected for the purpose of the study may be published in a form that does not identify you in any way. You can withdraw your consent to participate in this survey at any time without giving a reason.

## Introduction to survey

Describe the incident to be discussed and ask participant if they remember the incident and are comfortable answering questions about it. Clarify how the participant wants the other person identified etc.

### Part 1—About the incident(s)

**What was the relationship between you and the other person at the time of the family violence incident in question?**

- Spouse (married or defacto)
- Ex-Spouse (married or defacto)
- Separated
- Boyfriend/girlfriend
- Ex-boyfriend/girlfriend
- Other (please specify) \_\_\_\_\_

**Please indicate which of the following happened as a result of the incident? Please tick all that are relevant**

A) Injuries

- I was not injured
- I had bruising or abrasions
- I had cuts or lacerations
- I had redness/swelling
- I was concussed
- I had a broken bone/fracture
- I had hair pulled out
- I had some other type of injury. Please specify \_\_\_\_\_
- Sexual assault

B) Damage to property

- There was substantial property damage
- There was minor property damage
- There was no property damage

C) Pets

- I did not have a pet
- I had a pet but it was not present during the incident
- My pet was injured
- There were threats to injure my pet

**Please indicate if others were present (ie witnessed) the incident or were close by/in another room**

Present

Close/other room

Child/ren

Other family

Friend

Other known to me

Other not known to me

**Please indicate where the incident took place**

- In a dwelling shared by myself and the other person
- In my dwelling (not shared with the other person)
- In the other person's dwelling
- In another dwelling (eg friend, family member etc)
- In another place (eg shopping centre, park, restaurant/pub)

**At the time of the incident, did you have a protection order in place against the other person?**

Yes

No

Not sure

As a result of the incident did you apply for a protection order?

Yes

No

Not sure

## Part 2—Police involvement

Who notified the police about the family violence incident you were a victim of?	Myself					
	Witness to the incident (please specify)					
	Someone else (please specify)					
Could you please indicate how strongly you agree or disagree with the following statements about what happened when the police were called to the incident	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	
The police investigated the incident thoroughly	1	2	3	4	5	
The police were sympathetic and supportive of me at the time of the incident	1	2	3	4	5	
The police seemed to leave it up to me as to whether or not charges were laid	1	2	3	4	5	
I felt reasonably safe once the police left as a result of their attendance/ intervention	1	2	3	4	5	
After the police left I was unsure what was going to happen next with the case	1	2	3	4	5	
Generally speaking, how satisfied were you with the way the police handled your case at the time of the incident/offence? Please tick one response. Please explain the reason/s for your answer	Very satisfied	Fairly satisfied	Neither satisfied nor dissatisfied	Fairly dissatisfied	Very dissatisfied	Don't know
To your knowledge, which of the following charge/s were laid against the other person in the family violence incident?	<input type="checkbox"/> Common assault <input type="checkbox"/> Assault occasioning actual bodily harm <input type="checkbox"/> Sexual assault <input type="checkbox"/> Some other form of assault <input type="checkbox"/> Damage to property <input type="checkbox"/> Breach of protection order <input type="checkbox"/> Other—please specify _____ <input type="checkbox"/> No charges were laid <input type="checkbox"/> Not sure/can't say					
To your knowledge have charges previously or subsequently been laid against this person in relation to a family violence matter concerning you?	Previously			Subsequently		

	Yes	Yes
	No	No
	Not sure	Not sure
<b>Did you at any time try to get the charges dropped? Can you tell me a little bit about why/why not?</b>	Yes	
	No	
	_____	
	_____	
	_____	

### Part 3—The court case

<b>Are you aware of how the accused pleaded to the charges? If so, can you please specify</b>	<input type="checkbox"/> I'm not sure what the plea was <input type="checkbox"/> Pled guilty early (at 1st or 2nd court appearance) <input type="checkbox"/> Pled guilty but I'm not sure when <input type="checkbox"/> Pled not guilty at first but changed plea prior to hearing/trial <input type="checkbox"/> Pled not guilty at first but changed plea during the hearing/trial <input type="checkbox"/> Pled not guilty all the way through					
<b>Did you have any contact with the Prosecutor's office (DPP) before the case was finalised in court? (For example the prosecutor, witness assistant, other)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No (skip to Q16) <input type="checkbox"/> Not sure					
<b>Generally speaking, how satisfied were you with the contact with the person/people from the prosecutor's office? Please provide comment on your response</b>	<input type="checkbox"/> Very satisfied <input type="checkbox"/> Fairly satisfied <input type="checkbox"/> Fairly dissatisfied <input type="checkbox"/> Very dissatisfied <input type="checkbox"/> Can't say					
<b>Did you go to court for this matter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No (skip to Q18)					
<b>Did you testify/give evidence in the witness box?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No					
<b>Were you given the opportunity to prepare a Victim Impact Statement for the court</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure					
<b>Please indicate how strongly you agree or disagree with each of the following statements about your experiences before and during the court case</b>	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Not applicable/no contact
<b>I felt satisfied with the contact I had with the police in the period leading up to the court case</b>	1	2	3	4	5	6
<b>I felt satisfied with the contact I had with the prosecution in the period leading up to the court case</b>	1	2	3	4	5	6

I felt satisfied with the contact I had with DVCS in the period leading up to the court case	1	2	3	4	5	6
I thought the prosecution case was well prepared	1	2	3	4	5	6
Prior to going to court I had plenty of opportunity to ask questions about what might happen (in court)	1	2	3	4	5	6
I felt satisfied with the amount of notice I was given about the date and time the case was going to court	1	2	3	4	5	6
I felt well prepared for giving evidence in court	1	2	3	4	5	6
There was a lot about the court proceedings I didn't understand	1	2	3	4	5	6
Has the case been finalised and if so which of the following best describes the outcome?	<input type="checkbox"/> The case hasn't been completed yet <input type="checkbox"/> The accused was convicted/found guilty of one or more charges <input type="checkbox"/> The accused was found not guilty of all charges <input type="checkbox"/> Some/all of the charges were dropped (please circle) <input type="checkbox"/> I'm not sure what the outcome was					
To your knowledge, what sentence did the other person receive? Please tick each that is applicable	<input type="checkbox"/> Gaol/custodial sentence <input type="checkbox"/> Periodic detention <input type="checkbox"/> Suspended sentence <input type="checkbox"/> Good behaviour order <input type="checkbox"/> A fine <input type="checkbox"/> Community service <input type="checkbox"/> Ordered to attend counselling education program <input type="checkbox"/> Not sure what the sentence was <input type="checkbox"/> They have not been sentenced yet <input type="checkbox"/> They were found not guilty					
Which one of the following statements best describes your views about the outcome of the case?	<input type="checkbox"/> I feel satisfied with the outcome and feel justice was done <input type="checkbox"/> I am not satisfied with the outcome and feel that justice has not been done <input type="checkbox"/> I'm not sure if I am satisfied with the outcome or not <input type="checkbox"/> Don't know					
Why is that?	<hr/> <hr/>					
Did you feel a part of the criminal justice decision making process?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure					
Why is that?	<hr/>					

Did you have any other matters come before a court around the time of the incident?(eg custody, child protection, other criminal matter)  Yes (please provide detail) \_\_\_\_\_  
 No

## Part 4—DVCS

At the time of the incident in 2007–08 in what way(s) was DVCS helpful?

What other assistance/support would you have liked to receive from DVCS at the time of the 2007–08 incident?

How easy was it for you to access DVCS?	Very easy	Fairly easy	Neither easy nor difficult	Fairly difficult	Very difficult	Don't know/ can't remember
	1	2	3	4	5	6

For each of these services provided by DVCS, please indicate how satisfied you were with the support you received

	Very satisfied	Fairly satisfied	Fairly dissatisfied	Very dissatisfied	Not sure	Not applicable— did not receive
Crisis visit						
Follow-up phone calls						
Being updated on the case						
Advocacy						
Court support						
Other (please specify)						

How easy was it for you going through the criminal justice process in relation to the family violence incident in 07–08?	Very easy	Fairly easy	Neither easy nor difficult	Fairly difficult	Very difficult
	1	2	3	4	5

How easy do you think it would have been without the support of DVCS?	Very easy	Fairly easy	Neither easy nor difficult	Fairly difficult	Very difficult
	1	2	3	4	5

Prior to the incident were you involved with any other support services? If yes, please specify  Yes (please specify) \_\_\_\_\_  
 No  
 Not sure

What did you find most helpful from the other support service/s you accessed?

What other assistance/support would you have liked the other support service to provide?



## Part 5—Aftermath, present and future needs

Following the court case did you feel that you were able to move on with your life?

- Yes  
 No  
 Not sure

Can you tell me what assisted you the most in moving on with your life?

Can you tell me what might have made a difference to you being able to move on with your life?

After the sentencing, did you receive any information or contact with Corrective Services or someone on behalf of Corrective Services?

- Yes  
 No (skip Q42)  
 Not sure (skip Q42)

What kind of contact did you receive (and from whom)?

What was good about the contact?

Was there anything you would have liked to be different about the contact (or if *No* to Q39 above answer with respect to the lack of contact)?

Have you been re-assaulted by the same person since the court case finalised?

- Yes  
 No (skip Q46)  
 Not sure (skip Q46)

Did you contact the police?

- Yes (skip Q46)  
 No

What was the main reason you didn't notify police about the incident following the case being finalised?

- Too trivial/ unimportant  
 Someone else told police  
 Nothing the police could do  
 Private matter/ would take care of it myself  
 Told someone else instead  
 Did not want other person punished  
 Afraid of reprisal  
 Too confused/ upset/ injured  
 Other (please specify)

In the future, if you were to be hurt or assaulted in a family violence situation how likely would you be to...

- Definitely      Probably      Probably not      Definitely not      Don't know/ not sure

Call for police assistance?	1	2	3	4	5
Be involved in another prosecution?	1	2	3	4	5
Have contact with DVCS?	1	2	3	4	5
<b>What made the biggest difference to you going through the criminal justice process as a victim of family violence?</b>					
<b>Are there any other comments you'd like to make?</b>					

# Appendix B

## Semi-structured Interview guide for stakeholder interviews

### *About the program*

- The purpose of the FVIP is to (1) improve collaboration, (2) improve victim safety, (3) provide opportunities for offender accountability and (4) seek continuous improvement. Are these purposes still valid? What amendments, if any are required?
- What threats or barriers exist to the effective operation of the FVIP?
- Thinking of these threats and barriers, what steps could be taken to improve the effective operation of the program?
- In what ways does your agency manage its operational quality and consistency in relation to FV? Do you think these are effective? In what ways? What can be improved?
- What, in your opinion, is required to have an effective criminal justice response to family violence in the Australian Capital Territory?
- What would you like to see for the FVIP in the future?

### *About governance*

- Is the FVIPCC effective? What are the strengths and weaknesses? Are there ways to enable your agency to have greater involvement in the FVIPCC and FVIP as a whole?
- Since commencement of the FVIP, the VoCC (as Domestic Violence Project Coordinator) has acted as chair, secretariat, and facilitator and identifies data and information needs for the FVIPCC. What are the strengths and weaknesses of the statutory victim advocate performing these responsibilities? Are there other agencies that could better perform this function or other administrative arrangements that should be made?
- What are the needs of your agency in administering your agency's role on the FVIPCC? What works and what doesn't for your agency in this committee? What level of seniority is required for agency representation?
- All agencies in the FVIP collect family violence data. Is this useful to you? To the program as a whole? How can data collection and dissemination be improved?

### *About accountability*

- The FVIP works on the basis of collective accountability. What are the strengths and weaknesses of this model?
- Are there any other comments you'd like to make about the FVIP or the committee?

# Appendix C

## Selected evaluations

Selected international evaluations of criminal justice system-focused family violence interventions 1998–2009		
Author/year/jurisdiction	Scope, sample and method	Key findings
<p>Murphy CM, Musser PH &amp; Maton KI 1998. Coordinated community intervention for domestic abusers: Intervention system involvement and criminal recidivism. <i>Journal of Family Violence</i> 13(3).</p> <p>Baltimore, Maryland, United States</p>	<p>Focus on male perpetrators of domestic violence.</p> <p>Sampled 235 cases and assessed recidivism over 12–18 month period after cases were first handled by the Maryland State’s Attorney’s Domestic Violence Unit.</p> <p>The sample was drawn from the Unit’s records of men charged with domestic violence-related offences between January and August in 1994. This data was then combined with follow-up data through to September 1995.</p> <p>Two different recidivism measures were then applied to the cases—one with a narrow range of offences and one that had a broader range.</p>	<p>Coordinated interventions may have a cumulative effect on the risk of recidivism, in that those offenders whose prosecution was dropped or found to be not guilty had higher rates of recidivism (19% in the narrow measure and 29% using the broad measure) compared with those persons in the sample who were successfully prosecuted (13% and 23%).</p> <p>Those who were prosecuted and also received domestic violence counselling, or probation, or both, had a reduced recidivism rate of as low as nine percent for the narrow measure and 18 percent using the broad measure.</p> <p>This study found that the greater the range of sanctions and intervention applied to domestic violence perpetrators, the greater the reduction in the risk of reoffending.</p>
<p>Giacomazzi AL &amp; Smithey M 2001. Community policing and family violence against women: Lessons learned from a multiagency collaboration. <i>Police Quarterly Journal</i> 4(1).</p> <p>South-west United States</p>	<p>Sought to analyse and evaluate the process of multi-agency collaborative efforts between a large municipal police department and other service providers in combating domestic violence.</p> <p>Within the context of a community policing framework, this study examines the barriers that may inhibit collaborative multiagency approaches to domestic violence in one unnamed urban location with a population of 500,000 residents in the south-western United States.</p> <p>Interview with focus groups in addition to archival research was used to collect data. Participants in the focus groups were representatives from randomly sampled domestic violence service agencies. In total, 14 individuals participated.</p>	<p>One of the main barriers to collaborative multi-agency approaches may be an underlying desire by service staff to protect their own agency rather than actively engaging in collaborative efforts.</p> <p>Poor communication between agencies is also identified as a common barrier in multi-agency efforts, with many participants in this study citing a lack of organisation, scheduling of meetings and unclear expectations of each agency’s role and service coverage as inhibiting collaboration.</p> <p>Creative responses to domestic violence are best developed through collaborative multi-agency partnerships. However, it cannot be presumed that personnel in relatively autonomous organisations, both public and private, have the organisation capacity and/or willingness to truly collaborate.</p>

