



## Evaluation *In Brief*

### Intervention Orders and the Intervention Response Model

#### Introduction

This *Evaluation In Brief* summarises the key findings from an evaluation of the operation and impact of the *Intervention Orders (Prevention of Abuse) Act, 2009*.

#### Background

The *Intervention Orders (Prevention of Abuse) Act, 2009* (the *Act*) became effective on 9 December 2011, repealing the *Domestic Violence Act, 1994* and parts of the *Summary Procedures Act, 1921*. The legislation provides police with the power to immediately issue an interim intervention order (police issued interim order; PIIO) if there is an immediate risk to the safety and welfare of a victim. In addition, it provides the Court with the power to issue or confirm intervention orders and determine the conditions relating to contact between defendants and protected persons. Other features of the legislation include:

- improved police powers to intervene;
- special arrangements for victims and witnesses in court;
- the requirement to notify specified public sector agencies; and
- the ability to mandate a defendant to take part in an intervention program.

In addition to the *Act*, the Intervention Response Model (IRM) was developed as a mandatory referral pathway for suitable defendants. It consists of a 24-week group Domestic Violence Perpetrator Program (DVPP) based on Moral Reconciliation Therapy (MRT). The IRM also includes a complementary support service (Women's Safety Contact Officers or WSCO's) for the partners or ex-partners of program participants.

During 2012/13 and 2013/14, the Office of Crime Statistics and Research (OCSAR) conducted an evaluation of Intervention Orders and the IRM. The purpose of the evaluation was to investigate whether, and to what extent, the initiative and supporting IRM has been implemented as intended, and what outcomes the initiative has achieved to date.

#### Evaluation design and method

The evaluation was conducted in three stages over two years, using both quantitative and qualitative research methods. The first two stages (conducted in 2012 and 2013) involved an assessment of the intervention order and IRM process. Data for these stages were obtained from semi-structured interviews with key personnel involved with the implementation and service delivery of the initiative (74 in Stage 1 and 47 in Stage 2, including follow-up interviews). Interviewees included representatives from:

- South Australia Police (SAPOL);
- the Courts Administration Authority (CAA);
- Department for Correctional Services (DCS);
- Department for Communities and Social Inclusion (DCSI);
- Department for Education and Child Development (DECD);
- the Office for Women;
- Domestic Violence agencies; and
- Onkaparinga Collaborative Approach.

Interviews were also conducted with 16 protected persons (including 3 who were interviewed in both Stage 1 and Stage 2) and 20 defendants. It is acknowledged that relatively few protected persons and defendants agreed to participate in the evaluation, and their views may not be representative.

The third and final stage (conducted during 2014) focused on the outcomes of the initiative, using criminal justice data from SAPOL, CAA and DCS to examine: the number and outcome of orders issued; the

demographic characteristics of individuals impacted by an order; the impact of the DVPP on defendants; and the re-offending outcomes of defendants issued with an intervention order.

