

FROM PRIVATE TO PUBLIC:

CREATING A

DOMESTIC VIOLENCE

COMMUNITY INTERVENTION PROJECT

THE ARMADALE DOMESTIC VIOLENCE INTERVENTION PROJECT

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ABBREVIATIONS

ABS	Australian Bureau of Statistics
ACCCA	Advisory and Consultative Committee on Child Abuse
ADA	Alcohol and Drug Authority
ADVIP	Armadale Domestic Violence Intervention Project
CCO	Community Corrections Officer
CIP	Community Intervention Project
DAIP	Domestic Abuse Intervention Project
DAP	Domestic Abuse Project
DCD	Department for Community Development
DSS	Department for Social Security
DV	domestic violence
DVAG	Domestic Violence Action Group
DVAGWA	Domestic Violence Action Groups of Western Australia (Inc.)
DVCS	Domestic Violence Crisis Service (Canberra)
FACS	Department of Family and Children's Services (WA)
FVPCC	Family Violence Prevention Coordinating Committee (NZ)
GP	General Practitioner
HAIPP	Hamilton Abuse Intervention Pilot Project
MOJ	Ministry of Justice
MOVE	Men Overcoming Violent Emotions (Tasmania)
NESB	non-english speaking background
OiC	Officer in Charge
RO	Restraining Order
SAAP	Supported Accommodation Assistance Programme
SARC	Sexual Assault Referral Centre
SERFVAG	South East Regional Family Violence Action Group
TAFE	Technical and Further Education
VMU	Victim-offender Mediation Unit
VSS	Victim Support Service
WEL	Women's Electoral Lobby
WRG	Women's Refuge Group

CHAPTER 1

1. THE CASE FOR CHANGE IN RESPONSE TO WIFE ABUSE

1.1. Woman abuse in contemporary society

Many brave, daring women have made a difference to the way criminal assault at home is regarded in 1990s Australia. But the next step - stopping the violence - cannot be done by women alone. It has to be done through the action of men who are capable of acknowledging the need to recognise the rights of women. These men who do not understand as we who are women do, the everyday lives of women who are exploited, oppressed, dominated, beaten - and killed - must begin to learn through the courage of women what it means to stand out against the dominant culture...

All women working in the movement against violence against women are committed to eradicating it. But this must be a joint effort. Those who are not with us are against us. Those men who do not stand up in the pubs, the clubs, the workplaces, the boardrooms, the Courts and the parliaments to speak out against the violence of their brothers are in favour of it. If you do not speak out with us, your silence is the voice of the complicit. The men amongst us must develop the courage of women. It is only then that the violence against which we work may be ended.

Jocelynn Scutt, 1990 (Hopkins & McGregor, 1991)

This statement by Jocelynn Scutt epitomises the spirit and philosophy underlying the changes in our responses to violence against women in their homes that the project discussed in this work is calling for and 'pre-figuring'. This work has been written in the hope that it will provide valuable assistance to women and men all over Australia who combine in joint effort to eradicate the attitudes and behaviors of some of our men who oppress, dominate, violate, maim and kill too many of our women. We cannot consider ourselves a just and humane society while we are complicit in tolerating violence through our inaction and silence. We must all stand united to condemn those aspects of our culture that facilitate violence.

The personal use of violence needs to be vigorously rejected by societies and communities if we are ever to bring about a non-violent society. Intervention projects to prevent wife abuse such as the one that this work documents are a major measure in encouraging a non-violent world.

Because culture and social relations are maintained and/or changed at many levels, change must be worked for at both the larger cultural and social structural level AND with individuals, small groups and the community in which these individuals and groups are located. Eleanor Roosevelt said in a speech to the United Nations in 1958:

Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he (sic) lives in; the school or college he (sic) attends; the factory, farm or office where he (sic) works. Such are the places where every man, woman and child seek equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

(Meltzer 1979)

Two interconnected notions underpin the action for change called for in this work. First, through working together to achieve a 'critical mass', people can change our culture and society. Second, that many of the 'truths' we hold as self-evident are socially constructed 'truths' which can be deconstructed and reconstructed. These socially constructed 'truths' are in fact 'cultural myths'. To change them we must expose the 'cultural myths' which masquerade as 'truths'. It is at the places where we conduct our everyday lives that concerned women and men must expose the cultural myths in order to bring about cultural and social change so that women and children will be treated with equality and respect.

The vexing question is - Why do men abuse the women they profess to love? The most accepted analysis currently is that male violence against women is culturally supported by notions of masculinity and femininity, that is, male superiority or dominance and women's inferiority or submissiveness, and ascribed stereotyped female and male roles. The term 'wife' has been conditioned historically by notions of subjection to the husband. Shakespeare, in the Taming of the Shrew (V,ii) has the 'tamed' Kate proclaiming to other women:

*"Thy husband is thy Lord, thy life, thy keeper, thy head, thy sovereign"
who craves "love, fair looks and true obedience".*

Many people believe that men who abuse their partners are 'sick', or learnt to be violent as children. Others believe that it is the victim/survivor's fault, because she is not a good wife - she does not do her husband's bidding, or that she must like it, otherwise she would leave. Nothing is further from the truth. In the vast majority of cases the man is not 'sick'. If he saw or experienced violence as a child, as an adult he is selective about where and whom he subjects to his violence - his wife and perhaps children - not his boss, or others in society who have higher status - and nearly always in private - away from prying eyes in the privacy of the home, not in public.

The Position Paper of the National Committee on Violence Against Women states:

Male violence against women needs to be understood in its entire social context rather than being analysed individualistically. Violence against women is a product of the social construction of masculinity; the set of traditions, habits and beliefs, which permit some men to assume dominance and control over women and thus, to assume the right to use violence as a means of exercising that dominance and control.

Society has based its values about human relationships on an assumption of men's superior status. This tradition limits the lives of both men and women.

The commonly quoted 'causes' of domestic violence; alcohol consumption, stress, emotional trauma, conflict or provocation by the victim/survivor, serve as excuses for the violence which are used to justify the violent behavior. Yet, many men and women consume alcohol, become emotionally traumatized or experience stress without deciding to resort to violence.

(National Committee on Violence Against Women 1992:8-9)

The context in which men abuse their partners is complex because intimate relationships are sites of highly charged emotions involving a multitude of tangled, subtle meanings, many supported by cultural prescriptions. The emotional nature of intimate relationships and their location in the private/domestic sphere makes it difficult, if not impossible, to develop a simple single solution to the problem. What may be effective in assisting one victim/survivor may be rejected by another. What may be effective in stopping one abuser may backfire with another. However, this complexity must not deter us, even though we must be mindful of it.

Poststructural and feminist analysis reveals that there are multiple realities, both within and between cultural groups. The 'realities' of different women as victim/survivors and the various meanings they make about their relationships with their abusers must be respected. Only a diverse range of measures can address this diversity of meanings and experiences of relationships, and of violence. In striving for a means of addressing male violence against women we must create a 'system' that is both sufficiently broad to be effective across multiple realities but, at the same time, sufficiently focused to prevent 'difference' from being an excuse for the condoning of abuse.

There are, therefore, some principles which should guide all action. First, societies have responsibility to protect their least powerful groups of citizens by, for example, stipulating that certain behaviors (and the attitudes that support them) will not be tolerated. Without such stipulation and sanctions, the more powerful are able to justify their domination and oppression of those less powerful. Without overarching, guiding principles we condone the kind of relativism that facilitates abuse.

1.2. Principles Behind the Will to Intervene

There are at least eight key principles guiding action against violence against women.

- **All people have the right to live without fear of violence and abuse**
- **All people are entitled to equality and respect**
- **Assault and violence in the private/domestic context is at least as criminal as violence in a public context and must be dealt with by the criminal justice system**
- **Abuse and violence in intimate relationships is not the result of normal conflict between two equals.**
- **Abuse and violence typically increase in frequency and severity over time and early proactive intervention is necessary to prevent the violence escalating.**
- **The community and its agencies have a right and a responsibility to relieve the victim/survivor of the onus of stopping abuse.**
- **Witnessing abuse and violence against their mother and/or others frequently has serious and long-term detrimental impact on children.**
- **Preventive action through community education must be taken to address the cultural and social roots of violence against women.**

The current institutional and community response to domestic violence has been recognised in many communities as inadequate. Victim/survivors continually report that they do not receive adequate protection from violence or appropriate assistance from the Police and other government and non-government agencies they go to for help (Grace 1993; Tan, Basta et al. 1995). More can and must be done. In the 1990s domestic violence has become an issue of government concern and social policy development with many government enquiries and task forces being undertaken. However, in these conservative times of economic rationalism, few governments appear to have the will to address patriarchy or are prepared to invest the necessary resources.

Requiring the victim/survivor to flee her home, to live in poverty and to be possibly re-victimised by a hostile justice system, while nothing is done about the criminal behavior of the abuser, is blatantly discriminatory. Members of society collude with abusers by not taking responsibility to do something effective to stop their abuse. We all allow and encourage wife abuse and family violence by not taking action that conveys to abusers, victim/survivors and the community that violent abuse against a partner is wrong, will not be tolerated, and will be responded to with sanctions

Many have argued that the best way to achieve individual change is through changing broader cultural meanings and social structures. To achieve this many education campaigns have been conducted by federal and state governments. A consequence of raising community awareness of wife abuse and family violence is increasing the demand for services for victim/survivors and their abusers. Over the last few years there has been a dramatic increase in the numbers of cases being recognised by and/or revealed to human service workers. A major question for these workers is what can be done for the individual victim/survivors and abusers that will satisfactorily address the problem. Although necessary, an individual focus is not sufficient to address the ongoing cultural support for violence. To make sustainable progress, the cultural roots that support individual expressions of violence must also be continually challenged.

1.3. The scope of this work

An explanation is necessary at this point about what is seen by some as the 'narrow' focus of this work and the project it describes.

The project that this work documents is specifically concerned with abuse and violence against a partner in an intimate relationship. As the vast majority of such violence is perpetrated against women by men it is, then, about male abuse and violence towards a female partner. Although the term 'domestic violence' has become accepted as the common descriptor for this type of male violence against women, it also fails to name 'who is doing what to whom'. The term 'wife abuse' is a more accurate descriptor in the majority of situations because it is the husband who is abusing the wife (whether legal or defacto). The very terms 'husband' and 'wife' embody gendered relationships based on male dominance and female submission. The use of 'wife abuse' in the title is intended to capture the meaning of 'wife' embodied in traditional culture as 'gendered property'.

The term 'family violence' is gaining popularity as a replacement for domestic violence because it recognises that different forms of violence occur within the 'domestic' or private setting of the family and that they are interconnected. First, they are all about abuse of power and control. Second, frequently, when one form of abuse is present other forms are also. For example, in many cases of child sexual abuse, the mother is subjected to violence, or when the mother is abused and assaulted, children either sustain direct abuse or suffer through being exposed to abuse perpetrated against their mother. In Aboriginal communities family violence has become the preferred term in recognition that abuse and violence typically involves 'family fighting' between extended families (Bolger 1991). However, the dynamics of each form of violence within the family are different from the others, as are the means to address each..

At the same time, the term 'family violence' (and others such as spouse abuse, and marital violence) is also used by some who wish to obscure the gendered nature of such violence. One example is the Western Australian Department for Community Development's (DCD) 'Abuse in Families' (1994) campaign documentation and community education which failed to name 'who was doing what to whom'. This term is also used to obscure the lack of effective initiatives to address the different forms of violence. For example, in 1994 the Minister for DCD claimed to have spent \$1.6 million on family violence. However, the

majority of this was spent in the traditional statutory area of child protection, not on domestic violence programs. Crisis Care, the DCD crisis service, was also included in this claimed outlay on family violence, although Crisis Care covers a wide range of issues, of which domestic violence is only one.

In terms of incidence, Dobash and Dobash (1979) found wife abuse to be the most prevalent form of violence within the family. The focus of this intervention project is wife abuse. Children naturally are of concern as secondary victim/survivors but they are not the primary focus. It would be difficult for any intervention project in its initial stages to successfully address all forms of violence that may occur in families. At the same time, it is essential that intervention projects link with other programs addressing other forms of family violence because of the likely occurrence of more than one form of violence occurring in the same family. Over time, it may be appropriate to develop adjunct services, for example programs for youth who are violent towards girlfriends, mothers, or other family members.

This document is an account of a project that intervenes in individual expressions of violence and in doing so challenges the cultural and social structural roots of violence. It details the process of establishing a multi-faceted coordinated inter-agency, justice-focused response to wife abuse in Armadale, an outer suburb of Perth, Western Australia. In the course of establishing this project a wide range of theoretical and practical issues have arisen which have had to be grappled with and resolved. This work is then both a descriptive report and a more reflective analytical exposition of issues. For the benefit of people in our communities who are struggling to understand why and how violence against women occurs and what they can do about it the following questions are addressed:-

What is the problem?

Why is it such a problem?

What should be done about this problem and why?

How can we implement changes and why do it this way?

What difficulties were discovered and how they were addressed?

The project is adapted from a model of intervention which was first developed in Duluth, Minnesota in the mid-1980's (Pence and Paymar 1986) and has four underlying assumptions:

Assumptions supporting Criminal Justice Interventions in Domestic Violence

1. Wife abuse will not be tolerated and violence against an intimate partner is a crime, the same as violence against a stranger and must be responded to as such.
2. Treating wife abuse as a crime reduces further assaults and reduces further victimisation of women because the criminal justice system is a deterrent through both its punitive and its educative functions.
3. What prevents domestic violence from being treated as a crime is the propensity for most members of the community to tolerate abuse. A 'psychology of denial' prevents consciousness of the 'awfulness' of the behavior and/or blames the victim/survivor, thus colluding with the perpetrators. Having a coordinated and uniform inter-agency approach diminishes community victim/survivor blaming and/or collusion with the abuser.
4. An inter-agency approach limits the possibility of institutionalised systems of social control and sanctions ignoring violent and abusive behavior.

1.4. The case for coordinated inter-agency intervention with a criminal justice focus

The community and helping agencies must together accept responsibility for stopping wife abuse and making it unacceptable. Coordinated intervention, which gives a consistent message that violence will not be tolerated and is observed to consistently support victim/survivors, successfully reduces the level of violence and abuse against women and children in our communities. All agencies, including the Police, the Courts and corrective services are urged to adopt a consistent approach with the common goal of safety and protection of victim/survivors and prevention of further violence by perpetrators. Because male abuse of women has traditionally been supported by culture and society, external sanctions are necessary to convince most abusers that they cannot continue to abuse. Enforcing assault and other relevant laws and imposing legal sanctions against abusers is an effective method of conveying to abusers, their victim/survivors and the community that violence will no longer be tolerated. Court-mandated abuser education programs provide an opportunity for abusers to learn to change their behavior.

Victim/survivors, themselves, play a vital role in escaping from their 'hell'. As Freire (1972) pointed out the most powerful force in overcoming oppression is the oppressed themselves demanding and taking their freedom. Thus the major focus of any domestic violence program needs to be the provision of a range of victim/survivor services available in the community. The majority of victims, for whatever reason, do not avail themselves of refuge where these services are provided to residents. For those victim/survivors who choose to stay with their abuser, their empowerment is essential for their survival. They require assistance to break the power and control that their abuser has over them. Victim/survivor support and advocacy are vital for the continued protection of women.

Individual or couple counselling is seen by some as the solution to domestic violence. However, this approach does not take account of the dynamics of wife abuse. Very few abusive men consider they 'have a problem' and if they do seek or consent to counselling it is generally to 'buy back' their wife. Almost invariably they minimise or deny the extent of abuse, blame their victim/survivor or others and excuse their own behavior (Gondolf 1985), (Gondolf and Hanneken 1987). Furthermore, couples counselling may actually jeopardise the safety of the woman because the man may later 'punish' her for daring to reveal his abuse. Likewise, many of those working to assist victim/survivors and change abusers doubt that individual counselling addresses the societal issue of male power and control of women which supports violence against women. Furthermore, individual counselling individualises and decriminalises a social problem, redirecting limited resources away from victim/survivors (Hatty 1986). Individual counselling for abusers also has not proved effective because it has a tendency to allow the abuser to 'manipulate' the therapist with charm and minimisation and to continue to keep the abuse hidden.

Studies conducted in the USA in the early 1980s showed that Police intervention and arrest was more effective in preventing repeat abuse than the other Police actions of mediation or separation of parties (Sherman and Berk 1984). Although many victim/survivors do not want to involve the Police (abusers, also, do not want outside involvement) the Police are generally the only 'force' in society that can effectively control abusive men. Most abusive

men are so strongly convinced it is their 'right' to act the way they do that it often takes the full force of the law to stop them. Even then, some feel above the law or that the law should support their right to treat their wife the way they wish. Some abusers have little fear of or respect for the law. Sometimes even criminal justice intervention is ineffective in stopping these men's abusive behavior.

Contrary to popular perception, most stalking behavior takes place in the context of domestic violence, where the abuser will not accept that he does not have the right to control his ex-partner, despite the clear messages that may have been given by the victim/survivor, the criminal justice and other social systems. He is usually convinced that she has no right to leave him and/or lead an independent life, that no-one else can have her if he can't or that he has the right to pursue her to either persuade her to return to him and punish her for daring to leave (McMahon and Davids 1993).

Although arrest and prosecution has been shown to be a major deterrent of domestic violence (Berk, 1984) one of the key factors impeding this is the attitude of the Police who consider it is the responsibility of victim/survivors to pursue arrest and the laying of charges. This practice requires changing because many victim/survivors do not report abusive incidents for fear of reprisal by the abuser. The responsibility to initiate intervention needs to be removed from victim/survivors and taken by the community and its agents.

The current approach of the criminal justice system to sentencing is to send only serious and repeat offenders to jail. Despite this, sentencing for public violence is more severe and more likely to result in a jail term, than for violence in the home. Even before the point of sentencing, violence in the home does not find its way into the criminal justice system to the same extent that public violence does. Furthermore, as Scutt (1990) points out, if a consistent response was adopted with all cases of violence before the Courts, given the level of violence against women the system would become clogged with tremendous delays and jails would overflow. There are, therefore, impelling forces for alternatives to jailing men who are violent.

Group psycho-educational programs for convicted abusers who are not incarcerated provide a sentencing option that has the potential of being more effective than fines or suspended sentences in changing abusive behavior and negative attitudes towards women. Community Corrections workers are also seeking rehabilitation programs for offenders sentenced to probation. Such programs have become the preferred model of 'counselling' of violent and abusive men for a number of reasons, including efficiency and the positive use of the group process to challenge beliefs and support change (Gondolf 1995).

Notwithstanding the impetus for programs for offenders, within the movement against violence against women there is considerable debate about the desirability of abuser programs. Concerns centre on the efficacy of such programs, that public funds are likely to be diverted from the already inadequate funding for victim/survivor services and that some women may stay in a relationship and may experience further abuse, in the hope that an abuser program will change her partner's abusive ways.

Despite these concerns, abuser programs are seen by some as being for victim/survivors. One study found, that rather than encouraging women to stay, men's attendance at (or refusal to attend) a program facilitated women leaving the relationship when changes in their partners did not eventuate (Gardiner and Hatton 1991). On its own, the criminal justice system is not rehabilitative, although it is a sanction. Abusers require education to change their attitudes and behavior. Furthermore, to totally eschew working with men ignores and limits their potential for change. Although such change may not be significant in terms of numbers, if a movement among men for equality is ever to develop, the chance to change should be offered to men.

The generally supported approach of abuser programs is based on educating men for equal gender relations by challenging the socially sanctioned right for men to have power and control over women (Edleson 1995). Other approaches run the danger of implicitly (or explicitly) endorsing unequal gender relations, which sustain violence against women.

It is essential for the safety and protection of victim/survivors that services for abusers do not exist as 'stand alone' services but are linked to support and advocacy services for victim/survivors. Such linking also assists keeping the content of abuser programs victim/survivor-focused. When abuser programs exist on their own, there is a serious risk of them becoming abuser-focused and possibly jeopardising women's safety.

An additional reason for interagency coordination is to challenge the propensity of many service providers and the community to further punish victim/survivors through victim/survivor-blaming. Victim/survivor-blaming is a common response in an attempt to locate causes in individuals. In fact, private or individual troubles that are experienced by numbers of people almost invariably reflect a social problem (Mills 1970). A further consideration is that many people are caught up in the 'psychology of denial' regarding violence against women. They find it difficult to understand the 'awfulness' of what is occurring and find the perpetrator's version of events more plausible than the victim/survivor's. In a male dominated society, men's versions of reality are more believable because they draw on and confirm traditional cultural stereotypes. Women's realities lack cultural support, their realities are treated as 'wrong' or unbelievable.

Thus, if we are not to further punish victim/survivors, they must be believed. It has usually taken tremendous courage for a victim/survivor to tell her story. She would have been often told by her abuser that no-one will believe her or that she will suffer retaliation if she reveals her private 'hell'. The number of victim/survivors who may lie about what is occurring because of malice or vindictiveness (as sometimes alleged) is minuscule compared to the secret suffering of the vast majority of victim/survivors.

The safety and lives of victim/survivors and their families are jeopardised when they are not believed and/or no action is taken to intervene. Virtually all women murdered by their male partner have previously revealed the abuse and/or sought help, only not to be taken seriously. In most of the cases researched by Easteal (1993) in her study of murder by partners there were or had been protection (restraining) orders and assault charges. Because abuse typically escalates in severity and frequency over time, outside agencies almost invariably have been involved by the time murder occurs. Police may have been

called by neighbours, the victim/survivor might have sought medical treatment, etc. but responses by agencies failed these victim/survivors.

...one felt strongly that the homicide or homicide-suicide did not have to be inevitable; it was preventable. A number of offenders were in contact with mental health practitioners or with the criminal justice system shortly before the killing. Appropriate assistance was not received presumably since the gravity of the situation was not recognised. Warning signs were either not heeded or the signs themselves were trivialised and not dealt with appropriately.

(Easteal 1994:36)

Murders can be prevented if all social service agencies take the first report of abuse very seriously. They should take pro-active responsibility to enquire if abuse is occurring. If so, the victim/survivor should be asked and believed about how dangerous she thinks her partner is to her safety. Threats to kill or harm must be taken very seriously. Threatening to kill someone cannot be excused as occurring 'in the heat of the moment'. It is a criminal offence.

When victim/survivors decide not to do something to stop the abuse (for example, not proceeding with a restraining order or appearing to give evidence) they are usually acting either out of fear for their or their children's safety, misplaced loyalty and/or the belief that she 'can manage' her abuser's behavior, that the abuse is not all that bad, that the children need their father, etc.

Intervention following incidents of violence is also preventive because it prevents further violence. It is 'educational' because it conveys a message that violence will not be tolerated.

1.5. A coordinated criminal justice model of intervention

A multi-faceted, interagency model featuring a criminal justice response was pioneered in the 1980s by the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota, USA (Pence 1985). Countless communities in the USA have since developed similar responses.

The underlying premise of the model is that wife abuse can best be prevented by:

- focusing on victim/survivor safety,
- giving consistent messages that violence will not be tolerated and
- placing controls on the perpetrator.

This is achieved by the adoption of coordinated policies and practices between various agencies, obtaining convictions where there is evidence of criminal behavior and placing legal sanctions on abusers, at the same time providing support and advocacy for victim/survivors to assist them take the necessary steps to achieve violence free lives.

The model has eight primary principles:-

1. Violence in the home must be dealt with as a crime
2. Perpetrators must be held fully accountable for their actions.
3. Legal sanctions are imposed and enforced to deter perpetrators from committing further violence.
4. Victim/survivor safety and protection is paramount.
5. Victim/survivors are provided with safe emergency housing, advocacy through the criminal justice system and support/education groups and counselling.
6. The onus of intervening is shifted from the victim/survivor to the agencies with responsibility for dealing with domestic violence.
7. All agencies involved are integrated and consistent in their approach through the development of policies and protocols.
8. Rehabilitation programs for perpetrators are available as a sentencing option.
9. Agencies' responses are monitored to ensure accountability and compliance with law and policies. All interventions are accountable to survivors and their representatives.

Detailed policies and procedures are developed within and between the key criminal justice agencies and other service providers. Training is essential for all agency workers, addressing topics such as understanding domestic violence from a victim/survivor perspective, understanding their agency's role in inter-agency criminal justice focused intervention and complying with policies and procedures.

A key principle for intervention is that all actions are accountable to victim/survivors/survivors and their representatives. Policies and practices, content and process must be open to scrutiny to ensure that they are victim/survivor-focused and do not re-victimise or collude with abuse. Collusion can occur in many subtle and not-so-subtle practices. Many practices, although appearing neutral or benign are, in fact, not sensitive to the needs of victim/survivors. For example, requiring a witness to tell what happened in front of the accused might be considered a reasonable practice in criminal Court. However, for many victim/survivors, particularly where there is an intimate ongoing relationship, this can be a terrifying ordeal because of their fear of recrimination by their abuser.

Developing a criminal justice intervention project takes much time, energy, commitment and goodwill. It asks all systems to do things very differently from their current practice. It is relatively easy to be convinced that change is a good idea, but actually endorsing and putting into practice new ways of acting is not easy. A major inhibitor of change is the many layers of bureaucracy which require convincing that there are benefits of acting in this new way.

1.6. Research framework and methodology

Being conscious of the exploratory nature of this project - no previous coordinated, inter-agency, criminal justice focused, wife abuse intervention project had been attempted in Australia - it was considered essential to a) learn from similar experiences elsewhere and b) to document the process and issues encountered in establishing the project locally. Consciously researching the project was considered important to consciously explore the essential and inevitable ongoing process known as 'praxis', that is, the process of theorising, putting theory into action, reflecting on the action, leading to new theorising, new action etc. We cannot 'know' in the abstract but must ground our knowledge in action (Piele 1994).

Furthermore, as a feminist, the researcher considered it important to document issues arising from the project from a feminist perspective which 'sees' and 'understands' issues differently from a non-feminist perspective (Bograd 1988), (Yllö and Bograd 1988). The research itself was based on feminist research principles and values (Van den Bergh and Cooper 1986). Working in the area of wife abuse (which by its very nature is secretive) requires that actions be transparent and open to scrutiny to avoid 'mirroring' the abuse, in other words to avoid engaging in practices that collude with the abuser and re-victimise the victim/survivor or, alternatively, keeping secrets and acting 'abusively' towards each other as members of an intervention project.

The objectives of the research were as follows:

- a) To document the process involved in the first stage of the formation of a pilot coordinated criminal justice focused inter-agency response to domestic violence to the point at which formally adopted written coordinated inter-agency policies and procedures were ready to be implemented.
- b) To analyse the above processes, highlighting positive strategies and difficulties which arose in the project, for the purpose of facilitating the adoption of similar projects in other communities.
- c) To develop methods for ongoing monitoring of the effectiveness of Community Intervention Projects (CIPs) in reducing violence to women.

The principal research method was that of participatory action-research. Action research is a cycle of action, reflection, formulation of questions, drawing conclusions, evaluating options and planning for new action. This type of research is very different from evaluation research which involves measuring action(s) against some 'ideal' held by a researcher and/or a funding body, with consumers and/or workers having little interest or control over the process and outcome of the evaluation. Participatory action research was chosen as the research method for a number of related reasons.

1. The research was not conducted after the event, based on outcome measures or interviews involving recollection of participants. It was based on participant observation in which the researcher's presence has an effect on the process which is being recorded.

2. Because the research is principally concerned with the process and interactions between people in developing inter-agency communication, cooperation and coordination, action research was considered the method of choice because of its concern with an ongoing spiral of praxis - action, reflection, evaluation, new action, etc. Such an approach to research involves collaboration with the participants in the action(s).
3. Action research does not impose a strict progression through predetermined procedures. Given the fluid and unpredictable nature of establishing such a project, action research as a method is able to 'go with the flow' as actions develop, much like anthropological field research.

Participatory action research is not much different from the problem solving we do all the time in our daily lives except that we are: (Wadsworth 1993)

- more conscious of 'problematizing' plans or actions and why we are problematizing them
- more explicit about 'naming' the problem
- more planned and deliberate about the inquiry and involving others who could or should be involved in that inquiry
- more systematic and rigorous in our efforts to get solutions/answers
- carefully documenting and recording action and what people think/feel in ways which are accessible to other relevant parties
- more intensive and comprehensive in our study
- more sceptical in checking ideas/solutions
- attempting to develop deeper understandings and more useful and more powerful theory about the matters we are researching, in order to produce new knowledge which can inform improved action or practice.

The researcher(s) seeks out 'problems' or conflicts between different individuals or groups and brings those problems to the others for discussion and solutions. Ideally, all relevant parties are involved in examining together current (or proposed) action in order to change and improve it. Consequently, the group is an integral part of the research process and owns/controls the outcome of the research cycle.

One of the major issues that has arisen in the course of this research is the role of the researcher. Some people associated with the project felt that the researcher should not be personally involved in discussion and decisions but should have been an 'objective' observer.

Feminist and naturalistic inquiry hold that the researcher is an integral part of the research process. The researcher is not 'neutral' or 'objectively removed' as in more traditional research but clearly declares and operates from her values. Likewise, in participatory action research the researcher engages in reflection> questioning> proposing solutions> discussion> subsequent action. The researcher collects and provides information about actions and research undertaken elsewhere, suggests courses of action weighed up against the information collected and is consciously engaged in the process of research.

Because this project was not limited locally in either its interests, activities or politics, key people in the broader community, eg policy-makers in Government Departments and members of the Western Australian women's movement, were also involved in discussions and lobbying. The broader political processes and issues which impacted on the local project were documented and analysed within the ambit of the project.

There were seven facets' to the research project, none of which were discrete stages and which overlapped at various times.

1. **Literature Search** - examining the various potential aspects of the project. This included examining initiatives in other localities, particularly to highlight successful strategies and difficulties.
2. **Inter-agency committee development** - identification of relevant individuals and organisations, development of committee and organisational structure, group building, education and training of the group.
3. **Development of objectives and strategies** - assisting the committee to develop its objectives and a strategic plan with time-lines, flow-chart and sequential steps.
4. **Policy formation and development of protocols and practices** - both within and between participating agencies, including the identification of practices requiring formal protocols and development of written protocols and agreements for the coordinated, consistent provision of service and the sharing of information between services for case management, tracking of abusers and monitoring of adherence to protocols and agreements..
5. **Education and Training** -
 - a) criminal justice system personnel - Police officers, prosecutors, Court officers, lawyers, magistrates and JPs, Community Corrections officers
 - b) direct service providers - women's Support Workers, women's support group facilitators, abuser program facilitators
 - c) Other professional and occupational groups, eg health child protection and welfare service provides, legal practitioners, etc.
6. **Implementation/Monitoring** - Development of methodology and instruments to monitor the ongoing effectiveness of the project. Development of a comprehensive data base.
7. **Lobbying** - for law reform, government support and funding, policy development.

The researcher's involvement was greater than originally anticipated. Because no funding eventuated for the intervention project and the amount of time able to be given to the project by individual committee members was limited by their work constraints the researcher took on some of the functions that a coordinator would have undertaken - particularly the role of lobbying government and policy makers influential at a State level. The researcher also undertook the task of developing and negotiating the Principles of Intervention and inter/intra-agency policies and protocols. One of the difficulties that resulted from this very active involvement of the researcher in the day-to-day development of the project was perhaps a focusing on 'product' to the neglect of 'process', particularly in attempting to keep to the time-line of the research grant.

Given these factors it was impossible to keep to the proposed research schedule. The major difficulties were lack of funding for project staff and the political nature of the process. In addition, some key people were temporarily transferred and/or took leave which had a slowing effect. The action part of this research terminated with the launch of the Armadale Domestic Violence Intervention Project (ADVIP) in April, 1994.

CHAPTER 2

2. UNDERSTANDING WIFE ABUSE

2.1. The Phenomenology and Interpretation of Wife Abuse

Wife abuse (or domestic violence) has been defined as occurring:-

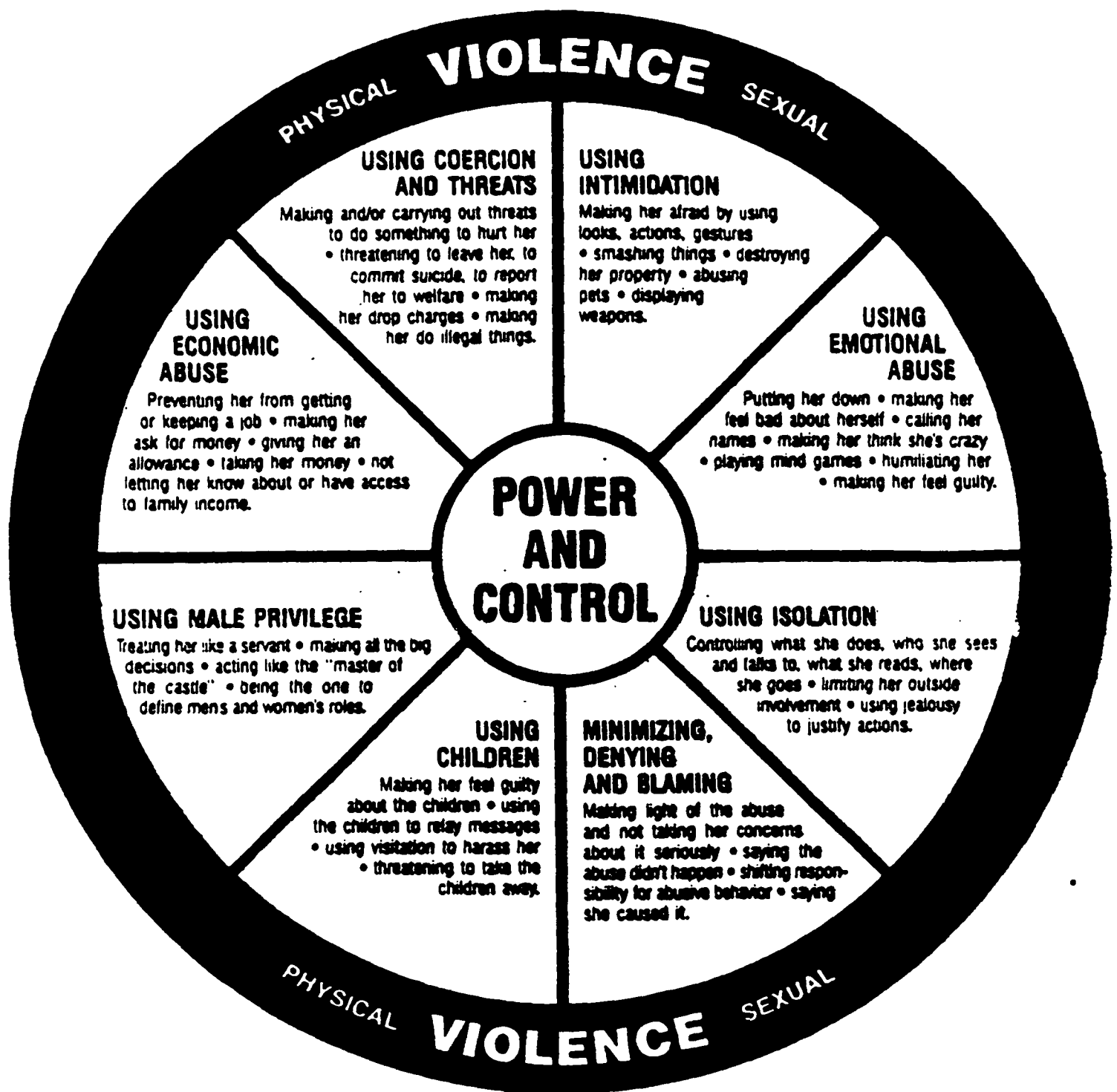
"...between two unequal parties, in which one partner has power over the other, causing fear, physical and/or psychological damage. Domestic violence is that which interferes with the ability to function normally in everyday life"

(WA Task Force on Domestic Violence 1986)

Wife abuse can range from emotional abuse and social isolation through to appalling injuries such as broken bones, stabbing, sexual assault and in some cases death. Abusers use some or all of a number of tactics. Physical violence is often only the tip of the iceberg of other tactics of abuse which include:

- demanding male privilege when a wife has to obey the rules her abuser establishes and is not permitted to participate in decision making;
- threats to do something that would negatively affect the woman eg suicide, report her to welfare for being a bad mother;
- intimidation, such as threats and damaging things;
- emotional abuse - 'putting down' the victim/survivor, playing 'mind games', acting so that she thinks she is crazy;
- isolating the victim/survivor from family and friends, not allowing her to work;
- minimising or denying the abuse or blaming others;
- using the children - making the woman feel a bad mother or threatening to take them away;
- not allowing the woman to have any money of her own - appropriating her income, making her account for every cent she spends, scrutinising the phone bill, etc.

The Power and Control and Equality wheels (figs 1 & 2) were developed by the Duluth Abuse Intervention Project (Pence and Paymar 1986). The two wheels convey diagrammatically contrasting ways of relating, one based on domination the other on equality and respect. The Power and Control wheel demonstrates the various 'tactics of abuse' employed to establish and maintain control. The Equality wheel presents contrasting ways of relating based on equality.



DOMESTIC ABUSE INTERVENTION PROJECT
208 West Fourth Street
Duluth, Minnesota 55808
218-722-4134

Figure One - Power and Control Wheel



DOMESTIC ABUSE INTERVENTION PROJECT
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Duluth Minnesota 55808
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Figure Two: Equality Wheel

The very closeness and intimacy of the relationship makes dealing with the abuse difficult for all concerned, including the victim/survivor and those in the community. Emotional ties very often bind the victim/survivor to her abuser. This is the essential difference between violence in the home and that in public. At least, when a person is assaulted or abused in public, they have no further relationship with their abuser and have the safety of home to retreat to. When a person is abused in their home, in the physical location where they have invested their identity and meaning, by the person with whom they have a close, intimate, emotional and dependent relationship, leaving and cutting of all contact is extraordinarily difficult.

Wife abuse is an emotive topic, not just because the injuries which women receive provoke feelings of shock and pity, but also because it takes place in a setting which we perceive as being a safe haven in a heartless world and within a relationship which for many people is a source of happiness and security. We are shocked at the injuries, but we are also shocked that such things could occur in a domestic setting, between two people who have promised to love and cherish each other. The discrepancy between the violence and the setting within which it takes place both makes it harder to understand the problem and also makes it harder to help those who are the victim/survivors.

(Pahl 1985)

If such violence occurred in a work or public setting on the scale it occurs in the private setting it would provoke outraged demands that 'something be done about this threat to social order'. Why is it that the 'domestic setting' within which wife abuse takes place makes it difficult to understand and to take action to prevent?

To understand this difficulty we need to understand the related ideologies of patriarchy, individualism and family privacy.

2.2. Cultural supports for 'wife' abuse: patriarchy, family privacy, possessive individualism

With few exceptions, the more than seven hundred male and sixty female offenders who have been incarcerated or Court mandated to treatment since 1981 in northeastern Minnesota have articulated strong beliefs that they have the right to control or punish their partners for perceived hostile or harmful behavior. The theory that battering is caused by a culturally supported belief that people have the right to control their partners explains almost all abuse described by the thousands of victim/survivors using shelters and the hundreds of abusers mandated to counselling in Minnesota.

(Pence, 1985:2)

Wife abuse, along with patriarchy, exists to varying degrees in all cultures, having long acceptance in both western and non-western societies (Dobash and Dobash 1979). In western societies, the Judeo-Christian heritage supported a husband's right to exert absolute control over his wife and children, including beatings for breaches of 'discipline'. In the middle ages, and beyond, women were viewed as requiring discipline (including physical beating) to bring them 'back' to the Lord (Lundgren 1992). The law has traditionally supported men's control of women. The 'rule of the thumb' existed in English law (from which Australian law derived) giving the husband the right to beat his wife with "a stick no thicker than his thumb" (Walker 1979). Such laws existed until the beginning of the twentieth century. However, today many men and women believe the man has the right (and responsibility) to chastise and discipline his wife if she breaks 'the (his) rules'. Thus, public tolerance (and even approval) of wife abuse has continued until now.

A recent replication of a 1988 Federal survey (Public Policy Research Centre 1988) into community attitudes towards 'abuse within the family', commissioned by the Western Australia DCD, Donovan Research (1994) reported that 37% of males considered 'the man is head of the household', whilst 26% of females agreed. A worrying 27% of males considered that 'abuse within the family is a private matter that should be handled within the family, with 17% of females agreeing. Of even more concern is the 27% of males who "feel that physical force by a man against a wife is acceptable under some situations". An unsettling 12% of females agreed.

Given that there is a strong correlation between attitudes and behavior, these worrying statistics lend support to the estimates that one in four women in a relationship will experience violence.

Most Australians cling to the image of the family as 'a haven in a heartless world' (Lasch 1977) - a place of refuge from the stresses of the outside society, a place of happiness and love, of mutual, complementary support of a husband and wife with well behaved, cute, clever, children. Even though most people are aware that this image is somewhat inaccurate - the fantasy is thought to be reality, despite the fact that there are daily accounts in newspapers of abuse occurring within a home. We must also be aware that the media only publicise the tip of the iceberg of abuse. Almost invariably, this abuse is committed by a man against a woman and/or children.

As a Family Therapist has commented, examining the issue of gender and violence in families will

...change how we look at families and at the culture in which they are embedded. We see that families are embedded in the larger culture. They express and perpetuate cultural norms and values, including gender-based roles and expectations, privileges, and power. And we see that family violence is condoned and protected by the culture, through ideas of family autonomy, secrecy and privilege. But most important, as we look at violence and abuse in the family, our idea of the family changes, from a place of safety to a place of danger, from a context of nurturance to a context of nightmare.

And finally, in confronting these issues we confront ourselves. We are left to look at our own assumptions and beliefs, our own fantasies and impulses, our own experiences and action, our own relation to power and its abuse. This is the hardest part.

(Moltz 1992)

Moltz highlights the very personal, often painful but ultimately meaningful process that all of us, who become involved in critically re-evaluating gender relations in our culture cannot avoid. It becomes a profound personal and political journey.

There has been long debate about the privacy of the family (Pagelow 1984). There are those who support the sanctity of the privacy of the family, and resist the intrusion of outside forces, viewing intrusion as anti-family. Correlated with this attitude is support for traditional gender relations within the family. The opposing argument is that the distinction between private and public is artificial and serves the interests of those with power. The family is often not a haven of happiness and safety, and may require outside forces to assist and protect less powerful family members.

According to Pagelow, (1984:13) "some of the insistence on maintaining family privacy is based on the historical establishment of patriarchal marriage and common law rights and privileges". Marriage under the common law of England (a heritage adopted in USA and Australia) was the merger of husband and wife into a single legal identity, that of the husband. Until relatively recently, wives had no right to sell, sue or contract without their husband's approval. This notion of a single legal identity has provided immunity from testifying against or suing a spouse and maintained the fiction that there is no such thing as spousal rape.

The separation of public and private spheres has traditionally been supported by the state. This parallels the traditional distinction between male and female roles in our society. The private or domestic sphere has been associated with women's 'expressive' roles while the public sphere has been popularly understood as men's 'instrumental' sphere of activity and influence (Parsons and Bales 1955).

The ideology of patriarchy has viewed the family in 'ideal' terms as a place of private succour (particularly for men who experience the vicissitudes of the 'public' arena). Writers such as Lasch (1977) and Donzelot (1979) have eulogised the family as a 'haven in a heartless world' and railed against what they saw as intrusions by the state into this 'private' domain. In so doing they endorsed the 'rule of the father' as the legitimate 'head of the household' with the authority and responsibility to have power and control over women and children. The dominant religions of Christianity, Islam, Hinduism and Judaism have long supported patriarchy.

The ideology of possessive individualism and self-reliance also supported the notion of the home being the realm of the 'private'. The development of suburban living with individual, self-contained, nuclear households has meant that 'privacy' is even more possible - and culturally seen as desirable. According to Dalley (1988:28)

Possessive individualism incorporates a number of related notions: the individual as an 'independent centre of consciousness'...the notion of the self and self-determination; of privacy and freedom from intrusion. Along with these is the quality of possessiveness which is found 'in the conception of the individual as essentially the proprietor of his [sic] own person and capacities, owing nothing to society for them'

Thus there are three key notions that permit wife abuse to occur with little or no 'interference' from outside. First is the 'idealised' notion of the home as a haven from the outside world, a place of security, happiness and contentment with stereotypical male and female gender roles. Second is the notion that what occurs in the home is 'private' and is not the province of outsiders, particularly agencies of the state and third is notion of the individual who is self-determining and unconnected to society.

