



INTERVENTION ORDERS AND THE INTERVENTION RESPONSE MODEL:

EVALUATION REPORT 2 (PROCESS EVALUATION)

First published February 2014 by

Connie Migliore, Emma Ziersch, Jayne Marshall and Elyse Aird

Office of Crime Statistics and Research
Strategic Policy and Organisational Performance
South Australian Attorney-General's Department
G.P.O. Box 464
ADELAIDE SA 5001

Copyright 2014 Government of South Australia

All rights reserved

Contents

Contents	i
Acknowledgements	ii
Acronyms	iii
Executive Summary	1
1. Introduction	6
2. Methodology and Design	9
3. Interviews with Courts Administration Authority Staff	10
4. Interviews with Department for Communities and Social Inclusion	16
5. Interviews with the Department for Education and Child Development.....	21
6. Interviews with Department for Correctional Services Facilitators	25
7. Interviews with Women’s Safety Contact Officers and Domestic Violence Services	33
8. Interviews with practitioners from the Onkaparinga Collaborative Approach	39
9. Interviews with Protected Persons	43
10. Interviews with Defendants	48
11. SAPOL	49
12. Summary of Evaluation Findings	50
13. Conclusion	54

Acknowledgements

The authors wish to acknowledge a number of individuals who have contributed to the research and preparation of this report. Our thanks and gratitude are extended to:

- the members of the Intervention Orders Steering Group for providing the opportunity to undertake this work;
- the Southern Women's Health and the chair of the Onkaparinga Collaborative Approach, Celia Karpfen, for organising a forum with various members of the OCA;
- the Women's Safety Contact Officers, particularly those from Southern Domestic Violence Services, for inviting the evaluator to observe community and social work forums and informing a number of protected persons about the evaluation;
- the Director of Practice, Policy and Corporate Services Directorates at Families SA , Tony Kemp, for facilitating contact with various individuals in Families SA who were selected to participate in the evaluation; and
- protected persons and defendants for taking part in the interviews and sharing their experiences, views and personal stories.

Special thanks are also extended to:

- Ruth Ambler (Executive Director of Strategic Policy and Organisational Performance) within the Attorney-General's Department for her guidance and support; and
- Hazel Lim (A/Manager, Office of Crime Statistics and Research) for her editorial support.

Acronyms

AMC	Adelaide Magistrates Court
CAA	Courts Administration Authority
CIIO	Court-Issued Intervention Order
DCS	Department for Correctional Services
DCSI	Department for Communities and Social Inclusion
DECD	Department for Education and Child Development
ODPP	Office of the Director of Public Prosecutions
DVPP	Domestic Violence Perpetrator Program
FSF	Family Safety Framework
IIO	Interim Intervention Order
JIS	Justice Information System
IRM	Intervention Response Model
MRT	Moral Reconciliation Therapy
NGO	Non-government organisation
OCA	Onkaparinga Collaborative Approach
OCSAR	Office of Crime Statistics and Research
PIIO	Police-Issued Interim Order
WSCP	Women's Safety Contact Program
WSCO	Women's Safety Contact Officer
RSCC	Research and Survey Coordination Committee
SAPOL	South Australia Police

Note: In this report the term "Aboriginal" is used to refer to people of Aboriginal or Torres Strait Islander descent.

Executive Summary

This report outlines the results from the evaluation of Intervention Orders and the Intervention Response Model (IRM) in the second year of the initiative. The evaluation was conducted by the Office of Crime Statistics and Research (OCSAR) between April and November 2013, with additional information received in 2014. This is the second report of the evaluation - a third and final report will be completed in June 2014, providing an assessment of the outcomes associated with Intervention Orders.

Intervention Orders and Intervention Response Model

On 9 December 2011, the *Intervention Orders (Prevention of Abuse) Act 2009* (the Act) commenced in South Australia, repealing existing laws restraining the use of domestic and personal violence. The new Act provides police and courts with the power to issue intervention orders to protect people from abuse. At the same time, the IRM provides support and assistance to protected persons through the Women's Safety Contact Program, and responds to IO defendants through the Domestic Violence Perpetrator Program (DVPP). The DVPP program, *Bringing Peace to Relationships*, is based on Moral Reconciliation Therapy (MRT). Under the program, defendants are required to attend weekly group sessions and complete 24 learning modules.

Evaluation aims and objectives

The Intervention Orders evaluation was approved by Cabinet as part of a package of measures to support the introduction of the Intervention Orders Act. The Evaluation was carried out on behalf of the Intervention Orders Steering Committee.

The aim of the evaluation during 2013 was to assess the implementation and operation of the Act in its second year of operation, with respect to:

- the effect of the Act and the IRM on agencies supporting this initiative;
- any changes or improvements that have been made to its operations since the first evaluation was undertaken; and
- the experience of protected persons and defendants.

Evaluation method

The evaluation during 2013 involved 37 semi-structured interviews with 62 stakeholders, conducted in person or over the telephone. Interviewees included:

- 29 personnel from various government agencies – the Courts Administration Authority (CAA), Department for Correctional Services (DCS), Department for Communities and Social Inclusion (DCSI) and Department for Education and Child Development (DECD);
- 21 staff members from Domestic Violence agencies, Office for Women, and the Onkaparinga Collaborative Approach; and
- 12 protected persons and three defendants.

Additional information regarding the responsibilities of Court's staff and the operation of the DVPP was also provided in a letter from the State Courts Administrator.

Summary of key findings

Operational strengths

There continues to be strong support from all agencies regarding the objectives of the initiative in addressing interpersonal violence. Court Registry staff are fulfilling the responsibilities of the Principal Registrar under the *Act* and notified agencies are undertaking their operational duties to identify and support clients affected by an order. DECD and DCSI respondents noted that increased familiarity with the administrative process had improved the time taken to process notifications received from the CAA.

Reported strengths of the DVPP were:

- the ability to administer the program to a large number of defendants at one time;
- the rolling nature of the DVPP, which allows defendants to enter at any time;
- the group setting, which exposes participants to the change process of others and which provides opportunities for mentoring and support;
- the set structure of the program, which reduces session planning time; and
- the task-oriented structure of the program, which keeps the defendant focused on understanding how his behaviour resulted in the issue of an interim intervention order.

The majority of protected persons interviewed reported that the service and level of support provided by the Women's Safety Contact Officer (WSCO) was comprehensive. Protected persons valued WSCO attendance in Court and most reported that the WSCOs utilised their networks to refer women to additional services or helpful police officers.

In addition, follow-up interviews with three protected persons who participated in the first evaluation suggests that perceptions of safety improve over time. This was particularly the case for protected persons who continued to pursue the substantive charges associated with an intervention order, with the support of their WSCO and police.

Operational issues

Workload

While notified agencies reported increased familiarity with the process, which had improved manageability, the CAA reported that the volume of IO applications and variations in the status and conditions of orders has continued to have a considerable impact on the workload of the Court and administrative staff. DVPP facilitators also expressed concern about heavy workloads now that the program is near capacity.

Consistency and quality of information

In the second year of the initiative there continues to be concern regarding the quality of information recorded by police on the IO forms, which can delay the court hearing, or the notification of relevant parties. SAPOL noted that a pro-forma approach is used to minimise errors.

Information sharing

There continues to be a gap between the level of information desired by agencies to support clients, and notification obligations under the legislation. DECD and DCSI respondents reported that contextual information, such as the nature of the incident that led to an Intervention Order, assists staff to tailor the most appropriate responses to clients affected by an Order. However, only police issued interim orders (PIIO) contain a written description of the incident, due to the way the information is shared. The CAA noted that the information currently supplied by the Courts reflects the requirements under the *Act*. It

was also felt that it was inappropriate to provide agencies with details of untested allegations that may be refuted in Court.

Similarly, WSCOs were dissatisfied with the level of information they could receive from other agencies involved in the IRM. However, respondents noted that there has been an improved understanding of what information is allowed to be shared and each agency's obligations under the Protocol. Alternative information pathways were identified by WSCOs, primarily through attendance in Court, where they could make connections with and support protected persons in the intervention order process.

Practice of reporting DVPP breaches

In the second year of the evaluation, respondents continued to express concern about the process of reporting breaches to police. Currently, an administrator is required to make a separate phone call to SAPOL for each person who has breached his order. It was considered that a more effective solution would be for the administrator to report all breaches in one daily phone call to a dedicated officer in SAPOL.

Assessment for the DVPP

Correctional services facilitators reported that a number of unsuitable defendants had been referred to the program, affecting the dynamics of some groups. It was suggested that the selection process could be improved by screening more thoroughly for mental health issues and significant language or literacy barriers. It was also considered important to assess the defendants' readiness to change so that facilitators would be aware of their mindset when they commenced on the program (see also Service Delivery Change below).

Structure of DVPP (Moral Reconciliation Therapy)

While recognising that the Moral Reconciliation Therapy (MRT) structure of the DVPP allowed for easy delivery to a greater number of participants, facilitators were concerned that MRT did not allow them to question and explore participant responses in more depth. There was also concern that the program lacked case management and risk assessment. Although facilitators were using their own self-assessment tool to monitor changes that might affect the defendant and the subsequent safety of protected persons, it was not considered possible to deal with any one person in depth.

Respondents from the CAA reported that the MRT approach had been selected by representatives from relevant agencies as the best option to meet the aims of the IRM. It was noted that facilitators are able to contact MRT developers in the United States to seek professional guidance regarding any concerns. In addition, an MRT training course is planned for DVPP staff to coincide with the new arrangements for the future delivery of the DVPP.

The CAA also noted that including case management and risk assessment in the program would require additional resources.

Limited consequences for DVPP breach

A number of respondents expressed concern regarding the limited consequences for defendants who fail to attend the program or who engage in disruptive behaviour during the group sessions (i.e. an intervention order breach with an expiable fee). It was noted that some defendants had been able to have their conditions varied so they no longer had to participate in the program (e.g. where attending the sessions clashed with employment obligations). Allowing the change in conditions was considered to reward a lack of motivation to change or address the issues associated with the domestic abuse.

DVPP Completion rate

It was reported that a high number of DVPP participants do not complete the program. This finding is consistent with Domestic Violence Program research, which indicates that high attrition rates are an ongoing concern.

It is noted that some DVPP participants legitimately withdraw from the program because they are no longer required to attend (e.g., the IO is revoked, charges are withdrawn, or conditions are changed), but others are eventually terminated from the program due to non-attendance. It was suggested that the high rates of non-attendance may be due to the limited consequences for such behaviour.

Alternative intervention response programs

With regard to alternative intervention response programs, respondents noted that there were few options available for defendants assessed as ineligible for the DVPP, and these options are not necessarily mandated. Any referrals to other services were generally made on a voluntary basis, rather than as a condition of an IO, with respondents noting that it was up to the defendant as to whether or not to follow through on recommendations made by a Magistrate. (see Service Delivery Change below).

Service delivery change

Since the interviews with DVPP facilitators were conducted, an open tender process for the delivery of the DVPP has been conducted and a new provider has been engaged. Under the new delivery arrangements, a broader range of services will be available. This includes options for men who are not mandated and/or not suitable for the 24 week MRT program due to literacy, language or cultural barriers. The CAA will also be reviewing the assessment/screening process and the level of information provided to DVPP facilitators regarding participants.

Limitation of the response model for minority groups

Consistent with the findings of the first IO evaluation report, some respondents expressed concern that the IRM does 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 Aboriginal people, in that the model does not give consideration to their cultural uniqueness and the history of Aboriginal people in the justice system. It was further commented that conditions on intervention orders are rarely appropriate to the lifestyles of Aboriginal people located in rural and remote locations, and the conditions are not explained and documented in a meaningful format.

It is noted, however, 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. In addition, the CAA has commenced a pilot group program for Aboriginal men in Port Augusta with domestic violence related charges and an intervention order. It was also noted by the CAA that the IRM does respond to the majority of intervention order defendants (i.e. male, heterosexual defendants living in the metropolitan area). This was thought to be the most appropriate focus, given the sheer volume of this client group and the budgetary constraints within which the IRM is operating.

Lack of public awareness of the Intervention orders legislation

Consistent with the previous findings, interviews with protected persons and defendants showed that there is limited awareness about the intervention orders legislation. Defendants indicated they were unprepared for the immediacy of a Police Interim Intervention Order (PIIO) and unclear about the conditions imposed. There was also some confusion about the terminology used in intervention orders.

Family Court Orders and Intervention Orders

Under the *Act*, it is the applicant's responsibility to notify the Court of any other Orders or pending legal proceedings between the protected person and the defendant, to avoid conflicting conditions between Orders. The *Act* also sets out the resolution of conflicting conditions. However, there continues to be inconsistencies and subsequent confusion about which Order supersedes the other. It was suggested that there might be potential for Federal and State Courts to develop communication channels to share information regarding conditions on orders, to increase the likelihood that the orders are consistent. This would maximise the safety of the protected persons and minimise the chance of defendants being

apprehended for contravening their IO. It is acknowledged, however, that any requirement for Courts staff to identify relevant orders in other jurisdictions may require additional resources.

Tenancy orders

Only three tenancy orders have been obtained since the introduction of the *Intervention Orders (Prevention of Abuse) Act, 2009*, which is much lower than the number anticipated by stakeholders. Interviewees from Housing SA noted the tension that exists between the tenancy order provision in the *Intervention Orders (Prevention of Abuse) Act* and the legislation underpinning their agency's operation. The main concern arises from the exclusion of a defendant from a property of which he/she is the legal tenant, without a tenancy order in place. This has resulted in practical difficulties in supporting defendants and protected persons with Housing SA staff using a caretaker approach to manage the few received to date.

Varying levels of support to domestic violence victims

The support offered to victims of domestic abuse varied across police officers. Interviewees with protected persons and respondents from various support services reported that women continue to experience difficulties applying for an intervention order when it involves non-physical types of abuse, and to have police record reported breaches. It was noted that tenancy orders are under-utilised, possibly due to limited awareness of this option and/or the processes to obtain a tenancy order. It was suggested that further training in the nature of domestic violence and the range of options available under the legislation are required across justice agencies to ensure protected persons are fully supported.

Summary

There was continuing support from all agencies for the initiative in its second year of operation. Respondents reported increased familiarity with the notification process and a greater awareness of each other's roles and obligations under the information sharing protocol. This had improved the manageability of matching tasks and communication between agencies respectively.

However, a number of issues identified in the first evaluation report were reported by respondents for the second report. The volume of IO applications has continued to have a considerable impact on the workload of the Court and administrative staff. DVPP facilitators also reported concerns regarding their ability to manage a DVPP program at maximum capacity with existing staff levels.

Other issues included missing or inaccurate data on intervention orders, the inefficient process required for courts to notify SAPOL of breaches, and inconsistencies between IOs and other Orders. The need for further legislation to enable Housing SA to support both defendants and protected persons in relation to tenancy orders was also noted.

Finally, DVPP facilitators identified a number of concerns regarding the operation of the DVPP, particularly in the relation to the structure (MRT). While the CAA did not share these concerns, it was noted that future service delivery changes will provide an opportunity to review a number of issues.

A full list of matters for further consideration is included in Attachment 1.

Final evaluation report

The third and final report of the intervention orders evaluation (due June 2014) will summarise the results of an outcome evaluation. The outcome evaluation will assess the impact of the intervention orders legalisation on defendants (based on the number of recorded incidents before and after the issue of an order), the impact of the DVPP on participants' behaviour and attitudes, and provide a summary of the court outcomes of intervention orders heard in the Magistrates Court.

1. Introduction

The Intervention Orders Evaluation was approved by Cabinet as part of a package of measures to support the introduction of the Intervention Orders Act. The Evaluation, carried out on behalf of the Intervention Orders Steering Committee, is being conducted in three phases over a two-year period from June 2012 to June 2014.

This document is the second of three evaluation reports to be produced on the initiative. Evaluation Report 1¹ provided a statistical overview of the number and type of intervention orders issued in the first 16 months of the legislation, and an assessment of the implementation and operation of the initiative over the first nine months, based on feedback from key stakeholders.

This report, which completes the *process* component of the evaluation, examines the intervention order process following the first year of operation. It details the administrative and service delivery experiences of agencies and non-government organisations, as well as protected persons and defendants. Previous interviewees were invited to provide additional feedback through a second interview with the evaluator. In addition, a number of other key contacts recommended by the Intervention Orders Steering Committee, were invited to participate in an interview to obtain further insights into the impact and outcomes of this initiative.

This report is based on qualitative data only. An overview of the number and type of intervention orders in the first 24 months of the legislation will be provided in the third and final evaluation report, due in June 2014. The third report will also examine the impact of intervention orders on the behaviour of defendants.

1.1 Background

On 9 December 2011, the *Intervention Orders (Prevention of Abuse) Act 2009* commenced in South Australia repealing existing laws restraining the use of domestic and personal violence. The new *Act* provides police and courts with the power to issue intervention orders to protect people from abuse.

