

Standing Committee on Social Issues' Inquiry into domestic violence trends and issues in NSW

Questions on Notice

1. What is Legal Aid's response to domestic violence defendants, ensuring that defendants understand their court orders?

Legal Aid NSW provides the following response to domestic violence defendants:

- Criminal Law duty services at most Local Court in NSW- representation and advice for charge matters and some advice around AVO's.
- Criminal and Civil Law advice clinics at all Legal Aid offices as well as some outreach advice services at regional and remote locations to explain AVOs.
- Women's Domestic Violence Court Advocacy Services (WDVCAS) and Domestic Violence Practitioner Scheme (DVPS) may be available for women as defendants in circumstances where the defendant claims to be the victim.
- Community Legal Education- AVO Group Clinics have previously been run at some Local Courts or Legal Aid NSW offices to give legal and procedural information to defendants to understand, practice procedure and effect of AVOs. However, due to recent changes affecting AVO matters these will need to be reviewed before continuing.
- AVO Defendant Pilot at Mt Druitt – provides advice and duty services to ADVO defendants, but does not provide representation in relation to defended ADVO hearings.

The Department of Attorney General and Justice also provides information and advice to defendants through Law Access.

2. How many domestic violence offenders have accessed the CREDIT program at Burwood and Tamworth? Please provide a copy of CREDIT evaluation.

Of 850 referrals (from Aug 2009 to date) 228 had been charged with domestic violence offences

Of the 228 people charged with domestic violence offences, 93 were in Burwood & 135 were in Tamworth.

A copy of CREDIT evaluation is attached.

3. *Regarding magistrates access to information about family law orders, is there any way the department could look at integrating the information sharing system?*

A feasibility study would be required to determine the cost and benefit of integrating the systems.

4. *What is the estimated costing of domestic and family violence to DAGJ agencies?*

The following is an estimate of costs for Legal Aid and DAGJ agencies' specialist services to victims and defendants in domestic violence matters in 2010/2011. It does not include the cost of core services (for example the administration of Local Courts) in domestic violence cases.

a. Department of Attorney General and Justice

Attorney General's Division

- \$2,100,000 Domestic Violence Integrated Court Model. This includes funding for domestic and family violence intervention services, program management and grants to NSW Police and Corrective Services NSW. Introduction of minimum standards for men's domestic violence behaviour change programs is also funded through the DVICM.
- \$9,991,595 Victims Services statutory compensation to victims of domestic and family violence
- \$3,400,000 counselling to victims of violent crime, 6717 claims for counselling were lodged, 44% of these were domestic and family violence. Victims Services cannot provide an average figure as the number of counselling hours differs for each client.
- \$968,294 Victims Services staff related expenses specific to responding to domestic and family violence

Corrective Services NSW

- \$365,255 Domestic Abuse Program
- \$114,000 Domestic and Family Violence Coordinator (funded by grant from DVICM DAGJ)
- \$630,000 specialist program facilitator salaries
- \$21,578 Out of the Dark program

b. Legal Aid NSW

- It is difficult to estimate the impact of domestic and family violence across Legal Aid NSW as no specific tagging/flagging occurs. For the purpose of this audit Legal Aid NSW estimates that total staff time spent on responding to domestic and family violence is approximately 29.5 FTE and the total cost to Legal Aid NSW of responding to domestic and family violence is \$28,800,000 per year.
- \$7,684,995 Women's Domestic Violence Court Advocacy Program expenditure
- \$921,600 Domestic Violence Practitioners Panel

- \$1,237,732 Women's Legal Services
- \$420,047 Domestic Violence Advocacy Service
- \$553,099 Wirringa Baiya Women's Legal Service

5. *What plans are underway to extend mandatory behaviour change programs for offenders in NSW? What does the Domestic Abuse Program offer, where it is run and how may people be progressing through it.*

The CSNSW Domestic Abuse Program (DAP) has been running in custody- and community-settings for 3 years. An evaluation of the program is in final draft form pending publication.

Background

The NSW Domestic Abuse Program (DAP) is a 20-session rehabilitative group intervention program for offenders serving community-based order/s or custodial sentences for domestic and family violence (DV) related offences.

Statewide rollout and evaluation of the Domestic Abuse Program (DAP) commenced in August 2007. At the end of June 2011, 2,555 offenders had commenced a DAP from 32 community Probation and Parole Offices and 14 correctional centres in NSW, 204 community based DAP programs had been completed, and 432 DAP facilitators had been trained. The program has a completion rate of close to 80%.

Development of the DAP, facilitator training and supervision, and direct program delivery is funded by CSNSW; NSW Department of Attorney General and Justice has funded a statewide Domestic and Family Violence Coordinator position within CSNSW for the past two financial years.