## Selected international evaluations of criminal justice system-focused family violence interventions 1998–2009 (continued)

Author/year/jurisdiction	Scope, sample and method	Key findings
Shephard MF, Falk DR & Elliot BA 2002. Enhancing coordinated community responses to reduce recidivism in cases of domestic violence. <i>Journal of Interpersonal Violence</i> 17(5).  Duluth, Minnesota, United States	<p>Examined male domestic violence offenders who entered the DIAP Men's Nonviolence Program in 1994 (n=261), 1996 (n=217), 1997 (n= 220) and 1998 (n=100), as well as identical numbers of female domestic violence victims over the same period.</p> <p>The analysis involved comparing those in the pre-intervention period (1994) with those in the pilot year (1996) and again with those in the two intervention periods (1997 and 1998).</p> <p>Participants were assessed with regard to 25 different risk factors for reoffending.</p>	<p>Those participants who successfully completed an intervention during either 1997 or 1998 were found to have a reduced risk of recidivism.</p> <p>This study suggests that the sharing of risk assessments of domestic violence offenders between service agencies can enhance coordinated responses to domestic violence, in turn, leading to a reduction in recidivism.</p> <p>Overall, declines were seen in the risk of recidivism in participants over the three and a half years of this study.</p>
Zweig JM & Burt MR 2003. Effects of interactions among community agencies on legal system responses to domestic violence and sexual assault in STOP-funded communities. <i>Criminal Justice Policy Review</i> 14(2).  United States	<p>To examine whether federal funding of non-profit victims support programs has produced more collaborative and coordinated service delivery in the community.</p> <p>Two hundred interviews were conducted with staff involved in 90 different programs in 32 different states across the United States.</p> <p>Data was also collected through questionnaires sent directly to federally funded sexual assault and domestic violence agencies.</p> <p>This study sought to measure the performance of the 90 different victims support services in four key areas—level of STOP funds and other resources, pre-STOP level of community services, state STOP program support for collaboration and community interaction.</p>	<p>The more agencies work together in communities, including law enforcement and prosecution agencies working with victim services agencies, the more likely services are to improve for victims within the legal system.</p> <p>Producing positive change in service coverage is partly achieved through more positive interactions between law enforcement, prosecution and their behaviour towards victims.</p> <p>Interactions among non-profit victims support program staff, law enforcement and prosecution seem to lead to changes in the legal system's approach to handling domestic violence and sexual assault cases and assists communities in meeting the needs of victims of violent crime.</p>
Pennell J & Francis S 2005. Safety conferencing: Toward a coordinated and inclusive response to safeguard women and children. <i>Journal of Violence Against Women</i> 11(5).  United States	<p>Discusses the effectiveness of safety conferencing in supporting victims and their families overcome the experience of domestic violence and/or sexual assault.</p> <p>This academic paper develops a theoretical and practical framework for the implementation of safety conferencing, which is a four stage process designed to produce a collaborative and inclusive support network for victims.</p> <p>The four processes involved in safety conferencing are discussion in an advisory group, focus groups with women who were battered and separately with shelter staff, exchanges with domestic violence counsellors and feedback from the focus group participants.</p> <p>Attendees at these meetings include representatives from batterer programs, children's services, police, domestic violence court, correctional services and social work.</p>	<p>Discussions at the focus groups identified a number of challenges that need to be overcome if safety conferences are going to be beneficial to victims of domestic violence and sexual assault, these include—continued connections between victims and batterers, isolation felt by survivors, difficulties in providing services to all cultures and the limitations of a coordinated response that includes only services and not victims or their families.</p> <p>It was concluded by many participants in the focus groups that victims and their informal support networks need to be at the centre of safety conferencing.</p> <p>The safety conference, and more broadly a coordinated and inclusive response, is an effective way to reshape connections in the community, in turn promoting the safety of women and children from all backgrounds.</p>

## Selected international evaluations of criminal justice system-focused family violence interventions 1998–2009 (continued)

Author/year/jurisdiction	Scope, sample and method	Key findings
<p>Hovell MF, Seid AG &amp; Liles S 2006. Evaluation of a police and social services domestic violence program—Empirical evidence needed to inform public health policies. <i>Journal of Violence Against Women</i> 12(2).</p> <p>San Diego, California, United States</p>	<p>This evaluative study examines the effectiveness of the Family Violence Response Team pilot program for victims of domestic violence who have children.</p> <p>Using an experimental cohort study design, 307 families who had experienced domestic violence, had children and who received FVRT intervention, were compared with a control group of 498 residents that had an initial domestic violence incident but no FVRT treatment.</p> <p>Victims in the intervention group were interviewed at six and 12 months about the effectiveness of the services received by the FVRT.</p> <p>Cases of domestic violence were also examined and grouped according to the risk of recidivism. Analyses were then carried out to identify those factors that increased the risk of recidivism between the control and intervention groups.</p>	<p>Outcome for victims are more positive when intervention services are tailored to specific individual and family needs.</p> <p>While this FVRT pilot program was designed to empower the victim, it may also unintentionally generated conditions that can precipitate further violence.</p> <p>This program was implemented without the batterer's consent, which may have precipitated a loss of control by the batterer and increased the risk of recidivism.</p> <p>Variance within and across case managers and the families to whom they provided services may have contributed to a decreased ability to detect real differences with this analysis.</p> <p>Alternatively, the combined police and social services intervention may have increased in the rate of reporting of domestic violence in the intervention group. This creates a situation where the intervention may have resulted in both increases in reporting and in the frequency or severity of violence.</p>
<p>Zweig JM &amp; Burt MR 2007. Predicting women's perceptions of domestic violence and sexual assault agency helpfulness—What matters to program clients? <i>Journal of Violence Against Women</i> 13(11).</p> <p>United States</p>	<p>Assesses whether community agency interactions, the characteristics of services provided by staff and the combinations of services received can predict women's perceptions of victims service helpfulness around domestic violence and sexual assault.</p> <p>Involving a two-stage data collection method, this study sought to ascertain the level of interagency collaboration between federally funded victim's support services and the effect on victim satisfaction and perceptions of agency helpfulness.</p> <p>The first stage of the data collection process involved surveying 200 program directors or staff within victim's service agencies, and the second phase involved interviewing women from a variety of communities in which services are available.</p>	<p>The more both victim service and legal system agencies worked together to assist women, the more positive and fewer negative behaviours the staff participated in and the higher women's sense of control when working with the agency, the more helpful women found the domestic violence agencies work.</p> <p>Women find the services of private non-profit victim service agencies more helpful based on the characteristics of staff behaviour in those agencies and the helpfulness of these services in enhanced when victim service agencies interact with the legal system and other relevant agencies in their community.</p> <p>Staff behaviour also influenced domestic violence victims' willingness to use such agencies again if the need arose.</p>

## Selected international evaluations of criminal justice system-focused family violence interventions 1998–2009 (continued)

Author/year/jurisdiction	Scope, sample and method	Key findings
Robinson AL & Tregidga J 2007. The perceptions of high-risk victims of domestic violence to a coordinated community response in Cardiff, Wales. <i>Journal of Violence Against Women</i> 13(11). Wales	<p>The purpose of this study was to identify the levels of re-victimisation among very high-risk victims of domestic violence within a 12 month period following a MARAC and their perceptions of this intervention.</p> <p>One hundred and two women over a four month period between October 2004 and January 2005 were interviewed and then follow-up interviews were conducted 12 months after their MARAC assessment.</p>	<p>Interagency collaboration was seen as very beneficial by victims of domestic violence, partly because victims felt that they were receiving an enormous amount of support.</p> <p>Some criticisms that arose were associated with the need to ensure that regardless of the number of agencies involved, information about case developments needed to be provided to victims as soon as practicable.</p> <p>A multi-agency response needs to take into account the complex set of issues that confront women to ensure that they have the resources and support that they need when they feel able to make the difficult decision to leave and ultimately that will help them remain free from victimisation.</p>
Salazar LF, Emshoff JG, Baker CK & Crowley T 2007. Examining the behaviour of a system: An outcome evaluation of a coordinated community response to domestic violence. <i>Journal of Family Violence</i> 22. Georgia, United States	<p>Sought to identify whether a coordinate community response to domestic violence in Georgia would be effective at increasing criminal justice system sanctions for male perpetrators.</p> <p>A longitudinal interrupted time series experimental design was used, with chi-squared tests applied to the data to determine whether there was any changes in the percentage of cases that received probation, goal, or fines and to assess changes in the percentages of men that were mandated to attending batterer programs.</p> <p>The data used in this study included arrest records, prosecution and conviction, and sentence outcomes.</p>	<p>Following the introduction of a coordinated community response to domestic violence in the two counties in Georgia, there was a significant, abrupt and sustained increase in the number of arrests, particularly of males.</p> <p>Prosecutors were found to be only pursuing a conviction if it was assured, the vast majority of which are achieved through plea-bargaining.</p> <p>This coordinate community response was designed with multiple elements directed at a variety of audiences using a variety of modalities over a wide range of time. Consequently, the outcomes from this evaluation may not be as promising, and should be implemented with caution optimism.</p>
Banks D, Landsverk J & Wang K 2008. Changing policy and practice in the child welfare system through collaborative efforts to identify and respond effectively to family violence. <i>Journal of Interpersonal Violence</i> 23(7). United States	<p>Focusing on six demonstration sites, this study examines the degree to which the <i>Greenbook</i> recommendations have been implemented and the impact of a multi-agency coordinated response in changing organisational practice. The <i>Greenbook</i> is a series of guidelines for collaboration between child welfare and domestic violence agencies, particularly in cases where there is a co-occurrence or maltreatment and domestic violence.</p> <p>This evaluation was undertaken with the participation of program staff, rather than an independent evaluation. A combination of quantitative data, in the form of reviews of child welfare cases and surveys of direct service works, and qualitative data was used.</p>	<p>Qualitative data indicated that the <i>Greenbook</i> initiative has served to define the activities of different agencies and as a result, they became more valuable and productive in the child welfare environment.</p> <p>The majority of sites had implemented activities related to multidisciplinary case review, in support of the finding that child welfare agencies are more likely to work with domestic violence service providers to address co-occurrence.</p> <p>Confidentiality and information sharing were identified barriers to more effective collaborative service delivery.</p>

## Selected international evaluations of criminal justice system-focused family violence interventions 1998–2009 (continued)

Author/year/jurisdiction	Scope, sample and method	Key findings
Banks D, Dutch N & Wang K 2008. Collaborative efforts to improve system response to families who are experiencing child maltreatment and domestic violence. <i>Journal of Interpersonal Violence</i> 23(7).  United States	Examines the effectiveness of federally funded programs through a series of stakeholder interviews.  In total, 86 individuals completed the baseline survey and 62 completed it at the follow-up stage.  The survey was designed to capture those dynamic factors that contributed to project planning, activity implementation and the level of collaboration in each location.  The survey also identified those obstacles that may be inhibiting collaborative efforts.	While increased involvement of male perpetrators in batterer programs occurred during the intervention, the sustained involvement of victims and their families was declined slightly.  Some of the barriers to collaborations between service providers were a lack of time by participants, conflicting organisational cultures and a poor understanding of the initiative.  Stakeholder responses indicated that needs assessments, relationship building and engaging the community were most critical to effectively planning services for victims.
Malik NM, Ward K & Janczewski C 2008. Coordinated community response to family violence—The role of domestic violence service organisations. <i>Journal of Interpersonal Violence</i> 23(7).  United States	This study involved a survey of victim service staff and upper-level managers about the level of collaborative efforts between domestic violence service organisations and other service providers that work in the domestic violence system.  In total, 167 domestic violence staff members participated across six locations, with an additional 47 participants from other service providers.  This study employed a participatory action research design, rather than the more traditional experimental model. Qualitative data was used throughout the study to complement the quantitative data.	Truly collaborative efforts may have been undermined by a perceived hierarchy within the service providers and justice agencies, with the courts having the most power.  For collaborations to function effectively, there needs to be an 'inclusive climate' where there exists equality of power among participants. Of equal importance is the need to ensure that each agency is aware of their role and that of other agencies in the child maltreatment and domestic violence sectors.  The remains issues around ongoing program funding, for despite enthusiasm for increasing services, there were, quite often, insufficient resources to do so.
Klevens J, Baker CK, Shelly GA & Ingram EM 2008. Exploring the links between components of coordinated community responses and their impact on contact with intimate partner violence services. <i>Journal of Violence Against Women</i> 14(3).  United States	This study sought to evaluate the impact of a coordinated community response on the level of intimate partner violence across 10 intervention sites. Also of importance was the need to better understand the perceptions of victims towards the effectiveness of specific intimate partner violence services.  Six hundred participants from the 10 different intervention sites completed a 16 item survey, which looked at exposure to a variety of different forms of abuse. Questions were also asked about level of contact with specific intimate partner violence services in their community.  This study focuses more on individual factors and how they impact on intimate partner violence rates in comparison communities rather than the intervention as a whole.	Overall, the evaluation found that the coordinated community response has little impact on rates of intimate partner violence across the 10 intervention sites.  However, some specific factors contributed to improved service delivery to intimate partner violence victims, these included developing goals based on community needs, selecting priorities based on the salience of the need in the community, efforts to coordinate services and disseminating information on the frequency of intimate partner violence in the community.  In this way, the success of this particular program was more around awareness raising of both this prevalence of the problem in the community and the types of services that are available to support victims. Less pronounced changes were produced in actual levels of intimate partner violence and service coverage.