### **Key Findings of the Process Evaluation (Evaluation Reports 1 and 2)**

- The initiative has generally been implemented as intended and is widely supported, particularly with regard to the immediacy of police issued intervention orders.
- On commencement of the *Act*, the number of intervention orders (IO) made increased substantially compared with restraining orders under the repealed provisions. Combined with highly manual notification processes and limited funding to support the implementation of the *Act*, this resulted in a significant and ongoing workload impact across all agencies involved. It was considered that developing a central database and notification process for all agencies involved in the initiative would improve the administrative burden and accuracy of information. A multi-agency project team was formed in early 2013 to assess the scope and feasibility of a cross-agency IT system to address these administrative inefficiencies. However, current work in this area has been postponed due to resourcing constraints.
- While there is more familiarity with the notification process, stakeholders continued to report limitations in the accuracy of the notifications. This has affected the timeliness and ability of staff to accurately identify clients listed on an order. However, it is noted that the accuracy of information on intervention order notifications is dependent upon the information provided by the applicant.
- There was ongoing concern regarding possible inconsistencies between an intervention order and a Family Court Order.
- The practical and structured nature of the DVPP, including the completion of a workbook was effective in keeping participants focused on the task. Also, the group setting creates an open discussion and rolling intake allows defendants further on the program to support and provide insight to others at earlier stages. However, program facilitators reported that the structured nature of moral reconnection therapy lacked flexibility and did not provide sufficient opportunity to engage with or question defendant's responses.
- Other concerns included the time consuming process for reporting breaches of the DVPP to police, and the limited consequences for such breaches (e.g. expiation notice).
- Funding limitations reduced the scope of the DVPP and the WSCO program to defendants and protected persons in the metropolitan area. The CAA have commenced a pilot group program for Aboriginal men in Port Augusta and the CAA Intervention Programs team continues to consider other strategies to expand program availability within resource constraints. It is acknowledged, however, that there are numerous challenges in providing services to regional and remote areas including appropriate program models and obtaining skilled staff.
- Some respondents felt that the IRM did not provide appropriate response strategies to support children, young people (particularly Youth Justice clients) and individuals with disabilities (physical and/or cognitive). In addition, the IRM was not considered to be an appropriate response model for some Aboriginal people. Although it is not part of the IRM, it was noted that DCSI currently funds the Aboriginal men's health organisation Kornar Winmil Yunti (KWY) to run a domestic violence prevention group for Aboriginal men in the metropolitan area, including men referred subsequent to an intervention order.
- It is also noted that the focus of resources on domestic violence by adult men residing in the metropolitan area against their female partner is consistent with the lodgement and defendant profiles presented in Evaluation Report 3.
- Protected persons reported variation in the level of assistance provided by police, with several describing difficulties accessing a police officer to help them to apply for a court issued intervention order (CIIO). It was also reported that some police were reluctant to take action on a breach without physical evidence, creating difficulties reporting those that involved stalking or intimidation.
- Feedback from both protected persons and defendants indicated that there is limited awareness of the immediate impact of a PIIO, as well as available pathways to obtain an order if one is a victim of domestic abuse.
- A number of respondents felt that the IRM had improved the safety of women and children compared with the previous restraining orders legislation. In particular, the ability for police to remove a perpetrator from the home was seen as an important power. The majority of protected persons were also complimentary of the efforts of their Women's Safety Contact Officer (WSCO) in providing support and links to additional assistance. It was also reported that the WSCO program was providing support to women not previously linked to domestic violence services.
- However, protected persons expressed mixed views about the impact of the intervention order on their sense of safety. While the majority of protected persons with a recent intervention order did not feel any safer, a number of respondents interviewed for both Evaluation Report 1 and 2 indicated that over time and with persistence to pursue outcomes in the courts, perceptions of the effectiveness of an IO improves.

## **Key Findings of the Outcome Evaluation (Evaluation Report 3)**

### ***Number, type and location of Intervention Orders***

- In the first two years of the legislation, there were 6,707 lodgements in court relating to an intervention order (5,920 for issue and 709 to vary or revoke). Of the 5,920, nearly half were Police Interim Intervention Orders (PIIOs) and just over one-third were police applications for an intervention order. Only 3.7% were direct applications to court by a person.
- Approximately 8 in 10 lodgements (79.8%) were recorded as domestic abuse orders.
- The monthly average for domestic intervention orders in 2012 and 2013 was three times that of domestic violence restraining order applications in the two years prior to the legislative change (195 compared to 61). There was very little change for non-domestic orders (54 compared to 49).
- Approximately two-thirds of lodgements (68.5%) were made in a metropolitan court.
- Only a small number of lodgements (111 or 1.7%) involved the Youth Court, suggesting that there is limited demand for a DVPP for young offenders.
- The majority of intervention order breaches (80.0%) were for a section 31(2) breach, which did not involve a breach of an Intervention Program (IO program breaches can be expiated).
- The majority of breach charges finalised in court (i.e. not expiated) had a finding of guilty (68.6%). Conversely, just under one-third (31%) were withdrawn.
- Just under half (43.5%) of the 545 cases where a section 31 breach was the major charge convicted received no penalty. Over one-quarter (28.6%) received a fine as the major penalty and 17.4% received a bond. Only 3.5% received a penalty of direct imprisonment.

### ***Domestic Violence Perpetrator Program***

- Between 9 December 2011 and 4 March 2014, 403 defendants were accepted on to the program, including seven defendants who participated twice.
- The average age of participants was 34 years and over three-quarters (77.2%) reported an Australian cultural identity.
- Around one-quarter of the 403 defendants (98) were still active participants on the program as at March 2014. Of the 305 'finalised' defendants, 95 (31.1%) completed the program. and 210 left the program prior to completion (68.9%).
- DVPP 'non-completers' included 46 who withdrew after their condition to attend was varied by the court and 13 where the charges against the defendant were dismissed or the IO revoked. One defendant died while on the program.
- The most frequent reason for non-completion of the program was termination due to failure to attend (99, 32.5% of finalised participants and 47.1% of all non-completers).
- An examination of the impact of the DVPP on participant's attitudes and beliefs, based on 10 case studies and a voluntary survey found some indication of improvement in areas such as knowledge of types of domestic abuse, awareness of the factors that contributed to their behaviour, or ways of challenging their thoughts. However, the data available were limited. Any future assessment of the impact of DVPP may require the inclusion of appropriate clinical tools in the program.