2.3. The contribution of gender/power pro-victim analysis

Since the second wave of feminism, beginning in the 1960s, feminist analysis has identified that patriarchal ideology is a pervasive feature of most cultures and social institutions. The extent and severity of the problem of wife abuse only began to be recognised as a social problem, rather than an individual one, in the 1970's when women's refuges were established by women active in 'women's liberation'. There has subsequently been a politicisation of the issue of domestic violence and its criminality.

Before feminists began to analyse and organise against patriarchal support for violence against women the dominant explanations of abuse either excused it as acceptable male behavior towards a wife, blamed female victim/survivors or located problems in the pathology of the individual man.

At the 2nd National Conference on Violence held in June 1993, auspiced by the Australian Institute of Criminology, it was acknowledged that feminist theory has provided the most powerful tool for analysing social issues in general, and criminology in particular, (even when women's experiences are not central) because of its emphasis on analysing gender and power relations (Egger 1995).

Why feminist theory is so powerful in analysing domestic violence is that it holds women's experiences as the central organising framework. A woman-centred analysis involves changing the lens or template through which the world is seen and understood. Until now the lens has been from a male perspective because men had the social power to impose their viewpoint. Other theories have consciously and/or unconsciously taken men's experience and interests as central. However, feminism is not seeking to replace male dominance with female dominance but is seeking social justice and equity. There is a contradiction in the notion of feminist bias as there can be no bias if equality is the goal. What many people react to is the realisation that they can no longer maintain the status quo and the advantages and privilege to which they are accustomed and/or feel entitled.

The explanation of domestic violence that has most acceptance currently derives from a gender/power analysis and holds that the purpose of domestic violence is for the

perpetrator to establish and maintain control over their partner. Men and women have been raised in societies in which the status of women is much lower and women's traditional role has been to serve men and their families. Most men have a sense of entitlement to be served by women and to have control of them. They also believe they have the responsibility to maintain 'order' in the home. At the same time, women also have learnt that men have entitlements and a 'good' wife respects and supports those entitlements. To illustrate, the Catholic Weekly of 1953 proclaimed:

The good wife realises that in becoming a wife she contracted to forget self and put her husband's happiness above her own wishes and desires... In the marriage contract she handed over the right to her body for the actions of marriage; she does not take that back again. She contracted to make a home for her husband in whatever place his work might call him; she does not claim any spurious independence in that regard... In dress she tries to please, even in the privacy of the home; in speech she encourages, comforts and shares her husband's interests; in her household tasks she tries to be perfect, that he may think of no place as more pleasant than his home."

The purpose of domestic violence is thus to establish and maintain control over a partner. The nature of the relationship is one in which the perpetrator imposes his will upon the victim/survivor. The victim/survivor's behavior becomes prescribed by the demands and rules set by the perpetrator.

When domestic violence is viewed from a patriarchal perspective, the myths are perpetuated that victim/survivors provoke the violence, are masochistic for not leaving, that all they have to do is leave (ignoring that violence often increases when a victim/survivor attempts to leave), are passive in the face of ongoing abuse and weak for not doing anything to stop the abuse. From a patriarchal perspective men's abusive behavior towards their partner is often seen as typical acceptable masculine behavior and an entitlement. Furthermore, domestic violence is considered a family matter in which the community and state should not interfere. This reinforces the disempowerment experienced by victim/survivors - they are not believed and the perpetrator is.

While society does little to challenge the behavior and belief by abusers (and others) that they are entitled to have power and control over their victim/survivors and to execute punishments for 'perceived' wrongs, society colludes with and facilitates this belief and the consequent behavior.

When domestic violence is viewed from a woman-centred perspective it highlights a very different view of intimate relationships and of methods to address abuse and inequality in relationships. Feminist analysis identified how, for many women and children the family is actually the site of gross inequality and even oppression (Barrett and McIntosh 1982). Despite fears, most feminist analysts of the family are not mounting an attack on the notion of family per se, but the on traditional notions of family which embody unequal gender relationships supported by notions of patriarchy and privacy.

Traditionally the problem of domestic violence was located within the pathological psychology of the victim/survivor or the abuser and the response focused on maintaining the family through counselling of the individual or the couple. In a critique of the traditional explanations of violence against women, Allen (1986) wrote:

The removal of family violence from the ambit of crime to the province of individual psychology represents a massive exercise in the depoliticising of one of the most potent expressions of the sex and class oppression on which patriarchal capitalism is based.

One of the depoliticising methods of attempting to address wife abuse, counselling, was revealed by gender/power analysis to be not only inappropriate but to threaten the safety of victim/survivors. The couple does not come to the counselling as equals; the man comes as the dominator and the woman as the subordinate. The woman is not free to tell how she experiences the relationship and the abuse for fear of recrimination. Despite recent attempts to equalise power within the counselling situation concern still exists that couple counselling endangers the victim/survivors safety, unless it is undertaken only when the abuse and violence has ceased for some time.

With the increasing popularity of systems theory and family therapy the dominant framework for analysis and intervention expanded to include problematic family interactions. A family therapy or systems approach to addressing the problem focused on how the interactive behavior of both the victim/survivor and the assaultive partner contributed to the violence, which was seen as functional to their relationship (Howard 1995).

Theories which view wife abuse as a pathology within the abuser, the relationship or the victim/survivor do not challenge or alter the power relationships sanctioned by the ideologies of patriarchy and familial privacy. Related to this is society's propensity to blame the victim/survivor for her predicament. She is labelled as having clinically-defined personality defects including learned helplessness (Walker 1979), masochism, addiction to relationships, co-dependency, and an array of personality disorders such as paranoia. The term "victim/survivor-blaming" was coined by the feminist movement in challenging this construction of locating the cause in victim/survivor pathology.

Victim/survivor-blaming is consistent with ideologies of patriarchy and familial privacy which disallow any understanding of the ill-effects of male domination of women. When culturally embedded ideologies of male domination of women cannot be seen as a cause, the only recourse is to individualise and personalise the problem, to implicate the victim/survivor in her own suffering and/or to deny there is any link between gender and violence within the home.

One way of obfuscating the gendered nature of violence in the home is to avoid 'naming the reality or phenomenon. Pence (1985:1) argues that:

"Current literature compounds the problem of avoiding a gender analysis by consistently using language which ignores gender - the most

common characteristic of battering. Most batterers are male and most victim/survivors are female, yet most of the literature goes to great lengths to use gender neutral terms: battering couples, consort battering, conjugal violence, domestic abuse and spousal assaults." It is through this use of obfuscating language that traditional cultural beliefs are maintained which hide the extent and severity of male violence against wives.

The resurgence of the political right and its endorsement of 'traditional family values' coupled with a backlash against feminist analysis of patriarchy and its cultural role in supports men's domination over women has resulted in a retreat from identifying the gendered nature of assault in the home. For example, nowhere in the publications accompanying the recent Abuse in Families campaign (Department for Community Development 1994) are men identified as the principle perpetrators of abuse in families.

Just as concerning is another Department for Community Development (1994:20) document 'looking at families' that states:

"The violence appears to have no motive at all and it is just the way that person deals with their emotions. This appears to happen more often with men. Either way these actions are unacceptable to most of us."

With the statement no motive we witness the denial that abuse is based in male power and control of women and children. Blaming violence on emotions allows for the excuse - "it's just the way I am" or "I just got angry". The word appears gives the impression that there is no evidence that men are more violent than women. The words either way imply that women and men are equally violent.

That women are to blame for the violence and/or that wife abuse is a private issue is also a strongly entrenched point of view held by many people who potentially could assist the victim/survivor but who currently do not, for example, doctors, Police, neighbours, magistrates, welfare workers.

Compounding general acceptance of assault in the home, the institutions of the state and helping professions have also been premised on the dominant ideas of patriarchy, family privacy and individualism. It was accepted by those in the helping professions that the husband and father had the right to physically discipline behavior by both his wife and children that he determined not acceptable. To the extent that they were concerned about the suffering of a victim/survivor, it was seen as an individual problem located within the pathology of either the victim/survivor or the abuser, and certainly was not considered a crime. The problem, and thus the intervention, has been perceived in isolation from the broader culture and society. Not only does the abuser minimise, deny and blame external causes for his violence, so do the majority of society.

All action to prevent wife abuse must involve women and men who have developed a gender/power analysis. Feminist theory has brought us to this point of action and it is feminist theory which can guide us through these new waters of developing a collaborative approach to ending domestic violence if we are to effectively prevent domestic violence. Because this is a new way of seeing and doing, the tendency is to compromise, particularly in the face of bureaucratic constraints. Thus, it is necessary to balance feminist against the realities and pragmatics of local practice. Is it essential that there be members of any group or committee who have a solid understanding of the underlying principles of intervention and the model itself.

For whatever reason (time and/or interest) most agency representatives do not engage with literature or in dialogue that would develop a understanding based on gender/power analysis. It is not easy for traditional professions and long-established practices to be self-critical. For this reason, it is essential that any intervention project is based on gender/power analysis and involves 'feminists/pro-feminists' who are able to guide development through analysing the effect of existing and proposed practices from the perspective of victim/survivors and educate the various involved parties so that they can 'see' the woman's perspective.

If we are not guided by gender/power analysis our attempts to assist will likely continue to blame victim/survivors and collude with perpetrators. Reluctance of government and non-government agencies at all levels to intervene in domestic violence will also continue.

2.4. The extent of wife abuse

No comprehensive surveys of the incidence or prevalence of 'wife' abuse have yet been conducted in Australia, although over the last ten years all state and federal governments have commissioned task forces, surveys and research on domestic violence. All studies reveal that 'wife' abuse is widespread in society, crossing boundaries of class and culture (National Committee on Violence Against Women 1992)

Supported by surveys of victim/survivors of crime, all reports agree that the majority of incidents of abuse are not reported to Police or other authorities. Even when abuse is reported, it is often not recorded.

There are a number of reasons for the lack of reporting or recording:

- a) victim/survivors feel shame and humiliation at revealing that the person who society expects to love them, actually despises them enough to hurt them,
- b) the privacy in which the abuse occurs means there are no supporting witnesses, except perhaps children
- c) cultural attitudes that condone 'wife' abuse
- d) denial that what is occurring is abuse or is a serious problem
- e) economic dependence on the abuser
- f) lack of access to information and services
- g) the perception that nothing can be done to stop the abuse.
- h) belief that the victim/survivor may have deserved it or the husband had the right to be violent
- i) emotional attachment to the abuser, particularly if he is the children's father.

There is no one organisation that collects and analyses reports of 'wife' abuse, even at state levels in the same way that the Western Australian Advisory and Consultative Committee on Child Abuse (ACCCA) has done with respect to child abuse.

State Police forces have not kept statistics specifically on wife abuse or family violence. Although all state Police forces are now implementing Family Violence Incident Reports, they are not yet being completed with the type of consistency necessary to draw reliable statistics from them. Hopefully this situation will change in the next few years although under-reporting (because of the reasons given above) will mean much 'wife' abuse will still remain hidden. Official statistics will only provide a picture of the wife abuse which is reported and recorded.

In 1986, the Break the Silence Report of the Western Australian Task Force on Domestic Violence (:21) stated:

"to gain an accurate figure of the extent of domestic violence is impossible for a number of reasons. Under-reporting by victim/survivors, inadequate data collection by agencies and Police reluctance to intervene contribute to make domestic violence a hidden statistic."

Despite an intervening eight years, the 'looking at families' (Department for Community Development, 1994:21) document further laments the lack of data on the extent of wife abuse.

"it is difficult to gauge the exact extent of spouse abuse in the community because not all cases come to the attention of the authorities. There is no single organisation which comprehensively collects and analyses reports on allegations of spouse abuse in the same way that child abuse information is collected for example. This leads to a clear need for accurate and extensive research to take place."

Violence against wives has been variously estimated as affecting between one tenth and two thirds of women at some time living in an intimate relationship with a man (Roy 1980). Surveys have produced estimates that between 18% and 36% of wives are abused by their husbands at some time (Straus, Gelles et al. 1980), (MacLeod 1980), (Dobash and Dobash 1979). In 1992, the most rigorous and in-depth national random survey undertaken anywhere on the world was conducted by Statistics Canada into the physical and sexual violence experienced by 12,300 women. Culturally, socially, politically and economically, Canada and Australia share a close similarity so that these figures could be applied to Australia with relative confidence.

The Canadian survey of violence against women, which is statistically representative of all Canadian women, revealed some disturbing facts.

Canadian survey of violence against women

- *One-half of all Canadian women have experienced at least one incident of violence since the age of 16.*
- *Almost one-half of women reported violence by men known to them and one-quarter reported violence by a stranger.*
- *One-quarter of all women have experienced violence at the hands of a current or past marital partner (includes common-law unions).*
- *One-half of women with previous marriages reported violence by a previous spouse; one-in-six currently married women reported violence by their spouses.*
- *More than one-in-ten women who reported violence in a current marriage have at some point felt their lives were in danger.*

(Statistics Canada 1993:1)

Despite the evidence that most abuse in the home is committed by males, many people do not want to accept that spouse violence is principally a gendered phenomenon. A question often asked is "what about the women who abuse"? Whilst not all partner abuse is perpetrated by men, the numbers of women abusing husbands is exceedingly small. Women have neither the physical strength nor the socially sanctioned power and dominance of men. To the extent that some women do assault their male partners, it is usually in self-defence. Virtually all women who kill their male partners do so after sustaining years of violence. The self-defence plea of 'battered-woman syndrome' has now been accepted in many Courtrooms (Easteal 1993) (Easteal 1993).

Data checked by the Australian Institute of Criminology showed that in 1989-90 86% of all homicides were committed by men and that in that same year at least 114 Australian women were reported murdered. A Victorian study of prosecuted 'domestic' murders found a previous history of violence in almost 60% of cases (Naylor and Neal 1990). Easteal found in a study of 110 cases of homicide "physical battering had been present in slightly more than four fifths of the cases" (Easteal 1994).

Statistics available in Western Australia of reported crimes (Broadhurst, Ferrante et al. 1992) showed that:

- 3.6% of male homicides were committed by their female spouse.
- 39.3% of female homicide victim/survivors were murdered by their male spouse.
- Women murdered by members of their wider family (not spouse) account for 25% of female murder victim/survivors (given evidence from other sources it is reasonable to assume that most of these family homicides were committed by men.).

- Of the 17.9% of males murdered by family (not spouse) it is reasonable to assume that they were murdered by a male member of their family, not a female, given the pattern that almost all murders are committed by men.
- For serious assaults and common assaults, 31.5% of women seriously assaulted were assaulted by their husband whilst 2.1% of serious assaults of men were committed by wives.
- For common assaults only 0.6% of men were assaulted by their wife while 17.2% of women who experienced common assault were assaulted by their husband

One of the areas where little research has been done and few official reports recorded is in regard to sexual violence in marriage. In a review of the literature Robertson, Busch et al. (1992) reported that between 34% and 59% of abused women had been sexually assaulted by their partners. This is certainly confirmed by anecdotal data from survivors and refuge workers. That these sexual assaults are not reported is confirmed by the Western Australian statistics for 1992 where only 1.1% of sexual assaults of females were reported to be by a spouse (Broadhurst et al. 1992:13). Certainly this is an area where further research is required.

Little research has been conducted to determine to what extent wife abuse constitutes a significant health problem. Robertson et al. (1992) report an American writer estimating that up to 25% of women seeking emergency medical services are victim/survivors of 'wife' abuse. Furthermore, abuse is implicated in a wide range of psychological and medical problems presented by women, including depression, substance abuse, attempted suicide and pregnancy and gynaecological problems.

However, as McFerren (1990) has argued, we can get side-tracked into spending a great deal of resources and energy in trying to 'pin-down' numbers instead of focusing on the problem itself.

The 1993 Canadian finding that one in two women have experienced sexual 'coercion' and violence of some form by men illustrates that it is the culturally endorsed acceptance of abuse of women and infringement of their basic human dignity and rights that is the 'bigger picture' within which wife abuse occurs. Whether it is 5%, 10% or 30% of women who experience abuse living with a male partner, appropriate and effective services must be developed. Demand should determine the amount of funding directed towards solving the problem.

2.5. The costs of wife abuse

As pointed out in The National Strategy on Violence Against Women, any discussion of the costs of wife abuse must not be limited to costs solely in monetary terms.

"It is impossible to calculate the extent of the loss to society because women are not safe, free and equal nor is it possible to estimate the true

ramifications of the effects of living with violence. The damage to women's psyches, to their physical and mental health, to their potential, their integrity and dignity, as well as the detrimental effects on children who are present at the time of violence, are to a great extent unresearched and undocumented. It is probable that many women who are long-term patients in need of medical care are victim/survivors of violence, rarely having revealed the violence to the health professionals managing them.

Moreover, there is the tragic cost to children who suffer both short- and long-term ill effects from living with violence.

Many of the emotional and behavioral problems presented by children in school are as a result of the terror they feel because of the violence they suffer indirectly at home."

(National Committee on Violence Against Women 1992)

There have been few studies of the economic costs of wife abuse because costs are so difficult to quantify. However, two relevant studies have been conducted in Australia.

The 1988 study *Beyond These Walls* (Queensland Domestic Violence Task Force 1988) estimated the costs of services provided to women who had been assaulted by their partners as \$108 million per year for Queensland, based on an average cost of \$6,959 using a prevalence rate for severe violence at 3% of the population. Case studies of 20 victim/survivors who had been abused over varying periods of time provided the basis for the costings. The direct costs of Police service, legal aid, the Courts, health services, income support and other welfare services were quantified for each case. The average cost of \$52,585 per case was then derived. Lost income of on average \$5,685 was added to each case providing a total of \$58,270 per case.

The New South Wales Domestic Violence Committee (1991) calculated the annual cost of wife abuse in NSW using prevalence estimates. The costs for those victim/survivors who sought assistance from the criminal justice system was compared with those who did not report their abuse. It was estimated that the annual cost to government for services including health, welfare, income support, policing, the Courts, correctional services and victim/survivor compensation was \$396,234,600. The indirect costs to others, principally employers, of \$320,000,000 per year was added. The committee separately estimated the costs to victim/survivors themselves, such as legal and medical fees, lost income and alternative housing, were a further \$780,590,000 per year. Each murder reportedly costs a total of \$1 million to investigate and prosecute.

Although funding 'new' initiatives might be politically unpalatable for governments who are loathe to increase government spending, enormous amounts of hidden spending are already going towards domestic violence. If those responsible supported early intervention there would be tremendous financial savings as well as the prevention of needless personal suffering.

CHAPTER 3

3. ISSUES REGARDING INTERVENTION IN DOMESTIC VIOLENCE

3.1. Refuge

Current responses to wife abuse grew out of the social activism of the late 1960s and early 1970s (Hopkins and McGregor 1991). Women became active in 'naming' their experiences and addressing their problems. The first women's refuge in Australia, 'Elsie', was founded in March 1974 by a group of Sydney feminists who squatted in some derelict houses in the inner-city suburb of Glebe. Action to set up refuges also occurred at the same time around Australia so that within a short time refuges had been established in a number of states.

These 'new' refuges were different from the emergency accommodation for women and their children provided by churches. They were consciously 'feminist' in their work with women, supporting them to make decisions for their future in which they and their children's interests were paramount. Church based services generally supported traditional notions of family that often explicitly encouraged women to return their husbands (Saville 1982) (McFerren 1987).

The change to a gender/power analysis focus and the accompanying increase in the provision of emergency accommodation grew out of and supported women's demands and needs. The refuge movement, along with support from the broader women's movement, has been the catalyst for highlighting wife abuse as a social problem to the point at which today it can no longer be ignored by government.

Refuge workers have represented the needs of victim/survivors and challenged bureaucracies in their treatment of them. This they have done at two levels: first at the more general level through lobbying about issues and through the provision of community education and training, and, second, they have represented and advocated for individual victim/survivors with specific government agencies. It is well known that refuge workers have often had a confrontational or difficult relationship with the Police because they have often challenged them about a lack of action or inappropriate Police action. They have been the major voice in criticising the bias of the criminal justice system that fails the particular needs of women as victim/survivors and fails to deal with abuse as criminal behavior.

In fact, the movement for a more comprehensive approach to wife abuse has grown out of refuge and feminist demands that 'something more be done' to prevent the escalating violence against women. It was the women's movement that identified that to the extent that the Police, Courts and other organisations did not take effective action, they were actually colluding with the abusers and perpetuating abuse. It was feminist analysis that recognised that not making the abuser publicly responsible and accountable for the abuse was a 'cultural facilitator' of such abuse (Pence, 1985). It was further recognised that although providing safe shelter to victim/survivors fleeing violence is essential, it does not directly give the perpetrator a clear message that the community as a whole will not tolerate his abusive behavior. Many people in the community, including abusers, see refuges as 'places run by lesbians who want to break up

families'. The message that abuse is unacceptable provided by the very existence of refuges is discounted.

It has been argued by those wanting 'something more to be done' about wife abuse that the law can be a powerful factor in changing community attitudes and individual behavior. Arguments in support of this premise often cite the drink-driving legislation and its enforcement as a successful case in point.

By the early 1980's, women's shelters and advocacy programs in the USA had challenged the criminal justice system "to move from a passive disapproval of wife beating to the active arrest and prosecution of offenders, the use of Court sanctions to deter continued assaults and, when possible, the rehabilitation of abusers" (Pence, 1985:8).

3.2. Individual and couple counselling

Many people are reluctant to address abuse through the criminal justice system. They find it difficult to equate domestic violence as an assault like any other assault, because of the traditional notions of family, privacy and patriarchy (Elliott and Shanahan Research 1988), (McGregor 1990). Often the solution is seen in terms of counselling.

With the increased awareness of wife abuse resulting from government sponsored education campaigns, more victim/survivors are seeking assistance. Many workers in the helping services are sensitised to ask the appropriate questions and this is revealing greater numbers of cases of wife abuse. Thus the demand for services is increasing. Many of the family and marriage counselling services are developing specifically designed domestic violence programs providing individual, couple and group education/counselling for victim/survivors and abusers. Some refuges are also beginning to develop and offer emotional and educative support groups for residents, ex-residents and women in the community.

A significant critique of therapy or counselling as an intervention is that, through acceptance of gender relations of unequal power and individual pathology, it has ignored (and furthermore blocked) an understanding based on a critique of socially sanctioned unequal gender power relations. Therapy has thus often supported the maintenance of oppressive gender relations and socio-political structures (James and McIntyre 1986).

The helping professions have been accused by Hatty (1986) of being culpable of the following:-

- Privatisation - by preferring to locate the problems of violence solely within the family or the relationship.
- Medicalisation - by representing violence as a manifestation of personal pathology.
- Normalisation - by failing to respond with clear messages that abuse is unacceptable, violence has been condoned as a valid behavior for men in resolving perceived difficulties in intimate relationships.

- Victimisation - by endorsing a popular belief that the victim/survivor is responsible either by provoking the abuse or not leaving.
- Equalisation - by promoting the view that men and women have equal power in relationships, and must share responsibility for the violence.

The key issues of debate about the provision of counselling for victim/survivors and abusers are:

- There is concern that counselling for abusers will be seen as an alternative, a 'soft' option or a diversion from a criminal justice response to assault in the home. This could actually inhibit the development of an effective criminal justice response and the issue would be 'de-criminalised', yet again (McFerran 1989), (Townsend 1991).
- Counselling has been found to be less effective in stopping violence than pursuing the abuser through the criminal justice system. (Sherman & Berk 1984b), (Berk and Newton 1985).
- Counselling is a private, individual response that does not challenge the social acceptance of violence against women. The publicity generated when the criminal justice system is involved also educates the abuser and general community and that assaults on women are unacceptable.
- The dollar costs of individual counselling by counsellors skilled with working with this difficult group outweighs the benefits. It is argued that limited resources are better spent on attacking the problem at the broader societal level through education and a criminal justice response.
- The content of some programs such as anger management, is considered to reinforce a traditional understanding of men's violence. Explaining violence as the result of an emotion such as anger does not directly challenge men's abuse of socially sanctioned power and control over women. A program that does not openly challenge men's assumed dominance may implicitly condone male abuse and place victim/survivors in continued risk.
- Traditional conjoint or marriage counselling constrains abused women from leaving their partners and implicates victim/survivors in responsibility for the abuse. Traditional notions of the family and women's responsibilities are maintained and women's oppression is further supported.
- Counselling programs for men may give women false hope that their abusive partner will change, leading them to remain in life-threatening situations because (McFerran, 1989).
- There is concern that counselling will inevitably incorporate aspects of Hatty's critique of the helping professions. Most counsellors have been trained in helping professions that have drawn on traditional, conservative analysis of gender relations. Gondolf &

Hanneken (1987) comment that programs operating from family, marriage and religious counselling agencies tend to be more clinically and professionally oriented, emphasising psychological assessment, conjoint therapy and anger management.

- Counselling offered by some religious-based organisations that actively support male dominance/female subordination is of particular concern. Many counsellors in these organisations are not skilled in working with this dangerous and life threatening area, and frequently are volunteers without adequate training.
- Particularly problematic for working in the area of wife abuse are axioms of the helping professions, such as, having a non-judgmental attitude, starting "where the client is at" and developing empathy and support.. A non-judgmental, empathic and supportive approach can implicitly (or even explicitly) condone behavior that breaks the law and is life threatening (McGregor, 1990).
- Counselling for abusers has generally not proved effective. Very few abusive men consider they 'have a problem' and if they do seek counselling it is generally to 'buy back' their wife when she has indicated she cannot take the abuse any more and is considering leaving or because they have been apprehended by the criminal justice system. Thus, most men's motivation is not intrinsic and almost invariably they minimise or deny the extent of abuse and blame their wife or other factors.

Notwithstanding the above critiques, counselling is being promoted as playing a role in preventing abuse. The key issue in providing appropriate counselling is the underlying theoretical approach.

Support has been given to the approaches developed in Australia by Michael White (McGregor, 1990) and Alan Jenkins (1989) who do challenge myths of masculinity and male dominance and invite men to take responsibility for their abuse. Recently developed feminist approaches to counselling have successfully incorporated "a gender-sensitive and socio-political dimension" (James and McIntyre 1986). The approach and material developed by DAIP for programs with both abusers and victim/survivors has received wide endorsement for its woman-centred analysis of male dominance along with the development of the notion of male power and control as a key issue.

The need for individual counselling for women has also been questioned. However, for some victim/survivors it is essential. As James & McIntyre, (1986:273) argue, it is possible and in many cases important to offer women individual counselling because many victim/survivors are too traumatised and unsure of themselves to immediately participate in a group. They benefit from one to one counselling. To do otherwise:

...denies them their psychological reactions to violence abuse; it denies the possible psychological aspects to many women's reluctance or difficulty in leaving the violent situation . . . it denies that the mythology of the 'woman's role' so necessary to the continuation of the patriarchal family is inculcated via the psyche, that it is lived out in psychological experience.

Couples counselling may be desirable after the man has accepted responsibility, violence has been eliminated for considerable time and the woman has had the opportunity to consider alternatives to staying in the relationship and has chosen to stay and wants to participate in couples counselling to work through other issues. However, counselling at this point still needs to be sensitive to issue of male dominance, control and abuse.

Group programs for victim/survivors and abusers have become accepted as the 'best' method for addressing the psycho-social nature of the abuse with both abusers and victim/survivors.

Centrecare Marriage and Family Service in Perth (under the auspice of the Catholic Archdiocese) committed considerable resources to contracting an 'independent' consultant to undertake a comprehensive review of the domestic violence literature on a wide range of intervention strategies in order to develop a 'best practice' program. The summary of that review stated:

...an examination of the literature suggests several theoretically sound guidelines for the development of a successful intervention service:

- 1. DOMESTIC VIOLENCE NEEDS TO BE ADDRESSED ON SEVERAL LEVELS:** *social, family and individual.*
- 2. VIOLENCE MUST BE RECOGNISED AS THE PRIMARY ISSUE:** *it is not secondary to relationship problems or substance abuse.*
- 3. VIOLENCE IS THE RESPONSIBILITY OF THE PERPETRATOR**
- 4. DOMESTIC VIOLENCE IS ABOUT POWER AND CONTROL ISSUES**
- 5. SAFETY OF SURVIVORS MUST BE A PARAMOUNT CONSIDERATION IN THE DEVELOPMENT OF SERVICES.**
- 6. SOCIAL/LEGAL SANCTIONS AGAINST DOMESTIC VIOLENCE ARE ESSENTIAL:** *service providers should allocate resources to developing an integrated service with the criminal justice system.*
- 7. VIOLENCE AFFECTS ALL MEMBERS OF A FAMILY:** *services should be provided for men, women and children. Children require services even if they have not been directly abused. If your organisation can not offer all of these services, make contact with a service to whom you can make referrals.*
- 8. THE PROVISION OF ALTERNATIVE FORMS OF INTERVENTION IS PREFERABLE:** *Group intervention seems the most efficient and theoretically sound, however, some clients may feel more comfortable with individual therapeutic contact. Conjoint therapy may be a more appropriate forum for discussing relationship issues, once the problem of violence has been satisfactorily addressed.*
- 9. ONGOING EVALUATION OF SERVICES IS ESSENTIAL:** *Use both quantitative and qualitative methods where possible and include pre, post and follow-up data*

collection points. Naturally occurring waitlist clients should be utilised as a control group. Request consent forms from clients as a matter of course, so that data will not be lost if clients lose contact with your service.

10. EVALUATION DATA SHOULD BE USED TO DIRECT FUTURE SERVICES:
Service providers are encouraged to systematically experiment with different aspects of service to maximise service outcome.

11. PROGRAMS SHOULD INCORPORATE:

- (a) educational information about the nature of domestic violence, and the context in which it occurs,*
- (b) a discussion of current patterns of domestic violence,*
- (c) relevant skills training to:*
 - (i) counteract the effects of domestic violence*
 - (ii) provide more productive ways of acting/coping.*

12. BE AWARE OF THE ASSUMPTIONS UNDERLYING SERVICES

13. CONSISTENCY IN THE APPLICATION OF SERVICES IS ESSENTIAL

(Reid-Ranford 1993:2-3)

3.3. Victim/survivor Outreach Support Services

The provision of refuge is the universally most common, and most necessary, service for victim/survivors. In addition to crisis accommodation a key focus of refuges has been support and advocacy with legal and social welfare issues.

Unfortunately, outreach support and advocacy services for victim/survivors who remain in the community, are rare. Governments have not yet been convinced of the need to provide funding for more than refuge. State governments have established women's information services and general crisis units for whom a large percentage of calls and enquiries concern wife abuse. The West Australian Department for Community Development, Crisis Care Unit had a 37% increase in domestic violence related calls in the two years between 1990-91 and 1992-93 (DCD, 1994).

State governments are also establishing general Victim Support Units, such as that established by the Western Australian government, originally trialed within the Police Department but since located within the Ministry of Justice. The focus of the Western Australian Victim Support Service (VSS) is supporting victim/survivors of crimes who have either suffered serious injury, death of a family member or property damage and those required to appear in Court as witnesses. The VSS responds to referrals from both the public and the Police. Referrals from a designated Police liaison officer are made in cases of grievous bodily harm or more serious offenses. However, routine support for all victim/survivors of wife abuse is not provided by the VSS. Police are more likely to refer to services within the community or locality, rather than a central service in the capital city.

To the extent that DV victim/survivor support services exist they have been developed by those engaged in the movement against violence against women, with the support of femocrats (Hopkins & McGregor, 1991). Examples of such services are the Canberra Domestic Violence Crisis Service, the Redfern Court Support Scheme, the Domestic Violence Advocacy Service in NSW and the Domestic Violence Resource Centre in Brisbane. In Western Australia, the Legal Aid Commission have recently established a Domestic Violence Legal Unit at Perth Central Courts

In referring to the Canberra DVCS, Scutt writes:

... the DVCS is a true crisis intervention service. It is staffed 24 hours a day, seven days a week by a team of workers, equipped with cars and mobile phones, prepared to attend in any crisis situation to assist the victim/survivor, provided the Police are also in attendance to prevent further violence and provided there is an invitation from some member of the household."

(Hopkins & McGregor, 1991:xxi)

Over the years there has been a growing recognition that the provision of outreach and Court support and advocacy for victim/survivors is essential.

Support for victim/survivors can also be improved by mainstream government agencies and the criminal justice system developing a sensitive woman-centred consciousness. The establishment of effective support, advocacy and representation of the situation and needs of victim/survivors by non government victim/survivor Support Workers will assist in developing a 'pro-woman victim/survivor' consciousness on the part of government workers as these two groups collaborate more. Thus an immediate need is the development of non-government victim/survivor outreach and advocacy services, particularly with the criminal justice system.

3.4. Criminal Justice Intervention

Although assault of another person is a crime, at present only a minuscule number of cases of male assault against a partner actually end in conviction. Current dominant criminological wisdom is that the criminal justice system does not act as a deterrent against crime. However, in the domestic violence field it is argued that with respect to the particular crime of assault of a partner, the criminal justice system is a very effective educator/deterrent for most abusers. For the majority of abusers the 'shaming' that results from being processed by the criminal justice system is very potent.

A key study by Sherman and Berk (1984) found that arrest was a more effective deterrent of further violence than was mediation or temporary separation by the Police. This study was later confirmed by Berk & Newton, (1985). Tolman & Bennett (1990) report a Canadian study that found that, with a 'probable cause' arrest policy, charges for wife abuse increased from 3% to 67% of total charges. A decrease was also identified in the proportion of charges withdrawn or dismissed prior to trial.

Replications of Sherman and Berk's 1984 study have been conducted in a number of locations in the USA. Sherman (1992:3) reports that studies in six cities showed that arrest was correlated with an increase in the frequency of future domestic violence (ie arrest backfired) in three cities whilst arrest was correlated with the reduction in future violence in the other three (ie arrest deterred).

According to Sherman the only difference found between these two groups of cities was in the racial composition of the samples with the "arrest backfires" group showing a greater proportion of Afro-American victim/survivors and abusers than in the other group of cities where "arrest deters". Sherman's (1992:4) explanation was that non-Afro-Americans "more often see arrest as a legitimate response to their conduct, rather than as a part of a long-standing pattern of discriminatory Police harassment. This explanation was further complicated by showing "that arrest has different effects on different kinds of people within the same cities". In three cities unemployment correlated with an increase in violence after arrest while arrest appeared to have a deterrent effect with employed persons in those same cities.

Concern has been expressed that for the group of severe abusers who do have criminal involvement outside the home, criminal justice system involvement might exacerbate the violence towards victim/survivors (Tolman and Bennett 1990).

For many members of minority or indigenous groups, particularly those who have a history of being discriminated against by the legal system and others who have their own cultural legal system, the 'western' legal system has little meaning or consequence. These studies show that certain groups of people in society do not respect the law for a number of reasons. Many abusive men do not consider they have done anything wrong because of the strong sense of entitlement they have to 'control' women. Legal remedies alone are often not effective with indigenous or minority groups because of their experience of discriminatory law enforcement and the lack of meaning 'western' legal principles have for them because such principles are based on a different cultural 'logic'.

However, a key issue to be borne in mind when considering Sherman's findings is that in all the cities where replication studies were conducted, arrest was the only form of intervention proffered by the authorities. There was no broader inter-agency involvement, mandated education programs for abusers or victim/survivor support services such as that developed in Duluth.

A potentially disturbing outcome of Sherman's questioning of the effectiveness of arrest as a deterrent is that it may provide support to those people who do not want 'wife' abusers to be dealt with by the criminal justice system. They may use this to argue that assault against a wife is different from assault against someone outside the home. This would be a major step back for the equality of women if this should occur.

Criminal justice system involvement was found to be most effective for less-severe abusers who do not have criminal involvement outside the home. It may be that a first arrest for assault may have a stronger impact than subsequent arrest (Domestic Abuse Project 1991). This, however, does not mean that we should decriminalise wife assault. What it does, is challenge us to find ways to encourage and support the cultural reference groups of such men so that they can give clear messages that violence will not be tolerated and can actively enact sanctions that

encourage their men to renounce abuse of women. One of the strengths of the Duluth and Hamilton models is that they have both developed 'parallel' group programs for their indigenous victim/survivors and abusers with culturally appropriate content, run by members of the indigenous community.

It is important to give clear messages that violence will not be tolerated and to actively intervene in abuse on the first occasion it is brought to the notice of the Police or other agencies. It would also appear obvious that intervention in the early stages of abuse will prevent much subsequent suffering and may be instrumental in preventing the type of stalking that occurs when a woman leaves an abusive husband.

What can be said with confidence is that arrest is a necessary but not a sufficient condition in preventing wife abuse. Along with arrest, there must be a range of interventions put into place - like the many bricks in a wall that combined keep it standing.

In summing up a review of recent studies on the effectiveness of arrest as an intervention in wife abuse, Mugford and Mugford (1991) conclude:

...studies seem to reinforce the view that active intervention, combined with other strategies such as counselling, can have a positive impact on spouse assault cases. They also support a view that it is beneficial if

- a) the perpetrator of the violence is caused to face the reality of his violence and 'own' it and apologise for it;*
- b) the event is treated not in isolation within the criminal justice system but rather within a network designed to support both the victim/survivor and the transformation of the perpetrator.*

To effectively intervene to prevent further wife abuse, a multi-faceted response is needed. The criminal justice system as a whole - legislation, judiciary, Police, corrections - needs to change from a system that is biased against women as victim/survivors to one that is sensitive to the special circumstances of women. Furthermore, support and advocacy for victim/survivors and education programs for offenders are all essential components of an effective multi-faceted response.

Even when wife abuse cases do make it to the Courts it has been found that legal measures alone are not effective. The legal system itself is biased against women, particularly those who are victim/survivors of abuse. Thus, the effectiveness of legal measures is in part dependent upon changes in the administration of the legal system. National and state task forces into gender bias in the law have revealed the extent to which the law must change if it is to provide justice to women. In addition to intervening directly with the abuser, appropriate legal remedies will, at a broader level, also educate the community. The development of a wide range of non-legal strategies is essential to complement legal remedies (or to replace them when they fail the needs of a victim/survivor).

Both in Australia and overseas, approaches to domestic violence intervention have undergone a general shift from protection and treatment models to emphasising law enforcement. This trend seeks to locate domestic violence within the criminal justice system and to improve existing legislation and legal practice. This development also recognises that law reform must be combined with better policy-making and implementation, coordination with other domestic violence related services, education of judiciary, training of law enforcement personnel and public education.

However, this approach is still generally at the recommendation stage since a range of obstacles, particularly a lack of will, prevents its adoption. Changes to the law and/or its administration are vital in improving responses to domestic violence. Key issues regarding intervention include: the legal definition of domestic violence; arrest policies; criminal prosecutions; the disposition of punishment; bail and restraining orders and seizure of weapons

The National Committee on Violence (1990) made a series of recommendations regarding domestic violence legislation, including:

- uniform domestic violence legislation should be developed
- legislation should include powers for Police to enter and remain on premises to deal with domestic violence incidents and breaches of restraint orders and to arrange assistance to injured parties
- such legislation should include a broadened definition of spouse to include partners from de facto and past relationships as well as traditional Aboriginal relationships
- legislation should include provisions for applications for restraining orders by Police officers as well as by the victim/survivor
- legislation should include the ability for Police to apply for restraining orders over the telephone outside normal Court hours
- legislation should include the authority to take offenders into custody where there is a reasonable belief that unless the person is removed, another person, e.g. the spouse or a child is in danger of suffering personal injury

In contrast to these recommendations, provisions in Western Australia and most other Australian States contain no laws allowing Police specific powers of entry into domestic violence situations; no specific powers of arrest beyond common law; no 24 hour or after hours telephone service for restraining orders and no local coordinating committee to cater for the unique needs of particular areas.

An amendment to the WA Justices Act (1902) does provide for restraining orders between partners not necessarily cohabiting and on grounds not confined to domestic violence.

The Queensland Domestic Violence (Family Protection) Act 1989 leads the way in Australia in progressive provisions for Police intervention into situations of wife abuse. The Act defines domestic violence broadly, as "any injury, damage, intimidation or harassment". It extends Police powers to a duty to investigate a complaint where the officer reasonably suspects the existence of domestic violence. The officer may enter the premises without a warrant and take a perpetrator into custody for up to 4 hours or until an application for a protection order is heard. The victim/survivor, a third party or a Police officer can apply for a protection order. The victim/survivor's consent is not required for a Police application. Upon release from custody, conditions can be determined by the Police and breach of these will constitute an offense.

In the USA throughout the 1980's, pro-arrest policies were adopted, based on "probable cause" provisions.

Education in training of the Police and judiciary in the administration of the law itself is necessary. Police responses that have attracted criticism include mediation, encouraging applications for restraining orders instead of laying criminal charges; failure to deal with criminal behavior, failure to refer victim/survivors and assailants to appropriate agencies and a lack of liaison at the local level to improve coordination.

Police training can counter discriminatory attitudes towards wife abuse by explaining to Police how beliefs, language and behavior have an impact on domestic violence situations. In San Francisco, the Family Violence Prevention Fund has developed a training curriculum designed to enhance Police activity in this area. The program includes information on the dynamics of abusive relationships; how financial and emotional ties between abuser and victim/survivor effect the victim/survivor's willingness to lay charges against her assailant and communication theory to improve interviews between Police officers and victim/survivors (Harvard Law Review 1993)

Another change needed to the administration of the legal system identified in the Harvard Law Review (1993) concerns the low status accorded to domestic violence cases as compared with other forms of assault. The perception is that domestic violence cases do not generate sufficient of "kudos" prosecutors. This difficulty has been addressed in California by the development of special units that focus exclusively on domestic abuse cases. Lawyers in these units receive a reduced case load that enables them to build a successful case despite a potentially reluctant victim/survivor

Once in Court, judges' attitudes towards wife abuse have an effect on how domestic violence cases are disposed. Judges' decisions and comments revealing archaic attitudes have featured recently in media reports. They serve to maintain patriarchal notions of female subordination, the male "need" for domination and to condone wife abuse. To address these attitudes some states in the USA have introduced yearly training programs which judges and probation officers are required to attend (Harvard Law Review 1993:1557).

The Harvard Law Review suggests a 3-tiered coordination of policy and procedures. The local level coordinates service providers; the State government cooperates by distributing resources equally and the Federal government provides adequate funds, research data and other intellectual resources.

As wife abuse has been more readily classified as a crime, other domestic violence services have begun to be more integrated with the criminal justice system. There is evidence to suggest that a coordinated and comprehensive approach to intervention can have a significant impact on severe cases of domestic violence (Reid-Ranford 1993). Cooperation between various agencies in treating, punishing and monitoring perpetrators is considered far more effective than counselling or jail. Individualised counselling has a questionable effect in the long-term. According to the findings of the Harvard Law Review (1993:1522) "...patterns of violence in domestic settings suggest that counselling or treatment of the individual assailant is ineffective unless coupled with punitive measures".

The particular needs of Aboriginal and ethnic groups are yet to be explored thoroughly. For Aboriginal communities, issues of race often cut across attempts to intervene in domestic violence via the criminal justice system. The criminal justice system is a potent site of oppression of Aboriginal people. Historically, it also represents the European invasion of Australia and the dispossession of its indigenous population. It may be that the assumptions underlying the current trend in responses to domestic violence are inappropriate to these groups.

As the Harvard Law Review (1993:1505) states, "...the legal system alone may still be unable to address completely the problem of domestic violence. The only comprehensive long-term solution may lie in substantial social change, with public awareness and education serving as the key catalysts." The most crucial element to social change is the recognition that violence towards women is unacceptable under any circumstances. Responses to domestic violence by all sectors of the community need to be grounded in the understanding that wife abuse is no different to other forms of assault that occur in the public domain.

Until now, the responsibility for putting a stop to the abuse has fallen on the victim/survivor. However, the victim/survivor is like the fly in the spider's web - she is inextricably caught and unable to act to protect herself. Her abuser, by means of the abuse, has usually convinced her that the consequences of her trying to stop the abuse is to suffer worse abuse. Thus, support from the community as a whole is essential if the victim/survivor is to achieve a life free of abuse.

Although the criminal justice system does not currently adequately address issues from the perspective of victim/survivors of domestic violence, it has the potential to do much more. What is required is legislative change, changes in policy and procedures, education and training of judiciary, prosecutions and Police and effective monitoring of their actions.

Currently in Australia there exists a range of interventions, although none are coordinated and their development is extremely ad hoc, having developed from the commitment, energy and networking of those in the movement against violence against women.

3.5. Policing wife abuse

All over the world Police report that domestics take up a great deal of their time - up to 30% of policing (New South Wales Domestic Violence Committee 1991), (WA Task Force on Domestic Violence 1986), (Mugford et al 1993), (Hopkins & McGregor 1991:89). The time

and cost involved in investigating and trying an accused person for murder has been estimated at more than \$1 million for each case.

