

SAFE AT HOME

A CRIMINAL JUSTICE FRAMEWORK FOR RESPONDING TO FAMILY VIOLENCE IN TASMANIA

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Delivering crime prevention : making the evidence work

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Safe At Home

**A Criminal Justice
Framework
for Responding to
Family Violence
in Tasmania**

Making the Evidence Work

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**Senior Momentum
*Lifting the Blanket on Domestic Violence,***



Where did it start?

In 2003 the Attorney-General requested us to develop a family violence framework which was:

- pro arrest
- pro prosecution
- inclusive of perpetrator programs
- recognized children as victims
- based on the 'what works' literature

Background

- 7 women were murdered in domestic violence incidents in Tasmania between 2000-2003
- Incident reports of domestic violence were increasing and support services were stretched beyond capacity
- Domestic violence had been conservatively estimated to cost Tasmania \$18m pa
- *Tasmania Together* identified the reduction of family violence as a key benchmark

The Evidence Base - Offenders

Family violence is a 'gendered crime.'

- Men's violence is more severe and more likely to inflict severe injury - women are ten times more likely to be victims of domestic violence than men.
- Male offenders were responsible for killing approximately 94% of adult female murder victims with the vast majority of these murders occurring within an intimate relationship.
- Less than 10% of Australian male homicides are carried out by an intimate partner. (Bagshaw and Chung, 2000).

The Evidence Base - Offenders

- Men who are physically violent in their families often exhibit other controlling behaviour including psychological and emotional abuse and financial and economic control
- Historically there is a low arrest, charge and conviction rate for family violence
- There is a strong link between domestic violence and animal cruelty

The Evidence Base - Offenders

- Tools are available to understand the propensity and patterns of violence of individual offenders
- Deterrence can work with FV offenders with pro-social connections and the capacity to impulse control
- CBT programs can be used to successfully treat some violent offenders

The Evidence Base – Adult Victims

Family violence is underreported. The ABS Women's Safety Survey (1996) found:

- ◆ 23% of women who are currently or have been in a relationship experienced physical and/or sexual violence from a partner.
- ◆ 8% of currently partnered women reported an incident of violence during their relationship - around half of these women reported more than one incident of violence.

The Evidence Base – Adult Victims

- ◆ 42% of women who had previously been in a relationship reported an incident of violence by one or more of their partners.
- ◆ Of women who experienced violence by a previous partner, 41.7% experienced violence during a pregnancy including 20% who experienced the violence for the first time while they were pregnant.

The Evidence Base – Adult Victims

- FV contributes 9% of the total burden of disease for 15-45 y.o.women in Victoria and 3% for women overall - it is the leading contributor to death, disability or illness for women in Victoria (The Health Cost of Violence Report VIC 2004).
- Victims experience barriers in accessing and with the response of both the civil and criminal justice systems.

The Evidence Base - Children

- 30-60% of families who report child abuse also experience partner abuse, (or vice versa) (Fanslow et al 2001)
- 68% of women who experienced violence from a previous partner had children in their care during the relationship and 67% of these women said that the children had witnessed the violence
- Children who witness domestic violence exhibit problems such as aggression, antisocial behaviour, anxiety and depression

The Evidence Base - Children

- “Domestic Violence combines the impact of inescapable shock together with an acute or chronic deprivation of sensitive care giving. The latter, as much as the former, is the catalyst for psychological and developmental damage..., interspousal violence is among the most catastrophic of traumas for children” (McIntosh 2003)
- Intervention by the criminal justice system in family violence generates social upheaval and educational disruption for children

The Evidence Base – System Response

- Criminal justice agencies generally have not treated family violence seriously
- There has been a lack of integration and coordination across services
- There have been irreconcilable dilemmas in balancing victim ambivalence about proceeding with the responsibility of the law to protect vulnerable persons

The Key Elements

Safe at Home involves:

- an ‘integrated’ response system
- family violence legislation to overarch the criminal and civil justice systems

The Foundations

Safe at Home is built around:

- Managing the ‘risk’ that an offender might repeat or escalate their violence;
- Identifying and implementing strategies to enhance the ‘safety’ of victims

Policy Principles

- Family violence is a crime and where evidence exists that it has been committed arrest and prosecution will occur.
- The victim should not be placed in a position of determining the response of the justice system.
- The safety of victims is paramount.
- Wherever possible victims should have the choice about remaining in their own home.

