



Government of **Western Australia**
Department of the **Attorney General**
Policy and Aboriginal Services Directorate

Evaluation of the Metropolitan Family Violence Court

and

Evaluation of the Barndimalgu Court

Evaluation Report

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Definitions

The following acronyms are used in the remainder of this report:

BCP	Behaviour change program	Refers to the program(s) that offenders may be directed to attend to address their offending behaviour.
BFVC	Barndimalgu Family Violence Court	The specialist Family Violence Court located in Geraldton that deals with Aboriginal family violence matters.
FVC	Family Violence Court	Refers to family violence courts more broadly.
MFVC	Metropolitan Family Violence Court	Refers to the metropolitan Family Violence Courts that are located at: Joondalup; Rockingham; Fremantle; Midland; Armadale; and Perth.

Introduction

This report sets out the findings from the technical working papers prepared on the 2011 outcome evaluation of the six Metropolitan Family Violence Courts and the 2013 evaluation of the Barndimalgu Court, Geraldton. The purpose of both evaluation processes was to establish whether Family Violence Courts are operating effectively and whether they represent a cost-effective alternative to mainstream courts, after accounting for victim outcomes, recidivism and financial cost.

The evaluation of the Family Violence Courts involved a variety of methods, which broadly included: literature overview; stakeholder interviews; victim and offender interviews; analysis of victim and offender feedback surveys; quantitative data analysis; and cost analysis. In addition, the evaluation process for the Barndimalgu Court was grounded in principles of cultural integrity and good practice methodology for evaluation of Aboriginal programs.

Background - Specialist Family Violence Courts in WA

Family Violence Courts in Western Australia (WA) currently operate as specialist court lists, victim support, and case management services at six Magistrates Court locations, which include: Joondalup; Rockingham; Fremantle; Midland; Armadale; Perth; and Geraldton (Barndimalgu Court). These courts specialise in family violence matters, offering eligible participants the opportunity to undertake a court supervised process on conditional bail involving case management and/or program participation prior to sentencing. Specialist victim support services are also made available, and provide a range of advocacy, support and referral services for victims of those participating on the Family Violence Court program, including assistance with Violence Restraining Order applications. The Barndimalgu Court is unique as it provides a more culturally appropriate and therapeutic court-based model for addressing Aboriginal family violence in Geraldton. This Court includes local Aboriginal community members in the court-based case management process.

Referrals to specialist Family Violence Courts in WA

Metropolitan Family Violence Courts

To be eligible for the court, offenders must plead guilty to a family violence related charge in the Magistrates Court and agree to undertake an assessment for participation. The following table summarises some of the demographic characteristics of three groups of offenders:

1. Those with a known DV case in mainstream court, but who did not appear in the FVC;
2. Those who appeared in the FVC but who were not assessed by the Court for suitability to participate in the program as they were ineligible, unable or declined to participate; and
3. Those who were formally assessed for suitability for the FVC by the Court (includes those who were assessed as suitable, those who withdrew and those who were not assessed as suitable).

Table 1. Rate of referral to the MFVCs for all known family violence offenders by gender, age, Indigenous status and charge type

Variable	Known DV Mainstream		FVC not assessed		FVC assessed	
	n	%	n	%	n	%
Gender						
Male	2706	83.39%	5175	82.22%	770	95.65%
Female	486	14.98%	978	15.54%	20	2.48%
Unknown	53	1.63%	141	2.24%	15	1.86%
Age						
18 to 24	589	18.15%	1509	23.98%	156	19.38%
25 to 29	624	19.23%	1110	17.64%	156	19.38%
30 to 34	534	16.46%	1061	16.86%	143	17.76%
35 to 39	526	16.21%	1077	17.11%	155	19.25%
40 to 44	423	13.04%	692	10.99%	116	14.41%
45 to 49	291	8.97%	411	6.53%	43	5.34%
50 or older	257	7.92%	408	6.48%	35	4.35%
Indigenous status						
Indigenous	756	23.30%	1332	21.16%	233	28.94%
Non-Indigenous	2388	73.59%	4630	73.56%	572	71.06%
Unknown	101	3.11%	332	5.27%	0	0.00%
Charge type						
Acts intended to cause injury	1422	43.82%	2437	38.72%	691	85.84%
Dangerous or negligent acts endangering persons	33	1.02%	362	5.75%	5	0.62%
Theft and related offences	23	0.71%	350	5.56%	2	0.25%
Property damage and environmental pollution	298	9.18%	286	4.54%	15	1.86%
Offences against justice procedures, government security and government operations	1133	34.92%	1750	27.80%	64	7.95%
Other: violent offence	131	4.04%	196	3.11%	17	2.11%
Other: non-violent offence	205	6.32%	913	14.51%	11	1.37%