A myriad of studies have been undertaken in a number of nations on the manner in which Police intervention in wife abuse is inadequate and culpable, including those conducted by (Rosier and Jeans 1993); (Ferraro 1989); (Hanmer, Radford et al. 1989); (Hatty 1989); (Sheptycki 1993); (Sherman 1992); (Zoomer 1989); (Coorey 1988); (Buzawa, Austin et al. 1992) (Scott, Wareham et al. 1992); (Stanko 1989); (Mugford, Eastal et al. 1993) to name just a few. Australian studies have also shown that enforcement of laws regarding assault, when that assault is in the home, is difficult to achieve (Coorey and Taylor 1988); (Bolger, 1991); (Hopkins & McGregor, 1991).

Research in the USA (Pence, 1985) found that, as a group, Police were more abusive to their partners than the general population. Typically, Police do not believe the victim/survivor and are reluctant to become involved in what they see as a private 'domestic' matter.

Many Police and the public share a broadly held, but erroneous, view that the charging of offenders is the responsibility of the victim/survivor. Police encourage this view as a way of overcoming the situation of having an 'unwilling' witness. They will usually only charge when the victim/survivor is prepared to 'lay charges'. Contrary to common belief and practice, the charging of offenders is the responsibility of the Police not the victim/survivor. The task for Police is to collect sufficient evidence to sustain a conviction without requiring the victim to appear.

There is a range of powers that Police needs to have at their disposal and exercise if they are to effectively intervene in wife abuse. The necessary powers are briefly:-

- a) Power to Enter Premises
- b) Laying Charges
- c) Powers of Arrest
- d) Seizure of Firearms
- e) Power to hold suspects on the 'balance of probability'

The need for law reform in the area of Family/Domestic violence has been argued by many, including Police officers themselves (Doherty 1993). In August 1992, the Domestic Violence Advisory Council advised the Western Australian Government that specific and consolidating legislation was required in Western Australia, not so much because the existing law was deficient but to "allow existing Police power relating to domestic violence to be clarified and clearly stated and ...allow existing practices and procedures to be strengthened" (Justice Intervention Working Party 1992)

However, many Western Australians, particularly the Aboriginal community, did not want to see Police powers consolidated. Furthermore, other groups in the movement against violence against women did not want to have criminal behavior in the 'domestic' sphere considered differently from other forms of criminal behavior in the public sphere.

A review of Western Australian legislation led members of Legal Aid Western Australia to argue that sufficient powers already exist in the legislation for the Police to take a pro-active approach to wife abuse. (Western Australian legislation relating to policing domestic violence appears within Appendix One which details the Armadale Police/ADVIP Domestic Violence Training Program developed by the Officer in Charge (OiC).

Under the Justices Act Police officers are already empowered to make an application to the Court for a restraining order on behalf of a victim/survivor under certain provisions.

There has been much criticism over several years of routine orders of the Western Australian Police Department. Until 1990 these orders were:

The offence of assault arises frequently in matrimonial disputes reported to the Police. In such cases you should exercise caution in arresting the husband for assault, even though the wife strongly requests that you do so, as often she wishes the charge to be withdrawn a short time later, or refuses to give evidence against her husband in Court.

In 1990, routine orders in relation to charging for assault were revised:

If evidence of an assault is present such as bruising consistent with an attack or a statement by the victim/survivor, a family member or a neighbour, then Police officers have the right to make an arrest.

Although these updated routine orders gave Police the right to make an arrest, general Police attitudes and practices still reflect the previous standing orders. Time and again in the course of talking to Police they have said, "it's up to the victim/survivor to press charges" and "we can't proceed with a 'hostile witness'". A culture has developed within the Police that 'domestics' are a waste of time, even where independent evidence exists of an assault.

Scutt (1990:239) suggests that Police require the victim/survivors to 'press charges' "because they themselves are reluctant to act". Scutt and (Grace 1993) also highlight Police failure to attend the incident or respond in any way. One of Grace's informants reported Police had refused to attend, claiming to be too busy. The advice she got was "just go to bed and stay out of his way". Another victim/survivor, after having "plucked up courage" to go to the Police station to press charges on her husband after an assault, was "sent home to think about it" by Police.

Only one out of twenty victim/survivors interviewed by Grace reported being satisfied with the Police response and all others reported they would be reluctant to involve the Police in future. One woman commented "what's the use, they are on his side anyway".

In a review of literature, six issues concerning Police response to wife abuse were discussed by Mugford et al (1993). Because these issues are highly relevant to any intervention project they are reproduced here:

1. Anti-Victim/survivor Response

One of the arguments often made about Police response is that if they are sexist, they might be more likely to be anti-victim/survivor, or more disinclined to arrest. However, Stith (1990) found that this may not be the case. That is, officer attitudes towards marital violence and towards egalitarianism, and officer's use of violence in his own marriage are related to the officer's use of hostility towards victim/survivors, but does not appear to be significantly related to his use of arrest or mediating responses in actual domestic violence situations.

However, Police officers do typecast victim/survivors. Victim/survivors tend to be characterised as unstable and unreliable in their roles as complainants, which from the officer's perspective simply wastes their time. Officers tend to further discredit the role of victim/survivors as complainants by saying things like 'How can people do that?' She puts up with it. They're dumb!' (Davis 1981). They also see that the incident is usually over when they get there, and there may be little available evidence without a willing witness. Police therefore quickly lose interest when the victim/survivor indicates that she does not wish to press charges, at a time when they should at the very least be vigilant in offering advice, support and referral to crisis intervention agencies (Edwards 1986).

2. Typecasting the Domestic Violence Situation

Davis (1981) found that Police typecast domestic violence situations as well as victim/survivors. Even though Police officers generally find domestic violence unacceptable (Poerio 1991), they tend to view it as not real Police work, but more a matter of 'keeping the peace'; not as a criminal issue but more a matter of somewhat understandable or more-or-less normal outcomes of marital relationships (Davis 1981). Such views derive in part from a belief that this is what the community expects of Police officers (Poerio 1991). Moreover, these views may be reinforced through training, so that if the department indicates or implies that peace-keeping is the most important Police role, then even if the department also says an arrest should be made if a crime has been committed, officers may interpret this as meaning that, overall, an arrest is to be avoided.

3. Situational Responses

Police response to domestic violence may be influenced by the relationship between disputing parties, whether anyone has been hurt, whether physical violence has occurred, the complainant's requests for specific Police action, and whether the parties are already known to the Police (Poerio 1991). Situational circumstances also appear to be the greatest predictor of arrest. For example, when both partners are present, the likelihood of arrest is significantly increased if the male is affected by alcohol or if the female alleges violence (Sutton & Hatty 1988). Other factors such as ethnicity also appear to be informally taken into account (Sutton & Hatty). However, if Police think the

woman has been drinking or has somehow provoked the attack, or if she has called more than once, she may get little sympathy or Police action (London Strategic Policy Unit 1986).

4. *Lack of Information*

Police officers sometimes find themselves in the middle of contradictory attitudes from superiors about the correct Police response (Edwards 1986), and are not always up-to-date on the latest laws or policing guidelines on particular topics. Such ambiguity and lack of information also produces a confusing response environment for Police officers. However, they can and should be encouraged to respond by taking action when necessary and recording incidents appropriately. Not to do so is a matter of concern to Police officers themselves, whose biggest incentive is 'in case it comes back to us' through official complaint (Sheptycki 1991).

5. *The Role of Discretion in Policing*

Police training emphasises use of discretion as an important element of Police work. Consequently, the more an officer is trained, the more that officer will use this discretion, and the more he or she will resent guidelines that reduce discretionary capacity. In the context of domestic disturbances, Breck (1989) found that more highly trained (that is older) officers were more likely both to perceive their role as service oriented, and to use their discretion by utilising a service (welfare and mediation) response at the scene. Relatively untrained officers were more likely to use less discretion, and to view their role as one of law enforcement, and were more likely to be willing to be satisfied with policies which reinforce arrest (see also Poerio 1991). Regardless of policy, however, the reality is that '...there will always be a certain amount of discretion for officers handling these calls' (Breck 1989, p.37).

6. *Seniority of Police*

McGregor and Hopkins (1991) distinguished between the response of more senior Police and patrol Police on domestic violence matters. In describing the relationship between the Police and the Domestic Violence Crisis Service (DVCS) (a victim/survivor advocacy service) in Canberra, they noted the relative willingness of senior Police to promote changes to the way domestic disturbances are handled. Moreover, these senior officers appeared to display a gradual acceptance of the legitimacy of the DVCS role and its workers. In contrast, patrol Police were found to be generally negative towards the DVCS, and towards handling domestic violence situations. In short, a willingness to make changes in the senior ranks did not necessarily filter downwards to those who are responsible for attending domestic situations.

(Mugford, et al., 1993:18-20)

A major goal of an intervention project is changing Police 'culture' and attitudes to the point where Police will approach a 'domestic' incident just as they would any potential crime scene and thoroughly collect evidence of criminal behavior. Such change will not occur overnight, but will take considerable time. However, in the course of participating in the project, addressing issues raised by other agency representatives, such as the victim/survivor Court Support Worker, Police are alerted to their culture, its deficiencies and inequity.

At a meeting of the Council of Police Ministers from around Australia in May 1994 agreement was reached that there should be a consistent coordinated approach to domestic violence in Australia. This will benefit Western Australia because most of the Police Forces in other states have been seriously addressing the issue of domestic violence for some years, changing legislation and Police practices and providing appropriate training.

The Western Australian Police Department is currently revising Routine Orders, reviewing policies, drawing up procedures and guidelines, developing a more appropriate training package and developing an overall strategic plan. These changes will hopefully positively impact on the way wife abuse is responded to by Police.

However, concerns have been expressed by victim/survivor Support Workers about encouraging pro-arrest policies by Police following discovery that the policy was backfiring in many of the American states which had mandatory arrest policies. There was a sharp rise in arrests not only of male abusers but of their partners as well. It appeared that when Police were unsure of a situation, particularly when a victim/survivor fit their stereotype, they were arresting both parties. This has subsequently been addressed through standing orders requiring the establishment of probable cause, amendments to the law, and training to identify the primary aggressor (Ferraro 1989); (Pence 1991).

The provision of victim/survivor crisis support at the scene also prevents arrest of victim/survivors and is of direct and immediate benefit to victim/survivors by providing information and assisting with the issues of safety and shelter. Furthermore, it frees Police to attend to other incidents, when they might otherwise have been required to provide additional assistance, for example, taking the victim/survivor to the local refuge. Crisis support further assists Police as crisis workers take a fuller statement from the victim/survivor than the brief statement taken by Police, including background history of abuse. This is then passed on to the Police prosecutor who is better able to attain a conviction by having more comprehensive relevant information. Additionally, provision of support reduces the number of victim/survivors who want to have charges against the abuser withdrawn or who do not wish to give evidence. This in turn reduces the number of failed prosecutions.

Debate exists about whether there should be a 'specialist' Police domestic violence unit to overcome some of the cultural and organisational difficulties by having specially trained officers or whether change should be attempted throughout the whole Police force with all the associated blocks and difficulties. The London Police Service and South Australian Police Force in Adelaide, among others, have developed specialist units for domestic violence.

In terms of effectiveness for individual victim/survivors, particularly in the short term, a specialist unit would clearly be the choice. However, one of the major limitations of such a specialist unit is that it is not possible in small towns and rural areas. It will only work in

relatively large cities where there are sufficient Police numbers to maintain a 'specialist' unit. Furthermore, specialist units encourage general Police to ignore the abuse and the criminal behavior because the victim/survivor is the focus.

Another limitation of the 'specialist' unit approach is that it misses the opportunity of educating for mass change throughout a Police force - which in turn has ripples outwards through the families and communities in which Police are members. The tension or dilemma between 'special' units and services and 'mainstreaming issues' is reflected in many areas, for example, disability, ethnicity, age. While providing appropriate services to the particular target group, special units and services can remain isolated and have little impact on mainstream organisations.

3.6. Restraining Orders

Restraining orders have become seen as a solution to a number of traditional problems within the criminal law process.

First, they take pressure off the victim/survivor to cooperate with the criminal justice system, when she assesses this to be very risky for her safety. Victim/survivors often prefer to take out a restraining order than to proceed with charges for the prior incident. They frequently believe this signals a warning to the abuser without having to resort to a Police intervention, Court appearance and conviction (Stubbs 1994).

Second, restraining orders also theoretically provide a means to overcome "the unwillingness of prosecutors and the judiciary to take crimes of abuse seriously" (Chaudhuri and Daly 1992) because breaches of restraining orders are criminal matters.

However, there are many limitations of restraining orders as a mechanism for dealing with cases of domestic violence.

Restraining orders are designed to control the future conduct of someone. In focusing on the future conduct they detract attention from the criminal acts that usually led to the request for an order. Initial offenses are decriminalised and the criminal status of wife abuse is debased (Harvard Law Review, 1993). In fact, restraining orders have become a 'soft' civil response to wife abuse where the criminal behavior is ignored, even though many magistrates will not grant restraining orders unless they 'see bruises', where assault clearly occurred. Police are relieved of much work, at least in Western Australia, where they take no responsibility for the application of restraining orders, instead leaving it to the victim/survivor to initiate. This is despite the fact that under the relevant act (Section 172 of the Justices Act) they are empowered to apply for a restraining order on behalf of the victim/survivor.

A principal negative feature of restraining orders is that they are notorious for being violated. This is partly because perpetrators display a characteristic tenacity in resisting control and partly due to the paucity of criminal law responses to domestic violence. Breaches are either overlooked and not enforced or do not attract sufficiently severe recriminations. In Western Australia, breaches of restraining orders are arrestable offences, but the majority of breaches are

not 'Policed'. To overcome this problem a few states in the USA have brought in mandatory arrest for a breach of restraining order (Chaudhuri & Daly 1992).

Other problems with restraining orders are the length of time it often takes to obtain them and have them served and the lack of protection in the interim period. Perth Central Courts have a special restraining order Court every day where victim/survivors can obtain immediate *ex parte* orders. However, victim/survivors applying for restraining orders in metropolitan or country Courts can wait one or two weeks before an interim order can be granted and then further time before an order is confirmed. A common practice by some magistrates is to hear applications by summons which alerts the abuser that his (ex) partner has applied for a restraining order and leaves her vulnerable to abuse, which is not covered by a restraining order.

Chaudhuri & Daly (1992:227), researching the effectiveness of restraining orders, found that they have some deterrent value. However, they also found that offenders with prior convictions of any kind were far more likely to violate restraining orders. In summary they found that with restraining orders:

...Police responsiveness was increased; that batterers were arrested; that the chance of women being battered again depended upon the prior criminal history, employment and substance abuse of batterers; and that women were generally empowered to end the abusive relationship if they were economically and emotionally independent of the abuser.

The experience of the Redfern Court Support Scheme with restraining orders for victim/survivors of domestic violence is generally favourable. They report: "We can conclude that the availability and use of restraining order proceedings is effective in reducing the level of domestic violence" (Blazejowska 1994). However, they acknowledge a lack of quantitative verification on the effectiveness of restraining orders stating that "it is clear from anecdotal reporting of workers in the area that the number of reported breaches of orders is comparatively low".

This contradicts research conducted in Western Australia that suggests that 75% of restraining orders are breached, most within a few days of the granting of the order. In fact, many victim/survivors reported that restraining orders placed them in worse danger of violence from their partner. Furthermore, it was found that those who applied for an order but were unsuccessful in obtaining one were likely to experience more abuse (Ralph 1992)

The WA Legal Aid Commission's pilot Court Support Scheme (April-June 1994), found that for many victim/survivors of wife abuse, the application procedure for a restraining order against an assailant was their first entry into the legal system. Yet this introduction to the legal system was invariably traumatic for them due to an extreme lack of resources and the poor response of legal personnel in guiding women through the Court process. Victim/survivors were supplied with no information or advice regarding legal issues such as child custody, child support or criminal injuries compensation and male solicitors were reported to be mainly insensitive to their particular needs. The ordeal was worsened by the perpetrator's presence in the Court (Chopping 1994)

Services for ethnic, Aboriginal or intellectually disabled women are also woefully inadequate. The Women's Refuge Multicultural Service provides an advocacy service for women applying for restraining orders. However, similar support is not available for Aboriginal women via the Aboriginal Legal Service.

Without support and advocacy, most victim/survivors drop out of the legal process while those who continue alone have very negative experiences. It is concerning to note that women are compelled to undergo these negative experiences because of a widespread failure by the Police to take up their powers to apply for restraining orders on behalf of victim/survivors.

The issue of restraining orders requires much attention. They can provide a useful adjunct to the criminal system, either through deterrence of further violence or the criminalising of breaches and the 'legitimation' of bringing subsequent violence into the criminal justice system (Egger and Stubbs 1993). However, they can only be useful when they are part of a more concerted, coordinated effort to bring wife abuse into the criminal justice system.

Other studies have shown that.... have not been effective, either because there is no mechanism by which Police become aware of the orders or because they may be circumvented when used in isolation and without full commitment by the Police, prosecutors and Courts. The challenge is to set conditions by which this potentially valuable tool becomes even more useful to the criminal justice system.

(Chaudhuri and Daly 1992)

Thus, although restraining orders are considered difficult to enforce, this can be overcome by changing the administration of the law. Clear directions by the Commissioner of Police are required to rank and Police enforcing officers. To be effective, restraining orders must be complemented by Police monitoring, action on breaches and stringent punishments when violations occur.

A systematic approach can serve as a meaningful deterrent to the violation of restraining orders. Action on breaches must include the ability to deny bail or hold perpetrators and to order them into treatment programs.

3.7. Abuser programs: Education or Therapy, Effective or Ineffective?

There are a variety of treatment programs for abusive men which may be categorised into four relatively distinct approaches, although some programs use a combination of these approaches. They are:

1. Insight Model

This model is based on a traditional psychoanalytic approach where the violent behavior is not identified as the problem but as a symptom of a deeper, intra-psychic problem, such as fear of intimacy. Thus, it is an individual approach that engages with the man and supports him to gain insight to overcome his fears.

The major criticism of this approach is that by focusing on the man's supposed intra-psychic problems it does not give an explicit message regarding the unacceptability of violence. Neither does it examine the abuser's use of gendered power and control nor the sociocultural approval of male dominance of women.

2. Interactive Model

In this model violence is seen as a problem in which both the victim/survivor and abuser play a role. The couple is therefore 'treated' together.

This approach is problematic for a number of reasons. It blames the victim/survivor by implicating her; it assumes both parties are free to be open and honest which the victim/survivor clearly is not; and it shifts the responsibility from the abuser to the couple.

3. Psycho-Educational Model Such As Anger Control

This model views lacks in social skills, such as anger, lack of assertion and poor communication, as responsible for the abusers' violence. The assumption is, if the abuser learns the skills of anger management, assertion and honest open communication he will no longer be violent. Programs vary in the extent to which they also challenge male power and control over women and traditional gender relations and roles.

There are a number of limitations with this approach. By focusing on the development of interpersonal skills, men's responsibility is minimised and the social sanctioning of male power and control over women is not challenged. By default, this approach colludes with men and lets them 'off the hook'. Assault of a partner is not due to uncontrolled anger or poor communication: these are excuses. The purpose of assault is control of the 'other'.

Gondolf and Russell (1986) persuasively argue that anger control on its own is not appropriate or adequate because:

- "1. Anger control implies that the victim/survivor provokes the anger and precipitates the abuse.
2. Anger control fails to account for the premeditated controlling behaviors associated with abuse.
3. Anger control tends to diffuse the responsibility for the abuse and prolong the batterer's denial.
4. Anger control is often misrepresented as a "quick fix" that may endanger battered women.
5. Anger control too frequently lets the community off the hook.
6. Anger control does not sufficiently address the normative reinforcements for wife abuse and violence towards women in general."

4. Cognitive-Behavioral plus gender/power analysis

This model holds that abuse of female partners is for the purpose of maintaining men's power, privilege and dominance. Thus, the focus of intervention is the re-education of men regarding the unacceptability of both violence and unequal gender relations. Men are challenged to stop their minimising, denying and blaming and to take responsibility for their violence and use of non-physical tactics of control. Analysis of the position of women in society (eg as portrayed in the media) is central. Recognition is made of the need to provide skills for the cessation of violence, such as anger management, and effective communication, but only as a measure to stop the violence. The long-term goal is to change the attitudes and beliefs that give rise to the abusers' sense of entitlement to control and abuse their partners.

The most well known program based on a gender/power analysis is the 'Minnesota' group education curriculum for abusers. Pence (1985) considers this model to be a departure from traditional psycho-educational therapy in that:

"It shifts away from a focus on managing or controlling anger, to challenging the abuser's perception that he has the right to control his partner's thoughts, feelings or actions... The classes focus on helping men recognise that their acts of abuse are intentional and are not uncontrolled responses to stress or anger, but very specific behaviors which have evolved in to a whole system of interrelated behaviors directed at their partners to achieve and maintain power.

Focusing on control and power in the class continually sharpens and raises the issues of abuser responsibility and victim/survivor blaming.

The curriculum's impact is greatly enhanced by its use in conjunction with the comprehensive community approach to the assailant which consistently imposes increasingly harsh penalties on abusers who re-offend."

Group counselling is preferred because the group process itself is considered to be useful in reducing minimisation and challenging men's attitudes and it is time and cost effective, particularly in comparison to jail. Research by (Gondolf and Hanneken 1987) found that what men valued about being in a group was the communication with others and identification of abuse as a common problem. This reduced the sense of being alone with the problem. At the same time, there is some suspicion that groups for abusers assist men to 'feel good' rather than guilt or remorse and that they reinforce the abusive behavior, rather than reduce it (Gondolf 1987).

Notwithstanding the criticisms of individual, couple and group counselling for abusers, it is possible to have an approach that is critical of existing structures and relations, and incorporates a critique of gender relations and socio-political structures. (McGregor 1990) argues that counselling may be appropriate if the "violence is located in the social system in terms of gender socialisation and inequality and as long as the therapist is prepared to make a value judgment that violence in relationships is not acceptable."

As McFerran (1989) argued "the horse has already bolted" in terms of counselling programs for abusive men. Many existing services have already developed domestic violence programs in response to:

- Increased recognition on the part of counsellors of the magnitude of domestic violence in their client population,
- Increased demand by other service providers for services to which they can refer people.
- Demand by victim/survivors for services which address their partner's abuse.

3.8. Effectiveness of Cognitive-Behavioral Group Programs for Abusers

Many people are highly skeptical about the effectiveness of abuser programs in bringing about change in all domestic violence perpetrators. Others consider them a better alternative to ineffective sanctions by the criminal justice system, such as, suspended sentences, good behavior bonds and fines.

Many argue that men's groups are effective in bringing about positive change, citing the following:

1. Many abusive men do learn to relate to women in non-abusive and non-controlling ways.
2. Mandated groups are a clear sanction that reinforces the message to individuals and the community that abuse is a crime and will not be tolerated by the community.
3. Even where a man continues to be abusive, group programs are valuable because they relieve the woman of the need to take responsibility for her abuser because he has had the opportunity to change (Pence and Paymar 1986).
4. The criminal justice system, the community in general and many victim/survivors want rehabilitation of the abuser even though it is an individual response to a social problem. They want to be able to bring about positive change in individuals in the short term (Pence and Paymar 1986).

Lazarus and McCarthy (1990) question whether the changes expected of abusive men in both behavior and attitudes are possible in a very short time, particularly for men who are characterised as being rigid and resistant to change. Given that most abuse against a female partner is chronic and deep-seated, Jennings (1990) considers that the changes that are demanded are unrealistic because of:

" the tremendous complexity of the expected changes,*

** the extensive amount of time needed to ensure lasting changes*

** the systemic blocks to making individual changes..."*

Jennings argues that such rapid and complete change is not expected of people in other psycho-educational programs, such as drug and alcohol rehabilitation, where 'relapse' is not necessarily seen as failure but as part of the process of change. Attitude change is a difficult, long-term process.

However, from her experience over ten years involved in Duluth's DAIP, Pence warns us not to be too optimistic about the extent of social change that can be achieved through preventing the violence of individual men.

...the realisation that this model will not eradicate battering should neither surprise nor discourage us. Battering is rooted in a culture of domination, a culture that does not celebrate our differences in race, age, sexual preference, physical and mental abilities, and gender, but instead uses these differences to exploit and dehumanise. Surely we cannot expect that sending out the Police to pluck batterers from their homes, using the Courts to make all sorts of nasty threats of doom, and rounding up counsellors and teachers to convince men to stop beating their partners will end violence against women.

(Pence 1988)

Despite concerns that abuser programs teach abusers new tactics of abuse, no evidence of increased violence has been found in the literature evaluating the effectiveness of abuser education programs. A study of Marriage Guidance WA Domestic Violence program (Gardiner and Hatton 1991) found that women whose partner attended the program reported that the abuse, both physical and non-physical, was greatly reduced.

A review of various studies Tolman and Bennett (1990) found that "...studies consistently indicate that the majority of men stop their physically abusive behavior subsequent to intervention". However, the context of interventions reviewed were varied. Some included a criminal justice response with abusers subsequently mandated to attend a group counselling program whilst other studies were of men 'voluntarily' attending group counselling in a community with no coordinated criminal justice system in place. Differences such as these make assessing the effectiveness of programs difficult.

Tolman and Bennett consider that, given the relatively successful outcomes reported for men who did not complete intervention, it is likely that other factors also contribute to the cessation of violence, eg the victim/survivor threatening to leave, arrest, etc. They proposed that effectiveness in stopping or reducing violence might be related more to personal motivations and/or the broad system of interventions in a community than to the particular counselling program because "...there is no conclusive evidence that anger control, or any other treatment, is effective in ending physical and emotional abuse" (Tolman and Bennett 1990). Because it is still not clear whether 'treatment' is effective, Tolman and Bennett (1990) consider it essential that the effectiveness of interventions with abusers be evaluated to assist in determining if scant resources should be used in this manner to prevent abuse of women.

The situation in Australia is similar. There is no conclusive evidence that it is solely programs for abusive men that are effective in stopping violence (McFerran 1989). A recent in-house evaluation of the Adelaide Domestic Violence Service perpetrator's program revealed that thirty-five per cent of women reported ongoing physical abuse (Poynter 1989). The Tasmanian organisation Men Overcoming Violent Emotions (MOVE) underwent an external evaluation in 1990 (Stewart 1991). The researcher strongly criticised the underlying philosophy and counselling approach of MOVE because it did not confront men's use of violence as a socially sanctioned method of maintaining power and control over women. The researcher was not able to conduct an evaluation of the outcome of the program because pre/post testing of participants was inadequate and the researcher was not able to interview any perpetrators or their partners (Stewart, 1991).

Results of a very recent study conducted by Edleson (Domestic Abuse Project 1991) showed that Court involvement and no prior treatment for personal or psychological problems "...together predicted lower levels of reported violence at the eighteen month follow-up". And in a comparison of modalities, it was found that intensive short-term (two sessions a week over sixteen weeks), cognitive behavioral gender/power analysis structured group treatment was more effective than either weekly sessions over twelve weeks or self-help groups. It was found that approximately 75% of men who completed the thirty-two session groups were reported not violent at eighteen month follow-up. However, a recent five year follow-up study in Duluth, Minnesota found a success rate of sixty per cent using secondary data, such as Police records (Shepard no date). It is likely (given the results of other studies) that if the partners of this sample were interviewed the recidivism rate would be higher than forty per cent. An unanticipated finding was that recidivists had been abusive for a shorter period of time prior to beginning the program than non-recidivists. The reason for this was not apparent. However, Shepard surmised that the longer men had been abusive the more negative the consequences they had experienced, thus the more receptive they were to change.

Shepard reported that

"...the characteristics of the batterer were more important in predicting recidivism than was the form of intervention. Variables relating to intervention, such as the number of counselling and education sessions attended, completion of the program and the type of Court intervention (criminal, civil or both) did not predict recidivism".

One issue that complicates determining the effectiveness of intervention programs is the diversity in characteristics of abusive men across a wide range of variables eg, socio-economic status, education, ethnicity/race, psychological profile, etc. Tolman and Bennett (1990) suggest that there is no homogeneity of characteristics of men who assault their partners, such as substance abuse, rigid sex-role adherence, violence in family of origin, etc. In fact, the characteristics of abusive men appear to mirror the diversity of characteristics of men in general (McFerran 1989).

The issue of whether different types of programs are more applicable to different groups of men sharing similar characteristics is difficult to determine. It can be argued that despite diversity in some characteristics, all men who assault their partners share the characteristic of abuse or control of their partners and therefore a cognitive behavioral gender/power analysis group

program is relevant to all. At the same time, the need to engage voluntary attendees may call for the modification of a strictly educational format to address process and personal or relationship issues in order to maintain interest in attending. It can also be argued that to effectively engage mandated abusers in the same process of change, the same issues need to be addressed.

According to Tolman & Bennett (1990) there may be a subgroup of men - those who use violence both inside and outside the home - for whom current group programs are inappropriate. The characteristics of this group might include more severe violence, greater alcohol and drug use, and less stability and commitment to their relationships, than the characteristics of men for whom such groups can be effective. Furthermore, it is doubtful whether short-term therapy or counselling based on a cognitive-behavioral model can benefit men with personality 'disorders' or profiles such as sociopathic or antisocial. Screening procedures are recommended to identify those men most unlikely to benefit from group programs, particularly those with a history of convictions and/or substance abuse.

There is further debate concerning the effectiveness and appropriateness of programs for self-referred (or socially-mandated) abusers as opposed to abusers mandated to attend as a requirement of probation. Practice wisdom would indicate that non-voluntary clients are more resistant and less amenable to intervention than voluntary clients.

An evaluation of the 'voluntary' group program for perpetrators of domestic violence run by the Adelaide Domestic Violence Service indicated that, based on victim/survivor reports, 65% of men stopped being physically abusive while only 40% of men stopped their non-physical abuse (Poynter 1989). However, Pence & Paymar, (1986) report that less than ten per cent of all voluntary participants completes the twenty-six week program. A high attrition rate for self-referred abusers was a common theme in the literature with figures ranging from thirty to ninety per cent (Tolman & Bennett 1990; Pence 1986; Gondolf 1987). HAIPP has also experienced difficulties in engaging men who were referred (not required to attend) by the Family Court.

Interestingly, the situation with regard to completion is not very different for mandated abusers in the US programs reviewed by Tolman & Bennett (1990). They report that abusers mandated to attend group programs are no more likely to complete a group than voluntary men. This indicates that the process of breaching for non-attendance is not working effectively.

Tolman & Bennett (1990) consider there is more similarity than difference in the characteristics of Court-ordered and voluntary men. This being so, there is no need for separate groups or to provide different treatment for these two groups of abusers. This, they argue, is because all men come to treatment involuntarily, either because they are mandated or because their partners have threatened to leave them. However, because of class and race discrimination in the practices of the criminal justice system, mandated attenders may differ in some respects from voluntary attendees in terms of culture, education and cognition and adjustments may be required to account for these differences.

One study found that abusive men who completed a program shared the following characteristics - better educated, more likely to be employed, had more children, fewer threats to partners prior to intake, witnessed abuse as a child but had not personally experienced abuse. Overall, studies suggested that younger, less educated, lower income, previous record of arrest

and minority men are less likely to engage in the process of change (Tolman & Bennett, 1990). It is also argued that because counselling is such a cognitive approach, it generally is not appropriate for people who are not relatively articulate and who are not able to reflect thoughtfully on their experience.

Nonetheless, evaluations of abuser programs have found some men can and do stop and/or reduce their physical and non-physical abusive behavior. Moreover, such programs provide the criminal justice system with post-sentencing options for rehabilitation. For these reasons, programs for abusers are advocated within the context of being only one component of a broad range of interventions (Pence and Paymar 1986); (Tolman & Bennett, 1990); (McGregor 1990); (McFerran 1989).

What is generally considered crucial with respect to abuser programs is the underlying philosophy, theoretical model, content, and attitudes of facilitators. Some states in the USA have gone so far as to pass legislation requiring abuser programs to conform to established principles, content, modality, training etc. This need has arisen because of the extent of individual, couple and group counselling in the USA that jeopardises the safety and protection of women and colludes with the abuser by not requiring that he accept full responsibility for his violence.

Many of those who are skeptical the effectiveness of about abuser programs still advocate abuser group counselling when it is just one facet of a coordinated criminal justice response with of a broad range of interventions at the personal, community and institutional levels (Gondolf and Russell 1986); (James and McIntyre 1986); (Pence and Paymar 1986). They argue that groups are relatively effective when they are provided within the context of a criminal justice response. Having an abuser attend group means that the victim/survivor is safer because the man is monitored, subsequent abuse is quickly responded to, non-attendance results in a breach, and they are an incentive for the criminal justice system (eg Police and Courts) to respond more appropriately because they see there is a sentencing option that has the potential of being rehabilitative.

CHAPTER 4

4. COORDINATED INTER-AGENCY INTERVENTIONS

It is argued that each facet of intervention - victim/survivor support and advocacy, arrest, sentencing outcomes, abuser education/counselling, etc.- is inadequate and insufficient to stop further abuse when provided in isolation. To be effective, all interventions need to be consistent and coordinated and there needs to be a wide range of responses.

It is important here to distinguish between primary prevention and intervention. Primary prevention addresses problems at the root cause, ideally before the problematic behavior has produced negative consequences. It generally involves educating those at risk of experiencing the problem, often through media campaigns. Intervention occurs after the problematic behavior has produced negative consequences. However, intervention can also be preventive because it can prevent future negative consequences for individuals and when made public the very actions of intervention can educate the broader target population.

There is a multitude of domestic violence intervention projects addressing violence after it is brought to the notice of 'authorities' in countless communities in various countries. The approach was first developed by the Domestic Abuse Intervention Project (DAIP), Duluth and Domestic Abuse Project (DAP), Minneapolis (both of which are in Minnesota (hence the term Minnesota model). Subsequently, numerous other communities in the USA such as Quincy, Massachusetts; San Jose, California; San Diego, California; adapted the approach. Domestic Violence Coordinating Councils are now endorsed by the National Council of Juvenile and Family Court Judges in the USA and numerous communities have now established inter-agency coordination. The approach has been adapted in many other countries, including UK, Sweden, New Zealand, Germany and now Australia.

All DV community intervention projects (CIPs) are variations on the same theme. Differences between them principally concern organisational structure and resourcing. There are generally six key facets:

1. inter-agency coordination - development of policies, protocols, information sharing
2. training of agency workers to provide effective pro-victim/survivor response
3. criminal justice response - arrest, prosecution, appropriate sentencing, tracking
4. victim/survivor services - shelter, outreach, Court support and counselling
5. mandated abuser program - 26 week cognitive-behavioral gender/power group
6. monitoring and accountability - compliance with policies and protocols

Two community domestic violence intervention projects are reviewed here - the DAIP, which was the first and is the most well-known, and HAIPP in New Zealand which has many similarities cultural, social, economic, and political, with Australia.

4.1. Domestic Abuse Intervention Project (DAIP) Duluth, Minnesota

The 'Duluth' model as it is now commonly known, has the reputation around the world of being the benchmark for intervening in wife abuse. Countless communities in the USA, and other countries have adapted the model

In Duluth and Minneapolis, both in Minnesota, early developmental work to have wife abuse taken seriously and dealt with by the criminal justice system was principally undertaken by the women's shelter movement in the late 1970s. In response to lobbying by the shelter and women's movements and the release of the Sherman and Berk (1984) study which showed that arrest was found to be the most effective response by Police in preventing further abuse, the state of Minnesota introduced legislation permitting 'probable cause' arrest even though the Police officer did not witness the assault. (In the Australian legal context 'probable cause' is similar to 'grounds to suspect' which is slightly stronger proof than 'balance of probabilities' required to obtain a restraining order).

'Mandatory arrest' legislation was also passed which removed Police discretion when there was 'probable cause'. In addition, legislation allowing abusers to be held in custody for up to 36 hours was introduced. These changes to the laws substantially increased the numbers of domestic violence cases brought into the criminal justice system. Police were also legally bound to provide information on emergency shelter and legal options to victim/survivors by means of providing a printed card. New legislation meant policy changes had to be adopted in related services, particularly probation.

Despite these legislative changes it was the establishment of an independent organisation, the Domestic Abuse Intervention Project (DAIP), to coordinate and ensure that all parties (law enforcement, criminal justice and social services) were consistent in working towards the same goals, that made a major difference to protecting victim/survivors from further abuse.

The ultimate goal of intervention is always to protect the victim/survivor from further violence which invariably occurs without effective intervention. Pence, (1985) states there are four primary activities for achieving this.

1. Provide immediate protection for victim/survivors of abuse

- *prompt Police intervention*
- *emergency shelter*
- *protective Court intervention with provision of Court support and legal advocacy*

2. *Bring domestic assault cases into the Court system to deter, punish and offer rehabilitation to abusers. Reduce 'screening out' assault cases by:*

- *arrest policy*
- *prosecution guidelines/procedures to increase convictions*
- *enforcement of civil protective orders*
- *pre-sentence investigations and post-conviction Community Corrections guidelines*
- *coordinate interagency information flow*
- *provide legal advocacy and support to victim/survivors in the Court*

3. *Place increasingly harsh penalties/sentences on repeat offenders*

4. *Offer assailants an opportunity for rehabilitation*

- *focus is on changing assailant's assaultive and abusive behaviors*
- *groups are seen as component of intervention and rehabilitation, not as the goal*
- *all new acts of violence reported back to Court or monitoring agency*
- *rehabilitation program will not advocate for assailant in Court system*
- *victim/survivor safety is the first priority of rehabilitation program*

Pence (1985) argues that a multi-faceted coordinated inter-agency criminal justice response to domestic violence, such as developed by the DAIP in Duluth, is essential because a consistent message must be given to abusive men and the community by all agencies that wife abuse is socially unacceptable and they will face penalties if it continues. The onus of ensuring sanctions are imposed on the abuser must be shifted from the victim/survivor to the community and relevant institutions. Despite the fact that assault is a crime, for numerous reasons it is extremely difficult to get a conviction against a man who has physically assaulted his partner. Research conducted by the Minneapolis based Domestic Abuse Project (DAP) found that coordinated inter-agency intervention increased the percentage of abusive men who were arrested, convicted and mandated to undertake counselling (Domestic Abuse Project, 1991).

Thus, in order to achieve its primary goal of the safety and protection of women and children, the Duluth Model is first and foremost a program to bring about reforms in the criminal justice system's response to domestic violence. It recognises that the current response to domestic violence is inadequate and that public policy must endorse enforcement of assault laws, regardless of whether the assault occurs between strangers in a public place or between a man and woman in an intimate relationship in the privacy of the home. It sees the means to achieve an effective criminal justice response is through the development of a uniform, consistent, coordinated inter-agency response directed toward supporting the protection of victim/survivors through the enforcement of assault laws.

It recognises that the responsibility for intervention must be shifted from the woman victim/survivor having to initiate and pursue legal action to the broader community. "Limiting the victim/survivor's responsibility in evoking and imposing legal sanctions on the abuser decreases his ability to manipulate the system to avoid the consequences of his violence" (Pence 1985:9).

The provision of groups for abusers is important in providing the criminal justice system with a better option, then fines, suspended sentences or jail. Mandated abuser programs are not considered the major focus of intervention. They are additional to being processed by the criminal justice system consistent with this, Court diversion is argued against. Mandated groups are viewed as providing a post-sentencing rehabilitative option where the offence is not considered to warrant jail but does warrant some form of sanction.

An independent non-government coordinating agency is vital to the success of this model. It coordinates inter-agency meetings and stimulates agencies to develop internal and inter-agency policies and procedures for dealing with wife abuse. It coordinates the services and programs offered to victim/survivors and abusers. Some victim/survivor and offender programs are offered 'in-house' while other services may be provided by other organisations and coordinated by the central agency.

DAIP was established as the coordinating agency in recognition that effective victim/survivor safety, coordination and monitoring of agency compliance would not occur without such a structure. DAIP has also established a training centre which receives people worldwide who wish to see how the project works and receive training on particular aspects of the model.

A crucial function of the central agency is data collection for victim/survivor case management and monitoring of compliance with agreed policies and procedures by the various participating agency personnel and the data collection and monitoring of each abuser, for each incident as it progresses through the agencies, and over time for subsequent incidents. This data also provides a method of evaluating the impact of the program.

DAIP has nine functions:

- 1. Conduct initial intake with each offender and prepare file including:**
 - a) summary of Police report
 - b) summary of victim/survivor affidavit
 - c) conditions of Community Corrections or protection order
 - d) history of abuse
 - e) contract for participation
 - f) interagency release of information
 - g) notes on dangerousness to partner
- 2. Conduct personal or telephone interview with partner to:**
 - a) document offender's pattern of abuse
 - b) invite to information session
 - c) determine partner's goals and expectations of program
 - d) provide information on women's groups/shelters
 - e) explain options if/when violence or threats continue
- 3. Keep weekly attendance records on offenders**
- 4. Report cases of non-compliance back to Court with recommendations of group leader/victim/survivor/agency staff.**
- 5. Solicit victim/survivor input directly or through advocate on repeat offences**
- 6. Coordinate interagency meetings with:**
 - a) group leaders
 - b) Community Corrections representatives
 - c) shelter representatives
 - d) others as needed (i.e. prosecutors, child protection workers, judges, Police)
- 7. Keep advocacy program, Community Corrections officer, group leaders informed of further Police or Court involvement in each case.**
- 8. Represent coordinating agency at all Court hearings requiring testimony regarding offender compliance.**
- 9. Track all cases through the system by:**
 - a) reviewing Police investigation and arrest reports
 - b) documenting reasons for dismissals by prosecutors
 - c) monitoring disposition of cases by civil and criminal Court judges
 - d) documenting further acts of violence or violations of Court orders by the assailant.

DAIP has clearly demonstrated that a coordinated criminal justice focused inter-agency approach to preventing wife abuse is successful. In support of the vital role of DAIP, Pence has written:

The monitoring and coordinating role of the DAIP is intended to prevent community collusion with abusers. First, it ensures that individual Police officers, Community Corrections officers, therapists, prosecutors, judges, advocates, or jailers are not screening cases out of the system based on misinformation provided by the abuser, lack of information, or race, sex or class biases. Such screening is one of the most prevalent ways communities collude with batterers.

Since the establishment of closely monitored procedures and protocols in 1981,

- annual arrests are 10 times higher than those of pre-policy years,*
- the percentage of minority males arrested has dropped from 33% to 11%,*
- the arrest of women has increased from 0% to 8%.*
- the number of women filing and following through on protection orders has tripled.*
- conviction rates in domestic assault cases have significantly increased,*
- the number of assailants brought back to Court for failure to comply with civil or criminal Court orders has risen tenfold.*

(Pence, 1991:33)

4.2 Hamilton Abuse Intervention Pilot Project (HAIPP) NZ

The Hamilton Abuse Intervention Pilot Project (HAIPP) is modelled on the Domestic Abuse Intervention Project (DAIP) in Duluth. DAIP has provided much support to HAIPP. In the early stages of establishing HAIPP, a number of people (including the coordinator, a Community Corrections Officer, Maori and non-Maori men's and women's group coordinators) visited DAIP for some weeks to discuss and observe the different facets of intervention. The Coordinator and other key people from DAIP have also visited Hamilton on more than one occasion. This contact has proven invaluable in establishing HAIPP.

The HAIPP team were likewise very open and encouraging in sharing their knowledge and experience with the two members of ADVIP who visited Hamilton. They see it as their responsibility to act as mentors to similar projects. ADVIP is now linked with a network of abuse intervention projects based on the interagency, criminal-justice model pioneered in Duluth, Minnesota, USA. The visit to Hamilton by the Coordinator of Starick House Refuge and the Researcher was invaluable in gaining a deeper level of understanding of all facets of the project. Talking directly with others who have experience in implementing such a project, and seeing it in action gave a much clearer and more focused understanding which could not be gained through reading alone.

4.2.1. The role of HAIPP as the coordinating agency

HAIPP receives approximately \$400,000 per year in total funding to employ 5 staff (\$150,000 from the Department of Social Welfare and \$250,000 from the Department of Justice). Ten staff are actually employed; most, on half pay although they work more than half-time because of the need. There is still a shortfall of approximately \$100,000. This shortfall could, perhaps, be covered by charging the Family Court for referrals.

Volunteers have had to be relied on to provide many of the direct services to victim/survivors. The victim/survivor crisis service and facilitators of women's support and education groups are all volunteers, as are the facilitators of abuser education programs and 'cell visitors' who visit abusers who have been arrested and held overnight in the Police lockup..

The majority of abusers are not released on bail but are held in the Police lock-up until the first Court appearance. The charge 'Male Assault Female' (section 194 of the New Zealand Crimes Act) allows for the denial of bail as it is a more serious charge than common assault.