## Selected international evaluations of criminal justice system-focused family violence interventions 1998–2009 (continued)

Author/year/jurisdiction	Scope, sample and method	Key findings
<p>Post L, Klevens J, Maxwell CD, Shelly GA &amp; Ingram E 2009. An examination of whether coordinated community responses affect intimate partner violence. <i>Journal of Interpersonal Violence</i> 25(1).</p> <p>United States</p>	<p>This study examines the impact of a coordinated community response on reducing intimate partner violence and raising awareness and changing attitudes.</p> <p>A random telephone survey method was used, and 12,039 participants were involved from 10 test and 10 control sites across 23 different counties.</p> <p>To establish the prevalence of knowledge, attitudes, behaviours and rates of intimate partner violence, a stratified random sample of approximately 600 adults from each of the 23 sites.</p>	<p>The majority of respondents reported that slapping your partner was acceptable (88% strongly) and that one or more criminal intervention should be used against intimate partner violence perpetrators (85% strongly).</p> <p>The interval between the intervention and expected impact may have been too short, as developing relationships and mechanisms for coordinated response and implementing programs can take several years.</p> <p>It was assumed that intimate partner violence behaviour was intrinsically linked to perceptions and attitudes about the acceptability of violence and about gender roles. However, following the implementation of the coordinate community response, the reported levels of intimate partner violence increased. This may be attributed to awareness campaigns in the text communities, serving to sensitise the population and increase the willingness to report.</p>
<p>Morgan M, Coombes L &amp; McGray S 2008. <i>Responding together: An integrated report evaluating the aims of the Waitakere Family Violence Court protocols</i>. Wellington: Ministry of Justice</p> <p>New Zealand</p>	<p>Evaluates New Zealand's Waitakere Family Violence Court (WFVC) and makes recommendations for improvement.</p> <p>Describes the operation of the Waitakere Family Violence Court.</p> <p>Discusses the role of non-government organisations in the court.</p> <p>Describes programs provides to victims and offenders.</p> <p>Describes the perceptions of victims involved with the court.</p>	<p>The report finds that the WFVC has been successful in collaborating with the community and taking violence seriously. The authors recommend the development of closer relations with the Family Court, more extensive victim services and extended specialist services.</p>
<p>Hanmer J, Griffiths S &amp; Jerwood D 1999. <i>Arresting evidence: Domestic violence and repeat victimisation</i>. London: Home Office</p> <p>United Kingdom</p>	<p>Project commissioned as part of the Home Office Police Research Group program on repeat victimisation in the United Kingdom and draws on earlier research by the West Yorkshire Police.</p> <p>The aim of the project was to reduce repeat victimisation through a three-tiered program of operational interventions. Actions at each of the three levels of intervention are described. An equal focus on the victimised woman as on the offending man is required in order to set up an interactive crime prevention approach that both protects the victims and demotivates the offender. The program required police officers to proactively ensure the safety of the victims and develop close interagency involvement.</p>	<p>Achievements included reduced repeat victimisation through early intervention, systematic identification of repeat offenders, women encouraged to ask for assistance, identified factors associated and not associated with repeat victimisation, developed recording categories for domestic violence and improved interagency communication and cooperation.</p>

## Selected Australian evaluations of criminal justice system-focused family violence interventions 2002–09

Author/year/jurisdiction	Scope, sample and method	Key findings
<p>Rodwell L &amp; Smith N 2008. <i>An evaluation of the NSW Domestic Violence Intervention Court Model (DVICM)</i>.</p> <p>Sydney: NSW Bureau of Crime Statistics and Research</p>	<p>Evaluation of the specialist court model used at Campbelltown and Wagga Wagga (implemented 2005)</p> <p>Model comprises five initiatives:</p> <ul style="list-style-type: none"> <li>• the distribution of evidence collection kits to police;</li> <li>• the establishment of victims' advocate services;</li> <li>• measures designed to speed the finalisation of prosecutions;</li> <li>• perpetrator programs; and</li> <li>• regular interagency meetings.</li> </ul> <p>Evaluation consisted of:</p> <ul style="list-style-type: none"> <li>• Police and court data extraction and analysis, using four pre and three post-DVICM time periods, pair-wise tests between time periods to identify pre-existing trends and changes post DVICM implementation. All domestic violence incidents recorded within New South Wales between 2003–07 were used for analysis. Local areas outside Wagga Wagga and Campbelltown used for control group comparison.</li> <li>• Victim survey (50 interviews conducted, structured open and closed questions, voluntary, finalised cases only, \$25 gift voucher given to participants).</li> <li>• Key stakeholder interviews (41 interviews conducted).</li> </ul>	<p>Found that while rates of reporting and charging did not change, victims and stakeholders were generally supportive of the model.</p> <p>The evaluation did not find clear evidence of an increased number of reports of domestic violence incidents or an increase in offenders being charged following the introduction of the court model.</p> <p>Guilty pleas did not increase and charges withdrawn or dismissed did not decrease following introduction of the model.</p> <p>There was an increase in the use of bonds as a penalty at Campbelltown but no change in the penalties imposed at Wagga Wagga. There was some evidence of an improvement in time taken to finalise prosecutions.</p> <p>Victims reported that they were largely satisfied with the response from police and victims advocates, but were often critical about court procedures and outcomes.</p> <p>Stakeholders thought the pilot was successful and the initiatives should be expanded.</p>

Selected Australian evaluations of criminal justice system-focused family violence interventions 2002–09 (continued)

Author/year/jurisdiction	Scope, sample and method	Key findings
<p>Western Australia. Department of Justice. Court Services Division; Western Australia. Police Service. Crime Prevention and Community Support Division 2002. <i>Joondalup Family Violence Court: Final report</i></p> <p>Perth: Department of Justice</p>	<p>Joondalup Family Violence Court (JFVC) project, pilot 1999, aimed to:</p> <ul style="list-style-type: none"> <li>• improve the criminal justice response to family violence;</li> <li>• make perpetrators accountable for their behaviour;</li> <li>• support victims in the criminal justice system and ensure their safety; and</li> <li>• reduce the incidence of family violence in the Joondalup district.</li> </ul> <p>The JFVC utilised an interagency and alternative sentencing approach for dealing with the civil matters of Violence and Misconduct Restraining Orders, and all criminal matters related to family violence.</p> <p>Evaluation tested effectiveness in achieving its stated aims and key information regarding the profile of domestic violence in Joondalup and other nominated locations.</p> <p>Evaluation methodology comprised:</p> <ul style="list-style-type: none"> <li>• an analysis of domestic violence incidents in three police districts;</li> <li>• an evaluation of the changes brought about by the intervention;</li> <li>• an evaluation of the court's effectiveness; and</li> <li>• an evaluation of the cost-effectiveness of the process.</li> </ul> <p>Used a control group for comparison. Compared outcomes of the control group, comprising individuals attending two other Courts of Petty Sessions, with the outcomes of individuals attending the JFVC.</p> <p>Two risk assessment tools were used in the pilot—the Spousal Assault Risk Assessment (SARA) and the Danger Assessment Scale (DAS).</p>	<p>Risk assessment instruments found to be valid and appeared to identify varying degrees of risk.</p> <p>Offenders in the control courts were more likely to have substantial criminal histories for a variety of offences, while offenders in the JFVC were more likely to be specific domestic violence perpetrators.</p> <p>Individuals in the control courts were more likely to be referred to a range of other programmes apart from domestic violence perpetrator programs than offenders in Joondalup.</p> <p>Offenders in Joondalup were more likely to breach their orders than offenders in the control court, put down to the increased supervision at JFVC and highlights the need to have ongoing communication with victims and other agencies when supervising domestic violence offenders.</p> <p>The costs of the JFVC are relatively high by comparison with other courts, primarily due to dedicated staffing at the court, lost or delayed resolutions and associated programmatic interventions.</p> <p>The critical success factors identified in the JFVC were:</p> <ul style="list-style-type: none"> <li>• the clear identification of prosecution matters related to domestic violence;</li> <li>• the use of affidavit-assisted restraining order applications;</li> <li>• the identification on listings of domestic-related restraining orders;</li> <li>• the use of a single day for the hearing of criminal matters;</li> <li>• the use of interagency information in the development of pre-sentence reports;</li> <li>• the use of case management techniques for the supervision of offenders;</li> <li>• the use of the SARA and the DAS as valid risk assessment tools; and</li> <li>• the provision of support for victims attending court for domestic violence-related matters.</li> </ul> <p>From these findings, a number of recommendations were developed, providing a rationale and guidelines for a proposed future family violence court model for Western Australia.</p>

Selected Australian evaluations of criminal justice system-focused family violence interventions 2002–09 (continued)

Author/year/jurisdiction	Scope, sample and method	Key findings
<p>New South Wales Attorney Generals' Department Violence Against Women Specialist Unit 2004. <i>The Dubbo domestic violence project: Integrated response to domestic violence by the criminal justice system and support services</i>. Sydney: NSW Attorney Generals Department</p>	<p>A report on the Integrated Response to Domestic Violence (IRDV) by the Criminal Justice System and Support Agencies—Dubbo (IRDV) Project, which was funded by the Commonwealth Partnerships Against Domestic Violence and managed by the NSW Violence Against Women's Specialist Unit. The Project was designed to develop a model for an integrated response to domestic violence by the criminal justice system and support agencies in Dubbo, New South Wales. It documents the key steps needed for the basis of an integrated response to domestic violence. Part 2 examines models in other locations in Australia and overseas through a literature review that explores concepts of 'integration' and 'collaboration'. In addition to a literature review the project included:</p> <ul style="list-style-type: none"> <li>• focus group discussions;</li> <li>• survey of service providers;</li> <li>• provision of training; and</li> <li>• trialling new service delivery methods.</li> </ul>	<p>Focus groups identified gaps and problems with service delivery, particularly experienced by Aboriginal women.</p> <p>Survey results were used to develop the training program.</p> <p>Trialling service models identified a need for crisis-oriented service provision, which led to the implementation of an 'on-call' service and a police sticker referral system. This latter service is an alternative to the on-call service and allows victims who identify that they do not want to use the call-out service at the time of the incident to receive support at a later time. Police ask if they can pass on details to the court assistance service and victims sign the sticker to confirm their consent. The sticker is placed on the police interview record. The court assistance service contacts the victims the following day.</p> <p>An MoU was developed and signed and seen to be a key facilitating feature of an integrated response.</p>
<p>Wangmann J 2003. <i>The Tamworth domestic violence project: An evaluation of a different model of service provision to victims of domestic violence in a police setting</i>. Sydney: NSW Attorney Generals Department</p>	<p>Presents the key findings, aims and objectives of the Tamworth Domestic Violence Project and discusses the methodology and results of its evaluation in terms of who and how the project assisted, the unique features of the model adopted, police engagement with the project and clients' perceptions of overall benefit deriving from the project.</p> <p>Essentially directed at enhancing follow-up services for victims of domestic violence and reducing the incidence of repeat violence, the project was based at the Tamworth Police station and 'proactively' approached victims in an attempt to provide a 'middle road' between conventional shelter/refuge services and government/criminal justice agencies.</p> <p>Operated from Feb–Nov 2001.</p>	<p>A civilian project officer was placed in Tamworth Police Station to contact the people who experienced domestic violence and to provide support, counselling and referral. This proactive scheme approached the victims instead of merely offering the service. Around 33 percent of the potential clients were assisted, 30 percent rejected the service and 21 percent ignored the telephone calls, letters or home visits. The people who received the service found that the civil character of the project officer was less intimidating and more accessible than police officers and that the assistance made a difference to their dealing with the violence. Police were also satisfied with the outcomes of the project.</p>

# Appendix D

## Recommendations from time for action

### *Urgent implementation actions*

4.3.1 Establish a mechanism that enables automatic national registration of domestic and family violence protection orders and subsequent variations, adaptations and modifications occurring anywhere in Australia or New Zealand, and consider the need to include police-issued domestic and family violence orders on the national register.

4.3.2 Establish or build on emerging homicide/fatality review processes in all states and territories to review deaths that result from domestic and family violence so as to identify factors leading to these deaths, and improve system responses and respond to service gaps. As part of this process, ensure all information is, or recommendations are, centrally recorded and available for information exchange.

5.1.1 Fund and develop a correctional facility-specific domestic violence behaviour change program to be tested in Australian prisons.

6.1.1 Commonwealth, state, territory and local government agencies work collaboratively to develop policy, planning and service delivery responses for sexual assault, domestic and family violence, and establish performance reporting measures that recognise and encourage collaborative achievements and identify fragmented delivery of programs and/or services.

### *Early implementation actions (2009–12)*

1.5.2 Establish a minimum dataset including a data dictionary and standard protocols to enable consistency and standardised data collection methods and analysis for sexual assault, domestic and family violence. This dataset must be disaggregated by sex and segmented by marginalised groups (eg Aboriginal and Torres Strait Islander communities, culturally, linguistically and religiously diverse communities, and women with disabilities) wherever this is possible. Where disaggregation by marginalised groups is not possible, this should be complemented by targeted research.