Barndimalgu Court - referral demographics

To be eligible for the BFVC, offenders need to identify as Aboriginal or Torres Strait Islander, have committed a family violence offence that can be seen in the Magistrates Court, plead guilty and agree to participate. The following table demonstrates the differences in demographic characteristics between known Aboriginal family violence offenders in the Geraldton region who were referred to Barndimalgu Court and those who were dealt with in the mainstream court.

Rate of referral to Barndimalgu Court for all known Aboriginal family violence offenders by gender, age, OSI, priors, plea, Police Indigenous status and Police DV flag

Variable	Referred to BFVC		Not referred to BFVC	
	n	%	n	%
Gender				
Male	265	92.98%	679	85.84%
Female	20	7.01%	112	14.16%
Age				
Average age at offence	29.57		29.93	
18 to 24	99	34.74%	248	31.35%
25 to 29	56	19.65%	133	16.81%
30 to 34	52	18.24%	158	19.97%
35 to 39	27	9.47%	103	13.02%
40 to 44	22	7.72%	96	12.14%
45 to 49	15	5.26%	27	3.41%
50 or older	14	4.91%	26	3.29%

Variable	Referred to BFVC		Not referred to BFVC	
	n	%	n	%
Offence seriousness index (OSI)				
Average OSI by most serious charge in a matter	70.35		64.25	
Most common offence type by most serious charge in matter (ANZSOC 2-digit)	Division 02 ¹ n=130	45.62%	Division 02 ² n=403	50.94%
Second most common offence type by most serious charge in matter (ANZSOC 2-digit)	Division 15 ³ n=110	38.60%	Division 15 n=302	38.18%
Third most common offence type by most serious charge in matter (ANZSOC 2-digit)	Division 13 ⁴ n=19	6.67%	Division 12 n=39	4.93%
Other offence categories (ANZSOC 2-digit)	n=26	9.12%	n=47	5.94%
Prior conviction				
yes	272	95.44%	734	92.79%
no	13	4.56%	57	7.21%
Prior domestic violence history				
Average no. of DV priors	0.35		0.38	
Yes	65	22.81%	171	21.62%
No	220	77.19%	620	78.38%
Initial plea⁵				
Guilty	260	91.23%	642	81.16%
Not Guilty	18	6.32%	94	11.88%
No plea	7	2.46%	55	6.95%
Ultimate plea⁶				
Guilty	275	96.49%	678	85.71%
Not guilty	3	1.05%	58	7.33%
No plea	7	2.45%	55	6.95%
Police-identified Indigenous status				
Indigenous	178	62.46%	732	92.54%
Non-Indigenous	64	22.46%	46	5.82%
Unknown	43	15.09%	13	1.64%
Police-identified DV flag				
DV flag	72	25.26%	255	32.24%
No DV flag	213	74.74%	536	67.76%

¹ ANZSOC Division 02: Acts intended to cause injury.

² ANZSOC Division 12: Property damage and environmental pollution.

³ ANZSOC Division 15: Offences against justice procedures, government security and government operations.

⁴ ANZSOC Division 13: Public order offences.

⁵ Initial plea refers to the first plea entered into the court system.

⁶ Ultimate plea demonstrates the change in plea.

Evaluation against good practice

Evaluating programs against established good practice models is now a well-established evaluation technique. In the case of the MFVCs there is established national and international literature which formed the basis of the comparison. With regard to research literature on good practice standards for the BFVC, there is limited research literature on the elements that constitute an effective Aboriginal family violence court. This had to be established from an extensive literature review.

It needs to be mentioned that some elements of the good practice models for both courts are 'aspirational' and may not be met in an operational sense. Bearing this in mind, both the MVFC and BFVC stand up well in comparison to the established good practice models.

Metropolitan Family Violence Courts - assessment against good practice

A comparison between the MFVCs and the good practice model for FVCs is presented below.