### ***Re-offending***

A re-offending analysis examined the number of interpersonal abuse type offences for which a person was apprehended in equal time period pre and post-IO. The analysis included defendants who received an intervention order between 9 December 2011 and 31 October 2013 and who had a least 90 free days pre and post-IO in which to offend (n=4,539, including 3,888 domestic and 651 non-domestic IO defendants). Offences were only included in the analysis if the relationship of the victim to the offender was consistent with the type of IO issued (i.e. domestic or non-domestic).

The findings from the analysis were promising, suggesting that intervention orders are associated with a positive change in offending behaviour. It is stressed, however, that the results are indicative only. The analysis only includes offending that comes to the attention of police. In addition, without a matched control group, it is not possible to attribute the changes to intervention orders and/or the DVPP alone.

### Results of re-offending analysis

- There was a substantial reduction in the number of domestic intervention order defendants apprehended for at least one interpersonal abuse offence after the intervention order, from 63.5% pre-IO to 36.1% post-IO. Non-domestic IO defendants also showed a reduction, from 33.3% of defendants with at least one interpersonal abuse type of offence pre-IO to 26.6% post-IO (Refer Figure 1).
- There was a statistically significant reduction in the number of *offences against the person* and *damage property offences* post intervention order for both domestic and non-domestic order defendants.
- Conversely, there was a substantial increase in the number of offences against good order post intervention order, predominantly comprising breaches. The majority of these offences related to a s31(2) breach of an intervention order. As a result of this increase, the average number of all interpersonal abuse offences did not reduce significantly in the post-IO period for domestic and non-domestic IO defendants. The breach IO offences indicate that defendants are continuing to engage in prohibited behaviours towards protected persons, although it was not possible to determine the exact nature of the behaviour. Overall, the decrease in the number of offences against the person suggest that the behaviours underpinning the breaches are less serious - potentially indicating a change in the severity of offending post-IO. (See Figure 2 for a comparison of the pre and post-IO offence type of domestic order defendant).
- Within the domestic IO group of defendants, there was a statistically significant reduction in the total number of offences involving an *intimate* partner relationship post-IO. This suggests that an intervention order has a greater impact upon offences involving this specific type of relationship compared with the broader domestic relationship category.
- The significant decreases in the number of offences against the person and increases in the number of offences against good order post-IO were also recorded for ATSI intervention order defendants, for both domestic and non-domestic orders.
- The pre and post-IO offending profiles of 88 DVPP completers and 140 participants who were removed from the program (non-completers) were compared with each other and male domestic IO defendants who did not attend the DVPP, to assess the impact of different levels of program participation on offending behaviour that involved an intimate relationship. All three groups showed a substantial post-IO increase in the number of defendants with no intimate partner offences, a decrease in the total number of *offences against the person* (e.g. assault), and a corresponding increase in the number of *offences against good order* (mostly offences involving a breach of an intervention order).
- There was some indication that DVPP completers had slightly better offending outcomes than non-completers (in particular, a higher proportion who had no offences post-IO). However, there were no statistically significant differences between completers and non-completers based on the average number of offences per defendant in either the pre or post-IO periods.
- There is also some evidence that DVPP completers had greater improvement in offending outcomes compared to male non-program domestic IO defendants with no exposure to the DVPP. Specifically, DVPP completers had a higher level of intimate partner related offending prior to the IO compared with non-program defendants, but no significant difference post-IO.
- Non-program defendants had better post-IO results compared to non-completers. However, it is noted that the non-completers in the study had a higher level of intimate partner interpersonal offending prior to the IO compared with non-program defendants. It is possible that the DVPP non-completers were more serious offenders relative to non-program domestic IO defendants. The main requirement for entry to the DVPP is a domestic intervention order, but a different profile could result if the more entrenched domestic violence defendants are referred to the program.

### Conclusion

The implementation and operation of the Intervention Orders (Prevention of Abuse) Act 2009 and the associated Intervention Response Model has been a substantial undertaking, with a significant ongoing impact across police, courts, correctional services and notified agencies. Despite these pressures, there is ongoing support for the initiative.

While a number of process concerns have been identified for further consideration, and the findings regarding the outcomes of the DVPP are limited by data availability, the re-offending analysis suggests that intervention orders are generally associated with a positive change in offending behaviour.