HAIPP is directly responsible for coordinating and managing the following areas:

1. **Crisis Line and Support Advocates:** Operates 24 hours a day, staffed by volunteers outside office hours. Police call as soon as practical after attending a domestic incident. Two advocates attend within one hour of being called (ideally from the scene or on arriving at the Police station).
2. **Women's advocacy program:** Provides group programs and individual counselling and support in dealing with the legal system and social services. All women who have come to the attention of the crisis line are followed up (unless the victim/survivor has specifically request no further contact) and self-referrals are also assisted. Provision of victim/survivor impact information to Police prosecutors to assist with formulating bail recommendations and to Community Corrections officers for use in pre-sentence reports.
3. **Legal advocate:** Makes contact whenever possible with victim/survivors before and after the Court hearing(s) to keep victim/survivors informed of developments in

criminal justice system related to her abuser. Assists women prepare as witnesses in defended hearings. Liaises with Police prosecution team concerning issues of victim/survivor safety and bail recommendations. Assists with the obtaining of restraining orders. Monitors what occurs in Court.

4. Cell/Jail visitors: Male volunteer visits all assailants held in cells before they attend Court to give information regarding offender program, to encourage acceptance of responsibility for violence and to assess danger to victim/survivors which they report to legal advocate and Community Corrections officer.
5. Offender programs: 26-week open groups are co-facilitated by volunteers with experience in leading groups and knowledge of domestic violence, each led preferably by a man and a woman.
6. Separate 'parallel' programs for Maori victim/survivors and offenders - coordinated and run by Maori people. Much effort has been put into adapting the Duluth Native American programs so that they are culturally appropriate and address issues of colonialism and racism.
7. Inter-agency coordination: Networking with various agencies and facilitates cooperation between agencies.
8. Monitoring: Keeping data base on all abuser/victim/survivor details to prevent abuser 'slipping' through system and to provide statistical data for evaluation purposes. Monitors actions of all participating agency personnel.
9. Administration of Project: office and accounting systems.

One way of developing inter-agency coordination and support is to keep agencies informed of successes through regular evaluation reports. In its first year HAIPP produced 3-monthly reports discussing quantitative and qualitative data and one annual report for its second year of operation. (Robertson, Busch et al. 1991) (Robertson, Busch et al. 1992) (Robertson and Busch 1992) (Robertson and Busch 1993) (Furness, Glover et al. 1992).

4.2.2. Hamilton Police

In respect to Police support for the project, HAIPP has been in the fortunate position of working with a Police Service which was already active in moving towards a pro-arrest policy in the case of domestic violence. In 1987 the Commissioner of Police issued a Circular detailing the following Arrest Policy:-

- i. *When an offence has been disclosed involving an assault or danger to the victim/survivor from the offender, or when a Court order has been breached, and there is sufficient evidence to arrest the offender, he/she should be arrested and charged.*

- ii. *Where possible the victim/survivor should not be asked to make a formal complaint nor should the victim/survivor have to give evidence in Court unless there is no case to answer without such evidence.*
- iii. *Good investigation techniques at the scene should negate the necessity for the victim/survivor to give evidence in most cases.*
- iv. *Arrest should be standard procedure where physical force or the threat of physical force has occurred.*

A survey into the effectiveness of this policy indicated difficulties in obtaining consistency of application. In a 1992 New Zealand Police Policy Circular, protection of victim/survivors was declared as paramount and was seen as best achieved when the offender was brought into the criminal justice system. The 1987 Policy was strengthened.

- (a) *Police action at domestic disputes is to be centred on whether an offence has occurred. The history of the relationship and alleged provocations are of little relevance.*
- (b) *When an offence has been disclosed involving assault or danger to a victim/survivor from an offender, and there is sufficient evidence to arrest the offender, he/she should be arrested and charged.*
- (c) *The aggressor should be arrested without an official complaint.*
- (d) *The victim/survivor should not be required to give evidence in Court unless there is no case to answer without such evidence. Sound investigative techniques at the scene should negate the necessity for the victim/survivor to give evidence in most cases. Important here, is having the complainant repeat in the presence of the offender the allegations made, and also identification of the defendant and their relationship. The defendant's replies must also be noted.*
- (e) *If the complainant does not give evidence, evidence from Police staff and the use of photographs will clearly be sufficient to take the case to Court.*
- (f) *Arrest is standard procedure where physical force or the threat of physical force has occurred.*
- (g) *Local arrangements should be in place to ensure the victim/survivor receives on-going support. The appropriate agency to provide such support for women is Women's Refuge. This applies whether an arrest has occurred or not.*

Consistently, the largest single category of homicides in New Zealand are domestic related.

(New Zealand Police Magazine 1992)

The document also calls for enforcement of reported breaches of Court protection orders declaring "Reported breaches (of restraining orders) must be treated as serious, and a willful breach of a Court order."

Despite these positive developments by the New Zealand Police, the visit to HAIPP and the HAIPP reports revealed there were still issues concerning Police action.

In the early stages of the project Police did not always call the crisis line when they attended a domestic incident. Police reports to the crisis line could be facilitated by reporting details prior to attending an incident, rather than waiting until after an arrest. Police often omitted to call crisis line after an arrest when they attended to another incident and/or forgot to call.

Additionally, in the early stages, insufficient information was made available to HAIPP to ensure systematic monitoring. However, as time has progressed both these issues have improved significantly. Interestingly, HAIPP was alerted to the discrepancy between the number of incidents which Police attended and Police reports of incidents because more offenders appeared in District Court on domestic related matters than reported and the local newspaper published daily a Police Diary which reported more domestic incidents than were reported to the Crisis line (Robertson et al. 1991:2). This illustrates the importance of monitoring in general and Court monitoring in particular. Victim/survivor reports are another important form of monitoring of Police compliance.

HAIPP also experienced difficulty in monitoring compliance with the arrest policy. Apart from victim/survivor reports, there is no way of knowing whether sufficient evidence did exist to make an arrest when an arrest was not made. When there is physical injury victim/survivor reports can be generally considered very reliable. However, many other types of 'evidence' can be dismissed by Police as insufficient to warrant arrest. Documentation by Police regarding investigations that resulted in non-arrest were identified as requiring improvement.

HAIPP identified the best method of monitoring that calls to Police were not 'slipping' through the system was to review the log of phone messages received by Police. However, because these contained information related to all alleged offences, including 'domestics', Police were reluctant to allow this. However, with time, trust developed between HAIPP and the Police and a solution was arrived at whereby the legal advocate is permitted to go through the log of initial phone reports to Police (Balzar 1993).

The 6-month report undertaken by Robertson & Busch (1992:29) identified the need for closer co-operation between HAIPP and the Police prosecutors. One successful negotiation with the prosecutor was that he would notify HAIPP whenever a woman asked for charges to be withdrawn. HAIPP would then offer her support because in this case, most women had not yet been linked into the HAIPP support or advocacy programs.

The 12-month HAIPP report showed that only 1 in 5 call-outs by Police resulted in arrest. However, with increased training in the 1992 Police Policy, Police are clearer about what actions should be taken. Hamilton Police are now trained to see 'domestics' as crime scenes and to investigate as they would any crime scene. A summary of the 'facts' is now

taken by Police from first, the victim/survivor, second, any witnesses and third, the abuser. In doing it in this manner, the abuser's version of events is often revealed as a fabrication.

The Police requirement that a victim/survivor must state what happened in front of the perpetrator (supposedly to avoid problems with hearsay evidence) has been identified by project staff as problematic. Victim/survivors are very fearful and intimidated and have been found to not fully recount what happened. Project staff have suggested that the victim/survivor tell Police the events not in the presence of the abuser, with the Police then relaying her statement to the abuser, not in her presence.

The above examples highlight the value of coordinated intervention in addressing problems. If there were no project, the Police would not learn of these difficulties with their practice and thus not attempt to address them.

Other areas of successful negotiation between HAIPP and the Hamilton Police have been a commitment by Police to no pre-trial diversion, no plea bargaining by abusers and a commitment not to withdraw charges when the victim/survivor (i.e. the complainant) indicates unwillingness to appear as a witness. HAIPP has found that even though victim/survivors are sometimes at first unwilling to proceed with charges, after a conviction is obtained, victim/survivors are grateful that the decision to drop charges was not available to them. In the vast majority of cases, with support from the legal advocate explaining Court procedure and preparation to give evidence, victim/survivors do give credible evidence. However, good evidence collection by Police at the time of the incident avoids the need for the victim/survivor to give evidence at all.

Because of a high turnover of Police from other areas where this approach is not being implemented and to overcome complacency and counter entrenched Police culture and organisational practices there is a need for ongoing Police training. Hamilton Police undertake 'refresher' domestic violence training every 3 to 6 months. All Police officers newly appointed to Hamilton undergo specific training in the HAIPP model and Police policies, protocols and practices as participants in HAIPP.

Not all Police were pleased about HAIPP's involvement in their work.

"...it is clear that some Police officers are suspicious of the HAIPP program and its staff. Some regard the project as requiring extra work and responsibility, others resent the idea that HAIPP should have a role in monitoring their work. HAIPP is perceived by some as an anti-male organisation that is not really interested in woman abusers. Delays in developing a program suitable for women assailants may damage the credibility of HAIPP with these Police officers (even though the very small number of women assailants makes this a low priority in other regards).

(Robertson & Busch, 1992:33)

The solution to this was the development of closer relations between HAIPP and Police personnel, with HAIPP being 'marketed' more. The 'Two year review' (Robertson & Busch, 1993) demonstrated the benefits of a close cooperative working relationship with:-

... a 67% increase in the number of abusers arrested compared to the first year of operation. An enhanced system for monitoring non-arrest incidents has been developed. Victim/survivors are overwhelmingly satisfied with the outcome of Police action. There has been continued in-service training of Police staff and a training video is being completed.

4.2.3. Court

One of the impacts of HAIPP has been an increase in victim/survivors seeking protection (restraining) orders. In New Zealand protection orders are granted by the Family Court and respondents to these orders are referred to the abuser program. However, the 'Two year report' identified that problems continue in enforcing referrals to the men's education program with only about half those referred actually inducted into the program. Furthermore no respondent has yet been prosecuted for failing to attend. An increasing number of abusers are contesting the orders made by the Family Court. However, through the involvement of HAIPP, the Family Court judges are becoming much better informed about domestic violence and less tolerant of abusers.

Ironically, HAIPP has found that the most difficult institution to successfully convince of the benefits of co-ordinated, inter-agency, criminal justice intervention in domestic violence has been the judiciary. Judges have resented what they see as an infringement of their independent authority, nor have they appreciated the research which has revealed the extent of their bias and the detrimental impact of their decisions on victim/survivors and their children.

Judges were found to be reluctant to order an abuser to attend an offender program if the man was unwilling. Thus Police, cell visitors and Community Corrections Court officers all needed to be consistent in convincing the offender that it is to his benefit to indicate a willingness to attend the program. Women's advocates also found it important to convince victim/survivors to support their abusive partner to attend the offender program. It was discovered that the longer between the abusive incident and attendance at the program (for example, because of contested hearings) the more men were unwilling to attend.

Research revealed that a higher percentage of men charged with 'Male Assault Female' pleaded guilty than those charged with other offences, except when they had previous convictions. By the end of the first year it was found 90% of offenders charged with 'Male Assault Female' were convicted, compared to the national average of 64%. Better evidence collection and prosecution and support for those victim/survivors who were required to give evidence contributed to this higher rate of convictions. There was a high level of consistency in the sentencing of abusers to attend abuser programs with relatively few not sentenced to the offender program.

In respect to the District Court, the 'Two year review summarised the following issues:

Non-association conditions are routinely made when offenders are remanded on bail. The high success rate in prosecuting abusers has been maintained. Similarly, a consistent pattern of sentencing has been maintained. An increase in the number of custodial sentences appears to reflect the application of section 5(2) of the Criminal Justice Act (requiring repeat violent offenders to be imprisoned).

4.2.4. Community Corrections

One Community Corrections Officer (CCO) handles a case-load of in excess of 100 offenders ordered to attend the offender programs. The CCO considers this case-load manageable because once offenders are attending the program they are monitored by the facilitators. The CCO only becomes involved if the offender fails to attend group or other concerns about the offender are brought to his notice. Both Corrections and project staff prefer this arrangement as communication and consistency are easier with only one responsible CCO than a number of CCO's. Community Corrections also supports the project in allowing a number of CCOs to co-facilitate abuser groups as part of their official duties.

A key finding of the ongoing evaluations is that the longer the time between an incident and conviction, the less willing the abuser is to attend a group. As a result of this, finding, Community Corrections Court Officers are now more prepared to present verbal sentencing reports, rather than have the case stood down for a written report which delays the whole process.

CCOs can also take action to assist victim/survivor safety because they have discretion to order non-association with a victim/survivor when it has not been Court ordered. Thus communication between the legal advocate and CCO is vital.

The 'Two year report' identified that:

The number of referrals made to the men's education program has increased by 83% compared to the first year. The composition of these referrals has changed as more parolees attend the program. The induction of parolees into the men's program has been streamlined.

There appears to have been some slippage in implementing intervention protocols in that some members of the Court servicing team appear to be less inclined to recommend HAIPP and some officers appear not to have enforced program attendance consistently.

The administrative relationship between HAIPP and Community Corrections liaison staff is working extremely well and the latter remain strongly supportive of the protocols.

4.2.5. Women's Program

Not surprisingly, the caseload of the two Hamilton refuges has quadrupled since the advent of HAIPP, particularly in the demands placed on the 24-hour call-out advocacy service which has resulted in high levels of stress and burnout among refuge volunteers, despite the recruitment of more volunteers. Refuge work has changed in focus from being largely refuge-based to now include a range of community-based advocacy work consistent with the broader focus of intervention.

4.2.6. Abuser Program

HAIPP's abuser education program found a common pattern for some men is to be quite resistant to the program at first but later "come on board." Ninety five per cent of recent program completers reported they would recommend the program to their friends. At the end of two years there were approximately 200 men attending the program in any one week. A program specifically for young men 14 to 18 years old was developed as the issue of youth violence became evident.

As was summarised in the 'Two year review' (Robertson & Busch, 1993:I)

The first year of the project saw dramatic changes in the operation of participating agencies as the intervention protocols were implemented. Changes have been less dramatic during the second year during which the protocols have continued to be implemented with a high degree of consistency.

With the support and assistance provided to victim/survivors by advocates, Police and other agencies have found that they have been relieved of much of the time and demands previously spent supporting victim/survivors. In the short term there has been an increase in the work-load of related agencies as they address wife abuse that they previously would not have been aware of, would have ignored, or their services would not have been sought. However, this short-term increase in work should produce a marked reduction in wife abuse in the long term.

HAIPP staff also undertake a wide range of community education initiatives. At the same time, as staff of local agencies become more competent in the approach they are undertaking training of their agency counterparts in other locations.

In summary, Robertson & Busch, (1993) claim:

While the review has identified some problems, these need to be put into the context of the dramatic changes which have occurred in Hamilton over the past 2 years. None of the people interviewed in preparing this report doubted that intervention has enhanced the safety of women and children victim/survivors of family violence and none doubted that abusers are now more accountable for their violence. The basic goals of intervention are being achieved.

CHAPTER 5

5. ARMADALE DOMESTIC VIOLENCE INTERVENTION PROJECT (ADVIP)

5.1. Domestic violence policy and practice in Western Australia - 1983 to 1993.

In Western Australia the issue of domestic violence was for many years primarily represented by the Women's Refuge Group (WRG) (the 'peak' body for individual refuges), with support from Women's Electoral Lobby (WEL), 'femocrats' and related services. Apart from the Federal/State agreement Support Accommodation Assistance Program (SAAP) which funds refuges, there has been minimal State recurrent funding in the area of Domestic Violence.

Subsequent Labor governments from 1983 until 1993 took some initiatives to address the issue, particularly in the area of community education. Following intense lobbying in the lead-up to an election, Marriage Guidance WA obtained state funding in 1989 to establish a domestic violence program. Two domestic violence victim/survivor counselling programs, co-located with the Sexual Assault Referral Centres (SARC), were also funded in Bunbury and Geraldton. There have been a number of government public education campaigns, such as 'Break the Silence' that have attempted to raise community awareness about domestic violence.

A Domestic Violence Policy Unit was established in 1989 by the Dowding Labor Government in the newly created Office of the Family. A Domestic Violence Consultative Committee was convened, comprising government and non-government representatives. During the period 1991/1992, the Domestic Violence Policy Unit adopted the New South Wales (NSW) approach of encouraging local communities to establish domestic violence committees through very small seeding grants. This unit contracted some research projects, including the Effectiveness of Restraining Orders, Report on the Marriage Guidance Domestic Violence Program, Models of Legal Intervention in Cases of Spouse Abuse and a grant to the William Street Family Therapy Centre to undertake a pilot 'couples therapy' program.

The Lawrence Labor government, in power from 1992 to 1993, began to address the issue of government responses to domestic violence by encouraging the development of domestic violence policy across departments. They also undertook considerable community consultation regarding proposed domestic violence legislation. However, by the time of their electoral defeat in 1993, after 10 years in office, the Labor government had failed to achieve domestic violence legislation. In fact they had achieved little. They had not changed Police procedures and training nor had they developed vital advocacy and support services for all victim/survivors such as crisis support, outreach, Court advocacy or survivor and children's counselling groups. They had also failed to support the development of coordinated, inter-agency criminal justice focused intervention projects.

Interest in coordinated inter-agency criminal justice intervention was first stimulated in Western Australia by the newly appointed counsellor to the new Marriage Guidance WA Domestic Violence Program who 'discovered' the Duluth (Minnesota) model. A review of the literature revealed that a gender/power analysis of male power and control was a far more appropriate theoretical framework for working with abusive men and their victim/survivors than the traditional psychoanalytical, systems and couples theories. The literature clearly indicated that abusive and violent men are very difficult to engage in a successful therapeutic change process because they strongly defend their attitudes and behaviors, generally denying, minimising or blaming their victim/survivor for the abuse. The most effective means of getting abusive men to stop their violence was shown in the literature to be a combination of a criminal justice response, a cognitive-behavioral group program for abuser rehabilitation, coupled with advocacy, support and education for victim/survivors.

In 1991 Ellen Pence, the key instigator of the Duluth-based Domestic Abuse Intervention Project (DAIP), was brought to Perth (with financial support from the Domestic Violence Policy Unit in the Office of the Family) to present a two day workshop to people active in the domestic violence field in Western Australia.

Ellen Pence highlighted the need for a more concerted and coordinated response to domestic violence from the government and the community arguing that uncoordinated traditional responses (such as refuge, restraining orders and counselling) were inadequate. Ellen argued that a strong coordinated criminal justice focus is the only effective means of containing some abusers' violence and to get the message to them that their attitudes and behavior will not be tolerated by society.

She also convincingly argued that given the community's attitude of 'turning a blind eye' to the abuse (thus colluding with the abuser) and victim/survivors' own minimisation of the problem and/or fear of retaliation, victim/survivors require concerted support and advocacy in their dealings with all agencies who have a mandate to intervene or assist. Having worked with hundreds of victim/survivors, Ellen reported that one of the consistent aspects of victim/survivors' stories is the lack of meaningful assistance or support they receive from across the spectrum of services, including the criminal justice system, medical services, relevant government departments and non-government counselling agencies.

Research has shown that the only agency consistently reported by victim/survivors as helpful is refuge and most of the helping professionals 'collude' with the perpetrator, either intentionally or unintentionally, through their psychology of denial about the awfulness of abuse, traditional pro-family ideology and victim/survivor-blaming practices. Professionals often justify their inaction by claiming their agency's policies wouldn't allow them to assist, the woman did not want to take any action (ignoring her fear) or because of the need to maintain confidentiality (which, in most cases, protects the abuser).

The key principles of coordinated criminal justice approach are:

- Violence in the home is dealt with as a crime.
- The abuser is made accountable for his actions.
- The onus of intervening is shifted from the victim/survivor to the community and agencies which deal with domestic violence.
- All agencies involved - Police, Courts, corrective services, victim/survivor support, social services - are coordinated and consistent in their response.
- All systems are monitored to ensure accountability and compliance with policies and protocols.

The key principles for preventing violence and abuse are:

1. Safety and protection of victim/survivors and their families.
2. Containment of abusers' violence through apprehension, criminal justice sanctions, rehabilitation programs and tracking.
3. Support and advocacy for victim/survivors i.e. crisis support, outreach support, Court advocacy and survivor and children's counselling groups.
4. Inter-agency coordination
5. Effective monitoring of system responses to the victim/survivor and the abuser.

The key strategies within this approach are:

1. Police attend with the purpose of collecting evidence of an offence (not to restore peace) and remove the offender to provide immediate safety to victim/survivor and for charging.
2. A victim/survivor Support Worker attends the scene to provide immediate support and advice to the victim/survivor. A key aspect is the provision of advocacy services to victim/survivors at every point in their negotiations with any part of the 'system', eg Police, Court including family Court, child protection services, income support, housing, retraining, etc. Support includes counselling groups for victim/survivors and their children.
3. A Court Support Worker provides support and advice to the victim/survivor concerning both civil and criminal law responses, eg restraining orders (RO), breaches of ROs and Community Corrections orders and defended hearings.

4. Prosecutors actively pursue a conviction, utilising better evidence collected by Police and information provided by Support Workers.
5. The Judiciary appropriately sentences convicted offenders. Those who would not get a jail term are mandated to attend a 26 week abuser education program as part of probation or community service orders. Subsequent offences receive increasingly harsher penalties.
6. Corrective services breach and return the abuser to Court if there is non-compliance with orders.
7. Key agency and project personnel meet regularly to discuss coordinated policies and protocols and address issues of accountability.
8. All agencies are monitored by the project to ensure accountability

5.2. Domestic Violence Action Groups of Western Australia (DVAGWA)

Following the visit by Ellen Pence, the Domestic Violence Action Groups of Western Australia (DVAGWA) was established in 1992 with purpose of providing support to local communities to establish Domestic Violence Action Groups (DVAGs) and to lobby government for changes in legislation, policies and services. The longer term goal of DVAGs was anticipated to be the development of community intervention projects (CIPs). DVAGWA has supported and promoted local adaptation of a coordinated interagency criminal justice response focused on victim/survivor safety and abuser accountability, commonly referred to as the Duluth model.

DVAGWA has attempted to create community change by:

- Seeking to have violence in the home treated within the same criminal justice context as other forms of violence.
- Being a focal point for action to change institutional and community attitudes and practices that support the continuation of domestic violence and challenging attitudes which blame the victim/survivor.
- Supporting the development of community-based DVAGs.
- Fostering inter-agency coordinated regional Community Intervention Projects (CIPs) between statutory and non-statutory social services.
- Provision of training and educational materials to local DVAGs and CIPs and agencies.
- Lobbying to change legislation and government policies in respect to domestic violence.
- Advocating social, economic and political equality between women and men.

The advantages of a criminal justice response

- It takes the onus away from the victim/survivor having to take responsibility for stopping the violence. Given her abuser's control and intimidation and her fear of reprisal, it is extremely difficult for a victim/survivor to take the necessary steps to prevent her abuse.
- Victim/survivors receive better protection, safety and support than currently is the case.
- Police have a vital role in carrying out the difficult task of assuring the victim/survivor and her children's immediate safety. Through the provision of Crisis Support Workers to assist the victim/survivor, Police can be freed to deal with the violent person.
- The prosecution will be more effective because Police have collected all relevant evidence of the crime.
- The judiciary will have a rehabilitation program they can refer less-serious offenders to. They will then be able to respond more appropriately with recidivists because they were provided the opportunity to change.

Individuals and the community will be given the message that violence in the home will not be tolerated through the consistent responses of all systems.

DVAGs were seen as a strategy to encourage 'the community' (generally local service providers, both government and non-government) to take responsibility to address domestic violence and were an expansion of government policy to set up local domestic violence committees. Their strength and energy derived from the fact that they are local community initiatives. DVAG's draw together a range of workers both government and nongovernment who have to deal with the effects of domestic violence and who, to date, have generally worked in isolation of each other. - Police, Refuges, Health Services, Courts, Corrections, Department for Community Development (DCD) (social welfare services), DSS, Homeswest, Alcohol and Drug Authority (ADA), Community Advice/Law Centres, Lawyers, etc.

At the local level DVAGs undertake a wide range of activities, including:

- coordination and communication between service providers
- networking
- training and education of service providers
- community education
- action to address local issues and needs
- inclusion of community groups
- identification and development of needed services
- lobbying
- mutual accountability

Many communities, particularly in country areas, took initiative to establish a local DVAG in a very pro-active, energetic manner. It was soon apparent that many people in particular communities were concerned about wife abuse but, not being associated with refuges or women's groups, did not have a means to address the problem. The popularity of DVAGs indicates that concerned groups of people had finally found a way to actively address the problem of wife abuse in their community. By 1993 there were 16 DVAGs in WA. There was always some fluidity in numbers of DVAGs with new ones in embryonic stages and some previously established ones folding for reasons such as key people moved from the area or support was not forthcoming. Many DVAG's wanted to move quickly to the next stage of a full-fledged criminal justice intervention. However, this is not a simple undertaking. Successfully establishing a CIP depends on a range of factors specific to the local area and in terms of state and national policy.

The first community to attempt to establish a coordinated justice response, in 1992, was Bunbury, 250 km south of Perth with a population of 80,000. In 1993, Bunbury DVAG was supported by the local DCD office with a \$10,000 grant to employ a part-time coordinator for six months to establish the project. Unfortunately, when the grant ended the Bunbury DVAG went into recess because the responsible Minister was outspoken in his condemnation of the Duluth model and a criminal justice response. In addition support was still not forthcoming from the local Refuge nor the Police.

Promotion of a coordinated justice response was not positively received by all interest groups. Many in the refuge and women's movement were not supportive of providing services to men. The two main reasons were first, a fear that such groups were not effective and, in fact, actually jeopardised victim/survivors' safety by educating abusers about other tactics of abuse which were not previously in their repertoire and, second, that funding would be diverted from needed victim/survivor services to abuser programs.

The 'Duluth' model of intervention was promoted to the Western Australian government during 1991 and 1992 through membership on the Domestic Violence Advisory Committee of the Manager for the Marriage Guidance Domestic Violence Program. However, the Domestic Violence Advisory Committee was reluctant to support this approach at that point in time. A number of women on the committee shared concerns regarding abuser programs. The response that emerged was adoption of the NSW policy of encouraging local domestic violence committees and a rejection of government funding or support for abuser programs.

In early 1992 an attempt was first made to establish a pilot project in a Perth metropolitan area. However, support was not forthcoming from the local refuge and, as refuge involvement as representatives of victim/survivors was considered essential, another metropolitan region was sought. In September, 1992, the Coordinator of Starick House Women's Refuge in Gosnells and the Armadale Regional Superintendent of Police were approached. Both responded positively to the idea of establishing a pilot domestic violence intervention project based on the 'Duluth' model, and by December, 1992 there was a commitment to establishing a CIP in the Armadale Police Region by most of the key agencies.

For the purposes of community education, lobbying government and providing support for local DVAGs, DVAGWA has sponsored workshops and conferences on a twice-yearly basis since its inception in 1991. Key Ministers of Government or Heads of Departments have been invited to officiate at such functions. A key focus has also been the bringing together of local DVAG representatives to support and learn from each other by sharing strategies, successes and difficulties.

In March 1993, the coordinator of Starick House Refuge and interim coordinator of ADVIP and the researcher for ADVIP visited the Hamilton Abuse Intervention Pilot Project (HAIPP) in New Zealand. As a result of this visit, the coordinator of HAIPP, Ms Roma Balzar, was brought to Perth as keynote speaker at a DVAGWA sponsored conference on Community Interventions in Domestic Violence, held May 3 & 4, 1993 to tell of HAIPP's experience with the Duluth model. The conference, which was opened by the Attorney General, Cheryl Edwardes, was one of the strategies to gain public and government support for the model of intervention. Over 100 people attended, with local representatives from refuge, women's and general counselling services, women's health, Police, corrections, legal services and the community and included some people from interested organisations in the Eastern States.

Roma Balzar spent ten days in Perth and two country centres (Bunbury and Geraldton) giving workshops on model of intervention that HAIPP developed and meeting with key people such as Ministers for Police and Community Development, Police management at headquarters and local levels, Community Development policy officers, local groups and members of ADVIP. Her visit had a very positive influence on the level of awareness and understanding of the model and subsequently its endorsement by many key people and groups. Ms Balzar's visit overcame some of the previous suspicion and lack of understanding.

A year after Roma Balzar's visit, the officer in charge of Hamilton Police, Inspector Athol Paul, was brought to Perth as keynote speaker at another DVAGWA conference in May, 1994, this time targeted at the Police, Corrections and Judiciary. Following the conference Insp. Paul spent time with senior Police Officers talking about the Police experience of HAIPP and sharing documentation, Police training videos developed in NZ and other relevant information. Insp. Paul's visit greatly strengthened the support for this model of intervention within the middle-ranks of Western Australian Police.

Despite DVAGWA's efforts at lobbying and community education, the Liberal government, elected in February, 1993, initially took a very 'conservative' and negative approach to intervening in domestic violence. The government's ideological support for traditional family values led Ministers to publicly refuse to use the term 'Domestic Violence' arguing that 'Family Violence' or 'Abuse in Families' was their preferred term, and to favour counselling as the preferred intervention. Much time was spent lobbying the government, particularly the Minister with portfolio responsibility for domestic violence.

The Minister dismissed the interagency, criminal justice, victim/survivor-focused model as an effective response to domestic violence arguing that it is an inadequate reactive approach only intervening after domestic violence has taken place, rather than preventing violence before it occurs. However, his argument ignores the fact that stopping further

violence is preventive and that community-based, multi-faceted intervention, giving the clear message that violence will not be tolerated, is educative. The then Attorney-General, who was also the Minister for Women's Interests, showed signs of being supportive of coordinated inter-agency criminal justice intervention. Over time, including a cabinet reshuffle, political support for regional coordinated responses has developed within government.

5.3 Background to the establishment of ADVIP

In September 1992, the coconvenor of DVAGWA approached the Coordinator of Starick House Women's Refuge in Gosnells and the Armadale Regional Superintendent of Police to ascertain their interest in the establishment of a pilot domestic violence intervention project in the Armadale region, on the outskirts of Perth. Both responded positively.

Further individual discussions took place with Managers or key workers of the Department for Community Development, Community Corrections, Armadale Court, Homeswest and Community Health. A proposal for Armadale to be the metropolitan pilot of the 'Duluth' intervention model was distributed in October 1992. A meeting where the intervention model was presented and discussed with interested parties was held in November. There was agreement from all parties for Armadale to establish itself as a pilot of the intervention model in the Perth metropolitan area despite lack of government support.

An application to the Criminology Research Council to conduct action-research on the establishment phase of intervention was made by the School of Social Work at Curtin University. The nominated principal researcher was also a key DVAGWA member. Successful granting of the research application was notified in November 1992.

Meetings began in December, 1992, comprising initially of representatives from Refuge, Police, Department for Community Development, Community Health, Corrections, the Armadale Court, Victim Support Services, the community and DVAGWA. The two DVAGWA representatives also wore additional 'hats' of Abuser Program coordinator and Researcher. Meetings have since been held regularly, usually monthly, although occasionally fortnightly as required.

5.4 Description of the Armadale region

It was proposed that the boundaries of the project would be the Armadale Police Region which is an outer-suburban area covering 1393 square kilometres, 35 kilometres south-west of the City of Perth, with a population of 137,500. There is a District Court in the centre of the Armadale business district. It is serviced by three Police Stations: Armadale, with 35 officers is a 24-hour Police station, Gosnells with 21 officers operates only during business hours as does Mundijong, with only 2 officers. The Armadale Police Region is not completely coterminous with the boundaries of the 3 shires of Armadale, Gosnells, and Serpentine-Jarrahdale, on which Australian Bureau of Statistics (ABS) data is based.

Approximately 30% of private dwellings in the region are owned by their occupants and about 50% are currently being purchased by the occupants. Private rentals account for 10-12% of people and government public housing through Homeswest provides 2-5% of rental properties.

A break-up of the 137,500 population according to ethnicity and race shows that 65% (90,000) are Australian born. 1.5% (2,000) are Aboriginal or Torres Strait Islanders comprising a sizeable Aboriginal community compared to some other Perth regions. Around 20% (27,500) were born in the United Kingdom and approximately 10% (13,750) were born in non-English speaking countries. Only English is spoken in the homes of 93.1% of the total population.

The 1991 ABS Census Data for income in all families across the whole of Western Australia shows a similar distribution to the region. A breakdown of annual income in all families (with or without children) showed that about 15.0% earned \$12 001-20 000 per year; 16% earned \$20 001-30 000 per year and 14.0% earned \$30 0001-40 000 per year. Income of \$40 0001-50 000 was earned by 13.0% of families and 8.0% earned \$50 001-60 000 per year. A Social Security benefit or pension is paid to approximately 16% of people in the region.

Around 60% of families have two parents. There are 12-13% single parent families and approximately 25% of families are couples without offspring. In 1991 47.9% of households had children aged below 14 years. Within this, 2182 (20%) of households contained children aged below 4 years and 2529 (23%) had children aged 5-12.

Overall, the region is considered to be low socio-economic level (although there are pockets of high socio-economic levels, particularly in the hills). There is high unemployment, a large ratio of public housing, new suburbs without infrastructure and services, a high population growth rate and high mobility and a low level of public and community facilities and services. There is a lack of commerce and industry with residents working and shopping for larger consumer items outside the area.

Armadale town has developed as a regional center. Government services include the Armadale/Kelmscott Memorial Hospital; two Job Link centres, one for Aboriginal people; a Court house; a public library; Armadale Lodge (mental health); pre-primary, primary and secondary schools in Armadale, Gosnells and surrounding suburbs; regional branches of the Commonwealth Rehabilitation Service and of the Department for Community Development. Trains and buses run frequently along the main route of Albany highway to the Perth city centre 30 kms away. However, public transport within the district is limited to the main connection routes.

Welfare services available in the Armadale region include accommodation services for women and youth; a community legal service a refuge and a women's health service in Gosnells, day care centres for children and the aged; a number of community and family centres; various organisations and support groups for the frail, aged and disabled; other voluntary support groups; information and referral services in Armadale and Gosnells; and service organisations such as Apex, Lions, Rotary; Rostrum, etc.

Services to young people have not kept up with the needs of a growing youth population. 1991 DCD statistics show the area to have one of the highest youth offending rates in Western Australia. Inadequate services exist for youth generally. There is also limited employment and a lack of accommodation for growing numbers of homeless youth and youth seeking independent living.

In 1993, the DCD's Armadale district office showed the highest recording of investigations into allegations of child abuse in WA. There were no figures available for domestic violence for the Armadale region. However, across metropolitan Police regions in 1992 Armadale had the third highest number (373) of offences against the person after Perth (central) (891) and Fremantle (562) (Broadhurst, Ferrante et al. 1992). To put these figures into perspective, both Perth and Fremantle are high density populations compared to Armadale.

In terms of land description, Armadale is located in the foothills of the Darling Range. The western flats contain most of the residential housing in the region, although urban land use also occurs in parts of the foothills. Agricultural land use occurs in the foothills areas principally in the form of fruit orchards. The area also contains a number of parks and recreational areas, including sections of state forest, Bungidior National Park, regional reserves such as Forrestdale Lake and the Churchland Brook Valley reserve and the Wungong, Canning and Churchland Brook dams. In comparison with the Perth metropolitan area, population density is scarce to moderate.

Gosnells is situated north-west of Armadale and developed along the Perth southern railway line around 1910. A residential corridor exists along the railway line and currently areas around the railway line are being redeveloped to provide moderate to high density housing. There are remnants of agriculture in the form of orchards, vineyards, pasture, poultry farming and horses and cattle are sometimes kept.

5.5. Development of the ADVIP committee

Development from an informal network into a committee with a clear purpose was an evolutionary process. Membership of the ADVIP committee was fluid for considerable time with various members of the initial group inviting people from other agencies and with some people/agencies dropping out. At the meeting in January 1993, in addition to the representatives at the December 1992 meeting from the Refuge, Police, DCD, Community Corrections, Victim Support Services, DVAGWA/Abuser program, DVAGWA/Research and Community Health, there were new representatives from the Aboriginal community, and a church-based welfare organisation. Some people initially attended as individual professionals, without their agency's formal support which they were later able to successfully negotiate. Others were never able to obtain their agency's support and either dropped out or continued in their own time. Some heads of agencies committed representatives to the project virtually from the beginning. However, two later officially withdrew their agency's involvement because of the direction of the project. In the case of the DCD, the Minister reportedly had given a directive that departmental officers were not to be involved in DVAGs or the 'Duluth' model.

A key interest on the part of the researcher was the motivation of individuals in being involved. Most people had a number of motivations for being involved. All appeared to gain some personal satisfaction at being involved in developing something new. Most were also motivated because of a commitment to addressing the issue of domestic violence - although for some this was a more passionate motivation than others. At the same time, it was realised that it couldn't be assumed that people or agencies with particular professional backgrounds (eg social workers, medical staff) would be automatically supportive. The anticipation of some opportunistic gain appeared to be a theme. Some people saw that their careers would be advantaged by being involved, either because individual initiative would be recognised and/or their agency would be advantaged. Thus, it was necessary to accept that people were there for opportunistic reasons - both personal and organisational. The challenge was to accommodate individual and agency interests with those of victim/survivors so as not to compromise or skew the project in a direction that was not pro-victim/survivor. It was assumed that the key to success was developing a greater individual commitment to overcoming domestic violence. It was further assumed that this could be achieved through considerable education, experience and dialogue/challenge of knowledge, attitudes and practice.

It soon became apparent that it was essential to gain commitment and support from the authority structure of an agency. The enthusiasm of a front-line worker was not sufficient. To obtain management support it was necessary to have someone with similar status introduce the goals of the project and convince the manager(s) that participation would result in better outcomes for the agency (and the manager) through better outcomes for clients. One of the deliberate strategies designed to gain support from participating government departments was to encourage attendance at meetings by both a Manager and a front-line worker (who ideally had specific responsibility for domestic violence). Through the process of negotiating of policies and protocols it became apparent that each agency is bound foremost to its own 'imperatives and pragmatics' rather than to the agreed Principles of Intervention, agreed inter-agency procedures or simply the needs of victim/survivors.

Initially the only people who had a detailed understanding of the Duluth model were the two DVAGWA members (including the researcher) and the refuge coordinator. The only documentation known at the time which described the approach was the Domestic Abuse Intervention Project (Duluth) publication *The Justice System's Response to Domestic Assault Cases: A Guide for Policy Development* (198). This is a very comprehensive, detailed document requiring close study and thus was only provided to people upon request. The absence of a 'manual' detailing the necessary steps to establish such an intervention project and some of the difficulties that might be encountered and possible strategies to overcome them certainly impeded the establishment of ADVIP.

Developing understanding and commitment by each agency representative to the intervention project was necessary. An understanding of how the components of the intervention jigsaw fit together developed over time, assisted by a number of activities including a 'search' day, attending the monthly meetings, the process of developing the intra- and inter- agency policies and procedures and the flow chart. Every meeting resulted in increased understanding of the issue of domestic violence, needs of victim/survivors and effective intervention. In some ways, having no 'manual' as a guide meant that the

committee had to spend time developing a detailed understanding of the principles and procedures. This deeper understanding might not have occurred at the same level if the group had merely adopted predetermined policies and protocols. It is the initial developing of policies and protocols and the regular revising of them which creates the necessary level of understanding and commitment to change current practice. This point cannot be sufficiently emphasised.

In the early stages of committee development a 'parallel' Aboriginal committee was established comprising people working in relevant organisations such as Community Corrections, Special Committee on Aboriginal, Police and Community Relations, Refuge and local Aboriginal agencies. All the Aboriginal committee members were also residents of the Armadale region with considerable networks in the area, and across the metropolitan region.

As is to be expected in any inter-active collaborative developmental process there were periods of conflict when the committee struggled with differences in perspective's about the project. This conflict over perspective's and direction resulted in two agencies withdrawing from the project.

Thus, over time, the membership of ADVIP changed. The Community Health Social Worker withdrew after she was able to convince the Nurse-Educator of the Armadale/Kelmscott hospital that she would be a more appropriate representative. The DCD, who initially had two representatives attending, the Manager and the DV resource worker, withdrew from the project as did the Manager and worker from the church-based agency. The Manager of Community Corrections Maddington, who was always very supportive and attended the early meetings, delegated representation to a Community Corrections Officers. The Aboriginal Committee had two representatives, one or the other of whom attended ADVIP on a frequent basis. By July, 1994, the membership of the ADVIP committee had consolidated to that below. The Officer-in-Charge of Armadale Police Station and the Coordinator of Starick House Refuge had been elected co-chairs.

Officer-in-Charge, Armadale Police Station
Coordinator, Starick House Refuge
Victim/survivor Court Support, Starick House Refuge
Crisis Support and Survivor Group, Starick House Refuge
Abuser Program Coordinator/DVAGWA
Community Corrections Officer, Maddington Community Based Corrections
Nurse-Educator, Armadale Hospital
Chair, South East Region Family Violence Action Group
South East Community Development Committee (local government)
Researcher, Curtin University School of Social Work

Meetings have also been held over time with a wide range of key people from various agencies when it was identified that their mandate gave them a potential or actual interest in the project including the local Magistrate, Ministry of Justice Victim Support Services Unit, DCD Crisis Care Unit, Women's Health Policy Unit of Health Department., Strategic Planning Officers of Ministry of Justice, Chief Superintendent of Youth Family & Ethnic Affairs Unit of Police Dept., Office of Women's Interests and Attorney General's office.

5.6. Effect of the Political Direction of the Court Liberal Government - 1993-94

In 1993, the climate produced by the WA Court Liberal government's platform of reducing the role and functions of government (and tendering out services and promotion of traditional family values) had a very negative effect on ADVIP. Given the desire of the government to wind back its involvement in community affairs, public servants were very concerned about being involved in any new community initiative and concern about retaining their jobs meant that they were anxious to not risk taking on anything new, let alone controversial. Overall government policy regarding the welfare sector was very unclear during 1993.

What was made clear in a number of public statements was that the Minister for Community Development, with portfolio responsibility for domestic violence and social welfare, did not endorse a victim/survivor focused criminal justice approach. He argued that it was inappropriate to control abusers through the criminal justice system as a means of addressing their use of control and considered intervention to be unnecessary interference in people's lives (Nicholls 1993). Notwithstanding the lack of support from the Minister, there was support for ADVIP from within the Ministry of Justice and Police, particularly at the local level.

Unfortunately, within a few months the local DCD Manager withdrew the agency from the project. The reason given was that there could be a potential conflict of interest should the project obtain funding from the Department. However, this explanation was not accepted by many of the committee because given the Ministers antagonism, funding was highly unlikely. It was generally agreed that DCD's withdrawal had more to do with the Minister's opposition to the model and the Manager not wishing to risk condemnation.

The withdrawal of DCD was regrettable because this agency is a key player as the government organisation with a statutory responsibility to address issues concerning children, families and the community. A great deal of research has shown that wife abuse and child abuse frequently occur together. The long-term detrimental effects for children of witnessing violence against their mother are well documented and are considered a child protection issue (Edleson 1995).

5.7. Visit to Hamilton Abuse Intervention Pilot Project (HAIPP)

In late February, 1993, the ADVIP interim coordinator (seconded from Starick House refuge for four months) and researcher visited the Hamilton Abuse Intervention Pilot Project (HAIPP) in New Zealand in order to learn from the HAIPP experience of implementing a coordinated response to domestic violence. The visit to HAIPP was invaluable in providing the two visitors with a very concrete understanding of the complex inter-relationships between the various aspects of an intervention project.

Issues learnt in the course of the visit of direct relevance to the establishment phase of ADVIP were:-

- the key role of the victim/survivor legal advocate in the criminal justice system
- the parallel programs for Maori and non-Maori victim/survivors and abusers
- developing and maintaining Police support for the intervention project
- the importance of a cooperative relationship between the project and the Police
- structure of services within HAIPP and other agencies and the relationships between the different facets of intervention
- personnel needs and job descriptions,
- the negotiation of interagency policies,
- models of interagency cooperation,
- the need for tracking the perpetrator through the system to prevent him 'falling through the net' and the database developed for this purpose.
- the need for, and method of, monitoring of the actions of all participating agency workers for the purpose of highlighting where there was a need for change in policies or where they were not being complied with
- the negotiation of acceptance by all involved of the need for data collection for the purpose of monitoring.

A key philosophy of feminist working is the sharing of knowledge and resources and HAIPP were exceedingly generous with their material and knowledge. Much of what has been developed by ADVIP has been modelled on that of HAIPP, just as, in its turn, HAIPP it has received support from and modelled much of its material on DAIP.