The purpose of the process evaluation is to determine the extent to which the *Intervention Orders (Prevention of Abuse) Act 2009*, has been implemented as intended though the issue of intervention orders and the operation of the IRM. The evaluation will also identify any strengths and limitations of the initiative, as well as deviations (if any) that have occurred and their impact on the operation of the initiative.

1.2 Key findings from Evaluation Report 1

The first evaluation report documented the following processes associated with the administration and dissemination of intervention orders:

- Police processes to issue and prepare applications of police issued interim orders (PIIO) and court issued interim orders (CIIO), and notify the Courts Administration Authority (CAA).
- The notification of all intervention orders from the CAA to other agencies involved in the IRM.
- The requirement that all agencies maintain their internal databases to retain details of intervention orders relating to their clients.
- The distribution of referrals from the Department for Correctional Services (DCS) to the Women's Safety Contact Officers (WSCO) that allow the WSCO to contact protected persons referred to the Women's Safety Contact Program (WSCP) via the defendant.

¹ Migliore, C., Marshall, J., Millstead, M., Aird, E. and Smith, E. *Intervention Orders and Intervention Response Model Evaluation Report 1 (Process Evaluation)* Office of Crime Statistics and Research, South Australian Attorney-General's Department, August 2013.

Report 1: Operational strengths

There was strong support across all agencies for the objectives of intervention orders with participating agencies having developed and implemented their own procedures to fulfil their responsibilities promptly. It was noted that the new legislation has resulted in proactive methods for police and Magistrates to manage abusive relationships between defendants and protected persons. In addition, it was felt that the power of police to issue orders immediately has had a generally positive impact on victims, removing responsibility from the victim and enabling police to deal directly with the defendant. Furthermore, since an application to vary an intervention order cannot be made by a defendant for a minimum of 12 months, it gives protected person(s) time to make decisions regarding their relationship with the defendant.

The power to mandate defendants to participate in the DVPP provides defendants with an opportunity to reflect on their behaviours and change, rather than merely receive a sentence. Other identified strengths related to the IRM included:

- The information-sharing process between the CAA and other participating agencies has improved awareness of the impact on clients, enabling agencies to provide more productive assistance (e.g. educators tailoring learning plans for children in schools).
- The IRM has increased Women's Safety Contact Officers' access to women who have not previously been involved with a domestic violence service.
- The group-therapy design of the DVPP, which includes participants at various levels of the program, allows defendants to enter at any time and those just starting on the program to be challenged by the more experienced participants.

Report 1: Operational barriers/issues

In the first 16 months since the introduction of the legislation, there were 4,445 lodgements in court relating to an intervention order. Interviewees who participated in the evaluation reported that the volume of orders exceeded what was anticipated and this, combined with limited funding, had particularly affected the communication and administrative processes that underpin its operation. Concerns were also expressed regarding the scope of the Intervention Response Model and the level of public awareness of the initiative.

Communication processes

- The communication system between SAPOL, the CAA and other agencies is highly manual. Information is distributed via facsimile, and requires manual entry by administrators in each agency to document information into their internal databases. Feedback indicated that this was time-consuming and onerous, particularly when information documented on orders contained errors or there was not enough information to accurately identify persons documented on orders.
- Agencies considered that the administrative elements of the process would be more effective and accurate if a centralised database could be developed and accessed by authorised personnel within the agencies involved.

Administrative concerns

- Agencies checking individuals listed on orders to identify if they are current clients, reported concerns that incorrect or limited information on orders might have resulted in breaches of the Information Privacy Principles. Respondents explained that files of deceased individuals, multiple clients and client family members have been accessed in the process of trying to identify individuals listed on orders.
- Respondents recommended further security measures on databases as currently personnel are able to view intervention orders involving people who are not receiving services from any of their business units. It was suggested that protocols be developed that specify who may access the information and under what circumstances.

- Respondents reported confusion over how to proceed in instances where a Family Court order conflicts with an intervention order. This was particularly the case for agencies working with children, with staff unsure of which order to follow.
- It was suggested that an intervention order application and any substantive offence(s) be scheduled together in a specialised court, or be scheduled to be heard by the same Magistrate to ensure informed and consistent decision-making. It was also recommended that the same police prosecutor present both files, as they would have the greatest knowledge and understanding of the case.

Intervention Response Model

- The IRM was designed to provide services to protected persons and defendants in the metropolitan area where the abuse occurred in a heterosexual, domestic relationship and where the defendant is male. Interviewees raised concerns that the current DVPP does not account for the diversity of defendants and victims, including defendants from non-English speaking backgrounds, defendants who have cognitive issues, and defendants and victims impacted by violence in other types of domestic relationships. Despite this criticism, the analysis of court lodgements and a sample of police-issued intervention orders shows that the IRM eligibility requirements include the largest group of defendants.
- The program was considered limited in its delivery method as it was reported that some defendants are unable to attend the DVPP due to employment commitments or financial reasons (i.e., they cannot afford to pay for transport to attend the program). Alternative delivery methods (such as an online program) were suggested to overcome these issues, and could also assist defendants residing outside the metropolitan area.
- Assistance provided to women through the WSCP is dependent on defendants being referred to and accepted in the DVPP. Once this has occurred, contact with the protected person relies on the defendant providing contact information, which was considered to continue to empower the defendant. Protected persons were uncomfortable that the defendant is aware the former will receive support from a domestic violence service. WSCOs also described incidents when the contact information has been incorrect.

Increased public awareness of the legislation and response model

- Police reported that the initial reaction of defendants and victims when issued with a PIIO or CIIO has been shock and confusion. Defendants are often unaware of the immediacy of an IIO.
- Agencies noted that defendants and protected persons are often unaware that elements of the order will be communicated across various agencies and non-government organisations (NGO). It was suggested that defendants and protected persons be advised when immediately issued with an order that other agencies/NGOs will be notified of the interim order and may contact them.

1.3 Evaluation Report 2

The current report provides an update on the operation of the Intervention Orders and the Intervention Response Model. It aims to explore any improvements, limitations or other barriers that may have been experienced by public service and NGO personnel supporting this initiative during the second year of the initiative. In addition, based on feedback provided by members of the Steering Committee in response to the first evaluation, the report provides further insights regarding:

- The impact of the legislation and IRM amongst protected persons who have either received a PIIO or applied for a CIIO, and whether this has improved their perceptions of safety.
- The continued impact of the initiative for public service personnel supporting the administrative elements of the IRM or supporting clients with intervention orders.
- The Domestic Violence Perpetrator Program, including the scope of the program to encourage therapeutic change among mandated men and other program options available for defendants.
- Suitability of the response model and its associated support services to Aboriginal clients.

2. Methodology and Design

This evaluation project used a qualitative approach consisting of semi-structured interviews with staff from relevant government and non-government agencies, and defendants and protected persons impacted by the legislation (see Table 1).

Individuals who were interviewed for the first evaluation report were re-contacted and invited to participate in a follow-up interview to discuss what changes, if any, have occurred in the last 12 months. Additional stakeholders not captured in the first evaluation were contacted by the evaluator and also invited to participate in an interview to share their insights and experience of the initiative.

Facilitators from DCS, Court Assessors and WSCOs again assisted the principal researcher to recruit protected persons and defendants by providing individuals with a 'consent to contact' form. The principal researcher telephoned each referred individual and provided information about the study and invited them to participate in an interview. Defendants who consented to be interviewed were interviewed via telephone. Protected persons who consented to participate were given the option of a telephone interview or a face-to-face interview at their local domestic violence service.

The principal researcher received 12 defendant referrals and 13 protected person referrals. Three defendants and 12 protected persons took part in an interview.

Table 1 shows a breakdown of the number of individuals that took part by organisation.

Table 1 Interview Participants	
Organisation	Number of Participants
Protected persons	12
Defendants	3
Courts Administration Authority	8
Department for Correctional Services	4
Department for Communities and Social Inclusion	9
Department for Education and Child Development	9
Domestic Violence Services and Office for Women	8
Onkaparinga Collaborative Approach	9

In addition to the interviews, the Courts Administration Authority provided a written response to the evaluators.

Approvals

The project was approved by the Families and Communities Research Ethics Committee and the State Privacy Committee. The scope and design of the evaluation was developed in consultation with representatives from agencies impacted by the Intervention Order legislation, and approved by the Intervention Order Steering Committee.

3. Interviews with Courts Administration Authority Staff

The CAA staff carry out an administrative role under the legislation and are also responsible for the assessment of defendants for participation in the DVPP. Specific administrative roles within the CAA include the receipt, recording and dissemination of IO-related information to all agencies involved in the IRM as well as court allocation. Information recorded includes court outcomes of police and court-issued interim orders.

Court assessors are responsible for determining the suitability of defendants referred by a Magistrate to the DVPP. This involves an assessment of defendants on a range of factors including their criminal history and current charges, literacy and numeracy skills, drug and alcohol use, mental health and gambling issues, and employment and accommodation status. Assessors are also responsible for reporting back to the Magistrate on the progress of defendants, reporting breaches to SAPOL for non-compliance with the Program, and communicating with other agencies involved in the monitoring of defendants.

Administrative responsibility under the Act

Interviews were conducted with three staff responsible for the oversight, receipt and distribution of information relating to the IO legislation. Additional information on a range of issues relating to Court staff's responsibilities and the operation of the DVPP was also provided in a letter from the State Courts Administrator.

The *Act* details the responsibilities of the Principal Registrar in notifying other agencies of defendants and protected persons listed on an IO². It was evident that there is strong awareness of the CAA's role in the initiative and processes in place to ensure that all agencies involved in the IRM are notified immediately of the issue, change or revocation of orders.

One full time staff member has been dedicated to manage the process of recording and disseminating information to agencies, with additional staff providing support in recording outcomes of court hearings and notifying victims of the status of their IO. This has ensured that the process of communicating information occurs in a timely and systematic manner. In addition, multiple personnel have been trained to undertake the role and a procedural manual has been developed to step registry staff through the administrative process.

Administrative practices

The Principal Registrar is responsible for the oversight of all SAPOL-issued IIO or Court applications received through an electronic fax (received as an email) through SAGEMS. This information is entered into the CAA database and a court file is created. It was explained that police officers are aware of the days when the Family Violence Court operates in their local registry, and will document on the PIIO (for the defendant) or CIIO application (for the protected person) the date they will present to the Court. CAA staff then schedule a time for that application to be heard by a Magistrate on the date specified on the faxed PIIO or CIIO application. Following this, registry staff will return a fax to SAPOL documenting the details of the order and the scheduled hearing date and time. Following the court hearing, notification (defendant and protected person(s) name and date of birth and the specific conditions of the order) is sent as an electronic fax to dedicated contact officers in DECD and the DCSI. It should be noted that affidavits attached to CIIOs are excluded from notifications sent to DECD and DCSI.

Attached to the PIIO or CIIO court file is a notes section that is manually completed by the Magistrate's clerk documenting the court outcomes regarding the conditions and details of protected persons listed on the order. Should any changes to conditions be made, including the removal or addition of protected persons, this is documented in writing and forwarded to the registry to update the database. The use of the notes section on the court file is a more recent practice, which has been adopted to more accurately

² Please refer to Part 3, Division 3, Section 23 (7) and (8) of the *Intervention Orders (Prevention of Abuse) Act, 2009* that details the legislated responsibilities and purpose of the Principal Registrar to support the implementation of the *Act*.

record changes to an order. Previously, a protected person may have been removed from an order but registry staff were not clear on whether this occurred deliberately or by omission. This new practice has improved the accuracy of the information recorded on an Order and provides a quick reference tool for staff when contacted by other agencies to confirm the changes made.

Staff from the AMC registry clarified that the purpose of their role is to notify DECD and DCSI of the issue of or any changes to an IO and when an order is confirmed. Their role is not to interpret IOs, or provide additional information beyond what is required to comply with the requirements of the legislation. In line with the legislation, the CAA provide agencies with the name and date of birth of defendants and protected persons listed on an IO. They do not provide any additional information such as their addresses or the relationship of the defendant to the protected person(s), which DCSI and DECD administrators considered would be useful information to confirm what orders match to current clients.

Private applications

Staff were asked whether they had received many private applications for intervention orders from protected persons. They indicated that there have been very few applications, and the great proportion of private applications tend to be for non-domestic abuse matters. One interviewee discussed that should a victim of domestic abuse apply to the court for an IO, the CAA will refer that person to police as the latter is considered to be best resourced to support victims of domestic abuse and refer them to additional support throughout the process of obtaining an IO.

Limitations of the process

Registry staff identified a number of limitations that impact on their administrative management of the IO process:

- There were some reports that the quality of information from SAPOL continues to vary and can be quite poor. IO applications have been submitted with missing details of persons involved (e.g. victim's address), misspelt names or without the required signature of a senior SAPOL officer. When this occurs the applications are rejected and returned to SAPOL to be completed accurately, which may delay the scheduling of court hearings and notification of agencies. In the event that the IO involves a serious matter, staff will process the application and contact SAPOL to obtain the missing information so the application is not delayed.
- Intervention Order information-processing and dissemination are a highly manual and labour-intensive task. 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. (As noted in the first evaluation report, 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).
- It was discussed that Family Court orders can conflict with an IO. There is no mechanism for the Family Court to alert the CAA of a parenting order. It was explained that this has created confusion about which order supersedes the other. It was suggested that communication between Federal and State Courts occur as regards the conditions for contact to ensure details on both orders are consistent. This would maximise the safety of protected persons and reduce the likelihood of defendants contravening their IO. However, it was noted in the CAA written response that according to the *Act*, it is the applicant's responsibility to notify the Court of any other Orders³ or pending legal proceedings between the protected person(s) and the defendant. If the applicant advises the Court of that information, it would avoid conflicting conditions between Orders. If conflicting conditions occur, s16 of the *Act* sets out the resolution of an inconsistency or the protected person may apply to have the IO varied to ensure consistency. It was also noted that any requirement for Court staff to identify relevant orders in other jurisdictions would require additional resources.

³ These Orders include Family Court Orders, Children's Protection Act Orders or agreements or any pending activities under the Commonwealth *Family Law Act, 1974*, or South Australian *Domestic Partners Property Act, 1996* or corresponding law from another jurisdiction.

- Initially, some errors in the processing of intervention orders occurred when a variation was made to an order due to the terminology used. Some Magistrates, when rejecting a variation to an order, 'revoked' the order (rather than dismissed the variation), which resulted in the entire order being removed. Staff now clarify the terminology on any variations to ensure that they accurately record whether an order has been revoked or a variation has been dismissed, and the remaining component still stands.

The CAA written response highlighted the substantial (and sustained) increase in the volume of intervention order applications received, compared with previous restraining order applications. It was noted that when the *Act* commenced, insufficient resources were allocated to support all its elements, increasing the workload of the Court and administrative staff. Despite this demand, the CAA continued to fulfil the new legislated requirements, including the significant obligation to notify relevant agencies and the requirement that defendants are present before the Court within eight days of receiving the IIO.

Strengths of the process

Given the limitations regarding the IT systems, good communication was reported to have facilitated resolutions to administrative errors and breakdowns in the processes between personnel in the Courts Registry and other agencies. The development of key relationships with other agencies was also found to have facilitated a better awareness of each other's roles in the initiative.

- Staff noted that the increased police powers under the legislation⁴, have enabled police to be more responsive to victims of domestic abuse, and there is greater support for both defendants and victims through the intervention program and women's support services.

The Domestic Violence Perpetrator Program

Follow up interviews were conducted with four CAA staff to determine whether any changes had occurred in the referral and assessment process, communication with partner agencies, and the operation of the DVPP. In the second year of operation many of the same challenges remain, particularly in relation to reporting breaches to police.

Referral process

Interviewees were asked for their feedback on how the process for referral to the DVPP was working. Respondents indicated that the procedure varied depending on the Magistrate. Generally the Magistrate will adjourn the matter to enable the defendant to contact the assessor for an appointment, with some Magistrates varying the intervention order or bail condition to make it a condition that they attend the assessment. Other Magistrates prefer to set a date and time on the spot, which can be difficult as not all registries have access to the electronic diary and the assessors are not always present in Court. Respondents would prefer that defendants are required to contact the assessor as it provides an indication of their motivation and willingness to engage in the process.

Workload

The workload of the assessors has steadily grown since the introduction of the IO legislation with the need to manage both the initial referral and assessment process and the reporting requirements. The main difficulty has been juggling their presence in court with the time required to conduct the assessments, which are not always done on site due to a lack of suitable facilities. Respondents also found it important to be present in the court when a case was being finalised as the outcome was not always recorded in sufficient detail on the database. However, since the introduction of Wi-Fi services in the Court, this issue has improved significantly. Assessors advised they can now be present in the Court, while attending to other matters including responding to emails, scheduling assessments and managing their diaries.

⁴ Part 4, Division 2 of the *Intervention Orders (Prevention of Abuse) Act, 2009* detail the additional police powers available to police under this *Act*.