3.1.1 Develop and implement a well-supported and funded workforce strategy to support the attraction, recruitment, retention, development of and succession planning for staff working in sexual assault, domestic and family violence services. The strategy should address—recognition of the complexity and the true market value of the work undertaken in the fields of sexual assault, domestic and family violence; whole of workforce issues, including skills and qualifications, career pathways, training and development, networking and professional support; resourcing requirements, which are to be met as part of funding programs and services; and strategies to build the competency of people within communities (particularly rural and remote communities) to be engaged as the service providers.

3.3.3 Explore best practice, develop responsive models and increase funding to women's domestic and family violence services to enhance responses to children affected by domestic and family violence, especially in relation to strengthening the mother–child relationship in the aftermath of violence.

3.3.5 Ensure adult survivors of child sexual assault, domestic and family violence have access to counselling, court support and practical assistance whenever they choose to disclose their past experiences of violence.

3.3.7 At every point in the service and justice system, ensure services are adequately funded to provide professional interpreting to victims/survivors who are not confident in their English language competency.

4.3.3 Strengthen the application of the legislation governing ouster/exclusion orders by highlighting in the legislation and/or on protection order application forms, the availability of the ouster/exclusion order provisions; ensuring the provisions are cross-referenced with relevant tenancy law; including this aspect of the legislation in professional development for police, lawyers, court staff and judicial officers; and undertake research to identify the most effective legislative and policy responses for increasing the appropriate utilisation of ouster/exclusion orders.

4.3.4 Review all state and territory sexual assault legislation to ensure it:

- includes a definition of consent that applies a 'communicative' model through defining consent as 'free agreement' or 'free and voluntary agreement';
- includes a list of vitiating circumstances under which free agreement cannot be said to have been given;
- limits the extent to which an accused can claim to have held an honest, though unreasonable, belief in consent, thus restricting the availability of mistaken belief defences;
- ceases the artificial separation of court hearings involving multiple victims of the same offender.

4.4.1 Develop and implement a national education and professional development framework that recognises the specific roles and functions of police, prosecutors, defence counsel, family and migration lawyers, legal advisers, court staff and the judiciary. This professional development must be designed with these specific audiences in mind, be informed by research on the social context within which violence against women and children takes place, emphasise the diversity of experiences and needs of victim/survivors of violence in the community and enhance understanding of the intent and operation of relevant legislation.

5.1.2 Fund a national conference every two years to share information on what works with regard to perpetrator services and programs and develop communities of practice.

6.1.2 Support and/or establish community partnership planning mechanisms that enable communities and services to prioritise need, address gaps and unnecessary duplication in service provision, and contribute to the development of policy, planning and delivery at the local level.

6.2.1 Support and/or develop information sharing systems and protocols between all organisations in response to sexual assault and domestic and family violence that give primacy to the safety of women and their children.

6.3.1 Further develop risk assessment tools that assess the danger women and their children may be in in order to guide service responses and perpetrator management.

## *Implementation of other actions 2012–15*

1.3.3 As part of a broader social marketing plan, provide factual information to workplaces and communities to challenge myths and change attitudes about violence against women, and give guidance on protective behaviours, and available supports and services designed to engage people of different ages and abilities, and positioned to be meaningful within the context of different cultures.

1.5.5 Implement the results of the Australian Bureau of Statistics' *Statistical Framework for Family and Domestic Violence*.

3.3.12 Ensure services (legal, medical and community) recognise and understand the extra complexity experienced by immigrant and refugee women and their children experiencing violence in order to improve the capacity of services to respond appropriately and effectively.

3.4.2 Include in funding agreements a requirement and sufficient resources to undertake rigorous, independent evaluations of all government-funded initiatives and programs, and make the results publicly

available as a condition of continuing funding.

4.1.2 Establish a reference for the Australian Law Reform Commission to develop national guiding principles to inform a consistent interpretation of the law and applicable rules of evidence for sexual assault matters and domestic and family violence matters.

4.1.4 Ensure all victims of violence (including children exposed to violence) have access to victim/witness services with staff who are knowledgeable and responsive to the diversity of women so they can support them in their interactions with the justice system.

4.1.5 Ensure adequate funding for legal aid and advocacy services is provided by the Australian Government, over and above state/territory funding, to recognise the significant focus given to domestic and family violence in the 2006 amendments to the *Family Law Act 1975*.

4.1.6 Undertake gender/intersectional analysis of proposed policies and legislation to ensure they do not jeopardise the safety of women and their children.

4.2.2 Ensure that state and territory domestic and family violence legislation contains a clearly articulated objective definition of domestic and family violence that recognises the gendered nature of domestic and family violence and its impacts and consequences; that domestic and family violence is motivated by a desire for domination and control; and that it must be used in conjunction with criminal law where a crime has been committed.

4.2.3 Give primacy to the safety and wellbeing of children, including protection from unsupervised exposure to perpetrators of domestic and family violence, when considering 'the best interests of the child'.

4.2.4 Focus police practices and accountability on gathering evidence to support criminal charges where relevant and eliminate the occurrence of dual arrests and cross-orders in the investigation of domestic and family violence allegations.

4.3.5 Increase the establishment of specialised courts or special court proceedings guaranteeing sensitive, timely and efficient handling of cases of violence against women.

4.3.6 Expand the use of specialist approaches to prosecutions (including increasing the availability and use of specialist courts) to minimise withdrawal and maximise the chances of successful and timely reporting and convictions in sexual assault and domestic and family violence cases.

4.3.7 Ensure guiding principles for the interpretation of the law relating to sexual offences feature within sexual offence legislation for every state and territory jurisdiction, including within the rules of evidence, as they relate to sexual offences.

4.4.2 Commission the production of a model Bench Book, in consultation with jurisdictions and as part of a national quality professional development program for judicial officers on sexual assault and domestic and family violence, to provide a social context analysis and case law to complement existing resources and enhance the application of the law.

4.5.1 Undertake national benchmarking of substantive law, evidence and procedure, interpretation and application for sexual assault offences that includes recommendations about which provisions are best able to provide a just legal response for victims.

4.5.2 Undertake and evaluate, with necessary caution, trials to explore the utility and suitability of restorative justice for cases of domestic and family violence and sexual assault.

4.5.3 Continue to trial and evaluate supplementary legal processes in the area of Aboriginal and Torres Strait Islander family violence and sexual assault, such as restorative justice, which are driven by Aboriginal and Torres Strait Islander communities.

5.1.3 Develop standards, benchmarks and models for behaviour change programs and services for perpetrators that take account of individual differences and the typology of their violence, and create

incentives for their participation.

5.1.4 Ensure that men serving custodial sentences for crimes against women have access to behavioural change programs as early as possible and certainly before their release.

5.2.3 Increase funding to men's counselling and support services that meet the standards of practice, including telephone support services, to help men reach out for support when they recognise the antecedents to violence and provide support for non-violent behaviour.

5.3.1 Increase community-based maintenance and follow-up services for individuals, families and communities that enable perpetrators to maintain changes to their attitudes and behaviour.

5.3.2 Strengthen post-release transition services to ensure perpetrators have access to education and training, employment assistance and family counselling, where required.

6.1.3 Ensure funding models and reporting requirements do not overburden community-based organisations and/or detract from achieving outcomes.

6.1.4 Support and further develop community volunteering and exchange systems between staff in the government and the sexual assault and domestic and family violence sectors.

6.2.2 Ensure resource allocation models promote continuity of funding for local programs where they are shown to be effective through evaluation.

6.3.2 Investigate simplified outcomes and indicators for domestic violence and sexual assault to reduce the reporting burden and gather consistent evidence.

6.3.3 Investigate a better balance between individual privacy and the safety needs of individual clients and recommend ways to better ensure the safety of women and children.

### *Implementation of other actions 2015–18*

3.1.5 Develop and implement multiple training and accreditation strategies for medical and allied health professionals, legal practitioners and community service workers to develop their understanding of the structural nature and impacts of sexual assault, and domestic and family violence on women and their children, taking account of factors such as age, ethnicity and disability.

3.4.5 In partnership with peak bodies and the sector, review, update and promulgate standards and good practice guidelines to support programs for women and their children who have experienced violence to assure quality service.

4.2.5 Capitalise on guilty pleas to apply elements of restorative justice in the conventional justice system, which improve responses for victims including, for example, the use of incentives for perpetrators of violence to plead guilty and ritualising the guilty plea to incorporate explicit acknowledgement of, and responsibility for, the crime and the harm caused.

4.5.4 Undertake research on police practices in pro-arrest jurisdictions within Australia to understand variance in dual arrest rates and the impact on women's safety, including women being re-victimised in the justice system, with the goal of minimising dual arrests.

4.5.5 Evaluate the effectiveness of homicide/fatality review processes in all states and territories to determine the most effective models.

5.1.5 Increase the availability, range and evaluation of perpetrator programs that meet standard principles, particularly in rural and remote areas.

5.1.6 Develop best practice programs to address violence in lesbian relationships and to prevent violence in



carer relationships.

5.4.3 Develop methods to evaluate perpetrator programs that are consistent with Aboriginal and Torres Strait Islander cultures.

6.2.4 Ensure mechanisms are in place to facilitate appropriate information sharing between relevant government and other agencies to enable services and supports to 'wrap-around' women and children who have been violated.

# Appendix E

## Raw data tables

Data contained in the following Tables were used to create Figures 3, 4, 6, 7 and 8 in the *Profile of Family Violence* section of this report.

**Table E1** Incidents by month reported, 2007–08 (n)

Month	Incidents	Month	Incidents	Month	Incidents	Month	Incidents
July	225	October	208	January	217	April	231
August	220	November	197	February	248	May	267
September	201	December	220	March	300	June	273

n=2,807

Source: ACT Policing specific data request April 2009

**Table E2** Incidents by time of day, 2007–08 (n)

Time	Incidents	Time	Incidents	Time	Incidents	Time	Incidents
0000h–0059h	127	0600h–0659h	39	1200h–1259h	150	1800h–1859h	169
0100h–0159h	56	0700h–0759h	57	1300h–1359h	92	1900h–1959h	222
0200h–0259h	61	0800h–0859h	156	1400h–1459h	117	2000h–2059h	158
0300h–0359h	42	0900h–0959h	137	1500h–1559h	136	2100h–2159h	192
0400h–0459h	37	1000h–1059h	114	1600h–1659h	150	2200h–2259h	136
0500h–0559h	27	1100h–1159h	125	1700h–1759h	194	2300h–2359h	104

n=2,798

Source: ACT Policing specific data request April 2009

**Table E3** Incidents by the time and day they were reported, 2007–08 (n)

Time of day	Day reported						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0000h–0059h	12	19	14	13	21	20	28
0100h–0159h	5	5	4	2	9	13	18
0200h–0259h	2	8	3	7	12	14	15
0300h–0359h	3	7	4	3	4	12	9
0400h–0459h	2	0	4	2	4	7	18
0500h–0559h	4	2	4	2	6	5	4
0600h–0659h	4	7	5	4	6	4	9
0700h–0759h	14	7	8	4	10	8	6
0800h–0859h	32	31	25	20	15	20	13
0900h–0959h	27	20	13	19	21	17	20
1000h–1059h	23	10	14	12	18	12	25
1100h–1159h	27	14	20	14	14	18	18
1200h–1259h	31	22	23	13	25	14	22
1300h–1359h	19	9	8	10	12	19	15
1400h–1459h	19	10	18	11	14	24	21
1500h–1559h	23	19	16	15	27	19	17
1600h–1659h	24	21	21	18	23	24	19
1700h–1759h	27	30	32	26	27	20	32
1800h–1859h	27	29	16	20	22	23	32
1900h–1959h	36	40	24	28	30	27	37
2000h–2059h	26	26	12	24	23	18	29
2100h–2159h	32	28	29	24	29	25	25
2200h–2259h	8	26	18	19	29	19	17
2300h–2359h	15	18	8	14	17	20	12
Total incidents	442	408	343	324	418	402	461

n=2,798

Source: ACT Policing specific data request April 2009

**Table E4** Family violence victims by times they have been involved in family violence, 2007–08 (n)

Victim sex and age (yrs)		Times person was a victim during the period (n)		
		Once only	Twice	Three or more times
Male	9 and under	30	1	0
	10–14	18	0	0
	15–19	25	0	0
	20–24	29	0	0
	25–34	47	1	0
	35–44	50	4	0
	45–54	35	0	0
	55–64	18	1	1
	65+	7	0	0
	Total	259	7	1
Female	9 and under	33	1	0
	10–14	18	1	0
	15–19	93	7	2
	20–24	101	15	1
	25–34	158	16	3
	35–44	136	12	2
	45–54	68	5	3
	55–64	27	1	0
	65+	9	0	0
	Total	643	58	11
Total victims	9 and under	63	2	0
	10–14	36	1	0
	15–19	118	7	2
	20–24	130	15	1
	25–34	205	17	3
	35–44	186	16	2
	45–54	103	5	3
	55–64	45	2	1
	65+	16	0	0
	Total	902	65	12

n=979

Source: ACT Policing specific data request April 2009

**Table E5 Previous family violence incidents by categorisation, 2001–02–2003–04**

<b>Incident category</b>	<b>2001–02</b>	<b>2002–03</b>	<b>2003–04</b>
Verbal only	1,345	1,117	1,039
Verbal and physical	1,108	947	796
Property damage	362	286	327
Phone/letter/email	212	237	188
Refuse to leave	225	183	133
Custody/access	132	89	51
Other	233	329	259

Note: 1 offence missing 2001–02

Source: Taylor 2006

# Appendix F

## 2008–09–2009–10 Tables and Figures

The Tables and Figures presented below are comparable to the 2007–08 Tables provided in the main text of the report. These data provide updated information for comparison purposes. Relevant 2007–08 Table and Figure numbers are referenced in the notes.