Policy Principles (cont'd)

- The service response to family violence should be seamless and roles and responsibilities of each agency should be clear.
- The Police are responsible for providing immediate intervention to secure the safety of the victim and manage the risk that the offender might repeat or escalate their violence.

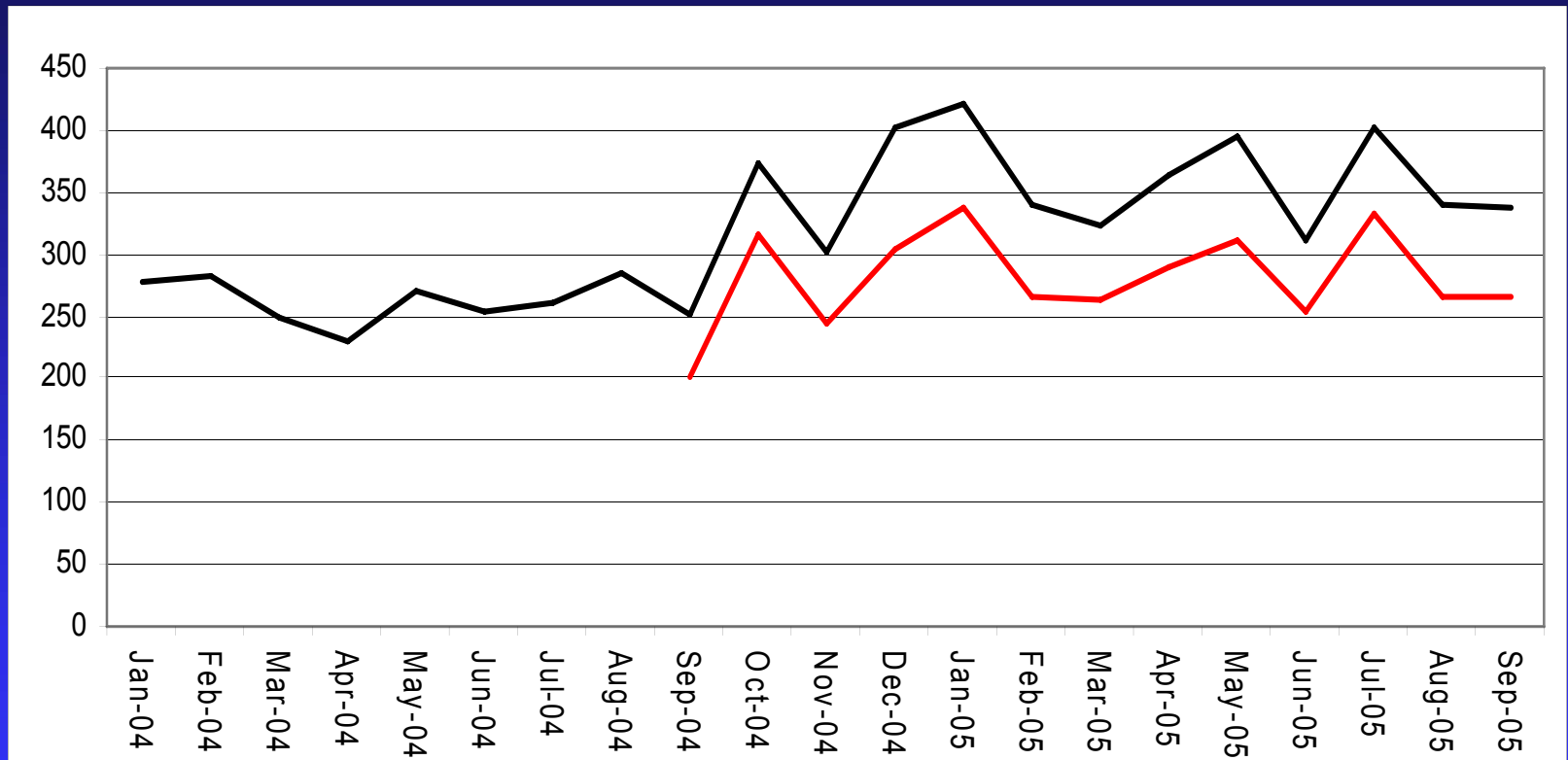