Court attendance of WSCOs

In relation to court attendance, respondents noted the attendance of the WSCO in Court to be very beneficial for protected persons. It was seen as particularly useful on those occasions when a protected person wanted to revoke an IO and the WSCO was able to speak with them and provide information and support so they did not feel intimidated by the perpetrator.

Mandated participation

Initially, to ensure sufficient participants in the DVPP group therapy sessions, defendants did not have to be mandated to attend the DVPP, as was originally intended. The lack of a mandate for some defendants creates difficulties in enforcing compliance with the program, as these defendants cannot be breached for non-attendance. However, it was noted that as the program nears capacity, there have been fewer non-mandated participants.

Importance of referral to the DVPP

One respondent noted that the rate of referral to the DVPP still appears low given the large number of intervention orders issued in the metropolitan area. All respondents agreed that it was important to refer defendants so that the protected person is given the opportunity to access services and support. Without that referral (and subsequent acceptance onto the program), the protected person is not eligible for the WSCP. It was observed that many of the protected persons referred to the WSCP had not had any prior contact with domestic violence services. In this way, the IRM has been instrumental in enabling a new group of vulnerable women to obtain support.

The change for her if she gets increased safety over a period of time and can plan a future, then that is a huge bonus, even if the man doesn't change.

Notification of breaches

Respondents reported some initial confusion over the reporting of breaches for defendants who were mandated to attend the DVPP as a condition on a non-supervised bond rather than the Intervention Order. In these cases, neither the DCS, nor the DVPP facilitators were aware that the defendant was mandated to attend. However, this issue is no longer relevant as, due to the DVPP being at capacity, only defendants with an Intervention Order condition to attend are now accepted onto the program.

As noted in the previous evaluation report, the procedure for the CAA assessors to notify SAPOL of a breach in relation to assessment or participation remains time-consuming and onerous. Staff can only report on one defendant per call and therefore have to hang up and ring back to report each breach. In addition, the process still requires the CAA staff to provide their own personal information to call centre staff, some of whom have very limited knowledge of the IRM, making the notification process a cumbersome one. It was acknowledged that this is also a time-consuming process for SAPOL who are required to send out patrols to locate the defendants. Related to this was the observation that for those who do not pay their expiation fee for a breach, the administrative burden of trying to recover this amount may not be cost-effective.

Completion

A number of respondents noted the low completion rate both in relation to the assessment and participation in the DVPP. One of the reasons for this was thought to be the relatively insignificant consequence of a breach (expiation notice⁵) compared with the harsher penalties observed in overseas Courts.

⁵ Comprising \$160 (Section 31(1) of the *Intervention Orders (Prevention of Abuse) Act 2009*) and \$60 Victims of Crime Levy (Victims of Crime (Fund and Levy) Regulations 2003 under the *Victims of Crime Act 2001*)

OCSAR analysis of DVPP statistics up to March 2014⁶ indicates that about 31 per cent of participants complete the program and 33 per cent are terminated for failure to attend. A further 19 per cent of finalised participants do not complete the program because they are no longer mandated to attend. For example, the interim intervention order may be revoked, or the conditions on the order changed

These findings are consistent with current research, which indicates that high attrition is an ongoing concern within domestic violence perpetrator programs⁷.

Penalty anomaly

The CAA noted a potential anomaly in the legislation regarding penalties for failure to attend/participate in the DVPP. Under the *Intervention Orders (Prevention of Abuse) Act 2009*, failure to attend or properly participate constitutes a breach of an Intervention Order. Such an offence is expiable or, if contested, has a maximum penalty of \$1,250 (Refer s 31(1)). In contrast, s17 of the *Bail Act 1985* provides that, if the defendant agrees to the condition to undertake a program but fails to attend/participate, this constitutes a breach of bail with a maximum penalty of \$10,000 fine or 2 years imprisonment).

Court Review

Some respondents felt that the IRM lacked therapeutic jurisprudence in the form of ongoing Magistrate supervision throughout the DVPP. While some Magistrates may choose to bring defendants back to Court for intermittent review, others do not have a similar requirement.

It is acknowledged, however, that the *Act* does not provide for a specific approach to Court supervision during program participation. As such, the current practice, which is based on what the Court considers appropriate for a particular matter, is consistent with the *Act*. If a minimum level of supervision is warranted, this would require legislative change. The associated impact upon resources would also need to be considered.

Unsuitable defendants

Respondents understood that only a small minority of defendants were not recommended for the DVPP. This was generally due to poor literacy skills, living too far away, or having employment commitments that conflicted with attending group therapy (e.g. travel or shift work). To minimise the need to refuse individuals on literacy grounds, the DVPP has purchased a number of audio CDs to provide an alternative to the literacy-based format of the Program. On occasion, some defendants have been referred to a non-government organisation such as Uniting Communities for one-to-one or group counselling. Respondents noted that this was a voluntary process (i.e., not mandated by a Magistrate) and that it is out of the assessors' control as to whether the defendant contacts the service or not.

There were a few situations where facilitators have requested a participant be removed from the DVPP due to inappropriate behaviour in the group therapy session. Assessors raised that there are no clear alternative referral options because there are a limited number of perpetrator programs available. It is also likely that such behaviour would make these few defendants unsuitable candidates for other services.

Some facilitators understood that, while defendants can be removed from the DVPP, inappropriate behaviour does not constitute grounds for a breach. The CAA clarified that the Court could make the decision to remove a defendant from the DVPP for behavioural reasons based on the information presented to it. It was also noted that failure to attend or properly participate in an intervention order program may constitute a breach of an intervention order.

In a minority of cases, the assessors have repeatedly recommended that a defendant be removed from the Program due to non-attendance but the Magistrate continued to allow their participation. Now that

⁶ Based on 305 'finalised' participants between December 2011 and March 2014, including 95 completers, and 210 who left the program prior to completion.

⁷ Jewell and Wormith, *Variables Associated With Attrition From Domestic Violence Treatment Programs Targeting Male Batterers - A Meta-Analysis*, *Criminal Justice and Behavior* 2010 37: 1086.

the groups are near capacity, it is felt that poor performing participants should not be kept on at the expense of others who might gain more benefit out of the Program.

Overall, it was noted that the IRM does respond to the majority of Intervention Order defendants (i.e. male, heterosexual defendants living in the metropolitan area). This was thought to be the most appropriate focus, given the sheer volume of this client group and the budgetary constraints within which the IRM is operating.

Summary of CAA staff interviews

The Magistrates Court and CAA reported that they have been highly responsive to ensure that the legislated role of the Principal Registrar functions as intended. This is evident in the documentation that has been developed to support their administrative requirements under the *Act*, the training of multiple staff to undertake the processing roles and the strong focus on promoting supportive relationships with other agencies receiving notification data.

The main issues reported by Court's staff for the second evaluation report were continuing instances of incomplete or inaccurate documentation by SAPOL, the inefficient and time-consuming process to report a DVPP breach to SAPOL, and the relatively insignificant consequence of a breach in the form of an expiation fee.

4. Interviews with Department for Communities and Social Inclusion

The Department for Communities and Social Inclusion receives and distributes Intervention Order notifications within the agency. DCSI staff are also responsible for supporting clients who may be listed on an Intervention Order, either as a protected person or as defendant.

Previous interviews conducted with various DCSI personnel highlighted that there were considerable time and resource constraints due to a combination of limited personal information documented on orders and the complexity of using the DCSI internal database. There were also administrative concerns about possible privacy breaches and lack of clarity around which information was considered appropriate to disseminate among DCSI personnel.

A reported strength was DCSI's active support for their clients (both defendants and protected persons) to uphold the conditions of their orders, in particular, DCSI provided their clients with programs to enhance their understanding and capacity to fulfil the conditions of their order.

Nine individuals from DCSI agreed to participate in secondary interviews to further discuss their experience in implementing *the Act* and the IRM. It was evident that over time DCSI personnel have become more familiar with database management. However, new concerns have arisen regarding service provision and scope of the IRM in supporting all DCSI clients.

Administration of orders within internal databases

Receipt and checking of intervention orders

The receipt, checking and distribution of intervention orders has continued as per the findings of the previous report. All notifications are sent from the CAA to the central administrator in DCSI who then, after identifying which orders relate to DCSI clients, distributes electronic copies to database managers in other business units within DCSI to confirm if identified individuals are in fact DCSI clients. Housing SA interviewees reported that their internal database has been consolidated to ensure that only active and clients on waiting lists are checked against IO notifications. It was reported that this has considerably improved the administrative burden for contact centre staff checking orders.

It was reported that there are on average 32 notifications per day (including updated orders) that need to be checked, entered or amended in the DCSI database system. This has become a more familiar process for those responsible for this undertaking, and generally considered a manageable task. One interviewee explained that the maximum amount of time it might take to process one notification is approximately 20 minutes.

One interviewee reported that the quality of information documented on IOs has not improved and was observed to vary between police officers. It was further explained that the copies received are faxed copies of handwritten orders, which can be illegible, contain misspelt names and incorrect dates of birth. This has made it difficult to identify matches and if the information does not match exactly, one business unit advised that it would not record the order. However, the CAA have since advised that most PIIOs are now sent to the Court in a typed version, and this should improve the efficiency of the checking process.

Internal recording and distribution practices

Within DCSI there seems to be a significant amount of discretion used by administrative staff regarding what information is shared on the internal database. It was explained that graphic details regarding the incident resulting in the issuance of an order are not entered, nor are they included in the paper copy of the client's file. Where it is deemed necessary to provide a staff member with details concerning the issue of an order, the information is discreetly shared by the administrator with personnel.

I just send the conditions of the order [to staff]. Some of the police issued orders are fairly graphic and we just don't have a lot of comfort about putting a lot of that detail into the paper file.... Really it stays there forever and if it is actually revoked or if it doesn't stand up in the Court process you don't actually want that stuff sitting there.

Three interviewees further raised concerns that the proposed Information Technology system will exclude this information on notifications in the future. Although DCSI staff were mindful of the sensitive nature of the information included on the order, and careful how this was recorded in DCSI databases, it was still considered important to receive the information. Currently, this information is considered imperative for DCSI personnel working in a case management role with clients to maximise client outcomes and safety, and the employee's welfare at work (e.g., awareness that a client might have weapons).

Our experience is that you get a much better service response when you have got some context...for instance if it's an adult child and the parent that's a very different type of response required to somebody that's in a romantic relationship, that's also a very different type of response.

Two interviewees stressed if a whole of government database management system were developed, this would reduce time to complete administrative duties and maximise the consistency of information across agencies involved in the model.

Limitations of the initiative reported by DCSI

Administrative limitations

One interviewee reported that there is confusion when an existing IO is amended, particularly when children previously documented on orders are removed. However, it is likely that this is not a widespread issue. As advised by the CAA, the registries attach a 'notification of order' coversheet to all Orders, including revised orders, that specify where variations have been made. This includes whether a child has been removed or added to the amended order. Agencies are also provided with the Court's most current order, which is the primary source of the terms of the new IO in force.

Clients contravening orders

It was reported that there have been many instances where the protected person has contravened the order and re-established contact with the defendant. It was also noted that such contact has not reduced under the new legislation, although it was acknowledged to be characteristic of the cycle of domestic violence. Four interviewees considered that this might suggest that the legislation has had little impact on the safety of victims of domestic abuse.

Limited focus of response models for the diversity of clientele

It was explained that DCSI deal with a diverse range of clients ranging from children to the elderly and that these clients may be identified in an intervention order as a protected person, a defendant, or family member of a protected person or defendant. All interviewees raised concerns for clients who become IO defendants due to their behavioural, cognitive and psychological issues, because the process of going through the Court to get an IO makes the client's issues become public knowledge. One interviewee felt that there is no opportunity for DCSI to advocate for their clients regarding intervention orders through appropriate means within the justice system, particularly for young people listed as a defendant on an order. This interviewee considered that should a mandated youth program be developed, it could allow youths to report back to the Youth Court on scheduled dates.

Two interviewees felt that there is a lack of appropriate interventions, particularly for children and youth who compared to the general population are at different behavioural, emotional and cognitive

development stages. There was also recognition that practitioners are still working out the appropriate balance between advocating for and protecting their clients, and the rights of their families to an absence of violence in their homes.

I am just wondering about how much we have interrogated research and knowledge about how we actually intervene in these kind of behaviours with younger people, who quite often are victims of the very violence that they are being held accountable for. I think that it is a bit of an untapped space at the moment, and in terms of the responses in the community available to this particular cohort of young people, it is virtually nil.

However, it was noted by the CAA that further investigation would be required to ascertain what is the current demand for youth intervention programs. The CAA advised that, historically, youth intervention programs have not been sustainable because there tends to be fewer youth defendants compared to adults.

Limitations within the legislation

Four interviewees from Housing SA discussed the tension that exists between the intervention orders legislation and legislation governing the operation of Housing SA. The most significant concern was how to manage the exclusion of a defendant from a property where he is the legal tenant. This is the case when a defendant was excluded from a house but no tenancy order application had been received. Housing SA do not have joint tenancies so only one person is the legal tenant of a housing trust property at a time. The exclusion of defendants has created administrative difficulties in terms of being able to negotiate their continued rental payments and responsibility for the property. Furthermore, the amount of rent is determined on the total household income, so this would change should a tenancy order permit the protected person to stay on the property.

Interviewees discussed the following options that could be implemented, however it was noted all have limitations regarding the authority of Housing SA:

- Allow the protected person to stay in the Housing SA tenancy by noting the protected person as a caretaker of the property until the tenancy order is made. This could occur when the defendant is the legal tenant. It was explained that Housing SA would then need to continue to charge rent to the defendant, while allowing the protected person to live there. However, if the defendant does not pay the rent in the interim, this might place the protected person at risk of losing the property. It was also explained that Housing SA would not have any power to encourage the protected person to pay the rent.
- Consideration of creating the concept of an 'interim lease agreement' between Housing SA and the protected person if the defendant is excluded from the property. There is no legislation to support this option currently.
- Housing SA does not have authority to evict a tenant without a tenancy order. This would have to be pursued through the Residential Tenancies Tribunal.

Limited awareness of the process to obtain a tenancy order

A separate tenancy order application needs to be created once an IIO or IO is in place. This option appears very under-utilised, with staff reporting only three tenancy orders made to date. One interviewee explained that Housing SA had to advocate strongly and use their Crown representative to pursue applications for tenancy orders placed by women with IOs. It was reported that the first time a tenancy order occurred, the protected person received limited support and assistance from their WSCO and Housing SA stepped in to assist the protected person achieve a positive outcome through the Court. It was felt that there is limited awareness amongst protected persons of the option and process to obtain a tenancy order.

It is not clear why there has been so few tenancy orders made in nearly two years of the legislation's operation. Possible reasons include that: a high proportion of women are already listed as the legal

tenant on Housing SA properties; protected persons are not aware of this option under the legislation or; protected persons would rather leave the property and start afresh where the defendant will not be able to contact them.

Ethical dilemmas of DCSI staff

Some DCSI staff reported experiencing ethical dilemmas regarding clients who breach their orders, often by contacting family or partners. Interviewees found it ethically challenging to report these breaches as they attempt to balance supporting younger defendants to develop healthy relationships, with the right of the protected person to safety.

What we are seeing from parents is enormous guilt about having their children removed from the family environment and feeling really powerless about how to manage them. They do not want the violence at home. They don't want to abandon their kids. There is real complexity around this.

However, personnel will report all breaches to police in accordance with the legislation and the policy of their Department. It was suggested by all interviewees that further work is required to establish a best-practice model to support DCSI personnel working in these complex situations where they are supporting both defendants and protected persons to achieve positive personal relationships.

In the conversations I have had with practitioners it is really obvious to me that our practitioners are still in the space of advocacy and protection of their clients and I don't think they are balancing that enough against the rights of their families to feel safe and have absence of violence in their homes.

Two interviewees raised concerns about the inappropriate use of orders by family members against their clients. Both interviewees reported staff were concerned about the socio-emotional effects of orders on their clients. This was particularly stressed by those working with adolescents and their families, as this age group requires further guidance to learn to make healthy choices, evident in the following examples:

The young man has been removed from home on an interim order and had no life experience outside living in a family of violence. He is now living in transient youth-based accommodation. He has had four different placements in that period of time since he has been removed from the home...He is now eligible for \$560.00 a fortnight. For a young person who is at school who has had nothing...he has money and he is hanging around the city and getting himself into other types of trouble and other things he may not have normally been exposed to. [The order] is a consequence for the choices he was making in the family home most certainly, but is this [the situation] the best kind of response that we can come up with because this is just going to create a whole range of problems.

The interviewee described further implications for young people in transient accommodation or who are separated from their families as a result of an IO, as there is generally no immediate influential figure to monitor and mentor the young person, and DCSI staff only have so much influence over the client.

There is no one nagging him to go to school because there is no parent there. There are youth workers in the accommodation service that I am sure would try and encourage [them], but you can't make them do anything.