### *ACT Policing data*

**Table F1** Number of family violence incidents attended by ACT Policing by incident description, 2008–09–2009–10<sup>a</sup>

Incident description	2008–09		2009–10	
	n	%	n	%
Disturbance	1,124	30	1,398	33
Assault	589	16	566	13
Check welfare	592	16	856	20
Routine assistance	124	3	99	2
Breach Family Violence Order	121	3	119	3
Other	1,153	31	1,173	28
<b>Total</b>	<b>3,703</b>		<b>4,211</b>	

a: Percentages may not total 100 due to rounding

Note: This Table is to be used for comparative purposes with Table 15 in the main document

Source: ACT Policing specific data request October 2010

**Table F2** Confirmed incidents by offence type, 2008–09–2009–10 (n)

Offence types	FV offence disclosed		Non-FV offence disclosed		No offence disclosed		Total incidents	
	2008–09	2009–10	2008–09	2009–10	2008–09	2009–10	2008–09	2009–10
Assault	579	557	1	2	9	7	589	566
Fire arms or other weapons, bomb or chemical incident	1	0	1	2	2	1	4	3
Good order incident and offences against justice procedures	39	42	106	118	3	2	148	162
Burglary and trespass	0	5	31	29	1	0	32	34
Minor incident	6	3	3	5	308	306	317	314
Proactive policing	0	0	0	0	6	2	6	2
Death	1	0	1	0	3	0	5	0
Disturbance	128	120	21	33	983	1,246	1,132	1,399
Fire	2	1	0	0	2	0	4	1
Fraud	0	0	10	6	0	1	10	7
Sexual incident	58	62	1	0	2	4	61	66
Intoxicated person	1	0	1	0	22	20	24	20
Legal processes	0	0	0	0	29	39	29	39
Traffic Incident (including collisions)	4	1	13	24	22	16	39	41
Missing person	1	0	0	1	12	16	13	17
Nuisance phone call	1	4	52	33	2	3	55	40
Property damage and environmental issues	175	185	1	1	1	0	177	186
Suspicious vehicles or persons	2	4	15	11	45	65	62	80
Robbery	2	0	0	1	0	0	2	1
Theft	1	3	65	49	5	0	71	52
Stolen motor vehicle or recovered stolen motor vehicle	1	0	17	22	4	3	22	25
Other offences against the person	3	7	0	0	0	1	3	8
Routine assistance	0	1	0	0	124	98	124	99
Check welfare	6	25	6	3	580	828	592	856
Psychiatric incident	3	0	0	1	40	53	43	54
Drug incident	0	0	3	2	1	0	4	2
Breach Family Violence Order	117	104	0	2	4	13	121	119
Bail compliance check	0	0	1	1	0	4	1	5
Animal accident	0	1	0	0	1	0	1	1
<b>Total incidents</b>	<b>1,131</b>	<b>1,125</b>	<b>349</b>	<b>346</b>	<b>2,211</b>	<b>2,728</b>	<b>3,691</b>	<b>4,199</b>

Note: This Table is to be used for comparative purposes with Table 16 in the main document

Source: ACT Policing specific data request October 2010

**Table F3** Incidents by police resolution, 2008–09–2009–10<sup>a</sup>

Resolution	2008–09		2009–10	
	n	%	n	%
No offence—person taken into custody for intoxication	21	1	10	<1
No offence or further action taken	2,187	59	2,700	64
Offence but no charge—no person apprehended	686	19	647	15
Offence but no charge—person apprehended for intoxication	6	<1	6	<1
Person apprehended for offence	803	22	848	20
Total	3,703		4,211	

a: Percentages may not total 100 due to rounding

Note: This Table is to be used for comparative purposes with Table 17 in the main document

Source: ACT Policing specific data request October 2010

**Table F4** Criminal charges laid by type, 2008–09–2009–10

Formal charge	2008–09		2009–10	
	Partner/ ex-partner	Other relationship of offender to victim	Partner/ ex-partner	Other relationship of offender to victim
Homicide offences	2	0	0	0
Assault offence	225	134	215	132
Sexual offences	7	7	2	7
Kidnap	2	0	3	0
Threats, harassment and other person offences	4	5	6	5
Burglary	0	1	3	4
Fraud and related offences	1	0	1	2
Motor vehicle theft	0	2	0	2
Theft other than motor vehicle	0	6	0	4
Property damage	48	61	55	62
Breach of order	68	77	71	93
Firearms and weapons	4	3	5	7
Good order offences including trespass and breach of the peace	5	31	8	25
Drug offences	1	2	0	0
Traffic offences	5	10	9	20
Other offences	3	12	3	8
Total	375	351	381	371



**Table F4** Criminal charges laid by type, 2008–09–2009–10

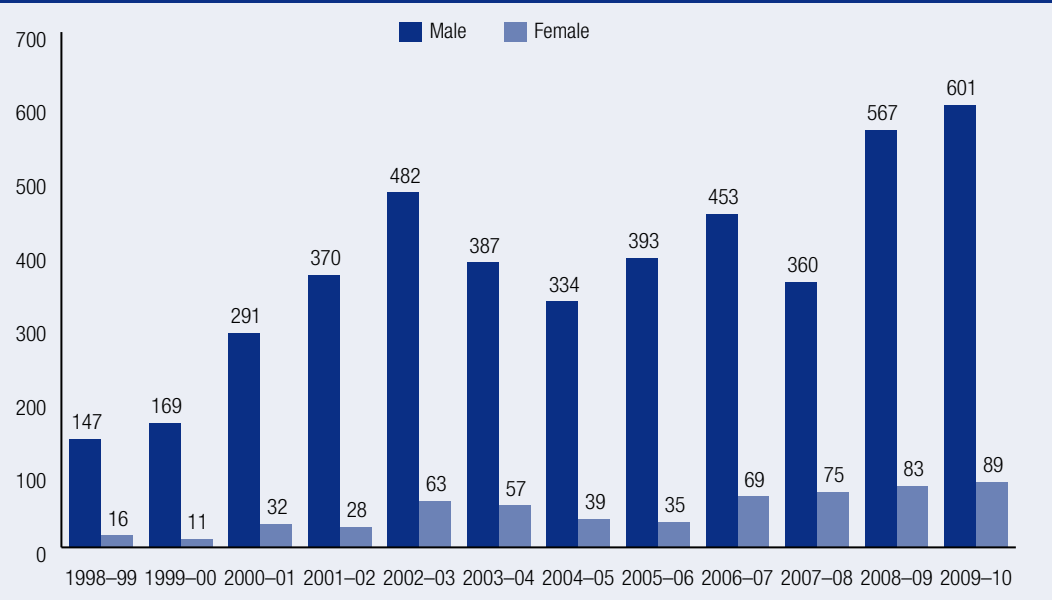
Formal charge	2008–09		2009–10	
	Partner/ ex-partner	Other relationship of offender to victim	Partner/ ex-partner	Other relationship of offender to victim
Homicide offences	0	0	0	0
Assault offence	4	6	2	8
Sexual offences	0	0	0	0
Kidnap	0	0	0	0
Threats, harassment and other person offences	1	0	0	2
Burglary	0	0	0	0
Fraud and related offences	0	2	0	0
Motor vehicle theft	0	0	0	3
Theft other than motor vehicle	0	1	0	2
Property damage	6	9	4	9
Breach of order	8	5	8	8
Firearms and weapons	0	2	0	0
Good order offences including trespass and breach of the peace	2	8	3	27
Drug offences	0	1	1	2
Traffic offences	0	1	0	0
Other offences	2	1	0	2
<b>Total</b>	<b>23</b>	<b>36</b>	<b>18</b>	<b>63</b>

Note: This Table is to be used for comparative purposes with Table 18 in the main document

Source: ACT Policing specific data request October 2010

## ACT Magistrates' court data

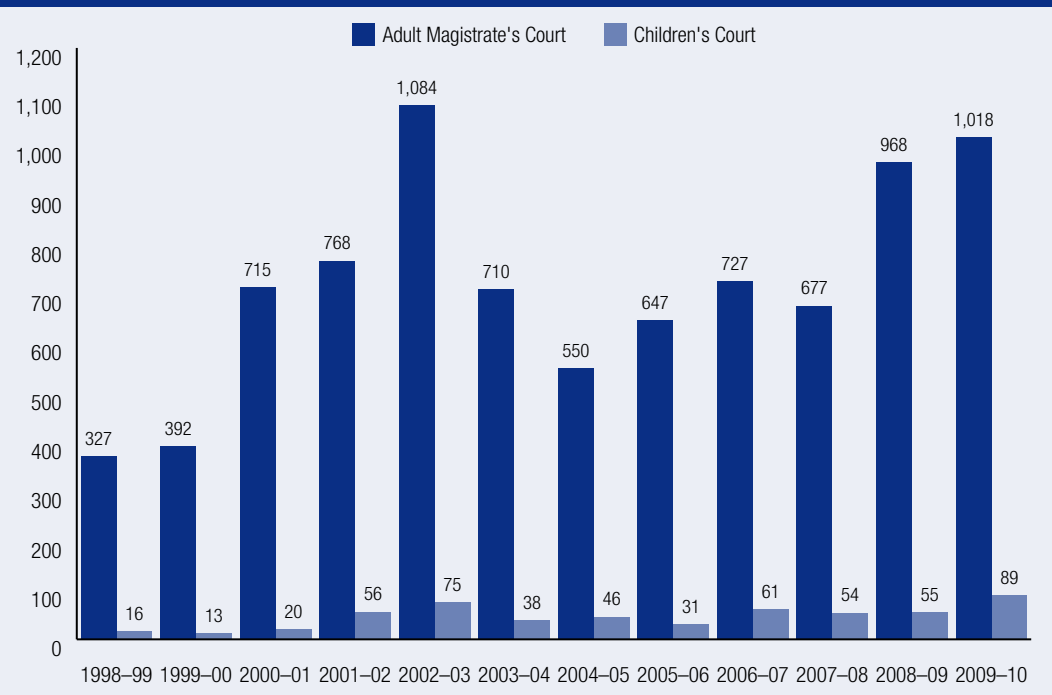
**Figure F1** Defendants by gender, 1998–99–2009–10 (n)



Note: Data includes defendants before the Magistrate's and Children's Courts

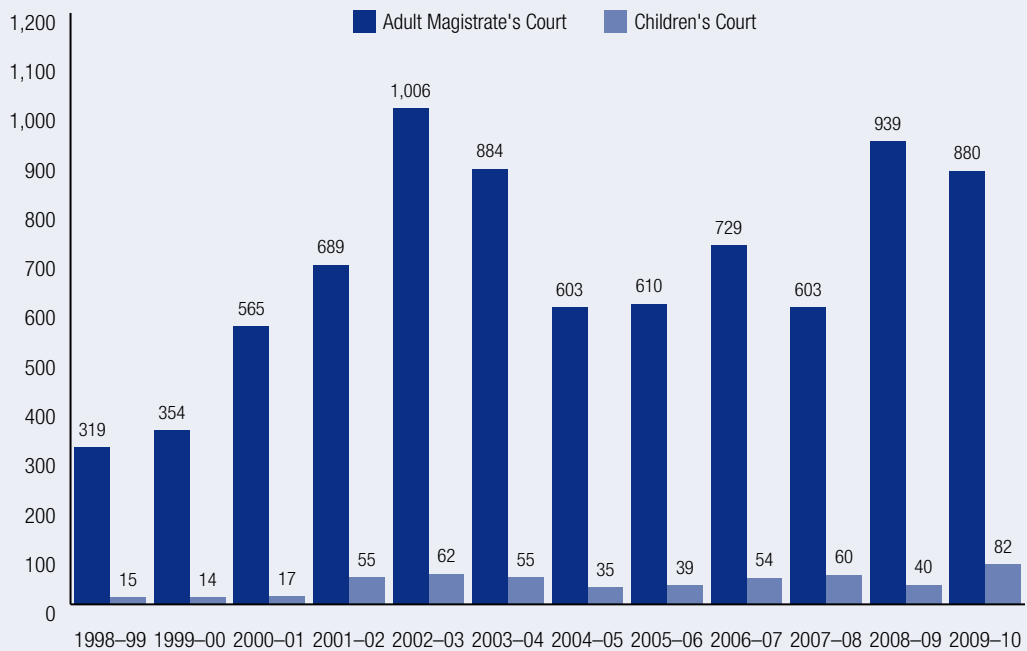
Source: ACT Magistrates' Court; Holder & Caruana 2006

**Figure F2** New family violence charges by year, 1998–99–2009–10 (n)



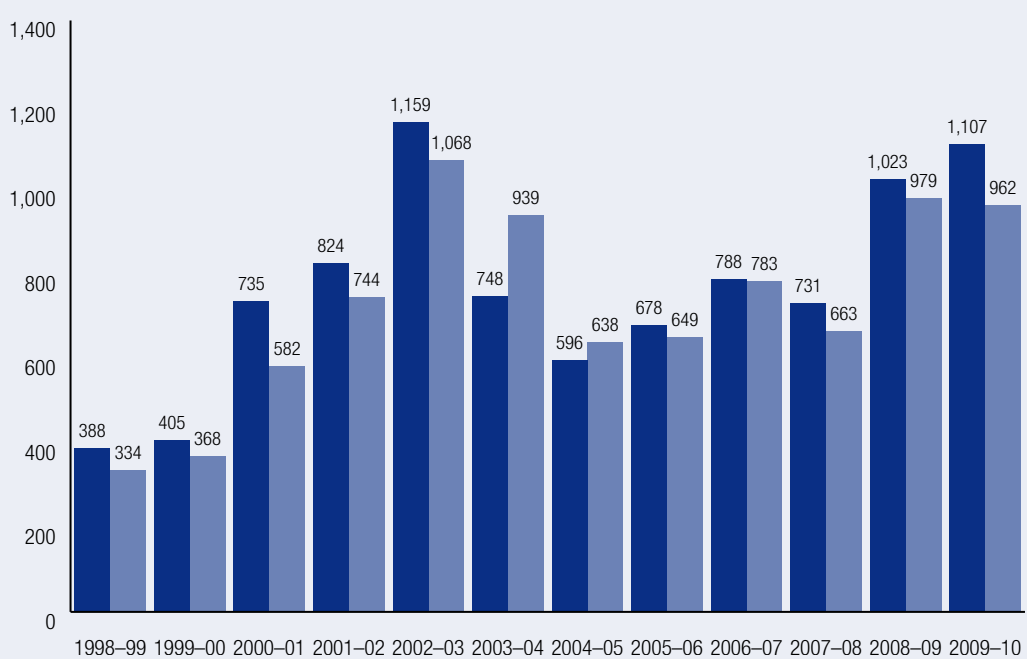
Source: ACT Magistrates' Court; Holder & Caruana 2006