Evaluation of FVC processes against good practice guidelines

Good practice factor	Assessment against good practice
1. Dedicated personnel	Not all personnel work specifically in the FVC.
<ul style="list-style-type: none"> • Magistrates 	Semi-dedicated, all working part-time in FVC and part-time in mainstream court.
<ul style="list-style-type: none"> • Victim support staff 	Dedicated to the FVC.
<ul style="list-style-type: none"> • Court staff 	Not dedicated.
<ul style="list-style-type: none"> • Community Corrections Officers 	Dedicated to the FVC, although the JDF is generic.
<ul style="list-style-type: none"> • Police 	Semi-dedicated. The family violence units work directly with the FVIS to achieve outcomes.
<ul style="list-style-type: none"> • Child protection 	Semi-dedicated. The child protection units are co-located with the family violence unit police. Work with FVIS where clients overlap.
<ul style="list-style-type: none"> • Police prosecutors 	Dedicated in some locations but not others. High turnover
<ul style="list-style-type: none"> • Legal defence 	Semi-dedicated. Most court locations will have a semi-dedicated Legal Aid duty lawyer, or ALS lawyer.
<ul style="list-style-type: none"> • Volunteers 	Semi-dedicated. Main work involves VRO assist.
2. Specialist training	FVIS staff are the only FVC staff who consistently receive initial training as well as ongoing professional development.
3. Safety at court and victim services accommodation	The FVIS accommodation in each site varies in suitability from very poor to excellent.
4. Active judicial ongoing monitoring of offenders	Magistrates see case-managed offenders regularly in court, but do not have much opportunity to engage with them. More recently, more active judicial case management has started to take place in many courts.
5. Specialist family violence police measures	Various, including the family violence units, police orders. There have been recent changes to the family violence approval by police
6. Mandated offender treatment programs	Administered by DCS and run by Communicare and Relationships Australia.
7. Effective Interagency partnerships at all levels of service	Overall, good.
<ul style="list-style-type: none"> • Memorandum of Understanding 	MOU on data sharing across DotAG, DCS, Police and DCP. MOU on data sharing between FVCS and Family Court.
<ul style="list-style-type: none"> • Strategic level 	Operational Steering committee chaired by the Chief Magistrate, with high level representation from all agencies.
<ul style="list-style-type: none"> • Court operational level 	Multi-agency professional staff (including magistrates) meet regularly with operational committee at all locations.
<ul style="list-style-type: none"> • Case management 	Agency family violence workers meet weekly to discuss individual cases.
<ul style="list-style-type: none"> • Other partnerships 	Regular meetings with the Family Court.
8. Effective referrals for victim support	Good. Case management advocacy, assistance with court processes, referrals, letters, Violence Restraining Orders

Good practice factor	Assessment against good practice
9. Prompt referrals to BCPs	Moderate. Efforts have been made to improve time to program, however it is still long.
10. Seamless service between FVC and community-based offender management	Moderate. There is a handover; although a new, non-FVC specialised SCCO takes over after sentencing.
11. Coordination with the Family Court where appropriate	Good. Protocols are in place to share information where possible.
12. Protective bail conditions in place to protect victims	Good, victim assessments are often undertaken as part of this process.
13. Flexibility in sentencing	Some, but changes to the <i>Sentencing Act 1995</i> will give Magistrates more flexibility.
14. Effective collection of data for monitoring and evaluation	Moderate, new changes to DotAG systems should improve data capabilities.
15. Consistency in sentencing	Sentencing across sites was not compared, however processes vary across sites
16. Access for Aboriginal offenders	Poor to moderate. Until recently, access to the program has been poor for both Aboriginal men and women. Recent changes at DCS are beginning to address the issue. However, the Aboriginal Legal Service is now no longer assisting the FVC, except in Midland.
17. Access for offenders with substance abuse, mental health, or disability issues	Poor to moderate. In most instances these issues will preclude offenders from participating.

Barndimalgu Family Violence Courts - assessment against good practice

The following is a comparison of the key elements of good practice in Aboriginal Family Violence Courts developed from the literature with the operations of the BFVC.