Cultural limitations

Two interviewees discussed cultural limitations within the IRM regarding how to support transient clients, such as those living in Aboriginal communities, to maintain the conditions of their orders. One interviewee commented that conditions attached to orders involving individuals in transient communities could be better considered and documented by the Court. Conversely, another interviewee raised that Magistrates in some rural locations were very creative with the conditions they imposed, with some documenting the conditions in language that is understandable to the client.

There have been some really creative conditions...There was one where one of the conditions was that the defendant was to not get cranky with the protected person... that was the language for not hitting. So they [the Magistrate] described it when the defendant assaulted the protected person that the defendant was cranky, rather than saying do not assault ...it's a much more accessible way of doing it and probably [gives the defendant] a better chance of upholding the order.

Reported benefits

Two interviewees noted that despite the current service gaps within the initiative, the implementation of the legislation and the response model has produced positive outcomes for some of their clients, for example, by providing support to protected persons to leave long term abusive relationships. It was acknowledged that under the previous legislation, police did not have the authority to issue an order immediately.

Respondents also noted that the initiative had promoted discussions regarding appropriate responses to support protected persons. It was reported that the initiative had created better understanding and awareness at all levels and enabled Housing SA to consider different ways of doing business. The information-sharing protocol has been effective as an early warning system, enabling the provision of advice to tenants on additional security measures available to them. Furthermore, the initiative has provided additional information to Housing SA staff to assist decision making regarding the allocation of housing to protected persons on the public housing list.

Summary of DCSI staff interviews

Secondary interviews with DCSI personnel identified that they have implemented improvements to their database to reduce the time taken to search for clients. However, staff continue to experience the same limitations as reported in the previous evaluation report, particularly with regard to the poor quality of information received.

Legislative amendment may be required to address the conflict between the *Intervention Orders (Prevention of Abuse) Act* and the *Act* underpinning Housing SA's operation (*South Australian Housing Trust, 1995*), in order to adequately support defendants and protected persons in tenancy matters. It was also suggested that the issues faced by clients in transient communities need to be further considered in the implementation of IOs and IRM.

5. Interviews with the Department for Education and Child Development

This section summarises the responses from nine staff from the Department for Education and Child Development (DECD), including administrative and field staff working in Families SA. Individuals interviewed were either involved in receiving and recording intervention order notifications within DECD and independent schools, or working with clients affected by an intervention order.

Key findings identified in the previous evaluation with DECD interviewees included concerns regarding the burdensome process to identify clients and possible privacy breaches as administrative staff attempt to accurately identify protected persons. Interviewees also discussed that due to limited funding and resources, additional costs and work duties were required to support this model.

In the second year of operation, DECD staff noted a range of improvements, but also found that they are facing many of the same challenges.

Barriers to successfully supporting clients with intervention orders

Lack of information on intervention orders

DECD receive all interim orders, variations to orders and confirmed intervention orders as they progress through the justice system, irrespective of whether persons documented on an order are DECD clients. Interviewees who check intervention orders to ascertain which relate to clients in the DECD database reported that they continue to experience issues regarding the completeness and accuracy of the personal information provided (e.g., date of birth and misspelt names). This continues to affect the time taken to accurately identify clients and notify service personnel or schools, of individuals that need to be flagged as protected persons. That said, it was noted that SAPOL were helpful in clarifying the information on orders. Moreover, comparing across all orders, DECD respondents found the information contained on PIIOs to be relatively more accurate than the CIIOs.

It was also commented that the internal identification and notification process would be more efficient if the information sent to DECD included the known aliases used by the defendant and the relationship of the defendant to the protected person(s).

Furthermore, the lack of detail on notifications (particularly court issued orders), including the grounds on which the order is issued, often makes it difficult for staff to determine the level of risk the child faces.

There's a fair difference between Dad's broken Mum's arm and hospitalised her and tore up the house, compared to Dad giving Mum a shove in the front yard, and whether the kids have seen or not seen [it].

If he's potentially got firearms and he's threatened to use them, we should know about it, because you never know how he's going to respond on the day.

It was felt that accurate and more detailed information on the protected person would hasten the decision-making about child placements and appropriate referrals to make. Concerns were also discussed by two respondents regarding the possible changes in the dissemination of information if a new Information Technology system becomes effective. It was understood that DECD agencies would only receive information to identify individuals documented on orders and further information describing the situation that resulted in the issue of an order will be excluded. As indicated, this information is very useful in providing appropriate responses to the child or children listed on the order.

In response to these issues, the CAA advised that they are dependent on the information provided by the applicant (SAPOL or the protected person). While registry staff may contact the applicant to obtain

any missing information, they are reliant on the information provided by the parties and cannot seek clarification of these details from any other source to assist the relevant agencies further.

With regard to the request for more detailed information from the Courts, the CAA advised that staff are currently performing their notification duties in accordance with the *Act*. It was felt that it was not appropriate for notified agencies to receive information about the allegations made regarding the intervention order because all allegations are untested and unproven and therefore may be refuted in a Court hearing. The CAA noted that the allegations do not constitute terms of the order and that the *Act*, appropriately, does not require the provision of untested allegations to relevant public sector agencies. This information is only supplied to notified agencies on PIIOs because of the way the PIIO is currently provided to the Courts (in PDF format, as a complete document) and due to limitations of current notification systems. The CAA advised that, in particular circumstances, should further information be required, a government agency may wish to apply to the Court for further information in accordance with Section 51 of the *Magistrates Court Act 1991*.

Communication with other agencies

Consistent with the findings of the previous report, two respondents stated that there is no particular person they can call regarding complex cases. They suggested that a senior officer be made a point of contact in SAPOL and the CAA when there are difficulties with such cases. In response to this, the CAA reported that advice regarding processes and avenues to obtain information about court proceedings was provided to public sector agencies and that agencies are welcome to seek further information if required.

It was also raised that dissemination of information across relevant agencies can still be improved. Two respondents reported that, despite DECD staff being proactive in sharing relevant information with Families SA via the Child Abuse Report Line, there tends to be little communication between Families SA and school staff. It was also raised that agencies should be better informed about the information sharing principles to encourage the dissemination of information across relevant agencies, to maximise the benefits for clients impacted by an order.

Cultural barriers

It was raised by two interviewees working with Aboriginal communities that within this population there is limited understanding about the purpose of an intervention order, arising from the language in which the conditions on the order is written. They also discussed concerns about the order and the associated IRM being culturally inappropriate to Indigenous people living in rural communities. The interviewees reported that many of their Aboriginal clients experience abuse as part of their everyday lives, resulting in attitudes within their client group that are difficult to challenge. One respondent stated that without cultural consultation, and potentially a separate response model for Aboriginal communities, the orders can be ineffective.

It is noted, however, 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. The CAA has also commenced a pilot group program for Aboriginal men in Port Augusta with domestic violence related charges and an intervention order. The program was designed in consultation with KWY to ensure it is culturally appropriate.

Impact on agency's clients

The observations made by interviewees can be divided into ongoing and emerging concerns of the clients.

Ongoing concerns

- The close proximity of victims and defendants in small, regional communities, increased the likelihood of contact and the risk that a defendant might determine who reported him to the police for breaching his order.
- There was a lack of awareness among protected persons and their families about information-sharing across agencies. Some DECD clients were upset when they became aware that their order had been distributed.
- There was a lack of clarity around information-sharing protocol (e.g., sharing files with other government personnel who are working directly with protected persons and defendants), in some instances resulting in inappropriate handling of information.

Emerging concerns

- Intervention orders are not immediately transferable across states in Australia. Once defendants and protected persons enter another state, the order is ineffective and contact between both parties is permitted. For an intervention order issued in South Australia to be effective interstate, a protected person/s must have the order registered as a foreign order in another jurisdiction. The ineffectiveness of orders outside SA was reported to be a safety risk for protected persons living close to the state borders.
- It was observed that the notification of an intervention order automatically generates a child protection notification with Families SA. The automated child protection notification was deemed to be an unfair consequence of the legislation in cases when a woman enters into a new relationship and has a child with another partner. In this instance, the new partner and child are associated with a child protection notification that is not related to them.

Effectiveness of intervention orders in increasing safety of the protected persons

There were mixed views amongst DECD respondents about the effectiveness of intervention orders. It was noted that the safety of individuals could depend on the sharing of information between agencies, the stage of the order process (interim stage or confirmed), and the cultural group. Three interviewees considered that intervention orders have increased the safety of victims and children, while a further three interviewees felt there has not been any change. Two respondents considered the intervention orders to be ineffective for particular cultural groups.

Two respondents raised concerns regarding the safety of children during situations when an order application is adjourned for a period of time beyond a week. The respondents raised that according to the *Child Protection Act*⁸ adjournments involving children should only be for 7 days, but they have experienced cases involving children documented on orders, (whose safety they need to maintain during school hours) that have been adjourned beyond this period of time. The interviewees said this means that the schools are in 'limbo' and may not be sure, for example, about whether or not to call the police.

Impact of intervention orders on DECD

There were also mixed views about the impact of intervention orders on the agency, depending on the respondents' roles in relation to the Initiative. A number of respondents found that the impact of the intervention orders has been manageable and their workloads were unchanged. In contrast, one respondent had noticed an increase in workload due to the amount of time taken to enter information into their system.

⁸ Please refer to Division 4, Section 23 of the *Children's Protection Act, 1993*

Suggested improvements

DECD staff raised the following suggestions to improve intervention order processes and support clients with intervention orders:

- Further clarification regarding what information can be disseminated between Families SA and schools to maximise the safety of children.
- To improve the time to identify children in the system, it was recommended that a check box be included on all orders from either SAPOL or the CAA to identify if a person is aged under 18 years of age.
- Clarification regarding whether there should be a protocol in place to follow-up unserved intervention orders on cases where Families SA have repeat notifications on the case, even when the case is closed.
- The development of safety plans for children within the Court to balance the adult focus of the intervention order process.
- The establishment of occupational health and safety protocols for staff working with protected persons as currently there are no policies to protect staff or other students.
- The need to gain a cultural perspective of the intervention order process. It was suggested that this could be achieved through discussion with Aboriginal leaders and other cultural groups, to ensure that appropriate responses and services are developed for those living in Aboriginal communities.

I think we need to put things into perspective that a lot of our clients are really transient and they don't have any flexibility and a lot of the groups, look at how they move. It is seriously hard [for police] to actually enforce an intervention order when they do have contact with the perpetrator. It is virtually impossible to police those orders. We are actually seeing that with particularly Aboriginal women, when they are being assaulted multiple times.

Summary of DECD staff interviews

Overall, many of the issues identified in the first evaluation report remain unresolved. The main concern continues to be the incomplete information contained on the orders and subsequent difficulty in identifying the protected child and responding appropriately according to the level of risk. Interviewees also raised concerns with the lack of general protocols to guide information sharing with other agencies and the special considerations that apply to working with regional clients. An emerging issue was the applicability of intervention orders to Aboriginal clients. It was suggested that further consultation with Aboriginal leaders be undertaken to ensure that appropriate responses and services are developed for this client group.

6. Interviews with Department for Correctional Services Facilitators

DCS is funded by the CAA to facilitate the DVPP for men who have been mandated and assessed as suitable to engage in the program. The DVPP has been running since July 2011 and the program, entitled *Bringing Peace to Relationships* is based on Moral Reconciliation Therapy (MRT). This therapy was first developed by Correctional Counselling Incorporated within a correctional facility in the United States of America and was developed as an intervention program for men who have used domestic abuse behaviours in their relationships. To deliver this program, DCS facilitators must complete the training delivered by Correctional Counselling Incorporated to ensure they develop an understanding of the purpose of each learning module and activity and counselling approaches⁹. This is the only program delivered by DCS facilitators under the IRM.

Further clarification was sought from stakeholders regarding additional options for defendants to be referred to beyond the DVPP. Additional information was also requested on how the program operates and if there is scope for facilitators to utilise additional clinical skills when working with participants.

Follow-up interviews were conducted during July and August 2013 with four DCS staff who were responsible for the delivery or management of the DVPP. Interviewees were asked for their feedback on a range of matters including: information-sharing with other agencies; the operation of the DVPP, including any identified strengths and weaknesses; and the impact of the DVPP on participants. In addition, three defendants agreed to participate in an interview about their experience of the initiative and the DVPP.

It is noted that, since the conduct of these interviews, the service for delivery of the DVPP has gone out to open tender and a new provider has been engaged.

The Intervention Response Model

The DVPP (as outlined in the IRM Practice Manual) is the only program DCS facilitators are contracted to deliver to men mandated to an intervention program. However, based on the feedback of defendants (and Courts Assessors), some men have been recommended by Magistrates to other therapeutic models. As noted previously, participation in other recommended therapy programs is at the defendant's own discretion and not mandated or monitored by the CAA or DCS.

Information sharing between DCS and CAA

Information sharing between DCS and the CAA occurs on a needs basis and more formally through fortnightly meetings to discuss new referrals, current participants and any issues arising from the operation of the DVPP. DCS receive the assessment forms of new referrals and provide interim and final reports back to the CAA on defendants who have participated in the Program. In addition to the assessment information, DCS would like to receive information on the offence details (if any) attached to an IO and be notified when an interim order is confirmed or the conditions of an order are varied by the Magistrate.

The CAA advised that the assessment report forwarded to the DVPP has provision for contextual information about the nature of the offending and the defendant's view about the allegations and/or IO. The intake form was developed by DCS in consultation with CAA and the CAA considers that, in most cases, relevant information is provided. However, the CAA also advised that referral information needed as part of the DVPP will be reviewed with the new service provider.

With regard to the assessment process, respondents noted that it provided basic information on defendants, including their literacy skills or any mental health issues. Initially (when the program was first introduced) there was pressure to fill spaces, which resulted in some unsuitable defendants being

⁹ An overview of the accreditation process and resources related to the *Bringing Peace to Relationships* program is provided on Correctional Counselling Incorporated's webpage: <https://www.ccimrt.com/programs/domestic-violence>

put on the Program. While this has improved, some participants still present with issues that affect the group dynamics and engagement of men in the program. These include:

- defendants with significant mental health issues. Respondents would like defendants to have these matters addressed prior to participation in MRT, as some participants were delayed midway during the Program for weeks for hospitalisation, while the behaviour of others was found to jeopardise the effective functioning of the group.
- members/ affiliates of a criminal gang. Safety concerns for both facilitators and group members were raised following the inclusion of such defendants.
- sex offenders. Respondents believed that the Program was not suitable for known sex offenders for safety reasons and because the therapy was not designed for this offender group.
- defendants with significant language or literacy barriers.
- motivation/readiness to change. While motivation to change is not a relevant criterion for a mandated program, facilitators have experienced participants who completely deny they need to be on the DVPP or are very reluctant to engage in the treatment Program. This can have a negative impact on the dynamic of the group sessions. To better prepare for this, facilitators would like to know more about the participants' attitudes towards the Program and their willingness to change at entry to the Program.

What I would like to see is an assessment that assesses readiness for change and the treatment targets and possibly have two programs; some people who are very reluctant for treatment and other people that are very, very willing. To put all of them into the same program is not helpful.

It was reported that over time a strong rapport developed between DCS and the CAA Assessors. This has meant that facilitators can discuss their concerns about defendants' suitability and (where necessary) recommend that they be withdrawn from the Program. It was acknowledged that decisions about participation or withdrawal from the Program are out of the Assessors' control, as ultimately the decision rests with the Magistrate.

The CAA confirmed that the screening that occurs as part of the assessment process prior to referral takes into account mental health issues, alcohol and other drug related issues and literacy. There is no screening provision regarding criminal gang members or sex offenders and the CAA does not hold the information required to facilitate this screening process. It was reported that the application of these screening procedures to all potential program participants would add a considerable administrative burden to the program, for which additional resources would be required.

Additional information

Based on the self-assessment form completed by DVPP participants, facilitators update the Domestic Violence warning screen on the Justice Information System (JIS). This was seen as a useful preliminary source of information for custodial staff and community correctional case managers. For example, for perpetrators that have an IO and are entering custody, the alert will provide custodial staff with the conditions of the IO and information on the protected person, to ensure that the perpetrator cannot harass their partner while in custody.

Should the participant have a previous history with DCS, the group facilitators are able to access the defendant's previous reports and case notes. This information gives the facilitators a more accurate picture of the defendant's offending, however due to the structured format of the DVPP and the high number of participants, it was reported that the information is not used to its full potential.

Communication between WSCO and DCS

Respondents were satisfied with the flow of information between themselves and the WSCOs and this is consistent with the experience reported by WSCOs. Three out of five WSCOs interviewed reported that they understood the limitations of the information that can be shared with them and have learnt to work within the boundaries of what is allowed under the guidelines of the IRM Practice Handbook.