**Figure F3** Family violence charges finalised by year, 1998–99–2009–10 (n)



Source: ACT Magistrates' Court; Holder & Caruana 2006

**Figure F4** New family violence charges and family violence charges finalised by year, 1998–99–2009–10 (n)



Source: ACT Magistrates' Court; Holder & Caruana 2006

**Table F5** Finalisation method of adult and young person family violence charges, 1998–99–2009–10

	Guilty		NETO		Not guilty		Committed to Supreme Court		Total
	n	%	n	%	n	%	n	%	n
	1998–99	114	34	118	35	34	10	68	20
1999–2000	178	48	133	37	41	11	16	4	368
2000–01	298	51	181	31	83	14	20	4	582
2001–02	413	55	211	28	86	12	34	5	744
2002–03	508	48	369	34	160	15	31	3	1,068
2003–04	434	46	317	34	170	18	18	2	939
2004–05	339	53	151	24	116	18	32	5	638
2005–06	304	47	135	21	137	21	73	11	649
2006–07	392	50	210	27	124	16	57	7	783
2007–08	316	47	178	27	134	20	35	5	663
2008–09	415	42	255	26	173	18	136	14	979
2009–10	420	44	261	27	226	23	55	6	962
Total	4,131	47	2,519	29	1,484	17	575	7	8,709

Note: This Table is to be used for comparative purposes with Table 20 in the main document

Source: ACT Magistrates' Court; Holder & Caruana 2006

**Table F6** Length of time taken to finalise Children's Court cases, 2006–07–2009–10<sup>a</sup>

Weeks	Family violence cases								All cases							
	2006–07		2007–08		2008–09		2009–10		2006–07		2007–08		2008–09		2009–10	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Under 6	12	31	9	25	6	23	14	27	147	22	157	22	216	27	177	22
6–13	9	23	13	36	7	27	18	35	176	27	174	24	190	24	152	19
13–20	7	18	6	17	4	15	6	12	88	13	132	18	117	15	110	14
20–26	4	10	1	3	1	4	6	12	67	10	72	10	80	10	89	11
26–39	4	10	3	8	7	27	5	10	97	15	96	13	110	14	147	18
39–52	1	3	0	0	1	4	3	6	41	6	42	6	45	6	73	9
52–65	0	0	0	0	0	0	0	0	25	4	19	3	18	2	32	4
Over 65	2	5	4	11	0	0	0	0	21	3	25	4	10	1	28	3
Total	39		36		26		52		662		717		786		808	

a: Percentages may not total 100 due to rounding

Note: This Table is to be used for comparative purposes with Table 21 in the main document

Source: ACT Magistrates' Court

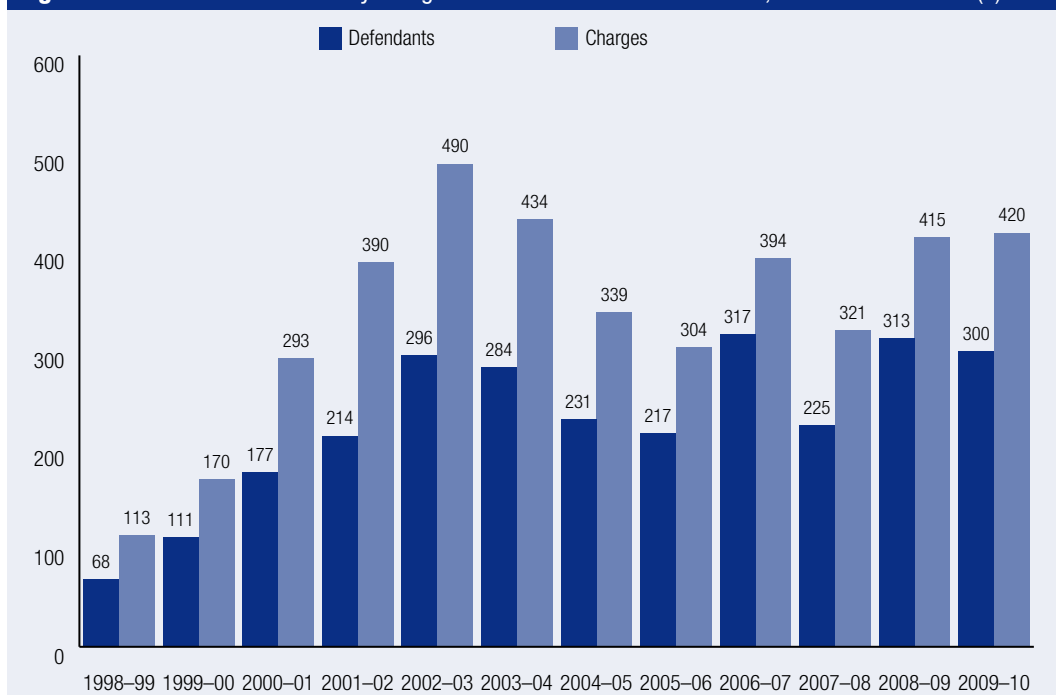
**Table F7** Length of time taken to finalise adult Magistrates' Court cases, 2006–07–2009–10<sup>a</sup>

Weeks	Family violence cases								All cases							
	2006–07		2007–08		2008–09		2009–10		2006–07		2007–08		2008–09		2009–10	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Under 6	118	24	111	30	155	26	144	25	1,346	24	1,340	24	1,462	24	1,285	24
6–13	129	26	90	24	161	27	151	26	1,801	32	2,003	36	2,116	35	1,671	32
13–20	71	14	67	18	107	18	106	18	771	14	843	15	860	14	812	15
20–26	64	13	40	11	62	11	71	12	349	6	373	7	377	6	456	9
26–39	69	14	34	9	64	11	67	11	487	9	454	8	544	9	529	10
39–52	23	5	14	4	16	3	27	5	197	3	166	3	253	4	210	4
52–65	4	1	9	2	6	1	15	3	112	2	86	2	110	2	94	2
Over 65	14	3	9	2	15	3	4	<1	591	10	241	4	254	4	214	4
Total	492		374		586		585		5,654		5,506		5,976		5,271	

a: Percentages may not total 100 due to rounding

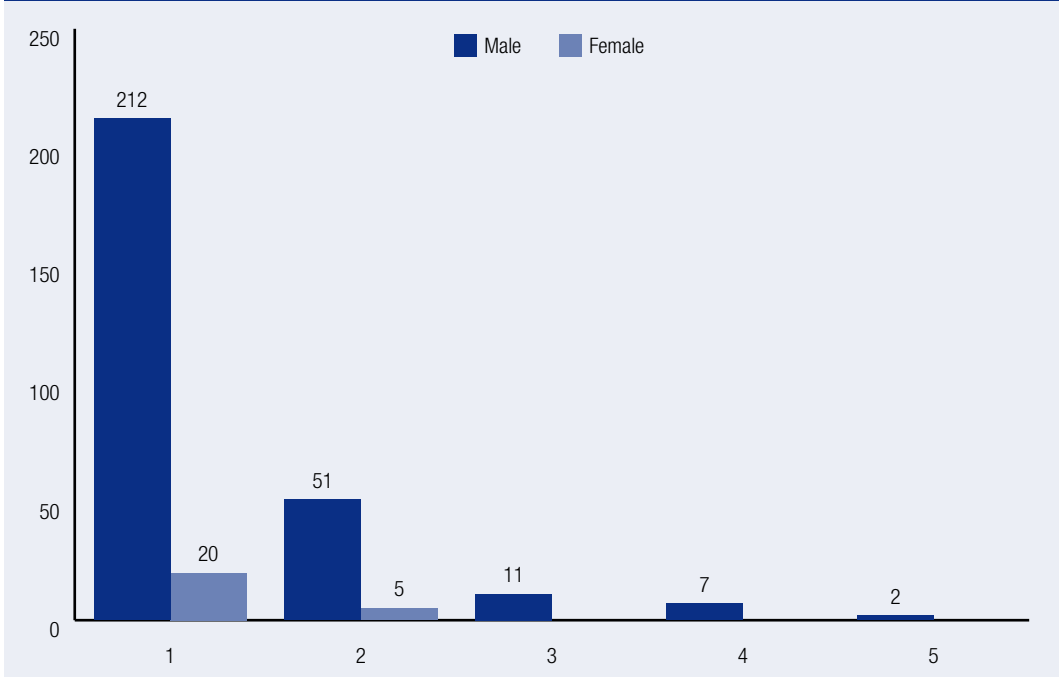
Note: This Table is to be used for comparative purposes with Table 22 in the main document

Source: ACT Magistrates' Court

**Figure F5** Defendants convicted by charges where a conviction is recorded, 1998–99–2009–10 (n)

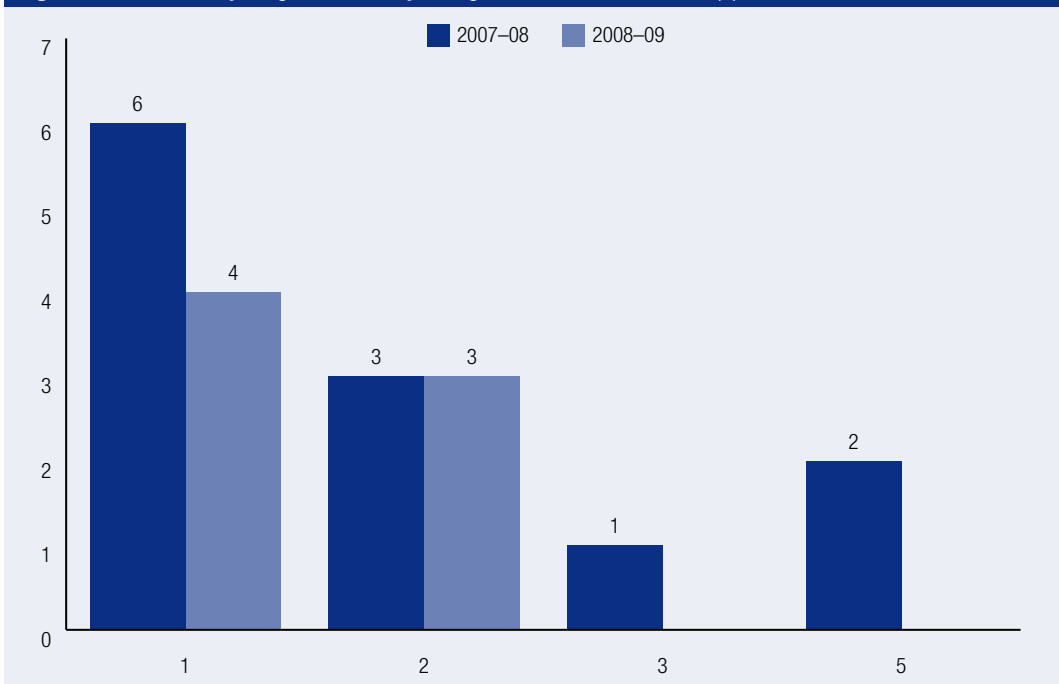
Source: ACT Magistrates' Court

**Figure F6** Convicted adult defendants by charges, 2008–09 (n)



Source: ACT Magistrates' Court

**Figure F7** Convicted young offenders by charges, 2007–08–2008–09 (n)



Source: ACT Magistrates' Court

## ACT Corrective Services

**Table F8** Family Violence Self-Change Program participation, 2006–07–2007–08 (n)

	2006–07		2007–08		2008–09	
Referrals	70		111		85	
Type of order originating referral	Good behaviour	Bail	Good behaviour	Bail	Parole	Good behaviour
	65	5	96	12	3	85
Assessed as suitable	36		39		45	
Program commencements	31		28		n/a	
Program completions	13		8		12	
Departures/expulsions	18		15		13	
Breach actions on failure to comply	5		5		n/a	
Partner contacts	n/a		25		23	

