

A STRONGER RESPONSE TO FAMILY VIOLENCE Q & A

Why focus on victims of family violence?

The rate of family violence in New Zealand is unacceptable.

There is a clear need to provide better support and protection for domestic violence victims. For example:

- About half of all homicides in New Zealand are a result of domestic violence. On average, 14 women, seven men and eight children are killed by a member of their family every year.
- Around half of all violent offence charges in the courts relate to domestic violence. In 2013, there were 11,700 prosecutions for domestic violence-related offences.
- About 2,000 offenders are convicted of breaching protection orders each year.

Domestic violence is usually not a one-off event. Around three out of every five domestic violence victims are assaulted or threatened by their partner more than once.

Improving support and protection is especially important if we want to help lower the number of people who are repeat victims of domestic violence. Victims need to be confident that they can escape from dangerous relationships and get on with their lives.

How will the Government's proposed initiatives support victims of domestic violence?

This cross-government package aims to increase the safety of family violence victims, reduce the risk that they will be re-victimised and make services more responsive to their individual needs. It aims to improve justice processes to help keep victims safe and prevent further violence.

This package recognises the need for a more joined-up response to ensure victim safety and promote offender accountability. The initiatives will help us move towards a system where all agencies that play a role in family violence operate as one co-ordinated system.

Summary of initiatives

Action Area 1: Better protect victims of domestic violence

Intensive case management approach for highest risk victims

Victims of domestic violence who are at high risk of serious harm or death may benefit from specialist support to help them stay safe.

An intensive case management approach could provide long term, personalised support for the highest risk victims. Victims could potentially be able to access expert advice, frequent support, a detailed safety plan, and assistance with accessing other services to suit their individual needs.

An intensive case management approach will be tested for feasibility and effectiveness in two locations over two years. The Ministry of Justice and New Zealand Police will work with key stakeholders to design how it will be tested. Ministers of Justice and Police will receive advice on implementation later this year.

Multi-agency response system for domestic violence

A multi-agency response to family violence is important to making a difference to the safety of family violence victims – single agencies do not have the full picture and may not be able to address all the needs of a victim.

Local Family Violence Inter-agency Response Systems (FVIARS) already operate in 63 locations around New Zealand. They are generally characterised by commitment, passion and energy to make a difference. However, FVIARS' practice, responses and agency participation vary significantly between locations.

The Ministry of Social Development and New Zealand Police will lead work to develop advice on how to enhance the current multi-agency system for responding to family violence incidents. They will report to the Family Violence Ministerial Group within the next year on what is needed to ensure that victims of domestic violence get the support they need to stay safe and build independence.

Nationwide home safety service for high risk domestic violence victims

Supporting victims to stay safe in their own homes helps to reduce the impact of domestic violence and provides more options to victims who want to leave a violent relationship. A home safety service for victims at high risk of serious injury or death from domestic violence has already been tested in some locations and the results have been positive.

The Ministry of Justice will run a procurement process to purchase a nationwide home safety service, and a Request for Information will be issued on GETS shortly. The service will provide practical safety measures such as strengthening doors and windows, replacing locks and creating a safety plan with the victim. The service could begin operating in the first half of 2015, subject to the procurement process.

When fully implemented, the service will make 400 homes a year safer for victims and their children.

Trial of updated safety alarms, including GPS enabled safety alarms

Safety alarms are seen as an effective tool to improve the safety and peace of mind of people who are considered to be at high risk from harm. Updated safety alarm technology may mean high risk victims feel they have greater freedom of movement and opportunities.

New Zealand Police will trial 50 updated safety alarms, including mobile alarms with GPS technology that may be used anywhere with a cell phone signal. The trial will run for two years from early 2015.

Expanding 24 hour GPS tracking for domestic violence offenders

We will introduce a change in legislation to enable 24 hour GPS monitoring to be extended to a greater number of domestic violence offenders, taking a targeted approach to include those offenders who pose a very high and serious risk to their victims.

The Sentencing Act will be amended so that, when sentencing an offender to intensive supervision or setting conditions that will apply following release from a prison sentence of two years or less, a court may impose a condition requiring the offender to submit to GPS monitoring. The Department of Corrections will make a recommendation to the court for an offender to be placed on GPS.