Email and phone calls are used regularly when agencies need timely information about a defendant and six-weekly meetings are held to discuss the defendants and any issues that are arising from the group therapy sessions. It has also been beneficial in assessing the honesty of defendants and whether what they say in the group sessions is consistent with the experience of the protected persons. Respondents observed that there is a fine balance between preserving a defendant's confidentiality and providing sufficient information to manage the safety of the protected person.

Roles and responsibilities

There continues to be some uncertainty around the individual roles and responsibilities of agencies connected to the DVPP. One respondent suggested that a set of guidelines be developed to clarify who is responsible for the various components of its operation, such as participant behaviour, termination, case management, and notification of non-attendance. It was thought that this would provide a clear direction for action thereby increasing the accountability of the DVPP.

I think that if it was a bit clearer it would probably increase accountability. Then the people who are involved in the DVPP, Courts Assessors and whoever, it would make them more accountable to follow up because then those roles would be a bit more clearer regarding the management of the defendant and his change.

The CAA noted that the Integrated Response Model manual provides considerable detail about the roles and responsibilities of the DVPP, WSCOs and the CAA. This manual was made available to the DVPP facilitators and the WSCOs.

The Domestic Violence Perpetrator Program

Strengths and weakness of the DVPP

Facilitators identified a number of strengths of the program. These included:

- The ability to administer the program to a large number of defendants at one time, which was not possible with other treatment models.
- The rolling nature of the program, which allows defendants to enter and exit at any time.
- The group setting, which creates an open discussion, exposes participants to the change process, and provides opportunities for mentoring and support.
- The set structure of the Program, which reduces session planning time.
- The task-oriented approach, which reduces the likelihood of defendants getting off-track during group therapy and trying to defend their position with blaming language.
- The homework activities documented in the work book and in particular, the sections that ask participants to draw their response to the questions, as this encourages them to think about the issues differently.

One of the concerns raised about homework was the observation that some men are making their partners complete the work, which then places the responsibility on the protected person to answer the questions correctly. This is seen as another way of manipulating the protected person. When facilitators believe this is happening they will question the participant about this and let the WSCO know that this is occurring.

I like the workbook, that they have got something tangible. Men seem to like that, I think. That can have negative connotations and sides to it as well, because they can say, 'Here you do the homework because you are the reason why I am there'. It has happened.

A number of limitations in relation to delivering the program were also identified including: staff workloads; assessment of risk; lack of case management; the structure of the MRT Program; and non-attendance. Each of these is discussed in turn.

Staff workloads

Consistent with the findings of the previous evaluation, burn out remains a key concern for staff. Eight programs are now run each week during the day and evening in various locations. This workload is only considered manageable when all staff are available. There is no fill-in roster to manage sick leave beyond the existing staff. When this is not possible, or when staff are on annual leave, the groups sessions have to be cancelled. This arrangement has also restricted staff access to training and development opportunities or temporary relief from running consecutive programs. One suggestion to better manage staff leave was to second the CAA staff who have been trained in MRT to fill-in on an as needs basis.

CAA have since advised that, as part of the recent open tender process for delivery of the DVPP, tenderers were asked to cost and submit a proposed staffing model for the appropriate delivery of this service.

Assessment of risk

Conducting a weekly risk assessment for each defendant is not a component of delivering MRT. However, DCS facilitators have retained their own self-assessment tool. This is completed by defendants each week and monitors lifestyle changes that might impact on the welfare of the defendant and safety of victims. These risk factors include: incidents of further abuse, accommodation changes or mental health concerns. The information is recorded in each defendant's case notes and where necessary, provided to the WSCO for the safety of the protected person.

Due to the program operating at or near capacity, facilitators noted difficulty in keeping abreast of all defendants. With a small number of facilitators and over 80 men, it was not considered possible to deal with any one person in depth.

The CAA notes that the IRM requires facilitators to monitor risk to women's safety as far as this can be ascertained from attendance and clinical judgement about men's risk gleaned from observing their participation in the group. It is recognised that collaboration for the purpose of sharing information about risk to the protected person's safety is fundamental to the model and, therefore, the DVPP facilitators develop and maintain appropriate communication channels with the relevant WSCO. In addition, DVPP facilitators have a mandate to notify police if they consider the risk posed by an individual in the group towards the protected person (or anyone else) is high.

Case management

It is recognised that the large number of participants involved in the DVPP makes it impractical for DCS to carry out a case management role within the existing staff resources. Respondents are concerned that this leaves a gap in the DVPP as no other agency has responsibility for this function.

How much contact do they have with the woman? How many children are involved? Do they live at home with the children? Are there secondary victims involved? We do not know anything about the order because there is no case management. We don't want to know because we wouldn't even have time to look at that. However, it would be preferable to have a more specific and more personalised model. It would be much, much safer.

There is no case management so therefore we don't know how compliant the guys are with their orders, we don't know the order to start with. Nobody keeps an eye on the contact, it's just really detached. It's not as integrated as I wish it could be, that we work closer with the women's workers and that we look at every single man.

Respondents felt that a lack of case management has implications for adequately monitoring risk to protected persons. The following areas are not currently addressed:

- Supervision of compliance with order conditions other than program attendance.
- Assessment of the criminogenic needs and outcomes through client-focused intervention.
- Implementation of intervention strategies to address violence prevention.
- Monitoring the defendants' accountability.
- Organising case conferences where necessary.
- Provision of individual discussion in response to group content.
- Assessment of stages of change.

Further information provided by the CAA noted that under the previous intervention model implemented by DCS, case management support was provided if the Court placed the defendant under supervised bail. The CAA advised that this option is still available should the Court consider case management appropriate for a defendant participating in the DVPP.

The CAA also reported that there was no evidence base supporting the effectiveness of ongoing risk assessments and case management in achieving the objectives of the program. In addition, it was noted that undertaking additional risk assessments and provision of case management support would be a time intensive and, therefore, costly practice.

Structure of Moral Reconciliation Therapy

The rigidity of MRT continues to be identified as a limitation of the DVPP by program facilitators. For example, to preserve the integrity of the therapy, facilitators are not permitted to explore, question, and seek further clarification of the beliefs of defendants beyond what questioning is specified in the workbooks. Hence, if a defendant has made particular remarks that facilitators believe need to be addressed, the guidelines of the therapy do not allow for this. This has been a source of frustration for facilitators who believe that the program could deliver better outcomes if the defendants could gain more insight into their beliefs and attitudes and how they in turn shape their behaviour.

This program doesn't give you the opportunity to move around when someone has some questions around his beliefs and what happened.

Even if the women's worker would call us and say 'hey, she reports that he abused her over the weekend', there is nothing we can do about it. We can't ask the guy what happened. We can't ask the guy... 'where are the changes you said you were going to make?'

The format of the MRT Program requires respondents to present to the group on sixteen of the twenty-four modules in their workbooks. Respondents would like to see more flexibility in the program to enable the presentation of all modules or time allocated to the discussion of the modules that are not presented. This would give facilitators the opportunity to assess how well the participants have understood and addressed the content before moving them on to the next level. Currently, there is frustration that according to the criteria, facilitators are obliged to move participants up a level, despite the view that some participants are achieving only the bare minimum and still using blaming language.

I would love for some of those chapters that aren't presented to be presented or to have room for improvement to talk about that. It's just really frustrating when a man comes in and he presents his homework and you ask him questions about it and he is still minimising and blaming his abuse, but yet he still goes on to the next chapter. So it's like, 'Okay, we will reward you by moving you on even though you haven't really understood what the chapters have said previously'.

In contrast to these views, the CAA advised that there is little evidence that more flexible therapy approaches are more effective than the structured design of MRT, which is delivered widely in the United States. The CAA noted that the Interagency Intervention Programs Working Group was consulted about the selection criteria for the DVPP and, based on those criteria, the MRT – *Bringing Peace to Relationships* program was selected as the most appropriate. Additionally, CAA noted that facilitators can contact MRT developers in the United States to seek professional guidance regarding concerns in delivering the content of the program. The CAA advised that, coinciding with the procurement process for future delivery of DVPP, an MRT training course is planned for staff and that this issue would be raised with the trainer at that time.

Non-attendance

According to DVPP guidelines, facilitators can instigate a breach against a mandated participant if he does not attend three consecutive sessions or four sessions over the course of the program. Upon each non-attendance staff will notify the CAA and the WSCO. The current high rate of non-attendance of the DVPP is a source of frustration for facilitators. It creates additional work in notifying the other agencies and the consequence of a breach in the form of a fine appears to be of little concern to participants. There is also frustration that participants can be withdrawn and then put back on to the program, sometimes against DCS's recommendation, which reinforces the idea that there is little consequence to their behaviour.

It's people being withdrawn from the program and then being put back into the program. That happens quite regularly so there are no kind of consequences about not coming as well. You get more money as a speeding fine for that so it's not really concerning to them.

Respondents have also found it difficult to work with perpetrators who are referred on a voluntary basis to the DVPP as there is no pressure to attend the group sessions. They believe that the direction of the Magistrate to mandate a participant to the program has far more impact. Likewise, for those who are mandated and re-appear before the Magistrate during the program, respondents believe participants should not be able to have the mandate lifted until the end of the program. Respondents cited examples of participants who had their mandate lifted at the Court review after four weeks of attendance. They felt that a positive interim review should not be grounds to remove a participant prematurely, as in a number of cases they have to be slotted back in at a later date.

Further clarification of this issue was received from CAA. It was reported that lifting of a mandatory attendance requirement once a participant has commenced the program primarily occurs in circumstances where an interim intervention order is not confirmed by the Court and therefore the condition to attend is no longer in force. Additionally, if the police drop the charges against the defendant the CAA further advised that the defendant may withdraw from the program. It was also noted that the *Bail Act, 1985* does not presently provide for mandating participation and expanding or increasing the consequences for non-compliance would require legislative amendment.

Observed impact of the Domestic Violence Perpetrator Program on participants

All respondents had observed positive changes in some of the participants. The group therapy setting and rolling intake has enabled both facilitators and participants to observe changes in participants' attitudes and language over time. Initially, some participants were found to be quite resistant and would not disclose information about their abusive behaviour but by the end of the program they would open up and be more truthful. The arrival of new participants also highlighted the progress of those further along in the program as they have recognised themselves in the new arrivals and can see how far they have come. One respondent found that the third chapter was a pivotal one for participants as it required participants to examine their behaviour and how it brought them to the DVPP.

The third chapter is the hardest because they have to start naming it then or at least what brought them here. That is the hardest and once they get past that they start shifting a little

bit, that's the hope. Some of them get that straight up. Some of them walk in the door and you already know. Others don't get it at all.

Some say at the very start, 'I am Court ordered' and then eventually maybe down the track some will say, 'I am here because I have abused my partner'. That in itself is a massive change.

Amongst the different groups the impact of the program on participants was thought to vary depending on the location of the therapy sessions. Facilitators found that participants from one group in particular would not state that they were on the DVPP due to domestic violence or partner abuse for the entire length of the program. Instead they would continue to state that they were there because of a Court order.

Respondents were unsure of how lasting any changes were and whether the program translated to a change in behaviour at home. They noted that they saw the participants on a limited basis and relied on the feedback from the WSCO as to whether the protected person noticed any improvement.

You do see some of them change a little bit or maybe have this light bulb moment and think about something differently for one split second, which is a benefit. If they even have one of them or two of them throughout the program then it's helped them in some way. I think that benefits them, to talk about and get challenged around some of their abusive behaviours, it's good for them. They might not ever challenge it themselves; they might think it was normal.

Other matters

One respondent thought that police should provide more information to perpetrators and protected persons as there appears to be confusion about what the terms of the order mean (e.g. direct versus indirect contact). Participants will often arrive at group therapy confused about the conditions of an order and what it means in practical terms. A follow-up procedure was suggested to clarify the information provided and answer any questions in the event that they did not understand the information at the time of laying the order.

Under the previous domestic violence program run by DCS (prior to the implementation of the Intervention Response Model), DCS, police and the CAA all had the power to refer offenders to the program. Currently, the Court and SAPOL (i.e. entities empowered to issue an IO under the *Act*) are the only referral source for the program, however SAPOL has not referred defendants to the program to date. This has left a gap in treatment services for offenders on bail, parole or other community based orders. DCS have recognised this shortfall and have just commenced a pilot program to address this need.

Due to a lack of therapy programs in the community, some Magistrates have made participation in the Program a condition of a defendant's bail agreement, without the defendant having an IO issued against him. The facilitators have noted that the type of interpersonal violence in some of these cases does not fit the framework of the IRM (e.g. defendant perpetrates abuse against his child).

The CAA advised that the intervention program was intended for referral of defendants by entities empowered to issue an intervention order under the *Act*. It is understood that SAPOL opted out of referring defendants until the service became state wide. However, current resourcing is insufficient for this to occur.

It was also noted that a broader range of services will be available under the new service delivery provider. This will include alternative options for men who are not mandated and/or not suitable for the 24 week MRT program due to literacy, language or cultural barriers or for other reasons.

Summary of DVPP Facilitator interviews

Since the timing of the previous evaluation report, the DVPP is at or near capacity. This has led to a renewed focus on the effectiveness of the assessment process in identifying suitable defendants for intervention. In particular, respondents would like the assessment process to more adequately screen for mental health issues and significant language or literacy barriers, and measure participants' readiness to change. It is noted, however, that this may require additional resources.

It was also noted that under the IRM, the CAA is the only referral source to the DVPP. The resulting gap in treatment services for offenders on bail, parole or other community services orders is being addressed by DCS in a pilot program.

Delivery of the DVPP continues to be impacted by heavy staff workloads, concerns about the adequate assessment and monitoring of risk in the absence of a case management framework, and the restrictive nature of MRT, which limits the flexibility of facilitators to challenge defendants' beliefs and attitudes around domestic violence. It is noted that future service delivery changes should provide an opportunity to review a number of these issues.

Despite these concerns, there were a number of identified strengths of the program including its ability to reach a large number of defendants, and its task oriented approach, which participants have responded well to. Facilitators have noticed positive changes in the attitudes and language of a number of participants, and found the group sessions and rolling intake to be an effective method of delivery.

7. Interviews with Women's Safety Contact Officers and Domestic Violence Services

Interviews with women's workers during the first evaluation report identified that the primary concern regarding the Women's Safety Contact Program (WSCP) was that the agencies providing this service are external to the IRM. Interviewees considered that this limited the information shared with WSCOs regarding defendants and the men's program, consequently affecting the quality and timeliness of their services to women.

Eight individuals working in roles aimed at supporting the rights and welfare of women participated in follow-up interviews. They represented three of the four domestic violence agencies contracted to deliver the WSCP. The concerns identified in the previous evaluation continue to be experienced by interviewees. However, it was noted that WSCOs have resolved some of the limitations by being proactive in obtaining information and making their services more noticeable within the justice system.

Communication

Referrals

WSCOs reported no changes in the WSCP referral process since the first evaluation report, despite ongoing concerns regarding delays and the reliance on the defendant to provide the contact details of the protected person.

All WSCOs interviewed were concerned regarding the length of time taken for protected persons to be referred. One interviewee emphasised that this delay has placed some women in situations where their safety is at considerable risk.

The feedback from the women that I do support, there is always a delay in time. But, when I finally get the referral and I contact them, they are not kept informed on what is going on. So they are in the dark about where things are at. The incident happened two months ago, they still haven't heard from anyone, so they have no idea of what is going on. That puts her safety at risk...For one woman...she had come out recently from another country. She was sitting in his unit not knowing where to go, what to do and no money of her own. It was a month after the incident before I rang her [with a referral]. If I had known I would have rung her that day...I rang her as soon as I got the referral...and she engaged enormously well. We were able to support her to get out of there and get into shelter accommodation and now all the immigration stuff and everything that needed to be done is in process. But, she sat isolated in his place with no money for a month.

One interviewee stated that delays have affected the willingness of protected persons to accept services through this initiative.

Sometimes they [the defendants] would not start the program until around three months, sometimes 6 months later. For a lot of women they have moved on with their life. She doesn't feel like she needs help, and that's when we come into the picture. They would often state that the incident happened over three months ago.

The CAA advised that the details of the protected person were forwarded by the CAA to DVPP as soon as the Court accepts the assessor's recommendation for referral to the DVPP – this practice was considered the earliest appropriate opportunity for referral given the present requirements of the IRM. DVPP facilitators should then immediately pass this information onto the WSCOs regardless of the defendant's starting date in the program. However, it was evident that the initial contacts made by the WSCO to the protected persons varied across the three DV Service locations interviewed. One location reported that their practice is to immediately telephone a protected person as soon as a referral was received from DCS. Interviewees from two other DV Service locations preferred to send an introductory letter about the WSCP advising the protected person to expect a telephone call from the WSCO.

Access to information to support the client

As noted in the first evaluation report, WSCOs felt that they were not receiving sufficient contextual information about the protected person for them to tailor an appropriate response as quickly as possible. This includes information from police, courts, and DVPP facilitators. It was noted that much of the required information is mentioned in court.