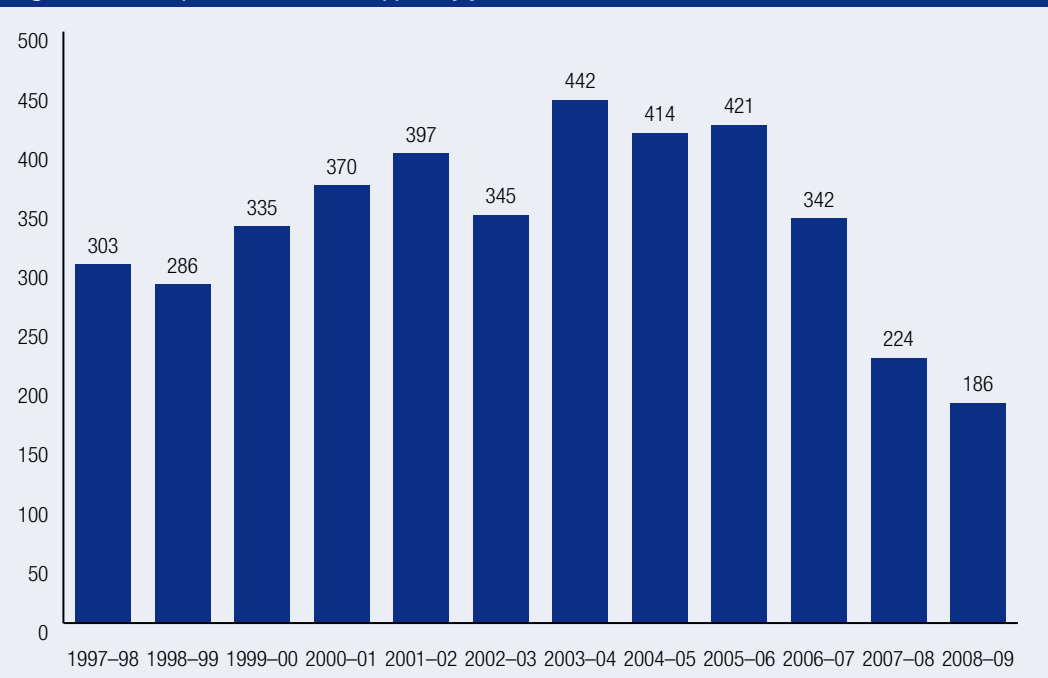
n/a=data not available

Note: In 2008–09, 106 of the total 1,424 offenders (7%) supervised by ACTCS were 'flagged' as family violence offenders

Source: ACTCS

## DVCS

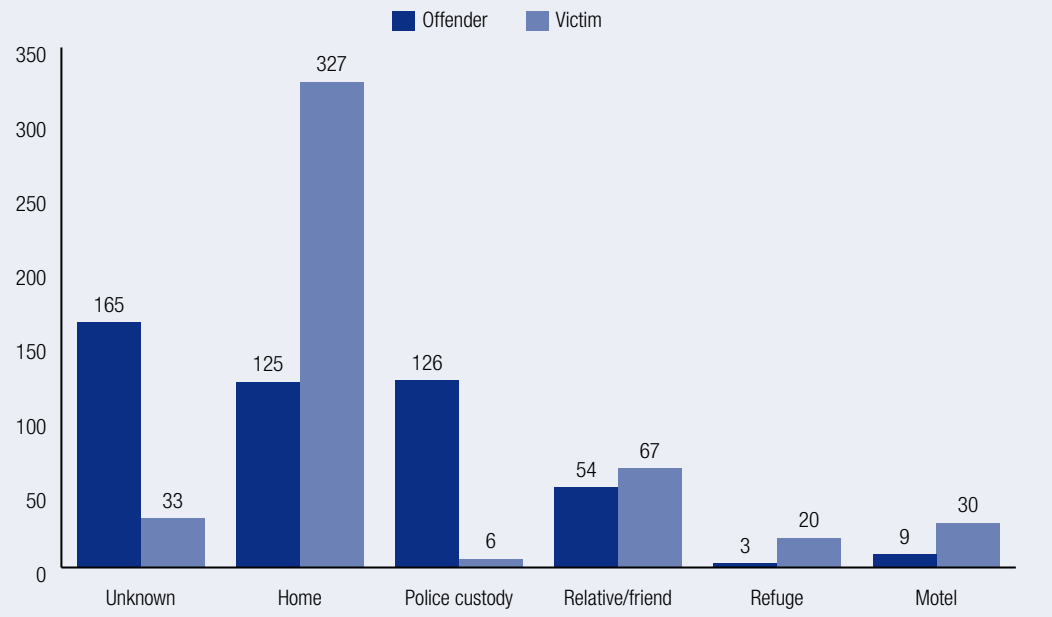
**Figure F8** DVCS provision of court support by year, 1997–98–2008–09



Note: The differences between this Figure and Figure 24 in the main document is the way these data are depicted and the actual numbers. This is due to the data source. No court support data available for 2009–10

Source: DVCS

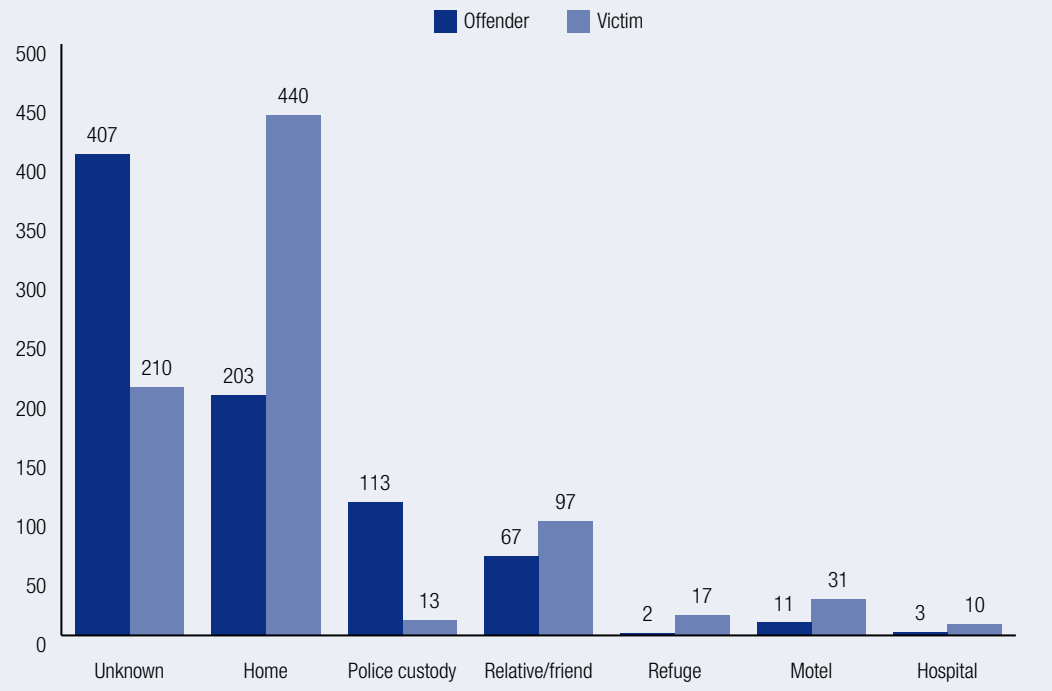
**Figure F9** Destination of victim and offender following crisis visit, 2008–09 (n)



Note: Data reflects crisis visits made by invitation only

Source: DVCS

**Figure F10** Destination of victim and offender following crisis visit, 2009–10 (n)

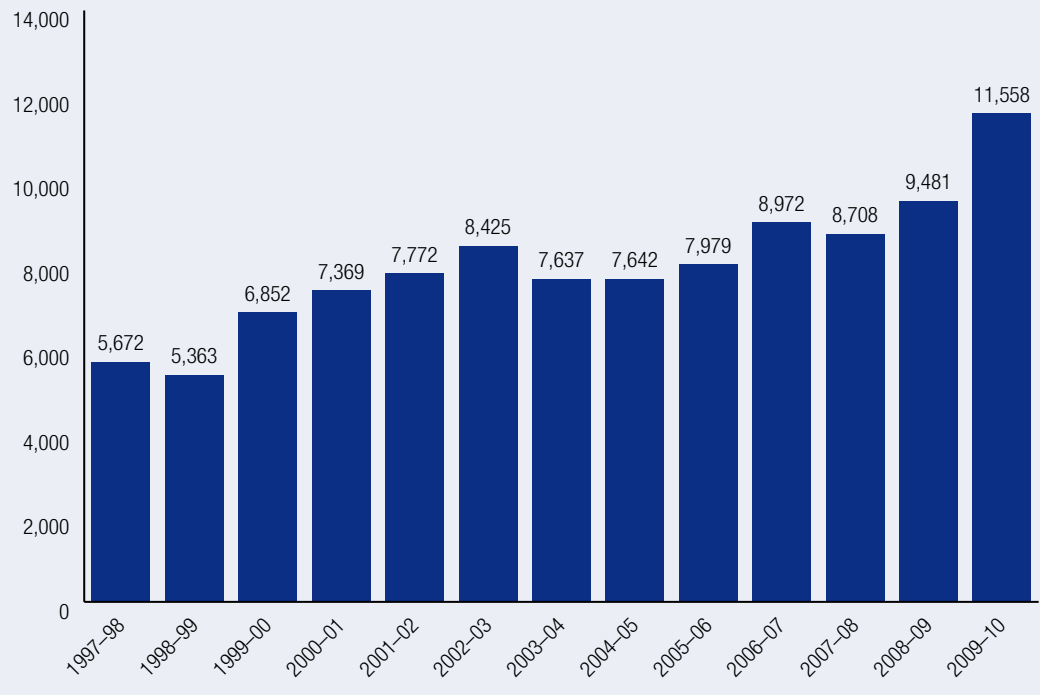


Note: Data reflects crisis visits made by invitation only

Source: DVCS



**Figure F11** Telephone contacts made to DVCS by year, 1997–98–2009–10 (n)



Note: The differences between this Figure and Figure 26 in the main document is the way these data are depicted and the actual numbers. This is due to the data source

Source: DVCS

# Appendix G

## Additional data, 2008–09–2009–10

The Tables and Figures below depict data supplied by FVIP agencies for the 2008–09 and 2009–10 financial years. The 2007–08 equivalent data either were not provided during the preparation of the original report or are not directly comparable to data provided in the main body of the report.

### *ODPP data*

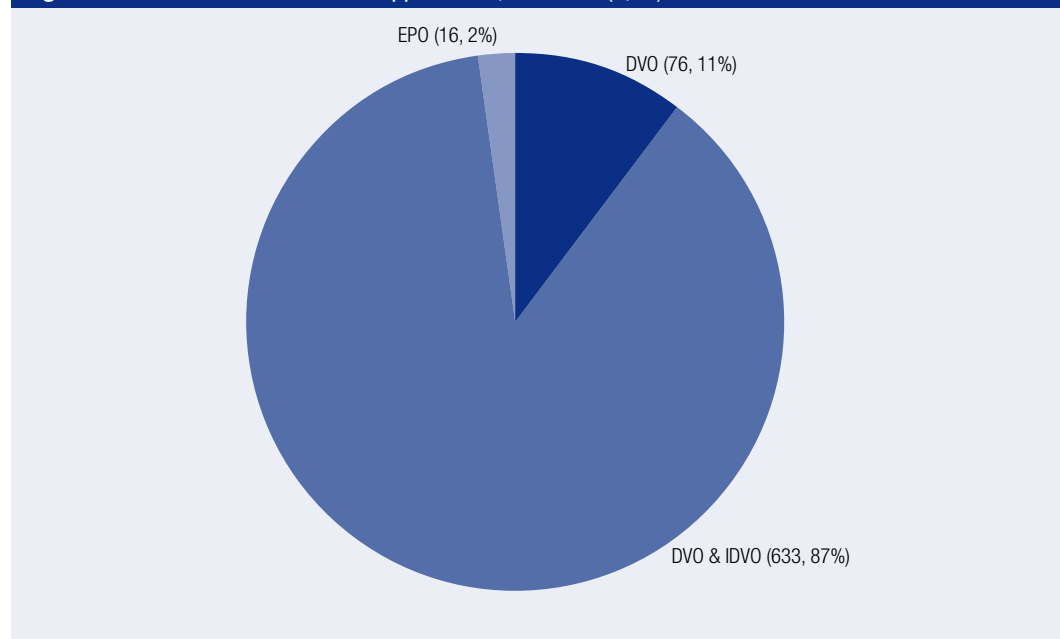
**Table G1** Prosecution of family violence cases by the ACT ODPP, 2008–09

Total family violence offences	1,652
Completed family violence matters	959
Proportion of family violence offences resolved by an early plea of guilt	274
Discontinued family violence offences	61

Source: ODPP specific data request, January 2010

### *Magistrates' Court data*

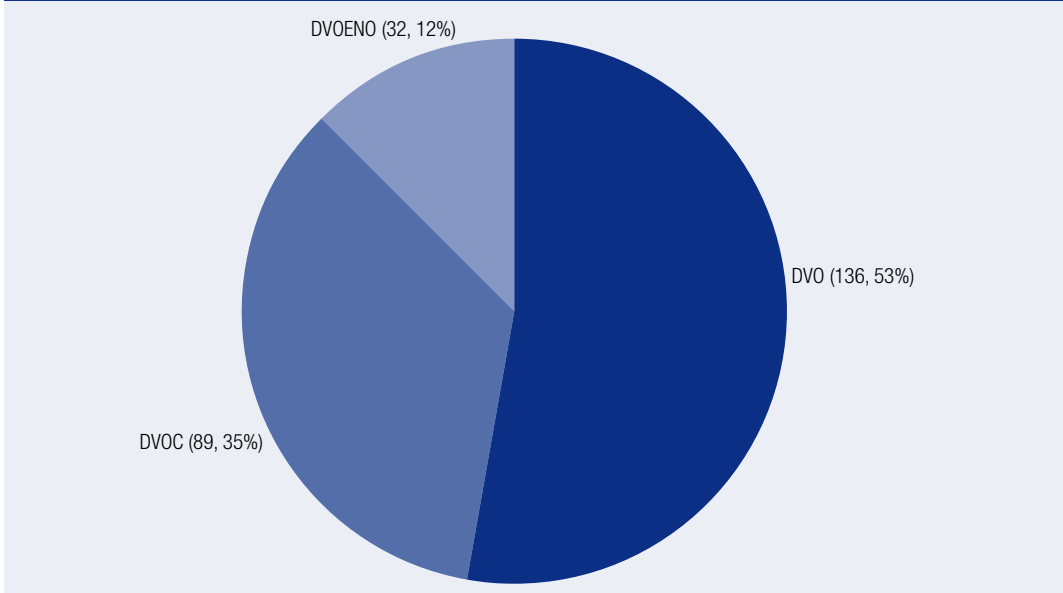
**Figure G1** Domestic violence order applications, 2009–10 (n, %)