It is estimated that this will result in around 100 additional high-risk domestic violence and other offenders per year on GPS tracking, costing an estimated \$2 million each year. Final costs are dependent on the outcome of the Department's current tender process for new electronic monitoring services.

Action Area 2: Improve victims' experience in the justice system

Improve timeliness of domestic violence prosecutions

Resolving criminal domestic violence cases promptly reduces strain on victims and allows them to get on with their lives. It also promotes offender accountability.

The Ministry of Justice will work with the judiciary, prosecutors, defence lawyers and court staff to identify and test process changes to speed up domestic violence prosecutions in the District Court. Advice on what could be done differently will be provided to the Minister of Justice around the end of 2014.

Explore allowing adverse inferences to be drawn from a defendant's refusal to give evidence in sexual violence cases

The current law allows only the defendant, the defendant's lawyer or the Judge to comment on a defendant's failure to give evidence in court. It was suggested at the Leading Justice Symposium in April that prosecutors in sexual violence cases should be able to invite the judge or jury to draw an adverse inference when a defendant refuses to give evidence.

Ministry of Justice officials will explore this idea and report to the Minister of Justice in mid 2015.

This is a complex area and work will progress with sufficient time to ensure careful consideration of the issues.

Explore using technology to collect evidence

Victims may have a better experience in the criminal justice system when the prosecution is able to build cases using evidence other than from the victim themselves.

Frontline police already use technology to gather evidence for possible use in court. New Zealand Police will explore growing this capability and will test the feasibility of using other forms of technology to collect evidence of domestic violence offences. This would be consistent with the justice sector's moves to modernise the court system.

Keep government informed about victims' experiences

A Chief Advisor on Victims of Crime could help to improve victims' experiences in the justice system by ensuring the Minister of Justice is informed of the needs and views of victims. The Minister of Justice supports the establishment of a Chief Advisor. The Minister will seek Cabinet approval of the working arrangements and role of the Chief Advisor in late 2014.

The role of the Victims Centre within the Ministry of Justice will be continued. The role of the Centre will also be extended to promoting the new Victims Code, providing advice to agencies on complaints processes under the Code, and developing innovative ways of seeking victims' views on improvements to services and outcomes for victims

Action Area 3: Support judicial decision-making in cases involving domestic violence

Improve information sharing between the family and criminal jurisdictions

Victim safety is improved when judges have good information to support their decisions. As a starting point, we will make sure that judges have information about related domestic violence proceedings in another court. The current rules about what information can be shared between the criminal jurisdiction and the Family

Courts in domestic violence cases are inadequate and do not allow information to be shared routinely.

The Minister of Justice intends to seek Cabinet approval to update the rules around the end of 2014. The Ministry of Justice is talking to the judiciary about other information that might support decision making that keeps victims safe.

The Ministry of Justice will also look at updates to the courts' IT system to allow more efficient and consistent sharing of information.

Review courts' access to mental health and drug and alcohol dependency information

Information about offenders' mental health and drug and alcohol dependency provides judges with a fuller understanding of factors linked to violent offending. This information may mean the courts are better able to address these factors, which can help reduce re-offending.

The Ministry of Justice will work with the Ministry of Health and District Health Boards to review the use of information in courts on addiction and mental health problems.

Action Area 4: Ensure domestic violence legislation is modern and fit for purpose

Review the Domestic Violence Act 1995

Legislation about domestic violence should be modern and ensure timely and effective responses to help keep victims safe. The Domestic Violence Act is now 20 years old and has not had a comprehensive review since 2000. Since the Act was established, we've reformed and modernised key legislation relating to the Family Court and criminal procedure. It is time to take another look at the Domestic Violence Act and make sure that it is fit for purpose.

The Minister will report to Cabinet in the first half of 2015 on the proposed scope and process of the review, and options for stakeholder participation.

Domestic violence conviction disclosure scheme

A conviction disclosure scheme could help potential victims to make informed choices about their relationships. This kind of scheme could allow a person in a domestic relationship to ask whether their partner has any relevant criminal convictions. A third party, such as a concerned parent or neighbour, could also request this information if they believe there is serious risk.

The Ministry of Justice and New Zealand Police will provide advice to the Ministers of Justice and Police in the first half of 2015 on whether a conviction disclosure scheme could improve victim safety in New Zealand.