Over the previous 12 months, WSCOs have adopted the practice of attending court where possible and sitting with the assessors from the CAA. This has a number of benefits:

- To act as a reminder to Magistrates to consider referring the defendant to the men's program so the victim may be referred to the WSCP.
- To 'break the ice' with protected persons and increase their awareness of the WSCO prior to being referred to the program (should this occur).
- To enable the WSCO to access information (observed and heard) that is not included on referral forms faxed from DCS.

One respondent stated that observing the defendants at the Court has provided her with insights into what the protected person could have experienced.

I get to see when I go to Court that he is still as raging as he ever was and still resenting her enormously. That tells me an awful lot because it might be that the intervention order was confirmed but he has done it through [gritted] teeth.

Going to the perpetrators Court and looking at a case list for a particular matter...I will always look up and down for the other perps on the program. It's amazing what that tells you. Oh, he's facing major indictable charges. I didn't know that and it's public... I can see, oh so he has breached the intervention order five times, he has threatened to kill her and he has caused harm.

Links between WSCOs and the Family Safety Framework

Over recent years, a range of responses to domestic violence have been implemented in South Australia. One important initiative is the Family Safety Framework (FSF)¹⁰. All interviewees explained that the WSCP and the FSF are two independent models, bearing no influence on each other. Both have independent notification processes, information-sharing protocols and the domestic violence worker can only provide services according to the model their client is linked to.

Two interviewees noted that when the WSCP came into effect, there was a perception that there would be a high correlation between the number of women on the FSF and those on the WSCP. One of these interviewees stated that this has not occurred, potentially because referral to the WSCP depends on the discretion of a Magistrate on requesting the assessment of the defendant's suitability for the men's program, and the defendant being found suitable for participation in the program.

One respondent considered that the limited number of protected persons in the WSCP that has been referred to the FSF is likely to be due to the resulting reduction in their risk of facing violence following their participation in the WSCP. Another interviewee reported that many women in her caseload were not interested in engaging intensively with the WSCO, thus making it difficult to accurately identify the clients' safety level and determine if their cases are severe enough to be discussed through the FSF.

Reported impact of the WSCP

It was reported by two interviewees that protected persons generally think that WSCOs are aware of their police history and that of the defendant. One interviewee reported that some of her clients find it distressing to recall the events that led up to participation in the WSCP but felt that without this information, it was difficult to develop an adequate understanding of their experience.

All interviewees reported that the intensity of support provided continued to vary across clients. It was also noted by the evaluator that levels of support similarly vary across the various DV agencies interviewed. All respondents reported that once a woman is in the WSCP and the service is completed (usually once the defendant either completes the men's program or terminates), that the majority no longer seek any further assistance. Only a very small proportion of women chose to seek ongoing support, mostly because they require assistance with accommodation.

Reported limitations of the IRM

Strong focus on violence over other forms of abuse

Three interviewees observed that police are more likely to issue a PIIO for domestic abuse incidents where it was evident that physical or sexual abuse has occurred or is likely to occur. In their experience they found very few orders issued as a result of financial or psychological abuse, since these types of abuse are difficult to prove.

Fee for direct application

All interviewees also raised that if police decide not to apply to the Court for an intervention order on behalf of the victim, the victim must apply directly to the Court. WSCOs were critical of the fee for a direct application, noting that this is not affordable for many women.

The CAA advised that only a small number of applications for an IO are made directly by a private person pursuant to s20 of the *Act*. In those circumstances, the *Magistrates Court (Fees) Regulations, 2004* impose a fee of \$243 on commencement of proceedings for an intervention order by a member of the public. Court registry staff suggest to victims with financial difficulties to consider seeking police assistance to apply for an Order. Through this option there is no cost to the applicant. In the

¹⁰ The Family Safety Framework is an initiative focused to improve safety outcomes for families impacted by domestic violence. Meetings in 19 areas across South Australia occur where each agency involved (such as SAPOL, Health, DCS and NGOs) bring to the table cases where the immediate safety of families or women is at risk from domestic violence. Any one of these agencies or NGOs can refer a victim's case to the FSF for discussion. The purpose is for agencies and NGOs to share information and provide an immediate response to reduce the risk to individuals.

circumstance that SAPOL is not prepared to lodge an application on behalf of the victim, CAA has advised that the applicant may apply for reduction or remittal of the lodgement fee¹¹.

Support for victims across criminal justice agencies

All interviewees commended the efforts of police regarding the number of interim orders that have been issued to date. However, five interviewees were critical of the support provided by police to protected persons on those occasions when a defendant challenged the issuance of an order or the conditions imposed. These interviewees stated that their clients were left feeling unsupported by police and prosecutors and pressured to agree to changes or withdrawals of their applications.

...They are in the process of going through Court and he requested that the order get varied and the prosecution actually called her to try and convince her to let him go ahead with the variation. They are not supporting her at all.

One interviewee reported that many clients are initially agreeable with the negotiations occurring between the prosecutors and the defence lawyers, but on reflection change their minds. It was felt that Magistrates and prosecutors need to be patient, understanding and flexible in response to the protected person's behaviour, as this can impact on the protected person's experience.

Magistrates and even police officers they really struggle to understand the dynamics of domestic violence...Prosecutors get really confused and think well why is she telling him one thing and me something else? I am there and thinking well that is called domestic violence. It is not safe to tell him what she really wants. You as the prosecutor need to actually do something about that so there is no misunderstanding that women may want something one day and then appear not to want it the next, because that is just the reality of domestic violence and she is in a really hard place.

All interviewees considered that additional training and development is warranted across the justice system regarding the psychological, emotional and behavioural consequences of domestic violence. The training need extends to both defendants and victims and should include consideration of the different levels of insight they may have into their experience of interpersonal violence.

Referral to Intervention program/ services

All interviewees expressed concern that the current men's program delivered by DCS tends to be the most frequently used referral option by the Court. Four interviewees raised that the IRM could be improved if there were additional mandated referral options, and changes were made to the referral process to allow WSCOs to contact protected persons (rather than rely on defendants to supply this information). Although defendants not suitable for the DVPP can be referred by Courts Assessors to other services outside of the DVPP, it is up to the defendant to pursue this independently as it does not involve a mandate. In addition, under the current model, if a defendant is referred to another intervention service, the protected person will not be referred to the WSCP. This prevents the WSCP from supporting these women and being a part of the information-sharing process with other agencies to manage the risk for protected persons.

¹¹ The Magistrates Court may reduce or remit the lodgement fee for an application for an Intervention Order made directly to the Court in accordance with Section 50 of the *Magistrates Court Act, 1991*.

My understanding with intervention orders was that it was about a range of interventions...I don't know the stats around what other interventions are being ordered, or even assessments for things like mental health and drug and alcohol and those sorts of treatments, because I think the link between high risk and untreated mental health, drug and alcohol is definitely there.

Part of this has been trying to shift Magistrates' thinking and Corrections, and prosecutions' thinking about what are a range of interventions that could be suggested. Ranging from urine analysis, to mental health assessment and support, to monitoring...whether it's from a community corrections officer or whatever. There are a whole range of things that could be offered, and particularly for those that also outside of that intimate partner traditional dynamic.

It was also reported by three interviewees that they have observed situations in the Court where the defendant has stated it is too difficult to attend the men's program and has negotiated with the Magistrate to leave the program, usually because of employment commitments. It was felt that the Magistrate should be the one to decide if a defendant should be referred to the DVPP and the defendant should not be given a choice about whether or not to participate.

Consistent with the previous report, interviewees noted that the current IRM has a strong focus on adult male defendants and the DVPP and there appears to be limited support for and acknowledgement of the impact of domestic violence on children who might be witnesses or victims of domestic violence.

Is there a consideration of referral to CAMHS or a mental health service in terms of what's going on or a youth health service, etc? I think people are stuck in that mindset of this DV perpetrator program that has to be with a group and that's what they want to see happening with all the others, whereas that's not necessarily what needs to happen.

Appropriateness for CALD and Aboriginal populations

The unsuitability of the response models for culturally and linguistically diverse clients as well as Aboriginal clients continued to be discussed as a limitation of the current model. One organisation employed a domestic violence worker to specifically assist Aboriginal women. Discussion with these interviewees raised the following considerations to develop appropriate response models for Aboriginal populations:

- Awareness that many Aboriginal people live an itinerant lifestyle and that victims and defendants tend to re-establish their relationship. Moreover, those who do not have a usual residence (including the homeless) are likely to have contact with each other sometime in the future, as they travel to visit family in different locations.

Things move from family to family particularly if homelessness is an issue as well. So you might be staying at a different family member's place so the couple might come together, they might separate, they might come together again down the track.

- Realisation that focusing on the barriers to managing women's safety and welfare and their daily concerns may be more productive than developing long term goals and plans with Aboriginal women.
- Understanding that Aboriginal people have a history of contact with the justice system. Reflection on this history is necessary in building an appropriate Aboriginal response model.

We know that Aboriginal women want to avoid the legal system because of the historical aspects and so ... a really critical element of this program has been that navigation of the legal system for information.

Summary of WSCO and DV Services staff interviews

Barriers to access to contextual information on the protected persons, as highlighted in the first evaluation report, continue to be experienced by WSCOs. It was evident some WSCOs have overcome this limitation by having a presence in the Court.

Newer concerns revolved around delays in referral of protected persons to the WSCP, insufficient assistance provided to others exposed to domestic abuse, unavailability of other intervention options for the defendants, and lack of understanding of the dynamics of domestic violence. WSCOs also identified that the IRM could be improved by the inclusion of support to children, youth and Aboriginal women. WSCOs suggested that there be more mandated intervention options available to Magistrates so the most appropriate referrals can be given to defendants.

Women's safety workers also suggested that those involved in the IO initiative obtain a better understanding of the nature and dynamics of domestic abuse. In this way, conflicting behaviour displayed by the victims will not be easily dismissed as lack of resolve on the victim's part but rather a strategy to survive the abusive relationship.

8. Interviews with practitioners from the Onkaparinga Collaborative Approach

This section summarises the feedback from a focus group with eight individuals involved with the Onkaparinga Collaborative Approach in July 2013. The focus group was comprised of practitioners from key agencies and non-government organisations who have worked with victims and/or perpetrators as part of the Intervention Response Model.

Interviewees were asked a variety of questions on the operation of the IRM, including the perceived strengths and weaknesses of the Model and recommendations for improvement.

Operation of the Intervention Response Model

Respondents reported that one of the main frustrations with the operation of the IRM was the inconsistency of responses. This was felt to occur at all levels from the initial service response of police, through to finalisation. In particular, information and assistance was found to vary at the police level depending on the officer and whether the protected person was processed at the front desk or by the Family Violence Unit. Respondents felt that protected persons needed a clear expectation of what will happen and should receive a consistent, uniform response.

We have response of patrols, we have Family Violence Unit responses but they are limited as they only exist in certain areas, we have Prosecutions response, which differs from the police response, and then we have Magistrates. You can get different responses at all those levels. So even if you get a good response from a patrol or the Family Violence Unit it can all go horribly wrong somewhere else along the way.

This inconsistency of response was also found to apply when reporting a breach of an IO. Police were found to be more responsive if the Family Violence Unit was involved and the breach occurred soon after the issuing of an order. When there was a significant delay between the issuing of an IO and a breach, in some cases the police would not pursue the matter unless the woman reported being physically assaulted. Instead the protected person was advised to try and resolve the matter herself (e.g., change phone number) placing the burden back on the woman to manage her own safety.

If we continue to hold the woman responsible for her kids' safety, her safety, everything, well he doesn't have to demonstrate anything. Why isn't there an onus on him to convince the Court that he's a safe person to be around?

The method in which police recorded a breach was also thought to impact on their response. It was reported that some breaches were entered as a new record rather than being linked to the original incident report, making it difficult to adequately assess the compliance of the perpetrator and ultimately the safety of the protected person.

Related to this was the finding that a number of women were refused an interim intervention order due to police not believing that there was enough evidence. This was particularly the case when the victim reported psychological, emotional and/or economic forms of abuse which is consistent with reports from WSCOs discussed previously. In these instances police were very reluctant to lodge an order unless it was accompanied by other criminal matters. Respondents reported being told by police that they had been issued a directive to only support an IO if the matter involved threats of or actual physical abuse.

Respondents thought that one of the barriers to lodging an application privately was the cost to victims, with legal aid not available for this type of application. If a perpetrator contests the application, there may also be additional costs associated with hiring a lawyer and payment of the perpetrator's court fees if it is not successful. Respondents were unsure how many applications were made privately but noted the lack of support available to these victims compared with police issued Orders. For those women who could not afford a lawyer and were self-represented, the court process was noted to be very intimidating. One respondent had approached the CAA to request that they contact the domestic violence service when a private application was made to enable them to support the victim, but this was refused. Instead, victims are now given a pamphlet about the service when they lodge an application for an IO.

It is noted that only a small number of applications for an intervention order are made directly by a private person. It is not known, however, whether the small number of applicants is due to the financial implications of a private application, particularly legal representation. In relation to the application fee, as noted in a previous section of this report, court registry staff may suggest that the applicant consider seeking SAPOL assistance, which is provided at no cost. Where SAPOL is not prepared to assist, an application may be made to the Court for reduction or waiver of the lodgement fee in accordance with s50 of the *Magistrates Court Act, 1991*.

Content of Police Issued Intervention Orders

With regard to the content of an IO, it was also felt that there is a lack of understanding of what is appropriate to include on an Order. Respondents noted that a number of police-issued IOs included a condition to undertake conflict dispute resolution. The police did not seem to realise that this required the protected person to be in contact with the perpetrator to avoid being in breach of the Order. Respondents also found that some of the Orders did not address contact regarding children. This meant that options around parenting orders or mediation were not discussed at the time of writing the IO and the protected person then had to return to have this addressed. In other cases, children would be listed on the initial order but the Police Prosecutions section would push for their removal to avoid the application being contested.

We see the children listed as protected persons always on the interim basis but when it comes to a confirmed order, it's gone. And that's the negotiation tool.

We had another one where the prosecution really pushed her to agree to allow him to contact so it wouldn't go to trial because he kept contesting, contesting and they said, "Look if this goes to trial the Magistrate is going to let you have communication anyway so you might as well agree now". So she agreed feeling pressured to do so and of course he was texting her and ringing her a hundred times a day and she felt that there was nothing she could do about it. When she contacted the Family Violence Unit, because of the variation in the order, they then said 'Oh, well just change your number then.'

Respondents believed that many protected persons did not understand the language of their IO and the practitioners were often required to explain what the clauses and conditions meant. It is noted that the Magistrates Court and CAA have developed a video resource to inform legal professionals and victims of the available processes to apply for an intervention order. This short film is available through the CAA website, and domestic violence services. The short film was explained to provide information about the roles of police and the Courts, and how the *Act* is applied in the Court to protect victims. The CAA further advised that victims requiring any further procedural advice can access the CAA website and can contact the Magistrates Court registries, the Call Centre, or make enquiries via email

Strengths and weaknesses of the Intervention Response Model

The expansion of the definition of abuse to include emotional, social and financial abuse was seen as a clear strength of the model in giving greater recognition and support for different types of abuse. The linking of an intervention order with a violence prevention program for men and support services for the

protected person was also seen as a more comprehensive, integrated approach to addressing safety in the community.

With regard to weaknesses, along with the inconsistency of response and narrow definition of abuse being applied by police in issuing an IO, there were a number of other barriers identified in supporting clients under the IRM. These included:

- The perpetrator focus. Several respondents felt that the protected person has no voice in the IRM in relation to what ultimately ends up on an order in Court, and no input in the men's program.
- The need for better integration of IT systems and information-sharing to ensure all agencies have access to sufficient information to maximise safety. In one example, the perpetrator and protected person presented to the same service as there was not enough information on the IO to alert staff of the need to prevent this from occurring.
- The gap in the IRM as a result of the exclusion of SA Health. Respondents reported that women often disclose within a health service but the agency is not included under the information-sharing agreement. This was thought to also apply to mental health and drug and alcohol health services, where presenting health issues may actually be a symptom of abuse.
- The length of time it takes to apply for a police-issued intervention order. Respondents reported that it could take up to two hours to lodge an application with police and find the process cumbersome and inefficient.
- The lack of Court-ordered programs for men who are facing criminal charges but do not have an intervention order. There are very limited services available for these perpetrators since the abolition of the Violence Intervention Program run by DCS.
- The difficulty in convincing Magistrates of the need to keep an order after expiration of the 12 month period when the defendant can apply for the order to be revoked. Respondents noted that the impetus is on the woman to prove that there is still a risk, which is difficult if the IO has been effective in achieving perpetrator compliance.
- The lack of weight given to children exposed to violence, which results in contact orders being made at the detriment of their short and long-term health. Respondents felt that the focus was more around points of law than the safety of the child.

What I've seen in the local court, when children get discussed within a court hearing, unless there is a clear affidavit that shows that the child was present at a physically violent incident or directly involved, children will not be deemed to be at risk.