Assessment of Barndimalgu Court against good practice guidelines

Good practice factor	Assessment against good practice
Standard 1: Court framework	
1.1 The court framework is underpinned by a clearly-defined philosophy, which has a basis in: specialist court practices; an understanding of Aboriginal family violence; and good practice in cultural integrity.	Meets most criteria – A particular issue is that the various stakeholders in the Court have a varied understanding and approach to Aboriginal family violence in Geraldton.
1.2 The court framework is supported by appropriate structures, such as: legislation and/or government-level support; court-based policy and strategic guidelines; adequate resourcing; policies for interagency collaboration and integrated service delivery; and culturally appropriate and consistent data collection methods and evaluation plans.	Meets most criteria – The current legislation, court framework, and resource allocation is adequate to support the Barndimalgu Court. There were some issues with data integrity.
Standard 2: Specialist court staffing arrangements	
2.1 Staff and other stakeholders have personal and professional attributes, skills and knowledge, specific to their role.	Yes. All staff are appropriately suited to their role.
2.2 Staff are afforded adequate training, professional development and support opportunities.	Yes. Staff are offered a range of training opportunities, but would benefit from more.
2.3 Strategies are implemented to assist effective recruitment of Aboriginal staff, in particular Aboriginal Respected Persons.	Yes. Recruitment strategies may be improved with a slightly more formalised process.
Standard 3: Court process	
3.1 The courtroom environment and infrastructure is culturally accessible and relevant to Indigenous people.	Yes. Room contains furniture that encourages an informal approach. Indigenous artwork, flags and posters are on display. Room is used for court hearings and jury deliberations.
3.2 The courtroom infrastructure is appropriate to support family violence matters.	The old building structure limits the ability of the court to cater appropriately to family violence matters (e.g. there is limited space for separate waiting areas for victims and offenders).

Good practice factor	Assessment against good practice
3.3 Implementation of appropriate, effective and timely referral, eligibility and suitability assessment processes.	Meets most criteria – Overall, eligibility, referral, and suitability processes are adequate; however, there have at times been some issues with low referral numbers and slow time to program.
3.4 Provision of culturally appropriate pre-sentence court-supervised intervention programs that address offending behaviour and support victim safety.	Yes. Participants attend an appropriate BCP.
3.5 Implementation of integrated court-based monitoring and case management.	Yes. Case management occurs in court and through the case management meetings and the DCS SCCO
3.6 Sentencing reflects the options and principles made available within the relevant criminal sentencing law.	Yes. The Magistrate maintains the ultimate sentencing authority; however allows Aboriginal community members to participate in the process.
3.7 Implementation of appropriate processes for managing offenders in the community.	Yes. Undertaken by CCO while offender is on conditional bail.
3.8 Implementation of processes for monitoring Violence Restraining Orders (VROs). Breaches of VROs should be taken seriously by enforcement agencies and promptly referred to the court for immediate consideration.	No – Barndimalgu Court does not hear VRO cases.
Standard 4: Service delivery to offenders and victims	
4.1 Implementation of a flexible and innovative service delivery model.	Yes.
4.2 Implementation of the multiple-agency collaborative approach, which involves the development of innovative partnerships, in particular local Aboriginal community court partners, to enhance service provision.	Yes. Offenders and victims access a range of supports, services and programs from various agencies.
4.3 Provision of appropriate services to support and monitor Aboriginal family violence offenders.	Yes. Offenders are monitored by most parties, particularly WA Police.
4.4 Availability of victim services to provide victims opportunities for safe and appropriate participation in the court process. Victims should be afforded a similar level of opportunity for advocacy, support and healing as is provided to offenders.	Meets some criteria - The provision of victim services is a relatively new aspect of the Barndimalgu Court and as such has been inconsistent over time with varying levels of success.

Recidivism Analysis

Recidivism (or re-offending) analysis is a commonly-used measure of the effectiveness of justice programs. There are various approaches to measuring recidivism in the court setting, each with relative merits. The evaluations of the MFVCs and the BFVC both measured the incidence of re-offending at key time points (1,2 and 3 years) and the risk of reoffending.

The statistical method⁷ used to analyse risk of reoffending involved measuring the time between the original offence and the re-offence and then modelling the effects of the court intervention, taking into account known explanatory variables such as criminal record, age and gender. The method then calculates the likelihood of reoffending according to which intervention the offender received.

Metropolitan Family Violence Court

Recidivism modelling

The intervention tested in the model was a combination of whether an offender attended the Family Violence Court (FVC) and whether they were assessed for and participated in the case managed Behaviour Change Program (BCP). For those who attended the mainstream court, offenders were categorised according to whether they attended a BCP or not (the statistical outcomes are tabulated at the end of this section).