Note: DVO=domestic violence order, IDVO=interim domestic violence order, EPO=emergency protection order

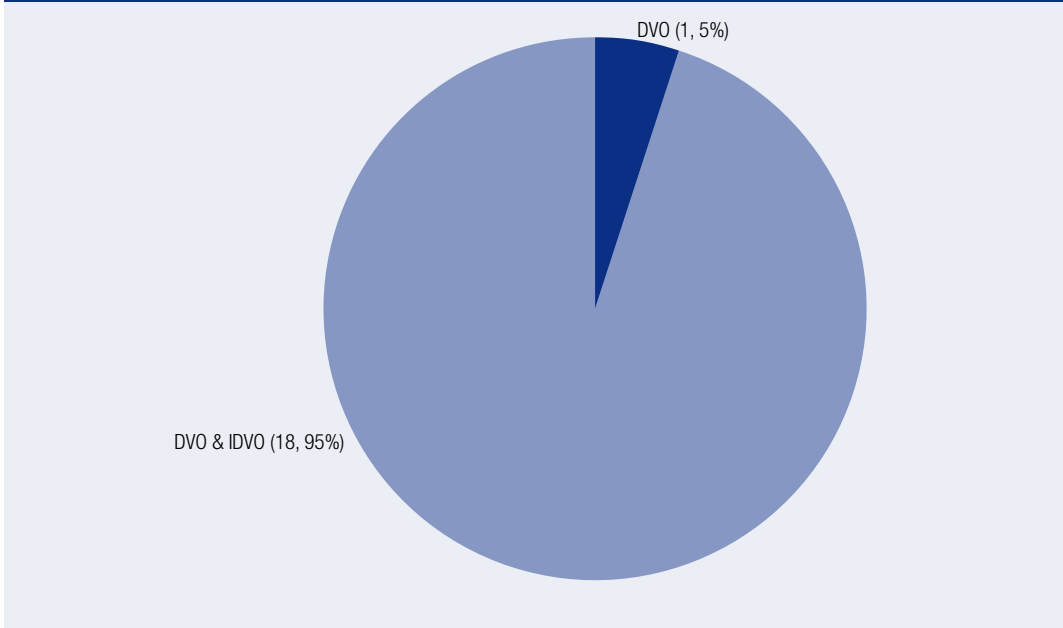
Source: ACT Magistrates' Court

**Figure G2** Final domestic violence orders, 2009–10 (n, %)



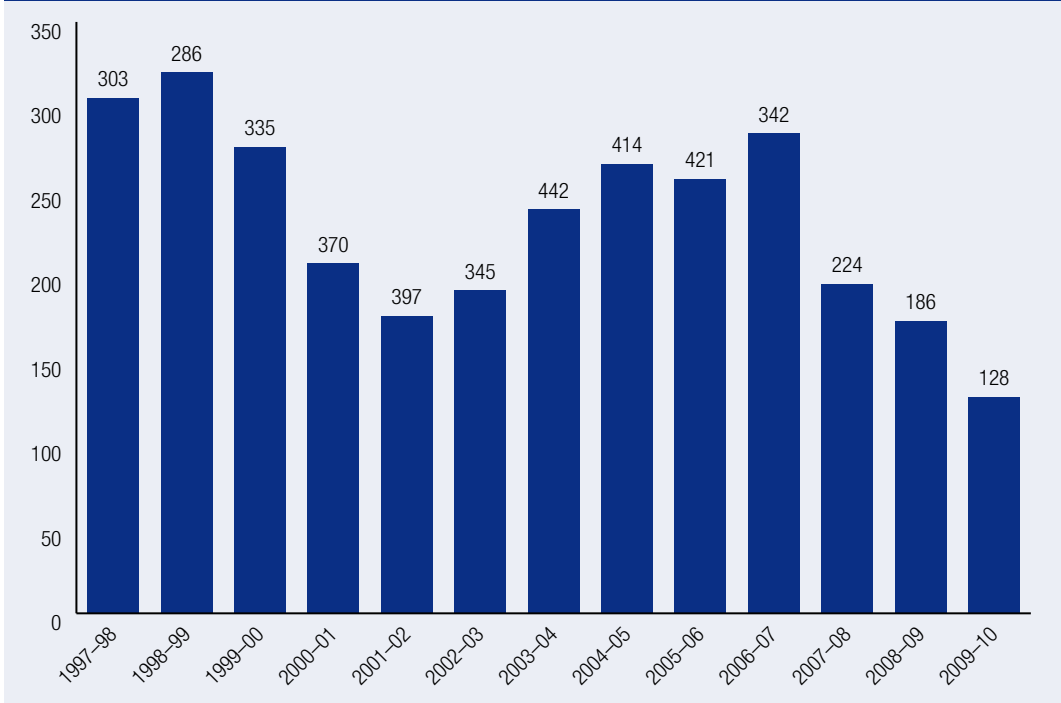
Note: DVO=domestic violence order, DVOEN=domestic violence order by consent, DVOENO=domestic violence order endorsement no objection  
Source: ACT Magistrates' Court

**Figure G3** Contested domestic violence order matters, 2009–10 (n, %)



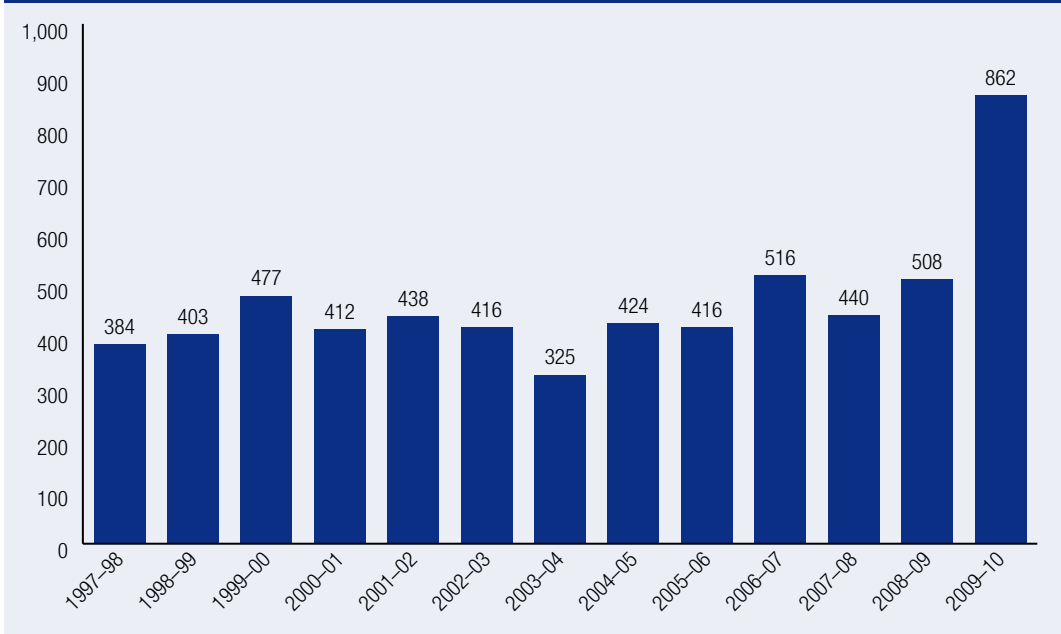
Note: DVO=domestic violence order, IDVO=interim domestic violence order  
Source: ACT Magistrates' Court

**Figure G4** Follow-up visits made by DVCS by year, 1997–98–2009–10 (n)



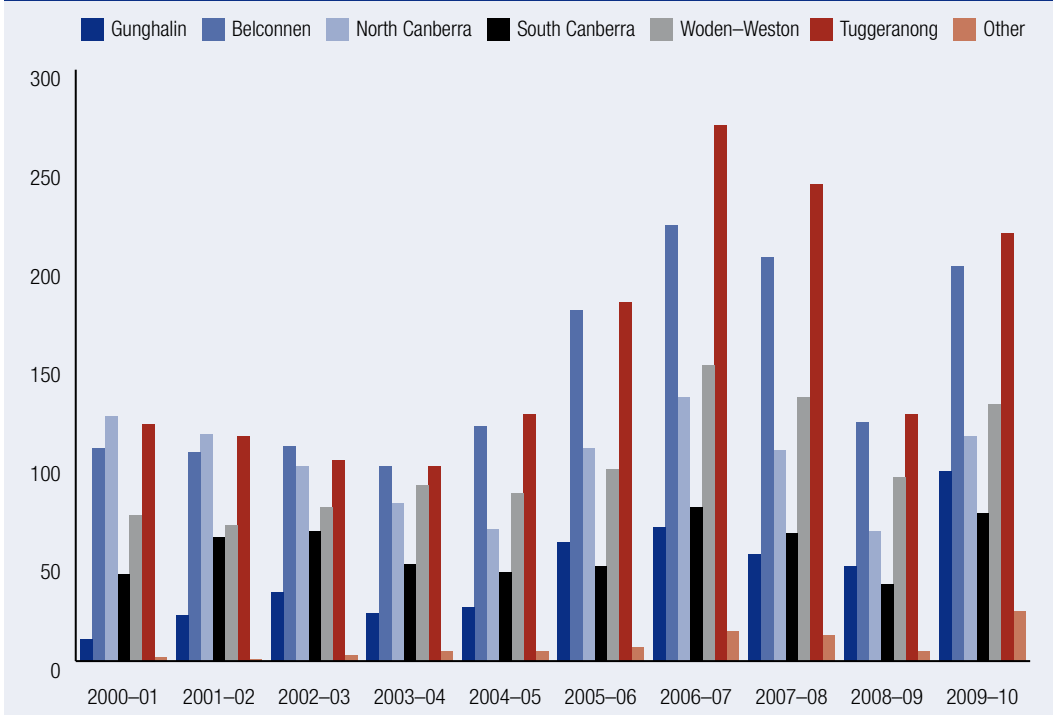
Source: DVCS

**Figure G5** Crisis visits with invitation made by DVCS by year, 1997–98–2009–10 (n)



Source: DVCS

**Figure G6** Area attended on DVCS crisis visits by year, 2000–01–2009–10 (n)



Note: North Canberra=Turner, Braddon, O'Connor, Lyneham, Hackett, Dickson, Downer, Ainslie, Watson, Civic. South Canberra=Narrabundah, Griffith, Red Hill, Kingston, Fyshwick, Forrest, Barton. Includes visits made by invitation and where no invitation made—data is recorded from information obtained from Police Operations. Raw data is presented in Table G2

Source: DVCS

**Table G2** Area attended on DVCS crisis visits, 2000–01–2009–10<sup>a</sup>

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06		2006–07		2007–08		2008–09		2009–10	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Gungahlin	11	2	23	2	35	7	24	5	27	6	60	9	68	7	54	7	48	10	96	11
Belconnen	108	22	106	22	109	22	99	22	119	25	178	26	221	24	205	25	121	24	200	23
North Canberra	124	26	115	25	99	20	80	18	67	14	108	16	134	14	107	13	66	13	114	13
South Canberra	44	9	63	9	66	13	49	11	45	10	48	7	78	8	65	8	39	8	75	9
Woden/Weston	74	15	69	15	78	16	89	20	85	18	97	14	150	16	134	16	93	19	130	15
Tuggeranong	120	25	114	24	102	21	99	22	125	26	182	27	272	29	242	30	125	25	217	25
Other/not stated	2	0	1	0	3	1	5	1	5	1	7	1	15	2	13	2	5	1	25	3
<b>Total</b>	<b>483</b>		<b>491</b>		<b>492</b>		<b>445</b>		<b>473</b>		<b>680</b>		<b>938</b>		<b>820</b>		<b>497</b>		<b>857</b>	

a: Percentages may not total 100 due to rounding

Note: North Canberra=Turner, Braddon, O'Connor, Lyneham, Hackett, Dickson, Downer, Ainslie, Watson, Civic, South Canberra=Narrabundah, Griffith, Red Hill, Kingston, Fyshwick, Forrest, Barton. Includes visits made by invitation and where no invitation made—data is recorded from information obtained from Police Operations. Data is visually presented in Figure G5

Source: DVCS

**Table G3** DVCS caller age, 2000–01–2009–10 (%)

Age of caller (yrs)	2000–01	2001–02	2003–04	2005–06	2006–07	2007–08	2008–09	2009–10
0–12	1	1	0	<1	0	1	<1	<1
13–18	3	5	3	9	4	4	7	5
19–24	15	17	15	22	17	20	18	18
25–34	35	32	33	31	39	29	31	31
35–44	22	23	29	20	25	26	26	25
45–54	16	13	14	13	10	14	13	15
55+	8	9	6	6	5	6	3	4

Note: Data are not available for 2002–03

Source: DVCS

**Table G4** Cultural origin of DVCS clients, 2000–01–2009–10 (%)<sup>a</sup>

Cultural origin	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10
Aboriginal and/or Torres Strait Islander	8	6	6	6	5	6	6	7	4	4
English-speaking background	41	56	60	70	66	48	57	52	47	52
Non-English speaking background	28	24	17	23	11	14	20	18	14	15
Not stated	23	14	17	1	18	32	18	23	36	29

a: Percentages may not total 100 due to rounding

n/a=not available

Source: DVCS

**Table G5** New DVCS clients and criminal justice matters tracked and finalised (n)

	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10
Clients who were new to DVCS	798	936	1,057	1,096	1,299	1,138
New criminal justice matters case tracked by DVCS	192	247	371	225	289	302
Older criminal justice matters finalised in this period	21	51	46	58	n/a	n/a

Source: DVCS