Impact on safety

Most respondents felt that the IRM had improved the safety of women and children compared with the old restraining orders legislation. The ability for police to remove a perpetrator from the home was seen as a particularly important power in improving safety. Likewise, the intention behind the legislation was seen as valid but respondents thought that its full potential was not being realised in practice. It was believed that further work was needed to ensure that effective systems were in place to maximise information-sharing between agencies. It was also felt that resources were needed for additional training and education on the dynamics of inter-personal violence for individuals involved at all levels of the IRM. This would remove some of the stigma associated with this type of abuse and improve the way services respond to the needs of protected persons.

Suggestions for improvement to the Intervention Response Model

The main suggestions made to improve the operation of the IRM included:

- Resources to streamline the process for obtaining a police-issued IO.
- Consistency in the way services respond and assist protected persons under the IRM so protected persons can know what to expect.
- Better alignment of police practice with the intent of the legislation, which is to respond to different types of abuse and not just physical abuse.
- Ensuring that each agency not only knows what their responsibilities are under the IRM but also has an adequate system in place to respond to incidents that may place protected persons at risk (e.g., policy to manage a defendant who presents at a school).
- Including SA Health in the IRM given that many protected persons present to a health setting.
- More professional development training among agencies to address entrenched parochial and sexist attitudes towards interpersonal violence.

I have been on the phone to an officer who said, "I actually feel sorry for him. He is just missing his children". He is terrorising the woman and his children but we still live in that world that empathises more with men and thinks women are making trouble and that has huge implications on the response she gets.

Summary of Onkaparinga Collaborative Approach practitioner interviews

Overall respondents found the IRM to be a more comprehensive and better integrated approach to responding to interpersonal violence than what was offered under the previous model. The inclusion of a greater range of interpersonal relationships in the definition of abuse was thought to be a particular strength of the IRM.

The main criticism of the IRM was reported to be the inconsistency in the response provided to protected persons at all levels of its operation. This lack of consistency was most commonly observed in relation to the police response, with differences in their willingness to issue an order, the content of orders, and their response to a breach. In addition, the variations made to orders at the police prosecution stage, primarily to reduce the likelihood of a matter proceeding to trial, was seen to undermine the safety of children and place the burden back on women to be responsible for their family's safety.

9. Interviews with Protected Persons

For the Intervention Orders Evaluation Report 1, seven protected persons volunteered to share their experiences of obtaining and being protected by an intervention order. There were mixed responses regarding the level of assistance provided by police, the impact of the order on defendants' willingness to comply with conditions, and overall sense of safety reported by those seven interviewees.

Three previous interviewees agreed to participate in a secondary interview twelve months after their initial interview. A further nine women also volunteered to be interviewed for the second evaluation report. These women were recruited through the assistance of WSCOs in three locations. Most interviewees stated that they chose to share their experiences in the hope that it would motivate and encourage other women in the community to seek assistance and increase awareness of the intervention orders initiative. However, it is noted that very few protected persons agreed to participate in the evaluation and that their experiences may not be representative of all protected persons.

Issuing of intervention orders

The following section details the experience of nine of the twelve interviewees who had recently applied for an IIO and had not been previously interviewed as part of the first evaluation report. All of the nine interviewees described experiencing long-term physical, emotional and psychological abuse. One respondent reported being abused by the defendant over a period of 15 years.

Four interviewees stated that they attended a police station to apply for an IIO, while four reported that the police issued an IIO immediately when they responded to an incident. Two interviewees experienced a serious physical incident in a private residence that the police were called to respond to. Either neighbours, or another person in the premises, contacted the police to immediately respond to the situation.

Five interviewees reported that their primary motivation to obtain an IIO was to protect their child/children. One of these interviewees reported that her adolescent son began to speak and behave towards her in the same manner as the defendant. Another interviewee reported that Families SA pushed her to apply for an IIO as they advised her she was not actively seeking methods to protect her children.

It was only when Families SA said to me that "you have made no move to make your kids safe and take out an intervention order" that I realised that I must have been in the right sort of circumstances to take out this.

Reported police response experienced by protected persons

Consistent with the reports of previous interviewees, the initial police response varied between these nine interviewees. Most interviewees (5) described the immediate police response as helpful. However, two interviewees were advised by the police that an IO application was time-consuming and likely to be ineffective.

They said, 'Given your circumstances this could take up to a year', and I said, 'Yes, I understand'. I made a report and I had to ask them three times before he [police officer] was going to do it. And in the end he said, 'Oh, I suppose I can get something started'.

I was never informed too much [by police] other than, 'We have put an intervention order on him [for] you. He has made it very clear before we even released him that he doesn't give a...and he will contact you anyway. So if he does, call us back'. That's all they said and then they left.

One interviewee described that when she presented to the police station to apply for an interim order it was close to a change in shifts. This interviewee stated that initially her application was handled by an experienced police officer, however after the handover, a less experienced officer completed the application. This interviewee reported after the changeover, her confidence declined and she became more irritated at the time it took to complete the application, as that police officer did not appear to understand all the elements required.

One interviewee described her initial interaction with the police to be positive, but found that when she reported breaches to the local police station the response was not supportive. This interviewee stated she had to be assertive to push the officers to act on the breach by making the reports.

Most of the time when I went down to the police station to report the breach they would say things like, 'Oh no, that is not a breach', or, 'It takes too long to do a statement. Come back when you have a couple to report'...I then stood my ground every time and then insisted that they take the statements...They did eventually take all the statements but it was always a big struggle for them.

Experience regarding court processes

Most protected persons interviewed were anxious about the court process and the questions that might be asked by a Magistrate. Three interviewees reported that they were supported by police and their WSCO.

The response from three interviewees suggested that some protected persons are not aware of the protective elements of the Court (e.g., barriers, CCTV), and it would be beneficial for police and WSCOs to ensure protected persons are made aware of these safety practices. These three interviewees reported concerns that the defendant might be present at the Court. One interviewee reported that the defendant could have easily found out the date of her court appearance as it was on a public list outside of the court.

Two interviewees stated that the defendant had the IIO amended to remove their children from the order. Both interviewees stated that the defendant advised them of the change either by a phone call or text message and were angry that the order could be amended without their knowledge or any consultation.

However, one interviewee was consulted. The defendant had advised the Court that she wanted the order amended to allow him access to their child. The interviewee was immediately contacted by the prosecutor and the WSCO to certify if this was accurate.

Tenancy and housing

Prior to the issue of the IIO, seven of the nine interviewees who participated in an initial interview were living with the defendant. Five interviewees ended the relationship with the defendant prior to obtaining an IIO and no longer lived with him. Two interviewees lived in their own home that they did not share with the defendant. Three interviewees decided to leave the house she shared with the defendant prior to applying for an IIO at a police station. These three interviewees reported that their WSCO organised their temporary housing up until they were able to secure their own rental property. Only one interviewee continued to live with the defendant, however the IO was amended to allow this.

Of the four interviewees who lived with the defendant, three reported that the defendant was required to leave the house. This was done under supervision of police. One of these four interviewees reported that her ex-partner's family attended to remove the defendant's items under supervision of police.

Two of the three interviewees who decided to leave the house that they shared with the defendant reported that they were able to return to the house with the support of police to collect their belongings. One of these two respondents reported that she was advised to only take essential items she could fit into her car, and consequently has been unable to access the rest of her belongings because she cannot prove that she owns them.

Women's Safety Contact Program

Assistance provided via the WSCP

All but two interviewees commended the assistance provided to them by the WSCO. Most found that they obtained more information regarding the status of their IIO application and any action taken by the defendant to alter an IIO through their WSCO.

Other services reported by interviewees offered by the WSCO included: identifying additional Centrelink services, referral to legal services, accompanying women to meetings, and providing emergency housing. Ten interviewees valued that they could determine the frequency of contact between herself and the WSCO, as well as the type of contact between them (e.g., phone calls, text messages or personal meetings).

In contrast, two interviewees reported that the WSCO did not keep them informed of any activity associated with their IIO application, and felt that the WSCO was just 'ticking boxes' by contacting them fortnightly. One of these interviewees reported that she felt the WSCO was not concerned about her welfare and was more interested in discussing the personal history of the defendant and how it contributed to his abuse towards her.

I don't want to talk just about him I just wanted to get all of my stuff off my chest...I think because I have seen counsellors in the past and it helped me, I thought that maybe going to see her [would help], but I left thinking what a waste of time.

One interviewee further reported that the WSCO only offered her the opportunity to join a women's group. However, the group operated during working hours and she could not attend due to work commitments.

Overall, feedback from the majority of respondents indicated that the service provided by WSCOs was highly valued, with most WSCOs using a holistic approach to ensure that women were linked to appropriate services. However, it was evident that some WSCOs might benefit from further training and development to ensure that services offered through the WSCP are individually tailored to the needs and goals of protected persons.

Perceived safety of interviewees

Seven of the nine newly contacted women reported that their perceptions of safety had not increased since obtaining an IIO. These interviewees felt that the IIO is a 'piece of paper' and does not provide enough incentive to keep the defendant from contacting her. Three interviewees stated that they are highly conscious of the places they go to (particularly playgrounds and shopping centres) and fear that the defendant might be there and could attempt to take the children. They felt that if this happened they would have no power to challenge the defendant or prevent this from occurring.

Every place we go, we might be walking down the street or we might be in the park, because I take her out as much as I can to all of these places to get her socialising and so that we can have fun, but I am looking over my shoulder everywhere.

I have been very insecure. I am frightened every time I go out in my car and I am frightened for my son and at night I lock everything up, even my gate. Everything.

One interviewee reported that she will not disclose her address to anyone she knows, including her mother, out of fear that the defendant might be watching her friends and family and follow them to her residence.

Impact of the men's program on safety

Five of the twelve interviewees reported that the defendant's participation in the program was mandated and in each case, the defendant stopped attending after the first few sessions. In one case the defendant returned to Court to have the condition to attend the program removed from the IIO due to employment commitments. Only one interviewee reported that the defendant had completed the program.

All interviewees reported that their WSCO consistently advised them of instances when the defendant had failed to attend or if he was terminated from the program, and regardless of the participation status of the defendants, all interviewees maintained some type of contact with their WSCO, even if they disliked the service. One interviewee commented that the penalty of non-attendance was inadequate compared to the suffering she had experienced.

Two interviewees, who had further contact with the defendants, felt that the men used the information they had gained in the group therapy to manipulate them. Both reported situations in which the defendant had inappropriately used his knowledge to re-establish contact, whereby he continued to demonstrate attitudes and behaviours that resulted in the issuance of the IIO.

*All this stuff on the phone about how he understands what he did was wrong and he can now see that what he was saying was controlling me...and then he came to my house, he actually sat there with a smug look on his face and he said, 'I had you f***ing fooled, didn't I?' I tell you he had me convinced on the phone that he had finally seen his ways and he sat here [on the couch] with the smuggest look on his face.*

Only one interviewee reported that they previously had a restraining order against the defendant, and considered that compared to the restraining order, the IO had not made any further improvement on her safety. Four interviewees were aware that the defendant had a restraining order in the past that was put in place by an ex-partner.

Breaches

Five of the twelve interviewees stated that the defendant had breached the IIO or IO. The most common breach was either a telephone call or text message from the defendant to the protected person. It was reported that the defendant often asked the protected person why she was at a certain venue, who she was with, or that they wanted to see their child/children.

I would be out at places, and he would message me and say, 'Why are you here?' I was thinking, well how do you know I am here if you are not following me? Or he would send me a message saying, 'Why are you going through this roundabout?'

Two interviewees reported the defendant had contacted her workplace by telephone or in person to obtain her current contact details. One interviewee reported that the defendant had tried to contact her through Facebook and another stated the defendant tried to indirectly contact her through mutual friends.

Experience of repeat interviewees

This section provides further information on the experience of the three interviewees who participated in the first evaluation.

Each protected person reported that since the time of the first evaluation, their IIOs have been confirmed and they are waiting for matters relating to substantive offences to be finalised in the higher courts. All interviewees noted that the police had been informative and supportive of their situation and that the police prosecutors had been very helpful in sharing information regarding the current progress of their matters.

Two women stated that they were liaising with the ODPP to provide evidence for the substantive offences related to their IO that are being heard in the Higher Courts. One interviewee had more complex charges pending due to the defendant having taken action against her and has been advised by the ODPP to seek additional legal advice and support.

The second interviewee found that the ODPP were highly supportive and valued the assistance they provided to prepare her for the court proceedings. The ODPP also organised for support to be available in the event that she was required to give evidence against the defendant in the Higher Court, which was gratefully acknowledged.

Perceived safety

All three women reported that compared to when they initially obtained an IIO, their sense of safety has increased upon confirmation of the IIO and the progression of the substantive offences through the Higher Courts. They each felt that the support from their WSCO had improved their resilience to pursue charges and challenge any amendments and appeals put forward by the defendant, which also contributed to an increased sense of safety. Only one of the three interviewees reported that the defendant had breached the order during the last 12 months.

Comparisons between the three previously interviewed women to those who have recently obtained IIOs suggests that over time and with persistence to pursue outcomes in the courts, perceptions of the effectiveness of an IO in engendering feelings of safety, improves.

Summary of protected person interviews

Consistent with the findings of the first evaluation report, there were mixed responses from protected persons regarding applying for an IIO and seeking support from police to record breaches. Some found police officers to be prompt in initiating the process of obtaining an IIO application, while others experienced resistance and found police to be ambivalent as to the effectiveness of an IO. While some variation in the level of support provided by the WSCOs was reported, the majority of protected persons commended the service. While interviewees who obtained an IIO within the last 12 months reported that they did not feel any safer, comparisons between the three previously interviewed women and the more recent respondents suggest that perceptions of safety improve over time. This is evident from the experience of those who persisted in pursuing an outcome in Court and receiving a confirmed order. It is acknowledged, however, that only a small number of protected persons agreed to be interviewed and their experiences may not be representative of all protected persons.

10. Interviews with Defendants

The following section summarises the feedback from intervention order defendants who agreed to be interviewed in the second year of the initiative. Respondents were recruited through Court Assessors and DVPP facilitators, who provided defendants with information about the evaluation and a consent to contact form to complete if they were interesting in participating. Overall 12 defendants gave consent to be contacted by the evaluator. However, only three defendants actually participated in an interview, including two who had experience of the DVPP.

As with the interviews conducted during the first year of the evaluation, defendants were asked a range of questions, about their understanding of the IO process, conditions imposed, assessment for the DVPP and participation in the DVPP. In general, the feedback received was consistent with that summarised in Intervention Orders Evaluation Report 1. Key insights were:

- Defendants were unsure of the meaning of an interim intervention order and did not feel that police adequately explained the information or the process of attending Court.
- One interviewee was a defendant on a private application for an IIO for non-domestic abuse. He was not aware that an application and summons to appear in the Court could be made privately without any forewarning and was summonsed by a police officer to appear before the court in less than 24 hours. The respondent was confused that neither the summons nor police officer could outline the nature of the complaint and was disgruntled at being summonsed to appear before the Court on such short notice¹².
- Two interviewees felt that the police were not understanding of their immediate needs and concerns (particularly when excluded from the family home or immediately denied contact with their children). One respondent stated that the courts assessors demonstrated more compassion and understanding of their circumstances than police.
- Defendants engaged in the men's program stated that mentoring and external networks are being developed amongst participants to provide moral support during and outside the program. This was reported to assist with consolidating their learning and establishing longer term social support networks outside of the DVPP.
- One defendant reported he had participated in the previous domestic violence men's program and thought that the previous program provided more opportunity to explore thoughts and experiences related to their behaviour and develop skills to monitor and self-manage emotions and behaviours. The perspective of this interviewee was that the current program focuses too much on the incident and relationship that resulted in them being in the DVPP, rather than on how to develop self-monitoring skills to apply once the program is completed.
- Another respondent reported that the DVPP has changed his thinking as he has learnt to stop blaming the victim as the cause of his behaviour.
- Two respondents reported they would feel more comfortable if the program was facilitated by male facilitators only. One respondent reported he felt judged by the female facilitators leading the weekly sessions.

However, while these responses provide some insight into the experience of defendants, due to the small numbers involved, they may not be representative of all defendants.

¹² A respondent from the CAA explained that this sometimes occurs if a Magistrate has a vacancy, but it is the defendant's responsibility to obtain a copy of the allegations from the Registry

11. SAPOL

SAPOL is one of the key agencies involved in administering the intervention order legislation. For the first evaluation report, SAPOL provided a sample of de-identified PIIOs for analysis, and selected 20 staff to be interviewed by OCSAR, based on an approved set of questions.