In comparison to the reference group (offenders who were dealt with in the mainstream court (not the MFVC) but did attend a BCP) the analysis showed:

- offenders who never attended the FVC and had no BCP were significantly more likely to reoffend than those who attended the BCP in the mainstream court;
- offenders who attended the FVC BCP were significantly more likely to reoffend compared to those who attended the BCP in the mainstream court;
- offenders who attended the FVC but were assessed unsuitable were significantly more likely to reoffend compared to those who attended the BCP in the mainstream court;
- offenders who attended the FVC but were not assessed, but were sentenced to a BCP were not significantly more likely to reoffend than those who attended the BCP in the mainstream court; and
- offenders who attended the FVC, were not assessed, but had no BCP were significantly more likely to reoffend compared to those who attended the BCP in the mainstream court.

For all family violence offenders, irrespective of their involvement in a BCP or the MFVC, the analysis showed in general:

- older persons were significantly less likely to reoffend than younger persons;
- females were significantly less likely to reoffend than males;
- Indigenous persons were significantly more likely to reoffend than non-Indigenous persons;
- offenders who appeared in Armadale, Fremantle and Perth FVCs were significantly more likely to reoffend compared to those who appeared in Joondalup;
- offenders with more previous convictions were significantly more likely to reoffend;
- offenders with more violent prior convictions were significantly more likely to reoffend; and

⁷ Cox's proportional hazard method

- “Offences against justice procedures” was the only offence type that had a risk of reoffending compared to “Acts intended to cause injury”.

In broad terms what the analysis suggests is that the participation in the MFVCs is producing less effective results in terms of reoffending than the mainstream courts. However, the results also suggest that participating in a case managed BCP is of potential benefit to offenders.

In interpreting these results, it was not possible to determine accurately whether the characteristics of people who enter each justice pathway are exactly alike (for example: employment status, relationship to victim, mental health issues, addiction, cultural background other than Indigenous). In particular, the formal assessment process will specifically deem people with unmanaged mental health or substance abuse issues, or people who will not accept responsibility for offending as unsuitable for the program. As such, the effect of other variables (other than the known or explanatory variables) cannot necessarily be ruled out. There is also the potential that other factors, or a combination of them, are affecting offenders risk of reoffending, such as increased reporting by victims being supported through the Court.

Recidivism tables

The following table shows the level of reoffending after one year by the level of involvement with the MFVC. For the purpose of these tables, recidivism is defined as the conviction in court of an offence subsequent to the initiating offence which is either a family violence offence (identified through the police DV flag, or appearance in the FVC) or a violent offence which is not otherwise family violence. For offenders who had no re-offence, but where a full year had not yet elapsed are noted as being ‘not observed for the full year’.

Recidivism within one year by first appearance of a family violence BCP

FVC involvement versus other Court	Yes		Reoffended Within 1 Year				Total	
	N	%	n	%	n	%	n	%
Never attended FVC	637	19.6	1,681	51.8	927	28.6	3,245	100
Attended FVC - not assessed	1,826	29.0	3,028	48.1	1,440	22.9	6,294	100
<i>Attended FVC - withdrawn from assessment</i>	12	26.7	24	53.3	9	20.0	45	100
<i>Attended FVC – assessed unsuitable</i>	91	42.3	85	39.5	39	18.1	215	100
<i>Attended FVC - assessment pending</i>	1	3.7	0	0.0	26	96.3	27	100
<i>Attended FVC – assessed suitable</i>	148	28.6	255	49.2	115	22.2	518	100
Attended FVC - assessed subtotal	252	31.3	364	45.2	189	23.5	805	100
Total	2,715	26.2	5,073	49.0	2,556	24.7	10,344	100

In summary, the above demonstrates that defendants who had no involvement with the MFVC had the lowest levels of re-offending within one year (20%), although this group also has a comparatively high level of censored data. Of those assessed for the MFVC, those deemed unsuitable for the program had the highest level of re-offending, at 42%. Those who attended the MFVC but were not assessed showed similar levels of re-offending after one year compared to those who were assessed as suitable.

The table below provides a comparison of reoffending by level of involvement with the BCP. Similar to the recidivism modelling results, it demonstrates that offenders who completed a BCP showed lower levels of recidivism after one year than those who started, but did not complete, a program.

Offenders who did not participate in a BCP had a higher rate of recidivism than those who completed a BCP, but also had a lower level of censored data.