5.8. Developing a common understanding

In light of the fact that people coming to the committee had different levels of understanding of domestic violence, one of the first essential tasks of committee building was the development of a common understanding of DV including the incidence and prevalence, reasons why it occurs, victim/survivor and perpetrator psychology, etc. Thus it was proposed that the group participate in a half-day domestic violence knowledge and values clarification session in February 1993.

Some members did not see this as necessary; some felt they knew about the issue, others couldn't afford the time. However, it was argued that it was essential for all committee members to attend to ensure a common understanding on which to build. The workshop was held in early February with good attendance. Topics included the nature of power and control as exemplified in the 'Duluth' Power and Control Wheel, abuser characteristics, beliefs and intentions and effects on victim/survivors.

A month later in March 1993, a 'search' day was held, facilitated by a 'volunteer' from the School of Business at Curtin University, a skilled trainer with experience running 'search' conferences with government, private business and non-government groups. Approximately 20 people attended for various periods during the day. For some, this was their first meeting concerning the proposed intervention project. The group included those

who had been attending the initial ADVIP meetings as well as Police officers from the Youth, Family and Ethnic Affairs Unit (with responsibility to address Domestic Violence across the state).

The day began by exploring the visions of the group for the broad future before moving on to visions of effective prevention of violence in the Armadale region. In the afternoon the group explored the resources necessary to enact this vision, identifying those currently available and those needed to establish the intervention project.

The following issues were explored through the day:

- Why are you here today. How can we get the best out of today?
- What futures do you see, good & bad, in WA In 5 years time?
- What is the desirable future for WA?
- What do victim/survivors want and/or need?
- What do perpetrators want and/or need?
- How have our institutions responded in the past and present?
- What are the desirable characteristics of a community intervention project?
- What resources are there in this room\community\W.A.?
- What constraints are there?
- What issues or concerns do you have regarding this project?
- What is your mission. What business are you in?
- What are your core values?
- What are the stages in the intervention process?
- What are the roles and responsibilities of each agency?
- Action planning : how will you make it happen?

The search day had an exploratory focus, where the group mapped the problem of wife abuse as they understood it and existing local resources. Some members of the group had not been involved in the prior preliminary discussions where the purpose of the proposed project was clearly explained as being the establishment of a Duluth model coordinated intervention project which meant that discussion ranged over issues that would have been raised if all had the same understanding of the purpose of the project.

One of the most powerful revelations of the day eventuated from an exercise which attempted to 'map' the services used by victim/survivors. Names of agencies were placed on the ground with victim/survivors' paths through the 'system' being tracked. From the representational 'map' on the ground, it was revealed that victim/survivors usually only called on the Police as a last resort, having sought assistance from a variety of agencies prior to contacting the Police. This was a surprise for most of the Police Officers as they assumed that they were the first service approached by victim/survivors.

By the end of the day a mission statement was adopted:

**Pioneering a community response to domestic violence which
supports choice and positive change for victim/survivors
and perpetrators in order to create a more safe and just society**

The core values of the project were agreed as:

*** Communication * Community Responsibility * Commitment**

In the final moments of the day a motto recognising the difficulty involved in pioneering change in organisations was proffered by one of the Police officers. Amongst much mirth the motto was endorsed by the group.

"It is easier to ask for forgiveness than permission"

Evaluation of the 'search' day showed that, generally, it was considered valuable in developing commitment to the intervention project. The aspect that was considered least valuable was the first exercise exploring a general vision for the future. Given that the more focused and specific aspects of planning an intervention project were last on the day's agenda and were very rushed and/or not discussed at all, the feelings of frustration with the time spent on the first vision exercise were understandable.

On reflection, it was the opinion of some that, although the ideas and understandings generated were valuable, the format of a 'search' conference was not the most effective use of time. Of more value would have been a day workshop presenting the key principles and strategies and then developing an understanding of the changes required by various agencies in order to cooperate to bring about an effective Intervention Project.

5.9. Principles of Intervention

The ADVIP committee spent considerable time over approximately four months in the early stages developing a statement of principles of intervention adapted from the principles developed by Duluth (DAIP). The development of these principles created much discussion and dissension among the committee. The key principles of the Duluth model are the safety and protection of victim/survivors and their children and the provision of victim/survivor advocacy and support as a major means of achieving safety and protection. These principles were unreservedly accepted by the committee. Addition of the principle that intervention must reflect cultural diversity reflected the committee's awareness of the necessity to sensitively and appropriately address Aboriginal family violence and violence experienced by non-english speaking background (NESB) women and their families. A major point for government agency representatives, highlighted by the Manager of DCD, was that they could not agree to any principles which contradicted their agency's policies and legislative mandates. This engendered considerable discussion on operating procedures, the wording of principles and operational boundaries. The principles that were finally adopted were accepted by a consensus of all the representatives of participating agencies, including DCD, who were involved in the project at that point in time.

ADVIP Principles of Intervention

1. The focus of intervention is to stop the violence, and to protect victim/survivors and their children.
2. Intervention works towards enabling victim/survivors to access support, information and legal advocacy
3. While encouraging victim/survivors to support criminal justice intervention, victim/survivors have the choice not to participate.
4. To hold abusers accountable for their actions and support the application of legal sanctions as appropriate.
5. Intervention encourages equality in relationships and challenges the belief that a person can have control over their partner.
6. Intervention is based on the community and its organisations taking responsibility for intervening to stop Domestic Violence.
7. The intervention project views assault in the home as criminal and aims to have the community respond to it in the same way as assault outside the home.
8. Intervention is based on the monitoring of the perpetrators compliance with sanctions imposed through the Criminal Justice System.
9. Intervention offers perpetrators the opportunity to change their abusive behavior through offender education programs, which are open to review by victim/survivors and their representatives.
10. Intervention is designed to enhance the coordinator-operation and information exchange between agencies. Agencies support monitoring of project guidelines, within the constraints of agencies own policies and legislation.
11. Intervention should be flexible enough to reflect cultural diversity.
12. These Principles of Intervention are subject to review.

5.10. The ADVIP Model of Intervention

An ideal model was developed over considerable time towards which ADVIP is still working. The process is one of conceptualising 'ideal' services and practices, developing policies, protocols and services and then monitoring to assess the outcomes in an action research spiral. Establishing a CIP is a developmental in which people learn by experience over a period of trial and error.

Police:

Give priority to investigating 'domestics' and approach them as any other potential crime - collect evidence and arrest when sufficient evidence - and protect the victim/survivor.

Prosecutor:

When there is sufficient evidence vigorously prosecute to achieve a plea or finding of guilt.

Victim/survivor support:

Starick House Refuge is currently providing all of the following. However, other pro-victim/survivor organisations could provide these services and it is envisaged ideally that all but crisis support will be directly provided by ADVIP should funding eventuate.

Victim/survivor Crisis support:

Attend the incident and give immediate support and assistance to the victim/survivor eg taking her to a safe place, obtaining medical treatment, etc. Monitoring of Police actions at time of crisis intervention.

Victim/survivor Court support:

Advocacy for the victim/survivor through criminal and civil justice system eg restraining orders, giving of evidence, family Court, etc. Monitoring of Court process.

Victim/survivor Outreach/follow-up services:

Support, information and advocacy for victim/survivor with a range of social services to enable her to live independently, eg housing, income maintenance, child care, education and training, employment.

Victim/survivor Counselling support:

Women's and children's education and support groups.

Medical treatment:

Hospital emergency nursing staff support the victim/survivor, talk to her alone to establish cause of injuries and obtain her permission to contact Police and/or crisis support workers. Document injuries and medical treatment and obtain signed release of information form for Support Worker and/or Police. It is envisaged in time General Practitioners will also be included.

Justice system:

Court Officers:

Assist victim/survivors and/or obtain advocacy for them with civil matters. Provide a separate waiting/interview room in Courthouse for victim/survivors.

Judiciary:

Support criminal justice response with findings of guilt where sufficient evidence, effective sanctions, placing under Community Supervision Orders and/or mandating attendance at offender education programs.

Community Corrections:

Where appropriate recommending Community Supervision Orders with mandated attendance at offender education programs.

Offender programs:

Provision of 26 week offender education program with clear guidelines concerning accountability and safety of victim/survivor.

Social Service Agencies:

Child protection, substance abuse, housing, social security (income maintenance), training and employment and other relevant agencies which a victim/survivor, her family (and the abuser) may need to deal with should develop victim/survivor-friendly policies and procedures and participate in a broader coordinating committee

Coordination and Monitoring

An independent non-government organisation undertakes the coordination of the different facets of intervention through developing inter-agency policies and procedures. A comprehensive data collection system should be managed by this organisation to assist with victim/survivor case management, to track abusers through the various agencies for each incident and over time for subsequent incidents and to monitor compliance of agency personnel with agreed policies and protocols.

5.11. Development of agency policies and inter-agency protocols

Subcommittees of core agencies met monthly between June and November 1993 to negotiate agency policies and inter-agency protocols. Preliminary documents were developed which were to be trialed and monitored, making adjustments where required.

One of the desired outcomes of participation is for old entrenched personal and institutional culture and practices to be changed. Because each organisation has a particular culture and supporting institutionalised practices which are known by members, each agency representative is ideally placed to be an agent of change or 'community educator' within their organisation. This includes convincing supervisors, colleagues and/or subordinates of the efficacy and value of the intervention project.

In the process of participation it is evident that ADVIP committee members have personally taken on a sense of purpose. For example, the OiC of Armadale Police not only had to develop new policy and inter-agency protocols but also had to train his officers in the new policy and protocols and monitor their compliance. On the other hand, the hospital representative has had a difficult task negotiating support for the project upwards with hospital management. The issue of patient confidentiality has continually been raised as a major obstacle. Medical professionals may be the most difficult group to convince that inter-agency cooperation is essential and possible and to do so it will be necessary to convince the medical profession to change from of a 'rigid' notion of confidentiality to the notion that 'duty of care' takes precedence.

The development of agency policies and inter-agency protocols took approximately 6 months with the hospital never formally adopting policies and protocols.

5.12. Flow chart through the inter-agency 'maze'

The development of the following flow chart considerably assisted agency representatives to understand the path travelled by a 'case' and how their agency fitted into the overall 'whole'. In the flow chart the agency currently providing the service is noted in brackets. However, the services provided by Refuge may become ADVIP services should funding eventuate. Furthermore, the functions in dotted boxes are not yet provided but are planned.

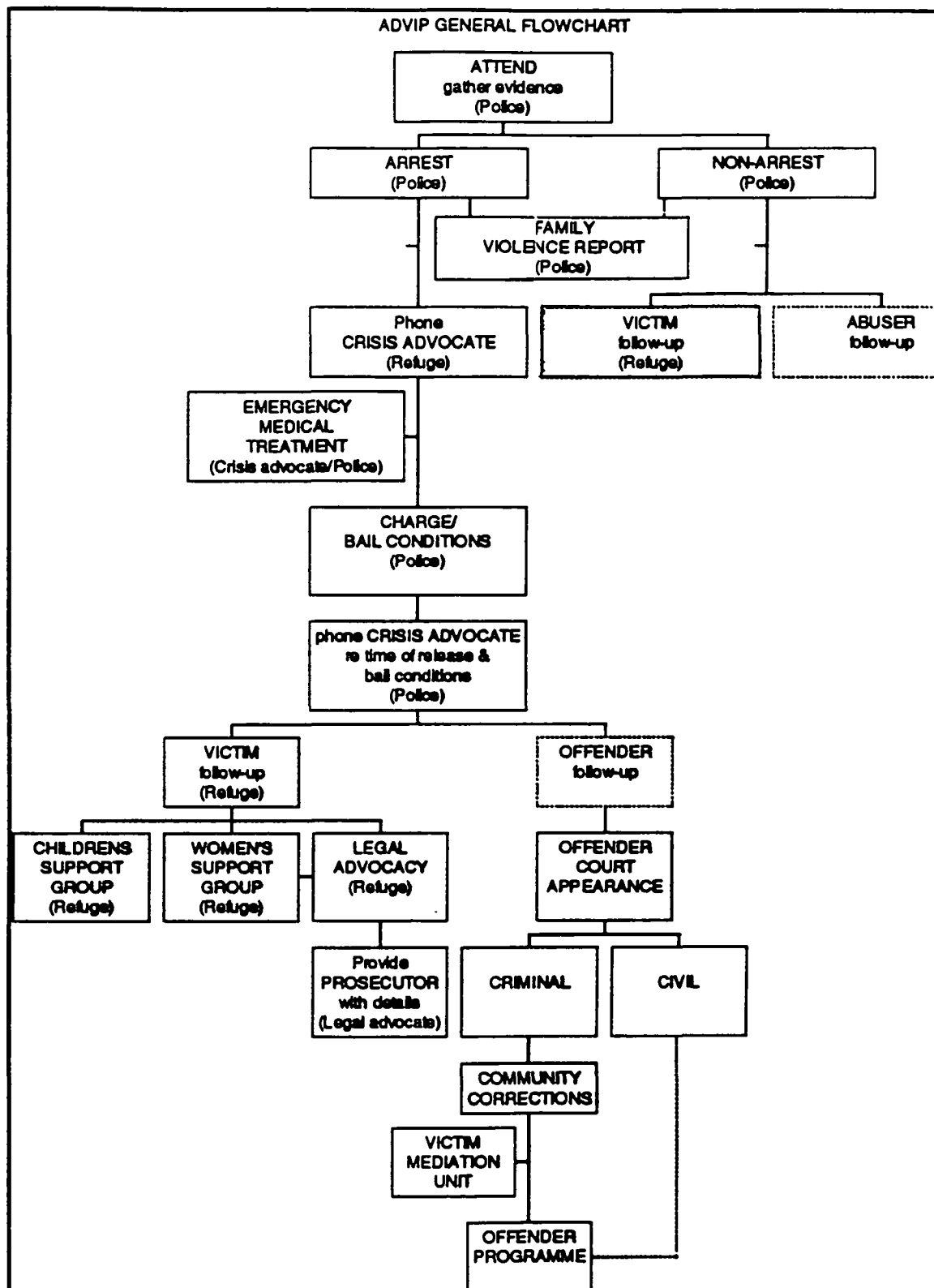


Figure 3: Structure of ADVIP Services

5.13. Development of 'core group'

In January, 1994, one year after commencing the establishment phase of the project, it was decided that, due to the number of cases being to be brought into the ADVIP 'system', the core agency representatives from Police, Refuge, Victim/survivor services, Community Corrections and Abuser program should meet fortnightly to track cases and discuss deficiencies in the coordination process established to date. After six months this meeting was held weekly because of the number of cases and the usefulness of the meetings for the core workers. It was also hoped that the prosecutor could be convinced of the need to attend core group meetings as he plays a crucial role in many cases.

ADVIP has discovered that by working collaboratively on case management at the regular 'core' meeting, the ability of agency representatives to identify and respond in a coordinated manner improves. Through the process of tracking individual cases as they come in to the system, agency representatives are able to identify their part in the chain of sequences and continually modify their policies and procedures. A case description illustrates this.

Case description

As has become common for ADVIP, a case was picked up by the Court Support Worker who, in looking over the Court lists for the day observed that there was a criminal hearing and a civil hearing for a restraining order listed with the same last name. The Support Worker surmised that they might be a husband and wife domestic violence case. She then made it a point to locate the woman in the Court who confirmed that her partner was up on a charge of assault occasioning bodily harm and she was applying for a restraining order. She was granted an interim RO and on pleading guilty he was remanded for a written pre-sentence report.

The Support Worker brought the case to the 'core-meeting'. The first issue was that the Police had failed to call a Crisis Support Worker when they arrested the man, nor had they referred the case to the Court Support Worker. Second, the Support Worker was able to discuss the case with the CCO who had to write the pre-sentence report. The CCO interviewed both the victim/survivor and abuser. By that time, the woman wanted a reconciliation. The CCO recommended a Community Service Order with attendance at the Abuser group. With encouragement the woman attended the Survivor group.

After a few weeks the woman recontacted the Support Worker for assistance with a new RO because her husband was still being violent, although attending group. The core group then discussed the husband's continued abuse, that he was now out of the home and that there was a RO against him. The Abuser group facilitator/coordinator learnt of the ongoing violence of which he was previously unaware because the man had not revealed it in group. The man was breached by the CCO for the abuse.

This case demonstrates the value of weekly case management by the 'core-meeting' where each individual case is discussed.

5.14. Structure and functions of ADVIP

5.14.1. Management structure

Since the 'core agency group' was established, the full committee has continued to meet monthly to discuss ADVIP's internal policy issues and relations with external agencies and government. The issue of whether ADVIP should become an incorporated body in its own right prompted discussion about the relationship between participating agencies and ADVIP. Tension was evident about the extent of management or control possibly exercised by ADVIP, as the independent coordinating and monitoring agency.

The key issue was whether the project should be based on a 'networking' model where ADVIP would have no employees and the committee would be responsible for coordination as is currently the situation. A 'network' model has a 'flat', rather than hierarchical, structure which frequently generates conflict around issues of authority and control. This model was preferred by some non-government agencies who wanted to develop and manage programs and services independent of ADVIP. They preferred to participate in a loose 'network' model as they would retain their autonomy and ability to compete for funding in their own right.

A further issue in a 'network' model is that the free flow of communication and information is hampered due to individual organisational policies and pragmatics, agencies guarding their autonomy, and the tendency for busy people to ignore paperwork and regular communication with an outside organisation. Competition over funding and ownership is an issue in the non-government sector which is exacerbated by a network model.

At the same time, it must be acknowledged that there is also potential for similar struggles between non-government and government agencies and between government agencies.

The ADVIP experience is that if a CIP is to be successful, at a minimum, a paid coordinator is essential to get things done. Under a 'network' model there is the issue of which agency would be seen as suitable to auspice the coordinator. The preference of the committee was that ADVIP itself should become an incorporated body and should be funded to employ a coordinator. At the same time, the refuge was also considered appropriate given its focus on victim/survivor services. Which agency is considered appropriate will obviously depend on the local context. The highly successful CIP in Quincy, Massachusetts is also a 'network' model, with the coordinator being an employee of the District Attorney's Office.

The alternative model is similar to that of HAIPP and DAIP which are agencies in their own right and undertake the coordinating and monitoring role, along with provision of services to abusers and victim/survivors. In this model the coordinating agency is the hub of the project with direct funding and control to maintain itself and support the 'whole'. The responsibility for coordinating the development of new non-government services and obtaining and distributing funding is undertaken by the project agency. In such a model, competition for funding between different non-government agencies is reduced and coordination is maximised.

After experience and discussion the preferred model became ADVIP being an independent agency carrying out the coordination and monitoring, along with provision of services to abusers and victim/survivors. However, in the current climate of privatisation and tendering, there is competition for the provision of services within the non-government sector which undermines support for a centralised agency.

ADVIP is currently operating from the former 'network' approach, drawing on various service providers based on the fact that funding has not been available for coordination or to provide a full range of services. It is a compromise model because it has been necessary to draw on the existing resources of various organisations who are willing to work under the umbrella of the project. The situation is unsatisfactory because there is an ongoing need for coordination and agencies such as Refuge cannot continue to provide services that are not funded. Currently Anglicare Health and Welfare Services have provided offender and victim/survivor groups, funded by Department for Community Development and auspiced by ADVIP. Likewise, Starick House refuge is providing crisis advocacy, Court support and survivor education/support groups, (linked to ADVIP and the offender program). Their only funding is from the Supported Accommodation Assistance Program (SAAP) administered by the Department of Community Development. Starick House provides these services to both residents of the refuge and to women in the community under their community outreach mandate. However, the increased community outreach component created by ADVIP has placed considerable strain on refuge resources. Refuge workers undertaking the new 'specialist' services regularly absorb the extra workload in a volunteer capacity by working longer unpaid hours. However, this situation cannot continue for long because the existing resources of agencies and the goodwill of participants will be exhausted.

The relative merits of various management structures were debated once the decision had been made in favour of establishing ADVIP as an incorporated independent agency. Three basic structures were proposed:

1. A 'collective' of the key agencies with the collective having no hierarchy and no management functions. All management functions would be undertaken by the coordinator (once funding for this position had been obtained). However, this structure does not adequately address accountability requirements of government funding bodies which are known not to support collectives, preferring a management committee model. Nor does it have any means of providing direction and supervision of the coordinator who, although not being answerable to anyone, would also have to bear full responsibility for any problems or difficulties.
2. The key agencies should constitute the management committee. However, there are a number of difficulties with this model. First, all key agency representatives, apart from refuge, are state public servants for whom there would be a potential conflict of interest if they were to be on the management committee in their capacity of representative of their government department. Furthermore, public servants cannot legally endorse policies that are contrary to the policies of the government of the day. Finally, this arrangement would mean that the key agencies would be reporting to themselves and thus holding themselves accountable. This is found to be somewhat of a contradiction.

3. The preferred organisational structure was that of having a Board (similar to a management committee), comprised of influential people in the community, who are knowledgeable about wife abuse and who support the principles of intervention, the goals of the project and the required ethical standards. Initially Board Members will be invited to nominate. The Board's role includes undertaking the reporting and management functions required by funding bodies. They would be responsible for the appointment of staff (with representation also from the core agency 'collective') and of establishing and monitoring of employee contracts, ensuring award conditions for workers, and establishing grievance procedures. They would work with the coordinator to provide direction and support for employees and would be available for conflict resolution between staff and/or participating agencies if necessary. It is envisaged they would meet monthly, but more frequently if need dictated. If Board members have inadequate experience in the roles and responsibilities of Board members it will be recommended that they undertake a brief training program.

It is envisaged the ADVIP Coordinator will have the responsibility of day to day management and running of the project and that ADVIP staff would work on the basis of cooperation and shared decision making. They will be ultimately responsible to the Board. Training for staff about their roles and responsibilities in relation to the Board will be required if they do not have adequate experience of this.

The committee agreed that the 'core agencies' must meet regularly as a group to discuss difficulties with compliance of agreed policies and mutual accountability. They will have no management function. The ADVIP coordinator and relevant staff would attend this meeting to provide reports of agency activities and clients, drawn from the data base, and to report on activities of the project staff.

The relationship of the Aboriginal committee and services to the project has yet to be finalised.

5.14.2. Positions required by ADVIP

1. One full-time project coordinator to develop and monitor intra- and inter-agency policies and procedures and to liaise with other potential projects, the state government, media etc.
2. One half-time administrator who also undertakes data collection and entry
3. Two full-time victim/survivor Support Worker to undertake follow-up and Court support and advocacy
4. One half-time victim/survivor services coordinator who also undertakes training and facilitation of survivor groups (can also facilitate victim/survivor groups) coordinator
5. Two outreach workers

6. Crisis support workers on an 'on-call' basis
7. Sessional facilitators for survivor groups
8. A half-time abuser program coordinator who also undertakes training and facilitation of abuser programs (can also facilitate victim/survivor groups)
9. Sessional facilitators for abuser groups

The ADVIP committee have constantly reasserted that funding for the above positions are the minimum necessary for the intervention project to operate efficiently and successfully. More positions might be necessary over time with increased volume of cases. The rationale behind establishing ADVIP without a prior guarantee of funding was that once established, given sufficient lobbying, the government would appreciate that, in the long term, funding this approach will save government spending given the current enormous costs of domestic violence. If ADVIP fails to attract funding in the near future, there is concern that the project will fail.

In a 'network' model, funding for only items 1 and 2 would go directly to ADVIP with the other funding going to/or services provided by participating agencies. Items 3-6 could go directly to refuge if they wished to deliver these services and items 7 and 8 could go to an agency provider abuser programs. However, as discussed elsewhere, the Intervention Project itself would forfeit considerable control and accountability in this network model.

5.14.3. Coordinator and Administrator Positions

The position of Project Coordinator is vital and requires a superperson. The Project Coordinator should be able to maintain a victim/survivor focus and be able to foster the equality of and opportunities for women.

In the course of establishing ADVIP the qualities required of the person in this position have become evident. These are:-

- committed to preventing violence and abuse, particularly against women and their children by known men
- committed to the Principles of Intervention
- diligent worker who is highly organised with good time management
- an ability to encourage others to be organised and work to a time schedule.
- able to work under pressure
- able to maintain harmonious working relationships, particularly in the inter-agency environment.
- skills in negotiation and conflict resolution
- engage in effective communication that is respectful, assertive and honest.

The Coordinator's particular tasks are:

- management of the overall project
- management of the budget
- coordination of communication and cooperation between various staff and representatives of participating agencies.
- developing and refining integrated policies between participating agencies.
- overseeing of the provision of services for victim/survivors
- overseeing of the provision of services for abusers
- overseeing of collection and entry of data for monitoring
- provision of necessary training and education for members of participating agencies, the community, and project staff.
- Supervision of project staff
- Reporting to Board of Management
- Overseeing financial statements and the annual report.

An Administration Assistant would be responsible for the overall management of office systems, record keeping systems and entry into the data-bank in addition to the day to day accounting system.

5.14.4. Functions of ADVIP Office

ADVIP considers that to have an effective intervention project certain functions must be undertaken by an independent, non-government coordinating and monitoring agency especially created for this role. A centralised 'management' of cases is essential to ensure that all facets of intervention are coordinated, data collection is consistent and information is equally shared among participating agencies. In this manner the actions of all participants are made more 'transparent' and thus accountable

At a minimum, the essential functions to be undertaken by the ADVIP office were identified as:

1. ensuring victim/survivor safety and support
2. tracking of abuser
3. coordination of participating agencies
4. monitoring, data collection and evaluation.

The particular role and functions of the ADVIP organisation have been detailed as

Ensures that no matter where victim/survivors enter the system they are offered support and advocacy.

- Maintains contact with victim/survivors whose partners are attending the offender program to provide information about the program and any changes by the offender, to monitor victim/survivor's safety and assist if abuse continues.

- Ensures the coordination of the various 'core' participating agencies, viz.; corrections, Police, medical services, prosecutor, refuge, Police and coordinators of victim/survivor and abuser programs; and ancillary social service agencies.
- Monitors compliance with agreed inter-agency policies and procedures
- Negotiates adaptations to policies and procedures as they are found inadequate.
- Tracks abusers through the system for each incident and for different incidents over time and ensures that all relevant agencies (eg. criminal justice system) have essential information to protect the victim/survivor.
- Reviews Police investigation and arrest reports
- Documents Court proceedings, including dismissals by prosecutors, disposition of cases in civil and criminal matters, and recommendations by corrections personnel
- Documents further acts of violence or violations of Court orders.
- Ensures intake interview with each offender undertaken, including information on convictions, restraining orders/bail conditions, history of abuse, contract for participation, inter-agency release of information, notes on dangerousness to partner.
- Ensures cases of abuser non-compliance with Court and/or Community Corrections orders go back to Court.
- Ensures subsequent acts of violence are reported to Police and/or corrections.

5.14.5. ADVIP Code of Practice

An ADVIP Code of Practice was adapted from the Code of Practice developed by the Domestic Violence Crisis Service of Canberra. This code should apply to all direct employees of ADVIP and to the staff of participating non-government agencies who work with ADVIP. Ideally, it should also apply to staff in all participating government agencies:

1. Be committed to non-violence in interpersonal relationships, and to non-violent conflict resolution. Be violence free in their own lives.
2. Offer professional service to anyone regardless of race, religion, sex, political affiliation, social or economic status, choice of lifestyle or affection preference. Not communicate or act in ways that perpetuate discriminatory attitudes.
3. Not blame the victim/survivor or in any way place the victim/survivor in a position of danger.
4. Act to have all reported incidents of domestic violence addressed by the criminal justice system. Support victim/survivors to report incidents to Police and to obtain protection.
5. Maintain client confidentiality across participating agencies. Where possible, obtain consent from victim/survivors to reveal information about them to participating agencies. Information may only be revealed without consent of victim/survivor in cases where not to do so would result in clear danger to the victim/survivor or to others.
6. Immediately report to appropriate authorities any suspicions that a child has been subjected to sexual, physical or emotional abuse.

7. Not attend work under the influence of alcohol or other drugs.
8. Not advise on problems outside the recognised expertise of the staff member, and should make appropriate referrals.
9. Maintain honest, open communication by discussing disagreements, problems, and issues directly with the appropriate person(s). If the issue cannot be resolved at that level, it should be taken to the coordinator or Chairperson of Board if the disagreement concerns the coordinator.
10. Every staff member is encouraged to continue self education and professional development in all possible ways including active and honest participation in peer evaluation.
11. To protect the safety of ADVIP staff and workers in participating agencies, no private phone numbers or addresses may be given to any member of the public. Nor will workers give their own private phone numbers or addresses to any clients or take them to their homes.

5.15. Official Launch of ADVIP

It was originally hoped that ADVIP would be launched by October, 1993. However, because of the inability to attract funding for a coordinator, the establishment of the project was delayed considerably. Furthermore, initial requests to the WA Attorney General, Cheryl Edwardes, to launch the project, beginning in September 1993, were refused. The launching of ADVIP was deferred until the Attorney General agreed to officiate. It was reasoned that the approval of the Attorney General was essential for both ADVIP and for implementing the model elsewhere in the state and it was worth waiting until for a positive response from the Attorney General. Following subsequent requests, lobbying and provision of more detailed information regarding the project, the Attorney General eventually agreed to launch the project in April, 1994.

ADVIP was also fortunate in having the support of the Chief Justice of Western Australia, Mr. Justice David Malcolm who agreed to provide the keynote address at the launch. The official ADVIP launch was held on 14 April, 1994 with the Armadale City Council hosting the event. Approximately 200 people attended the launch including those from Head Offices of participating Government departments, local government and non-government agencies, local Justices of the Peace, survivors of domestic violence, the general community and state and local media.

The representative from the Armadale-Kelmscott Hospital, was the Master (sic) of Ceremonies. The Chief Justice David Malcolm gave the keynote address in which he endorsed the project and recommended that it be expanded state-wide. A history of the project was provided by the SERFVAG representative. A very moving talk on the need for culturally appropriate interventions for Aboriginal family violence, particularly the need for parallel Aboriginal programs in every intervention project was given by a representative of

the Aboriginal committee. Representatives from each of the participating agencies - Starick House Refuge, Victim/survivor support and advocacy services, Armadale Police, Maddington Community Corrections, Abuser program, and Researcher all briefly spoke about their involvement in the project.

Finally the project was officially launched by the Attorney General, Cheryl Edwardes.

5.16. Funding submissions

A number of submissions have been submitted to government for funding. The first submission was lodged in June, 1993, supported by Armadale DCD through a special DCD one-off Community Coordination funding program. Unfortunately, this program was cancelled before any grants were given.

Other funding submissions have been presented directly to the Minister for Community Development and to the Attorney General because there have been no appropriate funding programs under which to apply. No funding submissions have been successful. The Minister for Community Development commented in the media that he would not support funding for ADVIP.

5.17. Future of ADVIP without funding

It must be emphasised that in launching ADVIP, although much had already been achieved, much had only been planned and not yet implemented because of lack of funding. The fact that ADVIP has not been able to attract funding compromises its ability to effectively implement the project. The scenario that may result from lack of funding could be:

1. Without the monitoring of Police actions by the participating agencies there will be little incentive for the Police to do all they can to provide safety and protection for victim/survivors. The Police will probably continue with 'minimal' policing of domestic violence, covering up situations whereby their (in)actions have left the safety of victim/survivors and their children in jeopardy. If there is continuing support for changes in internal policies within the Police department, the result might be more effective policing of domestic violence. However, such an approach would be unlikely to be linked to a broader criminal justice response involving the Courts or corrections nor provide essential victim/survivor advocacy and support services or abuser programs. At the same time, there are models from London local government boroughs where the Police have established their own victim/survivor advocacy and support services provided by either Police themselves (Hammersmith and Fulham) or by a special civilian unit within the Police Service (Islington).
2. It is doubtful that the refuge could continue its community outreach services in the form of Court support and system advocacy, survivor support/education groups or a children's program without special funding for this. The majority of victim/survivors who do not seek refuge will again be faced with system hostility towards them and system collusion with their abusers.

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3. Abuser groups for men placed on supervision might be continued by Community Corrections, although without coordination fewer men would be brought into the system. In this case the provision of abuser groups may be economically unviable for smaller corrections centres. At the same time, Community Corrections might fund and/or directly provide victim/survivor advocacy and support services as occurs in Edinburgh.
 4. There is a high likelihood that abuser programs for voluntary perpetrators run by non-government counselling agencies would jeopardise victim/survivor safety because there would be no guidelines that had victim/survivor safety and protection as the primary principle. Nor would there be links to the criminal justice system or to victim/survivor Court support or system advocacy services.

CHAPTER 6

6. CRIMINAL JUSTICE SYSTEM

6.1. Police

Negotiation with the Police on their involvement in the project commenced with the Regional Superintendent who was supportive from the outset. He then involved his Officers-in-Charge (Oic) of Armadale and Gosnells Police stations. However, for a number of reasons, including high turnover, low staff numbers and disinterest, the Gosnells Police did not continue involvement as a formal member of ADVIP. (However, after some time the refuge received sporadic calls from Gosnells to provide victim/survivor support and advocacy at the Police Station).

Support from Police extended to auspicing the meetings at the Police Regional Office over the first six months with Regional office representatives, in addition to the Armadale and Gosnells OiCs. In addition, the Regional office undertook secretarial responsibilities for recording and distribution of minutes of the meetings.

Without active Police cooperation intervention would be much more limited in its achievements. The importance of having the Officer-in-Charge (OiC) of the local Police Station actively supportive and involved from the inception of a project was soon evident. Commitment from this officer was vital because he understood Police culture, Police policies and legislative mandates. He also had the authority to implement new practices at the station level. The OiC plays a vital role in convincing his 'troops' that they should change the way they respond to both victim/survivors and abusers.

In the early stages of the project a draft inter-agency protocol between the Police and ADVIP was developed by the researcher, drawing on DAIP and HAIPP reports and encapsulating the principles that it was hoped the Police would adopt. The wording of this draft using the wording 'Police will...' caused some concern.

The Armadale OiC subsequently developed an extremely comprehensive policy which has been endorsed by his superiors and distributed to Police stations throughout the State. This policy document has become official Western Australian Police policy and has been referred to positively by the Chief Justice of the Western Australian Supreme Court in the 'Report on Gender Bias' (Chief Justice's Taskforce, 1994). The Police Policy is included as Appendix One.

Rather than focusing on changing attitudes which requires considerable time in education and training, the OiC's approach has been to change station procedures in the way 'his' officers respond to domestic violence. In the long term, changing behavior has the potential to bring about changes in attitudes. Changing operational practices is a potentially more rapid approach to bringing about a change in responses. Police 'culture' is a powerful force which can work against the adoption of new practices. The OiC reports that he personally

monitors the Family Incident Reports and attending officers reports (Action Reports). If it appears that the procedures haven't been followed he reportedly "carpets" the officers responsible. However, particularly without education and training to support change in operational procedures, monitoring of practices, preferably by an outside body, to assess compliance is essential. Unfortunately ADVIP has not been able to negotiate this with the Police.

According to the OiC, the hierarchical nature of the Police structure has actually been an advantage in bringing about change because subordinates can be directed to comply with policies. Nonetheless, monitoring compliance with these new policies by rank and file Police officers has been a challenge, partly because of the amount of discretion that Police exercise when they attend an incident. It has been found that more recent graduates of the Police academy are more amenable to addressing wife abuse from a pro-victim/survivor criminal justice approach, partly because their training is consistent with this approach and because they have not yet been indoctrinated into Police 'culture'. However, it has been more difficult to get compliance with the new policies from longer servicing officers, generally the shift sergeants, who were trained in and work from 'the old school' approach of non-intervention in 'domestics'.

The new procedures require Police to:

- Treat the scene of the incident as a crime scene (i.e. collect all available evidence)
- Support and protect women and children
- Contact and cooperate with Support Workers
- If the offender is charged with any form of assault, noncontact conditions should be put on bail.
- If the offender indicates that he intends to contact the victim/survivor (eg. return to the home) bail must be denied, a Form 5 issued, and the offender transferred to the lockup until the first available Court.
- Advise victim/survivor or Support Worker upon completion of bail application proceedings.

The OiC of Armadale Police Station considers that the OiC is the key to changing Police responses and to cooperation with the intervention model. The OiC has to be 'on-side' because he has operational control of the station. Support of Regional Superintendents is valuable but not as important as the OiC as the latter has considerable autonomy and responsibility to enforce the Station's operational procedures. Thus, for intervention to work, the OiC must be fully knowledgeable about the 'new' operational procedures for domestic violence incidents so that he can instruct and monitor staff.

As a means of assisting officers attending a domestic violence incident, the Armadale OiC also designed and assembled a Family Incident Kit which is now in every patrol car in the state. It contains the operational procedures, forms and information cards listing possible services to be given to victim/survivors and abusers.

The Armadale Police OiC also negotiated with the Magistrate of the Armadale Court to hear restraining order applications initiated by the Police on behalf of the victim/survivor. Despite the fact that there is legislation permitting Police to initiate restraining order

applications, the Magistrate has indicated that he prefers the victim/survivor to appear in person, unless she is physically unable. This penalises victim/survivors in many ways. It means the victim/survivor herself still has to take action against her abuser to protect herself and allows the community to avoid taking responsibility to protect the victim/survivor and prevents the message that the community will not tolerate abuse being conveyed to the abuser. Most victim/survivors find applying for a restraining order an extremely intimidating act. Most victim/survivors would like the protection of a restraining order but fear retribution and/or experience great shame which would be relieved if the Police were to take out the order. When Police take out restraining orders there is a greater likelihood of it being granted because the prosecutor presents the application. Furthermore, there is no cost to the victim/survivor.

After a few months it was evident that Armadale Police had begun to support ADVIP as they understood the benefits, particularly successful prosecution, gained from cooperating with other services, particularly victim/survivor Support Workers. The OiC is reported to be generally satisfied with the operational procedures he developed and with his staff's compliance and does not feel the operational procedures need changing after one year of trial.

However, the training of rank and file Police at Armadale about the intervention project and the 'new' response required of them has proven extremely difficult. Unlike New Zealand Police who have ongoing training of one day in every 5 weeks, Western Australian Police do not have regularly scheduled on-the-job training. Furthermore, a common complaint by Police is that they are understaffed and thus officers cannot be released for training.

A number of strategies to assist on-the-job training of Police were mooted by ADVIP, such as having someone from the refuge or ADVIP at the Police station for a few hours on the same day of each week to informally chat to the available officers. If a regular day was chosen, over time, all officers would have had an opportunity to be spoken with. Frequently playing a Domestic Violence Police Training video in the main office was also proposed.

Eventually, two very effective joint training sessions with Police and refuge staff were provided by a lawyer from the Community Services branch of the Legal Aid Commission in Western Australia. These sessions were beneficial because they combined Police officers and refuge workers who were able, after some initial differences of opinion, to talk to each other about their respective roles. The Legal Aid solicitor clarified the powers Police have under the legislation, addressing many of the 'myths' perpetuated by Police culture. However, this type of training needs to be undertaken at least every six months given staff turnover and as a 'refresher'.

ADVIP has been extremely lucky in not losing the OiC through transfer, although he has been absent for a few months. His absence was very evident from the perspective of the intervention project. During a recent absence no arrests were made for 'domestic' abuse, although previously there had been a steadily rising number of arrests.

The frequent transfer of Police is both detrimental and positive for intervention projects. It is certainly detrimental to the locality from which a Police officer may move if they have endorsed a pro-active, victim/survivor focused, coordinated approach. However, a transfer is positive for the locality such an officer is transferred to, because, hopefully, they will continue to act pro-actively in DV situations and will encourage their colleagues to also. In this way, Police Officers become agents of change within the broader Police service. However, the 'down side' is that the area they move from may be left without Police support if broad-based support has not been achieved.

There are numerous issues in policing domestic violence that have not been tackled by the Armadale Police. Without action from headquarters in the form of policy development and training, it is unrealistic to expect local Police to be able to effectively address such issues, even where there is the will.

One of the issues is the common Police reason for non-arrest - that they require the victim/survivor to 'press charges' because they can't proceed with a 'hostile witness'. This is not the case and, in fact, it is technically the Police who lay charges after taking complaints and/or collecting sufficient evidence. In fact, a goal of intervention projects is to change Police attitudes from 'attending a domestic' to 'attending a crime scene' and collecting good evidence to enable the case to be prosecuted without having to call the victim/survivor as a witness. Thus it is essential that Police receive ongoing education and monitoring to change this and other practices.

Ill-considered pro-active policing can also result in detriment for victim/survivors. For example, once the Police have evidence of an assault they can proceed with prosecution whether the victim wishes to 'press charges' or not, and Police can call the victim/survivor as a witness even if she is unwilling to testify.

These issues highlight the need for ADVIP to work closely with the Police to ensure the victim/survivor is supported by the Court Support Worker to prevent re-victimisation of the victim/survivor by the criminal justice system.

6.2. Prosecutor

In Western Australia prosecutors are serving Police officers. However, they currently constitute an autonomous unit with their own chain of command, and do not report to the local Station Officer-in-Charge. Despite this, the Officer-in-Charge does have some influence over the prosecutor. Proposed regionalisation of the WA Police Service, with a devolution of power to a Regional Superintendent covering all Police branches eg. Traffic, CIB, General Duties, Prosecution, will be of assistance in requiring prosecutors to cooperate with an intervention project.

Prosecutors currently spend only 6 months in each Police Station that services a District Court House. ADVIP has certainly felt the effects of the turnover of Prosecutors. When a new prosecutor arrives it takes time to establish a new relationship and to 'convince' or 'educate' the prosecutor about the model and its usefulness in assisting to obtain convictions. ADVIP has found that some prosecutors are very happy to work with the

Support Worker, to take a pro-active approach to convictions and to follow the ADVIP procedures. However, some prosecutors have been found to be very uncooperative and antagonistic to the Support Worker.

Until now there has been no incentive for prosecutors to pro-actively prosecute domestic violence cases because often they have a 'hostile' witness when the victim/survivor does not want to give evidence against her abuser. They have considerable discretion in presenting a case and will often drop a case if they do not think they will be successful in obtaining a conviction. Furthermore, the judiciary's response has generally reinforced the attitude that domestic violence cases are trivial. However, with Court Support Workers supporting the victim/survivor and providing the prosecutor with additional information and evidence, there is much more likelihood that prosecution will end with a successful conviction.

The procedure prosecutors should follow is:

1. Check Remanded or Adjourned Briefs to identify cases of domestic violence.
2. Contact the Court Support worker to check if the victim/survivor is being assisted.
3. If the victim/survivor is currently unsupported, provide victim/survivor details to the Court Support worker
4. If/When the victim/survivor is supported, obtain information from the Court Support Worker that will be of use in the prosecution and ascertain if the victim/survivor is willing to testify.
5. Ensure that all Police evidence is on hand
6. Ensure that the investigating and/or arresting officers will be available particularly when the hearing is defended.
7. 'Aggressively' prosecute and seek a conviction, providing the Court with a history of the violence and all available evidence.
8. Only call the victim/survivor to testify if there is insufficient evidence to gain a conviction.

When Police seek a restraining order on the victim/survivor's behalf the prosecutor also has a role to prosecute the restraining order.

6.3 Court

The Manager of the Armadale Court attended ADVIP meetings in the early stages of establishing the project and has demonstrated support for the project to the extent that he has control over the Court offices. However, the Magistrate has sole authority of what happens in 'his' Court, although the Court Manager has some limited influence. After the

first few meetings, the Court Manager did not consider that his attendance at meetings was necessary, particularly given his workload. Given that Court Support Workers have ongoing contact with Court officers, problems can be attended to on a one to one basis.

The following inter-agency agreement was negotiated with the Court Manager.

**Agreement Between
Armada Domestic Violence Intervention Project
And
Armada Court Office**

1. A private room is available for use by victim/survivors and their Support Workers.
2. Information regarding Court listings will be given to ADVIP Support Workers.
3. Information regarding Court results, bail details, adjournments and any other matters relevant to perpetrator will be given to ADVIP Support Workers and victim/survivors.
4. Domestic violence hearings, including restraining orders, will be given priority, where possible.
5. If possible, domestic violence cases will be listed first each day.
6. When a person seeks information or assistance from Court staff who identifies as, or is thought to be, a victim/survivor of domestic violence, staff will ask the victim/survivor if she would like the immediate assistance of an advocate/support worker to assist with the process of gaining a restraining order and with their partner's appearance in Court if charged by Police.
7. If the victim/survivor wishes, the Support Worker will be called to attend within 15-30 minutes. (This procedure will be evaluated after 3 months). If the victim/survivor would like to talk to Support Worker on the phone first, where possible, Court staff will provide a phone with privacy.
8. If the victim/survivor does not want assistance of the Support Worker, Court staff will give the victim/survivor the ADVIP brochure for future reference.
9. If information is requested about domestic violence generally and/or domestic violence counselling the person will be referred by Court staff to ADVIP.