Research evaluating the effectiveness of the DAP in reducing re-offending has been completed within existing resources. The University of NSW, School of Forensic Psychology and the NSW Bureau of Crime Statistics and Research (BOCSAR), have provided research support to CSNSW. BOCSAR additionally provided follow up reconviction data to evaluate the effectiveness of the DAP.

An article is in preparation for publication in a peer-reviewed journal.

Summary of research results

The evaluation included 953 men serving community-based orders in the treated DAP cohort matched to an untreated cohort of 953 men (N=1,906 in total study); 19% of the participants were Aboriginal.

Preliminary results suggest significant reductions in reoffending rates in the DAP treatment group, for both 'any' reoffending as well as violent and violent breach order reoffending.

In addition, the DAP treatment group took longer to reoffend (any type of re-offence), compared to an untreated matched control group of men who did not attend a DAP. Of men commencing the DAP, 77.5 % completed the program.

The evaluation found the DAP to be also effective for Aboriginal men whose reduced patterns of reoffending were the same as for non-Aboriginal men.

Aboriginal men also had significantly reduced reoffending compared to the untreated men in the matched Aboriginal control group.

Conclusion

Evaluations of other programs for domestic and family abuse perpetrators have generally lacked methodological rigour and failed to detect appreciable reductions in re-offending at follow up. The DAP study results, when published, will provide solid evidence of program effectiveness in reducing reoffending in a cohort of men serving community sentences for crimes associated with domestic and family violence.

In addition, CSNSW delivers a range of programs of varying intensity targeting aggression and violence. While not focussed specifically on domestic violence, these programs include reference to behaviours, attitudes and triggers relating to domestic violence, and offenders with domestic abuse convictions are eligible to participate.

6. *Please provide a copy of the DAP evaluation.*

The DAP evaluation has not yet been published.

7. *What programs does the Department of Attorney Generals and Justice run for offenders and victims of domestic and family violence?*

a. The Department of Attorney General and Justice

Attorney General's Division provides:

- The Domestic violence Intervention Court Model, in Wagga Wagga and Campbelltown, the Domestic and Family Violence Intervention Services, which provide case management to victims where there is a criminal charge.
- The Victims Services' Approved Counselling Scheme, which provides free face-to-face counselling to victims of violent crime. Counselling is provided by approved social workers, psychologists and psychiatrists who have proven experience in providing support and counselling services to victims of violent crime. Victims are able to access 22 counselling hours through the Scheme. Victims Services has 350 Approved Counsellors throughout the State and some Australia wide. In the last financial year, 6,717 applications were received for Approved Counselling, 44% of which related to Domestic Violence offences.
- Compensation in the form of a lump sum payment, to victims of domestic violence. Domestic violence is a specific category of compensable injury, enabling a victim of domestic violence to claim this compensable injury without having to establish a separate and discrete physical injury.

In the last financial year 8,854 applications for compensation were received. Of this 34% related to domestic violence offences. Of note is that 27% related to sexual assault offences, which in some instances could have occurred in a domestic relationship context.

In the last financial year the total amount of compensation awarded was \$53.7M (please note this is the total awarded for statutory compensation not the total paid in the last financial year). Of that \$9,901,595 was awarded to victims who identified themselves as victims of domestic violence.

Corrective Services Provides:

- The Domestic Abuse Program, outlined above
- Out of the Dark, a custody-based program designed to assist female offenders have been affected by family or domestic violence. This program addresses issues of responsivity and therefore capacity to engage in offence related programs by helping participants identify issues around domestic and family violence and providing information about options and available support services. The program is delivered in 6 sessions over a 3-week period.

b. Legal Aid

Legal Aid provides:

- Information, referral, community legal education, advice and representation (where eligible) to defendants charged with domestic violence related offences through both in-house and assigned practitioners.
- Legal Information, referral, community legal education and advice to victims.
- Information, advice and representation (subject to the special disadvantage test) for victim's compensation matters.
- Information community legal education, referral and advice for defendants through duty solicitor service.
- Legal representation for defendants for an ADVO matter in exceptional circumstances.
- Representation for for eligible defendants for alleged breaches of ADVOs.
- Advice and duty services to ADVO defendants, through the ADVO Defendant pilot (Mt Druitt only).
- Information, community legal education, referral and advice for ADVO applicants.
- Representation for private ADVO applicants (applications made by an individual rather than the police).
- a duty solicitor scheme in 32 courts, through the Domestic Violence Practitioner Scheme.
- Information, referral and court advocacy in 108 courts, through the Women's Domestic Violence Court Advocacy Program.