Comparison of reoffending by participation in BCP- irrespective of specialist Family Violence Court involvement

	Reoffended Within 1 Year							
	Yes		No		Not observed for full year		Total	
	n	%	n	%	n	%	n	%
Completed family violence BCP	44	12.4	196	55.1	116	32.6	356	100
Still in family violence BCP	1	20.0	0	0.0	4	80.0	5	100
Did not complete family violence BCP	58	24.6	120	50.8	58	24.6	236	100
No family violence BCP	2,612	26.8	4,757	48.8	2,378	24.4	9,747	100
Total	2,715	26.2	5,073	49.0	2,556	24.7	10,344	100

Barndimalgu Family Violence Court

Recidivism modelling

The same statistical modelling method was used to analyse the intervention of the Barndimalgu Court. In this case, the reference group is those who were eligible for Barndimalgu Court, but did not attend the court and did not participate in a BCP. Overall, the analysis showed that the intervention of Barndimalgu Court did not significantly impact on reoffending. Those who started but did not complete Barndimalgu were significantly different from those who were eligible and did not attend. The remaining comparisons were not significant. Those who completed Barndimalgu were less likely to reoffend compared to those who were eligible but didn't participate, however this relationship was not significant.

Furthermore, the analysis demonstrated that for all Aboriginal family violence offenders in Geraldton, in general:

- females were significantly less likely to reoffend than males;
- age had no significant effect on reoffending;
- the number of prior DV matters had no significant effect on reoffending;
- increased number of hearings was significantly related to higher reoffending; and
- decreased seriousness was significantly related to higher reoffending.

In broad terms the analysis suggests that participation in Barndimalgu does produce a more effective result in terms of reoffending than the mainstream court.

Recidivism tables

For the Barndimalgu Court evaluation, various types of recidivism were compared, including:

- the first instance of recidivism following the lodgement date of the initiating offence including: any recidivism; domestic violence recidivism; domestic violence non-breach recidivism; violent recidivism; and domestic violence and/or violent recidivism (comparable with the MFVC tables);
- the first instance of recidivism following the finalisation date of the previous most serious charge, including: domestic violence recidivism; and domestic violence non-breach recidivism.

Overall, results demonstrated that the vast majority of offenders reoffend within the first, second and third year following the lodgement or finalisation of a matter. Over time, the proportion of re-offenders increased for all participation categories.

The following table provides an example of domestic violence and/or violent reoffending after one year by the level of involvement with the BFVC. It demonstrates that a higher proportion of offenders who were terminated from the program, or were assessed as unsuitable, reoffended with a domestic violence and/or violent offence within one year following lodgement. There wasn't a notable difference in domestic violence and/or violent reoffending outcomes between offenders who completed the BFVC program and offenders who never attended.

Domestic violence and/or violent reoffending after lodgement date within one year by Barndimalgu Court participation and re-offence type

	No	Yes	Not observed for full year	Total
Barndimalgu Court Participation	%	%	%	%
DV and/or violent reoffending within 1 year				
Never Attended Barndimalgu	38.8%	51.7%	9.5%	100%
Previous Barndimalgu Participant	27.6%	55.2%	17.1%	100%
Unwilling	36.0%	60.0%	4.0%	100%
Deemed Not Suitable	5.6%	83.3%	11.1%	100%
Terminated Non-Compliance	14.3%	74.6%	11.1%	100%
Terminated Reoffended	10.3%	84.6%	5.1%	100%
Terminated Self	18.8%	65.6%	15.6%	100%
Completed	38.0%	57.4%	4.6%	100%
Total	33.9%	56.3%	9.8%	100%

Assessment of Indigenous imprisonment outcomes

Metropolitan Family Violence Court

Analysis was undertaken of imprisonment outcomes for family violence offenders. For the metropolitan area, Indigenous offenders were more likely to receive a prison sentence than non-Indigenous offenders, with 17.7% of Indigenous offenders who were FVC assessed between 2006-2010 receiving a prison sentence compared to 7.8% of non-Indigenous. For those who attended the MFVC but were not assessed, 23.7% of Indigenous offenders were imprisoned, compared to 9.2% of non-Indigenous offenders. The comparative length of sentences between Indigenous and non-Indigenous offenders has varied over time, with no consistent trends.