What is the total cost of this package?

The package is estimated to cost an additional \$9.4 million over four years. In addition to \$1.2 million for changes to IT to allow information sharing between jurisdictions, funding is being sought for key initiatives, including:

- \$4.3 million for the national home safety service
- \$2.1 million to trial improved systems for victims (eg mobile safety alarms, timely court proceedings, intensive case management)
- \$1.8 million for testing approaches to improving timeliness of domestic violence prosecutions, providing health information in courts, and the review of the Domestic Violence Act.

The Minister of Justice will report back to Cabinet on the Chief Victims Advisor role, including cost, by the December 2014.

This estimated cost is in addition to an estimated \$2 million for expanding GPS tracking.

What else is the Government doing to address family violence?

This Government is committed to reducing family violence. Some examples of the advancements made in this area include:

- The maximum penalty for breaching a protection order was recently increased from two to three years, and economic or financial abuse was added to the definition of domestic violence as an example of psychological abuse.
- Improvements to non-violence programmes for domestic violence perpetrators are being implemented in October 2014.
- New Zealand Police's Prevention First and Victim Focus strategies identify and support people at risk of harm from family violence.
- The It's not OK Campaign led by the Ministry of Social Development continues to provide a variety of tools to educate the public and support victims of family violence and uses media advocacy to encourage responsible coverage of family violence.
- By June 2015, eight new Children's Teams will be established by the Ministry of Social Development, as part of the Government's Children's Action Plan to reduce child abuse and neglect
- Probation officers are being trained to work with family violence offenders to reduce reoffending.

In addition, further action to address family violence is being announced alongside this package:

- A comprehensive, long-term, and whole-of-government approach is being developed to further reduce family violence and achieve intergenerational change. This is being led by Associate Minister of Social Development, Hon Tariana Turia.
- Legislative change to enable GPS monitoring to be extended to a greater number of violent offenders, including some family violence offenders who pose a very high and serious risk to their victims. This is being led by Minister of Corrections, Hon Anne Tolley.

How does Tariana Turia's announcement inform the Justice sector efforts to prevent family violence?

Stopping violence from occurring in the first place is the key to the long-term reduction in family violence. Tariana Turia's body of work, *Achieving Intergenerational Change*, recognises the harm that family violence does, not just to the current generation but to future generations and the need to break the cycle.

A cross-government approach will build on the current momentum within social development to address family violence in New Zealand and the success of community-driven efforts to change attitudes and behaviours. In particular, the success of the E Tū Whānau framework which empowers whānau, hapū and iwi to respond to family violence, the Pasefika Proud framework which encourages action within Pacific communities and the It's not OK Campaign. Since the It's not OK Campaign was launched in 2007 more New Zealanders are seeking help for family violence and more people believe they can help others to change.

As part of this body of work, the effectiveness of the programmes and services already in place will be evaluated.

How does the Government Response to the Report of the Expert Advisory Group integrate with the Achieving Intergenerational Change programme?

The work of the Expert Advisory Group has been instrumental in developing the *Achieving Intergenerational Change* approach to further reduce family violence.

The Expert Advisory Group report makes a number of recommendations relating to structural reform and streamlined service delivery, efficiency and partnerships. *Achieving Intergenerational Change* is aimed at developing an integrated and collaborative system-based response to family violence. It is an approach which builds on the success of Whānau Ora which emphasises collaboration across the sectors.

Achieving Intergenerational Change will address many of the issues raised by the Expert Advisory Group.

There are three recommendations you don't believe need further work – why not?

There are three for which Government considers no further action is needed at this stage:

Recommendation One: New legislation criminalising family violence

- We consider that the current legislative framework has been improved by the recent passing of the Vulnerable Children Bill.
- The Vulnerable Children Bill needs to be implemented and its effects assessed before new legislation could be considered.
- Mrs Turia sees considerable value in the possibility of considering a new statute aimed at the prevention of family violence. While new legislation is not ruled out at this stage, there is no proposal to draft a bill at this time.
- This does not mean that the current legislation should not be reviewed. The Ministry of Justice has been directed to review the Domestic Violence Act 1995 to ensure that it is modern, fit for purpose, and supports a whole-of-government response to family violence.
- The Ministry of Justice has also been directed to consider whether a family violence criminal conviction disclosure scheme (similar to Clare's law in England) could be enacted in New Zealand.