6.4. Magistrate

In Western Australia, Local and Petty Session Courts are presided over by Magistrates and, as in any Court, they have autonomous authority. The Chief Magistrate cannot require Magistrates to conduct their Court in any particular way. However, on 30 June, 1994 the Chief Justice of Western Australia, Mr. David Malcolm, released the report of his Taskforce on Gender Bias which in numerous recommendations advocated for the adoption of the major aspects of a pro-victim/survivor response to domestic violence by the criminal justice system, specifically stating that the Armadale model (as it has become known, to distinguish it from the Duluth model) should be instituted across the State (Chief Justice's Taskforce 1994).

The Acting Coordinator and Researcher from ADVIP met with the Armadale Court Magistrate and discussed the following issues:

- Role and function of victim/survivor Support Workers in Court, eg. supporting applicants for restraining orders.
- Monitoring the Court process and outcomes for the perpetrator.
- Information relevant for Court eg.. history of abusive behavior.
- Ordering of perpetrators to attend a domestic violence rehabilitation program.

The Magistrate indicated some familiarity with the Duluth model and at his request was provided with a copy of the DAIP "Guide for Policy Development". He indicated guarded support for the model but was not prepared to take as pro-active a victim/survivor-focused response as called for in the DAIP model. He indicated he would continue to require victim/survivors to give evidence and to personally apply and appear for restraining orders and that there had to be 'good grounds' on which to base an order.

Over time, the Magistrate has shown some acceptance of Court Support Workers providing support for victim/survivors in his Court, although to date he has not indicated that Support Workers can approach the bench and speak on behalf of the victim/survivor.

In terms of organisation, much could still be done to improve the situation for victim/survivors seeking protection through the Court. Ideally, ex-parte restraining order applications should be heard in closed Court, at the beginning of each day's session. It is a terrifying ordeal for victim/survivors who have just been abused to have to wait around in a crowded Court for a long time, possibly with children in tow, before their application is heard. In addition, domestic violence criminal cases could be scheduled to be heard immediately following restraining orders.

6.5. Community Corrections

The Manager of Community Corrections, Maddington, has supported the project from its inception. In the early stages he attended meetings along with one of his Community Corrections Officers (CCO). As the committee and the project consolidated, the manager withdrew from active participation in meetings but was consulted about development of policies and procedures. For considerable time, the monthly committee meetings have been held at the Maddington Community Corrections Centre.

CIPs provide many incentives to Community Corrections to participate. CCOs first become involved when a case is heard in Court. They are often asked by Magistrates to provide verbal or written pre-sentence reports, in which case the CCO will interview both the offender and the victim/survivor to obtain information on the background to the offence, history of abuse, the victim/survivor's level of fear and the dangerousness of abuser, the situation of the offender, etc. If the offender is placed on a community supervision order, Community Corrections are then responsible for developing a supervision management plan for the offender. Being able to mandate offenders to attend abuser groups is viewed by Community Corrections as a very positive method of addressing the offending behavior.

An agreement between ADVIP and Maddington Community Corrections was developed over some months, with the final policy agreed in June, 1994. As with other government agencies, there was sensitivity about the department's formal relationship with ADVIP being documented, particularly with respect to protocols and their wording. Protocols had to conform to internal Community Corrections policy and procedures. This required some discussion by the Manager with senior management in the Ministry of Justice.

More recently one CCO has been designated the domestic violence worker. She now assesses all domestic violence offenders for suitability for abuser groups, interviewing them and their victim/survivors for a history of the violence and abuser dangerousness, and level of victim/survivor's fear. She also monitors their attendance, liaising with the Victim/survivor and Abuser program coordinators.

One of the conditions of being placed on a Community Supervision Order is the signing of a contract accepting conditions for attendance at the abuser, including that the offender will not be physically violent. The coordinators of the Abuser and Victim/survivor programs are to report to the CCO any abuse that is revealed while the offender is attending the program. One area that potentially makes getting the abuser back into court when there have been breaches of orders difficult is Community Corrections practice that breaches are assessed by the Manager of Maddington Community Corrections and at his discretion may result in the offender being brought back to the Court.

The Ministry of Justice has established a Victim-Offender Mediation Unit (VMU) which mediates or monitors any contact between offenders and their victim/survivors. This unit was established to protect victim/survivors from unwanted contact by the offender and to negotiate conditions of any contact desired by the victim. CCOs must refer cases to the

VMU as soon as they are aware of any potential contact by an offender with a victim/survivor on Supervision order or parole, even if the offender is living with his victim/survivor. The VMU will then check with the victim/survivor if she wants contact and on what basis. If contact is wanted, the terms will then be negotiated by VMU with the offender. Where there is a Family Court Order the VMU endorses that order, although if the terms of the order are vague the VMU will assist with developing specific agreements as to days, time and place of contact. In cases where a RO is in place, the VMU will be made aware of the case but will not act unless the order is lifted.

The VMU has found that few offenders breach contact agreements when they have been involved in the negotiation process which is undertaken by a 'neutral' party. However, CCOs may be perceived as not neutral in that they are the offender's case officer which may lead to a conflict of interest in such negotiations. CCOs may have contact with victim/survivor(s) in making assessment for placing the offender on treatment programs. Breaches of agreements by those on parole are referred to the parole board for further, if any action. Offenders on a Community Supervision Order may be given, if necessary, a 'lawful instruction' to abide by the terms of agreement. Offenders who break agreements are liable for breach of their order. Again, officers have considerable discretion about whether they initiate any sanctions for breaches.

The final set of guiding principles was negotiated between ADVIP, Maddington CCC and the VMU to ensure that no duplication of services occurs. Negotiations with Community Corrections to develop a set of protocols involved approval from the relevant Director located in the Ministry of Justice. Thus the final agreement is couched in more conditional and formal terms than originally proposed with the frame of reference shifting from the safety of victim/survivors to protection of the department's interests.

Statement Of Principles Of Co-Operation

Maddington Community Corrections Centre and Armada Domestic Violence Intervention Project

The following is a statement of principles of co-operation between the Maddington Community Corrections Centre and the Armada Domestic Violence Intervention Project known as ADVIP.

The goals of ADVIP are the safety of victim/survivors and their children, that perpetrators of domestic violence are held responsible for their violence and that domestic violence is placed in a criminal context.

In recognising their important contribution to the goals of ADVIP, Maddington Community Corrections Centre will have the following in place to deal effectively with offenders:-

General:

Be supportive of the ADVIP principles of intervention and co-operate with workers from participating organisations.

Give priority to ensuring the safety of victim/survivors and children by providing assistance where possible.

Provide information to victim/survivors regarding ADVIP.

The Manager, Maddington Community Corrections Centre or nominated officer will attend a monthly meeting with other participating organisations for the purpose of discussing and resolving any difficulties encountered.

Advice:

- All Pre-Sentence Reports for domestic violence offenders will provide an account of the history and nature of abuse, and the effects and ramifications of that abuse on the victim/survivor. Information regarding the assault will be sought from various sources including arresting Police officer(s) and ADVIP/Victim Support.

Additionally, Community Corrections Offices will:

- check if serious assaults, not identified as domestic, involve partner
- assess if the offender is suitable for community supervision and abuser program and recommend accordingly.

refer case details to the Victim-Offender Mediation Unit (VMU) should the offender be placed on a supervision order or in prison.

Supervision:

Frequency of supervision will be determined by Community Corrections according to individual case.

A release of information form will be signed by the offender at the outset of the program. This will allow discussions concerning the offender to take place between Community Corrections Officers and ADVIP.

Attendance in the offender program will be monitored by the supervising Community Corrections Officer and if problems arise, such as non-attendance or attitudinal problems, appropriate action will be taken.

Non-attendance at the program will be reported to the Community Corrections Officer by ADVIP as soon as possible. The Community Corrections Officer will give a warning for first non-attendance.

The Manager will be notified of further non-attendances and action will follow in the form of a disciplinary interview or breach. This will be left to the discretion of the Manager who will view each case individually.

The offender is to provide a medical certificate if non-attendance is due to illness. Discretion will be used by the Community Corrections Officer to permit absences for other reasons.

Concerns or information relating to the conditions of supervision will be reported by ADVIP to the Community Corrections Officer.

Concerns or information relating to the safety of victim/survivors will be reported by ADVIP to the Community Corrections Officer who will in turn refer the matter immediately to the VMU for further investigation/action.

Victim/survivors who report alleged assaults by an offender on a Supervision Order to the Community Corrections Officer will be supported and referred to ADVIP and the VMU.

A written report will be submitted to the Community Corrections officer by ADVIP regarding the offender's removal from the program.

A written report will be submitted to the Community Corrections Officer by ADVIP upon the offender's completion of the program.

Development:

Development will be provided to the offender by way of referral to the program.

Training:

ADVIP will provide training to Community Corrections staff about the project and assessment/identification of perpetrators.

Confidentiality:

ADVIP must not speak or purport to speak on behalf of the Maddington Community Corrections Centre or the Ministry of Justice.

Both parties agree that neither party will disclose or provide any information to any other party, and further shall comply with the requirements of Section 51 of the Offenders Community Corrections Act 1963 in respect of any information received in the course of carrying out their respective responsibilities.

Termination:

Either party may give one week's notice either verbally or in writing to the other party of its intention to terminate these principles of co-operation.

CHAPTER 7

7. HEALTH SERVICES

Initial representation of health services was undertaken by a social worker from the local Community Health Service. After a short time she convinced a hospital representative from the nursing management team to take her place, arguing that in the short term it was more important to involve the hospital in the development of the CIP.

7.1. Hospital

Inclusion of the hospital as one of the 'core agencies' of the intervention project is an ADVIP innovation. As one of the principal, and often the only, source of help sought by victim/survivors, it was considered that the hospital was a key agency to offer the victim/survivor support and advocacy. The local hospital emergency department is probably the source of more crisis referrals than local GPs as many women seek emergency medical treatment as their first contact with the social service system. Many women who attend the hospital emergency department for treatment for injuries sustained as a result of abuse by their partner, have not sought involvement of the Police. Furthermore, most victim/survivors treated in hospital Emergency departments are not provided any crisis intervention by staff in Emergency Departments who claim to be too busy or by social workers, who are generally not available at nights and weekends when most assaults occur. Victim/survivors usually leave the Emergency Department unprotected, often with no safe place to go and no choice but to return home to their abuser.

Having a person from the Hospital involved in the project has resulted in a heightened awareness of wife abuse and the project within the hospital, particularly among the nursing staff who now see the ADVIP representative as a resource who can give advice regarding appropriate actions and services. Nurses now generally present options and support women to make choices about their safety. Although previously aware of the problem, nursing staff have now asked for development of policy and protocols because they would like to institutionalise systematic responses.

The key hospital policy making committee is the Management Team, comprising heads of departments. Although the refuge coordinator and offender program coordinator met with this group, the Management Team had reservations about being involved in the project.

A forum was organised by the ADVIP nursing representative to which all health professionals were invited. A number of people at this meeting expressed reservations about gaining releases of information and the victim/survivors subsequent right to withdraw her consent if she so wished. The Police representative addressed these concerns by pointing out that once the Police had evidence of an assault they could proceed with prosecution whether the victim wished to 'press charges' or not, and Police could call the victim/survivor as a witness even if she was unwilling to testify.

Despite concerns, a patient consent form for 'release of information' was negotiated between the hospital and the Police which will allow Police to obtain medical records to provide evidence of an assault, facilitating arrest and successful prosecution of the abuser.

A number of issues emerged relevant to the Hospital participating in a CIP.

1. In any hospital the prime responsibility for patient care lies with doctors. Any ancillary health or welfare service is secondary and is controlled by and answerable to the responsible doctor. The doctor has the final say on which services each individual patient will receive. Thus, if a doctor does not agree to his patient being supported by a crisis Support Worker (if she is treated in emergency and not admitted) or follow-up Support Worker (in the case of an admitted patient) the patient cannot be seen.
2. The role of the hospital committee is important as that is the policy making body. Most doctors will comply with hospital policy, although they still have the right to override hospital policy in treating their patient.
3. Because of the hierarchy of power in hospitals, they are particularly difficult organisations to introduce changes in policies and practices if they do not have support of the doctors. Despite the power of doctors, most of the changes that have occurred in hospital practice in recent times have been initiated by administrators.
4. The hospital departments and personnel most crucial to the functioning of an intervention project are emergency, social work, nurse education, clinical nurse supervisors and doctors.

7.2. Community Health Services

Nurses and Social Workers in Community and Child Health are ideally placed to identify cases of wife abuse and to link victim/survivors into ADVIP. ADVIP was fortunate in having the participation of the Community Health Social Worker in the early stages. However, one of the tasks still to be undertaken by ADVIP is to engage Community and Child Health workers providing training, information and brochures regarding the various services under the umbrella of ADVIP to which they can refer victim/survivors and abusers.

7.3. General Practitioners

For many victim/survivors, the first assistance they seek is from a local General Practitioner (GP). Thus it is important to inform local doctors of an intervention project in their area. Because of the confidential nature of the doctor/patient relationship it is difficult to obtain agreement from doctors to release information. However, doctors can be encouraged to inform patients of the support and services offered by the project and to give them the relevant brochures on victim/survivor support services, (including the crisis line number) and offender programs. Doctors can also be encouraged to request a 'release of information' be signed by their abused patient.

ADVIP has plans to make contact with GPs, and to hopefully recruit one to the Committee.

It is also necessary to train GPs on the nature of wife abuse and means to identification. Just as with any other occupational group there will be some doctors who will welcome the information and will support the project, whilst it will be more difficult to gain the support of others. Doctors are members of the Division of GPs for their geographic region. One of the functions of GP Divisions is to provide professional education and to hold meetings on issues relevant to their region. This is a convenient means of addressing local GPs.

CHAPTER 8

8. ADVIP VICTIM/SURVIVOR SUPPORT SERVICES

8.1. The changing role of Starick House women's refuge

Starick House prides itself on being one of the more innovative women's refuges in Western Australia. Starick workers have long had a philosophy of outreach. They undertake community education and support women in the community who are still living with abusive partners, in addition to providing 10-week support/counselling groups for women and a children's program. As a result of participating in ADVIP, Starick has developed four new services for victim/survivors in the community.

1. crisis support at the time of the incident
2. follow-up support and outreach systems advocacy (eg. Homeswest, DSS, DCD, etc.)
3. Court support and advocacy
4. victim/survivor and children's counselling groups

In becoming a member of this inter-agency initiative, a number of issues have arisen for Starick.

1. It has lost some support from 'sister' refuges who have not supported refuge involvement in inter-agency projects because of concerns regarding the effect on women of the criminal justice system and abuser programs. This was particularly regrettable at the point in time when cohesion by the refuge movement was essential in the face of a lack of government support for the WRG and cuts to SAAP funding.
2. There was considerable debate and tension among Starick workers regarding the relative benefits and costs of the intervention project both for themselves as workers and for victim/survivors. It took a full year with a number of 'worker retreats', explaining the model and discussing issues raised, to get support for the project from all workers.
3. Starick discovered that each of the positions requires worker specialisation because of the complexity of issues requiring specialised knowledge. The refuge had previously operated on the basis that all workers should be generalists in line with a feminist way of working which attempts to share knowledge and skills and limit power arising from specialist knowledge and hierarchy.
4. The workload of the refuge has dramatically increased with the development of additional services without additional funding. However, Starick staff reasoned that in order to obtain funding it was important to demonstrate the effectiveness of the new services. Workers undertaking the 'new' specialist positions have agreed to work the

extra time necessary to cope with the workload as 'volunteers'. However, there is a fear that this extra workload will become expected by the funding body as a part of productivity gains, without extra funding.

5. In order to undertake unfunded services Starick had to wrestle with the philosophical dilemma of utilising volunteers. To the extent that workers put in additional unpaid time they are volunteering. As has long been the policy of refuges, Starick does not endorse utilising volunteers. However, for some time they have provided women with work experience and field education for TAFE Welfare Studies students and University Social Work students. Starick has subsequently developed a training program that provides unpaid workplace-based training for women wanting to develop skills in refuge work to enable them to obtain paid employment.
6. A previous Aboriginal worker was not supportive of the project at all, fearing a criminal justice response would result in worse outcomes for her people. The worker eventually left the refuge because of this conflict. The new Aboriginal worker is supportive on the condition that there are parallel programs for Aboriginal women, men, children and families, in addition to education programs in the Aboriginal community.

8.2. Protocols for Starick Advocacy & Support Services

After considerable discussion among refuge workers and negotiation with Police the following principles and protocols under which Starick provides victim/survivor support and advocacy were adopted:

1. The primary role is to assist the safety of women and children and to provide them with support and advocacy. Safety plans are an important means of assisting women escape abuse and it is the responsibility of every worker who has contact with a victim/survivor to develop a safety plan with the victim/survivor for herself and her children.
2. Worker safety is a priority and should not be compromised.
3. The on-call crisis Support Worker receives calls from Police when a perpetrator has been arrested, detailing name and address of victim/survivor(s), perpetrator(s), numbers of children involved and whether the victim/survivor will be at the residence, the hospital or some other location.
4. Crisis Support Workers are to attend all incidents where the abuser has been arrested. If the victim/survivor does not want to see the Support Worker, she will leave. (This practice will be reviewed after 6 months for the purpose of assessing whether the practice of attending all incidents, even where the victim/survivor initially says to Police she does not want to see an Support Worker, facilitates the victim/survivor accepting the assistance of a crisis Support Worker.)
5. The crisis Support Worker must leave a residence after a maximum of 45 minutes (the minimum time to process bail at the Police station is 30 minutes). This time limit can be extended if the Police advise that bail is being denied the abuser is being held in custody..
6. The crisis Support Worker provides emotional and practical support, immediate safety issues for herself and children, and provides information to the victim/survivor about the legal process and applications for ROs and informs the victim/survivor of the follow-up service the next day to assist with legal and other matters.
7. The crisis Support Worker must fill out Form 1: Initial Call-out Form and Victim/survivor Statement (Appendix Two) while with the victim/survivor. Forms are to be at Starick by 9 am the next day following the call-out.
8. Once Police leave, the crisis Support Worker's role is:
 - a) if the victim/survivor is not at home (eg. at hospital) the Support Worker should check that she feels safe to return to the family home. If so, the Support Worker escorts her home. For safety they should stop the car in the direction that leads to another road, two doors before the house. Once the victim/survivor is in the house she signals that she is safe - at night by flicking front light twice, in the day by going clearly

- outside the front door and waving. If this is not done within 2 minutes the Support Worker calls the Police.
- b) if the victim/survivor does not feel safe to remain or return home, the Support Worker admits her to the local refuge if there is a vacancy. If there is no vacancy the Support Worker calls crisis care for accommodation and a taxi. If the woman nominates another local safe place the Support Worker will escort or assist the woman to contact family or friends to collect her.
9. Next morning, the Support Worker will obtain information from Police concerning specific conditions of bail, charges, date of Court appearance and any other relevant information to be passed on to the victim/survivor.
 10. Follow-up contact will be made by phone the next day. Follow-up of any incidents occurring on Saturdays will not be made until Monday.
 11. The Support Worker is to provide the victim/survivor with information concerning the abuser, such as bail conditions, charges, the listed hearing date, and any information the victim/survivor requests regarding the process, as well advice concerning financial, legal, medical, housing, issues, emotional counselling and encouragement to attend the women's support groups.
 12. Where possible, outreach for an Aboriginal victim/survivor will be by an Aboriginal advocacy worker. The Aboriginal worker will be given choice of attending and the Aboriginal victim/survivor will be given a choice of Aboriginal worker(s) or a non-Aboriginal one.
 13. Support and advocacy will be provided to the victim/survivor throughout her involvement in the legal process. Victims will be assisted with restraining order applications and hearings.
 14. If the abuser pleads not guilty and the woman is required to attend criminal Court as a witness, support will be given to her throughout the process, including preparation of her statement and familiarising her with Court layout and proceedings.
 15. When there has been no restraining order because an abuser has had conditions of bail that prohibited contact with the victim, and the matter is finally dealt with but the woman fears for her safety, the Support Worker will request the prosecutor to apply for a restraining order on her behalf to the magistrate at the time of the hearing in order to have continuous protection.
 16. Victim/survivors will be encouraged to contact Starick House or outreach advocacy workers should they at any time have need for further support or information.
 17. Support and advocacy will be provided to any victim/survivor on request, either direct or via any agency, eg. Court, Police, Hospital, DCD, Community Health, etc.

18. When funding becomes available, outreach/follow-up and Court advocacy will be undertaken by ADVIP.
19. Support Workers will report to ADVIP all actions undertaken by workers from other agencies which are considered to have a negative consequence for victim/survivor(s) and children.

8.3. Victim/Survivor Crisis support - issues of safety

Crisis support is a key innovation of intervention projects. Nowhere in Australia is support known to be provided to victim/survivors of wife abuse immediately following the incident, except by the unique Canberra Domestic Violence Crisis Service (DVCS).

The safety of crisis Support Workers has been another issue of considerable concern to refuge workers which has delayed their endorsement of the project. Despite having visited the Canberra DVCS and having discussed with them the concerns of the refuge workers and learnt of their procedures, the coordinator of Starick House had considerable difficulty negotiating a satisfactory agreement with Police and refuge workers.

The concerns of the refuge workers were that the abuser could harm them and/or the victim/survivor if he remained at the house or had time to return while they were there. The workers wanted Police to be in attendance when they attended a 'crisis' call. However, the OiC of Armadale Police declared he did not have the staff, particularly over night shift, to agree to this. This put the crisis support workers in the position of only being able to agree to attend an incident if the abuser had been arrested. Negotiations continued with the Police for a guaranteed minimum time period of two hours for the processing of charges and bail conditions before the offender would be released. Again, the OiC of Police could not agree because, according to him, the present Bail Act required that offenders be processed and released on bail as quickly as possible. In addition, the low staffing level on the night shift means that Police must quickly process offenders so that they are available to attend other calls as soon as required. However, a compromise solution was arrived at with Police phoning the crisis worker at the incident before releasing the offender. A mobile phone was provided for the crisis Support Workers.

The actual procedures taken by the crisis Support Workers are detailed above under Starick Protocols

Copies of the Information Forms completed by the crisis workers, ADVIP Call-out - Form 1 and Victim/survivor Incident Report - Form 2, are included as Appendices. A Victim/survivor Impact statement is also taken, generally at follow-up because of the tight time-frame during crisis support, for use in Court or to provide information to the prosecutor.

8.4. Victim/Survivor Court Support

Court advocacy and support is the crux of any intervention project. It is key to providing support and advocacy to the victim/survivor in her contact with the justice system, to the monitoring of the criminal justice system and tracking the abuser through the subsequent system, i.e. Police, Court and corrections. Frequently victim/survivors are 'picked up' by the intervention project when they appear at Court for restraining orders because they may not have had contact with any agency prior to this, or because an agency in the intervention 'system' has failed to link her to the Support Workers.

Case Description

A woman appeared before the magistrate with an application for a restraining order (RO) providing only minimal evidence. The magistrate did not issue the interim RO that she requested, issuing instead a summons, with the matter to be heard in 4 weeks because the woman had not indicated any urgency or extenuating circumstances.

The woman had not been referred to the legal Support Worker who happened to observe her later outside the Court. As a survivor herself, the Support Worker recognised something about the affect of the woman that alerted her to speak to her about the outcome of application. The woman advised the Support Worker she urgently needed an interim restraining order against her husband so that she could have her children returned to her by DCD (the child protection agency).

The family had only been in Western Australia for four months and in that time the local Police had attended the home a number of times because of domestic violence. Recently there had been a very serious incident in which the husband had held the children hostage although he did not physically harm them. The husband had been charged, but the outcome was that because of his serious drinking problem he was remanded for one week for psychiatric assessment and then released. The case never went to Court.

The woman suffered serious psychological trauma as a result of this incident with the children (and from 7 years of chronic abuse) but no-one had apparently referred her to counselling. The Ministry of Justice Victim Support Service (VSS) did not appear to have been informed and/or to have offered counselling. (The VSS usually only offer support to victim/survivors who contact them following Police suggestion or if there has been a serious crime).

The violence had manifested again recently and the Police had encouraged the woman to place the children into temporary care because of fear that they may be harmed. Subsequent to the children being placed in care the husband was again taken into custody to be psychiatrically assessed after having been violent yet again.

Because her husband was out of the home the woman went to DCD to arrange for return of the children. However, she was informed by the child protection worker that the children would not be returned to her unless she obtained a RO. She had not been previously informed of this. (One may wonder what effect a restraining order would have,

given his level of violence and suspected psychiatric problems. Furthermore, as it was the children the worker was concerned about perhaps the worker should have obtained a restraining order prevent him having contact with the children.) No assistance was offered by the child protection worker to assist the woman obtain the RO or attend Court with her to provide support.

The reason the woman had given only minimal evidence to the Magistrate and did not indicate urgency for the interim RO was because the years of emotional and social abuse had left her unable to present her needs or Support Worker for herself. She had no awareness that she could have affected the outcome of the hearing by presenting all the facts to the magistrate.

On learning of the situation, the Support Worker went with the woman to the child protection worker who, with the woman's permission, provided the Support Worker with details of the situation. The Support Worker then went to the Court manager requesting a re-hearing that same day and seeking permission from the magistrate to speak on the woman's behalf (the woman indicated she felt unable to speak for herself and wanted the Support Worker to speak for her).

The magistrate agreed to re-hear the application and with the information provided by the Support Worker granted an interim restraining order. The woman's children were returned that day.

This case graphically illustrates the need for victim/survivor Support Workers to negotiate both the criminal justice and other systems with the victim/survivor. Victim/survivors often remark they have to do all the work in order to have their interests considered. They have to lay complaints many times because Police do not take their statements or fail to collect adequate evidence. Survivors are forced to represent their needs to a range of agencies to obtain what they need. Very often, the effects of the abuse including feelings of despair and worthlessness, prevent victim/survivors adequately presenting evidence to support their requests. Because of this they don't obtain what they need or are entitled to.

Another recent case illustrates the benefits of inter-agency assistance provided by Court support workers. The magistrate had requested the forensic photographs, a victim/survivor impact statement and medical records for a re-hearing. On the day of the hearing the Support Worker checked to see if the prosecutor (whose responsibility it was) had obtained what the magistrate requested. The prosecutor had not. Luckily the Support Worker had copies and provided them to the prosecutor, who proceeded to pass them to the magistrate (without acknowledging where he had obtained them).

Victim/Survivor Court Support

Like other victim/survivor support positions, this position should be filled by a woman because of the extensive contact she has with victim/survivors who are generally in a very vulnerable state immediately following an incident and when negotiating the justice system. The position is that of a para-legal worker. Although the person does not need a degree in law, selection criteria include the following:

- experience and/or training in para-legal work with a good understanding of legal process and criminal and civil law relevant to domestic violence
- be committed to the Principles of Intervention
- be empathetic and respectful of a victim/survivor's situation and her right to make her own decisions.
- be a diligent worker who is highly organised with good time management and be able to work under pressure.
- be able to maintain harmonious working relationships in situations of conflict, particularly with the criminal justice and child protection systems.

The tasks of the Court support worker are as follows:

- Liaise with all victim/survivors whose partners have been arrested providing them with information about the charges laid, bail conditions, dates of Court appearances, etc.
- Provide victim/survivors (individually and/or in groups) with information regarding civil protection and assist victim/survivors obtain restraining orders.
- Provide information to the victim/survivor about the legal system as it relates to herself and her abuser.
- Assist victim/survivors with family Court matters where appropriate.
- Refer victim/survivors for legal advice where necessary.
- Attend Court, monitor and record proceedings for each case, including the determinations and recommendations of the Prosecutor, Magistrate and CCOs.
- Keep victim/survivors informed of all developments in the justice system, related to themselves and their abuser, as they occur.
- Assist victim/survivors to prepare for Court appearances.
- Obtain from the victim/survivor information about offender's history and frequency of abuse and any other information to assist Police, magistrate and CCOs to respond appropriately.
- Develop files on all cases as they come into the project, keep accurate records and provide relevant information for data entry as it comes to hand.
- Be aware that all files may be subpoenaed as evidence, only recording factual information that is of assistance to the victim/survivor.

8.5. Victim/Survivor Outreach/System advocacy

Because the Court support position is usually such a demanding one, the worker at a city or metropolitan Court is not likely to have the time to assist the woman with outreach support including system advocacy (such as housing, child protection, emergency financial assistance, income support, etc.) beyond the criminal justice system. Therefore, there needs to be another designated worker to undertake this form of assistance.

Victim/survivor outreach services are essential and are a priority. Many woman have no option but to return to their abuser because they haven't received adequate support or advocacy to obtain what they need to provide for themselves and their children independently, or to prevent further violence against them. Abusers are often further emboldened when they see the system ensuring that the victim/survivor returns because the victim/survivor was not believed or was not offered support. Abuser re-education programs will not be effective if abusers see that victim/survivors rights to live violence-free lives are not supported by the system and the community, and victim/survivors are condemned to return to the abuse. There should be no abuser programs without corresponding effective victim/survivor advocacy and support services.

To date, adequate victim/survivor support services have not been provided. The only service available to victim/survivors of family violence has been refuge which deals with homelessness brought about by having to flee from the violence. Support and advocacy services have only been available to residents of refuges in order to assist women to leave the emergency accommodation to make space for a new victim/survivor. The vast majority of victim/survivors who have remained in the community have been provided none of the essential services to assist them to both protect themselves and their children and to live violence-free lives. In fact, they have had to either learn ways to minimise the violence in their intimate relationships or, when they have had the courage to seek the assistance and services they require they have been victimised both in their intimate relationships and by the agencies from whom they seek assistance.

8.6. Survivor Counselling

Personal support and counselling serves a valuable function in providing personal support, increasing the safety of women and providing education about the nature of wife abuse. Group counselling is the preferred modality because it assists women to overcome their sense of isolation and private shame and allows them to see that their experience is not unique but represents a pattern in many marriages. However, some women are fearful of being in a group, preferring one-to-one counselling until they feel ready to participate in a group.

Traditional counselling with victim/survivors focuses on exploring the woman's dependency and masochistic needs and her behaviors which encouraged the violence (James and McIntyre 1986). In response, critics of counselling for victim/survivors argued that, because violence in the home sprang from socially sanctioned male control of women,

not an intra-psychic problem of either the perpetrator or the victim/survivor, it was inappropriate to offer therapy or counselling to victim/survivors.

However, therapy or counselling does not have to be, by definition, oppressive. The assumptions underlying the intervention are what make it oppressive or liberating. Counselling can be a powerful educative force (Fook 1990) in a manner similar to 'education for critical consciousness' (Freire 1972). To deny women the opportunity to explore their "psychological" reactions and justifications for tolerating violence is itself oppressive to women. Feminist counselling is a process which enables the challenging of personally held social myths, such as 'a woman's role' and leads to personal change. Counselling for victim/survivors should also educate about the tactics of abuse, emphasising safety and providing information regarding legal avenues such as restraining orders and laying charges, availability of refuges, sympathetic doctors, lawyers, etc.

As Tolman & Bennett (1990) and many others have argued, programs for victim/survivors are also valuable because, to the extent that they "...empower women to take Court action, to separate, or otherwise take action in their relationships, they may help stop men's violent behavior" and assist women to make the choice to lead violence-free lives.

Women's counselling/support groups follow a well defined philosophical framework and most 'off-the-shelf' programs available contain very similar content and exercises. The Starick House program was adapted from a number of such published programs including DAIP and a Canadian program developed and written by (Sinclair 1985).

There is a clear message that abuse is not something that needs to be tolerated and that the woman is not to blame. Nor is it the fault of the woman if her partner is dealt with by the criminal justice system. The primary purpose of the group is to support women to take steps to ensure that they will no longer be victim/survivors of their partner's abuse.

The women's support group can be described as a combination of problem solving and education, as well as emotional support. Safety plans are developed by each participant. The group consists of 10 two-hour sessions. These sessions are open to the third week, but then the group becomes closed. The group members are encouraged to respect each others choices and keep confidential all that is said in the group.

In the first session personal and group goals are discussed. Group goals are those of the program and facilitators, and personal goals are those of each woman. Group goals include:

- developing strategies to increase safety
- empowering women
- validating the personal experiences of each individual woman in the group
- showing women that they are not alone
- educating women about the power and control aspects of wife abuse and the tactics that perpetrators use to control and intimidate them.
- exploring the range of tactics of abuse including threats, intimidation, emotional, isolation, economic, physical, mind games and use of male privilege.
- educating women of their rights under the law eg. restraining orders.

- supporting women in their right to feel angry about the abuse and their desire to have it stop
- maximising women's and children's support by providing information and knowledge of resources available to them. This is given by both the facilitator and the group itself supporting and educating each other.
- supporting the realisation that the violence is not their fault, and that the abuser must be held responsible for his own actions.
- rebuilding confidence and self-esteem
- enabling women to re-establish the role of capable, caring mother with their children where a victim/survivor's parenting has been affected by the experience of abuse.

Getting the woman to leave the relationship is not the purpose of the group. The woman always has the right to choose what she considers are her own best interests. If a woman decides to stay in a relationship, then this choice is respected. The important decision is to act self-protectively, which means not accepting any more abuse.

Topics included are:

- safety
- fear and anger
- legal/Police issues
- characteristics of abusers and tactics of abuse
- the impact of violence on children
- alcohol and violence
- rebuilding your own life

As a rule, women who are being treated for mental illness or who are drug or alcohol dependent would not be screened out of the group (unlike offender groups) unless their behavior was such that it disrupted the group. Women are often treated for mental illness when they are experiencing abuse by their partner, rather than the abuse itself being identified and dealt with. Similarly, alcohol or drug abuse by some victim/survivors of violence is often a means of coping with (or switching off from) the violence.

Two sets of skills are necessary for facilitators of victim/survivor groups:

1. communication/counselling and group dynamics
2. a sound 'gender/power analysis' of the complexity of the issues of power and control, the effects of abuse on victim/survivors, knowledge of ways to empower women and how to create a safe environment.

The videos currently used in both the ADVIP women's and abusers' programs were developed by DAIP and the American accents and ethnic groups are inappropriate for Australia. Participants in both programs frequently commented that the videos were 'off-putting'. The video scenarios are a key aspect of the programs and having an inappropriate video reduces their effectiveness. Thus, there is an urgent national need for culturally appropriate videos for use in both victim/survivor and abuser programs, and for separate culturally-appropriate videos for Aboriginal victim/survivors and abusers.

CHAPTER 9

9. ADVIP ABUSER PROGRAM

The ADVIP Abuser Program began operating with 'voluntary' attendees and without funding except for the fees paid by the abusers. The coordinator of the abuser program had previous experience running groups based on the Duluth Abuser program curriculum.

Eventually the ADVIP Abuser Program obtained financial support from Anglicare (Anglican Health and Welfare Services Inc.) as part of its newly created domestic violence service. Despite having no experience in the domestic violence field and not having solicited funding, the Minister for Community Development unilaterally provided Anglicare with funding to establish a domestic violence program. Anglicare approached DVAGWA and ADVIP to train them to provide abuser groups. The ADVIP abuser program coordinator was paid to run the group and training for Anglicare workers consisted of learning on the job through co-facilitation. The relationship is a good example of how intervention projects can draw on the resources of other agencies.

A copy of the Contract for Participation which abusers attending group must sign is attached as Appendix Three.

Negotiations were successfully conducted with Maddington Community Corrections to provide payment for abusers mandated to attend. The Abuser program has a very close ongoing relationship with Community Corrections. As CCOs will be making assessments regarding the suitability of abusers to participate in the groups, training has been provided by the ADVIP Abuser Program Coordinator. Protocols have been developed between Maddington Community Corrections and the Abuser Program for exchange of information. The manager of Maddington Community Corrections also gave approval for the domestic violence CCO to participate in training and facilitate an abuser group as part of her workload. However, recently Ministry of Justice have decreed that CCOs should not directly facilitate abuser programs, preferring that services be contracted out.

9.1. Standards for Abuser Programs

To assist victim/survivor safety, minimum acceptable standards and guidelines for the content of abuser programs and training of facilitators need to be established and enforced. The state has a key role in ensuring compliance through funding guidelines. The Queensland Government Domestic Violence Council commissioned a report on practise standards for perpetrator programs which provides such guidelines (Devlin 1994).

DVAGWA spent considerable time drawing up a comprehensive document on Standards for Abuser Programs which details Principles, Definition of Domestic Violence, Ethical Standards, skills and training of Facilitators and agencies, Program content, Intake standards, Contact with Victim/survivor, Accountability and Confidentiality issues (Domestic Violence Action Groups of W.A. (Inc) 1994). It is hoped that these will be adopted by the WA Government.

The content of the Standards include:

- the key principle of victim safety
- The process of induction
- The contract that must be signed by the abuser
- The links between offender programs and victim/survivor support
- The length and content of abuser programs
- The skills and training of facilitators

Because the ADVIP Abuser Program has endorsed these standards they are provided as Appendix Four.

9.2. Autonomy and extent of programs for men

In the very early stage of ADVIP, a religious-based welfare organisation with some existing housing and support programs in the locality had been invited to join the committee by another committee member. This agency was very interested in developing a range of programs for men beyond providing offender education groups. They wanted to be considered the 'lead' or coordinating agency in relation to men's programs, obtaining their own funding independent of ADVIP rather than through ADVIP. They argued for parity with the refuge in terms of independence and ownership of programs, failing to recognise that the refuge was providing unfunded services and that funding for victim/survivor services when available would go to ADVIP, not the refuge.

This issue dominated debate at a number of meetings. A number of issues were raised in respect to this agency's claims.

1. A broad range of services for men was beyond the scope of the project, particularly in the beginning stage.
2. If the broad range of services was endorsed, there was a concern that the key principle of victim/survivor focus would be compromised and that the men's programs would either take energy and resources from the development and maintenance of essential victim/survivor services and/or would compete for funding.
3. The agency had no experience of working in the very difficult area of male perpetrators of violence against women.
4. If the agency obtained its own funding the organisational model of ADVIP would certainly be that of a 'network' with little ownership or 'control' by ADVIP of the non-government services.
5. With little control by ADVIP, compliance with abuser program standards could be easily compromised by the agency's own policies and funding considerations and ensuring compliance and accountability would be difficult.
6. The agency had a very different underlying philosophy to that on which ADVIP was based which could result in serious differences in philosophies and practices, compromising victim/survivor focus and safety.

In response the agency representative argued that they should not be under any greater scrutiny than the refuge. The refuge representatives did not agree with this claim, arguing that they had developed their credentials and expertise over the seven years of the refuge's existence. Furthermore, a key principle of the 'Duluth' model was that victim/survivors and their Support Workers were the group to whom all aspects of intervention were finally accountable. In response to the continued questioning of their role, the agency withdrew its involvement. This issue caused the greatest level of overt conflict within the committee to the time of writing.

The issue of agencies wanting to become involved in a project as a means of expanding their services, whether or not they have experience in working in the domestic violence area from a pro-victim/survivor perspective, is likely to be an issue for most intervention projects. However, if CIPs are to initiate 'ripples' of change, the challenge is to work with individuals and agencies who do not have a developed knowledge of domestic violence to bring about a change in their understanding and practices.

9.3. Parity in payment for facilitators of abuser and victim/survivor groups

The contracting out of abuser programs by Ministry of Justice will allow individuals with training, such as clinical psychologists, to charge rates of approximately \$100 per hour in areas where there are no non-government counselling agencies able to tender, thus inflating the cost of abuser programs. This will create great disparity between the rates paid to victim/survivor group facilitators which if provided by Refuge can be as low as \$13.50 per hour.

There is no justification for paying the facilitator of abuser programs differently from facilitators of victim programs. Victims experiencing the effects of trauma associated with violence and abuse require skilled counsellors. One of the advantages of the Duluth abuser program curriculum is that it does not require a highly skilled 'therapist' to facilitate because of its cognitive-behavioral, educational approach - thus the delivery costs of this type of abuser program can be kept relatively low.

Parity in the rates paid to facilitators of victim/survivor and abuser groups is essential. Gender inequality is an issue in the delivery of abuser and victim/survivor programs. Often women facilitate both victim and abuser groups and it has transpired that women counsellors from Refuge are paid Refuge rates of \$13.50 when cofacilitating an abuser group with a 'therapist' being paid \$100 per hour. One of the advantages of a CIP hiring facilitators and providing its own counselling programs is that it can ensure parity in rates paid to facilitators.

9.4. Links between abuser and victim/survivor services

A major principle observed by Duluth and HAIPP and endorsed by ADVIP, is that programs for abusers should not 'stand alone'. There are a number of reasons for this stance:

1. It is impossible to justify resources being channelled into programs for abusers while there is a lack of resources going to the support and advocacy for victim/survivors.
2. To ensure that the victim/survivor is offered support and advocacy with the criminal justice system with respect to proceed with charges, restraining orders, Court appearances, custody and access and other social services, eg.. housing, social security, issues re children, etc.
3. To assure the victim/survivor that the abuse is not her fault nor is her abuser's punishment through the criminal justice system. The abuser will often blame his partner for his predicament.
4. To inform the victim/survivor of the details of the abuser program, eg. what he will be learning and to inform her that he may not make any positive changes or that, even if the physical abuse, stops the emotional abuse may increase.
5. To learn from the victim/survivor the extent of abuse because abusive men typically deny, minimise or blame their victim/survivor. She is also the best judge of his level of dangerousness/her safety.
6. To assist her to work out a safety plan should she experience further abuse or feel unsafe.
7. To inform her of any threats or concerns for her safety that arise in the course of group attendance.

This latter point is one of the arguments in favour of abusers attending a program. Facilitators often become aware of either veiled or explicit threats to the victim/survivor's safety and are able to warn the woman. Further support for abuser programs is that they actually facilitate the attendance of women in a women's support group. Some men are more likely to 'allow' their wife to attend such a group if there is a comparable group for them.

CHAPTER 10

10. ISSUES THAT EMERGED IN ESTABLISHING ADVIP

10.1. Unique or adapted model

Subsequent to the search day it became apparent that there was tension within the group as to whether ADVIP was adapting an existing model or whether it would develop its own unique response. Some people (principally those who joined the group after the preliminary discussions about the Duluth model) envisaged the project as an 'emerging' model, free to develop as the group wished, dependent on local resources and not based on any principles, procedures or model that had been developed elsewhere. As identified elsewhere, there was a resistance to 'borrowed' knowledge and a strong sense that 'we' are different and should be free to do it 'our way'.

However, others were committed to adapting the DAIP/HAIPP model for two reasons. Firstly, the Duluth model of inter-agency cooperation with the criminal justice system and strong victim/survivor support and advocacy was a proven model in communities worldwide and is seen generally as the benchmark of effective intervention in wife abuse. There seemed little sense in 're-inventing the wheel' when experience showed that the Duluth model is transposable to other cultures, with local adaptations. Secondly, there was also concern that the development of a local response might compromise the gender/power analysis and victim/survivor focus.

Because many committee participants had little experience or knowledge of domestic violence and generally held 'traditional' attitudes and beliefs about the issue, it was feared that the directions the committee might take without the guidance of a gender/power analysis understanding may not have held victim/survivor's interests as paramount. For example, one agency proposed to provide counselling and support services for all men (not just abusers) even though there was no funding for the provision of vital victim/survivor services. It was recognised that an essential task of an intervention project is to 'educate' new participating members regarding the gendered nature of wife abuse, its effects on women and difficulties with current responses.

The issue whether ADVIP was to be a unique development or a replicated model has generated much debate and has consumed a considerable amount of time. Initially the project was promoted as a Community Intervention Project and was referred to as a CIP. To most people, the term 'community' is associated with locality and signifies an area in which a group of people live and 'ownership' over defining its own problems and solutions. However, the notion of community is far more complex than simply locality. (Wild 1981) defines a community in terms of the solidarity shared by its members, based on the subjective feeling of belonging. Wild's definition points the way to another type of community that the literature contrasts with 'locality as community' and this is 'community of interest' (Kelly and Sewell 1988). Thus people may have a shared sense of meaning, purpose or belonging which has nothing to do with locality. The women's movement, the

refuge movement and the movement against violence against women are all examples of 'communities of interest'. So are ethnic groups, Men's Confraternity and Young Liberals.

Using the model developed by Kelly and Sewell (1988), the method of community action undertaken by an intervention project is known as Community Service. The community initiative develops as a reaction to an existing problem. Service providers/professionals act as brokers to obtain resources (usually government) to develop a service required by a community, with enlisted support of acknowledged community members to legitimise the cause.

The issue of community and community participation in ADVIP became a recurring one. Because the committee was drawn from a diverse range of backgrounds and occupations, understandings of community were diverse.