Barndimalgu Family Violence Court

Reported results demonstrate that overall the majority of Indigenous family violence offenders in Geraldton Court did not receive an outcome of imprisonment (n=891; 82.8%). Rates of imprisonment varied across the different Barndimalgu participation groups. Offenders that completed the Barndimalgu program had the lowest rate of imprisonment (n=0; 0%). Offenders who attended Barndimalgu Court but had their participation terminated (i.e. non-compliance, reoffended, and/or terminated self) had the highest rate of imprisonment (n=60; 44.8%). Those who never attended Barndimalgu had a relatively average rate of imprisonment (n=107; 15.6%) compared to the overall rate of imprisonment for the entire known population of Indigenous family violence offenders in Geraldton Court (n=185; 17.2%).

Victim Feedback

Direct evidence regarding the experience of victims in the metropolitan Family Violence Courts and the Barndimalgu Court, Geraldton was obtained through 17 victim interviews (14 MFVC, 3 BC) and 661 victim feedback surveys (651 MFVC, 10 BC). Overall, when asked to provide comments regarding their experience of the services, the vast majority of the comments were positive (See Annexure 1)

Cost analysis

A cost analysis was undertaken for both evaluations using similar methodology, and based on the potential justice pathways relevant to each court. These particular costs are based on the actual number of offenders going through the MFVC and BFVC and the average cost per offender.

Metropolitan Family Violence Court

A comparison of unit costs of an offender being processed through the MFVC compared to the mainstream courts shows that for offenders:

- the FVC unit cost is higher than the mainstream for identified family violence offenders;
- in the case of family violence offenders assessed as unsuitable by the FVC, who then went on to complete other sentencing outcomes, unit cost is higher than the mainstream court, due to a higher proportion of imprisonment;
- in the case of family violence offenders assessed as suitable for BCP by the FVC, who then went into the BCP program, unit cost is \$32,280 (or 15%) higher than mainstream court; and
- in the case of family violence offenders who attended, but were not assessed by the FVC, and who then went on to complete other sentencing outcomes, the unit cost is higher than the mainstream court, depending on the sentence outcome (4.3% for prison sentence, 9.8% community-based sentence and 83.2% for other sanctions, such as fines).

Barndimalgu Family Violence Court

With regard to the BFVC the following is a summary of cost information:

- The average cost per hearing (\$1,803) and per finalisation (\$23,572) was significantly greater for the BFVC compared to the mainstream court (\$355 and \$753 respectively).
- For 2011-012 the total full cost of operating the BFVC was \$660,029.

Discussion and Summary

Based on the statistical analysis, participation in the MVFC is producing less effective results in terms of likelihood of re-offending than mainstream courts. The results of the evaluation of the BFVC, whilst slightly more positive, are not significantly different to those in the mainstream court. However, the analysis does suggest that participation in a case managed BCP is of potential benefit to offenders.

In both the MFVCs and BFVC, unit cost is significantly higher. It needs to be noted that the higher cost premium for these courts is due to the greater level of specialist service, which usually includes: psychological assessment; more court appearances; court-based case management attended by professionals from multiple government agencies, legal counsel and magistrates; supervision; victim support; counselling; and other supports.

These quantitative results would suggest that utilising mainstream courts in conjunction with case managed BCP is likely to be more effective in reducing reoffending by family violence offenders and will also be more cost effective.

Annexure 1 Summary of Feedback from Victims

Direct evidence regarding the experience of victims in the metropolitan Family Violence Courts and the Barndimalgu Court, Geraldton was obtained through 17 victim interviews (14 MFVC, 3 BC) and 661 victim feedback surveys (651 MFVC, 10 BC).

For the MFVC interviews, the victims consulted were adults associated with offenders managed through the FVCs, including one Indigenous and two CALD victims. The victims consulted in Geraldton were adults associated with offenders managed through the Barndimalgu Court, including two Indigenous and one CALD victim. Overall, the number of victims consulted in Geraldton is limited, due to cancellations for various reasons such as transport and childcare and low response rates for the surveys for this group. However, their comments were also supported by other stakeholders involved in supporting victims.

For the MFVC, the satisfaction survey included questions around how likely the respondent was to recommend the Family Violence Service to other people and ratings and comments on: the services provided; what respondents liked about the service; and what recommendations respondents would make to improvements to the service. Qualitative responses from the customer satisfaction survey were coded for themes and the frequency of these themes appearing was calculated. In addition, frequencies of quantitative data were calculated. Interviews were analysed for common themes.