Recommendation Two: Two Cabinet Ministers share responsibility for Family Violence, with one being the Minister of Finance

- Family Violence sits across a range of Ministerial portfolios and the Family Violence Ministerial Group has oversight of work at a Ministerial level.

Recommendation Seven: Amending the Privacy Act 1993 to allow sharing of information relating to family violence

- Principles 10 and 11 of the Privacy Act 1993 were amended in 2013 to allow personal information to be disclosed where there is a serious threat to safety.
- The Ministry of Justice has also been directed to consider whether a family violence criminal conviction disclosure scheme (similar to Clare's law in England) could be enacted in New Zealand.
- While amendments are not being ruled out, there is no proposal to draft a bill at this time.

Who are the members of the Expert Advisory Group on Family Violence?

The Expert Advisory Group comprises of the following members:

- Paul von Dadelszen
- Merepeka Raukawa-Tait
- Dr James Prescott
- Dr Huhana Hickey
- Associate Professor Janet Fanslow
- Associate Professor Julia Tolmie
- Associate Professor Peter J. Adams
- Everdina Fuli
- Jane Stevens

What was the purpose of the Expert Advisory Group on Family Violence?

The Expert Advisory Group on Family Violence was expected to produce a short, succinct piece of advice for the Government to consider.

To assist the preparation of their report, the Expert Advisory Group was expected to:

- identify opportunities to build and apply knowledge of what works nationally and internationally to address and prevent family violence
- encourage an evidence-based and practice informed perspective to influencing behavioural change
- consider work undertaken to date

Why was the Expert Advisory Group on Family Violence established when the Taskforce for Action on Violence within Families (the Taskforce) already exists?

On 5 August 2013, the Family Violence Ministerial Group met to discuss the work of the Taskforce.

The members asked for independent strategic advice to assist them to determine key priority actions to address family violence in New Zealand. The Family Violence Ministerial Group proposed that a group of experts be brought together to develop this advice before the end of 2013.

The Expert Advisory Group on Family Violence provides a fresh perspective on family violence, as the members bring a range of specialised expertise and skills.

What is the relationship between the Expert Advisory Group on Family Violence and other advisory groups?

The Expert Advisory Group on Family Violence is completely separate from other boards, although the Group did take into account current Government strategies including the Children's Action Plan.

How will the advice provided by the Expert Advisory Group on Family Violence be implemented?

The Government received the Report from the Expert Advisory Group on Family Violence in November 2013. The Report informed the discussion on family violence between Ministers and agencies, and was instrumental in developing *Achieving Intergenerational Change* approach to further reduce family violence.

The Government Response to the Report of the Expert Advisory Group noted that of the 22 recommendations:

- five recommendations have already been partly addressed by making family violence one of the Social Sector Forum's priority areas. This will help to improve the integration of government's family violence activity and ensure synergies and duplication in programmes and services are identified early.
- work has begun on addressing a further 10 recommendations. While some of these reflected current workstreams, some workstreams have been modified to respond to the recommendation.
- four recommendations are part of the future work programme. Some of these will also form part of the proposed whole-of-government approach
- the three remaining recommendations require no action at this stage, but could be considered in the future. These relates to proposals for new legislation or legislative change, and a proposal to make the Minister of Finance one of two Cabinet Ministers sharing responsibility for family violence.

It is gratifying that many of the Expert Advisory Group's recommendations were aligned with Government's broader direction. The 2014/15 work programme (in the *Achieving Intergenerational Change* paper) highlights many of the specific streams of work to address the Expert Advisory Groups' recommendations.

Did NGOs provide input to the Expert Advisory Group on Family Violence?

The Family Violence Unit, hosted within the Ministry of Social Development, has engaged with the NGO sector regarding the challenges they encounter when providing services to people affected by family violence in New Zealand. This was done through an online survey. That information was provided to the Expert Advisory Group on Family Violence for their consideration.

In addition, the Chair of the Expert Advisory Group on Family Violence invited consultation through the members of the NGO Family Violence Prevention Alliance.