The experience of DVAGs and CIPs in Western Australia shows that people have a strong desire to 'do it our way', resisting any 'imposed' model or way of doing things. Groups have taken independent positions, such as not wanting to be part of or not to be 'controlled' by DVAGWA or to call themselves a Domestic Violence Action Group. (This was exacerbated by the perceived antagonism to DVAGWA and to DVAGs by the Minister for Community Development in 1993 -94). Nevertheless, some groups, who initially rejected the DVAGWA sponsored DVAG and CIP models, then spent considerable time meeting, 'muddling along' and not getting very far because it was difficult to conceptualise a 'unique' response and/or they did not know how to set up a response), before finally deciding to affiliate with DVAGWA and adapt the 'Duluth/HAIPP' CIP model.

HAIPP did not have this same experience because they had a clear mandate from the NZ government to establish a CIP based on the 'Duluth' model. At the same time, they still had to convince people at the local Hamilton level that this was an appropriate and effective model before they could get full support and they did make local adaptations.

Successful establishment of community based domestic violence innovations, without undue delays, 'mistakes' and compromise of victim safety, requires a group of people with suitable status and influence who understand the principles and model very well. They then have the difficult task of educating the broader group about domestic violence and gaining commitment to the analysis and principles underlying the model. Adaptation of any 'model' is inevitable given the political, socio-cultural and economic realities of a community.

Pence and Shepard provide wisdom and guidance on the 'pitfalls of models' copied into different contexts. They state:

In comparing notes with ...many visitors, it became apparent that it was often difficult to draw parallels between our communities. Obstacles that seemed almost insurmountable to those of us organizing in Duluth, presented no problems in other communities. Therefore it was important for each community that sought to use the written materials and the experiences of those who had worked in the Duluth project to filter that

experience through the political, social, and cultural realities of their own communities.

(Pence & Shepard, 1988:294)

The differences in the 'context' of communities include geographic borders, degree of isolation - urban, rural or remote, legislation, policy, extent of existing resources, access to funding sources, cultural groupings, etc. However, the over-riding principles remain. To reiterate, these are:

1. gender/power analysis of male dominance, power and control and corresponding female submission and lack of power in personal and social relations.
2. victim/survivor safety, protection, support and advocacy are the primary concern.
3. holding abusers accountable through activating sanctions (generally the criminal justice system)
4. inter-agency cooperation
5. abuser rehabilitation (in conjunction with victim/survivor support and advocacy services. Resources should never be directed in favour of abusers while resources for victim/survivor services are inadequate)
6. accountability and monitoring

The notion of successfully importing a pre-existing model of service to a community is a problematic one. As Freire (1983) has so convincingly theorised, knowledge cannot be as effectively learnt from another's experience as learnt through one's own experience. In reflecting on the processes of developing intervention projects in various localities, Pence and Shepard tell us that:

The major pitfall encountered, however, was not the need to adapt the model to different communities. Rather, it was the need for each community to experience its own learning process...

While it is not necessary continually to reinvent the wheel, we must be mindful that the process of discovery is fundamental to the acquisition of meaningful knowledge. The many hours of discussion, debate, testing, thinking, and rethinking that went into the development of the first shelters and the first intervention projects...created a consciousness within the group of organizers and the community that kept those projects in motion. As new people join these projects or as new communities replicate them, the process of creating must be continued. Too often there is a gradual bureaucratization of model programs...

(Pence & Shepard, 1988:296-7)

As the coordinator of HAIPP remarked, intervention projects are 'projects for life'. What she meant is that there must be a continual process of praxis, moving between theory/practice/evaluation leading to revised theory/practice/evaluation, and so on, in a continuing spiral.

10.2. Integrating 'Borrowed Knowledge'

On return to ADVIP the sharing of what was learnt at HAIPP was difficult and was not undertaken in a manner that facilitated acceptance of that information. Time constraints for various members of ADVIP and an already planned 'search day', made it impossible to arrange another half or full day presentation on HAIPP. The committee thus learnt about HAIPP approaches in the process of discussing an issue and it soon became apparent that some committee members were not interested in HAIPP approaches. It has also been the experience of other groups that many people on local committees have a strong sense of 'we are different' and wanting to do it 'our way', rejecting 'borrowed knowledge' in the process. In retrospect, a formal presentation to the committee and/or a written report should have been insisted on so that knowledge and information was shared.

A somewhat similar reaction also developed when those more knowledgeable about domestic violence, inter-agency processes, community work, etc. attempted to share this information, or influence discussion and direction of the project along the lines of HAIPP and Duluth models. Again in retrospect, more written reports/statements could have been presented for discussion and endorsement, thus providing information and structure. Even though documents are not received positively by many (often not read), committing ideas and suggestions to paper does give them a formality and a record of having been considered and are invaluable to refer to when issues that have been previously considered are again raised.

This discussion highlights the fact that people do not want to be 'told'. They want to be self-determining and creative problem solvers. Thus what appears to be resistance (in this case to outside knowledge and practice) is often more about people wanting to assert control, even when they have made a commitment to change. The desire to retain control can also come from fear of change and/or the desire to maintain the status quo or current relationships of power.

There was also tension between those committee members who had a sense of urgency and a commitment to implement a model that has proven to be effective in providing safety and protection to victim/survivors and the slow developmental process necessary to allow those involved to learn from their own experiences of attempting to address the issue. The 'committed and knowledgeable' group will always appear to be pushy and controlling as they attempt to guide the direction of actions and to prevent what they fear to be negative outcomes of choices made by those less 'knowledgeable' about the issue.

Thus there is always the need for time to absorb information and develop an understanding of issues. There will be some who feel impatient with the process because of their commitment to overcoming the problem from a pro-victim/survivor approach and there will be those who feel that they can develop a better response locally, or who might be accustomed to having power and resent the 'pushiness, knowledge and approach' of those who are committed to change by challenging traditional practices.

10.3. Accountability to victim/survivors in all aspects of intervention

A key principle for intervention in violence against women is that all aspects should be accountable to victim/survivors/survivors and their representatives to counter the (in)action which is the result of traditional male-focused meanings and practices. Policies and practices, content and process should be open to scrutiny to ensure that they are victim/survivor-focused and do not re-victimise or collude with abuse. Many practices appear neutral or benign but are, in fact, detrimental to the needs of victim/survivors. For example, when Police require the victim/survivor to give her version of an incident in front of the abuser the victim/survivor is likely to feel very intimidated and afraid of further abuse.

Information on all facets of intervention must be routinely available to scrutiny and input by victim/survivors and their Support Workers including the philosophy or principles of the project, the content of offender programs, the information gathered by the project about the victim/survivor. Victim/survivors should have the right to correct or augment information held about their situation. Confidentiality regarding information about the victim/survivor shared between the project and the victim/survivor and between participating agencies must be guaranteed in order to prevent the abuser or others in the community from being informed about the victim/ survivor. The safety of victim/survivors is often put in jeopardy when an abuser learns about the victim/survivor because workers have not treated information about her as confidential. Victim/survivor interests are often compromised by legislation and agency policies. When this becomes evident, it is the responsibility of victim/survivor Support Workers and intervention projects to lobby for changes. An intervention project must always be vigilant that its own policies and practices are accountable to victim/survivors .

10.4. Maintaining gender/power analysis and victim/survivor focus

The ideologies of patriarchy, family privacy and possessive individualism (Dalley, 1988) are so embedded in our culture that most of us are 'blind' to the brutality experienced by so many women and to what could be done to prevent the suffering of such a large proportion of our population. That women are to blame for the violence and/or that wife abuse is a private issue is a strongly entrenched point of view held by most people who could assist the victim/survivor but don't, for example doctors, Police, neighbours, magistrates, welfare workers etc. Any local domestic violence committee and intervention project must involve women and men who have developed a gender/power analysis. Without such an analysis it is not easy to be self-critical of long-established meanings and practices.

In the attempt to change long-standing discourses and practices there is a tendency to maintain the status quo in the face of entrenched attitudes and bureaucratic constraints. For many reasons, including lack of time or personal interest, most agency representatives will not engage with the literature about the philosophy of intervention and the underlying analysis. Unless policy and action is guided by gender/power analysis attempts to assist will continue to blame victim/survivors and collude with the perpetrator and there will be

continued reluctance to effectively intervene on the part of government and non-government agencies.

It is essential that there be members of all domestic violence initiatives who have a solid understanding of the underlying gender/power analysis and pro-victim principles of intervention to analyse the effect of existing and proposed practices from the perspective of victim/survivors and, through this process, educate the various involved parties so that they can 'see' the woman's perspective. This does not mean that there cannot be innovation in policies and program responses but that the principles of providing safety and protection for victim/survivors and of holding abusers accountable by the most effective means must never be compromised. Pence and Shepard argue even more strongly:

It is the challenge of continually basing our practice in feminist theory that provides the most exciting opportunities for those of us who work in this movement. When we abandon or modify theory or philosophy, in the interest of practicality, we move away from our strength. It is the constant interaction of theory and practice that keeps a movement dynamic, growing, changing, and most importantly, moving.

(Pence & Shepard, 1988:297)

Advocacy and support services for victim/survivors are the highest priority. The literature invariably claims that society's first responsibility is to victim/survivors (Gondolf 1987), (McFerran 1989); (Townsend 1991); (Domestic Abuse Project 1991).

The tendency to become abuser focused rather than victim/survivor focused is difficult to avoid. After all, it is the abusers who must change. Despite being based on a clear gender/power analysis and victim/survivor-focus, DAIP and HAIPP are nevertheless concerned that offender issues and services have tended to dominate their projects as a result of the effort that has been put into educating the participating agencies to deal with abusers in a non-traditional manner and in delivering abuser rehabilitation programs.

It is thus essential to have clear statements of principle that a project's primary purpose is the safety and protection of victim/survivors and their families. There is a need for regular reviews to assess whether this principle has been compromised and to assess whether there may be a negative impact on victim/survivors and their children. All innovations must pass this litmus test. For example, is the development of a 'hostel' for men so that women and children do not have to leave their home in the interests of victim/survivors. On first glance it would appear so. However, when the safety of victim/survivors and their children is considered, the question arises as to how can abusers be prevented from returning and harming the victim/survivor. Thus this issue needs to be carefully considered.

10.5. Role of the researcher

There was some confusion about the role of the researcher on the part of some members of the committee due to several factors.

First, the research proposal was developed before the committee itself was initiated, so they did not have a sense of 'owning' it. Grant approval was notified after the group had begun its initial meetings. At the first meeting, the researcher negotiated agreement for the meetings to be taped and notes to be made, and gave a short explanation of the research process. Because of the fluid nature of the membership in the first few months of meetings, there were some attendees at later meetings who had not had the research explained to them. Some months after the initial meeting, in response to queries about the researchers role, the researcher provided a detailed written explanation and took time in a meeting to explain the terms of reference of the research and the method of participatory action research.

Second, a key role of the researcher in the participatory action research method was to be a fully participating member of the committee with particular responsibility to 'problematiser' proposals for action. Some people with an understanding of research conditioned by concepts of researcher 'objectivity and neutrality' found the participatory and problematising approach difficult and disconcerting, and responded defensively.

Third, being committed to a gender/power analysis victim/survivor-centred approach (which is the underpinning of DAIP and HAIP and is now the dominant analysis of domestic violence) the researcher considered one of her roles was to ensure that this approach did not become compromised. This meant that proposals were judged on terms of whether their outcomes were in the interests of victims.

Fourth, confusions about the role of researcher also arose because there was no funding for a coordinator. The researcher therefore undertook many of the tasks which would have otherwise been undertaken by a coordinator, such as chairing and developing agency policies and inter-agency protocols. Although the Coordinator of Starick House refuge was on secondment to the project for four months she spent the time principally in difficult negotiations with the refuge workers about their role in the various victim/survivor services that were required to be developed for the intervention project. She also spent time developing a working relationship with the officer-in-charge of the local Police, the need for which was highlighted during the visit to HAIPP.

Fifth, to further add to the confusion, the researcher's position on DVAGWA meant that she also undertook some of the policy negotiations at the state level.

In summary, a blurring of roles can be expected whenever a group of committed people are attempting to develop something new, for which there is no clearly defined path or tasks, where there is much to be done and few resources.

10.6. Confidentiality, Information Sharing, Monitoring

Negotiating access to information from participating agencies has proved to be an extremely difficult and sometimes contentious issue. Client confidentiality is an ethical and sometimes legal requirement of many professions and agencies. However, in the case of wife abuse confidentiality may actually jeopardise the safety of a victim/survivor or result in collusion with the abuser by keeping the facts of abuse hidden.

Difficulty regarding confidentiality typically arises in the early stages of an incident when it is difficult to get a signed release of information because a client may be unsure and fearful about the outcome of signing or it is inappropriate to ask. Once a case comes before the Court, details are in the public domain. However, it is in the early phase of Police intervention, medical treatment, crisis support or application for a RO that it is essential for information to be exchanged. By tracking perpetrators and victim/survivors from the moment they come into the system at the time of crisis (in Courts, hospitals, refuges and Police stations) they are less apt to fall through the institutional cracks.

It is particularly important to monitor and track the abuser because it allows a profile to be built detailing subsequent abusive incidents, documenting the severity and frequency over time. This can provide vital information to Police, particularly when they are unsure as to the man's level of dangerousness, and to assist prosecutors to achieve a guilty finding. Without such information the Police and the Courts commonly treat each domestic violence case which comes before them as an isolated incident. This often results in leniency because of ignorance of the prior history of violence.

At DAIP and HAIP, the independent, non-government coordinating and monitoring agency has the role of keeping a comprehensive data base. HAIPP initially had difficulty gaining access to information from the Police, particularly concerning initial 'screening' of calls by Police and when there was no arrest. Once a case comes up in Court, certain information concerning the defendant and complainant becomes public and the legal Support Worker is able to obtain this. However, over time HAIPP negotiated access for one of its workers to the Police 'log' (which contains all reports to Police, not just wife abuse).

The Canberra Domestic Violence Crisis Service (DVCS) also experienced difficulty obtaining names and addresses of victim/survivors from Police, which was essential if they were to be able to provide a crisis service. For some time Police had provided information to the DVCS. However, at one point the Police informed the DVCS that they could no longer provide victim/survivor information as it breached privacy legislation. The solution to this problem was the amending of legislation to allow for the passing of information concerning victim/survivors and perpetrators to 'registered' victim/survivor support services (The Community Law Reform Committee of the Australian Capital Territory 1992).

The passing of enabling legislation in WA and other jurisdictions may be necessary to facilitate both the information exchange essential for successful inter-agency cooperation which facilitates the protection of victim/survivors and for the monitoring of the abuser, accountability of service providers, and data collection. Both legislative authority and collaborative working relationships based on trust are essential for effective information exchange.

Access to information is still being negotiated within ADVIP. The medical profession in particular has concerns about patient confidentiality and the need for informed patient consent for the release of information. However, very early in the project the officer-in-charge of the Armadale Police negotiated with hospital administration the release of

medical records with signed patient consent in order to provide evidence to the Police to support charges.

In order to overcome privacy provisions, Community Corrections are requiring an offender to sign a release of information form at the outset of supervision. Most agencies are willing to release information with a release of information signed by the client.

The Police are reluctant to provide information claiming confidentiality, privacy provisions within the legislation and a fear of vicarious liability. Negotiations are still taking place with Police for a nominated ADVIP person to have access to copies of Police reports for the purpose of obtaining details of parties to an incident as soon as it occurs and the monitoring of 'screening out' by Police of potential domestic violence incidents and Police failure to notify victim support of an incident.

10.7. Data Base

The visit to Hamilton was very productive in respect to developing the ADVIP data base. Hamilton had developed a database using the commercial computer program Paradox. HAIPP provided ADVIP a copy of the documentation for their database. Using this documentation, a local data base was developed with some modifications. The computer data will be securely stored, requiring a user password to gain access, and data will be restricted to ADVIP staff and researcher(s). Individual participating agencies will not have direct access to the data base.

One of the advantages of using the same data base in various projects is the possibility of developing comparative data. To facilitate the development of comparative data in new projects, the ADVIP/HAIPP data base documentation and other assistance will be provided to other intervention projects to develop their data bases.

The purposes of the data base have been identified as:

1. Assessing the effect of the project on long-term safety of victim/survivor(s).
2. Monitoring of the assailant through the system for each incident and various incidents over time.
3. Monitoring of compliance with policies by each participating agency
4. Assessing impact over time of policies, training, changes in personnel from particular dates.

A working party identified the data which should be recorded for ADVIP:

- perpetrator
- victim/survivor and children
- crisis advocacy
- Police attendance
- medical treatment
- charges
- bail conditions

- restraining orders
- Prosecution
- Court
- Magistrate decisions
- Community Corrections
- offender attendance at programs
- breaches
- assistance sought from other agencies and outcomes
- other relevant data

The document describing the 'fields' that have been developed for the ADVIP data base is reproduced as Appendix Five.

The data base will provide a wealth of data by which to assess the effectiveness of the project, including recidivism data for each abuser. In addition to the data base, a wide-ranging follow-up survey with victim/survivors, stake-holders, participating agencies and the community is planned as a means of evaluating the effectiveness of the program in preventing wife abuse.

10.8. Monitoring Compliance with Policies and Protocols

Monitoring is a vital aspect of any project (although it is often viewed as an expendable aspect of intervention). Monitoring enables practices to be scrutinised to determine if they are victim/survivor focused or if they need change. Thus it is vital to establish means to monitor compliance by individual workers and agencies with the Principles of Intervention and the agreed policies and protocols. The sharing of client information is also essential for the monitoring of compliance. Thus one hurdle to overcome is that of client and/or agency confidentiality or privacy provisions

In a CIP, the process of accountability is horizontal, with each organisation accountable to the others. Ultimately, all agencies should be accountable to victim/survivors and their representatives. Traditional accountability travels vertically within an organisation, up the line of management with no accountability outside the organisation, except through structures such as Parliament, the Ombudsman, the media. While horizontal accountability is easy to endorse in theory, in practice it is difficult to effect. Another obstacle is an agency's reluctance to allow itself to be scrutinised by outsiders.

Accountability is developed through the process of sharing information, tracking clients and monitoring practices - all of which assist actions to become 'transparent'.

As ADVIP cases have been discussed, tracked and outcomes monitored, agency representatives have become aware of the impacts of their practices and the ways in which they could alter to assist victim/survivors. An example may highlight this issue. At a 'core' agency meeting the victim/survivor Court Support Worker raised the issue that information about charges was not being made available, making it impossible to contact the victim/survivor to offer support prior to her appearing in criminal Court as a witness. It

was agreed that the Police 'face' sheets of all 'domestic' assault charges would be provided.

10.9. Training of all Service Providers

There is a desperate need for training of all government and non-government service providers, policy makers and decision makers in understanding domestic violence and effective responses. If organisational cultures and practices are to be changed in the ways in which they respond to domestic violence, as they must, and compliance with these new policies and protocols is to be monitored, workers must be provided with adequate training.

The highest priority is training for Police, Prosecutors, Magistrates and Judges to counter traditional Police and judicial practices. Police practice has been supported for a long time by routine orders that promoted keeping the peace and non-arrest even when victim/survivors strongly urged for their abuser to be arrested. In organisations with a mobile work-force, such as Police officers and prosecutors, training needs to be provided both centrally and locally to achieve uniformity.

Training for Magistrates is a high priority but, because of the independence of magistrates and judges, only the weight of government edict or findings from a Royal Commission is training for Magistrates around the issue of domestic violence likely. For example, the training of Magistrates concerning aboriginal issues resulted from recommendations in the 'Deaths in Custody' Royal Commission.

Local training of mixed agency groups is particularly necessary when a locality has decided to implement an intervention project. Workers from a variety of agencies benefit from undertaking training together because it develops shared understandings of domestic violence and its effects. They can also talk to each other about their respective roles and authority to act.

However, ADVIP has found that although all agree about the need for training, actually obtaining resources and time for workers to be trained is extremely difficult.

10.10. Gaining broad-based 'political' support

Localities or communities are never totally separate from the rest of the society, even if they are isolated by hundreds of kilometres from the next community. There are numerous levels of government, associations and networks which have influence on a locality. There are federal, state and local governments each with many organisations or departments. Across regional state and federal levels there are occupational and professional associations, peak bodies, interest groups and so on.

Much of the effort to establish ADVIP has involved networking and lobbying with a myriad of interests. Having two members of the peak body Domestic Violence Action Groups of WA on the ADVIP committee and a number of people connected to a range of government

departments and professional networks has ensured that ADVIP issues have at least been on the agenda of many organisations and interest groups, even if they were not supportive!

Who introduces an initiative and how it is done is crucial to the successful implementation of that initiative. In New Zealand, it was the national association of refugees which 'discovered' the Duluth model. Even so, not all refugees have endorsed the model. The challenge for the national NZ refugee group was to gain support from the 'sister' refugees, from all stake-holders, eg. a national men's organisation Men for Non-Violence, relevant government Ministers and key people within their Departments. New Zealand was fortunate that this group of people was already meeting as members of the Family Violence Prevention Coordinating Committee (FVPCC). The proposal to set up a pilot project was endorsed by this Committee and, following lobbying of relevant Ministers, funding for a pilot was forthcoming.

However, the pilot intervention project in Armadale was established under quite different circumstances to HAIPP. The Labor Government's Office of the Family Domestic Violence Policy Unit did not support the initiative and they had some influence over the State Domestic Violence Coordinating Committee which did not endorse the model, despite support having been sought. Furthermore, the Labor government at the time - 1992 - was pre-occupied with weathering fallout and electoral unpopularity due to events surrounding 'WA Inc.' as it came to be known, and there was little political will for new initiatives.

Frustration was felt by those who were anxious to build on similar initiatives in other parts of the world and implement a pilot intervention project. It was argued that a pilot intervention project should be commenced 'bottom up' (in the absence of 'top down' government support to demonstrate to government that a coordinated inter-agency approach was viable. It was hoped government would be convinced of the value of this model.

The election of a Liberal government in the very early stage of the development of ADVIP was a setback for the project. The new government ministers had little understanding of the issues of wife abuse, and even less inclination to fund new initiatives. Much lobbying, networking and educating of key government people has had to occur. However, there were positive signs from the then WA Attorney General that she had come to view ADVIP and a multi-faceted, coordinated, criminal justice focused intervention in wife abuse as a positive development (in contrast to the Minister with across portfolio responsibility for domestic violence). However, at the time of writing, funding has not been forthcoming.

10.11. Aboriginal concerns and participation

From the outset of the establishment of ADVIP the researcher in particular advocated for the inclusion of members of the Aboriginal community and following the visit to HAIPP, encouraged the HAIPP model of separate, parallel programs for Aboriginal victim/survivors and abusers. The Police were also keen to have Aboriginal involvement as they attend a disproportionate number of 'domestics' in the Aboriginal community which they often find difficult situations to effectively intervene.

The Police recruited a former Police Aide based in Armadale, who lived in the area, and whose current job was with the Aboriginal-Police Relations Committee. An Aboriginal CCO with the regional Maddington Community Corrections Centre, who also lived in the region, was permitted to attend in the interests of the Aboriginal Community. These two Aboriginal representatives attended regularly throughout 1993. A few other workers in local Aboriginal organisations attended one or two general ADVIP meetings.

The Aboriginal sub-committee met a number of times and developed a model of providing advocacy and support at the time of crisis based on the successful Aboriginal Visitor Scheme operating in Prisons following the Royal Commission into Death in Custody. It was envisaged that a pool of Aboriginal volunteers would be recruited and trained. A male volunteer would be called by Police to accompany an Aboriginal man to the Police Station, advising him about the process, advocating on his behalf and monitoring the actions of the Police. The woman and her family would be provided with crisis support by a crisis worker - either aboriginal or non-aboriginal depending on the preference of the victim/survivor and aboriginal worker.

The Duluth education curriculum for men who batter was also explored for its relevance to Aboriginal family violence and was assessed to be generally relevant although obviously required some adaptation for cultural differences, including being presented by Aboriginal men only. However, women should perhaps have some input in special sessions to present the women's perspective. As at DAIP and HAIP, a major component exploring the effects of colonisation, racism and discrimination would have to be added. Preliminary exploration was also undertaken of a residential program for abusers and for families.

It was also envisaged that in addition to community education being provided by a funded Aboriginal organisation about family violence, elders would be recruited to undertake more preventive and support work in the community.

However, over the course of 1993 the situation for the Aboriginal representatives became very difficult as the broader Aboriginal community learnt that ADVIP (like Duluth and HAIPP) was based on a criminal justice response to violence against women. Considerable concern was voiced in the broad Perth Aboriginal community about the potential for increasing the numbers of Aboriginal people caught up in the criminal justice system and the subsequent discrimination and harm that would be experienced within the Aboriginal community. Aboriginal people were concerned that encouraging Police to act pro-actively in respect to family violence would give Police greater license to harass Aboriginal people. It was feared the Police would enter a premises on the pretext of investigating a complain concerning family violence while actually wanting to search for people who had outstanding warrants or fines or were wanted by the Police. There was further fear that Aboriginal men and women would be denied bail and held in lockups or would be jailed as a result of court judgements, where they were at risk of death in custody.

Eventually, the Aboriginal committee disbanded and ADVIP has continued without developing parallel programs for Aboriginal people.

10.12. Developing support within local departments/organisations

Individuals in departments or organisations can play either a facilitative or obstructionist role. A major issue is the extent to which individuals support the ideology of male dominance and family privacy. For others the fear of an increase in workload may override their concern for victim/survivor safety and dealing with the abuser.

ADVIP's experience is that most agency representatives voluntarily became involved because of a personal interest, although not necessarily because of a commitment to victim/survivors. Over the period of their involvement, understanding of the issues surrounding wife abuse and intervention has increased making them ideal 'community educators' within their own organisation. Thus, a major role of project initiators was to develop understanding and gain support of agency representatives and, in turn, a major role of agency representatives was to gain support from different levels of authority within their own agency. Thus knowledge and commitment 'ripple' outwards from project to organisation, from government to community.

A number of strategies can be utilised for overcoming organisational or departmental resistance. Organisational representatives play a vital role either through talking with individuals or small groups informally or by holding more formal workshops on 'understanding wife abuse' and/or 'the goals of the intervention project and the agency's role in the project'.

Another useful strategy is to gain support from broader professional and organisational groups which can adopt policies that apply across similar organisations or departments. An illustration of this approach is the development of support of social work departments in a number of hospitals. As a professional group, hospital social workers can then develop policies and practices as guidelines for all hospital social work departments. At another level, supportive departmental policy makers can draw up policies and procedures that all regional/local departmental offices are required to follow.

10.13. The relationship between DVAGWA and ADVIP

Over time there has been much overlap in the relationship between DVAGWA and ADVIP. It was the coconvenor of DVAGWA who initiated preliminary meetings with key people in the Armadale region in late 1992. In view of the lack of government endorsement for the model of intervention the DVAGWA committee was anxious to establish a pilot intervention project to demonstrate to the government and the community that the model was effective. Because of lack of official government support (and accompanying policy development) many of the issues that arose for ADVIP were not able to be addressed at the local level but had to be negotiated at the state level with government ministers and/or their departments. These negotiations were principally undertaken by the two DVAGWA members who have been the instigators of DVAGWA and ADVIP.

The blurring of boundaries between the two organisations was an issue of concern for some of the ADVIP committee, particularly those who were not involved in DVAGWA and did

not necessarily see ADVIP auspiced and initiated by DVAGWA as the pilot intervention project for the rest of the state (and Australia).

Some of the key concerns have been the autonomy of ADVIP to establish an independent public profile, and recognition for the ADVIP committee and related service providers for their pioneering work and their expertise. There has also been dispute over DVAGWA members having the right to make public and media statements about ADVIP.

The issue of training other new projects has also been contentious. As a peak body of local DVAGs, one of the roles DVAGWA has claimed is the key training body for Intervention Projects. However, some non-government members of ADVIP who were not involved in DVAGWA (principally the refuge workers) argued that they are the ones who have pioneered changes in service delivery to victim/survivors and pioneered cooperation with the criminal justice system. Having learnt from their successes and mistakes they should logically be the training body. These tensions are still ongoing.

10.14. Is refuge involvement essential?

ADVIP has been fortunate in having the active involvement of the local refuge, Starick House, which believes it is the appropriate role of refuge to provide support and advocacy services to victim/survivors who remain in the community. For the purpose of the pilot project Starick was willing to develop and coordinate all the victim/survivor services, despite funding limitations.

However, other emerging CIPs in Western Australia do not have the same level of support from their local refuge. Some refuges have argued that they can not and will not take on additional services without being funded to develop and provide these programs. Other refuges have argued that intervention projects are not in the interests of victim/survivors because of fears regarding Police hostility to victims and abuser programs and they will not give their support (Cattalini 1992).

Given that services independent of refuges have been successfully developed for victim/survivors such as the Canberra Domestic Violence Crisis Service, numerous Court Support Schemes eg Redfern, the NSW Domestic Violence Advocacy Service, Brisbane Domestic Violence Resource Centre, there is no organisational reason why refuge has to provide any victim/survivor support and advocacy services in the community. However, ideally any organisation providing services to victim/survivors has developed as part of the women's movement (eg sexual assault or women's health services). At a minimum, it is essential that the organisation endorse gender/power analysis and pro-victim principles.

As the 'traditional' voice of the movement against wife abuse it is certainly desirable to have at least the support of the local refuge for the new initiatives. Refuge is one of the few stake-holders which represent a pro-victim focus. Refuge can positively promote the goals of the intervention project with residents, particularly those aspects which many victim/survivors are reluctant to utilise - Police involvement, collection of evidence, using the legal system, etc.

10.15. Funding

Universally, government (and private) funding of social service agencies is never adequate to meet the enormous demand for services. However, the crisis of funding for services addressing wife abuse is even more severe because of the level of required funding due the pervasiveness of the problem and the demand. Funding for domestic violence services also challenge the status quo in a radical manner because male dominance is challenged.

Women's refuges have been an integral part of the Federal Government's funding program for emergency accommodation under SAAP. However, there has been only isolated funding generally obtained through opportunistic political action for diverse services which don't comply with SAAP guidelines. Since SAAP no new integrated permanent funding programs addressing the problem of wife abuse have been established within any government department, either federal or state. However, sustained and effective intervention requires the funding and coordination of a wide range of services.

The key platform of the Liberal government in Western Australia is to cut government spending. In the social service area this is being achieved by cuts in the recently renamed Department of Family and Children's Services (FACS) formerly DCD, reduced services and the de-funding of various non-government organisations particularly peak bodies, including the Women's Refuge Group. Morale in both the public service and the community services sector has deteriorated under the uncertainty generated by these measures.

Alternative sources of funding need to be developed. For example, rather than relying on funding from general revenue, governments could raise revenue from specific 'new' charges. In several states in USA a surcharge has been added to marriage licenses which is specifically designated for funding domestic violence programs. Additional charges or fines could be levied by the Court for those convicted of violence against a person.

However, one of the contradictions of obtaining government funding is the loss of autonomy and the controls that governments place on the non-government sector through funding agreements as has occurred with refuges. Whilst at one level, government has a social responsibility to adequately fund social and welfare services, non-government services are only free from government control when they are able to generate their own funding from the non-government sector. Perhaps there may be benefit from the movement against violence against women locating non-traditional areas of funding, although this requires tremendous effort and resources. Mixed funding from various government departments and non-government sources, although difficult to obtain and manage, results in the least control while guaranteeing a certain level of funding.

10.16. Volunteers

The HAIPP program, although receiving \$450,000 per annum in funding and employing a total of 10 full and half-time staff, relies heavily on volunteers because funding is inadequate for the level of services being provided in a total population of 120,000. Volunteers are recruited as facilitators of the offender and victim/survivor's programs, jail

visitors, victim/survivor Support Workers, child carers, Court Support Workers and for the crisis line. Refuges in New Zealand have always operated with very little funding, largely supported by volunteers.

Along with cuts in government spending, conservative governments encourage the 'community' (and families) to look after each other in times of adversity, encouraging the use of volunteers. Most of those who provide volunteer assistance in the community are women. To the extent that men volunteer it is more often in sporting and social clubs as committee members, not in providing direct assistance to those in need.

However, the use of volunteers has long been contrary to the policy of the refuge and women's movement in Australia, particularly in the area of services to women and victim/survivors. It is argued that it is the State's responsibility to adequately fund social services and the State should not rely on the unpaid labour of (mostly women) volunteers in the provision of social support. Funding of women's services is particularly seen as a State responsibility because of women's much lower economic status *vis a vis* men. As women are the major users of social services for a variety of reasons, cuts in the funding or a lack of needed services impacts more on women than on men.

A dilemma any intervention project is going to be faced with is whether to use volunteers to provide obviously needed services. However, there is contradiction regarding volunteers. It was pointed out by the HAIPP coordinator that having volunteers is productive for the refuge and women's movement by developing broad support from a sizeable group of women who were politicised by the experience. Thus, having volunteers involved in victim/survivor services helps build a mass movement because volunteering politicises people. Her observation was that the refuge movement in Australia had failed to build a broad-based mass movement for change because refuges were staffed by solely paid workers and there has been no place for women who were not paid workers (or femocrats) to be politically active in the movement against wife abuse.

10.17. The need for a supervised access centre

Considerable abuse continues when survivors are no longer living with their abuser in the context of child access. Access to children is a common excuse for breaches of restraining orders and Police are generally sympathetic to 'father rights' and the man's plea of "I only wanted to see my kids?" and are generally unwilling to charge them with breaching a restraining order. Even worse, children have been abducted by abusers on access visits, and sometimes have been killed, as occurred in Perth over Christmas, 1993.

There is urgent need for convenient supervised access centres which the Family and/or district Court can direct be used for the purpose of access to children. Abusers would then not be provided with a convenient excuse for breaching a restraining order and access could be supervised.

10.18. The role of non-government counselling services

Many community-based counselling agencies, particularly some religious-based organisations, operate from conservative values which are pro-family and support male dominance which may be detrimental to women's interests at best, or jeopardise their safety at worst. Many victim/survivors who sought counselling from family counselling agencies or private practitioners report that the issue of violence was not raised, or was ignored, and that they felt unsafe, their experience invalidated and the focus was on their abusers complaints about the 'relationship'.

At the same time, some community-based counselling services and private practitioners are progressive, flexible and responsive to needs, and have incorporated latest best practice into their training and service provision. In fact, they can have a positive influence on government policy and funding of services.

Thus there is the need for 'best practice' guidelines or requirements such as accreditation concerning philosophy, content and training in domestic violence for service providers in non-government counselling agencies and private practitioners.

With respect to community based 'voluntary' perpetrator programs, NSW has adopted a policy of not supporting the establishment of such programs. However, in Victoria the Community Council Against Violence proposed that a Program Evaluation and Accreditation body be established to accredit and monitor and evaluate the effectiveness of community-based abuser programs and Queensland has recently commissioned the development of guidelines for perpetrator programs.

However, the experience in Western Australia has been that the mainstream counselling services are very responsive to a gender/power analysis and pro-victim focus to working with wife abuse and have committed their staff to training in the programs developed by DAIP. Centrecare in Perth committed considerable resources to a literature review exploring the issues and range of interventions in providing a domestic violence program. This review endorsed a gender/power analysis of domestic violence as abuse of power and control.

10.19. The relationship between CIPs and regional committees

The South East Region Family Violence Action Group (SERFVAG) was a local network with a broad membership of representatives from government and non-government agencies in the South East local government region. However, with the establishment of ADVIP, members were drawn away from this larger group to participate in the more focused intervention project. The long-term result has been the folding of SERFVAG because it lacked representatives from the core intervention agencies - Refuge, Police and Corrections - and it felt it no longer had the same intensity of purpose. It appeared the intervention project took away energy from the broader group.

There are many peripheral services which provide specific assistance to victim/survivors eg women's health services, substance abuse programs, public housing, social security,

government and non-government welfare services, community legal centres, neighbourhood houses, ethno-specific services, etc. A broad domestic violence network can provide an important inter-agency networking and education function for these agencies and can also refer to the CIP.

10.20. Are CIPs adaptable to rural and isolated areas?

Because there are so few resources spread out over vast areas cooperation and coordination is even more vital than in cities. To be effective in rural and isolated regions any intervention addressing any problem must be inter-disciplinary and inter-agency, drawing on whoever is available and has a mandate, or whoever has an interest and is willing. Thus, a coordinated, multi-faceted, intervention project emphasising a cooperative, coordinated, inter-agency response, as described in this work, is particularly suitable to adaptation to rural and isolated needs and resources.

However, in the country support of key 'players' (such as local councillors, politicians and the press) is even more essential because personal influence and the 'transparency' of what occurs can prevent 'unpopular' initiatives from being developed. As (Coorey 1988) point out, it would be impossible to establish effective services for domestic violence in rural communities which deny there is a problem. There must be a degree of awareness of a problem and support for doing something about the problem, because services will not develop without the community actively seeking them.

One of the key barriers to the provision of services for both victim/survivors and abusers in the country is the insufficient numbers to support them.

CHAPTER 11

11. THE DIALECTIC OF CHANGE

Despite its inability to attract government support in the form of recurrent (or even one-off) funding, the Armadale Domestic Violence Intervention Project has achieved major changes, not only in the Armadale region, but for the whole of Western Australia. This will, in turn, have some effect on the nation. ADVIP has been endorsed and recommended for state-wide implementation by the Chief Justice of Western Australian, The Hon. Mr. David Malcolm (Chief Justice's Taskforce 1994). The former Attorney General, Cheryl Edwardes gave her stamp of approval and also moved to implement the model state-wide. Implementation of the model state-wide has received support from the Western Australian Commissioner of Police, Bob Falconer. ADVIP has also been the subject of a major story on the ABC Television's '7.30 Report' in March, 1995. It has also stimulated the establishment of similar projects in metropolitan and rural communities in Western Australia.

There are two major issues in establishing coordinated, inter-agency victim/survivor-focused criminal justice responses to wife abuse. The first issue involves convincing people of the desirability and possibility of collaboration and getting collaboration working effectively. The second issue is gaining commitment to gender/power analysis and victim/survivor focus to intervention. For many people, both of these issues are extremely challenging of their beliefs and practices.

Whether intervention will remain primarily victim/survivor-focused or will be side-tracked into projects focusing on better policing, rehabilitation programs available for Community Corrections or taken up by the men's rights movement, will depend on the level of involvement and leadership by the women's and refuge movements.

Some people within the movement against violence against women have not felt able to give their support to a coordinated, multi-faceted, criminal justice focused wife abuse intervention project. Some have argued that until it is 'proven' that such interventions will not further harm victim/survivors we should not introduce them. Others have argued that attempting to coopt organisations of State in the interests of women is futile, given the close relationship between the State, the law and patriarchy.

There are a number of responses to this position. First, if we do not attempt them how are we ever to 'prove' that they are (or are not) effective? Second, nothing is guaranteed in life. Having 'proven' that a particular approach in a particular place is effective, it might be found that it is not effective in a different society, culture or period in history. Third, the notion of absolutely 'proving' anything in the social world has come under considerable critique in recent times as the 'scientific method' is found to be unable to help us overcome critical social, economic and environmental problems (Capra 1983). Fourth, those committed to human rights and gender democracy are unlikely to wait to take action until there is the security of 'proven' knowledge. The current suffering is too great to wait.

Despite the difficulties, the unanticipated negative consequences, the low success rate in changing abusers and the slow societal change, Pence's experience is that although limited, a coordinated inter-agency criminal justice response is of benefit to individual victim/survivors. However, we should not expect to bring about major social change.

...This work can and does make individual women safer. It can and does save women's lives. It can make it easier for women to be about their real business, the work of transforming the culture that violates every part of their being and spirit. Projects like these are not about changing men but about creating safe space for women to live in and participating (sic) in their communities in order to create a more sane society.

There is a difference between reforming institutions and transforming society.

(Pence and Shepard 1988)

This strategy in the movement against violence in our society, particularly violence aimed at women as intimate partners/wives, draws on a philosophy that society creates itself, its culture, its myths, its ways of relating, its reality. This is not a philosophy of despair which holds that it is pointless to try to bring about change. In contrast, this is a philosophy of hope. Because society constructs reality in the first place - it can reconstruct it. Not that any reconstruction is simple or without pain. But it can be done as Maya Angelou wrote:

*History, despite its wrenching pain, cannot be unlived
but if faced with courage, need not be lived again.*

What is required is the coming together of many people with a similar philosophy and desire to bring about change for the better. This philosophy is well expressed in the following saying which has been attributed to Peter Ellyard of the Australian Commission for the Future.

*The future is not some place we are going to
but one we are creating.
The paths to the future are not found but made.
And the making of them
changes both the maker and the destination.*

It is inevitable that those who engage in preventing abuse of women and children violence will be changed. As Moltz said:

And finally, in confronting these issues we confront ourselves. We are left to look at our own assumptions and beliefs, our own fantasies and impulses, our own experiences and action, our own relation to power and its abuse. This is the hardest part.

(Moltz 1992)

Although confronting ourselves may be the hardest part, it is ultimately the most rewarding aspect of confronting our 'taken-for-granted' assumptions about relations between men and women. In engaging in this action for change we make changes in the way we see relationships, which in turn changes the way we live our own relationships.

We must also realise that any changes we bring about will contain contradictions or problems and thus the spiral of praxis or problem/theory/solution/new problem is ever continuing. We can never 'know' what the future holds because we are always changed by moving from the past to the present and from the present to the future. However, we can work in the present towards the vision of equality and fulfilling relationships between men and women.

As Pence says:

A non-victim-blaming community response to abusers ... can lead to true empowerment in men. It challenges men to take the risk to stop controlling, to stop having all the power. Above all else, it is respectful to each man because it believes that at each man's core is the ability to act in a loving and caring way. It gives men control of themselves and asks them to be in a world as a whole person - a person who feels pain, who sometimes loses, and who doesn't always get to decide. It asks men to give women the choice to love them. Finally, it asks men to respect women...

(Pence 1991)

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APPENDIX ONE

**ARMADALE POLICE/ADVIP
DOMESTIC VIOLENCE TRAINING PROGRAM**

ARMADALE STATION DOMESTIC

VIOLENCE PILOT TRAINING

PROGRAMME

COMPILED BY F J HEALD
SENIOR SERGEANT 4005
OFFICER IN CHARGE
POLICE STATION
ARMADALE

MAY 14, 1993

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DOMESTIC VIOLENCE

Domestic Violence is the most common form of assault in Australia. As a result of their experience victims usually lack self confidence and self esteem and are dependant on their partners. They can feel guilty and responsible for the violence. For most calling the Police or leaving the violence is a desperate measure, to be taken only when their lives or the lives of their children are in danger.

Many Western Australian Police Officers relate that they have left domestically violent situations knowing that the threat of injury or death remains, but believing they were powerless to prevent it.

Armadale Police Station has designed and implemented instructions that will ensure staff take a more pro-active approach to domestic violence, that will present a more uniform, helpful and acceptable approach by Police to this issue. This pro-active approach to domestic violence has been gradually introduced to Armadale Station staff since the 27th February 1993 and most staff are working within these guidelines. Whilst the work load of station staff will increase considerably initially, the work load will decrease in time and staff will as a result of these procedures be less likely hurt in attending domestic violent situations in the future.

ATTENDING DOMESTICS

Before attending a domestic violence incident, Police should attempt to obtain from VKI antecedents of the parties, including previous convictions (if any), firearm licences held and any pertinent warnings resulting from previous contacts by the Police. Local knowledge by station staff could assist. Particulars of the caller should also be noted to establish if the caller is the victim, a child, neighbour etcetera.

ON ARRIVAL AT SCENE

On arriving at the scene, be alert for danger. Park your vehicle at least 2 houses away from the premises. Turn engine off and wind the windows down on the Police vehicle. Listen and assess the situation. Notify VKI and arrange back-up if needed. Don't shine the spot light on the premises. Seek information from any onlookers. Await back-up if called for.

APPROACHING PREMISES

On approaching the premises, Police should not talk but listen. Walk on grass instead of the footpath, and have portable radio's turned down. Be alert for unusual or suspicious movements or noises. If possible listen to what is being said inside. In this way you might be able to place the occupants in a part of the house - establish what is going on. If there is no noise it may mean that someone is waiting for you.

APPROACH WITH CAUTION ALWAYS

One Police Officer is to approach the door of the premises approaching the door from the side, rather from the front (safety shield), and stand against the wall of the premises, not in front of the door. The other Police Officer is to position himself/herself at the front corner of the house, so as to be in a position to see any one approaching the front of the premises from the rear, and to back-up the member at the door. Both Officers are to avoid standing in front of windows.

Both Officers should again listen to establish evidence. The Police Officer at the door is to knock loudly on the door, identify himself/herself as a Police Officer and request to see the occupant, or if the caller is the victim or other members of the house, request to see that person. The manner in which you knock and announce your presence may influence the reception you receive.