Figure 1: Domestic IO defendants - Number of interpersonal abuse offences per defendant in equal time prior to and following an IO

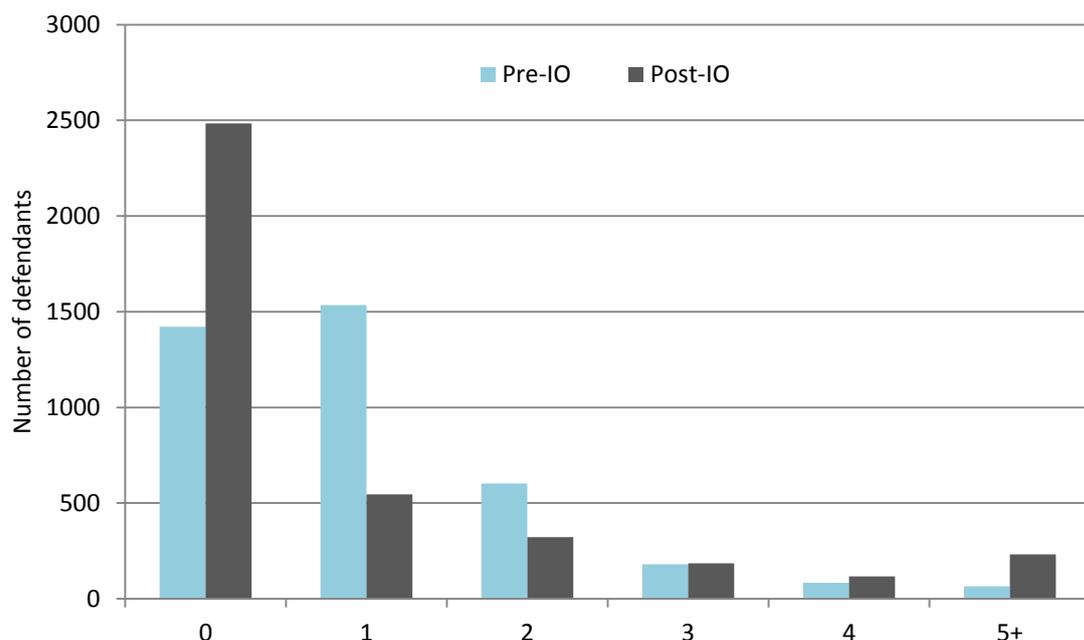
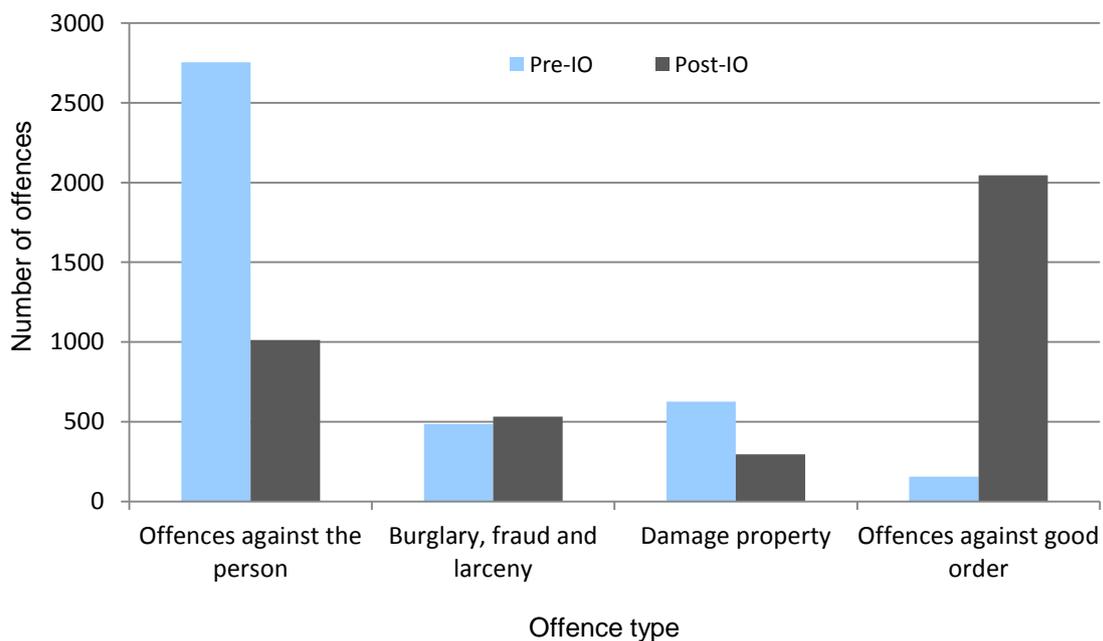


Figure 2: Domestic IO defendants - Number and type of offences recorded in equal time prior to and following an IO (Note: *Robbery* and *Driving* offences excluded due to small numbers)



**References:**

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