Key findings included the following:

- Overall, when asked to provide comments regarding their experience of the services, the vast majority of the comments were positive (971, 97%), noting that the service was ‘outstanding’ and the staff ‘helpful, competent and friendly’, as well as ‘supportive, understanding and sympathetic’. Respondents described the assistance they received as ‘encouraging and respectful’ and said that it made them feel ‘safe, reassured’ and they were ‘very grateful’. They related that they felt they were provided good advice, and that staff were informative and knowledgeable. Services were regarded as good, prompt and appropriate to their situation.
- Five comments (1%) said that services were ‘satisfactory’ and another five comments (1%) did not fit into any necessary category and included comments such as “more streamlined”, “protection”, “long queues”, “wished had met earlier” and other personal issues about their situation. Additional comments that were not fully positive included comments around a lack of information on VROs, the case management process and court protocols.
- All seventeen interviewees were very positive, all noting the range of services and supports provided to them such as counselling and support at a time when they felt vulnerable, as well as practical assistance with letters to the court or the PRB. Many MFVC clients specifically noted there was nothing more the FVC case coordinator and/or worker could possibly have done or done better for them.

Key themes across all the interviews and comments included the following:

- Safety – MFVC victims said that they felt safe because of their case coordinator, assisting them with the actual VRO as well as intangible support such as a sense of security at a time when they were feeling vulnerable and unsafe. For Barndimalgu Court, the victims reported a wider spectrum of outcomes, with some victims appearing to continue to be at risk, requiring additional Violence Restraining Orders or increased protective bail conditions, where others report a dramatically reduced risk, and others in between. This was supported by stakeholder

comments, who related that victims reported to them that they felt safer in general. Other reports are more circumspect, with only some improvements to safety reported, and reticence about drawing conclusions too early.

It should be noted that victim safety is achieved in the Bardimalgu Court through slightly different mechanisms. WA Police in Geraldton operate a case management policy for known family violence offenders or VRO respondents. The perpetrators and victims are monitored more closely, incorporating a range of additional services. Victims are also able to call the local "Yamatji Patrol". Victim support in Geraldton is provided by Centrecare through VSS and women can attend the "Straight Talk" support group.

- Emotional support - During interviews with victims, most could not praise their case coordinator highly enough for simply being there for them, offering emotional support before, throughout and after the FVC process. Case coordinator offered guidance, advice and counselling to victims, informing them of their options but allowing them to make decisions for themselves knowing they had someone to support them.
- Empowerment – Victims reported the case coordinator restored a level of confidence, self-esteem and trust in victims, which they felt was important.
- Information about the court process - Most of those interviewed expressed their relief at not having to attend court, and having their case worker or case coordinator do so and report back to them. Most said that being informed what was happening with regards to the court was one of the most valuable services the Family Violence Service provided. Knowing when the offender was going to be sentenced, thereby ending the protective bail order, was particularly important as it allowed them time to seek a VRO if they felt that was necessary.
- Access to services - Victims discussed how they accessed services that address other issues that they may be facing, for example: financial assistance; budgeting assistance; childcare; legal advice; housing; educational services for themselves or their children; and parenting programs. Victims reported that these services had helped them.
- Satisfaction with the court - For Barndimalgu Court, overall, most victims reported being satisfied with the Court program as whole, although they were likely to be more satisfied with particular aspects. For example, the Straight Talk group was positively regarded and had a beneficial effect on overall satisfaction and confidence. Most victims responded that their views were greatly respected.
- Engagement with Aboriginal women - For Barndimalgu Court, it was noted that many Aboriginal women are reluctant to participate for various reasons, particularly feelings of shame and unfamiliarity with the service, a lack of personal resources or self-esteem of the victim, or some women a feeling that they are being 'punished' further by attending. In Geraldton, there were practical considerations around distance to victims who live in areas outside of Geraldton, such as Meekatharra, Mullewa and Mt Magnet. Also, the venue at the courthouse is not appropriate, particularly for children, or victims separated from the offenders.
- Influence of the BCP - Some of the victims interviewed also praised the BCP, saying it had made the offender understand the effect their violence was having on their children, and provided them with strategies for dealing with matters without resorting to violence. Nevertheless, several comments reflected that the offenders still had some way to go in accepting full responsibility for their actions. For Barndimalgu Court in particular, all stakeholders, offenders and victims discussed the extent to which the Court and BCP impact on the likelihood that participant will re-offend.