Legislation

The Family Violence Act 2004

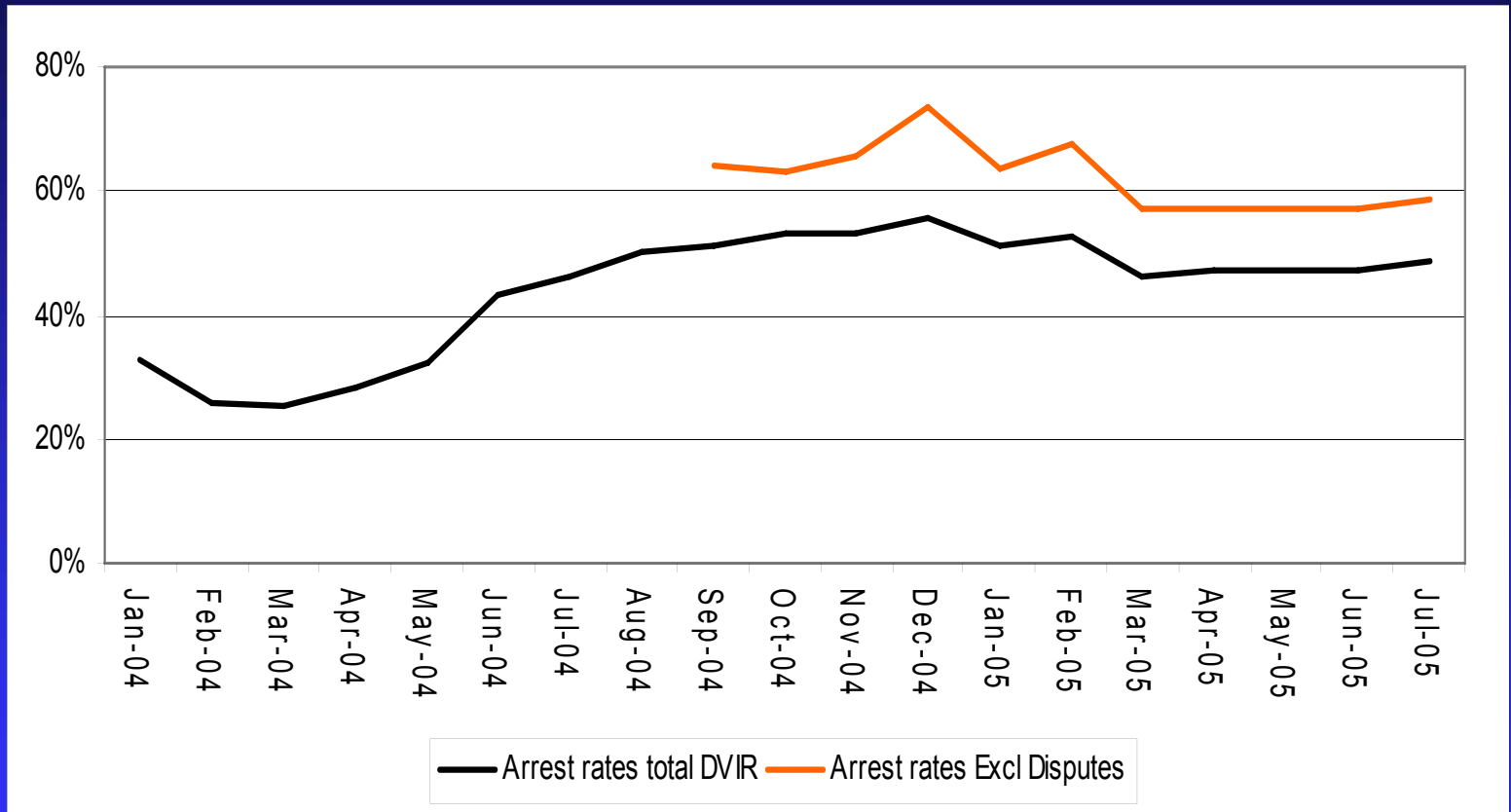
- Reinforces the criminal nature of family violence.
- Mandates the management of both ‘risk’ and ‘safety’ through an integrated response.
- Includes physical, psychological, emotional, and economic violence as criminal offences.
- Recognises children as victims in their right.