Immediately the door opens the Police Officer will identify himself/herself to the occupant and request entry to the premises. Be cautious when responding to an invitation to enter, consider the possibility of someone being behind the door or hiding near the door. When answered be aware that an attempt may be made to shut the door and be prepared for this. As the door is answered or if an invitation is made to enter the premises, the Police Officer at the corner of the house will attend and back-up the Police Officer at the door. Place yourself in as safe a position as possible.

POWER TO ENTER PREMISES

Police may legally enter premises uninvited if there are reasonable grounds for believing that a crime has been or is being committed in those premises, or life may be in danger. Police cannot be classed as a trespasser until the circumstances necessitating the entry no longer exists. Common Law.

Police may legally enter premises at the invitation of one or more of the occupants or persons in lawful charge therefore, irrespective if another person who jointly occupies the premises objects, (a situation frequently encountered in domestic disputes). The Police should remain on the authority of the person extending the invitation.

Police should also be aware of the recent instruction "Trespass. Right of Police Entry to Private Property" as contained on page 35 of Police Gazette No 6/93, copy of which is attached hereto.

ENTERING PREMISES

On entering premises Police should examine the room and those present, check if weapons and/or broken objects are at hand, check if any firearms are in the house. Ask both parties separately. If firearms are there, they may be seized under Section 24(2) of the Firearms Act. If they are to be seized escort the party to the firearms. Take possession of them and ensure they the firearms are not loaded.

Separate disputants, keeping them under Police surveillance at all times. Identify the relationship of disputing parties and request those not directly involved to leave. Ensure all available relevant information has been obtained and recorded. Place yourself in as safe a position as possible and convey the impression that Police are there to help.

Police safety may be jeopardised by:

- (a) Unpredictable behaviour by one or more of the parties caused by -
 - (1) Liquor/drugs
 - (2) the emotional or mental state of either or both parties.
- (b) The room in which Police speak to either party e.g. Kitchen - unsafe bedrooms - unsuitable.
- (c) Parties standing, seat them as soon as possible.
- (d) Standing too close to either party (may also make those concerned feel intimidated and resentful).

INTERVIEWING OCCUPANTS

It is in the interest of Police safety and the parties concerned to defuse the situation quickly and restore calm as soon as possible. The manner Police adopt is most important. Thus, at the scene Police must decide what manner is the most appropriate at the time. The following tactics may be of assistance:-

- (a) Ask questions in a direct, but non threatening manner;
- (b) Ask the parties to talk slowly and quietly;
- (c) Endeavour to diffuse the hostility between the parties.
- (d) If a party is hysterical or distraught, try to calm them down.

If there is evidence of an assault, Police should consider whether an arrest is desirable in all the circumstances.

If the Police Officers witness the assault an arrest should be considered. However, each instance should be considered objectively having regard to the surrounding circumstances.

If the assault is serious or there is danger of further assault, particularly if weapons are involved, an arrest should be made.

In any criminal proceedings the spouse is both competent and compellable.

VICTIM CARE

If an arrest is made the following will take place :-

- (1) Ascertain if the victim requires an advocate to attend her. If she requires an advocate or if the attending Police Officer decide it is in the best interest of the victim for an advocate to attend, then the attending Police are to telephone STARICK HOUSE on 398 5080, identify yourself, explain that you require an advocate for domestic violence. Answer any questions and arrange for the advocate to attend at a predetermined location, possibly Armadale/Kelmscott Hospital, to see the victim. ADVOCATES ARE NOT TO BE PLACED IN ANY DANGEROUS SITUATION.
- (2) Arrange conveyance of victim to Armadale Hospital for medical examination.
- (3) Complete medical record release form and ensure that the victim has signed it. Produce this form at the hospital casualty desk and obtain victims' medical record for this event, then and there.
- (4) Obtain a statement from the victim. The hospital has a room that can be used for this purpose.
- (5) Arrange for the victim to be photographed showing her injuries. This can be done at the hospital with the station camera or the victim brought to the Police Station for this purpose.
- (6) Explain Court procedures of the offender to the victim and explain her required response if the offender pleads "NOT GUILTY".
- (7) Ensure whenever possible that the victim knows what the perpetrator's bail conditions are if any prior to the perpetrator's release from the lockup.
- (8) Complete a Family Incident Report.

BAIL.

Section 5 of the Bail Act provides every person in custody the right to have his bail considered. Bail must be considered even though the accused fails to apply or refuses to apply for bail (Section 6).

Any person arrested for a serious assault on his partner should have his bail refused if it is apparent that this person will re-offend on release to bail. Any application for bail in this instance should be vigorously opposed.

On the other hand if the defendant is to be released on bail, consideration should be made for bail to be conditional with or without surety to prevent the person contacting the victim. Any conditions set can be changed, varied, revoked, or reset by the Magistrate at the initial court hearing.

A Police Officer who believes on reasonable grounds that the defendant, having been released on bail;

- (a) will not appear in Court as required;
- (b) has breached any of his bail conditions;
- (c) no longer has a suitable surety, or;
- (d) no longer has sufficient security lodged; may cause the defendant to be brought before an appropriate judicial officer to show why his bail should not be revoked or varied.

The Police Officer may do this by;

- (a) arresting the defendant without warrant;
- (b) taking out a complaint and warrant to have the defendant arrested;
- (c) taking out a complaint and summons to have the defendant appear before the judicial officer (Section 54 Bail Act).

If the defendant is arrested he shall be brought before a judicial officer as soon as is practicable, unless he is arrested within 24 hours of the time he was due to appear. In this case the defendant will be kept in custody and brought before an appropriate judicial officer at the time he is due to appear (Section 54(4) Bail Act).

OTHER OPTIONS.

Police should consider all other options whether an arrest is made or not. Options include:-

1. Advising the victim of the availability of;

- (a) During the hours of 0800 - 1700 the duty officer of Department of Community Development, Jull Street, Armadale 399 0555.

Counselling and assistance is available to help women who have experienced any form of domestic violence, with or without children, to obtain safety and protection if they have been harmed or fear harm in a violent relationship. Such assistance could include;

- (i) Transport for urgent medical treatment.
- (ii) Transport to a refuge or any safe place.

- (iii) Transport to obtain a restraining order.
 - (iv) Any accommodation costs necessary to provide for immediate safety where no refuge accommodation is available.
 - (v) Any meals or other expenses necessary when such accommodation is required.
- (b) During the hours of 1700 - 0800 Crisis Care on 325 1111 (cards are available at Armadale Police Station). This is an after hours service of the Department for Community Development. This organisation will send counsellors to the women's home providing there is no danger to the counsellors.
2. **Contacting STARICK HOUSE, a women's refuge in Gosnells on 3985080. This refuge is working very closely with Armadale Police.**
- Starick House is supplying advocates for women victims. It is imperative that Police Officers foster good working relationships with this refuge.**
- The refuge caters for women and children. Male children only up to the age of 14 years. This refuge provides emergency short term accommodation and a follow up programme. The refuge is open from 0900 hours to 2300 hours, on Monday to Friday and 1000 hours and 1400 hours on Saturday. The refuge is available on pager after hours by ringing 398 5080.**
- Crisis Care can also arrange accommodation at Starick House. If beds are not readily available at Starick House, alternative emergency accommodation will be found. Transport will be provided to either the refuge or alternative emergency accommodation.**
3. **Standing by to prevent a Breach of the Peace whilst either party leaves the premises for alternative temporary accommodation.**
- In this case the party leaving should take as much identification as possible to assist them in dealing with Government and Non Government Agencies. e.g. Department of Social Security, Banks etcetera.**
4. **Advising the parties of the counselling facilities available at the Family Law Court on 224 8222.**
5. **Suggesting Marriage Guidance Counselling, if appropriate, through Marriage Guidance Western Australia on 470 5109.**
6. **Obtaining a Restraining Order under the Justices Act.**

RESTRAINT ORDER.

On the 24th March 1993 I approached Mr Terry McINTYRE S.M. of Armadale Court House on Restraint Orders and in particular, if he was prepared to deal with the initial issue of restraint order applications issued by Police on behalf of a victim. He agreed to do this and protocols were discussed and agreed upon. The following instruction applies to Armadale Court only:-

1. Police will only take out a restraint order application where the perpetrator is in custody or on a charge of assault, bodily harm, unlawfully wounding etcetera, on the persons of the victim, and where the victim requests Police to initiate the action. In every instance a short statement from the victim is to accompany the restraint order application, stating that the victim requests Police to initiate the action on behalf of him/her.
2. The restraint order application is to accompany the perpetrator's charge sheets for the perpetrator initial court appearance. Mr McINTYRE S.M. will consider the application on its own merits and has requested that the victims appear at the initial court appearance unless incapable or incapacitated because of injury, hospitalization etcetera.
3. If the victim cannot appear, then Mr McINTYRE has indicated he will consider conditional bail to prevent the perpetrator returning to the victim and/or issue an interim restraint order that would be in force until the next court appearance of the perpetrator, where it is expected that the victim will attend. It will not be necessary for the Police Officer to attend this court appearance, unless requested to do so by the Magistrate.
4. Alternatively the victim can contact the Armadale Court either by telephone or personally to seek information on how to obtain a restraint order, and the victim should be advised of this. In instance where the victim attends the court house and has visible injuries from a domestic disturbance, the court staff have the ability to issue a restraint order summons then and there.

VICTIM WITHDRAWING CHARGE.

If a victim attends the station and requests Police to withdraw any charge/s against the perpetrator, she is to be advised that Police are not in a position to do so and that she will need to attend personally at the same court and at the same time as the perpetrator does and when the Magistrate calls the perpetrator up on the charge, she will need to advise the Magistrate then, that she wants to withdraw the charge.

When a victim informs a Police Officer that she is going to withdraw the charge he/she is to advise the arresting officer forthwith. The arresting officer will compile the photographs, medical record and victims statement together, and deliver them to the Police Prosecutor presenting the case in court, at least a day before the court, advising him at the time, that the victim will be attending court and seeking to have the charge withdrawn. The Prosecutor will be in a better position to answer questions that the Magistrate might put to him, and will also be in a better position to argue that the charge should go ahead.

MONITORING PROCESS.

A Family Incident Report is to be completed accurately and in detail every time a tasking van attends a domestic type disturbance. This form is to accompany the action report sheets for that relief.

A monitoring process is in place to deal with feed back of Police Action from the view of the victim and via the advocate. This feed back will come direct to the Officer In Charge of Armadale Police Station. Likewise any areas in the advocate system found by Police to need attention is to be brought to the notice of the Officer In Charge of Armadale Police Station as soon as practicable.

CONCLUSION.

Police have always had ability in this state to operate in a more pro-active way to domestic violence. All I have done in this approach is to ensure that Armadale Station staff treats domestic violence as a crime and obtain as much evidence as possible at the time they attend these incidences.

The advocates are an essential element in this pro-active approach and will support the victims, something that has not been readily available before. This will eventually have the effect that victims will be stronger and more readily prepared to give evidence against the perpetrator.

ATTACHED ARE:-

1. Medical Record Release Form.
2. Family Incident Report Form.
3. Domestic Violence Police Procedures Sheet.
4. Instruction "Trespass right of Police entry to private property."

F J HEALD
SENIOR SERGEANT 4005
POLICE STATION
ARMADALE

May 13, 1993



FAMILY INCIDENT REPORT

UNIQUE IDENTIFIER

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OFFICE USE ONLY

Complete each section by placing (✓) in the relevant boxes

LOCATION	LOCATION OF INCIDENT		TIME OF INCIDENT (24HR) _____		DATE _____	
	ADDRESS _____ TOWN/SUBURB _____ P/CODE _____ TYPE OF PREMISES <input type="checkbox"/> HOUSE <input type="checkbox"/> FLAT <input type="checkbox"/> OTHER (specify) _____					
PRINCIPAL PARTIES	PRINCIPAL PARTIES		Victim/Complainant		D.O.B. _____ SEX <input type="checkbox"/> M <input type="checkbox"/> F	
	(Family Name including any alias)		(Given Names)		P/CODE _____	
	ADDRESS (If diff. from above)		OCCUPATION _____		COUNTRY OF BIRTH _____	
	DEMEANOUR <input type="checkbox"/> CO-OPERATIVE <input type="checkbox"/> UNCO-OPERATIVE		Other Principal Party PERPETRATOR/OFFENDER			
CAUSE OF INCIDENT	CAUSE OF INCIDENT		As stated by Principal Parties			
	<input type="checkbox"/> ACCESS/CUSTODY <input type="checkbox"/> MAINTENANCE <input type="checkbox"/> OFFENSIVE BEHAVIOUR <input type="checkbox"/> VERBAL ABUSE <input type="checkbox"/> HARASSMENT <input type="checkbox"/> CHILD ABUSE <input type="checkbox"/> RACIAL <input type="checkbox"/> OTHER(specify) _____					
	RELATIONSHIP BETWEEN PRINCIPAL PARTIES		NUMBER OF ADULTS PRESENT (including Principal Parties) _____			
	<input type="checkbox"/> MARRIED <input type="checkbox"/> BOYFRIEND/GIRLFRIEND <input type="checkbox"/> DE-FACTO <input type="checkbox"/> OTHER(specify) <input type="checkbox"/> CHILD/PARENT <input type="checkbox"/> SEPARATED <input type="checkbox"/> DIVORCED <input type="checkbox"/> PREVIOUSLY DE-FACTO <input type="checkbox"/> RELATION <input type="checkbox"/> HOUSE RESIDENT/Other than Family		NUMBER OF CHILDREN IN HOUSEHOLD? _____ AGE GROUPS 0-4 5-9 10-16 17&Over HAZARD FACTORS PRESENT (Tick one for each category) ALCOHOL NONE POSSIBLE DEFINITE DRUGS _____ VIOLENCE-Against the Person NONE THREATENED USED VIOLENCE-Against property _____ FIREARMS _____ OTHER WEAPONS (Specify) _____			
FACTORS INVOLVED	CAUSE OF DISPUTE (State your perceptions) _____					
	REPORTED TO POLICE BY: (If Different from Victim/Complainant) NAME _____ ADDRESS _____ P/CODE _____ RELATIONSHIP OF PERSON REPORTING INCIDENT <input type="checkbox"/> SPOUSE/DE-FACTO <input type="checkbox"/> CHILD <input type="checkbox"/> FRIEND <input type="checkbox"/> OTHER RESIDENTS IN HOUSEHOLD <input type="checkbox"/> OTHER FAMILY MEMBER <input type="checkbox"/> NEIGHBOUR <input type="checkbox"/> OTHER (Specify) _____					
ACTIONS TAKEN	RESTRAINT ORDERS		<input type="checkbox"/> NO CURRENT ORDER <input type="checkbox"/> CURRENT ORDER IN EXISTENCE <input type="checkbox"/> BREACH OCCURRED DOES FAMILY LAW COURT ORDER EXIST? <input type="checkbox"/> YES <input type="checkbox"/> NO IF NO RESTRAINT ORDER EXISTING, WILL ONE BE SOUGHT? <input type="checkbox"/> YES BY POLICE/VICTIM <input type="checkbox"/> NO (State brief reason) _____ REASON _____			
	CHARGES TO BE LAID, LIST PRINCIPAL OFFENCE _____		TOTAL NO. OF CHARGES _____			
	BY WHAT MEANS WILL THIS MATTER BE BROUGHT TO COURT? <input type="checkbox"/> ARREST <input type="checkbox"/> SUMMONS <input type="checkbox"/> WARRANT		NO POLICE ACTION (WHY?) _____			
	COMMUNITY/WELFARE REFERRAL <input type="checkbox"/> WOMEN'S REFUGE REFERRAL <input type="checkbox"/> MEN'S REFUGE REFERRAL <input type="checkbox"/>		MEDICAL ATTENTION REQ'D YES <input type="checkbox"/> NO <input type="checkbox"/> VICTIM <input type="checkbox"/> PERPETRATOR <input type="checkbox"/>			
REPORTS	RESPONSE TIME		NOTIFIED _____ DATE _____		REPORT BY _____	
	ARRIVED _____ HRS DATE _____		DEPARTED _____ HRS DATE _____		RANK & REG. _____ STATION _____	
TOTAL NO. OF POLICE ATTENDING _____						

PLEASE RETURN THIS FORM TO THE FAMILY UNIT, PO BOX 379, BENTLEY 6102

FOR INFORMATION OF ALL STAFF

DOMESTIC VIOLENCE POLICE PROCEDURES

1. ENSURE WHERE POSSIBLE THE SAFETY OF WOMAN AND CHILDREN.
2. WHERE THE ASSAULT IS SERIOUS, OR WHERE THERE IS A DANGER OF FURTHER ASSAULTS, PARTICULARLY IF WEAPONS ARE INVOLVED, AN ARREST SHOULD BE MADE.
3. CHECK IF ANY FIREARMS ARE IN THE HOUSE. ASK BOTH PARTIES SEPARATELY. YOU MAY WITHOUT WARRANT, SEIZE AND TAKE POSSESSION OF ANY FIREARMS OR AMMUNITION THAT IS IN THE POSSESSION OF A PERSON LICENSED OR OTHERWISE, AUTHORIZED TO POSSESS IT IF IN THE OPINION OF THE OFFICER, THAT PERSON IS NOT AT THE TIME A FIT AND PROPER PERSON TO BE IN POSSESSION OF IT. (AUTHORITY SECTION 24(2) FIREARMS ACT).
4. ADVOCATES:- ASCERTAIN IF THE VICTIM REQUIRES AN ADVOCATE TO ATTEND HER. IF SHE REQUIRES AN ADVOCATE OR IF THE ATTENDING POLICE OFFICERS DECIDE IT IS IN THE BEST INTEREST OF THE VICTIM FOR AN ADVOCATE TO ATTEND, THEN ATTENDING POLICE ARE TO TELEPHONE STARICK HOUSE ON 3985080, IDENTIFY YOURSELF, EXPLAIN THAT YOU REQUIRE AN ADVOCATE FOR DOMESTIC VIOLENCE. ANSWER ANY QUESTIONS, AND ARRANGE FOR THE ADVOCATE TO ATTEND AT A PREDETERMINED LOCATION, POSSIBLY ARMADALE/KELMSCOTT HOSPITAL, TO SEE THE VICTIM. ADVOCATES ARE NOT TO BE PLACED IN ANY DANGEROUS SITUATION.
5. ARRANGE CONVEYANCE OF VICTIMS TO ARMADALE HOSPITAL FOR MEDICAL EXAMINATION.
6. COMPLETE MEDICAL RECORD RELEASE FORM AND OBTAIN VICTIMS MEDICAL RECORD FOR THIS EVENT, THEN AND THERE.
7. OBTAIN A STATEMENT FROM THE VICTIM. THE HOSPITAL HAS A ROOM THAT CAN BE USED FOR THIS PURPOSE.
8. ARRANGE FOR THE VICTIMS TO BE PHOTOGRAPHED SHOWING HER INJURIES. THIS CAN BE DONE AT THE HOSPITAL WITH THE STATION CAMERA OR THE VICTIM BROUGHT TO THE STATION FOR THIS PURPOSE.
9. EXPLAIN COURT PROCEDURES OF THE OFFENDER TO THE VICTIMS AND EXPLAIN HER REQUIRED RESPONSE IF THE OFFENDER PLEADS "NOT GUILTY".
10. COMPLETE FAMILY INCIDENT REPORT.

F J HEALD
SENIOR SERGEANT 4005
POLICE STATION
ARMADALE
MAY 10, 1993

TRESPASS RIGHT OF POLICE ENTRY TO PRIVATE PROPERTY

Due to a number of complaints by the owner of the Carine Gardens Caravan Park at Lot 234 Balcatta Road, Carine, concerning police officers allegedly trespassing on private property, the following information is issued for the attention of all police officers.

As a general rule, any person has an implied licence to enter private property. In the case of Halliday - v - Neville (1984) 155 CLR 1, the following extract assists in understanding the law; which applies to both police officers and citizens alike.

"The most common instance of such an implied licence relates to the means of access, whether path, driveway, or both, leading to the entrance of the ordinary suburban dwelling house. If the path or driveway leading to the entrance of such a dwelling is left unobstructed and with entrance gate unlocked and there is no notice or other indication that entry by visitors generally or particularly designated visitors is forbidden or unauthorised, the law will imply a licence in favour of any member of the public to go upon the path or driveway to the entrance of the dwelling for the purpose of lawful communication with, or delivery to, any person in the house."

It should be noted that the occupier may revoke or withdraw any implied licence to enter private property. In respect to the Carine Glades Caravan Park proprietor, he has stated on a number of occasions, and has in fact placed a sign on the property, which in effect withdraws any implied right of police officers to enter onto the caravan park property.

However, there are a number of exceptions to the law relating to trespass, which were considered by the High Court of Australia in the case of Plenty - v - Dillon (1991) 65ALJR231. In summary, despite any refusal for entry, the following situations apply:

Any constable or citizen can enter premises-

- * for the purposes of making an arrest if a felony (crime) has been committed and the felon has been followed to the premises. [Refer also to Section 564 Criminal Code]

- * to prevent the commission of a felony (crime) or to arrest an offender running away from an affray.
- * to prevent a murder occurring.

In the above cases there is power to not only enter, but forcibly break into the premises, if necessary, providing that the person seeking entry has demanded and been refused entry.

Additionally, a Constable holding a warrant to arrest can forcibly enter premises for the purpose of executing the warrant, provided that the cause and a request for entry to the occupier has first been made.

Police Officers have no common law right to enter premises merely because they suspect something is wrong, nor to enter to apprehend a fugitive unless under one of the instances outlined above, or if in possession of a warrant, or acting within the provisions of a statute such as Section 564 of the Criminal Code.

In the case of *Plenty - v - Dillon* Police Officers were held to be trespassing and liable for damages when they entered on property to serve a summons under the South Australian Justice Act. In that case, the Police had their licence to enter the property revoked prior to service of the summons.

The law is unclear on the right of police entry should any tenant of the caravan park request or consent to police attendance at their particular caravan, despite the demands of the proprietor and the tenant. However, members should be conversant with the contents of this notice should there be any cause to attend the Carine Glades Caravan Park or indeed any private property where the attendance of police may be challenged.

Current legislation relating to domestic violence in Western Australia is as follows:

Police Powers of Entry (Private Premises)

- * Express consent of occupier (Common Law).
- * On reasonable grounds if a breach of the Peace is likely (Common Law).
- * Pursuant to a Search Warrant (S711 Criminal Code: unlikely to be viable for domestic violence).

Powers of Arrest

- * Without warrant under S43, Police Act (limited application to private premises).
- * With warrant under S564 Criminal Code (reasonable grounds for suspecting).

Powers of Search and Seizure

- * S68, Police Act.
- * Limited power to seize items if lawfully on premises (Common Law).
- * Pursuant to a search warrant.
- * S24 Firearms Act (where no licence or permit exists or if police believe the person is unfit to be in possession of a firearm).

Bail Act 1982

- * Breaches of Bail conditions enable a police officer to arrest without warrant.

Justices Act 1902

- * S172 – 176 deal with Restraining Orders.

Criminal Code

- * Sections 222, 223, 313 – 318 (general assault provisions).
- * Sections 324B – 324I (sexual assaults).
- * Sections 227 – 280 (homicides).

APPENDIX TWO

STARICK HOUSE REFUGE/ADVIP

CALLOUT - FORM 1

VICTIM INCIDENT REPORT - FORM 2

The following information must be collected from police before attending callout

Victim:	Assailant:
Address	Address:
Phone:	Arrested: Yes / No
Others present in house: _____ _____ _____	Charges: _____ _____ _____
Dog: Yes / No	Expected time of release: am/pm
Comments from police: _____ _____ _____ _____	Hearing date: / /19 Police Officer/s: _____ _____ _____
Call taken at am/pm / /19	

VICTIM DETAILS

Ethnicity	Admitted to Starick [] Refuge (name) [] Other []
Relationship to offender:	Followup required (tick all which apply)
Children in victim's care (age & sex)	To be taken to refuge [] Personal contact [] Refuge advocacy [] Legal advocacy [] Other (specify) []
Existing custody order (Circle as appropriate) Yes / No	
Existing protection orders (circle as appropriate) Restraining order None/interim/exparte Bail Yes / No Conditional bail Yes / No Other (specify)	Comments:

Victim Impact Statement completed []

Summary of incident.....

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Action.....

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Outcome.....

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APPENDIX THREE

ADVIP/ANGLICARE

ABUSER PROGRAM

CONTRACT FOR PARTICIPATION

**ANGLICARE COUNSELLING SERVICE
CONTRACT FOR PARTICIPATION
26 WEEK COURSE**

NAME:

ADDRESS:

.....

TELEPHONE CONTACT:

1. I agree to attend 26 weekly Education Groups of 2 hours duration at, the first to be at pm on and from then on until I complete the Course.
2. I agree to complete all Homework assignments.
3. I will be on time for all sessions.
4. I agree that I will not be able to miss any sessions without reasonable excuse.
5. I agree that if I am unable to attend a session because of illness, I will notify Anglicare's Counselling Co-ordinator beforehand.
6. I agree to co-operate with the group facilitators and staff in a respectful way.
7. I agree not to attend any session under the influence of alcohol, solvents or drugs.
8. I agree to notify Anglicare's Counselling Co-ordinator of my new address if I change address.
9. I agree not to be violent with any person during my participation in the Programme.
10. I understand that if I use violence toward my partner and/or children while participating in this program Anglicare staff will:
 - (a) Contact my partner for information and provide her with support.
 - (b) Support my partner in pressing charges if she chooses to.
 - (c) Contact the children concerned.
11. I will keep all names and information about group members confidential.
12. I understand that my confidentiality will be broken
 - (a) if my partner's and children's safety is considered to be in jeopardy.
 - (b) if I threaten harm to myself or others.

13. I agree to pay the negotiated fee every week to the group facilitator.
14. I understand that my partner will be and my children may be contacted as part of the routine assessment process.
15. I agree that if a restraining order has been taken out against me, I will abide by the rules of the Court.
16. I agree to visit Anglicare's premises by appointment only.

I have read this contract
I understand what is required of me.

Participant

Witness

Date: _____

Copies to: Participant

APPENDIX FOUR

DVAGWA/ADVIP

STANDARDS FOR ABUSER PROGRAMS

Domestic Violence Action Groups Of Western Australia

STANDARDS FOR ABUSER PROGRAMS

Preface

Domestic violence is a widespread problem with lethal consequences to victim/survivors and the communities in which they live. Domestic violence is a pattern of physical, sexual, and psychological assaults which perpetrators direct at adult intimates. Sometimes the same abusive pattern is present in adolescent dating relationships. The violence may result in death or permanent physical injury or may cause profound psychological damage to the victim/survivors. Not only are the primary victim/survivors affected, but so are the children who witness this abuse or who themselves are abused as part of the pattern. Furthermore, the violence ripples outward into the community as helpers or innocent bystanders are injured or killed in the violence a perpetrator uses to maintain control over the victim/survivor.

Given the serious nature of domestic violence as well as its tendency to affect all within its range, the community has a vested interest in the methods used to stop and prevent future violence. Interventions for domestic violence must be based on a complete understanding of the most effective strategies for this specific problem and should be implemented by those well educated and skilled in those methodologies. Group education programming is recognised as only one of the contributions to effective intervention with those who offend. Other effective intervention strategies include safety for the victim/survivors, prompt effective response by law enforcement, rigorous prosecution, close monitoring by Community Corrections, and sentences which reflect the seriousness of this crime against the community. Since education is one approach being used for a problem that has such serious consequences to other, the providers of perpetrators education programs should meet the highest standards. These standards are necessary to recognise that domestic violence is a serious, potentially lethal problem and that programming for these violence individuals requires more than just a general knowledge of the treatment of behavioral or interpersonal problems.

However, education programs must never be used as an alternative to legal sanctions (the only documented method of reducing abuse), but always as an adjunct to those sanctions.

Declaration Of Principles

Domestic violence abusers are a separate category of violent offenders requiring a specialised approach. The goal of intervention is to protect the victim/survivor by bringing

an end to violence. To these ends, the Domestic Violence Action Groups of WA promotes the following principles:

1.1 Violence can never be condoned under any circumstances. All behavior, whether intentional or unintentional, has consequences and is the sole responsibility of the perpetrator. The perpetrators use of violence is learned behavior and is therefore changeable. Violence does not result from a personal defect; it stems from an imbalance of interpersonal, economic and social power between men and women which permeates all levels of society.

1.2 The plight, safety and rights of the victim/survivor should be respected. Victim/survivors of domestic violence undergo tremendous turmoil and fear as a result of the violence inflicted. Their feelings and the potential for further harm to them should be of utmost consideration when making policy/ program decisions.

1.3 All abusers shall be provided appropriate services regardless of race, class, age, physical handicap, religion, educational attainment, ethnicity, national origin or sexual identity.

1.4 Programs and staff composition of agencies providing services should reflect the diversity of the community they serve.

1.5 There should be cooperation amongst all agencies participating in Regional Intervention Projects such as the police, Courts, Ministry of Justice, victim/survivor advocacy services, women's refuges etc.

1.6 Education and counselling of abusers is one element of a coordinated criminal justice process. Effective communication and cooperation is essential among participating agencies to improve the systems response due to the potential lethality of domestic violence. Therefore DVAGWA supports the development of abuser programs within the context of Regional Intervention Projects.

1.7 Agencies providing abuser programs shall ensure that victim/survivors are provided support and advocacy, safe housing, and legal assistance. Any threats to victim/survivor safety will be taken seriously and reported appropriately.

1.8 Service providers can contribute to heightened public awareness of the seriousness of domestic violence. Public education should be coordinated with local Domestic Violence Committees, women's refuges and victim/survivor advocacy services.

1.9 All abuser programs should be accountable to survivor representatives.

Purpose For Domestic Abuse Offender Program Standards

The purpose for the implementation of Western Australian Standards for Domestic Violence Perpetrator Programs is:

1. To identify and inform the community of current, appropriate intervention methods.
2. To establish a minimum level of standards of service provision.
3. To ensure that programs will hold abusers accountable for their actions.
4. To provide effective abuser programs that prevent domestic abuse.
5. To encourage state-wide communication and interaction among service providers through uniform programs.
6. To acknowledge that education is an effective method of reducing violence.
7. To ensure that offender programs incorporate victim/survivor safety needs.

Definition of Domestic Violence

One aspect of domestic violence is assault as defined in sections 313, 317 covering common assault and 318 covering grievous bodily harm of the WA criminal code.

The WA Task Force on domestic violence defined domestic violence as:

"Actions which occur in an unequal relationship in which one partner has more power than the other, causing fear and physical and/or psychological damage."

Domestic violence takes many forms including:

1. Physical abuse - punching, choking, kicking, hitting, pushing, shoving, throwing of objects, smashing of objects, damaging property, injuring of pets, **and the threat of all these**. Physical abuse, even when committed by one partner in a marriage against another, is against the law.
2. Psychological, emotional and verbal abuse, in the form of threats, insults, harassment or constant put downs, which sabotage the victim/survivor's confidence or self-esteem.
3. Social abuse - the woman is kept socially isolated, and may be prevented from seeing friends or family or undertaking employment or education.
4. Economic abuse - the husband assumes total control of the family income so that the woman is either allowed no money or money only for household expenses and nothing for personal use.
5. Sexual abuse - demands for sexual intercourse when the woman does not wish to participate, threats of physical violence during sex, or forcing the woman to participate in acts she does not wish to perform.

Perpetrators whose assaults do not fit the "technical/legal" definition of "domestic abuse", may also be appropriate for group. Examples would be a boyfriend who assaults a girlfriend (when not living together) or whose behavior fits legal definitions of harassment, terrorism or stalking.

These standards are written as a guideline for intervention with abusers who commit acts of violence that involve adult to adult intimate relationships. They do not include other acts of familial violence such as child abuse or elder abuse.

Ethical Standards

Service providers, agencies and individuals contracting with an Intervention Project to run offender programs must comply with the following DVAGWA ethical standards.

1. Be violence free in their own lives.
2. Not communicate or act in ways that perpetuates attitudes of sexism, racism, homophobia and victim/survivor blaming.
3. Not blame the victim/survivor or in any way place the victim/survivor in a position of danger.
4. Immediately report to authorities in the criminal justice system further violence or threats of violence or violation of restraining orders by any abuser involved in Court ordered programming to appropriate authorities in the criminal justice system. Efforts must be made and documented to notify the victim/survivor prior to making a report to authorities.
5. Appropriately address further violence or threats by self-referred abusers as detailed in program policies.

6. Immediately report to appropriate authorities any suspicions that a child has been subjected to sexual, physical or emotional abuse or neglect.
7. Maintain open communication by discussing disagreements, problems, and issues directly with Regional Intervention Project personnel.

Program Objectives

The program should be designed to reduce/eliminate the perpetrators violent behavior by achieving the following objectives:

1. To assist the perpetrators to understand his acts of violence as a means of controlling the victim/survivor's actions, thoughts, and feeling by examining the intent of acts of abuse and the belief system from which he operates.
2. To increase the perpetrators willingness to change his actions by examining the negative effects of his behavior on his relationship, his partner, his children, his friends and himself.
3. To increase the perpetrators understanding of the causes of his violence by examining the cultural and social contexts in which he uses violence against his partner.
4. To provide the perpetrator with practical information on how to change abusive behavior by exploring non-controlling and non-violent way of relating to women.
5. To encourage the perpetrator to become accountable to those he has hurt through his use of violence by encouraging him to acknowledge his abuse and accept responsibility for its impact on his partner and others.

Program Structure/Policies

- 6.1 Service providers contracting to work within a Regional Intervention Project shall implement the Men's Educational Program Curriculum "Power and Control: Tactics of Men who Batter". Group education is the model of choice for perpetrators because it is the most effective and cost efficient means of changing abusive behavior. Sessions should be open (accepting new members on an ongoing basis).
- 6.2 The implementation of educational programs requires a basic understanding of power and control as a dynamic of domestic violence, alternatives to violence, and group facilitation skills.
- 6.3 Domestic Violence Action Groups WA will evaluate the Men's Educational Curriculum as well as other available abuser program models and formats for potential improvement and/or revision.

- 6.4 Services for perpetrators shall not operate in isolation from either victim/survivor support groups/programs and/or Regional Intervention Projects.
- 6.5 Perpetrator education/counselling programs shall develop consistent policies regarding further acts of violence while a participant is in group. In all cases the program shall recommend consequences to the Court for repeated acts of violence, ranging from starting the program again to imposition of a jail sentence.
- 6.6 If the victim/survivor reports violence or threats, her consent shall be obtained before reporting to authorities or confronting the perpetrator with the information.
- 6.7 Policies for voluntary clients who commit acts of violence while in the program can include a structured separation if the man is living with his partner, restraining orders which he must not contest and education group sanctions. It shall be made clear to all program participants that should a man re-offend while in the program his partner will be assisted in reporting the assault to police.
- 6.8 Offender Education Curriculum consists of 24 sessions. This is the recommended format. However, a shortened, 18 sessions model is also acceptable. At a minimum, service providers shall provide the 18 session model. This does not include the intake and orientation sessions.

Intake Standards

At intake, an evaluation of the perpetrator shall be conducted and shall include, but not be limited to, the following.

- 1. Obtaining demographic information on the abuser, their partner and the relationship
- 2. Information on justice system involvement including restraining orders.
- 3. Obtaining a thorough history of violence including:
 - violence, abuse and controlling tactics in both past and present relationships.
 - violence involving non-intimate partners
 - the participant's own experience as the target of abuse.

During intake/induction and periodically thereafter the program shall assess the potential lethality of the participant. Documentation of lethality assessment must incorporate the following:

- History of threats of homicide or suicide
- History of idealising homicide or suicide
- Possession of, access to, or a history of using weapons
- Degree of obsessiveness and dependency on partner
- History of use of drugs, alcohol or other substances
- History of sexual abuse of partner or others

- Access to partner
- Level of remorse

4. Agreement to a contract for services that includes:

- attending a specific number of groups
- cooperating with program rules
- commitment to be non-violent and non-controlling while a member of the group
- completing assigned tasks or homework
- arrive at group on time
- not to attend under the influence of alcohol or chemical substances
- payment of the established fees
- compliance with all Court orders
- release of information to relevant agencies.

5. Screening out perpetrators who have severe mental health problems, or will likely be disruptive in group.
6. Arranging as necessary for chemical dependency evaluations and treatment prior to entry into a group.
7. Court referrals should be generally accepted by service providers. Some perpetrators may be deemed inappropriate for group. The decision should be made at intake or by the program coordinator when issues surface during participation in group, ie. alcohol and drug abuse, psychiatric problems, disruptive behavior, etc. All service providers, in conjunction with Intervention Project staff, shall develop procedures to convey to Ministry of Justice decisions not to accept a perpetrator.
8. Voluntary clients must undergo the same intake procedures and sign the same contract as Court-ordered men.
9. Perpetrators referred to the program by the Courts or the Ministry of Justice shall be required to participate in the program either by Court order, by conditions of Community Corrections or parole supervision.
10. Support groups shall not be organised in lieu of education groups. They should be utilised only by those who have completed the requirements of the offenders program and should be facilitated by trained staff. Support groups are counterproductive if victim/survivor-blaming goes unchallenged.
11. The Ministry of Justice shall develop policies and procedures for the reporting by the service provider to the referral agent(s) of lack of offender response to initial referral and non-excused absence or missed appointments.

Victim/survivor/Partner Contact

1. Program staff should contact the victim/survivor to explain the program and ask for a history of the abusers use of violence and other abusive behaviors. It should be made clear that the victim/survivor's participation in this interview is voluntary. If the partner cannot be personally contacted, a letter should be sent. Special orientation sessions should be scheduled for partners of abusers. Safety issues should be explored as well as options available to the partner, such as restraining orders, referral to a women's refuge and legal advocacy.
2. Partners will be informed when perpetrators begin group and their status when they leave group (eg. "completed group", "asked to leave group", "failed to return" etc.). They shall be informed that they are able to call and learn if partners are attending group.
3. A safety plan must be developed with survivors in case of future violence.

Minimum Accountability Requirements

1. Representatives from victim/survivor advocacy services and/or women's refuges should be invited to attend facilitator planning meetings.
2. Victim/survivor Support Worker representatives should be permitted to monitor perpetrator groups by sitting in on groups or by listening and/or viewing recordings of them. Service providers shall work with victim/survivor Support Workers and Intervention Project staff to establish the parameters and purpose for monitoring and to develop a process for obtaining feedback.
3. Members of the Regional Intervention Project shall meet on a regular basis to discuss cases, problems, monitoring, safety issues, programmatic changes and influencing the criminal justice system.
4. In order to ensure accountability to victim/survivors, any written policies governing abuser programs established in addition to these guidelines, should be developed in conjunction with Regional Intervention Project staff and victim/survivor Support Worker representatives.

Confidentiality Issues/Perpetrator Files

Perpetrators entering a program shall be required to sign a release of information that includes all relevant statutory and social welfare services the client is involved in, eg., substance abuse services, Court, ministry of justice etc. The release shall include availability of information for research purposes.

Men who refuse to sign a release of information shall not be allowed to participate in the program.

Abusers shall be informed through the contract they sign that the program will contact their partners to obtain a history of abuse; that the partners will also be given the name of a

contact person from the Offender Program and that partners will be notified of any pending Court hearings, and any threats to the partners safety made by the man.

These conditions are requirements for voluntary participants as well as Court-mandated individuals.

If possible, abuser files shall be kept separate from the victim/survivors reports in case offenders ask to see their files. Otherwise, information obtained from partners shall and must be removed from files before offenders are allowed access. Under no circumstances should offenders have access to written or verbal reports of their partner's calls, comments or input unless a signed release is obtained from the partner.

Fee Structure

Payment for one's own service is an indicator of responsibility and should be incorporated into the program. All abusers shall be charged for participation in offender education programs.

Community Corrections Centre, CIP personnel and/or the service provider shall establish a fee scale to cover the cost of the offender education program. Fees shall be based on either a sliding scale or an alternative system that would accommodate inability to pay, enabling offenders to afford service.

Service providers shall accept all abusers regardless of their ability to pay fees. Offenders may perform community service in lieu of full payment.

Where an agency receives funding to provide abuser programs fees should be used to support victim/survivor services. If an agency is unfunded fees can cover agency costs.

Staff Selection And Training Requirements.

Selection and training for facilitators of perpetrators education programs must meet the following criteria:

1. Selection: An interview process shall be developed by each service provider to ensure that individuals with a basic understanding of domestic violence issues are selected and to eliminate persons who are likely to get involved in collusion or other behaviors that may ultimately impact victim/survivor safety. Representatives from the Regional Intervention Project shall be involved in the interview process. Police checks for criminal record will be undertaken.

A signed agreement to the ethical standards is required of all facilitators.

2. Training: All facilitators must complete a 3-day training course or equivalent on the Offender Education Curriculum.

If a participant is identified as inappropriate to become a facilitator, the referring agency will be notified. A register of trained facilitators will be maintained by DVAGWA.

3. Participate in a minimum of 12 supervised Offender Education Program sessions. Special arrangements will be made for trainee facilitators from remote areas.
4. Optional: Complete training on conducting intake interviews.
5. Ongoing Training: As training issues are identified, they will be addressed locally in facilitator meetings. DVAGWA will also review ongoing training needs as programs develop.

Maintenance Of Records

A recording system of relevant information regarding each case shall be maintained.

Facilitators are responsible for providing attendance sheets to the Intervention Project office or relevant Community Corrections officers the day following each session for the purpose of monitoring attendance.

Service Providers will cooperate with the data collection requirements of their Intervention Project.

Acknowledgments

These standards were developed by Jennifer Gardiner and Dawson Ruhl for the Domestic Violence Actions Groups of WA, drawing on material produced by Iowa Department of Corrections Standards for Domestic Abuse Batterer Programs; Encouraging Responsibility: Guidelines for Domestic Violence Perpetrator Programs, A Report to the Tasmanian Department of Community Service, and incorporate excerpts from the "Colorado Standards for the Treatment of Domestic Violence Perpetrators", developed by a state commission created under section 18-6-803 8B C.R.C.; the "Power and Control": Tactics of Men who Batter Educational Programs: developed by Minnesota Program Development, Inc., and the : "Standards for Domestic Violence Perpetrator Counsellor and Treatment Programs" developed by the Seattle-King County Domestic Violence Intervention Committee.

APPENDIX FIVE

ADVIP DATA BASE

PROPOSED DATA BASE for CIPs

©J.Gardiner, Curtin University

March 1995

(consent of author required before use)

Purposes of data base:

1. Assessing effect of programme on long-term safety of victim(s).
2. Monitoring of assailant through the system for each incident and various incidents over time.
3. Monitoring of compliance with policies by each participating agency
4. Assessing impact over time of policies, training, changes in personnel from particular dates. Evidenced by changes in numbers of perpetrators/victims x types of services.

Assailant information:

Assailant General

id number
name
permanent address/phone
temporary address/phone
date of birth
ethnicity
occupation
income fortnight/year
employer/phone
relationship to victim
victim name
children names & relationship eg. natural father
referral source: police, hospital, DCD, refuge, court, other
date of incident
criminal record
prior history of abuse:
 date of beginning of abuse
 frequency of abuse
 most severe incident: date/injuries

Aboriginal assailant

extended family
aboriginal visitor followup

Assailant/Police

time of call
attend/reason for non-attend
time of attend
address of incident
police officer(s) names
police officer id numbers
police station
arrest/reason for non-arrest
charges initiated by police/victim
details of charges
held in custody/bail conditions
restraining order initiated - police/victim
restraining order conditions - eg non-association/child access information provided to assailant -
bail conditions, restraining orders and breaches, court appearances, etc.
charges withdrawn by police/victim
firearms at residence
firearms confiscated
reported breaches of r/o - events/ dates
breaches charged/reason for no charge

Criminal Court

advocate
first appearance date
charge numbers
details of charge(s)
plea
bail conditions
remand date
hearing dates 1/2/3/4
result of hearing
charges dismissed/withdrawn
trial date
victim willing to testify
decision/conviction
request for presentence report
details of presentence report
sentence date
sentencing details: probation, offender programme, fine,
magistrate
magistrate's comments
advocates comments

Prosecutor

advocate has provided:

 victim statement

 evidence eg photo of scene

prosecutor's comments

advocate's comments

Corrections

court officer name

court officer's comments

pre-sentence report details

assigned corrections officer

conditions of probation

start date

expiry date

date of referral

warning

breach details

resentence

victim-mediation

Education group

assessment date

living with victim

group number

dates of attendance

amount paid

facilitators notes: eg sessions missed and action, harrassment/threats to victim/others, breeches
of conditions, assault, advocate informed