For the current report, SAPOL provided the following response:

SAPOL advised OCSAR of their support for the legislation and of their ongoing work in implementing the reforms around Intervention Orders to better support victims. SAPOL's policy position in dealing with offenders is robust, aimed at protecting victims by holding offenders accountable for their actions

SAPOL has reviewed the Evaluation Reports and noted the comments made relative to specific agency process concerns. Many of the perceived difficulties raised by interviewees are not accurate in SAPOL's view but notwithstanding these issues, police will continue to work in close partnership with all key agencies involved to address as far as possible, any meaningful issues as they arise.

Separate to this Evaluation SAPOL has made submissions to the AGD for more potential legislative improvements that are likely to lead to process improvements. In addition, SAPOL has worked further with Courts for joint submissions to AGD on intervention legislative reform.

Overall SAPOL believes it is important to recognise and understand the many benefits this legislation brings to the community, some of which is evident in this evaluation.

12. Summary of Evaluation Findings

The following section provides an overview of the key findings from the evaluation conducted during the second year of the implementation of the legislation.

A summary of matters for further consideration is included in Attachment 1.

Limitations of this report

It is acknowledged that very few defendants and protected persons participated in the evaluation. During the second year of the initiative, the evaluator received 12 consent to contact forms from defendants who agreed to be contacted in relation to an interview. However, only three defendants actually participated in an interview (compared with 17 for the first evaluation report). This has limited the ability of the evaluation to adequately capture the experiences of men who were referred to and/or participated in the DVPP.

Similarly, only 12 protected persons agreed to be interviewed, including three who had been interviewed for the first evaluation report. As a result, it is possible that their responses are not representative of the experiences of all protected persons.

Key Findings

Strong Support

There continues to be strong support from all agencies for the initiative.

Administration

It was found that the notification processes and data management practices within supporting agencies are operating in accordance with the legislation. Interviews with database administrators in various agencies and business units reported that the process to identify clients has become more familiar and this has improved processing time. In addition, some agencies have modified their databases to only search the files of current clients, improving the work demands and timeliness of the process.

However, CAA registry staff and notified agencies still reported that on some PIIOs and CIIOs the information required on protected persons or defendants is incorrect or missing. This may result in delays in the lodgement or processing of applications, or the time taken to obtain and respond to the information.

It was also noted that the high volume of intervention orders and the subsequent impact upon the workload of the Court and administrative staff had continued.

Service delivery

Persons providing support services to defendants and/or protected persons reported that:

- Further clarification and communication may be required between the Family Court and the Magistrates Court to ensure that Family Court Orders and intervention orders have consistent conditions and do not place defendants at risk of incurring a breach.
- The legislation and the IRM is adult focused and does not recognise the impact witnessing domestic abuse can have on child development and behaviour. Consequently, the IRM does not provide a response service to assist children who witness and/or experience domestic abuse, or commit domestic abuse.
- Feedback from persons working with Aboriginal clients included that more appropriate response models for defendants and protected persons are required that reflect the transient nature of communities, and the cultural experience and history of these clients. It was further commented

that conditions stated by Magistrates need to reflect the cultural characteristics of Aboriginal communities, and these conditions need to be explained and documented in language that is meaningful for Aboriginal defendants and protected persons.

- To date, very few tenancy orders have been made for protected persons to continue to reside in a property leased by the defendant. Possible reasons include that: a high proportion of women are already listed as the legal tenant on Housing SA properties; protected persons are not aware of this option under the legislation or; protected persons would rather leave the property and start afresh without fear of the defendant contacting them.
- The ability to exclude a defendant from a property under the legislation has created difficulties for Housing SA in situations where the defendant is the legal tenant and a tenancy order has not been made. Housing SA have adopted a 'caretaker' strategy in the period between a defendant's exclusion and the approval of a tenancy order but there are practical limitations including that: the defendant is still liable for the property including the rental payment and if he chooses not to pay, the protected person could be at risk of losing the property. Additionally, Housing SA does not have any legal power to evict the defendant without a tenancy order.

Intervention Response Model

Domestic Violence Perpetrator Program

- The reported strengths of the DVPP were:
- the ability to administer the program to a large number of defendants at one time;
- the rolling nature of the DVPP, which allows defendants to enter at any time, combined with the group setting, which exposes participants to the change process of others and which provides opportunities for mentoring and support;
- the set structure of the program, which reduces session planning time; and
- the task-oriented structure of the program, which keeps the defendant focused on understanding how his behaviour resulted in the issue of an interim intervention order.

However, it was felt that due to the set structure of the MRT *Bringing Peace to Relationships* model, there are limited opportunities for facilitators to question the beliefs and attitudes that shape domestic violence behaviours. There was also concern that the program lacked case management and risk assessment. It was noted by other respondents, however, that including case management and risk assessment in the program would require additional resources.

Facilitators also reported instances where defendants have not been 'program ready' to engage in the DVPP due to physical or psychological health issues, more serious criminal offending or limited motivation or readiness to change. This was reported to affect defendants' level of engagement and participation in the program. It was suggested that the selection process could be improved by screening more thoroughly for mental health issues and significant language or literacy barriers. It would also be useful to assess the defendants' readiness to change so that facilitators are prepared for when they commence on the program.

It is noted that the service delivery for the DVPP has been out to open tender and a new provider has been engaged. The CAA have indicated that further training in the program as well as a review of a number of issues identified by facilitators will be undertaken as part of the service delivery changes.

DVPP Completion rate

It was reported that a high number of DVPP participants do not complete the program. This finding is consistent with Domestic Violence Program research, which indicates that high attrition rates are an ongoing concern.

It is noted that some DVPP participants legitimately withdraw from the program because they are no longer required to attend (e.g., the IO is revoked, charges are withdrawn, or conditions are changed),

but others are eventually terminated from the program due to non-attendance. It was suggested that the high rates of non-attendance may be due to the limited consequences for such behaviour.

Limited consequences for DVPP breach

A number of respondents felt that the consequences for defendants who fail to attend the program or who engage in disruptive behaviour during the group sessions were insufficient (i.e. an intervention order breach with an expiable fee). The process of reporting a breach to SAPOL (a separate telephone call for each person) was also considered time-consuming and inefficient.

Limitation of the response model for minority groups

Consistent with the findings of the first IO evaluation report, some respondents felt that the IRM does 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 Aboriginal people, in that the model does not give consideration to their cultural uniqueness and the history of Aboriginal people in the justice system. It was further commented that conditions on intervention orders are rarely appropriate to the lifestyles of Aboriginal people located in rural and remote locations, and the conditions are not explained and documented in a meaningful format.

It is noted, however, 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. In addition, the CAA has commenced a pilot group program for Aboriginal men in Port Augusta with domestic violence related charges and an intervention order. It was also noted by the CAA that the IRM does respond to the majority of intervention order defendants (i.e. male, heterosexual defendants living in the metropolitan area). This was thought to be the most appropriate focus, given the sheer volume of this client group and the budgetary constraints within which the IRM is operating.

Information sharing

There continues to be a gap between the level of information desired by agencies to support clients, and notification obligations under the legislation. Respondents reported that contextual information, such as the nature of the incident that led to an Intervention Order, assists them to tailor the most appropriate responses to clients affected by an Order. The CAA noted that the information currently supplied by the Courts reflects the requirements under the *Act*. It was also felt that it was not appropriate to provide some of the information requested by agencies (such as untested allegations that may be refuted in Court).

Awareness of intervention order terminology and process

Experiences of defendants and protected persons interviewed suggest that there is limited awareness of the avenues to obtain an IIO as well as the immediacy of an IIO. Some protected persons were unsure if their experiences were severe enough to warrant approaching police to apply for CIIO. Both protected persons and defendants reported some confusion about the terminology used in intervention orders.

Awareness of the dynamics of domestic violence and options under the *Act*

It was reported that the level of support offered to victims of domestic abuse varied across all agencies. Interviewees with protected persons and respondents from various support services reported that women continue to experience difficulties applying for an intervention order when it involves non-physical types of abuse, and to have police record reported breaches. It was also noted that tenancy orders are under-utilised, possibly due to limited awareness of this option and/or the processes to obtain a tenancy order. It was suggested that further training in the nature of domestic violence and the range of options available under the legislation are required across justice agencies to ensure protected persons are fully supported.

Legislation

Some legislative adjustments may be required to a number of inconsistencies.

Respondents reported instances where the an intervention order included conditions that conflicted with a previous Family Court order, with confusion about which order supersedes the other. Housing SA noted a conflict that exists when a defendant is excluded from a property of which he/she is the legal tenant, but before a tenancy order is in place.

The CAA also noted the potential anomaly between the *Act* and the *Bail Act* regarding penalties for non-attendance/participation in the DVPP (maximum penalty of \$1,250 fine or \$10,000/ 2 year imprisonment respectively).

Reported effectiveness of the initiative

While the focus of the evaluation during 2013 was on the intervention order *process*, some information was gathered regarding its effectiveness.

Most respondents felt that the IRM had improved the safety of women and children compared with the old restraining orders legislation. The ability for police to remove a perpetrator from the home was seen as a particularly important power in improving safety. A number of respondents working with protected persons reported that the IRM had assisted clients who had experienced domestic abuse for a long period of time to make long-term decisions about their relationship.

However, while the intention behind the legislation was seen as valid some respondents thought that its full potential was not being realised in practice.

There was a mixed response from protected persons, with some advising that the order had worked as intended, while others reported it had not stopped the defendant directly or indirectly attempting to contact them. Respondents from DECD and DCSI noted that intervention orders are ineffective where the defendant and the protected person continue to have contact. It was also noted that some Aboriginal clients in rural and remote areas find it difficult to understand and therefore adhere to the conditions of the order.

Two of the three protected persons who had a follow-up interview reported that the IOs and support from police and their WSCO had contributed to increased feelings of safety. Both women continued to liaise with police and prosecutors to finalise their IOs and the substantive offences associated with these orders. While the numbers are small, the findings suggest that over time, feelings of safety may increase for protected persons.

13. Conclusion

The evaluation conducted in the second year of the intervention order legislation found that the initiative was generally operating as intended. The volume of intervention orders and the subsequent impact upon workload has continued, although some agencies reported that increasing familiarity with the process had improved manageability.

A number of ongoing operational concerns have been identified. These include the highly manual processes administrative staff must complete to manage the data required, and the quality of identifying information documented on PIIOs and CIIOs. There continues to be support for a cross-government Information Technology System for partner agencies, which respondents believe would significantly improve the accuracy of information recorded on intervention orders, as well as the timeliness of the notification process.

DVPP facilitators also identified a range of issues relating to the assessment process, compliance, and the set structure of DVPP. The CAA has indicated that future program service delivery changes should provide an opportunity to review of number of these concerns.

It is evident that over time, strong networks among agencies and a better understanding of each other's roles and responsibilities in the initiative have developed, overcoming some of the data quality issues. However, there continues to be a gap between the optimal level of information desired by agencies to support clients with an intervention order, and the information sharing obligations under the legislation.

With regard to legislation, changes may be required to avoid potential inconsistencies between Family Court Orders and Intervention Orders, to enable Housing SA to better manage the tenancy order requirements of the *Act*, and to address anomalies in the penalties for non-attendance/participation in the DVPP.

It was also felt that further work was required to improve how intervention orders and the IRM respond to the needs of particular groups, including young people and Aboriginal clients. To ensure appropriate responses to protected persons, there is an ongoing need for intervention orders to be culturally relevant, and for persons involved in the issuance and administration of intervention orders to be fully trained/aware of the dynamics of domestic violence.

Overall however, while the evaluation has identified a number of areas for improvement, it is clear that there is strong support for, and commitment to intervention orders and the Intervention Response Model.

Future evaluation reports

One remaining report is planned as part of the Intervention Order Evaluation. Report 3 will summarise the results of an outcome evaluation. The outcome evaluation will assess the impact of the intervention orders on defendants (based on the number of recorded incidents before and after the Intervention Order) and the impact of the DVPP on participants' behaviour and attitudes regarding domestic abuse.

References:

Migliore, C., Marshall, J., Millsteed, M., Aird, E. and Smith, E. *Intervention Orders and Intervention Response Model Evaluation Report 1 (Process Evaluation)* Office of Crime Statistics and Research, South Australian Attorney-General's Department, August 2013.

Jewell and Wormith, *Variables Associated With Attrition From Domestic Violence Treatment Programs Targeting Male Batterers - A Meta-Analysis*, *Criminal Justice and Behavior* 2010 37: 1086.

Attachment 1

	Matter for further consideration	Report Page Number
<i>Protected Persons</i>		
1	Inconsistency in level of support and type of response provided to protected persons, from initial service response by police to court finalisation.	35, 39
2	Difficulties experienced in getting police support for an application involving non-physical abuse.	35, 39
3	Difficulties experienced in getting police support when reporting a breach of an intervention order.	39, 44
4	Time taken to apply for a intervention order at SAPOL.	41
5	Limited input of protected persons into the conditions of the order.	41
6	Lack of understanding of terminology used in conditions (e.g. direct and indirect contact).	40
7	Inappropriate conditions placed on orders by SAPOL (e.g. to attend conflict resolution).	40
8	Financial implications (legal costs) and lack of support for persons applying directly to the Court.	35, 40
<i>Defendants</i>		
9	Lack of understanding of process and terminology (e.g. direct and indirect contact).	31, 40, 48
<i>Intervention order notifications</i>		
10	Missing or inaccurate information (e.g. address form, date of birth, misspelt names) on intervention orders.	11, 16, 21
11	Level of detail on Intervention Order notifications is often insufficient to quickly identify relevant clients. The identification process would benefit from information such as defendant aliases and relationship of defendant to protected person.	21
12	Court issued orders: Lack of information regarding the grounds for the intervention order limits the ability of notified agencies to tailor appropriate responses to clients. [Note: Current information supplied reflects requirements under the <i>Act</i> and untested allegations may be refuted in Court]	21

	Matter for further consideration	Report Page Number
<i>Court process</i>		
13	Difficulties in maintaining intervention orders after expiration of the 12 month period when the defendant can ask for the order to be revoked. The impetus is on the woman to prove that there is still a risk, which is difficult if the IO has been effective in achieving perpetrator compliance. However, without the order, the protected person may once again be at risk.	41
14	Managing inconsistencies between a Family Court Order and the conditions listed on an Intervention Order. Also listed under Legislation below.	8,11
<i>Assessment for DVPP</i>		
15	Type of screening required before defendants referred to DVPP. [Note: current screening required for DVPP participants to be reviewed with new DVPP provider.]	26
16	Level of contextual information (e.g. offence details) given to DVPP facilitators. [Note: current screening required for DVPP participants to be reviewed with new DVPP provider.]	25
<i>DVPP</i>		
17	Lack of ongoing court supervision for participants (level varies according to matter). [Note: Act does not fix minimum level of supervision required and appropriate supervision therefore determined on case by case basis.]	14
18	Insufficient consequences for bad behaviour during program [Note: Maximum penalty fixed by legislation]	13
19	Low completion rate of DVPP	13, 30
20	Nature of DVPP e.g. Moral Reconciliation Therapy (Structure? Need for case management and risk assessment as part of DVPP program? Resource implications?)	29
<i>Consultation and Information Sharing</i>		
21	Limited consultation between Families SA and school staff and lack of clarity regarding what information can be disseminated within and between agencies to maximise the safety of children.	22
22	More integrated information sharing and information systems across the initiative to minimise inadvertent contact between protected persons and defendants (e.g. attending the same service).	41

	Matter for further consideration	Report Page Number
Service Gaps		
23	Cultural appropriateness: IRM does not consider cultural needs of Aboriginal persons and the history of Aboriginal people in justice system, particularly those in remote regions. Need to include meaningful conditions and language on intervention orders.	20, 22, 24, 37
24	Exclusion of SA Health from the IRM, when women often disclose abuse within a health service and/or presenting health issues may be a symptom of abuse.	41
25	Insufficient focus in the IRM on the needs of children exposed to violence.	17, 24, 37, 41
26	Lack of support/services for young defendants (further information required to determine need for Youth Court program).	17
General		
27	Manual notification process.	11
28	Limited awareness of intervention order legislation, particularly the immediacy of an interim order.	52
29	Limited awareness of option for tenancy order	18
30	Limited understanding of the dynamics of domestic violence within agencies supporting protected persons.	36, 42
31	No occupational health and safety protocols for staff working with protected persons/defendants.	24
Legislation		
32	Continued potential for Intervention Orders to be inconsistent with Family Court Orders.	8,11
33	Inconsistency between tenancy orders provided for under the <i>Intervention Orders (Prevention of Abuse) Act 2009</i> and the legislation that underpins the operation of Housing SA -re the exclusion of a defendant from a property of which he/she is the legal tenant.	18

	Matter for further consideration	Report Page Number
Legislation (cont.)		
34	Potential anomaly between s31(1) of the <i>Intervention Orders (Prevention of Abuse) Act 2009</i> (where offence is expiable or, if contested, has a maximum penalty of \$1,250) and s17 of the <i>Bail Act</i> (where failure to attend/participate in an intervention program constitutes a breach of bail, a maximum penalty of \$10,000 fine or 2 years imprisonment).	14