Outcomes to date

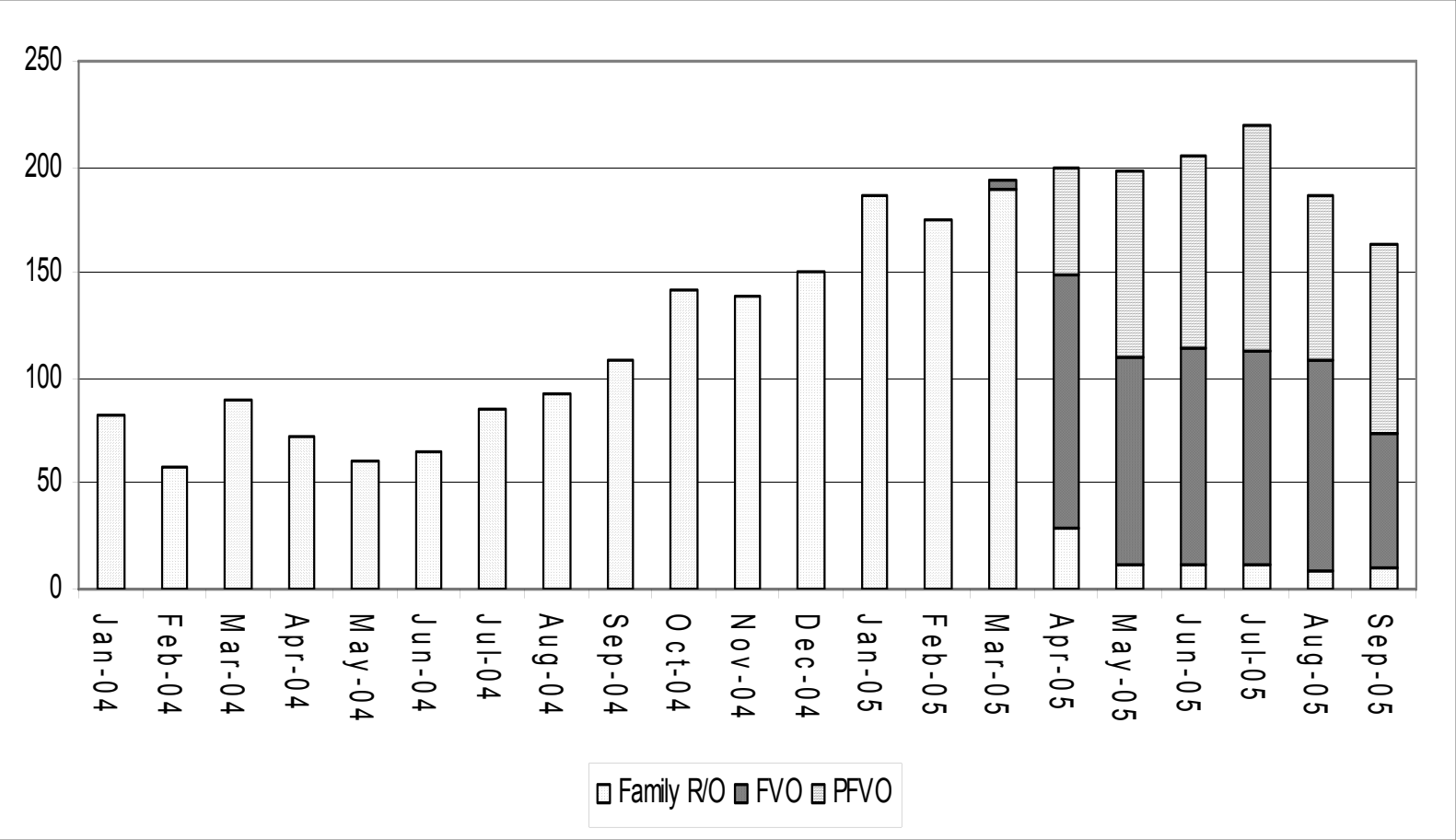
FV Incidents Attended by Police –Jan 04 to Sept 05