Supplementary Questions

1. *In the hearing you addressed the issue of information sharing, and indicated that you will be providing information to the Attorney General about this. If the reforms*

you are envisaging take place, will the Yellow Card system no longer be necessary?

The final recommendations are yet to be determined. Details of the recommendations will be provided once approved.

- 2. Aside from those actions covered in your hearing, are there any others your Department taken to implement the Audit Office's recommendations, or to improve coordination more generally?***

A project is underway to automate AVO data exchange between DAGJ and NSW Police. The project will streamline the sharing of AVO data, making it quicker for information from Courts and Police to appear on each other's databases.

- 3. The Committee understands that case management is a particularly important element of the DVICM model, but the review report notes that case management services are not consistently available. How do you consider this could be addressed?***

In NSW there is a range of case management services available to victims, but none of the programs offers consistent coverage across NSW. Services also tend to be siloed into functions such as court support, case management and specialist services such as those that aim to support victims to remain in their own home. There are also generalist case management services such as family support services. Referral pathways between services are complicated, can be difficult for clients to access in a timely way.

This could be addressed by assessing the availability of case management services across NSW, (this was a recommendation of the recent Auditor General's Report, Responding to domestic violence in NSW), and realigning the services so that a single service is available to respond to victims immediate needs and provide court preparation, legal advice and support if going through a legal process, and case management that responds to the clients needs such as emergency housing, financial issues, mental health concerns, and other issues.

Reassessment of services is likely to result in greater administrative and managerial efficiency, with the potential for greater coverage across NSW. There could also be a focus on geographical areas with the highest rates of domestic violence crime, and with vulnerable populations.

In areas with smaller populations it would be possible to train generalist workers to provide case management functions, as well as court support, risk assessment and safety planning.

Services should also be accountable to standards of service to clients, so that they achieve client outcomes.

- 4. A key message from our visit to Sutherland Court was that its effectiveness is reliant as much on highly skilled and committed personnel as on good systems. What are your views on this observation?***

The department agrees that this is the case.

- 5. To what extent would it be beneficial for the courts to have a wider range of penalties at their discretion for domestic violence offences?***

Attorney General's Division's role is to administer the justice process. This question is more appropriately directed to the Chief Magistrates Office.

6. *How do you anticipate the Domestic and Family Violence Criminal Justice Framework will seek to bring a focus on outcomes for victims and perpetrators?*

The Domestic Violence Justice Framework now in development seeks to achieve the following outcomes.

- Victims' safety is achieved immediately and risk of further violence is reduced
- Victims have confidence in the justice system and are empowered to participate
- Victims have the support they need
- Abusive behaviour is stopped
- Perpetrators are held to account
- Perpetrators change their behaviour and reoffending is reduced or eliminated
- The court process for domestic violence matters is efficient

The DVJF performance measurement framework sets out the standards of service to be agreed by justice agencies, to ensure that victims and offenders across NSW experience a consistent and effective criminal justice response. The framework also identifies performance measures to ensure that progress towards achieving the above outcomes can be closely monitored, and so that agencies have a high degree of accountability for performance.

The framework includes three different ways of measuring performance:

- Outcome measures: These consider whether combined strategies have made an appreciable difference to victim safety and participation in the justice system, and reduced reoffending.
- Process tracking: These measures consider whether each part of the process is meeting defined time standards, and whether the system as a whole is working effectively.
- Quality of service measures: These measures focus to the extent to which strategies are accessible to victims and defendants in NSW.

The framework also includes benchmarks against which performance with the standards will be measured.

Some of the standards are aligned with current practice in NSW, however to meet other standards policy, practice and legislative changes will be required. Agencies are working to together to develop a research and development agenda, and to implement changes where required.

7. *What is the target group for the CREDIT program?*

Most defendants are likely to be experiencing some difficulty in their lives; however, not all difficulties lead to re-offending. The CREDIT program provides assistance to address the issues that contribute to defendants' likelihood of re-offending.

Specifically, CREDIT provides assistance to address challenges in regard to access to formal assistance (for example, services and financial support), housing, financial management, physical and mental health, addiction (drugs, alcohol and gambling), employment and education, and significant relationships.

It also promotes a strengths-based approach through enhancement of social engagement, recreation and pursuit of personal goals.

Defendants are eligible to participate if they are motivated to address one or more of a wide range of problems that relate to their offending behaviour, have an identifiable problem that is related directly or indirectly to their offending, not remanded in custody (assistance can be provided to meet bail conditions if need, eg accommodation), not on a current Department of Corrective Services Supervision Order, and have not been charged and/or convicted of a sexual offence within the previous five years

8. *Are there any further initiatives that you wish to bring to the Committee's attention?*

No.