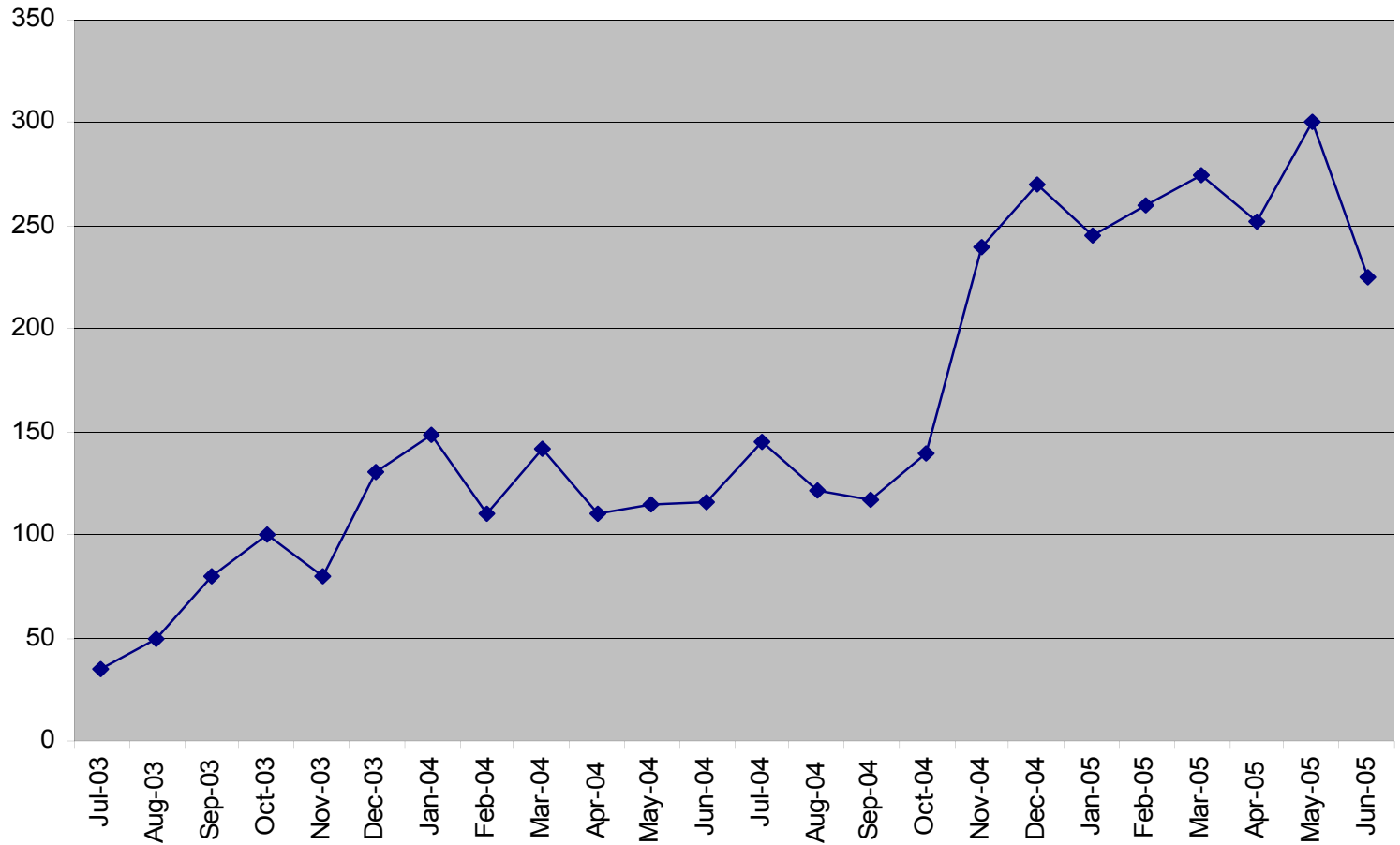
FV Arrest Rates – Jan 04 to July 05



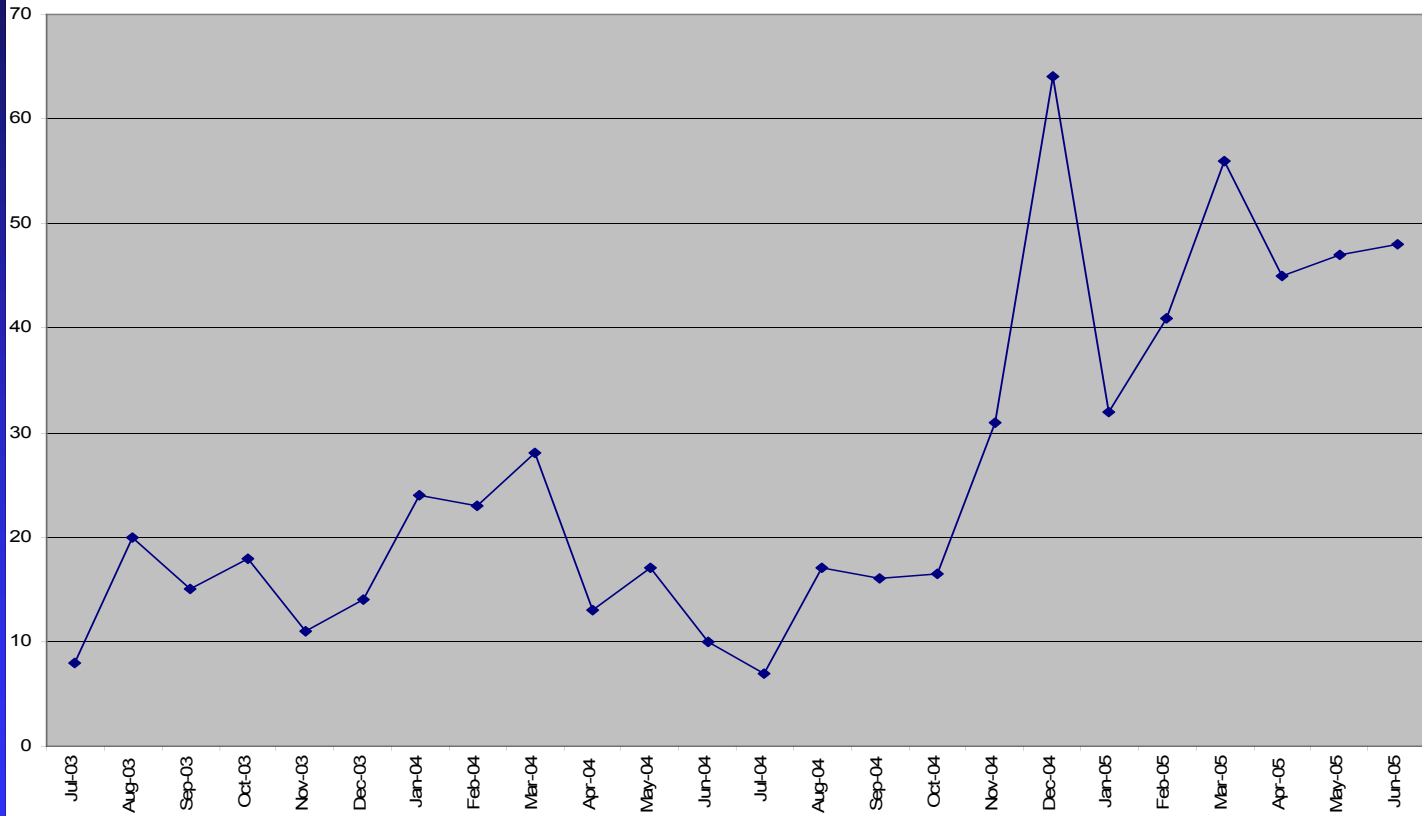
FV Related Protection Orders



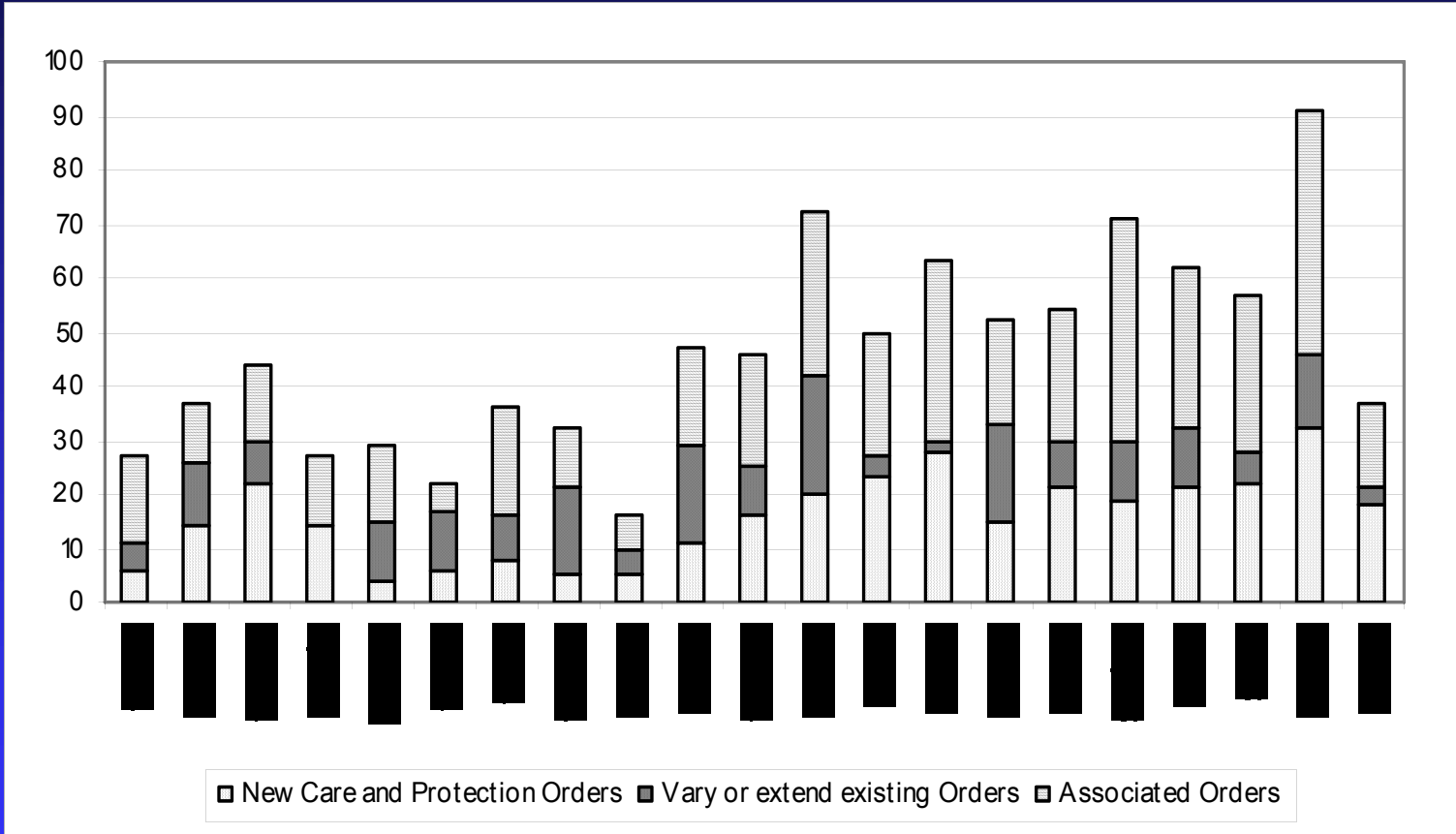
Notifications from Police to Child Protection



Police Child Protection Notifications Referred for Investigation



Care and Protection Orders - Children



Police Prosecutions – activity summary (non-verified data)

	July 05	August 05	September 05
No. of FV incidents	401	339	337
No. of prosecutions for breaches of FV orders (all types)	44	124	58
Number of summary offences prosecuted	100	138	104
Number of indictable offences prosecuted	11	25	3
Number of indictments for assault on a pregnant woman	3	2	0

Some Initial findings – a Snapshot

- Children are present at 38% of family violence incidents
- 45% of family violence perpetrators are repeat offenders
- 8% of family violence incidents involved the use or threat of use of weapons
- 9% of family violence victims required medical treatment after the assault
- 21% of adult victims requested or were offered referral to counselling services

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<http://www.safeathome.tas.gov.au/publications>